

NOTICE OF MEETING **CABINET**

will meet on

THURSDAY, 25TH AUGUST, 2022

At 7.00 pm

by

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

TO: MEMBERS OF THE CABINET

COUNCILLORS ANDREW JOHNSON GROWTH & OPPORTUNITY (CHAIRMAN),

STUART CARROLL ADULT SOCIAL CARE, CHILDREN'S SERVICES, HEALTH, MENTAL HEALTH, & TRANSFORMATION (VICE-CHAIRMAN),

DAVID CANNON ANTI-SOCIAL BEHAVIOUR, CRIME, AND PUBLIC PROTECTION,

DAVID COPPINGER ENVIRONMENTAL SERVICES, PARKS & COUNTRYSIDE & MAIDENHEAD,

SAMANTHA RAYNER BUSINESS, CORPORATE & RESIDENTS SERVICES, CULTURE & HERITAGE, & WINDSOR,

PHIL HASELER PLANNING, PARKING, HIGHWAYS & TRANSPORTG,

DAVID HILTON ASSET MANAGEMENT & COMMERCIALISATION, FINANCE, & ASCOT

DONNA STIMSON CLIMATE ACTION & SUSTAINABILITY

ROSS MCWILLIAMS (DIGITAL CONNECTIVITY, HOUSING OPPORTUNITY, & SPORT & LEISURE)

Karen Shepherd – Head of Governance - Issued: Wednesday, 17 August 2022

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 Clerk Karen.Shepherd@rbwm.gov.uk

Recording of Meetings – In line with the council's commitment to transparency the Part I (public) section of the virtual 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

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	iv. Tennis Participation and Facility improvement for RBWM Tennis Courts Adult Social Care, Children's Services, Health, Mental Health, and Transformation	97 - 130
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7.	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u>	-
	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 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>CABINET MEMBERS' REPORTS</u>	-
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	Details of representations received on reports listed above for discussion in the Private Meeting: None received	

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MEMBERS' GUIDE TO DECLARING INTERESTS AT 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 Disclosable Pecuniary Interest (DPI) or Other Registerable 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.

Any Member with concerns about the nature of their interest should consult the Monitoring Officer in advance of the meeting.

Non-participation in case of Disclosable Pecuniary Interest (DPI)

Where a matter arises at a meeting which directly relates to one of your DPIs (summary below, further details set out in Table 1 of the Members' Code of Conduct) you must disclose the interest, **not participate in any discussion or vote on the matter and must not remain in the room** unless you have been granted a dispensation. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted by the Monitoring Officer in limited circumstances, to enable you to participate and vote on a matter in which you have a DPI.

Where you have a DPI on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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 (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her 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 council.*
- *Any licence to occupy land in the area of the council for a month or longer.*
- *Any tenancy where the landlord is the council, and the tenant is a body in which the relevant person has a beneficial interest in the securities of.*
- *Any beneficial interest in securities of a body where:*
 - a) that body has a place of business or land in the area of the council, 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.

Disclosure of Other Registerable Interests

Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (summary below and as set out in Table 2 of the Members Code of Conduct), you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (as agreed in advance by the Monitoring Officer), you do not have to disclose the nature of the interest.

Other Registerable Interests (relating to the Member or their partner):

You have an interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority*
- b) any body*
 - (i) exercising functions of a public nature*
 - (ii) directed to charitable purposes or*

one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

Disclosure of Non- Registerable Interests

Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a DPI) or a financial interest or well-being of a relative or close associate, you must disclose the interest. **You may speak on the matter only if members of the public are also allowed to speak at the meeting** but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer) you do not have to disclose the nature of the interest.

Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a friend, relative, close associate; or
- c. a body included in those you need to disclose under DPIs as set out in Table 1 of the Members' code of Conduct

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied.

Where a matter **affects** your financial interest or well-being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise **must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation**. If it is a 'sensitive interest' (agreed in advance by the Monitoring Officer, you do not have to disclose the nature of the interest.

Other declarations

Members may wish to declare at the beginning of the meeting any other information they feel should be in the public domain in relation to an item on the agenda; such Member statements will be included in the minutes for transparency.

Agenda Item 3

CABINET

THURSDAY, 21 JULY 2022

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

Also in attendance: Adele Taylor, Councillor Julian Sharpe, Councillor Gerry Clark, Councillor Lynne Jones, Councillor Helen Price, Councillor Catherine del Campo, Councillor Ewan Larcombe, Councillor John Baldwin and Councillor Gurpreet Bhangra and Mr Ogedengbe (RBWM Prop Co).

Officers: Emma Duncan, Andrew Durrant, Duncan Sharkey, Andrew Vallance, Kevin McDaniel and Louisa Dean, Gary Thornton, Adele Taylor and David Cook.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

There were no declarations of interest received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 23 June 2022 were approved.

Cllr Price mentioned that as per page 14 of the minutes the Cabinet Member had not contacted her or replied to her regarding the Local Cycling and Walking Infrastructure Plan.

APPOINTMENTS

None

FORWARD PLAN

Cabinet noted the Forward Plan for the next four months including the following additional changes:

- Council Tax Reduction Scheme – removed from Forward Plan as Cabinet decision not required.
- Calvary Crescent, Cedar Tree, St Clouds Way and Parks Tennis Capital Scheme all added to August Cabinet.

CABINET MEMBERS' REPORTS

A) DRAFT BUILDING HEIGHT AND TALL BUILDINGS SUPPLEMENTARY PLANNING DOCUMENT - REGULATION 13 CONSULTATION

Cabinet considered the draft Building Height and Tall Buildings Supplementary Planning Document due to go to consultation.

The Cabinet Member for Planning, Parking, Highways and Transport informed that there was a requirement within the adopted Borough Local Plan for the preparation of a new Building Height and Tall Building Supplementary Planning Document (SPD) to support Policy QP3a. The draft Building Height and Tall Buildings Supplementary Planning Document has been prepared to provide clear, detailed and specific design guidance to support both Council decision making on development applications and the adopted Borough Local Plan.

Paragraph 6.14.11 of the BLP, states the SPD will “identify locations that present opportunities for tall buildings in the Borough, together with site-specific recommendations on building height. It will provide additional detailed guidance on location, height and design of tall buildings and set application requirements for tall buildings.”

The first stage in the preparation of the document was the publication of the draft SPD. A final version of the Building Height and Tall Buildings SPD will be prepared taking into account the responses from the Regulation 13 consultation. This final document will then be brought to Members later in 2022 to consider its adoption by Cabinet. Along with other SPD’s and Neighborhood Plans this document when adopted will be material consideration in planning decisions.

The Cabinet Member for Environmental Services, Parks & Countryside and Maidenhead said he was delighted that this SPD was now going out for consultation. Tall building were always controversial but this offered clear guidance across the borough and also nine specific areas within Maidenhead showing where height was acceptable and where it was not.

The Cabinet Member for Climate Action and Sustainability said that this was a key document for the borough and mentioned a recent planning committee where it would have been useful to have the clear guidance that this SPD would provide.

Mr Hill addressed Cabinet and said that increasing height in the town center makes a lot of sense, however building will increase the use of carbon and the increased height of Maidenhead. He asked if climate change should feature more in this SPD. He also made reference to a proposed 13 story building by Maidenhead Station that had been ruled out by the planning inspector and asked if it was still planned to be built. There was also no mention of fire safety re Grenfell Tower and also no mention about water usage and question if the appropriate bodies had been consulted. There would also be concern with increased density and increasing temperatures given recent heatwaves.

The Chairman informed that this was a proposed consultation on the SPD and not site specific developments. The mentioned agencies would be part of the consultation. From place making it was desirable to have increased density around key transport hubs and that this would also decrease the need to build on desirable areas. It made better sense to use brown field sites. With regards to safety this would be covered by the Building Safety Act 2022.

Resolved unanimously: that Cabinet notes the report and:

i. Approves the publication of the draft Building Height and Tall Buildings Supplementary Planning Document for public consultation, along with supporting evidence base studies; and

ii. Delegates authority to the Head of Planning in consultation with the Cabinet Member for Planning, Parking, Highways and Transport, to approve and publish any minor changes to the draft Building Height and Tall Buildings Supplementary Planning Document, prior to its publication.

B) 2022/23 MONTH 2 BUDGET MONITORING REPORT

Cabinet considered the latest budget monitoring report.

The Cabinet Member for Asset Management and Commercialisation, Finance, and Ascot informed that we are early in the budget year and at month 2 outturn forecast was a pressure of £1.743M which is roughly where we were in month 2 last year.

Place Directorate reports a pressure of £1.387 M, comprising a parking shortfall of £600K and lost parking season ticket income is forecast to be £500K which demonstrates that working patterns have changed.

However Windsor car parks have been full with a big boost from the Jubilee celebrations. So, next month's parking figures will be interesting but increasing the take up of season tickets will be challenging but worthy of some thought.

There were pressures in Adult Social Care with higher numbers of clients in domiciliary, residential and nursing care which has triggered the release of £750K demographic contingency. Our excellent ASC team will not sit on their hands and were working on projects in both domiciliary care and residential and nursing care.

Children's Services report a projected overspend of £360K. There were increased legal fees and the net impact of the national transfer scheme for 15 additional unaccompanied asylum seekers will cost AfC £238K which was unbudgeted.

There were some other pressures including a significant overspend by the tree team and a forecast overspend on the Tivoli contract where we are told negotiations could add to budget pressures.

Libraries and residential services were forecasting an underspend of £52K but is the first service to report the negative impact of energy costs with a £46K pressure.

As a consequence of the delay in implementing IFRS16 (International financial reporting standards) a virement is requested of £202K from capital to support revenue budgets. IFRS16 has the impact of moving leasing costs onto the balance sheet.

On capital, Property services budgets have been reprofiled and as a consequence a variance of nearly £500k has been identified where schemes are complete and slippage from 2021/22 to 2022/23 will not be required allowing external funding to be use on alternative future schemes.

This is a forecast and the best estimates of officers on the outturn. Finance work with officers but it is difficult to calibrate their judgement, some will be more optimistic than others so this cannot be accurate. To use a sporting analogy in the first lap of a 5000 meter race where one cannot predict the winner.

Mr Bagley addressed Cabinet and said there was a concern that there was an overspend predicated at month two and asked if Cabinet were confident this could be controlled given the increase in energy prices and increasing inflation. He made reference to the parking figures not meeting target and asked if the one hour discount was an element and if they regretted this and if there would be a review. He asked if there were any clear data regarding the impact of the jubilee figures and what was being done regarding the £13 million SEN deficient on the DSG.

The Chairman replied that this was only the month 2 forecast and that he was confident that at year end they would be on budget if not under, he gave the example of the position at the same time last year where there was also a predicated overspend that resulted in a £3million underspend. He was confident that at year end the budget would be balanced. With regards to the parking discount he said he did not regret the policy and it would be rolled out further when financially appropriate.

The Cabinet Member responsible for Finance reported that the MTFs accounted for inflation and the current financial situation. With regards to the DSG he said that this had been

discussed and a plan approved by the Schools Forum to deal with the issue. Plans were in place and negotiations were ongoing with the government about this national issue, it was too early to comment on the success of the approved remedial actions.

Mr Hill addressed Cabinet and said that this was the first admission that parking income from season tickets was a problem. Back in January Mr Wilson had asked if the Vicus Way car park was still viable, the then lead member said it was and Mr Hill questioned if this was still the case. Mr Hill also questioned the additional borrowing and asked if this was new and if so what were the big ticket items.

The Chairman replied that with regards to Vicus Way the project was still on budget and on time and would provide valuable long term parking, especially when the Elizabeth Line was fully operational.

Cllr Baldwin said that he understood that the figures were only forecasts but it was a grave situation to be forecasting such a large overspend so early in the year. Parking income was down by £600,000 and the mitigations given such as the Jubilee included two bank holidays when parking was free. Season tick sales had collapsed and he could only see this position getting worse and not better. He was also concerned that the arboricultural team was overspent when the contract had only been signed in April.

The Chairman said that this time last year there was a predicted overspend that resulted in a year end underspend. There were not being complacent but they were confident that the budget would be on target again.

The Cabinet Member for Finance said that with regards to the arboricultural team this was an example how an issue has been identified and with adjustment would be brought back on track.

Cllr Del Campo raised concern about the DSG and although there was a five year recovery plan in place the deficit was increasing and could end up at £2.5m. It was time to accept that the savings were not working, the council could claw the money back from schools and invest on early intervention so there would be reduced demand on high cost SEN placements. She requested that the director look into this and report back.

The Lead Member informed that the Schools Forum had only agreed their recovery plan two months ago so it was too early to say it was not working.

Cllr Jones mentioned that last year there were a number of one off grants that supported the budget, we could not expect that the same would happen this year so she asked what plans were in place. She also asked what was being done about borrowing, were we moving funds from short to long term borrowing. With regards to parking she asked if there was data to back up the forecast.

She was informed that table 14 showed movements within the year and that the Treasury Management Strategy showed that there was £20 million moved over 10 years. Funds had been put into our reserves that could be used to cover one off payments if required as a last resort.

Cllr Price addressed Cabinet and said that within the report there were several mentions of posts not being filled, she asked can we be assured that the inability to fill these posts would not impact service delivery or the delivery of the corporate plan. She noted that without recruitment certain savings would not be achieved and it seemed that more staff were leaving coupled with recruitment difficulties. She asked what steps were being taken to prevent a drop in service delivery and the delivery of the Corporate Plan.

The Lead Member replied that £850k had been added to the budget last year to aid the recruitment of key posts and most had been filled. Cutting staff was not a road to successful

service delivery and a lot of work was being done on recruitment. The Director for Resource highlighted some success in recruitment such as the finance team and mentioned that other options were considered such as grow your own.

The Chairman reiterated that this was early days into the budget and although there were pressures and challenges ahead he was sure, as per last year, the final year end position would be on target.

Resolved unanimously: that Cabinet:

i) Notes the forecast revenue outturn for the year is an overspend on services of £1.743m but there are sufficient funds to meet this from contingency if required (para 4.1);

ii) Approves one budget virement in respect of revenue expenditure funded from capital (para 12); and

iii) Notes the forecast capital outturn is expenditure of £56.189m against a budget of £56.971m (para 14).

C) SPENCER'S FARM STAKEHOLDER MASTERPLAN DOCUMENT

Cabinet considered the report regarding the stakeholder masterplan documents for Spencer's Farm.

Cllr Coppinger reported that he was a member of the Maidenhead Planning Committee and as there would be an application on this site he left the meeting during the consideration of this item and did not vote.

The Cabinet Member for Planning, Parking, Highways and Transport informed Cabinet that the report explained the adopted Borough Local Plan requirement for the preparation of Stakeholder Masterplan Documents and summarised the process and outcomes specifically in relation to the Stakeholder Masterplan Document for Spencer's Farm, Maidenhead.

The BLP Policy QP1 introduced a requirement for the preparation of stakeholder masterplans. Consultation on the scheme proposals originally commenced in 2017 prior to the submission of the adopted BLP. Various meetings and exhibition events took place in 2017/18 as detailed in the SMD document.

Further stakeholder and community engagement was carried out in 2021 in the form of webinars and workshops, with a three week public consultation taking place in August 2021.

Barton Willmore organised a four-week community consultation on the draft SMD in April 2022. A letter was sent to 1,002 local addresses around the Spencer's Farm site. 51 completed sets of comments were received and were included within the report. The site would be in line with our policies that included affordable housing, three entrances, tree planting, open space, a play area and walking and cycling provision and linkage.

The Chairman reminded Cabinet that this was a masterplan stake holder document and not a planning application.

The Cabinet Member for Digital Connectivity, Housing Opportunity, Sport and Leisure informed that this showed the importance of the BLP and that any development on the site would comply with the council's policies. There would be 142 affordable housing units with 59 being social housing. He asked for clarification on what would be happening with regards to the football pitch. The Cabinet Member informed that the football pitch was on an adjoining site

but discussions were ongoing about improving the facility and maybe incorporating it with the school.

Mr Sharma addressed Cabinet and gave a history of his and the fellow ward councilors efforts to make sure that the site was not included for development in the BLP. He was against development on the site and had managed to get it removed as a development site from the emerging BLP. Following the 2019 local election he said that the new liberal democratic ward councilors did not continue to fight to get this site out of the BLP and this lack of foresight had resulted in the site being included in the adopted BLP and thus this report was before Cabinet. He asked for it to be rejected.

The Cabinet Member for Planning, Parking, Highways and Transport said that the BLP had been adopted and this site had been allocated for development. The details of what development would be on the site would come via the planning process.

Mr Hill disagreed what Mr Sharma had said about the Liberal Democrat ward members. He also said that paragraph 5.2 said that the applicant would be submitting a planning application once this report had been approved, but an application had already been submitted. He also said that the report mentioned that the council's officers still had outstanding issues that had not been resolved; he asked what they were. Mr Hill also raised concern about flooding he mention that Cookham PC had concerns on this issue, that parts of the site were designated as flood plans and that there had been little mention of flood risk in this document. He asked if there should have been more focus or if this would be addressed at the planning stage.

The Chairman mentioned that the Council had no control over when planning applications could be submitted.

The Cabinet Member for Planning, Parking, Highways and Transport said that the application submitted was an outline planning regarding access and land use. The points made about urban design and flooding would be dealt with during any planning application process.

Cllr Del Campo mentioned that Cllr McWilliams had made reference to the developer maintaining the council's policies but she said a developer had not yet been appointed. She also said that the report mentioned consultation with local residents but she had not met a single resident who had agreed with this. With regards to flooding she was concerned that this had not been addressed as there were level 1, 2 and 3 flood zones on the site but they were told this would be dealt with during the planning process. She questioned if this document was acceptable. Cllr Del Campo also questioned access to the site where local residents had mentioned an emergency vehicle would have difficulty accessing the site and maneuvering within it. She said that this document should be deferred for further consultation.

The Chairman said that Cabinet were not sitting as the planning authority and detailed planning applications would be dealt with via the planning committee. The planning inspector as part of the BLP adoption had concluded that the site was sound.

Resolved unanimously: that Cabinet notes the report and:

i) Approves the Spencer's Farm Stakeholder Masterplan Document as an important material consideration for Development Management purposes.

D) MEDIUM TERM FINANCIAL STRATEGY AND PLAN 2023/24 - 2027/28

Cabinet considered the report regarding the proposed new Medium Term Financial Strategy.

The Cabinet Member for Asset Management and Commercialisation, Finance and Ascot informed that this was an update on the MTFs published with the budget in February. The most important change was that it now reflected the requirements of the corporate Plan

2021-2026 and importantly took into account increases in energy costs and high levels of inflation.

The Council had a number of risks that we should now know about, low reserves, low levels of income, growing pressure on children's and adults' services and others. The pension deficit is an issue but Cabinet will be pleased to learn that in their annual report Pensions and Investment Research Consultants Ltd advise that the pension fund was ranked 5th out of approximately 100 Local Government Pensions funds with a return of 12.5% in 2021/22.

The MTFs shows we need to save £7.3m in 2023/24, an increase of £2.4M from February but after then the numbers have little changed. Over the 4-year period 2023/24 to 2026/27 savings of £15.27m will be required rather than £12.7M reported in the 2022/23 budget papers. This £7.2m is a loss of business rates as a consequence of the critically important regeneration of Maidenhead.

The Medium-Term Financial Plan is showed in Appendix A which includes the assumptions used and appendix B provided a sensitivity analysis.

Lastly cabinet should be aware of the risks around Adult Social care changes and particularly a cap on social care costs which could add £3M to ASC costs.

The revised MTFs provided the basis for developing the 2023/24 budget a process that starts this month and will be completed by December 2022.

Mr Bagley addressed Cabinet and said that Maidenhead regeneration had resulted in over £7 million loss in business rates and the Lead Member had said at the scrutiny panel that this was the right thing to do, he asked if this was a mistake from a financial point of view. He also asked that with regards to Council tax the Head of Finance had contacted the government about a need to increase council tax, he asked if council tax could not be increased would there be a cut in services.

The Cabinet Member replied that with regards to business rates it was the right decision to make a year ago based on the MTFs and the benefits that the regeneration would bring to Maidenhead. With regards to council tax they had contacted the government about this, as a low council tax authority they had been disadvantaged compared to higher council tax authorities in being able to meet demand. The council could increase tax and still be one of the lowest taking authorities in the country.

The Chairman reiterated the importance of regeneration of Maidenhead and the benefits that would come from this. With regards to council tax we would continue to press government as we wanted to remain one of the lowest taxing council in the surrounding area and the country as well as maintaining excellent service delivery offering value for money. The administration had made difficult decisions and set a balanced budget. Next years budget would again be released early and open to scrutiny and open to suggested balanced improvements. Residents needed to consider if not this budget what were the alternatives.

Cllr Jones mentioned that the report said that there was a need to increase council tax or decrease the budget. She asked if council tax could not be increased or if there were no increase in government grants would there be a need to increase savings. She also asked if increasing council tax was still a priority and what this burden would mean to residents.

The Chairman said that they were working hard on not increasing the burden on residents during the current financial crises. They were looking for fairer funding and also welcomed alternative funded suggested during the budget build.

Mr Hill addressed Cabinet and said that what he had heard was the principle 7 had now been removed as a flexibility to increase council tax. Looking at table 3 and the savings he asked if the following paragraph meant that there could be £3million added each year, this would mean

a £16 million deficit could be a £32 million one that you were not sure yet. He also made reference to the council meeting last year where he asked how much money would be lost due to the Nicholson's Shopping Centre in Maidenhead, a figure of £2.5 million has increased to £7 million. He asked why nearly 10% of income had not been reclaimed. He asked why when drawing up contracts the loss of business rates had not been included.

The Director for Resources replied that business rates calculation took place on a regular basis and reflected current position so the aforementioned figures were not correct as you had to take into account current valuations and reliefs. With regards to adults social care they had added the figure as an estimate if government did not cover the change in legislation.

Resolved unanimously: that Cabinet RECOMMENDS to Full Council:

i) the proposed key themes of the Medium-Term Financial Strategy set out in the report; and

ii) the Medium-Term Financial Plan set out in Appendix A.

E) CAVALRY CRESCENT, WINDSOR

Cabinet considered the report regarding the proposed purchase of Cavalry Crescent.

The Cabinet Member for Asset Management and commercialisation, Finance and Ascot reported that Cavalry Crescent, Windsor was a former Defence Estates property consisting of 53 number 2 and 3 bedroomed houses. There were also two small parcels of land at the site that, subject to Planning Consent, could accommodate 10 new build apartments. It was proposed that the council purchase the freehold site that was on the open market.

The site would provide 53 houses and 10 new apartments to rent. The properties would be managed by the RBWM Prop Co. The site provided the opportunity to meet a range of housing need in the Borough through a variety of homes to rent in collaboration with RBWM Housing Department.

There would be refurbishment of the properties to an agreed specification to market habitation standards and planning permission and build the 10 new residential apartments on the infill sites. The Part II element of the report included the cost of borrowing, particularly inflation on interest, capital repayment, Minimum Revenue Provision, maintenance, and management cost. In addition legal and tax advice would be taken on the final contract form, funding structure and tax implications.

The Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor said that this was a really exciting opportunity for Windsor. It's very rare that such an opportunity comes on the market to have 53 homes on the rental market.

Mr Bagley addressed Cabinet and asked if MRP had been correctly calculated, how much needed to be paid and could the council afford to pay the MRP. He also asked if refurbishment was better than demolishing the properties and rebuilding. He also said that it had been reported that the Ministry of Defence and UK Government Investments was seeking to buy back former military homes, such as more than 3,000 properties in Yorkshire, was this a risk with this investment.

The Director for Resources informed that MRP had been correctly and there had also been a full review two years ago with another review due soon. With regards to the development and new builds you had to think about the carbon footprint as well as value, the site was still under negotiation.

The Head of Development of the council's property company, said that as far as they know, the government was not seeking to purchase back Cavalry Crescent. There were no plans to

demolish the existing properties and that the two parcel of land would be built for affordable housing.

Cllr Jones reported that she was pleased to see the RBWM Prop Co being used as originally intended. She asked that if the project proceeds could they be informed of property tenure and details of open space. The Lead Member reported that tenure was in the business plan and there were no plans to change this.

Resolved unanimously: that Cabinet notes the report and:

i) Recommends to full Council to approve the capital expenditure budget of £22,550,202 including the proposed expenditure of up to £20,000,000 of the budget to acquire from Annington Property Limited the freehold acquisition of the fully refurbished existing 53 no. houses and the completed new build flats at Cavalry Crescent, Windsor.

ii) Note that the homes provide a range of rental tenures to meet housing need, from Market Rent tenure for the existing 53 no. houses and Affordable Rent tenure for the 10 new build apartments.

iii) Delegate authority to the Director of Resources in consultation with the Managing Director of the Property Company to complete negotiation of the contract for the freehold Purchase and Development Agreement with Annington Property Limited.

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.

CABINET MEMBERS' REPORTS

A) CAVALRY CRESCENT, WINDSOR - PART II

Cabinet noted the Part II appendices.

The meeting, which began at 7.00 pm, finished at 9.25 pm

CHAIRMAN.....

DATE.....

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Agenda Item 5

CABINET

FORWARD PLAN - CHANGES MADE SINCE LAST PUBLISHED:

ITEM	SCHEDULED CABINET DATE	NEW CABINET DATE	REASON FOR CHANGE
Petition – London Road Ascot	n/a	September 2022	New item
Platinum Jubilee Drinking Fountain	n/a	September 2022	New item
Electronic Vehicle Charging Point Consultation	n/a	September 2022	New Item

FORWARD PLAN OF CABINET DECISIONS

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. 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)
18 Approval of the Cookham Village Conservation Area Appraisal	- Open	This report seeks Cabinet approval for the adoption of the updated Cookham High Street Conservation Area Appraisal, renamed the Cookham Village Conservation Area Appraisal, to bring it in line with current Historic England guidance.	Yes	Cabinet Member for Planning, Parking, Highways & Transport (Councillor Phil Haseler)	Adriane Waite	Internal	Cabinet 29 Sep 2022	
Finance Update	- Open	Latest Financial Update	Yes	Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot (Councillor David Hilton)	Adele Taylor	Internal	Cabinet 29 Sep 2022	

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)
Tivoli Contract for Grounds Maintenance	Fully exempt - 3	A report to set out future options for the grounds maintenance contract across the Borough.	Yes	Cabinet Member for Environmental Services, Parks & Countryside & Maidenhead (Councillor David Coppinger)	A Strachan	Internal	Cabinet 29 Sep 2022	
RBWM Domestic Abuse Strategy (2022-24)	- Open	This is the refreshed Domestic Abuse Strategy for the borough that has been signed off by the Domestic Abuse Executive Group	No	Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation (Councillor Stuart Carroll)	L Ferguson	Internal	Cabinet 29 Sep 2022	
E-petition: London Road, Ascot	Open -	This is a request from local residents to have the speed limit along London Road, Ascot between Cheapside and Sunninghill Road, reduced from 40mph to 30mph. The report considers the existing speed of traffic and collision history.	Yes	Cabinet Member for Planning, Parking, Highways & Transport (Councillor Phil Haseler)	Chris Joyce		Cabinet 29 Sep 2022	

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)
Jubilee Drinking Fountain	-	The installation of a new drinking fountain in Windsor Town Centre	Yes	Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor (Councillor Samantha Rayner)	Andrew Durrant	Internal	Cabinet 29 Sep 2022	
Electronic Vehicle Charging Point Implementation Plan - consultation	Open -	Approval to consult on the draft policy.	Yes	Cabinet Member for Planning, Parking, Highways & Transport (Councillor Phil Haseler)	A Strachan	Internal	Cabinet 29 Sep 2022	
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 & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation (Councillor Stuart Carroll)	Kevin McDaniel	Internal	Cabinet 27 Oct 2022	
Biodiversity Action Plan	- Open	To approve the plan.	Yes	Cabinet Member for Climate Action & Sustainability (Councillor Donna Stimson)	James Thorpe	Internal	Cabinet 24 Nov 2022	

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)
Annual Consultation on School Admission Arrangements	- Open	To consult on admission arrangements	Yes	Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation (Councillor Stuart Carroll)	Kevin McDaniel	Internal	Cabinet 24 Nov 2022	
Procurement of the Highways Maintenance and Management Contract.	- Open	The highways maintenance management contract, which is currently awarded to Volker Highways is due to expire in April 2024. The report outlines recommendations to how the highways function should operate in the future and seeks approval to go out to tender based on this approach.	Yes	Cabinet Member for Planning, Parking, Highways & Transport (Councillor Phil Haseler)	A Strachan	Internal	Cabinet 24 Nov 2022	

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)
Draft 2023/24 Budget Report	- Open	To approve the draft budget.	Yes	Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot (Councillor David Hilton)	Adele Taylor	Internal	Cabinet 24 Nov 2022	
Contract for Parking Enforcement, Moving Traffic Enforcement, Environmental Enforcement and Highways Enforcement	Fully exempt - 3	A report to set out future options for the contracts across the Borough.	Yes	Cabinet Member for Anti-Social Behaviour, Crime, and Public Protection (Councillor David Cannon)	A Strachan	Internal	Cabinet 15 Dec 2022	
Award of Contract for Adult Social Care Case Management system	Fully exempt - 3	Report to Cabinet requesting approval to award contract for the supply of a case management system	Yes	Deputy Chairman of Cabinet & Cabinet Member for Adult Social Care, Children's Services, Health, Mental Health, & Transformation (Councillor Stuart Carroll)	Kevin McDaniel	Internal	Cabinet 15 Dec 2022	

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)
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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

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Report Title:	Covid Additional Relief Fund scheme (CARF)
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.
Meeting and Date:	Cabinet – 25 August 2022
Responsible Officer(s):	Adele Taylor, Executive Director of Resources Louise Freeth, Head of Revenues, Benefits, Library & Resident Services.
Wards affected:	All



REPORT SUMMARY

The Department for Levelling Up, Housing and Communities (DLHUC) has provided local authorities with funding to compensate Businesses in respect of their 2021/22 Business Rate charge, where they have been unable to access other forms of assistance linked to Business Rates.

The Royal Borough has been provided with £5,192,518 and is required to create a discretionary scheme to distribute this new form of Business Rate Relief by 30 September 2022. The purpose of this report is to approve the proposed Covid Additional Relief Fund Discretionary Scheme criteria.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the proposed scheme criteria for the Covid Additional Relief (CARF) Discretionary Scheme.**
- ii) Delegates authority for minor changes to the Head of Revenues, Benefits, Library and Resident Services in consultation with the Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.**

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

Options

Table 1: Options arising from this report

Option	Comments
Cabinet approves the proposed criteria for the CARF Discretionary scheme. This is the recommended option	This will allow the scheme administration to commence immediately to ensure funds are distributed prior to the deadline.

Option	Comments
Cabinet suggests alternative criteria for the CARF Discretionary Scheme. This is not the recommended option.	Careful consideration has been given to modelling how to most efficiently distribute this funding in order to ensure businesses receive assistance prior to the deadline.
Cabinet does not approve the proposed criteria for the CARF Discretionary Scheme. This is not the recommended option.	Funding provided would need to be returned to Government.

- 2.1 Each local authority is required to design and implement a CARF scheme for businesses in occupation during 2021/22 who were negatively affected by the pandemic but unable to either adapt or access previous support connected with Business Rates.
- 2.2 The Royal Borough has been awarded £5,192,518 to design a scheme to assist eligible businesses with their retrospective business rate charge for 2021/22. This must be distributed by 30 September 2022 or funds will need to be returned to Government.
- 2.3 Government have provided guidance to local authorities which contains certain criteria that schemes must adhere to, including specific businesses which must be excluded from this form of assistance. The proposed scheme, attached at Annex A, has taken account of this guidance and outlines further local criteria which a business premise must meet in order to be considered eligible.
- 2.4 The scheme proposes to make an automatic award to businesses identified as potentially eligible up to a Rateable Value of £51,000 of either 50%, 75% or 100% based on their RV. Details of Business Rate accounts are actively amended on a daily basis e.g. where information is provided of businesses vacating or qualifying for different types of relief. Based on the latest available modelling, this would assist 529 businesses and utilise the majority of approximately £4.5m of the available funding.
- 2.5 The business may choose to opt out if they wish to e.g. if they identify that they have already exceed State Subsidy Limits. In this case, the Relief would be removed from the account.
- 2.6 Retaining a small amount as a separate “pot” would also mean that any sums returned by Businesses who had originally been the recipient of an auto award, could be added to this. Experience with Business Support Grants showed that not all potentially eligible Businesses did wish to retain funding. Without maintaining a separate pot to add returned sums to would mean that relief returned would either have to be re-distributed to eligible businesses by providing them with a further, potentially extremely small “top up”, or returned to Government.
- 2.7 It is proposed that the retained sum of approx. £700k would be available for business premises over £51,000 to apply for relief. There are approximately 250 premises with a Rateable Value in excess of £51,000 but many of these would be

unlikely to qualify as they would be likely to exceed State Subsidy Limits e.g. supermarket chains.

2.8 An application process would be available, within a dedicated application window. Once closed, applications would be dealt with in date order, on a case by case basis, with the level of relief awarded dependent on the number of successful applications received during that application window.

2.9 Awards of relief must be made against the 2021/22 Business Rate charge and cannot be in the form of a cash grant. However, if the Business has already discharged their liability for this period, the credit could be transferred to the current year, thereby reducing the 2022/23 liability, or a refund maybe requested.

3. KEY IMPLICATIONS

3.1 DLHUC require that the Royal Borough designs and implements a CARF Scheme to distribute funding by 30 September 2022. If this is not successful, funds will have to be returned to DLHUC rather than being utilised to assist those businesses in the Borough who have been adversely affected by the pandemic and unable to access previous forms of assistance linked to Business Rates.

3.2 The proposed criteria efficiently identifies those businesses we believe fits this criteria and who it would be appropriate to support.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
CARF Scheme agreed by Cabinet	CARF scheme not agreed by 25 August 2022 Cabinet	Funds fully distributed by 30 September 2022	Funds fully distributed earlier	N/A	30 September 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The Royal Borough has been provided with £5,192,518 by DLHUC with which to create a CARF scheme. Any funds not distributed by 30 September 2022 would need to be returned to government. The proposals outlined would utilise the majority of funding through an auto award process with a sum remaining against which individual applications could be considered.

4.2 As the relief is 100% funded there would be no financial impact for the Royal Borough provided that awards are carefully monitored and do not exceed the allocation provided.

5. LEGAL IMPLICATIONS

5.1 Section 47 of the Local Government Finance Act 1988 permits the Council as billing authority to grant discretionary relief. In making a decision on a scheme, the Council must determine that is the reasonable to do so, having regard to the interests of persons liable to pay council tax set by it. The Council must also have regard to

any guidance issued by the Secretary of State. Any scheme must be made within 6 months after the end of the financial year to which it applies, otherwise it will be deemed invalid. Subsection 8A confirms that section 47 does not apply to hereditaments that are excepted, which includes those occupied by the billing authority or a precepting authority.

5.2 Due to the timing of this funding, the Council will have to complete a reconciliation exercise to account of payments made in accordance with this scheme to ensure that the difference between the full allocation and the actual amounts claimed can be paid or recovered. DLUHC require local authorities to collect data to assist it in monitoring the implementation, including reporting take-up at a Parliamentary constituency level and local authority level and by special category code of the hereditament.

5.3 The Government provides for a specific order in which Business Rate Reliefs must be applied to an account. It confirms that CARF should only be applied after mandatory reliefs and other discretionary reliefs funded by a Section 31 grant have been applied for, but should be applied before a local authority grants any further relief under a locally funded relief scheme.

6. RISK MANAGEMENT

6.1 The proposals submitted have been based upon the records held within the Business Rate system as detailed by the Government Guidance. The scheme will need to be closely monitored to ensure that the cash limited sum is not overspent. Retaining a separate pot following the award of the majority of funding by auto awards helps to mitigate against any unforeseen issues arising as a result of the modelling of the scheme as well as ensuring that any relief returned maybe redistributed effectively.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The cash limited allocation is exceeded	Low	Auto awarding will utilise the majority of funding. The separate application process will be monitored using the tried and tested system used for distribution of Business Support Grants with regular reports run by the Head of Service.	Low
Modelling undertaken for auto awards does not capture all	Low	Retaining a separate pot, rather than distributing 100% of funding by auto award,	Low

eligible businesses		will provide a financial buffer.	
Those who have received an auto award wish to return the relief	Low	Sums returned maybe added to the retained pot for redistribution to eligible applicants rather than being returned to Government	Low

7. POTENTIAL IMPACTS

7.1 Equalities. See EQIA at Appendix B.

7.2 Climate change/sustainability. There are no direct impacts.

7.3 Data Protection/GDPR. There are no direct impacts.

8. CONSULTATION

8.1 None

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
06 September 2022	Commence administration of the auto awards. Open an application process for those with a Rateable Value above £51,000.
16 September 2022	Application window for those with an RV over £51,000 closes
17 – 30 September 2022	Applications submitted assessed and relief granted

10. APPENDICES

10.1 This report is supported by 1 appendix:

- Appendix A – RBWM CARF Policy
- Appendix B – EQIA.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 1 background document:

[CARF Guidance.docx \(publishing.service.gov.uk\)](#)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	14.07.22	28.07.22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	14.07.22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	14.07.22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	14.07.22	03.08.22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	14.07.22	14.07.22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	14.07.22	

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 01.07.22	No	No

Report Author: Louise Freeth. Head of Revenues, Benefits, Library and Resident Services. 01628 685664
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Covid Additional Restrictions Fund (CARF) Scheme Policy

July 2022

Document Control

Managed by:

Louise Freeth

Head of Revenues, Benefits, Library and Resident Services

Version: V1.0

Introduction and scope

In response to Covid-19, the government announced in March 2021 a new scheme of funding for Businesses under the Covid Additional Relief Fund (CARF).

Relief may only be provided to businesses in occupation during 2021/22 who have been negatively affected by the pandemic but unable to either adapt, or to access previous support connected with Business Rates. Any determination by the council must be made by 30th September 2022.

Under the CARF scheme, the Royal Borough has been awarded £5,192,518 to design a scheme to assist businesses with their business rates charge in 2021/22.

Section 47 of the Local Government Finance Act 1988 provides for the award of this relief but also provides that it may not be granted to the billing authority itself, certain precepting authorities (e.g. a parish council) or a functional body.

This document provides guidance regarding the operation and delivery of the policy in the Royal Borough.

Eligibility

In order to be considered eligible for assistance, businesses **must meet all** of the following criteria:

- Applicants must be the registered ratepayer of the premises for which the application is being made;
- The applicant must have been in occupation of the premises from April 2021 and the premises must not have been unoccupied during the financial year 2021/22 unless required to close under the Covid 19 Restrictions.
- The business must not be in one of the excluded sectors identified either by Government Guidance or the local scheme

Evidence may be requested of the severe financial impact as part of the Post Assurance activity undertaken in conjunction with the Internal Audit team.

Exclusions

Government guidelines state that the following businesses will not be eligible for this relief:

- from 1 April 2021 to 31 March 2022, business that either are, or would have been, eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS); or
- unoccupied premises, unless they become unoccupied temporarily due to the government's advice on COVID-19; or
- businesses that have received a significant amount of public funding and would therefore breach the State Aid/Subsidy limitations; and, in addition,
- local authorities may not grant the discount to themselves or to an authority financed by Business Rates, such as the police or a fire and rescue service

In addition, the Royal Borough has determined that the following types of businesses would also be excluded:

- business properties which do not directly employ anyone, for example, parking spaces, advertising rights, meeting rooms, tea points, ATMs, land used for storage, tipping sites etc; or
- public sector organisations which are funded by government grant; or
- businesses associated with gambling, such as casinos and betting shops; or
- banking and other financial institutions; or
- businesses that are predominantly online; or
- businesses which only supply storage facilities, such as warehouses; or
- those who have not been adversely affected by the pandemic (in a way that prevents success or development; harmfully or unfavourably) or have been able to adequately adapt to that impact.

Funding Levels

The Royal Borough has received a cash limited allocation of funding from Government of £5,192,518. The total value of relief awarded cannot exceed this figure.

Automatic awards will be made to businesses, identified as potentially eligible, where the Rateable Value is £51,000 or below as follows:

- Where the rateable value is £30,000 or below: 50% of the net liability after other reliefs
- Where the rateable value is between £31,000 and £40,000: 75% of the net liability after other reliefs
- Where the rateable value is between £41,000 and £51,000: 100% of the net liability after other reliefs

For those whose Rateable Value is above £51,000 an application will be required and eligibility will be considered, in date order, on a case by case basis. The level of relief awarded will depend the number of successful applications received during the application window as well as the evidence provided of the impact of the pandemic on the business.

Application Process

Automatic awards will be made to businesses identified as potentially eligible, where the Rateable Value is £51,000 or below. You will be advised when the relief has been awarded and will have an opportunity to opt-out if you believe you are not eligible for the funding e.g. due to exceeding state subsidy limits.

For those whose Rateable Value is above £51,000 an application will be required for each property that you believe is eligible. Applications will be considered, in strict date order, on a case by case basis.

An application window will be open from 06 September 2022 to 16 September 2022.

The level of relief awarded will depend upon the number of applications received during the application window and evidence supplied of the impact of the pandemic on the business. Relief will be awarded on a first come, first served basis therefore we cannot guarantee that every eligible applicant who applies will receive this relief.

Businesses whose Rateable Value is over £51,000 who believe they fit the eligibility criteria, will need to complete an application form in order to be considered for the relief. The application form will request sufficient information for a decision to be made on the relief to be granted which will include the following information requirements:

- the name of the business rate payer
- the business address
- the rateable value of the business
- number of employees
- percentage adverse effect of the pandemic on income for 2021/2022

- accounts that show the adverse effect

Applicants will also need to confirm they have not exceeded subsidy limits.

The absolute closing date for applications will be 16 September 2022. No late applications will be accepted.

Any business applying should ensure that they have fully completed the application form and provided the required supporting evidence. Any incomplete form or missing evidence will mean that the form will not be processed nor will the business be contacted to provide missing information.

To confirm - any incomplete applications or those with less than the required evidence will be deemed ineligible.

No relief will be awarded without an application being submitted and that application must be complete with all supporting evidence/information supplied.

Any queries in respect of applications should be addressed to: businessrates@rbwm.gov.uk.

The Award

Applications will be assessed for entitlement when the application window has closed. We will aim to advise successful applicants of the outcome of their award within 10 working days of the application window closing.

We will aim to advise unsuccessful applicants, by e-mail, within 10 working days of the closing of the application window.

Awards of CARF will be in the form of Business Rate Relief credited against the 2021/22 charge.

Managing the risk of Fraud

In order to ensure that the CARF Scheme is not subject to potential abuse, all submitted applications will require a statutory declaration of truth in connection with the application.

This declaration will allow the Council, through its Audit partner, to carry out any pre or post payment checks deemed appropriate in order to provide assurance that the funds are being claimed correctly.

The Council will not accept deliberate manipulation and fraud. Any business falsifying their records to gain access to the CARF Scheme may face prosecution and any funding issued will be subject to recovery.

A post event assurance exercise may be undertaken and any claim found to have been made as a result of deliberate manipulation and/or fraud will require the funds to be repaid in full.

The Royal Borough of Windsor & Maidenhead is distributing this funding on behalf of the Department for Levelling Up, Housing & Communities (DLUHC). Data regarding awards and applications may be shared with DLUHC and HMRC as required.

Policy Review

To ensure that the CARF scheme reaches those businesses most in need, this policy may be reviewed by the Head of Revenues, Benefits, Library and Resident Services together with the Executive Director of Resources.

The council therefore reserves the right to modify eligibility criteria, and award sums, as a result at any time.

Appeals

The CARF Scheme is administered by the Royal Borough of Windsor and Maidenhead on behalf of the Department for Levelling Up, Housing & Communities.

Any review must be requested, in writing, via e-mail, within 5 days of being notified of the outcome of the application stating full reasons for the request.

The review will be undertaken by the Head of Revenues, Benefits, Library and Resident Services together with a Revenues Team Leader. The outcome of the review will be communicated, via e-mail, within 10 working days of the review request being received. **Their decision in this regard will be final.**

Appendix A – State Aid/ Subsidy Rules

It is necessary for businesses applying to confirm compliance with State Aid/Subsidy rules as outlined below.

The Council's COVID-19 CARF scheme is subject to the subsidies chapter within the UK-EU Trade and Cooperation Agreement (TCA). However, for CARF there is an exemption for subsidies under the value of approximately £2,243,000 per economic sector (e.g. holding company and its subsidiaries)

Therefore to be awarded CARF the ratepayer must not have claimed over the period 2019/20 to 2021/22 more than £2,243,000 from schemes which fell within the small amounts of financial assistance or COVID-19 related allowance.

Further details of subsidy control can be found at:
[CARF Guidance.docx \(publishing.service.gov.uk\)](#)

A ratepayer must not apply or accept an automatic award of CARF if they have already exceeded or will exceed the allowance.

However, the Council will still consider applications for support under the CARF scheme if they have reached the limit provided you can evidence that the business:

- (a) Intends to use the support to fund uncovered fixed costs (costs not covered by profits or insurance etc.) during the period of COVID-19. Economic actors may claim for up to 70% of their uncovered costs (although this 70% limit does not apply to small businesses with less than 50 employees and less than £9 million turnover where the limit is instead 90%); and
- (b) Has shown a decline in turnover of at least 30% within the 1 April 2020 to 31 March 2021 period, compared to the same 1 April 2019 to 31 March 2020 period.

The ratepayer may claim up to a further (£10 million of additional allowance (on top of the £2,243,000) if they meet the above tests and they have not claimed any other support from the additional allowance up to an aggregate £10 million limit.

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy	x	Plan		Project		Service/Procedure	
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Responsible officer	Louise Freeth	Service area	Revenues, Benefits, Library & Resident Services	Directorate	Resources
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Stage 1: EqlA Screening (mandatory)	Date created: 14.07.22	Stage 2 : Full assessment (if applicable)	Date created : 14.07.22
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Louise Freeth

Dated: 14.07.22

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a ‘General Duty’ on all public bodies to have ‘due regard’ to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with ‘protected characteristics’ and those without them.
- Fostering good relations between those with ‘protected characteristics’ and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council’s website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the “protected characteristics” under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What’s the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a ‘Specific Duty’ to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

To create a Discretionary Business Rate Relief policy in respect of the Covid Additional Relief Fund scheme as required by the Department of Levelling Up, Housing and Communities which is designed to assist those businesses adversely affected by the pandemic who have not been able to access previous assistance linked to Business Rates.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

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EQUALITY IMPACT ASSESSMENT

EqIA : Covid Additional Relief Fund

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			<i>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			<i>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Religion and belief	Not relevant			<i>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Sex	Not relevant			<i>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Sexual orientation	Not relevant			

EQUALITY IMPACT ASSESSMENT

EqIA : Covid Additional Relief Fund

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

EQUALITY IMPACT ASSESSMENT

EqIA : Covid Additional Relief Fund

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

[Empty response box for 2.1.1]

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

[Empty response box for 2.1.2]

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EQUALITY IMPACT ASSESSMENT

EqIA : Covid Additional Relief Fund

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

[Empty response box for 2.2.1]

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

[Empty response box for 2.2.2]

Eliminate discrimination, harassment, victimisation

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

EQUALITY IMPACT ASSESSMENT

EqlA : Covid Additional Relief Fund

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.
These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

EQUALITY IMPACT ASSESSMENT

EqIA : Covid Additional Relief Fund

Report Title:	LGA Corporate Peer Challenge: Action Plan Progress
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr Johnson, Leader of the Council
Meeting and Date:	Cabinet - 25 August 2022
Responsible Officer(s):	Emma Duncan, Monitoring Officer and Deputy Director of Law, Strategy and Public Health Becky Hatch, Head of Strategy
Wards affected:	All



REPORT SUMMARY

This report updates Members on the progress on the Action Plan resulting from the recommendations of the Local Government Association (LGA) Corporate Peer Challenge, which took place from 24 – 27 January, 2022. The Royal Borough invited the LGA into the council to conduct the review, in order to provide an external assessment of its progress, and recommendations for further improvement. Their assessment and recommendations were set out in the LGA Corporate Peer Challenge Feedback Report.

Cabinet considered the recommendations in March 2022 and agreed to accept the 11 recommendations subject to minor amendments and agreed to the preparation of an Action Plan (Table 1).

This report details the progress to date against the recommendations made.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION:

That Cabinet notes the report and the progress against the Action Plan.

Table 1: Action Plan Progress

RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation1 Prioritise embedding the Corporate Plan across the Council and the establishment of a new performance framework which links service plans and priorities to budget and risks over the medium term.	Launch Citizens’ Portal	Head of Strategy	120422	✓ Citizens Portal went live in April 2022
	Agree Terms of Reference for new Officer-led Performance and Risk Management Board (PRMB)	Head of Strategy	050522	✓ These have been agreed

	PRMB meet	Head of Strategy	050522	✓
	Embed new methodology to support performance reporting to Overview and Scrutiny	Service Lead – Strategic Policy	250722	✓
	Launch new Service Plan template	Service Lead – Strategic Policy	030522	✓
	Embed initial Service Plans into InPhase	Service Lead – Strategic Policy	310722	✓
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 2 Refresh the Medium Term Financial Strategy (MTFS) with stronger links to the savings made by the Transformation Strategy and underpinned by the creation of a Transformation Fund to deliver the benefits needed. The first priority of the strategy should be to improve the customer experience.	Refreshed MTFS aligned to Corporate Plan presented to Corporate O and S Panel for review	Exec Director of Resources/Head of Finance	22/06/22	✓ Presented to committee and suggested changes accepted by cabinet at their meeting
	Refreshed MTFS/MTFP reported to Cabinet Refreshed MTFS/MTFP reported to Full Council	Exec Director of Resources/Head of Finance	21/07/22 28/09/22	✓ MTFS and MTFP recommended by cabinet. Will be considered at next scheduled Full council in September
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 3 Establish a Member development programme, including a new induction package for May 2023 which aligns to the strategic priorities of the Royal Borough. Group Leaders need to be fully involved in developing the programme to ensure ongoing	Discussion with LGA over support offer	Director of Governance/Head of Governance	1305022	✓

member participation, throughout the term of office.				
	Establish Officer working group to lead Induction Process	Head of Governance	May 2022	✓
	Officer Working Group meets to discuss proposals	Head of Governance	July to December 2022	✓
	Funding Agreed	Head of Governance	Budget process	
	Induction Programme commences	Head of Governance	080523	
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 4 Put in place stronger support for member casework that provides consistency and timeliness of response across all council functions. This will help members to carry out their ward work more efficiently and maintain residents' confidence that their issues are being dealt with.	Evaluate software for Member casework	Director of Governance/ Head of Governance	010722	✓
	Review undertaken of Corporate support function and restructure implemented	Chief Executive	010722	✓
	Funding Agreed for additional support (caseworkers and software costs)	Head of Governance	Budget process/in year growth	
	Role descriptions developed and evaluated	Head of Governance	August 2022	
	Recruitment	Head of Governance	Sept/Oct 2022	
	Implementation	Head of Governance	Nov/Dec 2022	
	RECOMMENDATION	ACTIONS	LEAD	Milestone
Recommendation 5 Review the current model of scrutiny committees. There are currently 4 scrutiny panels and one county-wide health scrutiny. It may be better for the committees to be more closely aligned to the priorities in the Corporate Plan and service delivery arrangements covering	Report prepared for Constitution Working Group	Head of Governance	260422	✓

people, place and corporate functions.				
	Constitution Working Group meet to consider and agree Report	Head of Governance	030522	✓
	Full Council consider and agree recommendations from CWG	Head of Governance	240522	✓
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 6 Revisit the terms of reference and remit of the joint Health Overview and Scrutiny Committee for East Berkshire as part of the establishment of the ICS.	Scoping work to clarify current position and identify best practice	Head of Governance	June 2022	✓
	Meeting with relevant officers to agree recommendations for amendments to terms of reference where appropriate	Head of Governance	July 2022	✓
	Amendments discussed with Constitution Working Group	Head of Governance	Oct 2022	
	Full Council consider recommendations from CWG	Head of Governance	Nov 2022	
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 7 Review Cabinet portfolios so that they are re-balanced across people, place and corporate functions to enable more capacity to influence at a sub-regional and national level alongside local place leadership responsibilities.	That this is accepted in part, noting changes have been made since the Peer Review. No Further Officer Action			
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 8 Develop a clear and consistent framework on the role and governance of the arms-length Council entities including Optalis, AFC and the Property Company. Shareholder responsibilities should be separated from those of the strategic client.	Draw together governance regimes in one place and publish. Work is currently being undertaken to produce this.	Head of Governance	Sept 2022	
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 9 Develop a localism strategy with town and parish councils	Draft engagement framework to be developed by September 2022 setting out	Head of Strategy		

and community groups which promotes greater subsidiarity of decision making and thus enabling RBWM to be more strategic.	the framework for engagement between the council, residents, communities and partners (including voluntary & community sector and parish councils). Draft produced Consultation on draft Adoption The early phase development work on the engagement strategy has started.		Sept 2022 Oct/Nov 2022 Feb 2023	
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 10 Take advantage of the 25th anniversary of being a unitary council to work with the Youth Council and partners to set out a new 25-year vision for the Royal Borough.	Youth Council has been engaged and has agreed to undertake a piece of work in partnership with Council. The Youth Council will report back the end of the calendar year.	Chief Executive	October 2022 (tbc)	✓
RECOMMENDATION	ACTIONS	LEAD	Milestone	Complete
Recommendation 11 Once the improvement plan for the Planning function is in place and beginning to have an impact, consider a peer review of the Planning Service to drive continuous improvement in 2023/24 and beyond	The Improvement Plan is now operational and subject to monthly and quarterly review. Peer Review is likely to be scheduled for 2023/24.	Director of Place		

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

Options

Table 2: Options arising from this report

Option	Comments
Cabinet agrees to note the Action Plan progress.	This is the recommended option

Option	Comments
Cabinet doesn't agree to note the Action Plan.	The Royal Borough invited the LGA into the council to assess our progress and make recommendations for further improvements. Failing to accept progress against the recommendations of the Peer Review team, would call into question the purpose of the review, and show the council in a poor light with the LGA.

1. KEY IMPLICATIONS

LGA Corporate Peer Challenge: background

1.1 The Corporate Peer Challenge is part of the LGA sector support offer. It provides independent and external improvement support and challenge through a peer review, conducted by a team of Members and Senior Officers from other local authorities.

1.2 The review is a tried, and trusted method of improvement and provides a practitioner perspective and critical friend challenge. The Royal Borough invited in the LGA to conduct the review, to provide an assessment of its progress and recommendations for further improvement. It was delivered at no cost to the council.

1.3 The 2022 review was a Corporate Peer Challenge and covered five key areas:

- Local priorities and outcomes;
- Organisational and place leadership;
- Governance and culture;
- Financial planning and management;
- Capacity for improvement.

1.4 The 2022 Peer Review follows a prior review in 2017, and a briefer progress review in 2019. The results of all three reviews are published on our website.

1.5 The 2022 review was a mix of face to face, online and desk-based research. The team undertook interviews and focus groups with a wide range of Members, officers, stakeholders and citizens, speaking to nearly 100 people in total. The team also observed several key officer and Member meetings and visited sites within the borough. They also reviewed key documents and a self-assessment by the council. The findings from the review were developed into feedback and recommendations, which were shared through a presentation to those participating in the review, and are now set out in the Feedback Report.

1.6 The LGA will return to the Royal Borough in October 2022, to review progress.

1.7

Table 3: Key Implications

Outcome	Unmet	Met	Exceeded	Date of delivery
The council agrees the LGA recommendation s and takes these forward through a robust Action Plan.	The council makes poor progress in responding to the recommendations	LGA six month review concludes that good progress has been made in delivering the recommendations	LGA six month review concludes that excellent progress has been made in delivering the recommendations	Autumn 2022

2. FINANCIAL DETAILS / VALUE FOR MONEY

2.1 The financial implications of taking forward the LGA Corporate Peer Challenge recommendations will be considered as part of the budget process.

2.2 At this stage, there are no financial implications of taking the decisions recommended in this report. However, the potential implications of some recommendations, such as setting up a new Transformation Fund, should be noted as part of the discussion.

3. LEGAL IMPLICATIONS

3.1 There are no legal implications associated with this report. However, any changes to governance, such as to Cabinet Portfolios or Scrutiny Committee structures will have been in accordance with constitutional regulations.

4. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
LGA are dissatisfied with the council's response to the review.	Low	Ongoing engagement with the LGA and maintenance of existing strong relationships.	Low

5. POTENTIAL IMPACTS

5.1 Equalities. The LGA Corporate Peer Challenge Feedback report highlights equalities as an area for further development and strengthening within the council. This report has no equalities implications.

5.2 Climate change/sustainability. The LGA Corporate Peer Challenge Feedback report praises the priority given to climate change within the council and includes suggestions for further strengthening this agenda.

5.3 Data Protection/GDPR. There are no data protection issues associated with this report.

6. CONSULTATION

8.1 The process of undertaking the LGA Corporate Peer Challenge involved interviews with a wide range of Members, staff, stakeholders and citizens, in order to assess the council and generate its findings and recommendations. The initial findings of the review were shared with all who participated on 2 February 2022, with opportunities provided for feedback and comment.

7. TIMETABLE FOR IMPLEMENTATION

7.1 The implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
20 October 2022	Six month follow up visit from the LGA, to assess progress on delivering the recommendations of the Report.

8. APPENDICES

8.1 This report is supported by 0 appendixes

9. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	28/07/22	28/07/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	Author	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	28/7/22	28/7/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	28/7/22	28/7/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	26/7/22	27/7/22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	26/7/22	26/7/22

Andrew Durrant	Executive Director of Place		29/07/22
Kevin McDaniel	Executive Director of Children's Services		
<i>Heads of Service (where relevant)</i>			
<i>External (where relevant)</i>			
<i>Insert as appropriate or N/A</i>			

Confirmation relevant Cabinet Member(s) consulted	Leader of the Council	Yes/No <i>delete as appropriate</i>
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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, Strategy and Public Health

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : LGA Corporate Peer Challenge - Action Plan Progress

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	
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Responsible officer	Emma Duncan, Becky Hatch	Service area	Strategy	Directorate	Law, Strategy & Public Heath
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Stage 1: EqIA Screening (mandatory)	Date created: 11/08/2022	Stage 2 : Full assessment (if applicable)	Date created : n/a
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Rebecca Hatch

Dated: 12/08/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : LGA Corporate Peer Challenge - Action Plan Progress

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : LGA Corporate Peer Challenge - Action Plan Progress

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

LGA Corporate Peer Challenge: Action Plan Progress

The Royal Borough invited the LGA into the council to conduct a Corporate Peer Challenge review in January 2022, in order to provide an external assessment of its progress, and recommendations for further improvement. Their assessment and recommendations were set out in the LGA Corporate Peer Challenge Feedback Report. Cabinet considered the recommendations in March 2022 and agreed to accept the 11 recommendations subject to minor amendments and agreed to the preparation of an Action Plan. The Action Plan updates Members on the progress to date against the recommendations made. Recommendations with particular relevance to the Equalities have been summarised below:

Recommendation1

Prioritise embedding the Corporate Plan across the Council and the establishment of a new performance framework which links service plans and priorities to budget and risks over the medium term.

- The Corporate Plan contains a cross-cutting commitment to reducing inequalities and a range of specific goals focused on improving outcomes for people with protected characteristics. The council is currently revising its Equality objectives and undertaking an ambitious research project to strengthen our understanding of inequalities and disadvantage in the Borough. Revised equality objectives will be included in a refresh of the Corporate Plan by the end of 2022. This reflects feedback from the CPC Review team to strengthen our approach to Equalities, Diversity and Inclusion.

Recommendation 3

Establish a Member development programme, including a new induction package for May 2023 which aligns to the strategic priorities of the Royal Borough. Group Leaders need to be fully involved in developing the programme to ensure ongoing member participation, throughout the term of office.

- The Member development programme will include specific training on Equalities, Diversity and Inclusion.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : LGA Corporate Peer Challenge - Action Plan Progress

Recommendation 5

Review the current model of scrutiny committees. There are currently 4 scrutiny panels and one county-wide health scrutiny. It may be better for the committees to be more closely aligned to the priorities in the Corporate Plan and service delivery arrangements covering people, place and corporate functions.

- Corporate Overview & Scrutiny will review progress on strengthening the council's approach to Equalities.

Recommendation 9

Develop a localism strategy with town and parish councils and community groups which promotes greater subsidiarity of decision making and thus enabling RBWM to be more strategic.

- Development of the strategy includes strengthening engagement with a range of groups representing the views and interests of groups with protected characteristics.

Recommendation 10

Take advantage of the 25th anniversary of being a unitary council to work with the Youth Council and partners to set out a new 25-year vision for the Royal Borough.

- The development of the vision, strengthens engagement with our Youth Council and ensures that young people's views and priorities are reflected within the council's long term vision.

Stage 1 : Screening (Mandatory)

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : LGA Corporate Peer Challenge - Action Plan Progress

Protected characteristics	Relevance	Level	Positive/negative	Evidence
All protected characteristics	Relevant		Positive	<i>Increased focus on equality, diversity and inclusion across the council, through embedding of the Corporate Plan, Member induction, and strengthened engagement with stakeholder groups.</i>
Age	Not relevant		Positive	<i>Youth Council leading on the development of the 25 Year Vision, enhancing youth engagement and voice in the borough's vision and priority setting.</i>
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			
Religion and belief	Not relevant			
Sex	Not relevant			
Sexual orientation	Not relevant			

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Outcome, action and public reporting

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : LGA Corporate Peer Challenge - Action Plan Progress

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

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If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Report Title:	Discretionary £150 Council Tax Energy scheme
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.
Meeting and Date:	Cabinet – 25 August 2022
Responsible Officer(s):	Adele Taylor, Executive Director of Resources Louise Freeth, Head of Revenues, Benefits, Library & Resident Services.
Wards affected:	All



REPORT SUMMARY

The Department for Levelling Up, Housing and Communities (DLHUC) have provided local authorities with funding under the £150 Council Tax Energy Rebate announced earlier in the year. While the majority of funding, £4.5m, was provided for the Mandatory Scheme for those whose main home is in Council Tax Band A-D, a small amount of funding, £294k, has been provided for a Discretionary Scheme.

Local authorities are required to design a Discretionary Scheme and distribute the funding provided by 30 November 2022. The purpose of this report is to approve the proposed Discretionary Scheme criteria.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the proposed scheme criteria for the Discretionary Council Tax Energy Rebate scheme.**
- ii) Delegates authority for minor changes to the Head of Revenues, Benefits, Library and Resident Services in consultation with the Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.**

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

Options

Table 1: Options arising from this report

Option	Comments
Cabinet approves the proposed criteria for the Discretionary Energy Rebate scheme. This is the recommended option	This will allow the scheme administration to commence immediately to ensure funds are distributed prior to the deadline.

Option	Comments
Cabinet suggests alternative criteria for the Discretionary Energy Rebate Scheme. This is not the recommended option.	Careful consideration has been given to records available to the staff distributing this funding which will easily identify those who may be considered financially vulnerable. It is felt that the Council Tax Reduction records permit funding to be directed most efficiently.
Cabinet does not approve the proposed criteria for the Discretionary Energy Rebate Scheme. This is not the recommended option.	Funding provided would need to be returned to Government.

2.1 Each local authority is required to design and implement a Discretionary Council Tax Energy Rebate scheme for those in council tax band E-H, who are identified as financially vulnerable, and not entitled to the Mandatory Scheme for those in Band A-D. The discretionary funding may also be used to provide additional support to those in Band A-D identified as financially vulnerable.

2.2 Although DLHUC require authorities to design their own Discretionary Scheme they have provided guidance which sets out some basic criteria which must be adhered to, some of which mirror those set for the Mandatory scheme. These include:

- That the property must be occupied as the individual's main home
- That the property is not in exemption class "O" i.e. a Ministry of Defence property since the MOD is looking to provide cost of living support itself.
- Allocations must be distributed, or returned to government, by 30 November 2022.
- That pre-payment checks have been undertaken where the person receiving payment is not a "live" direct debit payer.

2.3 Consideration has been given to how best to identify those who may be considered financially vulnerable, and therefore suffering hardship because of the rising cost of living, within the Royal Borough balancing this against the requirement to distribute the funding as quickly and efficiently as possible.

2.4 Council Tax Reduction (CTR) is a means tested benefit which the Royal Borough already assesses resident's entitlement to. Being in receipt of this financial assistance therefore means that the resident is on a low income. It is therefore proposed that these records are utilised to distribute funding to residents by awarding those who have already received the £150 Mandatory payments, by virtue of being in Band A-D, a top up of £50 and awarding those in Bands E-H, on CTR in April 2022, a one-off payment of £200. Based on modelled figures, this would utilise all but £50 of the funding available.

2.5As with the Mandatory scheme the proposal is to make an automatic BACS payment to those whose bank details have already been verified e.g. either because they make their Council Tax payments by Direct Debit or because they have already applied for and received the £150 Mandatory Award if in Band A-D. For anyone else, in order to comply with the DLHUC pre-payment checks required, an application would be invited. If this does not elicit a response, the eligible party's Council Tax account will be credited with the award, as the deadline approaches.

3. KEY IMPLICATIONS

3.1 DLHUC require that the Royal Borough designs and implements a Discretionary Scheme to distribute funding by 30 November 2022. If this is not successful, funds will have to be returned to DLHUC rather than being utilised to assist those residents in the Borough who are considered financially vulnerable.

3.2 The proposed criteria efficiently identifies those residents we are already aware of being on a low income and makes almost full use of the funding available to assist them.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Discretionary Funding Scheme agreed by Cabinet	Discretionary Funding scheme not agreed by 25 August 2022 Cabinet	Funds distributed by 30 November 2022	Funds distributed earlier	N/A	30 November 2022

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The Royal Borough has been provided with £294,150 by DLHUC with which to create a Discretionary Council Tax Energy Rebate scheme. Any funds not distributed by 30 November 2022 would need to be returned to government. The proposals outlined utilise £294,100 of funding based upon the April figures of CTR recipients.

4.2 Utilising this Government funding to assist those already known to be on a low income would not have any financial impact on the council's own budget since the scheme is 100% funded.

5. LEGAL IMPLICATIONS

5.1 The recommendations contained within this report meet the guidance set out in the Support for Energy Bills – The Council Tax Rebate 2022-23: Billing Authority Guidance, issued by DLHUC and subsequently updated on 16 March 2022.

5.2 The Guidance confirmed that local authorities can choose how to distribute discretionary funding to those households who are not eligible under the mandatory scheme and to top up those most vulnerable households in band A-D. This can include support for households on income related benefits but excludes those in

properties attracting an “O” exemption. Allocations must be distributed by 30 November 2022 with any unpaid sums repaid to Government.

5.3 For those individuals who are eligible but who do not have a direct debt in place, appropriate pre-payment checks must be undertaken. This can include a requirement for an application and self-certification to confirm that the individual meets any eligibility criteria and is applying on behalf of the household. The council must satisfy itself that the applicant is entitled to the payment, retain a record of all evidence supplied and all pre-payment checks undertaken.

6. RISK MANAGEMENT

6.1 The proposals submitted have been based upon the records held of CTR recipients as at April 2022. If anyone subsequently entitled to CTR were to be permitted to apply, there could be financial implications if the numbers of those in receipt of CTR were to increase from April to November 2022. At present, there is no indication of this with 4,388 residents receiving CTR in April 2022 and 4,381 in June 2022 but it is not possible to predict future changes. Utilising the April 2022 data maximises those eligible and also aligns the Discretionary Scheme with the Mandatory Scheme criteria, which was only available to those liable for Council Tax as at 01 April 2022.

6.2 There is a risk that those identified as eligible may not submit an application, required to undertake the pre-payment checks, but this can be mitigated by providing a deadline for applications with the alternative of a credit being placed upon the Council Tax account.

Table 3: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
CTR recipient numbers start to increase	Medium	Utilising existing data from April 2022	Low
Eligible applicants do not submit applications	Medium	Advise of a deadline and credit the CTAX account if an application is not forthcoming	Low

7. POTENTIAL IMPACTS

7.1 Equalities. See EQIA at Appendix A.

7.2 Climate change/sustainability. There are no direct impacts.

7.3 Data Protection/GDPR. A Data Protection Impact Assessment has already been completed and is available at Appendix B. The Council is legally obliged to undertake this processing. It is a fair, legal, and expected use of the data based on government communications. This is one-off rather than routine processing.

8. CONSULTATION

8.1 None

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
06 September 2022	Commence administration of the scheme by initiating “top up” £50 awards to those in Band A-D who have already received £150 under the Mandatory scheme.
Week commencing 12 September 2022	Identify those in Band E-H on CTR and Direct Debit and initiate payments. Open an on-line application process for those not on DD.
Week commencing 19 September 2022	Invite those eligible to apply by e-mail, where possible, or hard copy letter. Advise will allow 1 month to apply.
Week commencing 24 October 2022	Close application process and commence auto awards to council tax account where no application made.

10. APPENDICES

10.1 This report is supported by 2 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Data Protection Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 1 background document:

[Support for energy bills - the council tax rebate 2022-23: billing authority guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/support-for-energy-bills-the-council-tax-rebate-2022-23-billing-authority-guidance)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	12.07.22	28.07.22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	12.07.22	
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	12.07.22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	12.07.22	13.07.22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	12.07.22	13.07.22
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	12.07.22	13.07.22

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Asset Management & Commercialisation, Finance & Ascot.	Yes : 12.07.22
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision. First entered into the Cabinet Forward Plan: 01.07.22	No	No

Report Author: Louise Freeth. Head of Revenues, Benefits, Library and Resident Services. 01628 685664
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EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy	x	Plan		Project		Service/Procedure	
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Responsible officer	Louise Freeth	Service area	Revenues, Benefits, Library & Resident Services	Directorate	Resources
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Stage 1: EqIA Screening (mandatory)	Date created: 11.07.22	Stage 2 : Full assessment (if applicable)	Date created : 11.07.22
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Louise Freeth

Dated: 11.07.22

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EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Guidance notes

What is an EqIA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqIAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqIA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqIA?

The process for conducting an EqIA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

To create a Discretionary CTAX Energy Rebate scheme as required by the Department of Levelling Up, Housing and Communities which is designed to assist those identified as financially vulnerable.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			<i>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			<i>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Religion and belief	Not relevant			<i>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Sex	Not relevant			<i>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Sexual orientation	Not relevant			

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

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If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

[Empty response box for 2.2.1]

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

[Empty response box for 2.2.2]

Eliminate discrimination, harassment, victimisation

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EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.
These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

EQUALITY IMPACT ASSESSMENT

EqIA : Discretionary CTAX Energy Rebate



Royal Borough
of Windsor &
Maidenhead

Royal Borough of Windsor and Maidenhead

Data Protection Impact Assessment

£150 Council tax rebate

Emma Young / Louise Freeth
DPO / Head of Rev/Bens
02 March 2022

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Introduction and guidance

A Data Protection Impact Assessment (DPIA) is a process to help identify and minimise the data protection risks of a project or new purpose for processing personal data.

A properly conducted DPIA will identify privacy issues and protections from the outset negating the requirement to retrofit systems at further expense and protect against a breach of the Data Protection Act 2018 resulting in reputational damage and fines of up to £17,000,000.

A DPIA should be carried out whenever there is a change that is likely to involve a new use or significant change in the way that personal data is handled, for example a redesign of an existing process or service or a new process or information asset being introduced, which is “likely to result in a high risk” to the data subject. The purpose of this assessment is to identify the risks that may arise through the project and propose methods to mitigate against the risks.

The GDPR states that a DPIA must be carried out in the following instances:

- Where it is proposed to use systematic and extensive profiling with significant effects.
- Where it is proposed to process special category or criminal offence data on a large scale; or
- Where it is proposed to systematically monitor publicly accessible places on a large scale.

The Information Commissioner’s Office requires a DPIA to be carried out in following the additional, circumstances:

- Using innovative technology
- Processing personal data in a new way that is not already depicted in a privacy notice.
- Using profiling or special category data to decide on access to services
- Using profiling of individuals on a large scale
- Processing biometric and genetic data
- Matching or combining data sets from different data sources
- Collecting personal data from a source other than the individual without providing them with a privacy notice.
- Tracking individuals’ location or behaviour
- Profiling children or target marketing or online services at them
- Processing data that might endanger an individual’s physical health or safety in the event of a security breach.

Where a DPIA is carried out, it should address the following:

- A description of the proposed processing and the purposes –what personal data will be collected; who will have access; how it will be stored; who it will be disclosed to

- An assessment of the necessity and proportionality of the processing
- An assessment of the risks to the rights of the individuals affected
- The measures envisaged to address the risks and demonstrate compliance with the GDPR.

The Council's Data Protection Officer (DPO) must be consulted at the design phase of any new system or process that includes processing of personal data.

dpo@rbwm.gov.uk

The DPO will record all completed DPIAs in the Record of Processing Activity register. (RoPA)

Stages of a Data Protection Impact Assessment

Stage 1: The initial screening questions (Appendix A)

This section is to be completed by the service manager or project lead responsible for delivering the proposed new system or change of purpose for the personal data processing.

The purpose of the screening questions is to ascertain if a DPIA is required.

Stage 2: Data Protection Impact Assessment (Appendix B)

To be completed by the Project Manager or Project Lead responsible for delivering the new system/proposed change. The completed form will be assessed by the Data Protection Officer who will advise on the next stage. There are four possible outcomes:

1. The DPIA is incomplete and will have to be repeated or further information obtained.
2. The DPIA has highlighted low value risks and includes appropriate actions considered through the project to mitigate these risks.
3. The DPIA has identified medium to high value risks which require an action plan to be put in place to resolve. Consideration of Caldicott Guardian and SIRO involvement required.
4. The DPIA has identified no risks, and no further information needs to be obtained.

Stage 3: Identified risks, proposed mitigations, and action plan (Appendix C)

Where the initial DPIA identifies further information governance issues, an action plan should be developed on how the risks will be mitigated. This will include:

- identified risks
- proposed solutions

- action assigned
- timescale for resolution

The Council's Data Protection Officer and SIRO should be included at an early stage where high risks to the rights and freedom to data subjects have been identified.

Stage 4: Sign-Off (Appendix D)

The sign off form must be completed by Heads of Service and returned to RBWM's DPO. DPO@rbwm.gov.uk

Screening Questions (Appendix A)

These questions are intended to help decide whether a DPIA is necessary. Answering 'Yes' to the screening questions below represents a potential information governance risk that will have to be further analysed to ensure those risks are identified, assessed and fully mitigated.

Q	Category	Screening question	
1.1	Identity	Will the project involve the collection of new information about individuals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.2	Identity	Does the project/process include the processing of "Special categories of personal data"?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.3	Identity	Will the project compel individuals to provide information about themselves?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.4	Multiple Organisations	Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.5	Data	Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1.6	Data	Have you introduced new ways of processing/using personal data, even where your reasons for processing the data have not changed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
1.7	Data	Does the project involve you using new technology which might be perceived as being privacy intrusive? For example, the use of biometrics or facial recognition.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.8	Data	Will the project result in you making decisions or taking action against individuals in ways which can have a significant impact on them?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

1.9	Data	Is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For example, health records, criminal records or other information that people would consider to be particularly private.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.10	Data	Will the project require you to contact individuals in ways which they may find intrusive?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
1.11	Approval	Has this project/process already been started as a pilot without a screening or DPIA being undertaken?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

If you have answered 'Yes' to any of the questions above, please proceed with the DPIA. (Appendix B)

If you have answered 'NO' to all the questions above a DPIA is not required.

Data Protection Impact Assessment Inception. (Appendix B)

DPIA Reference Number: DPIA_020322
Project Title: £150 Council tax energy rebate (April 2022)
Project Purpose: This project is to administer the £150 Council tax energy rebate (April 2022).
Implementing Organisation: The Royal Borough of Windsor and Maidenhead
Head of Service/Nominated Officer Name: Louise Freeth Head of Revenues, Benefits, Library and Resident Services Contact: louise.freeth@rbwm.gov.uk
Completed by Emma Young - DPO
Implementation Date: April 2022

Data Protection Impact Assessment Template

2.1	<p>Is this a new or changed use of personal information that is already collected?</p>	<input checked="" type="checkbox"/> New <input type="checkbox"/> Changed
2.2	<p>Purpose of the processing: <i>Describe (in as much detail) why this personal information is being collected/used? If the information being used is for a different purpose than it was originally collected for, please describe the reasons for the change. If you are processing the same data you have previously used but are using different methods of processing, please explain:</i></p> <p>The information has already been collected for residents to pay their council tax. The government have advised they are giving each household in brackets A-D a £150 refund.</p> <p>What personal data will be collected? <input checked="" type="checkbox"/> Forename <input checked="" type="checkbox"/> Surname <input type="checkbox"/> DOB <input type="checkbox"/> Sex <input type="checkbox"/> Email <input checked="" type="checkbox"/> Address <input type="checkbox"/> Postcode <input type="checkbox"/> Age <input type="checkbox"/> Gender <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Bank details</p> <p><input type="checkbox"/> Other unique identifier (please specify): <input type="checkbox"/> Other administrative data (please specify): Next of kin/emergency contact, marital status.</p> <p>Special categories of personal data: <input type="checkbox"/> Racial or ethnic origin <input type="checkbox"/> Religious or philosophical beliefs <input type="checkbox"/> Political opinions <input type="checkbox"/> Trade union membership <input type="checkbox"/> Health or sex life <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Genetic data <input type="checkbox"/> Biometric data <input type="checkbox"/> Financial <input type="checkbox"/> Commission or alleged commission of an offence <input type="checkbox"/> NHS Number <input type="checkbox"/> Proceedings for any offence committed or alleged [DBS Checks] <input type="checkbox"/> Description of other sensitive data collected: Employees can self-declare for council monitoring statistics however this is not mandatory disclosure.</p>	
2.3	<p>Does the information involve processing children's data?</p> <p>Does the information involve processing adults' data?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

2.4	<p>What is the lawful basis that the personal information is collected and/or shared?</p> <p><input type="checkbox"/> Consent of individual <input checked="" type="checkbox"/> Legislative/Statutory requirement <input type="checkbox"/> In the performance of a contract</p> <p>Government initiative to refund residents</p>	
2.5	<p>How will individuals be informed about the proposed uses of their personal data? <i>(e.g. Privacy notices (consider if they need updating)) Enforcement notices.</i></p> <p>There is a privacy notice on the RBWM website which has been updated to reflect the change.</p> <p>Privacy notice : Revenues and controls Royal Borough of Windsor and Maidenhead (rbwm.gov.uk)</p>	
2.6	<p>How will you manage service user complaints? Established processes already in use within the organisation.</p>	
2.7	<p>Are other organisations involved in processing the personal data? <i>If yes, please list below</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Ascendant Solutions data management	
	BACS	
2.8	<p>Does the proposal include employing external individuals?</p> <p>If yes, have they signed a 3rd party disclosure agreement?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No N/A
2.9	<p>Has a data flow mapping exercise been undertaken?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2.10	<p>How will the personal data be collected?</p>	

	What security and audit measures have been, or will be, implemented to secure access to and limit use of personal identifiable information? Already in place for BAU council tax processing which includes password protection and limited access to systems	
2.18	What staff training will be provided? Training take place on the different parts of the system, which will reflect individuals' roles. All staff complete GDPR training on an annual basis and are aware of security breach procedures.	
2.19	What disaster recovery and business contingency plans are in place? This is one-off processing	
2.20	Subject Access Requests Are arrangements in place for recognising and responding to requests from individuals for a copy of the personal data processed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2.21	Are there any new or additional reporting requirements for this project? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Who will be responsible for running the reports? <small>Click or tap here to enter text.</small> Who will receive the report or where will it be published? <small>Click or tap here to enter text.</small> Which format will the reports be in? <input type="checkbox"/> Person-identifiable <input type="checkbox"/> Pseudonymised <input type="checkbox"/> Anonymised	<input type="checkbox"/> Yes <input type="checkbox"/> No
2.22	Additional comments and notes:	
	This is a one off project to give residents money. This is low risk processing.	

Identified risks, proposed mitigations, and action plan (Appendix C)

A 'privacy risk' is the risk that a proposal will fail to meet individual's reasonable expectations of privacy. Calculating risk is not simply about assessing whether the project will be legally compliant. It's possible to comply with the law and for the behaviour still to affect whether our residents reasonable privacy expectations are met. Risks to an individual will often directly equate to risks to the Council. Consider not only the direct risks from the proposal, but also any knock on effects. A DPIA doesn't set out to identify and eliminate every possible risk to an individual from using their personal information or otherwise impacting on their privacy.

Identified risks

Risk Ref	Issue	Who is the risk to?	Proposed Solution
Ref.	Money is sent to the wrong bank account	Customer	Bank account is verified and already used to make direct debit payments
Ref.	Incorrect use of data by ASL	Customer	Service delivery plan includes data protection elements
Ref.			
Ref.			

Solutions to be implemented

Risk Ref	Approved Solution	Result ¹	Approved by
Ref.	Clear service agreement from ASL		Click here.
Ref.	Only approved Bank accounts will be used		Click here.
Ref.			Click here.
Ref.			Click here.

Agreed actions

Action to be taken	Completion Date	Responsible for action
As detailed above	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.
Click or tap here to enter text.	Date.	Click here.

Other identified risks

Other risks which have been identified which do not relate to Privacy but need to be escalated, e.g. Business Continuity, Health & Safety.

Risk	Escalated to	Date
N/A	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.
Click or tap here to enter text.	Click here.	Date.

*Is the risk reduced, eliminated or accepted?

Sign off Form (Appendix D)

Signatories required once the DPIA has been completed.

Head of Service	
Name:	Click or tap here to enter text.
Signature:	Click or tap here to enter text.
Date:	Click or tap here to enter text.

Data Protection Officer	
Name:	Emma Young
Signature:	E Young
Date:	12/01/22

Senior Information Risk Owner	
Name:	Click or tap here to enter text.
Signature:	Click or tap here to enter text.
Date:	Click or tap here to enter text.

Email completed DPIA to the DPO DPO@rbwm.gov.uk

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Report Title:	Tennis participation and facility improvement for identified RBWM park tennis courts
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor McWilliams Cabinet Member for Digital Connectivity, Housing Opportunity, and Sport and Leisure
Meeting and Date:	Cabinet – 25 August 2022
Responsible Officer(s):	Andrew Durrant – Executive Director Place Alysse Strachan – Head of Neighbourhoods
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

This report requests approval from Cabinet to proceed in discussions to secure grant funding to modernise tennis courts at four parks in Windsor & Maidenhead as part of improving health and fitness facilities and opportunities for residents, thanks to potential significant investment from the Government and the Lawn Tennis Association (LTA), the national governing body for tennis in Britain.

The investment (potentially around £110,000), which is subject to site surveys and final contract awards, will be used to upgrade ten hard surface courts where there is identified demand and potential for improvement. These are the three dedicated tennis courts at Maidenhead’s Kidwells Park, two at Desborough Park, two at Oaken Grove, and three at Goswells Park/Alexandra Gardens in Windsor.

The funding is part of the UK Government and LTA’s joint investment of more than £30m to refurbish public tennis courts across Britain and support a new generation of players to get into the sport.

Subject to finalising the funding agreement with the LTA, work is scheduled to start in the autumn of 2022. Specific works at each site will depend on what improvements are needed and will include surface reconditioning, new nets, posts and fencing. There will also be an enhanced local tennis programme, including some free sessions, as part of the partnership with the LTA.

Access-controlled entry gates with an online booking system, now standard at many other venues, will ensure residents and groups can reserve their slots online before they turn up to play. This will benefit players at peak times, maximise court usage, increase participation and support the sustainable operation and maintenance of courts to a high standard.

The Government and LTA investment is designed to open-up the sport to people of all backgrounds, support the Government’s commitment to levelling up sports provision across the nation, and provide greater opportunities for children and adults to be active. This will see thousands of public park tennis courts in poor or unplayable condition brought back to life for the benefit of local communities and importantly sustain these facilities into the future.

In parallel with this the borough is re-tendering the leisure facilities contract and also developing a sport and leisure strategy with the primary objective of ‘more residents, more active more often and more healthy’, which will support and inform the future role of the leisure facilities as a key strand to our overall sport and leisure delivery in RBWM.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Agree officers can continue working with the LTA to obtain funding to improve tennis court provision in RBWM.*
- ii) Agree recommendation to progress the funded tennis court improvement project as a fully funded capital scheme for agreement at full Council*

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

Options

Table 1: Options arising from this report

Option	Comments
Officers continue discussions with the LTA to obtain funding to improve tennis court facilities and access opportunities for residents of RBWM as part of a fully funded capital scheme This is the recommended option	This approach secures funding from outside the council to maintain and improve tennis court facility provision within the borough.
Not to continue discussions with the LTA to obtain funding and/or refuse to progress as a fully funded capital scheme project. This is not recommended	If the borough do not progress discussions, it will mean further deterioration in tennis court facilities within RBWM or financing will be required from council funds to maintain provision.

2.1 LTA research on the national picture shows 1.44m people play tennis in parks each year (41% of players).

The biggest barriers to participation are:

- Not knowing where the closest courts are
- Not knowing how to book or play on the courts
- Not knowing the condition of the court surface

Only 16% of players are satisfied with the ability and opportunity to book courts.

Just 10% of participants are satisfied with the customer service received at park tennis facilities.

When questioned about an online booking and gate access system:

- 78% of players in clubs and parks said it was a good or great idea
- Nearly half of parks players said it would help them play more often
- 80% of park and club players said it would make getting on court easier.
- 87% are satisfied with the online booking system

2.2 The funding from this scheme to invest into public park tennis courts for local communities comes from Government's investment of £22million combined with the LTA's committed spend of £8.5million. It aims to see thousands of public park tennis courts in poor or unplayable condition brought back to life for the benefit of their local community.

1.7m adults play tennis in parks each year, including more women than in club venues, currently across England, Scotland and Wales 45% of park courts are in poor, very poor or unplayable condition with half of unplayable venues in the most socially deprived areas of the country.

The new investment will pay for refurbishment and sustainable operating models in park courts (including those in RBWM), with specialist programmes and support to ensure courts are affordable and utilised. The park tennis court facilities are owned by local authorities and are vital community assets that can help widen the impact of the physical and mental health benefits that being active through tennis can bring.

2.3 LTA schemes to support participation at the RBWM sites may include:

- Tennis For Free
- Walking Tennis
- Tennis Xpress
- Pair and Play
- Local Tennis Leagues
- Youth Start
- Open Court

2.4 Project Terms – are likely to include similar conditions to those listed below.

Category	Grant funding amount/Type of Agreement	Standard Obligation Period end date
A	Gate access projects only	The date falling 5 Years after Installation Date
B	Any project requiring repainting	The date falling 10 years after Completion Date
C	Any project requiring resurfacing valued between £5000 and £149,999	The date falling 15 years after Completion Date

2.4.1 Set standards of maintenance, repair and refurbishment, achieved by measures including:

- Making repairs to courts and nets as required to maintain the court playing characteristics at all times.
- Regular sweeping or vacuuming leaves and other debris from the surface.
- Periodic power washing of the surface.
- Applying both moss and weed killer when required.

2.4.2 Court refurbishment and replacement, (repainting or resurfacing within the obligation period described in point 2.4).

2.4.3 Digital journey to court, ensuring all courts are available for public booking throughout park opening hours.

2.4.4 Sustainability and Pricing - We will ensure a pricing policy is implemented that is open and affordable to everyone, allowing the courts to be operated in a sustainable way. The charging model will enable re-investment into the on-going maintenance, repairs and future court refurbishments. As a minimum there will be a clear sustainability/lifecycle plan that shows how court maintenance and replacement is secured over the Standard Obligation Period to meet the conditions in points 2.4.1 and 2.4.2.

2.4.5 Operating, Coaching, Free Park Activities & Competition Provision - All tennis courts with tennis markings only (at the completion of refurbishment) to continue for the sole use of tennis post refurbishment. For all parks identified and categorised for coaching, RBWM to commit to working with LTA Operations to deliver a targeted free tennis offer either through an Operator or a charity like Tennis For Free.

2.5 The table below shows the site locations proposed by the LTA for the renovation works. The sites were chosen based on several factors including the likely usage and were weighted more towards the lower index of multiple deprivation areas.

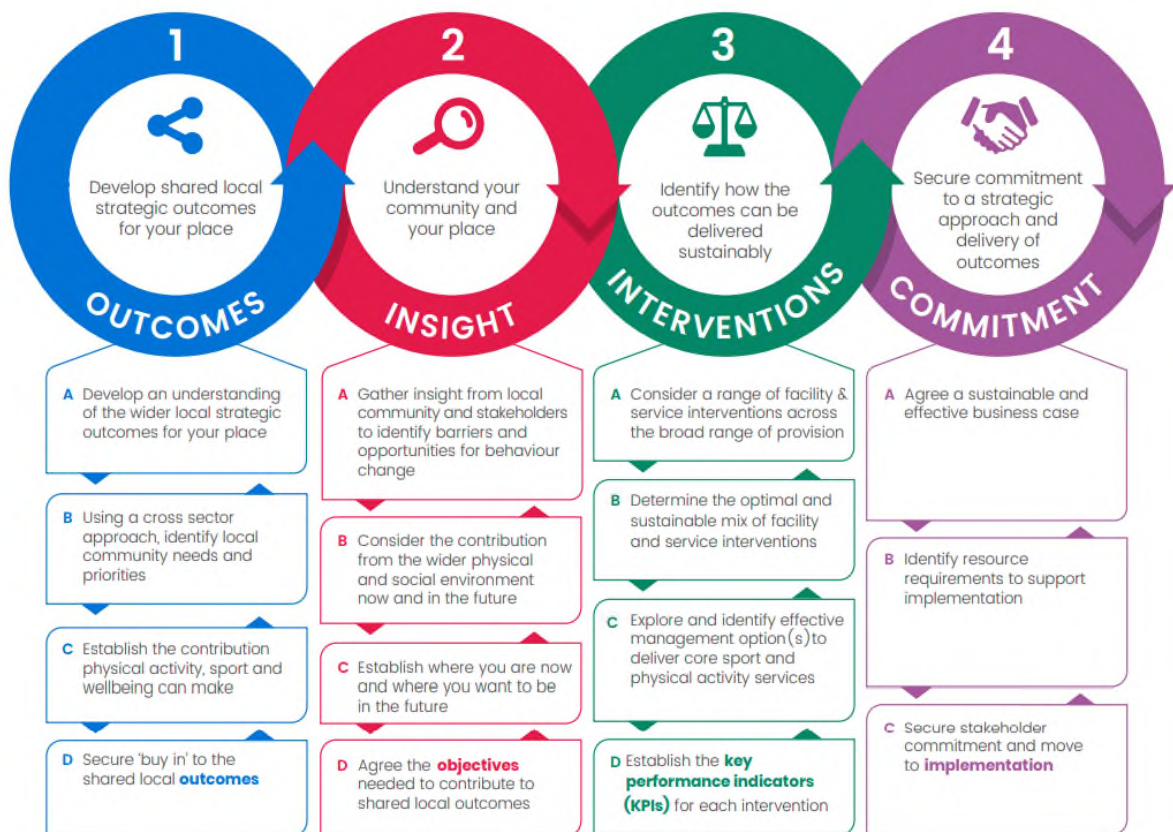
Site Name	Park Address	Number of Courts	IMD	Penetration	Proposed renovations / interventions
Desborough Park	SL6 4BB	2	5	1124	Court reconstruction. Court Resurface. Fencing. Lite gate. New nets and posts.
Goswells Park	SL4 5HZ	3	7	965	Court Re-bind and paint. Fencing. Lite gate.
Kidwells Park	SL6 7ED	3 (2 MUGA courts not included in renovations)	4	1167	Court resurface. Lite gate with floodlight module. New nets and posts.
Oaken Grove	SL6 6HL	2	10	912	Lite gate

2.6 In addition to the re-procurement of the leisure centres management contract, the Borough is developing a revised sport and leisure strategy which will 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 contributes significantly

to our 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 will be underpinned by three priorities that are expected to focus on:

1. Promote and champion existing clubs to help grow membership
2. Maximise usage and accessibility of existing facilities to enable clubs to grow
3. Identify gaps in leisure/sports facility provision and explore opportunities to address

2.7 The council is determined to ensure the approach to this strategy work places significant emphasis on engagement with key stakeholders to understand collaborative service opportunities. Sport England’s ‘Strategic Outcomes Planning Model’ (shown below) will be used as a systematic and evidenced based tool for any investment in new facilities or services and builds in opportunities to ensure ‘buy-in’ from senior officers and elected members. It will provide both options of new facility investment and key service interventions. Finally, the approach will support any strategic funding applications if applicable as an industry recognised standard within the sector.



2.8 In parallel with developing this overarching sport and leisure strategy the borough is also undertaking a refresh of Playing Pitch provision analysis, and the Built Facilities Review, which will both help identify strengths and weakness in the current provision across RBWM. These are also recognised documents that sit alongside the adopted Borough Local Plan.

2.9 The overarching strategy objective and priorities will inform how the leisure centre management contract and wider leisure facility portfolio will support and contribute to the overall ambition to seek better health outcomes and wellbeing for our residents.

3. KEY IMPLICATIONS

3.1

Outcome	Unmet	Met	Exceeded / significantly exceeded	Date of delivery
Agreed schemes delivered by	01/09/2023	31/04/2023	01/11/2022 to 28/02/2023	
Court facility improvement	Scheme not delivered	Scheme delivered	Scheme delivered before 28/02/2023	
Courts maintained to required specification	Maintenance levels lower than pre-funding award	Maintenance at contractually desired level	N/A	
Improved attendance monitoring capability	No attendance data	Accurate attendance monitoring information	Information in excess of basic attendance information	
Schemes delivered to increase participation	Schemes not delivered	Use of LTA schemes to increase participation	Benchmarked performance in excess of LTA projections	
Sinking fund created	Income not enough to support this	Sinking fund funds enough to support future court repair / replacement	Funds enough to support court development in other locations within RBWM	

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The existing courts do not currently generate any income for the Borough and still require maintenance costs, the aim of this plan is for them to become self-sustaining including repair and rejuvenation costs at the end of their lifespan. The LTA estimates major work required approximately every 10-15 years.
- 4.2 In terms of regular maintenance, there is currently a very small amount included in the Tivoli contract for the courts at Desborough and Goswells. The Kidwells Park courts were previously managed from the Magnet Leisure Centre but they have not been under any maintenance arrangement since the centre's closure. Any savings from the reduced maintenance costs will be used to support the parks maintenance budget.
- 4.3 RBWM are considering 3 operating models for the rejuvenated facilities:
 1. In house
 2. Within the leisure contract
 3. With a separate tennis provider

Option 2 is recommended as the preferred option. This would mean combining the operation of the courts within the leisure contract re-procurement to deliver best value taking into consideration financial and participation objectives. The rationale for this includes reduced legal fees, wider database of potential customers, opportunities for additional cross facility working, general economies of scale etc.

- 4.4 There will be legal costs to set up lease agreements, the cost of this is unknown at this stage, if option 2 is chosen these will be incorporated into the leisure contract re-procurement costs, if not, then the costs will be funded from the leisure revenue budget.
- 4.5 Switching to an operator led model should reduce council maintenance costs by shifting the liability to the operator who will fund the work from the fees agreed between RBWM and the operator to meet the requirement outlined in 2.4.4.
- 4.6 The final charging model will be subject to the same due diligence that all fees and charges are measured against.
- 4.7 For all parks identified and categorised for coaching, RBWM commit to working with LTA Operations to deliver a targeted free tennis offer in conjunction with the wider fee based model needed to maintain the courts long term viability, either through an Operator or a charity like Tennis For Free,.

5. LEGAL IMPLICATIONS

- 5.1 Lease agreements will need to be drawn up incorporating points similar to those outlined in 2.4 in order to meet the terms of the LTA funding.
- 5.2 Officers are investigating the contractual agreement between Maidenhead Lawn Tennis Club and RBWM regarding the former's use of Oaken Grove and how this would affect that part of the LTA funding bid. However, this is only a small part of the bid, to add access control system to the court gate and the outcome

of the investigation and resulting discussions with the LTA will not impact the other courts' funding.

- 5.3 Officers are investigating signoff requirements relating to the proposal at Goswells Park to ensure it meets the terms of the Borough's 1936 agreement with the National Trust.

6. RISK MANAGEMENT

- 6.1 The approach being adopted is to work with the National Governing Body (LTA) who have conducted extensive research into the demand and benefits of the proposal and who also use approved contractors to complete facility improvement works.

6.2

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Poor quality facility repair / replacement work	Medium	Signoff of the facilities improvement projects requires agreement from both the LTA and RBWM. LTA project manage the work using approved contractors.	Low
Income not sufficient to support required sinking fund to cover cost of future maintenance and replacement	Medium	Incorporation into leisure contract means subsidy from elsewhere in the leisure contractor income to ensure maintenance and replacement is covered.	Low
Operator not found to run the courts	Medium	More than one option for operation. Firstly, leisure contract operator, secondly a separate tennis operator. LTA have discussed options with at least two operators who have shown interest.	Low
Demand is less than expected	Medium	Investment is based on LTA modelling. Options are available to increase marketing / alter the pricing structure.	Low

		Use of operator model to shift liability to the contractor limiting financial implications for the council	
Current agreements at Oaken Grove and Alexandra Gardens result in non-award of the whole grant	Low	Officers work with the LTA to amend bid to secure funding for the other sites. Officers work with organisations involved to agree revised terms/gain agreement.	Low
Councillor's refuse officer's request to progress funding opportunity, resulting in future court closure or additional pressure on council funds.	Medium	Officers work with councillors to highlight the impact of non-agreement	Medium

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). [EQIA screening form](#). As part of the funding agreement with the LTA the council are required to offer some free slots and aim to increase participation amongst all residents. Not acting to improve the facilities is likely to cause increased barriers to participation for all residents.
- 7.2 RBWM will work with the LTA to ensure that any refurbishment either preserves existing accessibility features (e.g., dropped kerbs, flat pavements, gradual slopes, accessible route from car park, entrance wide enough for wheelchairs) or where possible as per the LTA's 2017 guidance on disabled access includes their creation if the courts aren't currently accessible.
- 7.3 Data Protection/GDPR. LTA / ClubSpark platform conforms to the most up to date Data Protection and GDPR guidance.
- 7.4 Not receiving the funding may limit council's ability to meet objectives to increase the activity level of residents, reduce the obesity levels of primary school aged children and limit opportunities for adults to meet the Chief Medical Officer's guidelines on the amount of physical activity they should be undertaking.

8. CONSULTATION

This report is seeking to ensure that Cabinet and all Members agree to officers continuing discussions with the LTA to obtain funding to improve tennis court provision and access within RBWM.

This work is in parallel with the leisure contract re-procurement process, and updating its Sport and Leisure Strategy, the Playing Pitch Strategy and the Built Facilities Strategy, which will all have their own consultation processes. The outcomes from these refreshed documents will help inform sport and leisure provision across RBWM.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Subject to final quotes and contract agreement the LTA propose works to commence in the Autumn of 2022 with completion weather dependant and likely to be in the Spring 2023.

9.2 The award and implementation process is summarised below:

- Following the agreement, once the LTA have finished their procurement process, they will be able to instruct the appointed contractor for the RBWM area to visit the site to obtain a final quoted cost.
- Once the LTA have the final quoted costs - assuming these are within LTA tolerances - their Facilities Project Managers (FPM) will be able to issue a Terms and Conditions Agreement for RBWM to sign and return.
- The LTA FPM will arrange a date for the court works and gate installations.
- The LTA will provide RBWM with contracts to issue the contractors with.
- Works will be completed and will be signed off by both RBWM and the LTA.
- The LTA will issue RBWM with grant funding (excluding VAT) for RBWM to pay the contractor on completion.
- Work will continue throughout the process between RBWM and the LTA to finalise the operational details and to develop a launch plan – depending on the operational model chosen.
- Launch plan delivered by LTA and parks tennis operator.

10. APPENDICES

10.1 This report is supported by two appendices:

Appendix A – Equality Impact Assessment

Appendix B – LTA proposed tennis site improvement locations and drive time catchment areas

11. BACKGROUND DOCUMENTS

None

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	29/07/22	02/08/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer		
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		2/8/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)		4/8/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	29/7/22	1/8/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager		
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Emma Young	Data Protection Officer	29/07/2022	02/08/2022
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Manager	29/07/2022	02/08/2022
<i>Other consultees:</i>			
Julian McGowan	Senior Finance Business Partner	29/07/2022	29/07/2022
Johannes den Heijer	Finance Business Partner	26/07/2022	29/07/2022
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	29/07/22	04/08/22
<i>Heads of Service (where relevant)</i>			
David Scott	Head of Communities		
Alysse Strachan	Head of Neighbourhoods	26/07/2022	29/07/2022
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Councillor McWilliams - Cabinet Member for Digital Connectivity, Housing Opportunity, and Sport and Leisure	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 29 July 2022	No	No

Report Author: Andrew Durrant, Executive Director of Place Services

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Possible LTA grant funding for tennis court improvement

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project	X	Service/Procedure	
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Responsible officer	Michael Shepherd	Service area	Leisure Services	Directorate	Place
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Stage 1: EqIA Screening (mandatory)	Date created: 26/07/2022	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Alysse Strachan

Dated: 26/07/2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Possible LTA grant funding for tennis court improvement

Stage 1 : Screening (Mandatory)

1
1
1

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

The Royal Borough hopes to modernise tennis courts at four parks in Windsor & Maidenhead as part of improving health and fitness facilities and opportunities for residents, thanks to potential significant investment from the Government and the LTA, the national governing body for tennis in Britain.

The investment, which is subject to site surveys and final contract, will be used to upgrade ten hard surface courts where there is identified demand and potential for improvement. These are the three dedicated tennis courts at Maidenhead's Kidwells Park, two at Desborough Park, two at Oaken Grove, and three at Goswells Park/Alexandra Gardens in Windsor.

The funding is part of the UK Government and LTA's joint investment of more than £30m to refurbish public tennis courts across Britain and support a new generation of players to get into the sport.

Subject to finalising the funding agreement with the LTA, work is scheduled to start in the autumn. Specific works at each site will depend on what improvements are needed and will include surface reconditioning, new nets, posts and fencing. There will also be an enhanced local tennis programme, including some free sessions, as part of the partnership with the LTA.

Access-controlled entry gates with an online booking system, now standard at many other venues, will ensure residents and groups can reserve their slots online before their turn up to play. This will benefit players at peak times, maximise court usage, increase participation and support the sustainable operation and maintenance of courts to a high standard.

The Government and LTA investment is designed to open up the sport to people of all backgrounds, support the Government's commitment to levelling up sports provision across the nation, and provide greater opportunities for children and adults to be active. This will see thousands of public park tennis courts in poor or unplayable condition brought back to life for the benefit of local communities.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

In parallel with this the borough is re-tendering the leisure facilities contract and also developing a sport and leisure strategy with the primary objective of 'more residents, more active more often and more healthy', and which will support and inform the future role of the leisure facilities as a key strand to our overall sport and leisure delivery in RBWM.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Possible LTA grant funding for tennis court improvement

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Disability	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Gender re-assignment	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Marriage/civil partnership	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Pregnancy and maternity	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Race	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Religion and belief	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Sex	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.
Sexual orientation	Relevant	Low	Positive	The facilities are accessed and available for all residents with protected characteristics. As part of the LTA grant process applicants are required to include programming and timetabling to best ensure positive provision for the whole community, including some free access. If funding is not obtained facilities are likely to become unusable for all.

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Outcome, action and public reporting

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	N/A	Alysse Strachan	N/A
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	N/A	Alysse Strachan	N/A

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If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

Stage 2 : Full assessment

2.1 : Scope and define

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

--

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

--

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? Common sources of secondary data include: censuses, organisational records.

--

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

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2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

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Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Possible LTA grant funding for tennis court improvement

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Possible LTA grant funding for tennis court improvement

Appendix B: LTA / RBWM proposed tennis site development locations

1.1 The 4 sites were chosen by the LTA (Lawn Tennis Association) based on several factors including the level of work required, likely usage and were weighted more towards the lower index of multiple deprivation areas. A penetration score of around 1000 or greater is usually required for their funding proposals under this scheme.

1.2 The penetration figures quoted by the LTA are produced using Periscope mapping software which contains demographic data based on postcode locations. Using this demographic data the LTA divide the population into different tennis market segments i.e. predicting what sort of tennis offer will be most attractive to people in each segment. They then look at those segments most likely to be casual players who would choose to play in a park setting (compared to e.g. a more formal tennis club setting), and take a percentage of those populations to make a prediction about the number of people we can realistically expect to come and play tennis at each of the venues.

1.2 Figure 1: Approximate locations of site improvements proposed by the LTA within RBWM



1.3 Oaken Grove has not been included on the following pages outlining the site locations and drivetime catchment information because it is managed under agreement with Maidenhead Lawn Tennis Club.

1.4 The LTA's penetration figure for the Oaken Grove Tennis Courts is 912

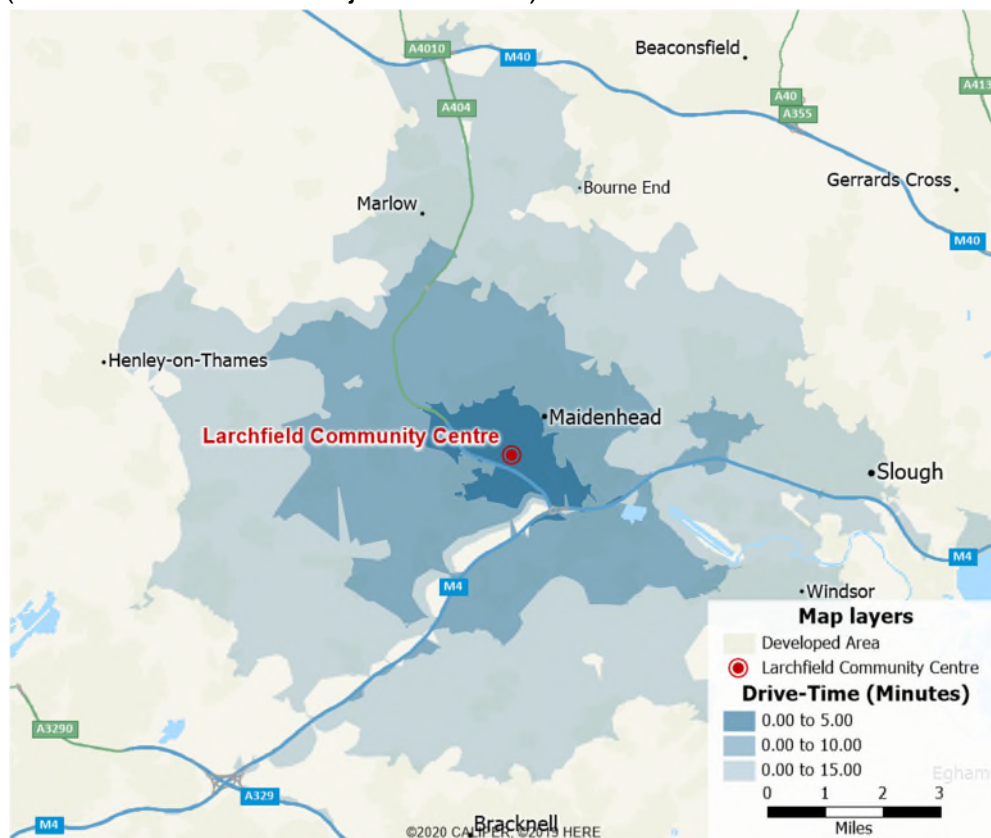
Desborough Park

2.1 The outdoor tennis courts in Desborough Park are located next to Larchfield Community Centre

2.2 Figure 2: Desborough Park Tennis Courts Location



2.3 Figure 3: Larchfield Community Centre 15-minute Drivetime Catchment (the tennis courts are adjacent to this).



2.4 According to the 2018 Census, the total number of people within a 15-minute drive of Larchfield Community Centre within Desborough Park is as follows:

- 0-5 minutes: 23,311, of which 14,756 are aged 15-64
- 0-10 minutes: 74,576, of which 46,842 are aged 15-64
- 0-15 minutes: 236,506, of which 148,665 are aged 15-64

2.5 The reach of the drivetime catchment areas is shown in Figure 3.

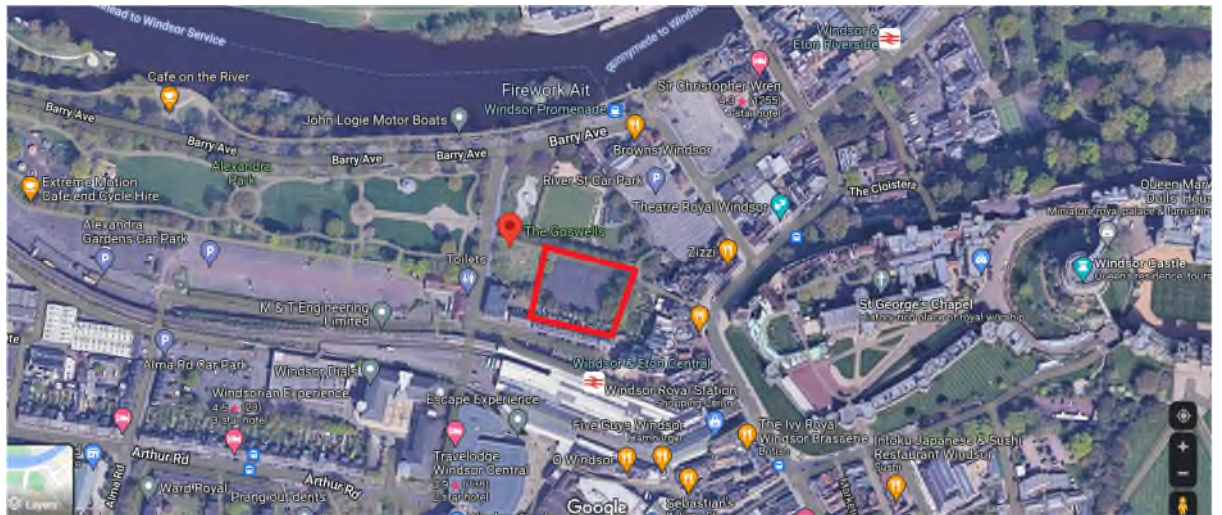
2.6 Further information on the make-up of the centre's catchment population based on Sport England's Market Segmentation tool can be found [here](#).

2.7 The LTA's penetration figure for the Desborough Part Tennis Courts site is 1124

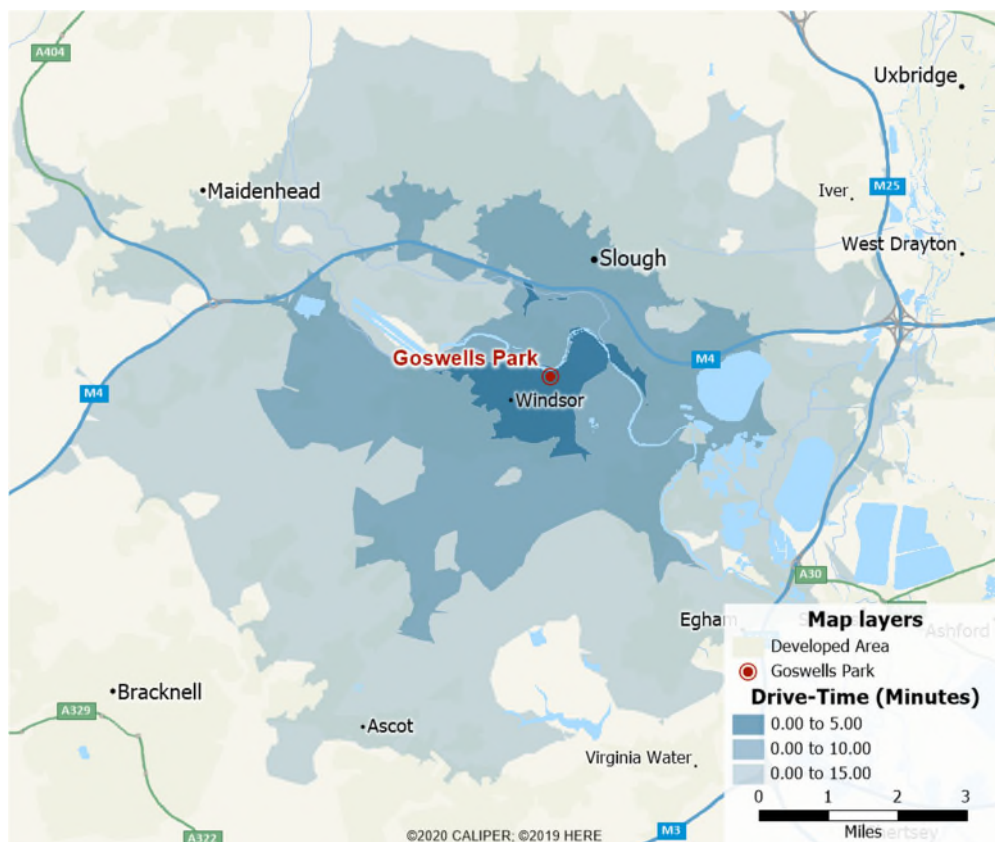
Goswells Park

3.1 Goswells Park (SL4 1QY) is located a short walk away from Windsor Leisure Centre. The park caters for a wide range of users from casual recreation to active sports.

3.2 Figure 4: Goswells Park Tennis Courts Location



3.3 Figure 5: Goswells Park 15-minute Drivetime Catchment



3.4 According to the 2018 Census, the total number of people within a 15-minute drive of Goswells Park is as follows:

- 0-5 minutes: 12,663, of which 8,353 are aged 15-64
- 0-10 minutes: 92,957, of which 60,086 are aged 15-64
- 0-15 minutes: 283,517, of which 183,962 are aged 15-64

3.5 The reach of the drivetime catchment areas is shown in Figure 5.

3.6 Further information on the make-up of the centre's catchment population based on Sport England's Market Segmentation tool can be found [here](#).

3.7 The LTA's penetrating figure for the Goswells Park Tennis site is 965

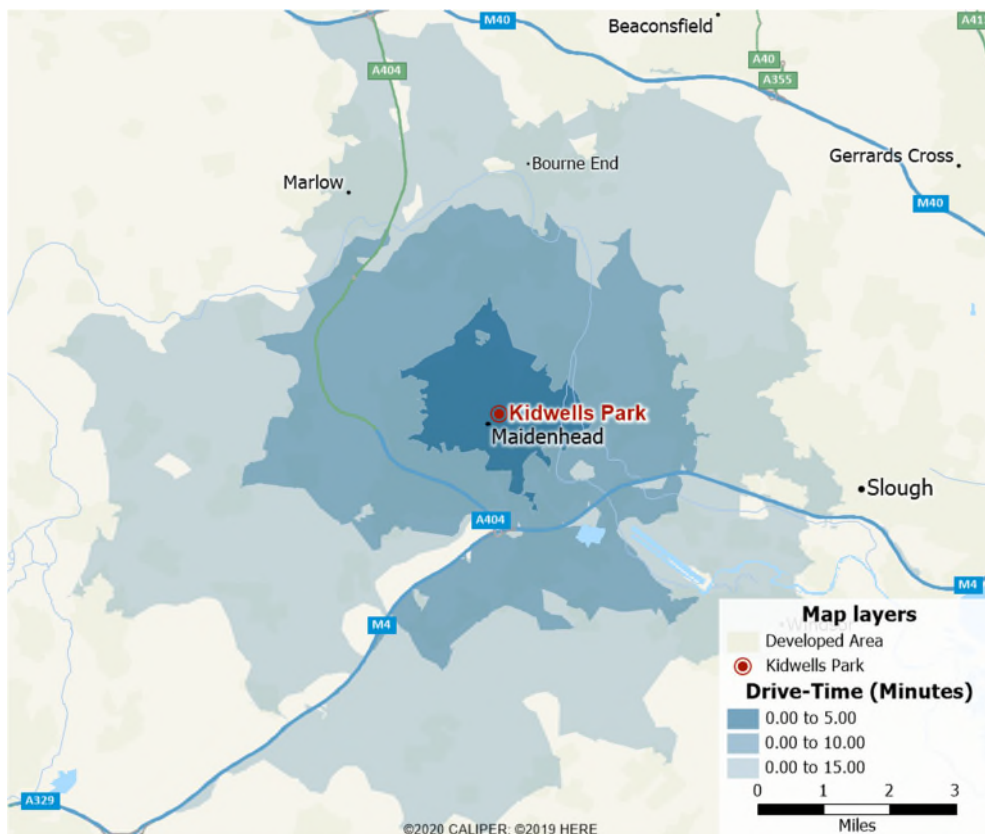
Kidwells Park

4.1 Kidwells Park (SL6 7ED) covers 3 hectares and is located between Maidenhead town centre and an area of housing. The park caters for a wide range of users ranging from casual recreation to active sports.

4.2 Figure 6: Kidwells Park Tennis Courts Location



4.3 Figure 7: Kidwells Park 15-minute Drivetime Catchment



4.4 According to the 2018 Census, the total number of people within a 15-minute drive of Kidwells Park is as follows:

- 0-5 minutes: 30,058, of which 19,349 are aged 15-64
- 0-10 minutes: 76,929, of which 48,235 are aged 15-64
- 0-15 minutes: 196,018, of which 122,358 are aged 15-64

4.5 The reach of the drivetime catchment areas is shown in Figure 7.

4.6 Further information on the make-up of the centre's catchment population based on Sport England's Market Segmentation tool can be found [here](#).

4.7 The LTA's penetration figures for the Kidwells Park Tennis Courts is 1167

Report Title:	Temporary use of the Chiltern Road school site – Manor Green SEND Careers Hub
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children’s Services, Health and Mental Health
Meeting and Date:	Cabinet, 25 August 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of People Services
Wards affected:	All wards, and specifically Oldfield as site location.



REPORT SUMMARY

The ‘Chiltern Road site’ in Maidenhead is due to be refurbished and slightly remodelled to allow it to be returned to primary school use when local demand for primary school places rises. On current projections, this is not likely to be before September 2025, although continuing change in population trends means that this will be kept under review.

Cabinet has previously agreed in principle that, in the interim, the site could be temporarily occupied by another education user. This report sets out a proposal for a Special Educational Needs and Disabilities (SEND) Careers Hub - run by Manor Green School – to operate on the site for a temporary period.

The recommendations in this report will help the borough achieve its corporate objective of ‘Thriving Communities’ by making it easier for young people to achieve their ambitions and fulfil their potential. The proposed remodelling and refurbishment of the Chiltern Road site will also help provide quality infrastructure for children and young people, meeting the corporate objective of ‘Inspiring Places’.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) agrees to the temporary use of the Chiltern Road site by Manor Green School for a SEND Careers Hub, as outlined in Appendix A.**
- ii) authorises the Executive Director of People Services, in consultation with RBWM Property Services, to undertake procurement and enter into contracts to deliver the remodelling of the Chiltern Road site.**

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

The Chiltern Road site

- 2.1 The 'Chiltern Road' site is the former site of Forest Bridge School and Oldfield Primary School in South East Maidenhead. The site retains the buildings and area necessary for a 210 place primary school.
- 2.2 The building and site are currently unoccupied, but are maintained by the borough's Property team. Some urgent repairs and maintenance work has recently been carried out, funded by the Schools Condition Allocation¹. This has ensured that the building remains watertight and secure and that external areas are maintained (e.g. grass-cutting).

New primary school places in Maidenhead

- 2.3 The Royal Borough's Cabinet considered a report on new primary school places in Maidenhead in November 2021. This followed on from public consultation on a number of options for new places, including the re-opening of a primary school at Chiltern Road.
- 2.4 Cabinet agreed, however, that a primary free school should open on the Chiltern Road site, but only when justified by rising demand for school places. This would depend on new pupil place projections as demand was (at that time, based on the 2021 pupil projections) lower than previously anticipated.
- 2.5 Cabinet also agreed, therefore, that options for the temporary occupation of the site should be considered. This would mean that the site could be used, whilst preserving it for potential primary school use.
- 2.6 The draft 2022 pupil projections have now been produced and currently these indicate that there is not likely to be a need for additional primary school places in Maidenhead before September 2025. It is important to note, however, that this is a period of significant demographic change, due to:
- the ongoing impact of the pandemic on the numbers of people moving in and out of the borough and birth rates.
 - significant numbers of new dwellings in Maidenhead town centre².
 - the ongoing impact of the Ukraine crisis, with 40 children and young people from the country now placed in borough schools since February 2022.
- 2.7 The demand for school places in Maidenhead (and elsewhere in the borough) will, therefore, continue to be kept under review. On the basis of our current information however, it is proposed that the agreed strategy continues, with the Chiltern Road site retained for a future primary school use, with temporary use considered so that the buildings and site are occupied for an alternative suitable activity.
- 2.8 The buildings on the Chiltern Road site are not currently suitable for occupation, however, so the refurbishment and remodelling work would need to be carried out before the site can be used by any other provider, even for a temporary period.

¹ This is a capital grant from the Department for Education (DfE) for the purposes of maintaining school buildings.

² We have comprehensive pupil yield data allowing us to estimate the likely numbers of children generated by new housing, but this is necessarily based on what has happened in the past, which may not be what happens in the future.

2.9 The full set of 2022 pupil projections and analysis will be brought to Cabinet in Autumn 2022.

Manor Green SEND Careers Hub

2.10 Manor Green School (a special school in Maidenhead) has proposed that the site be used temporarily for a Special Educational Needs and Disabilities (SEND) Careers Hub. The full proposal is attached to this report as Appendix A.

2.11 In summary, the proposal would be to provide services aimed at young people with SEND, aged 11 to 25 to prepare them for and support them into employment. The provision would be in partnership with Berkshire College of Agriculture (BCA), and would include:

- a careers hub, in a job centre format, to provide advice, job coaching and work experience opportunities for young people with SEND. This would be aimed at the 19-25 cohort.
- curriculum and vocational learning for medically vulnerable secondary age pupils who are not attending their mainstream school.
- a College-Link which, in partnership with BCA, would provide Foundation courses for pupils aged 19-25. This would help provide young people with key skills, including banking, working with money, work experience and employability skills.
- SEN Apprenticeships for 16-25. These would be offered by Manor Green in four key skill areas initially: facilities, catering, cleaning and support assistants.
- community disability and SEN training, to be offered free to local employers to help promote the inclusion and employment of young people with SEND into the world of work.

2.12 The hub would have an initial staff of about 15, and around 20 to 30 students on a daily basis. This would grow to around 50 students as the service becomes more established. All students would have either an EHCP, or be deemed by the local authority to have SEMH needs that make them too anxious to attend their mainstream school placement.

2.13 The proposed SEND Careers Hub will support Priority 6 of the Royal Borough's SEND Strategy which states:

“Young people with SEND are helped to become resilient and confident so that they can lead independent and fulfilling lives in their local communities. Supporting independent living and employment is needed, with options clearly signposted. Education, Health and Social Care will work more closely together with the young person and their families to support this transition.”³

2.14 The hub will also support a recent recommendation, following from the Royal Borough's recent SEND Inspection, to support provision for post-16 pupils with EHCPs, by providing fuller timetables and additional support with independent learning.

³ Page 8, [SEND Strategy 2022-2027, consultation response](#), Achieving for Children/RBWM, March 2022

Employment, Skills and Training

- 2.15 The proposal aligns with the Employment, Skills and Training (EST) workstream developed by the Royal Borough's Economic Growth Team. This aims to support local people into employment. There are now more job vacancies than people looking for employment in the borough, which was not generally the case pre-pandemic. This is affecting the tourism and hospitality sector – one of the largest employment sectors in the borough - particularly hard.
- 2.16 Joining this proposal with the EST workstream will offer opportunities to link young people accessing the SEND Careers Hub with local businesses who are seeking to recruit. This will support the recovery of the borough's local economy.
- 2.17 The Royal Borough of Windsor and Maidenhead is a Disability Confident employer, and is also encouraging other businesses to sign up to the scheme⁴.

Remodelling and repairs to the buildings and site

- 2.18 The Royal Borough's approved 2022/23 capital programme includes a budget for the remodelling and repairs necessary to bring the buildings up to standard with suitable sized rooms for a 210 place primary school.
- 2.19 There will be some minor, temporary, adjustments made to the building to make it suitable for use by the careers hub. These will be funded using part of the High Needs Provision Capital Allocation (HNPCA) grant, which is addressed in a separate report to Cabinet (*Special Educational Needs and Alternative Provision Capital Strategy*, August 2022).
- 2.20 A minor budget will be retained from within the existing remodelling and repairs budget, to reverse these changes once the site is required for primary school use.

Lease of the site

- 2.21 It is proposed that the Chiltern Road site be leased to Manor Green School on a temporary basis, with clear end dates and notice periods. There will be the potential for extension of the lease if the Royal Borough determines that the site is not needed by September 2025. Equally, the borough will be able to terminate the lease (with an agreed notice period) in time to allow a primary school to open from September 2024 if necessary, although this now seems unlikely.
- 2.22 The lease will allow Manor Green to take bookings and lettings in the normal way for schools.
- 2.23 In taking on the lease, Manor Green School will be responsible for all the usual costs associated with a school site – utilities, business rates, insurance and so on.
- 2.24 The exact terms of the lease will need to be negotiated with Manor Green School, if the proposal is approved by Cabinet.

⁴ More details about the Disability Confident scheme can be found at <https://www.gov.uk/guidance/disability-confident-how-to-sign-up-to-the-employer-scheme>.

- 2.25 In granting the lease, there is no expectation that the Royal Borough will need to provide the SEND Careers Hub with a new site upon termination. This is understood by Manor Green School, who would seek to relocate to a new site, possibly in the commercial sector. The Royal Borough will, however, assist in the search for a new location, if needed.

Impact on local residents

- 2.26 The future use of the Chiltern Road site continues to be of interest to local residents. As part of last year's consultation on new primary school places in Maidenhead last year, the borough asked for views from local residents on the potential use of the school site for a new primary. There was a good level of support, with 52% of residents who responded saying they were in favour. The potential impact on traffic and parking remained, however, a concern and, for many residents, their support of the proposal was conditional on these issues being resolved.
- 2.27 The proposal for a SEN Careers Hub is different to a primary school. The numbers of teachers and pupils on site will be lower, but it is likely that travel to and from the school will occur throughout the day, rather than being focused at the start and end of the school day.
- 2.28 As the SEN Careers Hub will not require any outdoor space, it is proposed that the playground (which is at the front of the site) will be used for parking. This should prevent any staff or student parking on local roads.
- 2.29 If this proposal is approved, the borough will write to local residents to inform them of the temporary plans, and will seek to address any concerns subsequently raised.

Longer-term plans for the SEN Careers Hub

- 2.30 The Royal Borough would expect to be able to give significant advance warning (of at least a year) to Manor Green School that the Chiltern Road site would be taken back into use as a primary school. The current assumption is that this would not be until September 2025 at the earliest.
- 2.31 There is currently no plan for where the SEN Careers Hub would go after leaving the Chiltern Road site. It is likely that Manor Green would rent commercial property. This aspect is considered as part of the *Special Educational Needs and Alternative Provision Capital Strategy* Cabinet report.

Other uses for the Chiltern Road site

- 2.32 Other suggestions for use of the site have also been made, including adult learning (including pottery classes, foreign language etc.) and using it as a forest school. Manor Green may decide to offer its facilities for lettings and bookings – this will be for them to manage, but under the terms of the lease they will not be able to offer lettings beyond the end of their occupancy. The site is probably not appropriate to a forest school, as it will eventually be returned to mainstream primary school use. The relatively small site size means that there is little spare space for an additional environmental area, once playing field requirements are taken into account.

Options

Table 1: Options arising from this report

Option	Comments
Agrees to the temporary use of the Chiltern Road site by Manor Green School for a SEND Careers Hub, as outlined in Appendix A. This is the recommended option	This will allow for the temporary occupation of the site by Manor Green School, providing a home for a useful service for local residents, whilst also keeping the site occupied and maintained until it is needed for primary school use.
Authorises the Executive Director of People Services and in consultation with RBWM Property Services to undertake procurement and enter into contracts to deliver the remodelling of the Chiltern Road site. This is the recommended option	This will allow the remodelling scheme at Chiltern Road to proceed with the minimum of delay.
Do nothing This is not the recommended option	This will mean that the site will remain unoccupied and in a state of disrepair. It will take longer to bring the site back into primary school use, as permission to undertake procurement and enter into contracts will need to come back to Cabinet.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded/ significantly exceeded	Date of delivery
The Chiltern Road site is remodelled and refurbished on budget.	Project cost is greater than the budget.	Project cost equals the budget.	Project cost is >5% under budget.	25 th April 2023
Manor Green SEND Careers Hub opens	1 st September 2023 or later.	25 th April 2023	Before 25 th April 2023	25 th April 2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

Revenue funding

- 4.1 The SEND Careers Hub is not part of any service commissioned by the borough or funded by the Dedicated Schools Grant (DSG). Accordingly, there is not expected to be any direct impact on the borough's revenue, nor on the

(DSG) which funds the day to day running of non-academy schools in the borough. There is not expected to be any impact on the home to school transport budget, and this has been confirmed by Manor Green School.

- 4.2 Over time, however, supporting more young people in their local community may help reduce the numbers accessing residential college places, which would then reduce costs to the DSG.
- 4.3 Manor Green School expect that the revenue costs of this proposal will be cost neutral to them, being covered by other income sources, e.g. apprenticeships funding.

Capital funding

- 4.4 There is already funding in the 2022/23 capital funding programme for the remodelling and repair of the Chiltern Road site to make it fit for purpose as a new primary school.
- 4.5 It is proposed that a small amount of High Needs Provision Capital Allocation (HNPCA) is used to make the temporary adjustments to the building that will be necessary to make it usable as a SEN Careers Hub. This funding will be requested via the separate *Special Educational Needs and Alternative Provision Capital Strategy* Cabinet report and subsequent financial report to Council.
- 4.6 There are, therefore, no additional financial impacts arising from the recommendations in this report.

Table 3: Financial impact of report’s recommendations

REVENUE COSTS	2021/22	2022/23	2023/24
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

CAPITAL COSTS	2021/22	2022/23	2023/24
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

- 5.1 No formal statutory process is required in terms of making a change to the organisation of schools in the borough.
- 5.2 There are no Town Planning implications arising from the proposed temporary use of the Chiltern Road site as a SEND Careers Hub, nor from the eventual re-opening of the site as a primary school.
- 5.3 There are no title restrictions preventing the temporary use of the site for educational purposes.

6. RISK MANAGEMENT

Table 6: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
The Chiltern Road school site is required more quickly than anticipated.	High	The pupil projections and other sources of information are kept under review. The lease to Manor Green School will allow for early termination of the lease, subject to the appropriate notice period.	Medium
The cost of remodelling the Chiltern Road school site exceeds the available budget.	Medium	The estimated cost of the scheme is based on current construction costs, with a contingency to address issues including rising costs arising from shortages of materials and labour. Additionally, a value engineering exercise will be carried out to reduce costs where possible.	Low
The Manor Green SEND Careers Hub is less successful than anticipated.	Medium	The service proposed by Manor Green School will build on existing expertise, using revenue funding from an external source. The lease to Manor Green School will allow for early release of the site back to the borough, if necessary.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equalities Impact Assessment (EqIA) is attached at Appendix B.
- 7.2 Climate change/sustainability. The government is placing increasing importance on the sustainability of school buildings. The remodelling and repair programme for the Chiltern Road site includes installation of an Air Source Heat Pump, as a low carbon alternative to a gas boiler. PV panels are also being considered.

7.3 Data Protection/GDPR. There are no data protection or GDPR implications arising from this report.

8. CONSULTATION

8.1 The Royal Borough has consulted on the future use of the Chiltern Road site as a primary school, as reported to Cabinet in November 2021.

9. TIMETABLE FOR IMPLEMENTATION

9.1 If this proposal is approved, it is expected that the SEND Careers Hub could start operation before the end of the 2022/23 academic year.

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Careers Hub proposal from Manor Green School.
- Appendix B – Equalities Impact Assessment (EqIA)

11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- [New primary school places in Maidenhead](#), report to Cabinet (item 6c), RBWM, 25th November 2021.
- [SEND Strategy 2022-27, consultation response](#), AfC/RBWM, March 2022

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
Mandatory:		Statutory Officers (or deputy)	
Adele Taylor	Executive Director of Resources/S151 Officer	08/07/22	21/07/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	08/07/22	27/07/22
Deputies:			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	08/07/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	08/07/22	

Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	08/07/22	20/07/22
Other consultees:			
Directors (where relevant)			
Duncan Sharkey	Chief Executive	08/07/22	25/07/22
Andrew Durrant	Executive Director of Place	08/07/22	
Kevin McDaniel	Executive Director of People Services	08/07/22	10/07/22
Lin Ferguson	AfC Director of Children's Services	08/07/22	10/07/22
Heads of Service (where relevant)			
Insert as appropriate	Head of		
	Head of		
	Head of		
External (where relevant)			
Insert as appropriate or N/A			

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	02/08/2022
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 08/07/2022	No	No

Appendix A: SEN Careers Hub proposal from Manor Green School

12.1 The text below has been provided by Manor Green School.

Centre of Excellence and Opportunity and SEN Vocational Learning Site

Rationale

- 12.2 The Local Authority's APP highlights the need for additional opportunities for young people with SEN 19-25. The high needs funding is overspent. Young people with SEN in the local community who are not supported into employment have financial implications on this. More importantly, the young people feel a loss of self-worth and have poorer long-term outcomes.
- 12.3 There are a significant number of young people age 11-16 who are not attending school for mental health reasons and are at risk of becoming NEET. There are also not enough local employers currently willing to support our SEN community into employment and they may lack the knowledge of how to do this effectively.
- 12.4 We propose in partnership with BCA, Manor Green can work towards reducing problems in a solution focused way. This is 5 fold vision:
- SEN Careers Hub
 - College-Link
 - SEN Apprenticeships
 - SEMH Hub
 - Employer training in regard to disabilities and SEN

Purpose

- 12.5 We plan to use the building to deliver all of the above:
- Setting up a Careers Hub in a job centre format with our own Independent Careers Advisor and job coaches. We can provide advice, job coaching and work experience opportunities. We already are a hub school for Thames Valley Careers and Enterprise Company. This will be aimed at the 19-25 cohort.
 - Vocational learning and curriculum delivery to medically vulnerable secondary age students who are not attending their mainstream school could be incorporated through the Secondary Link in its Key stage 3-5 offer. Specialist staff are already employed including 3 counsellors, SALT, OT and specialist teachers, who can offer extensive expertise in this area.
 - College–Link in partnership with BCA to provide 2 days of Foundation level support. This would be a purpose built curriculum to compliment the Foundation courses at BCA. Students would be dual registered, main roll would be BCA and subsidiary The Link. The delivery of key skills including banking and working with money, work experience and employability skills. The aim to ensure that this cohort are supported into employment upon completion of college courses.
 - SEN Apprenticeships for 16-25 year olds. Manor Green as an Apprenticeship provider aims to initially offer 4 key skills areas in Facilities, Catering, Cleaning and Support Assistants.
 - Community disability and SEN training would be offered for free to local employers by our specialist staff to help promote the inclusion and

employment of young people with disabilities and SEN into the world of work.

Site Population

- 12.6 We would approximate an initial skeleton staff of about 15. This would include specialist teachers, assessors and job coaches who would integrate and transition between all 5 services. In relation to students, these would be spread out across different days but we would estimate 20-30 students on a daily basis. This will grow to an estimated 50 as we become more established. In relation to their profile of needs, all students will have either an EHCP or deemed by the Local Authority to have SEMH needs.

Curriculum delivery

- 12.7 The curriculum we intend to deliver:
- Apprenticeships/Pathways - Laser Qualifications/Work experience/ Supported Employment/ Social Enterprise/Community Inclusion
 - Catering/Hospitality/ Barista/ Horticulture/Grounds Maintenance/Cleaning (with a possibility of setting up smaller spin off CIC companies that students could be employed in e.g Manor Clean)
 - Skills for Work and Life - Travel training/ relationships/budgeting/CV writing/video CV's /job applications/interview techniques/ work place etiquette/resilience

- 12.8 All of this will be complimented by The Link curriculum offer:

- English Language GCSE
- English Literature GCSE
- Maths GCSE
- History GCSE
- English Functional Skills – Levels 1 and 2
- Maths Functional Skills – Levels 1 and 2
- Science BTEC
- Home Cooking Skills BTEC
- RSE BTEC – Personal Growth and Wellbeing
- Arts Award – Bronze, Silver and Gold
- Sports Leaders
- LASER LEAP Award
- AQA Unit Awards
- ASDAN Personal Development Programme – Bronze, Silver and Gold
- ECDL – ICT Level 2
- Entry level Maths and English

Responsibility for site

- 12.9 We would have responsibility for minor works for upkeep once in the building, payment of utilities and have rights to sublet to generate income.

Affordability

- 12.10 We believe this is affordable for MGS. The Link is well established, financially viable and already pays rent to MGS. Specialist staff and the Independent Careers Advisor are already employed. As an Apprenticeship provider we have a secure and proven source of income generation, making the running of a second site cost neutral to Manor Green.

Return of site at the end of use

- 12.11 Return to RBWM with agreed fixtures and fitting, we would then rent commercial property if there wasn't another available site to locate to. We firmly believe as a pilot we can demonstrate the financial sustainability and affordability for a permanent site.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	
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Responsible officer	Ben Wright, School Places and Capital Team Leader	Service area	Operations	Directorate	Children's Services
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Stage 1: EqlA Screening (mandatory)	Date created: 29/07/2022	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Lynne Penn, Associate Director, Operations

Dated: 29/07/2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The proposal is to allow for the temporary use of the Chiltern Road school site by Manor Green School as a SEND Careers Hub. This will mean that (after refurbishment and remodelling) a site that is not likely to be needed for primary school use until September 2025 can be used to the benefit of children and young people with SEND.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant	n/a	n/a	
Disability	Relevant	High	Positive	Children and young people will have access to a service provided by Manor Green School, that is currently not available or is in accommodation that is too small.
Gender re-assignment	Not relevant	n/a	n/a	
Marriage/civil partnership	Not relevant	n/a	n/a	
Pregnancy and maternity	Not relevant	n/a	n/a	
Race	Not relevant	n/a	n/a	
Religion and belief	Not relevant	n/a	n/a	
Sex	Not relevant	n/a	n/a	
Sexual orientation	Not relevant	n/a	n/a	

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None	Ben Wright, School Places and Capital Team Leader.	By April 2023.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	Ben Wright, School Places and Capital Team Leader.	By April 2023.

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Eliminate discrimination, harassment, victimisation

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.
These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

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Report Title:	RBWM Night Time Economy Strategy
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr David Cannon – Cabinet Member for Anti-Social Behaviour, Crime and Public Protection
Meeting and Date:	Cabinet – 25 August 2022
Responsible Officer(s):	Andrew Durrant – Executive Director Place David Scott – Head of Communities
Wards affected:	All



REPORT SUMMARY

This report sets out RBWM’s Strategy towards managing the wide ranging impacts of the Night Time Economy (NTE), so as to ensure that the Local Authority’s role, as one of several agencies involved in managing the NTE, is known and shared with partner agencies, and the public as part of a joint and transparent approach to dealing with the impacts an active NTE has.

There are a range of impacts that arise from an active NTE and these affect different sections of our community, and the purpose of having a shared NTE Strategy is to seek to manage the differing needs and the wide ranging impacts an active and thriving NTE brings to the towns and the local residents and businesses, as well as the wider infrastructure that determine the character, nature and appeal of the area and the NTE itself.

The council is one of a number of critical parts to managing the NTE and considers it beneficial to all involved from the many different angles, to develop a publicly shared strategy that sets out the key factors that will help to ensure an effective balance between the various needs of different groups are managed to be effective and enable a collaborative approach between all agencies.

Managing the NTE has been a long term challenge but a number of recent changes over the last three years have introduced a greater need to actively address the issues linked to having a thriving and mixed NTE. These include: increasing numbers of residential dwellings in the town centres, resurrection of activity levels similar to pre-Covid pandemic times in hospitality venues, resourcing levels of a number partners who manage the NTE and the resultant impacts and consequences, and the need to improve safety and well-being of all those involved, residents, businesses, visitors.

The report seeks to secure Cabinet approval to share our priorities to manage the impacts of the NTE with our partners and the public, to ensure there is a joint and collaborative approach which will support our corporate priority of creating a sustainable borough of opportunity and innovation, and seeks to balance the needs of having thriving communities and having inspiring places to live in and visit.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Endorses the approach outlined to develop a Strategy for the Night Time Economy across the Royal Borough of Windsor and Maidenhead that seeks to address the range of impacts both positive and negative that busy NTE in the main town centres involve.
- ii) Endorses the draft Vision and Key Objectives set out
- iii) Agrees to seeking active engagement with all partners to achieve and balance the different priorities that having thriving NTE raises, including the economic, reputational and public safety and wellbeing factors.
- iv) Agrees to the further development of funding bids to the Borough's capital programme and exploring external sources of grants to support the infrastructure improvements associated with the management of the NTE.

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

Options

Table 1: Options arising from this report

Option	Comments
<p>To develop a strategy that takes into consideration the diverse and at time conflicting needs of the different groups who are directly impacted by thriving NTE, such as local residents, local businesses, visitors, and other agencies who have an active role in managing the NTE and its impacts.</p> <p>This is the recommended option</p>	<p>The NTE can be broadly divided into two sections the early night time, (typically up until midnight) and the late night time typically after midnight until typically 4 or 5am.</p> <p>An effective strategy needs to consider and address the different issues these two sectors create and the different measures required to seek to balance the impacts.</p>
<p>Not to have a Borough Strategy that seeks to engage and involve the wide range of partners and the public in the approach being adopted.</p>	<p>Without a coordinated and shared approach it is unlikely the negative impacts of the NTE will be managed and the best possible balance between positives and the negatives that are linked to the NTE will be achieved.</p>

- 2.1 RBWM has three main NTE, these are closely linked to the three main town centre areas of Windsor, Maidenhead and Ascot. Whilst there are some common features there are also some unique characteristics to these three different areas. The unique aspects are linked to the types, size and numbers of venues in each town centre area, and in turn to the regeneration of each town centre, either post Covid return to business or in the longer-term journey of the rejuvenation in each town.
- 2.2 The NTE (both evening and late) have a significant contribution to the local economy, employment and reputation of the town centres, for those who live,

work, or visit them. The NTE shapes how people perceive our town centres, from these different perspectives, including as residents, employees or visitors (who can be drawn from relatively close or further afield).

- 2.3 RBWM's Corporate Plan is focused on seeking to provide Thriving Communities where families and individuals are empowered to achieve their ambitions and fulfil their potential, ensuring that the whole of the NTE is contributing to this is essential if the Borough is to be seen as having Inspiring Places that supports the Borough's future prosperity and sustainability.
- 2.4 Developing a borough strategy that then engages with all those different segments that make up the NTE, and seeks to help shape our town centres to be places that people want to be a part of, is critical to avoid a disjointed and uncoordinated approach. Making effective use of the limited resources available is essential to achieving the positive outcomes that the whole of the NTE can bring and avoid the negative scenario where there is anti-social behaviour, alcohol and drugs related or induced crime and or disorder.
- 2.5 A positively managed NTE will help prevent risks to public health that may arise through a wide range of effects, from disturbed sleep for those who live in or close to the NTE focus areas, and well as reducing the impacts of increased consumption of alcohol (and drugs), and the increased risks of some criminal activities, which could include sexual exploitation. Tackling violence against women which can be linked to the NTE is also a key outcome to be secured through the strategy.
- 2.6 There are already a number of key initiatives in place that seek to help manage the impacts of the NTE these include:
 - Pub Watch – a coordinated approach to managing the licenced premises with Thames Valley Police, Licencing and the licensed operators working together to deal with individuals who fail to comply with licensing requirements.
 - Street Angels – a volunteer welfare support service that operates at peak times to provide care and safety support to individuals who may be at risk through over-indulgence or other effects from drugs, alcohol or relationships. Further details are available from their website: <https://streetangelswindSOR.org/>
 - Safe Spaces - includes Ask for Angela / Ask for Annie – licenced premises providing confidential and emergency support to vulnerable persons through coded requests for help.
 - Operation Vigilant – a Thames Valley Police operation that operates at different scales of activity, (depending on how busy each weekend is forecast to be, based upon equivalent weekends from previous years), that reflect risk and threat levels from predatory individuals seeking to exploit vulnerable individuals during or after the night-time visits.
 - Community Radio and Control Room – providing a central point for co-ordinating and responding to incidents and issues in conjunction with venue operators and the Police.
- 2.7 The Council has already approved an initial capital sum, in the adopted capital programme for modest improvements to and physical changes to reduce the impacts of fall-out from the NTE through regular anti-social behaviour. This has been used to extend the CCTV network coverage, and increase lighting

levels in key dispersal areas, and will also be used to close access points which lead to ASB and inappropriate behaviours in neighbouring residential areas.

- 2.8 There are some new advances in technology, which will help with tracking volumes and locations of users of the NTE that will assist with further improving deployment of resources and identification of hot spots to help manage out risk area.
- 2.9 This work will also link with the Windsor Visioning work to help develop a safe and attractive town for the benefits of residents and visitors and businesses.

3. KEY IMPLICATIONS

- 3.1 Following the period of reduced or no NTE due to Covid, the activity levels in the three towns has continued to return since the final government restrictions for Covid safety purposes were lifted when the government published its Living with Covid strategy. Although overall levels may not yet have returned to the pre-pandemic levels, overall the numbers in all three towns have increased and are continuing to grow month on month within the seasonal norms of variation.
- 3.2 There has been a notable increase in the numbers of incidents that appear to be alcohol induced and there is a working assumption that this may be linked to the extended period when the NTE was closed due to the Covid Pandemic, and a significant number of younger people turned 18 years of age, who were in effect unable to join the NTE whilst it was closed. Once the restrictions were lifted there appears to have been a surge in re-establishing participation without a more gradual introduction to the participating in the NTE in a safe and managed manner.
- 3.3 A focus on reducing the levels of harm from alcohol has benefits that go beyond the benefits to the individual including reducing pressure on the health system, reducing the risk of violence against women and girls (VAWG), and the overall management of the dispersal of the large volumes of people particularly when the late NTE venues close, and the policing of these activities.
- 3.4 It is considered proactive and beneficial to develop an RBWM Strategy for the NTE so that the Borough is better placed to manage the expectations of residents, visitors, partners, and to improve the reputation of our town centres as safe and positive destinations for the public to visit. Developing a clear strategy will help everyone be clear about what it is the Borough can address and what it cannot. It will also set out the new areas that can be explored such as Purple Flag accreditation or other mechanisms that would help manage the impact of the NTE such as those tools and options the Licencing Panel have considered in outline, further details of which are outlined in para 3.8.
- 3.5 The Borough has a number of different roles to fulfil, including being: the Licencing Authority, the Planning Authority, the Trading Standards authority, having a leading role in an effective Community Safety Partnership, and managing the economic growth and regeneration of thriving town centres that are more sustainable, and attractive to residents and businesses. It also

includes the role as the Highways Authority, and for Environmental Protection purposes to address the infrastructure and wider community impacts.

- 3.6 The development of a Borough Strategy that is then used as the basis of actively engaging with partners is considered a proactive mechanism that will enable a shared vision with a set of objectives to be adopted and be the basis of an effective joint approach to tackling the various different aspects that having an evening and late NTE involves. From the multi-team RBWM Officer Working Group a draft 'Vision' has been identified with a series of 'Key Objectives', as the basis of the of the strategy, these are as follows:

Vision – To ensure RBWM’s Evening and Late Night-Time Economies (E&LNTE) are thriving and a safe for all, securing and appropriate balance for residents, who live the central areas of our towns and for those who want to visit and enjoy the venues.

Key Objectives

- To support a thriving and high quality night time economy offer, which is enjoyed by a wide range of residents and visitors, whilst balancing the differing needs of local communities.
- To grow the local night time economy, supporting local businesses, without adverse implications and impact, and reflect the segmentation of the economy.
- To ensure safety – reducing anti-social behaviour and violence at night time in town centres – and prioritising feelings of safety among women, and those that work in the NTE.
- To facilitate and enable easy access to and from town centres at night – including minimising delays or risks that can arise from slow departures especially at the end of trading for the Late NTE.

Success measures for these key themes would be developed to reflect: strength of offer and footfall: spend and business turnover: levels of ASB and sexual assault, feelings of safety and noise complaints: transport arrangements and closing time management. These will be developed as the Strategy is agreed with partners.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
To have a clear and shared RBWM vision and strategy for our Night Time Economies (Evening and Late)	No vision and strategy agreed with key partners to address NTE issues	A vision and strategy agreed with key partners that address NTE issues	A vision and strategy agreed with key partners, that tackles NTE issues and promotes joint delivery	N/A	December 2022

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
To engage effectively with all key stakeholders to communicate the RBWM strategy and develop a joint approach to tackling the impacts of having thriving NTE.	No effective engagement with stakeholders on strategy	Effective engagement and communication on strategy	Effective engagement and communication that actively addresses key issues arising from the NTE	N/A	December 2022

- 3.7 The strategy needs to engage external partners. An internal multi-team officer working group has been looking at these issues and it is now considered essential to seek external engagement with: Residents, the NTE trade, other local businesses, Police, Health, the Voluntary Sector and others as necessary to secure a joined up approach. There has been some recent examples of closer community engagement and working together, between the Police, local residents, the Borough, local NTE Venue operators and others, which has demonstrated this joint approach can be very effective at identifying and tackling issues linked to the NTE in a way that secures better outcomes for all involved. This strategy seeks to build on that approach and recent success.
- 3.8 There are a number of difficult key issues that need to be considered in the detail of the strategy, and these do not have simple solutions but are core to tackling some of the negative consequences of the late NTE in particular. For example:
- Having a clear and transparent approach to what is the ‘Terminal Hour’ for the end of licensing in all venues, but which is still in line with the core Licensing Act 2003 objectives which are:
 - Prevention of crime and disorder,
 - Prevention of public nuisance,
 - Public Safety and
 - Protection of Children from harm
 - Consider if there should be any sort other licensing options that are above and beyond routine inspection and enforcement activity. There are three statutory provisions that licensing authorities can consider and

these are: a Late Night Levy (LNL), A Cumulative Impact Assessment (CIA) and an Early Morning Alcohol Restriction Order (EMRO). The April 2022 Licensing Panel received an options review report on these. Whilst these options do exist nationally for licensing authorities, there has been a very, very low take up and this is testimony to complex issues linked to them. The Licensing Panel Report outlines these issues in more detail.

- Adopting a wider 'Place' management approach, to enable a range of place-based factors to be taken into consideration, eg street lighting levels, parking and traffic management plans, Private Hire and Hackney Carriage drop off, collection and pick up points, safety of crowded places, noise separation zones, to reduce and tackle ASB, public space design in areas near to or adjacent to area of NTE use to design out the risk of crime or ASB.
- Identify what else can be done to contribute towards reducing the levels of Violence against Women and Girls, and contributing to the wider Serious Violence Reduction work that is part of the national government strategy to tackle serious violence and make Thames Valley a safer place.
- Working even more closely with the Police to track and record all incidents by type and location, and any specific links to licensed venues so that even more detail is available when license applications are made, or variation to existing licences are made, and help provide a stronger evidence based information set for the relevant consideration in connection to applications.

3.9 There is also an opportunity to link with the UK Shared Prosperity Fund, (UKSPF) see [UK Shared Prosperity Fund: prospectus - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/102442/uksp-fund-prospectus-2022-23-24-25.pdf) which is a scheme linked to the national government's Levelling Up agenda. There are three key investment priorities for this fund which are: Community and Place, Supporting Local Businesses and People and Skills. The £2.6 Billion fund has been allocated by formula for investment over the next three years. (2022/23 – 2024/25). Some initial work has been undertaken on how the limited RBWM allocation might be used, but further work is in hand to develop this detail.

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 The NTE is starting to return towards the pre-Covid activity levels, but this remains variable and is still in recovery mode. Pre-Covid at a National level NTE generated £66 Billion to the UK economy (Source LGA 2019 Survey). This is 6% of GDP, and the directly involved employment represents 8% of employment nationally.

4.2 Absolute figures are not currently available for the local market place, but the RBWM equivalents indicate that due to the high volumes of accommodation and food services in the borough, the employment opportunities are higher locally than compared to the south east as a region and to England as a whole (9.6% vs 7.7%). At the present time employment opportunity demand

continues to outstrip supply and a number of businesses have been unable to re-open fully post Covid restrictions, as there are insufficient people wanting to return to this employment sector. Work is ongoing to look at how older age employees who may be choosing not to be employed, could be attracted back into the sector to help address this shortfall in supply.

- 4.3 The impact of Covid on the NTE over the 2020 – 2022 period was very significant with national restrictions preventing venues from operation for significant periods during the periods of lock down. However, since the removal of restrictions the NTE has seen a steady re-growth and although still mixed, activity levels have in some venues returned towards pre Covid levels, although the age cohort attending venues appears to have become younger, with an increase in 18-23 age compared to the previous dominant cohort which was the 23-29 age group.
- 4.4 Further work is needed to identify the costs of seeking external accreditation schemes such as Purple Flag Accreditation, or other licensing controls, and it should also be noted that the E&LNTE sector are currently benefiting from a government based Business Rate Subsidy scheme which is currently due to end in March 2023, such that any proposals to introduce new charges is likely to be very market sensitive and not welcomed by the business, and some may find any increase the final straw and create greater risks of business closure..
- 4.5 The strategy development will require active engagement with Partners, much of this can be done through existing teams and resources. However more detailed work is needed to develop the wider financial implications of individual strands to address the issues outlined.
- 4.6 It is proposed that Officers develop Capital Bids for the next three years to link with the UPSPF allocations that would link to the Councils agreed capital strategy and corporate plan and seek to utilise both S106 and CIL opportunities where appropriate, in order to improve the infrastructure which is needed in and adjacent to the key NTE focal points in the three main towns. This will need to align with the councils budget setting process

5. LEGAL IMPLICATIONS

- 5.1 The Authority has as a number of different statutory roles as outlined in para 3.5. Tackling some of the issues that relate to the licensing activities of venues and related operations such as Private Hire Vehicles and Hackney Carriages will need to be in accordance with the relevant legislation and legal frameworks, and the options referenced in para 3.8 are complex, and likely to receive significant push back from licensed venues who would be impacted by these measures.
- 5.2 At the present time there are a few LNLs but no EMROs in place across the country, and this is indicative of the complexity of the issues involved, and the difficulty in assimilating the necessary evidence base that each of these controls needs to be built upon. It is expected that if the authority were to progress with any of these specific options, some external experts would be required to support the work of in-house teams who have a role but do not have the capacity to undertake the more detailed collection and assimilation needed to inform a decision paper on such matters.

6. RISK MANAGEMENT

- 6.1 The approach being recommended in this report seeks to secure active engagement with all the relevant parties, but at the same time making it clear to residents in particular, that the Borough is seeking to manage the complex issues that having thriving and vibrant night time economies in the borough's town centres brings.
- 6.2 It is expected that that the local businesses who are most directly impacted by the NTE will take a very close interest in the evolution and focus of a multi-agency strategy that the Borough's approach seeks to develop. The industry as a whole is likely to challenge significant change if that were to be the outcome from the further work to look at how to address the negative impacts that generally are the reasons when the NTE is not universally welcomed by all.

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). A screening EqIA Form has been completed and is included as Appendix 1. A part of the strategy outlined in this report is to seek to engage with all the relevant parties, some of whom will be in favour of promoting and developing the NTE whilst others will favour more restrictions to seek to reduce or eliminate the negative consequences of the NTE in our town centres.
- 7.2 Climate change/sustainability. The development of the NTE strategy will look at how the NTE can contribute towards the town centres being more sustainable. The wide ranging positive and negative impacts of the NTE include, employment, transport, energy utilisation and how these can be tackled in a way to support the Council adopted position with respect to the climate emergency.
- 7.3 Data Protection/GDPR. No personal data is being processed as a result of this report.

8. CONSULTATION

- 8.1 Recommendation i.) will seek to make it clear that the Council wishes to address the unintended impacts that the NTE has within the legal and legislative frameworks that it must follow to fulfil its statutory roles, and Recommendation ii.) seeks views on the draft Vision and key objectives for an RBWM NTE Strategy. Recommendation iii) seeks to recognise there are a number of different parties who will have views on this issue, but the borough will be actively seeking their input in order to inform the overall outcome. Recommendation iv) seeks agreement to develop further capital bids and to explore support for other funding opportunities.

9. TIMETABLE FOR IMPLEMENTATION

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

Table 3: Implementation timetable

Date	Details
25/08/2022	Consideration by Cabinet
Sept to December 2022	Engagement with the various partners and related residents and business on the strategic ambition to address the impacts of the NTE
January 2023	Provide an update to Cabinet on the response to the strategic approach being taken with partners and others.

10. APPENDICES

10.1 This report is supported by one appendix:

- Appendix A – Equality Impact Assessment Screening

11. BACKGROUND DOCUMENTS

11.1 This report is supported by one background document:

- Licensing Panel [report](#) - Dealing with the Night Time Economy – Licensing Options: 19 April 2022

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	26/07/22	28/07/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	26/07/22	27/07/22
<i>Deputies:</i>		26/07/22	
Andrew Vallance	Head of Finance (Deputy S151 Officer)	26/07/22	28/7/22
Elaine Browne	Head of Law (Deputy Monitoring Officer)	26/07/22	28/7/22
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	26/07/22	28/7/22
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager		
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	26/07/22	

Andrew Durrant	Executive Director of Place	19/07/22	20/07/22
Kevin McDaniel	Executive Director of Children's Services		
<i>Heads of Service (where relevant)</i>			
<i>Rebecca Hatch</i>	Head of Strategy	9/8/22	
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cllr David Cannon – Cabinet Member for Anti-Social Behaviour, Crime and Public Protection	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision - First entered into the Cabinet Forward Plan: June 2022	No	No

Report Author: David Scott – Head of Communities 07710 352 095
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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy	x	Policy		Plan		Project		Service/Procedure	
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Responsible officer	David Scott	Service area	Communities	Directorate	Place
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Stage 1: EqlA Screening (mandatory)	Date created: 18/07/2022	Stage 2 : Full assessment (if applicable)	Date created :
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): David Scott – Head of Communities

Dated: 10/08/2022

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

A report to Cabinet to seek to publicly confirm the proposed approach to developing a Night Time Economy Strategy for RBWM, to be used to make the approach being adopted to tackle the impacts of the NTE and to engage with delivery partners, residents, businesses and others as necessary public, and develop an approach that will seek to minimise the adverse impacts of the evening and late Night Time Economy.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Yes	Low	Positive	<p>The strategy will seek to consider how any changes in the profile of users of the NTE may need to be taken into account when developing the strategy outcomes.</p> <p>The NTE is more likely to impact on younger adults, those either working or participating and visiting the NTE venues. This age cohort is predominantly in the 18 - 40 year olds.</p> <p>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</p>
Disability	Yes	Low	Positive	<p>The strategy will seek to consider how disability of users of the NTE may need to be taken into account when developing the strategy outcomes. Access to venues and all related infrastructure (including transport) will need to be taken in to consideration as the strategy emerges. Some disabilities may result in those persons being more vulnerable to risks of discrimination.</p>
Gender re-assignment	Yes	Low	Positive	<p>There is some established evidence that indicates that Trans young adults may be subject to increased levels of discrimination. The strategy will need to seek to address this risk.</p>
Marriage/civil partnership	No			
Pregnancy and maternity	No			

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Race	Yes	Low	Positive	<p><i>The strategy will seek to consider how any issues of race for users of the NTE may need to be taken into account when developing the strategy outcomes. Users of the NTE are drawn from a broad demographic mix and the strategy will seek to ensure there is no discrimination with respect to Race.</i></p> <p><i>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]</i></p>
Religion and belief	Yes	Low	Positive	<p><i>There are a number religions and faiths who either do not allow the consumption of alcohol or who will have other cultural beliefs which may reduce the participation the NTE by these members of society.</i></p> <p><i>The strategy will need to seek to facilitate an inclusive offer for those who may not wish to consume alcohol but still want to be able to participate in the NTE</i></p> <p><i>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]</i></p>

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Sex	Yes	Medium	Positive	<p><i>The strategy will seek to consider how any changes to the operation and delivery of the NTE may need to be taken into account when developing the strategy outcomes, in particular with respect to reducing or preventing Violence against Women and Girls.</i></p> <p><i>There is clear evidence that men are at greater risk of physical assault and women are at greater risk of sexual assault linked to the NTE, the strategy will need to seek to eliminate this differential and reduce both types of assault overall.</i></p> <p><i>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i></p>
Sexual orientation	Yes	Low	Positive	<p>There is some established evidence that indicates that LGBT+ young adults may be subject to increased levels of discrimination. The strategy will need to seek to address this risk, and this will include enabling venues to be safe spaces for minority groups from the LGBT+ community.</p>

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Outcome, action and public reporting

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	Not at this stage.			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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Stage 2 : Full assessment

2.1 : Scope and define

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? Common sources of secondary data include: censuses, organisational records.

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

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Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Night Time Economy Strategy EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Night Time Economy Strategy EQIA

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT
EqIA : Night Time Economy Strategy EQIA

Report Title:	Cedar Tree House, 90 St Leonards Road, Windsor
Contains Confidential or Exempt Information	Yes - Part II appendices only Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Hilton as Member for Property and Finance
Meeting and Date:	Cabinet – 25 th August 2022
Responsible Officer(s):	Adele Taylor, Executive Director of Resources and Section 151 Officer
Wards affected:	Eton and Castle

www.rbwm.gov.uk



REPORT SUMMARY

The report provides Cabinet with an overview of the options for the property at Cedar Tree, 90 St Leonards Road, Windsor. The property was a privately owned Bed and Breakfast. It was acquired by the council in May 2021 having been used since the first National lockdown in March 2020 as temporary accommodation.

The property has been vacant for a year, whilst a development proposal to refurbish the property into 8 self-contained units has been developed and a Planning Application submitted. The application has not yet been determined. It is intended that the refurbished property would provide temporary accommodation for people in housing need.

As a result of the full due diligence to implement the refurbishment of the property the construction works have significantly grown and exceed the original agreed Capital budget. To proceed with the original approval to invest in council owned assets for temporary accommodation will require an additional budget of £490,000. This would ensure that the building is fit for the intended purpose and compliant with current regulations and reflects construction inflation risk in the current market.

Alternatively, the council could reconfigure the building for affordable or key worker use or look to sell the property on the open market as a single-family house, following some minor improvement works to optimise the sale price that can be achieved. The market value of the property as a house unimproved is £800,000 or fully refurbished to current market standards is £1.15m. The sale of the property would seek to mitigate the ongoing financial risks to the council however result in the loss of opportunity to provide 8 self-contained units for temporary accommodation.

The options have a financial impact, either to commit to unplanned additional capital expenditure or a sale receipt that does not recover the full capital cost expended to date. Further, there remains the Planning risk, if refused there would be additional costs and the loss of a social asset to help meet the Borough's Housing requirements.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Notes the risk in relation to the grant of planning consent
- ii) Approves the virement of £490,000 from the Ray Mill Road East Capital budget (option A) to complete the refurbishment project for 7 temporary accommodation units OR
- iii) Approves the virement of £490,000 from the Ray Mill Road East Capital budget (option B) to complete the refurbishment project for 3 affordable / key worker units
- iv) Notes the option to sell Cedar Tree House (option C) as a family dwelling for best market consideration
- v) Delegates authority to the Director of Resources in consultation with the Managing Director of the Property Company to enter a works contract.

2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED

Options

Table 1: Options arising from this report

Option	Comments
<p>1. Agree to the virement of £490,000 from Ray Mill Road East capital budget to enable the full refurbishment of the property for temporary accommodation.</p> <p>This is the recommended Option (A)</p>	<p>This option subject to planning consent, enables the property to be brought into operational use providing good quality temporary accommodation as per the council's priorities.</p>
<p>2. Agree to the virement of £490,000 from Ray Mill Road East capital budget to enable the full refurbishment of the property for reduced number of rooms for affordable/key worker accommodation</p> <p>This is option B</p>	<p>This option, subject to planning consent, enables the property to be brought into operational use for 3 affordable/key worker accommodation. Although differing from the initial intended use it still supports the council's wider priorities.</p>
<p>3. Sale of the property on the open market.</p> <p>This is not the recommended option</p>	<p>This option provides a strategy that minimises the financial risk of proceeding with the refurbishment project. Some refurbishment works will still be required to achieve the valuation price.</p>
<p>4. Do nothing.</p>	<p>The asset would be retained with no rental income and ongoing maintenance liability, and limited options for alternative use.</p>

Temporary Accommodation Refurbishment Option (A)

- 2.1 Completing the refurbishment project requires an additional £490,000 which includes contingency of 15% on the works budget to consider construction inflation risk. This represents an uplift from the initial cost plan which informed the budget in March 2022. Given the volatility of the construction market the updated budget provides a buffer against rising costs in the immediate term. The proposed works need to move forward quickly to mitigate inflation and construction cost increases if the project is retained for temporary accommodation.
- 2.2 The benefits of this property being retained following the refurbishment are:
 - a) A reduction in revenue costs of temporary accommodation (TA) by bringing back the decanted occupants into council owned accommodation.
 - b) The ability for the housing team to manage placements to ensure efficient use of the rooms and retain placements within the borough.
- 2.3 The planning strategy has evolved and the initial application for the change of use C1 (B&B) to C3 (Residential) and addition of a dormer will be withdrawn. The LPA has concerns on the design within the conservation area and so a revised application is due to be submitted for a dormer more sympathetic to the local area. This has resulted in a reduction of units from 8 to 7 self-contained studios.

Affordable/Key Worker Refurbishment Option (B)

- 2.4 The option for refurbishment for affordable/key worker accommodation provides an alternative use option that supports the council's needs for provision of affordable options in the borough.
- 2.5 To meet national space standards, 3 flats could be provided for residential use. The impact of this is a reduced income due to the lower number of units. This option also requires an additional budget of £490,000 as per the above option.

Sale Option (C)

- 2.6 The sale of the property would minimise the financial exposure of the council to increased construction cost and the Planning risk. However with the property's current condition, requiring improvement and purchaser sentiment interest may be limited, hence the sale value required to mitigate the full costs work to date would not be achieved. The price advice provided in the independent valuation is that the property would achieve £800,000 as is or, £1.15m full restored to current market standards.
- 2.7 Some works to the property will need to be carried out to ensure it is marketable. The asbestos within the property has been removed and remedial works are required to reinstate parts of walls and ceilings. Some further mechanical and electrical works would be required followed by a redecoration of the property to support the sale of the property.

2.8 The sale of the property will result in the loss of opportunity to own temporary accommodation which is a strategic priority of the Council.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Provide 7 self-contained units for use as temporary accommodation	February 2023	December 2022	November 2022	n/a	30 December 2022
Provide 3 flats for affordable or key worker housing	February 2023	December 2022	November 2022	n/a	30 December 2022
Disposal of property	November 2022	September 2022	August 2022	n/a	30 September 2022

4. FINANCIAL DETAILS

4.1 If the property is sold on the open market, the existing budget will be used to carry out the improvement works and pay the associated sale fees. The Sale proceed would not provide a sufficient capital to render the project cost neutral.

4.2 If the property is retained, this report requests the virement of £490,000 from the Ray Mill Road East capital budget to complete the project. The expenditure will be incurred in 2022/23 with an anticipated project completion date of 30 December 2022.

4.3 The Ray Mill Road East project is no longer proceeding as CALA have withdrawn from the scheme. The approved budget for Ray Mill Road East is £4.45m to deliver affordable housing. The virement of £490,000 will ensure that the aim of part of the funding is still met. The remainder of the budget is intended to support other projects and will be presented to Cabinet in due course.

4.4 The initial budget request of £360,000 was based on cost plan provided in March 2022 for an 8-unit scheme. Following a review of the design to 7 units and the increase in construction costs the table reflects the required budget to proceed with the refurbishment. The base position as of June 2022 considers the current market position with some construction inflation built in until August 2022. With the uncertainty in the market a healthy contingency is needed to ensure that the project is completed to the standard required for the intended use.

4.5 Sensitivity table:

As at March 2022	Base position as at June 2022	+5%	+10%	15%
-------------------------	--------------------------------------	------------	-------------	------------

£1,971,072	£2,017,788	£2,045,163	£2,072,538	£2,099,913
Capital Request				
£360,000	£410,000	£435,000	£462,000	£490,000

- 4.6 The table above highlights the impact of cost increases on the project budget and supports the recommendation for the addition of £490,000 to the capital programme for 2022/23.
- 4.7 If option A is chosen, the completed project will provide 7 self-contained units for temporary accommodation use. This will reduce the reliance on private landlords and make a saving of c.£39,000 per annum in revenue costs.
- 4.8 If option B is chosen, the completed project will provide 3 flatted units for affordable/key worker accommodation. No revenue savings will be achieved with this option.
- 4.9 The council will use available balances and capital receipts before undertaking borrowing to reduce any unnecessary revenue costs. If it is necessary to borrow to support the achievement of this proposal, then the estimated revenue implication of this would be approximately £17,500 p.a. over the borrowing period of fifty years.

Table 3: Financial impact of report's recommendations (refurbishment option)

REVENUE COSTS	2022/23	2023/24	2024/25
Additional total	£8,750	£17,500	£17,500
Reduction*	£(20,000)	£(39,000)	£(39,000)
Net Impact	£(11,250)	£(21,500)	£(21,500)

*Reduction is revenue is achieved only with Option B

CAPITAL COSTS	2022/23	2023/24	2024/25
Additional total	£490,000	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

Sale Option

- 5.1 The Council has the power to dispose of land in its ownership under s123 of the Local Government Act 1972 provided that the property is sold at a consideration not less than the best that could reasonably be obtained in the market. The RBWM Property Company team will undertake the necessary due diligence to appoint an agent and complete the sale to achieve best value.

Refurbishment Procurement

- 5.2 A Joint Contracts Tribunal (JCT) Intermediate Building Contract 2016 is proposed to be entered into with the successful Tenderer/Contractor whereby the Contractor carries out the construction works. RBWM Property Company

Limited will ensure contractual safeguards are put in place with the contractor including Defects Liability Period, Ascertained Damages and Retention Payment.

6. RISK MANAGEMENT

Table 4: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Increased expenditure on refurbishment works	Medium	Cost planning advice and Design to stage 4 prior to tender stage for cost certainty and control.	Medium
Planning consent not granted for change of use or dormers / Local objection	High	Pre-application consultation and implementation of planning advice has provided some mitigation although planning consent still a risk.	High
Contractual risk of contractor going insolvent	High	Financial vetting of contractor. Contractual safeguards including, up to date contractor's insurances, payment retention, insolvency cover.	Medium
Minimum sale price not met and as a result, costs to date not recovered	High	Valuation carried out to inform expected sale value and scope of works to maximise return	Medium

7. POTENTIAL IMPACTS

Equalities

- 7.1 An Equality Impact Assessment was carried out and is attached in Appendix 2.
- 7.2 The council has a responsibility to support those in need of accommodation. This property would enhance the portfolio of housing options available to residents ensuring that no one is left behind. The provision of affordable housing should be a mix of longer and shorter-term options to support the Corporate Plan priority of providing a ladder of housing opportunity. It will enable the housing team to support families and individuals to establish independence and move on to alternative longer term affordable accommodation.

Climate change/sustainability

- 7.3 This project brings an existing property into more efficient use. The building is being retained and improved for use and as a minimum, the Energy Performance Certificate will achieve a rating of C in accordance with current Building Regulatory requirement following the refurbishment works. As a result, the project does not have a negative impact on sustainability.

Data Protection/GDPR

- 7.4 The project does not have a Data Protection requirement.

Asset Management

- 7.5 The Property will be transferred to RBWM Property Company on completion of the works for management of future maintenance.

8. CONSULTATION

- 8.1 The purchase of Cedar Tree House was considered at Council in April 2021. Ongoing consultation has taken place between the Housing and Property teams.
- 8.2 Further consultation is being undertaken as part of the statutory planning process.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: 9th May. The full implementation stages are set out in table 5.

Table 5: Implementation timetable

Date	Details
15 th March 2022	Planning application submitted
31 st March 2022	Tender pack prepared
19 th August 2022	Tender pack issued
29 th September 2022	Contractor appointment (subject to planning consent)
30 th December 2022	Completion of works and preparation for transfer to Property Company
30 th November 2022	Service Level Agreement in place between Council and RBWM Property Company

10. APPENDICES

- 10.1 This report is supported by 2 appendices:

- Appendix 1 – RBWM Property Company Investment Report (**Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**)
- Appendix 2 – Equalities Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report has no supporting background documents.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputies)</i>			
Adele Taylor	Executive Director of Resources/S151 Officer	20.05.22	26.05.22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	20.05.22	26.05.22
<i>Deputies:</i>			
Andrew Vallance	Head of Finance (Deputy S151 Officer)		
Elaine Browne	Head of Law (Deputy Monitoring Officer)	20.5.22	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)		
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to award, vary or extend a contract</i>			
Lyn Hitchinson	Procurement Manager		
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Duncan Sharkey	Chief Executive	20.05.22	26.05.22
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of Children's Services		
Hilary Hall	Executive Director of Adults, Health and Housing		
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing and Environmental Health	25.05.22	
<i>External (where relevant)</i>			
<i>Insert as appropriate or N/A</i>	N/A		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Growth and Opportunity	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered the Cabinet Forward Plan: May 2022	No	No

Report Author: Kiran Hunjan, Project Manager, 07800 715 485

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqlA : Title of EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project	x	Service/Procedure	
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Responsible officer	Adele Taylor	Service area		Directorate	Resources
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Stage 1: EqIA Screening (mandatory)	Date created: 22/03/2022	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Ian Brazier – Dubber

Dated: 27th May 2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqlA : Title of EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The aim of the project is to provide council owned accommodation for temporary housing placements while individuals are supported through the housing pathway.

1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as “Not Relevant”.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant			<i>Key data: The estimated median age of the local population is 42.6yrs [Source: ONS mid-year estimates 2020]. An estimated 20.2% of the local population are aged 0-15, and estimated 61% of the local population are aged 16-64yrs and an estimated 18.9% of the local population are aged 65+yrs. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Disability	Not relevant			
Gender re-assignment	Not relevant			
Marriage/civil partnership	Not relevant			
Pregnancy and maternity	Not relevant			
Race	Not relevant			<i>Key data: The 2011 Census indicates that 86.1% of the local population is White and 13.9% of the local population is BAME. The borough has a higher Asian/Asian British population (9.6%) than the South East (5.2%) and England (7.8%). The forthcoming 2021 Census data is expected to show a rise in the BAME population. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Religion and belief	Not relevant			<i>Key data: The 2011 Census indicates that 62.3% of the local population is Christian, 21.7% no religion, 3.9% Muslim, 2% Sikh, 1.8% Hindu, 0.5% Buddhist, 0.4% other religion, and 0.3% Jewish. [Source: 2011 Census, taken from Berkshire Observatory]</i>
Sex	Not relevant			<i>Key data: In 2020 an estimated 49.6% of the local population is male and 50.4% female. [Source: ONS mid-year estimates 2020, taken from Berkshire Observatory]</i>
Sexual orientation	Not relevant			

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No			
Does the strategy, policy, plan etc require amendment to have a positive impact?	No			

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.
These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

Report Title:	Special Educational Needs and Alternative Provision Capital Strategy
Contains Confidential or Exempt Information	Yes – Main report and appendices A and B are Part I. Appendix C is Part II and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Stuart Carroll, Deputy Chairman of Cabinet, Adult Social Care, Children’s Services, Health and Mental Health
Meeting and Date:	Cabinet, 25th August 2022
Responsible Officer(s):	Kevin McDaniel, Executive Director of People Services
Wards affected:	All wards

www.rbwm.gov.uk



REPORT SUMMARY

The Royal Borough of Windsor and Maidenhead has been allocated £3.7m of grant from the High Needs Provision Capital Allocation (HNPCA), which can be used to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP). In addition, the government has announced a new wave of SEND and AP free schools nationally and is inviting bids from interested parties.

It is proposed that a SEND and AP Capital Strategy is developed to draw these capital plans together, based on a number of proposals that will go out to public consultation first. These proposals include up to four new Resource Bases attached to mainstream schools, and a new early years hub to work with children with Social, Emotional and Mental Health (SEMH) as a primary need.

The recommendations in this report will help the borough achieve its corporate objective of ‘Thriving Communities’ by making it easier for children and young people to achieve their ambitions and fulfil their potential. The proposed capital strategy will also help provide quality infrastructure for children and young people, meeting the corporate objective of ‘Inspiring Places’.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Requests that officers carry out a public consultation in Autumn 2022 on proposals to be included within a new Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy.**
- ii) Requests a report back to Cabinet in January 2023, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment.**
- iii) Requests that officers review the need for new Alternative Provision in the borough and, if needed, proceed with the creation of a**

partnership locally with the aim of submitting an application for a new Alternative Provision free school serving the borough.

- iv) Requests that officers prepare a full application for a new special free school on the AL21 West of Windsor site.
- v) Recommends a new, £100,000, budget to full Council for feasibility and initial design works on the proposals to be included within the SEND and AP Capital Strategy, funded by the High Needs Provision Capital Allocation.
- vi) Approves a virement of uncommitted grant funding from the Special Provision Capital Fund to support increased capital costs of the new SEN Unit at South Ascot Village Primary School, as set out in Appendix C (Part II).

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

Providing sufficient school places

- 2.1 The Education Act 1996 sets out a statutory duty on local authorities to provide enough school places, including provision for children with special educational needs and disabilities (SEND) and alternative provision (AP). The Children and Families Act 2014 places further important statutory responsibilities for supporting children and young people with SEND, including keeping the level and scope of educational provision for them under review.

Consultation on a new SEND and Alternative Provision Capital Strategy

- 2.2 There are a number of national policy changes, opportunities and capital grants that currently affect SEND and AP school places. In some cases, public consultation is required. This report proposes bringing these elements together into one public consultation, to be carried out later this year. Following consultation, officers will develop a SEND and AP Capital Strategy, for consideration by Cabinet in January 2023.

- 2.3 This report summarises the latest developments, and proposes a number of items for inclusion in the draft SEND and AP Capital Strategy.

Government's SEND Review

- 2.4 In March 2022 the government published its green paper, *SEND Review, Right support, Right place, Right time*. The paper identifies three key challenges facing the SEND system nationally:

- outcomes for children with SEN or in alternative provision are poor.
- navigating the SEND system and alternative provision is not a positive experience for children, young people and their families.
- despite unprecedented investment, the system is not delivering value for money for children, young people and families¹.

- 2.5 The green paper proposes a number of actions, of which the most relevant to capital are to:

¹ Page 10, [SEND review: right support, right place, right time](#), Green Paper, DfE, 29th March 2022.

- establish a new national SEND and alternative provision system setting nationally consistent standards for how needs are identified and met at every stage of a child’s journey across education, health and care.
- invest £2.6 billion, over the next three years, to deliver new places and improve existing provision for children and young people with SEND or who require alternative provision. [The DfE] will deliver more new special and alternative provision free schools in addition to more than 60 already in the pipeline².

2.6 The national consultation on the green paper ended on 22nd July 2022. The government expects to publish a national SEND delivery plan, setting out its response to the consultation and how change will be delivered, later in 2022.

The Royal Borough’s SEND strategy

2.7 The Royal Borough of Windsor and Maidenhead has recently consulted on its SEND strategy for 2022-2027 and, following this, has agreed six priorities. These are given in Appendix A. The most relevant for the SEND capital strategy is Priority 5, which says there should be:

“development of the right range of specialist provision within the Royal Borough to ensure that as many children and young people as possible can be educated in a local educational setting is a priority. There needs to be a range of provision to support parental choice and this needs to include more specialist SEMH [Social, Emotional and Mental Health] provision and a five-day week offer for post 16 young people.”³

2.8 This priority aligns with the ‘right place’ thread of the government’s green paper. The proposed SEND capital strategy will support delivery of this priority.

Current conclusions on future demand for SEND and AP places

2.9 Analysis of local SEND and AP data has shown that:

- the number of children and young people with SEND continues to increase, particularly where ASC (Autistic Spectrum Condition) and SEMH are the primary need (see Table 1 below).
- children and young people with Education, Health and Care Plans (EHCPs) for SEMH continue to be the hardest to find appropriate school places for.
- the borough continues to send significant numbers of children and young people to high-cost specialist settings, whether at state schools in other local authority areas, or independent schools both in and outside the borough (see Table 2 below).
- based on experience with residents, some parents and carers would prefer their child to be taught in an appropriately supported mainstream setting – i.e. a school with an attached Resourced Provision or SEN Unit.
- AP places are largely provided outside the borough, at Haybrook College in Burnham, Slough. These places have been purposefully commissioned to meet specific AP needs. The government’s SEND Review provides a clear direction of travel to a wider AP offer than currently provided.

² Pages 14 and 15, [SEND review: right support, right place, right time](#).

³ Page 7, [SEND Strategy 2022-2027, consultation response](#), Achieving for Children/RBWM, March 2022.

- 2.10 The tables below show the numbers of children and young people resident in the borough with EHCPs for ASC and SEMH (Table 1); the numbers (Table 2) and percentage (Table 3) of these who are attending independent sector schools.

Table 1: Children in the Royal Borough with EHCPs for ASC & SEMH

Primary need	Jan 2020	Jan 2021	Jan 2022
Autistic Spectrum Condition (ASC)	266	267	317
Social, Emotional and Mental Health (SEMH)	102	116	144
Total	368	383	461

Table 2: Royal Borough children attending independent sector schools

Primary need	Jan 2020	Jan 2021	Jan 2022
ASC	22	28	47
SEMH	13	14	20
Total	35	42	67

Table 3: No. attending independent schools as % of total

Primary need	Jan 2020	Jan 2021	Jan 2022
ASC	8%	10%	15%
SEMH	13%	12%	14%
Total	10%	11%	15%

New special and alternative provision free school waves

- 2.11 On 10th June 2022 the Department for Education (DfE) wrote to all local authorities announcing plans to invest £2.6 billion over the next three years to build new capacity and improve existing provision for children and young people with SEND or who require alternative provision. This includes delivering up to 60 new special and AP schools.
- 2.12 There are two separate application processes, one for new SEND free schools and one for new AP free schools. New schools delivered through this programme will be delivered and funded centrally, and are legally identical to academies⁴.

New Alternative Provision free schools

- 2.13 Alternative Provision free schools provide education for pupils of compulsory school age who do not attend mainstream or special schools, and who would otherwise not receive suitable education. This includes permanently excluded children and those who cannot attend school due to illness or other reasons. Local authorities are responsible for arranging suitable education for these

⁴ The difference between free schools and academies is simply that free schools are entirely new state schools, whereas academies will previously have been maintained (i.e. community, voluntary controlled or voluntary aided) state schools.

children and young people, and for those who have been subject to a fixed term exclusion of more than five days.

- 2.14 AP placements can be short or long-term, and full or part-time. APs can also offer early intervention to address behavioural issues to try and prevent fixed and/or permanent exclusions.
- 2.15 The Royal Borough's AP is currently provided through a contract with Haybrook College Trust in Burnham, Slough. The borough previously had its own APs at Brocket and St Edmund's House, both in Maidenhead. These were closed as the physical accommodation was inappropriate, and it was no longer possible to meet the needs of our residents locally.
- 2.16 The government has set out further guidance⁵ on making an application for a new AP free school. This will involve the creation of a partnership involving a lead applicant and at least one local authority. This partnership is a formal agreement between a group of people and/or organisations, working together to open a new AP free school.
- 2.17 The lead applicant can be an existing AP or mainstream provider (academy trust or independent school) or a new proposer, but not the local authority. Partnerships can also include other members, such as successful schools, independent providers, FE colleges offering 14 to 16 courses, and charities. The strongest applications will align with the priorities set out by the DfE in their green paper.
- 2.18 A pre-application will need to be completed (by the lead applicant) between 12th September 2022 and 17th October 2022, with the final application due by 17th February 2023. Successful applications are expected to be announced in Summer 2023, although DfE interviews with the strongest applications will start in May 2023.
- 2.19 The AP free school wave offers an opportunity to build upon and improve local AP. The borough will review the need for additional AP provision and, if appropriate, it is proposed that the local authority works with the relevant parties to establish a partnership and submit a pre-application this Autumn.
- 2.20 The application will require evidence of consultation on a strategy for alternative provision, and so it is proposed that this element is included in a proposed consultation on the SEND and AP Capital Strategy.
- New SEND free schools
- 2.21 Whilst the government's green paper sets out plans for more children and young people to be effectively supported in mainstream settings, there are still many children whose needs are best met in special schools.
- 2.22 The investment from the government is intended to provide children and young people with good quality SEND provision in their local area, which will reduce time and money spent on transport, and reduce the use of more expensive provision. The DfE will be prioritising applications where new

⁵ [How to apply to set up an alternative provision free school](#), DfE, 10th June 2022.

schools will help local authorities reduce the dedicated schools grant (DSG) deficits.

- 2.23 Local authorities are asked to submit applications for new special free schools in their area, by Friday 21st October 2022. Successful local authorities will be announced in late 2022/early 2023, and will then need to launch a competition process for organisations to run the new schools ('proposers'). Proposers will be asked to submit their applications in February 2023, and the DfE and local authority will then work together to consider the proposer applications for the area.
- 2.24 An initial pre-registration form for the SEND free school wave was required to be completed by 11th July 2022, and has therefore been submitted.
- 2.25 The Royal Borough currently has two special schools, as set out in Table 4.

Table 4: Special schools in the Royal Borough

School	Age group	Need	Places
Forest Bridge School	All-through	Autism	100
Manor Green School	All-through	Complex and multiple special educational needs	300

- 2.26 There are long-standing plans for a third special school, to be located in the proposed new development known as AL21 West of Windsor. This site, including land for a new school, has been approved as part of the Borough Local Plan. A planning application for the site has been submitted, and is due for consideration later this year.
- 2.27 It is proposed, therefore, that the borough submits a full application for a new special free school on the AL21 West of Windsor site. This application is for an all-through co-educational school for children and young people aged 7 to 16, with SEMH as a primary need. It is anticipated that the school would have up to 100 places. There may be an opportunity to co-locate the AP on the same site, if a bid for that is also successful.
- 2.28 The application will require evidence of consultation on a new SEND school, and so it is proposed that this element is included in the consultation on the SEND and AP Capital Strategy .

The High Needs Provision Capital Allocation (HNPCA)

- 2.29 The Royal Borough of Windsor and Maidenhead has been allocated capital funding from the DfE's High Needs Provision Capital Allocation (HNPCA). The allocations, by financial year, are as follows:

- 2021/22 £500,000
- 2022/23 £1,299,990
- 2023/24 £1,921,232
- Total £3,721,222

- 2.30 The 2021/22 allocation was announced in April 2021. The 2022/23 and 2023/24 allocations were announced in March 2022. There is currently no expectation of further allocations in subsequent financial years.

- 2.31 The purpose of the grant is to meet the capital cost of providing new places and improving existing provision for:
- children and young people with complex needs with Education, Health and Care Plans (EHCPs) and, where appropriate, other children and young people with SEND who do not have an EHCP.
 - pupils who require alternative provision, including those in AP settings without an EHCP.
- 2.32 The DfE is encouraging local authorities to invest in projects that help manage pressures on high needs revenue budgets. In particular, the DfE wants local authorities to consider prioritising projects that increase the number of suitable places for children with EHCPs in mainstream settings, i.e. Resourced Provision and/or SEN Units.
- 2.33 Other key points from the guidance are that:
- the funding is intended mainly for school aged children, but local authorities can spend it across the 0 to 25 age range.
 - there is no deadline for spending the funding.
 - the funding can be spent on provision that lies outside the local authority boundary, if that will improve the range and quality of provision for our children and young people.
 - the funding is not intended for individual mobility equipment, or for maintenance work. It also cannot be used for revenue expenditure of any kind.
 - the later allocations also include a small element for improving the suitability and accessibility of school buildings.
- 2.34 The full guidance is available on the DfE website⁶.
- 2.35 Local authorities are required to consult in an appropriate and proportionate manner with local parents, carers, young people and providers on their proposals. The local authority also is required to complete a short grant assurance survey by 1st October 2022 setting out available details of projects to be funded using the HNPCA.

The Special Provision Capital Fund (SPCF)

- 2.36 The HNPCA is a separate grant to the earlier £1.2m Special Provision Capital Fund (SPCF), which has already been partially used to open two new Resourced Provision facilities at the Dedworth Campus and at the Furze Platt Primary Federation. The SPCF is also funding a SEN Unit⁷ at South Ascot Village Primary School, which is expected to open in January 2023. A third Resourced Provision at Wraysbury Primary School is also planned, with more detailed design work expected to start in Autumn 2022. The likely opening date is September 2024.

⁶ [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.

⁷ SEN Units and Resourced Provisions are both resource bases attached to mainstream schools, but differ in the level of need that they address. Pupils attending an SEN Unit have a higher level of need, and spend more than 50% of their time in the unit. Pupils attending Resourced Provision have a lower level of need, and will spend less than 50% of their time in mainstream school.

- 2.37 It is expected that the SPCF will be fully used on the four new resource bases described above. If there any savings, these can be transferred over to projects being funded mainly by the HNPCA.

Decisions taken so far on the HNPCA

- 2.38 The Royal Borough has already approved a budget of £200,000 from the HNPCA to fund accessibility improvements (Council 20th July 2021). This project is expected to complete in Summer 2022. It is anticipated that savings on the budget will be made.
- 2.39 No consultation was carried out on this project, due to the urgency of the work. This was discussed with the DfE, who approved this approach.

New projects for consideration

- 2.40 A number of potential new schemes have been considered, and are now proposed for public consultation. These are briefly outlined below. Estimates of the capital costs of these proposals will be prepared once public consultation is underway, to be reported back to Cabinet in January 2023.

New Resource Bases

- 2.41 There are already six schools with Resourced Provision, with one more planned, alongside a new SEN Unit. These are shown in Table 5.

Table 5: Resource Bases in the Royal Borough

School	Type	Need	Places	Status
South Ascot Village Primary School	Unit	Autism	8 initially, 10 in. 2023.	Planned opening Sept. 2023.
Wraysbury Primary School	Provision	SEMH	10	Planned, possibly January 2024.
Charters School	Provision	Physical Disability	6	Open
Wessex Primary School	Provision	Hearing Impairment	9	Open
Riverside Primary School	Provision	Speech & Language	13	Open
Furze Platt Primary Federation	Provision	Autism	10	Open
Dedworth Campus	Provision	Autism	10	Open
Furze Platt Senior School	Provision	Autism	21	Open

- 2.42 Expressions of interest have been sought from schools in the borough to run new Resource Bases, whether Resourced Provision or SEN Units. The following schools have expressed an interest, and have confirmed that they would be prepared to be included in the SEND and AP Capital Strategy consultation:

- Alwyn Infant & Courthouse Junior Schools: SEMH Resource Base.
- Hilltop First School: Autistic Spectrum Condition (ASC) Resourced Provision.

- Cox Green School: SEMH Resource Base.
- Desborough College: SEMH Resourced Provision.
- Trevelyan Middle School: Cognition and Learning Resourced Provision

2.43 The proposal for a Resourced Provision at Hilltop First School has previously been consulted on (in 2020). Although there was support for the option, it was not taken forward at that time as there was no equivalent provision for children to move on to at the end of Year 4. Since then, however, the Resourced Provision for ASC at the Dedworth Campus has been opened, meaning that children leaving the Resourced Provision at Hilltop could now move on to equivalent provision there.

2.44 It is proposed, therefore, that these five proposals are included in the consultation.

Social, Emotional and Mental Health (SEMH) Hubs

2.45 As set out in paragraphs 2.9 **Error! Reference source not found.**, the numbers of children and young people with Social, Emotional and Mental Health (SEMH) needs is increasing. This, in turn, is leading to more exclusions from schools for persistent and challenging behaviour arising from unmet SEMH needs. 21 children and young people with SEMH as a primary need are currently placed in specialist SEMH settings, mainly in the independent sector.

2.46 Investment in prevention and early intervention can reduce:

- the number of EHCPs for children and young people with SEMH as a primary need.
- the number of permanent exclusions for persistent, challenging, behaviour arising from unmet SEMH needs.
- the number of placements in specialist SEMH provision, particularly in an independent setting.

2.47 One potential way of addressing part of this need is to establish new 'hubs'. Hubs allow schools or groups of schools to offer early intervention around particular needs for children and young people whilst they remain in their current early years setting or school. They are different, therefore, to resource bases where the child or young person will transfer to the host school.

2.48 The proposed hub would allow pupils to:

- access a comprehensive programme that supports the development of the whole child. This includes the physical, social, emotional and cognitive domains.
- have continued academic provision delivered by a qualified teacher.
- be surrounded by staff knowledgeable and well-trained in SEMH needs.
- be helped in working towards re-integration into their existing school setting.

2.49 One hub for early years is currently proposed for inclusion in the consultation on the SEND and AP Capital Strategy.

Early Years SEMH Hub at The Lawns

2.50 The Royal Borough's Schools Forum agreed to fund a hub pilot in the 2022/23 financial year. This revenue funding would provide a teacher and two support

assistants to work with school age children with SEMH needs. The hub will work with children for two terms to ensure that they are 'school ready', making the necessary interventions and potentially identifying any further SEND needs. The hub would also work with the pupils' families during this period. The expectation is that, after two terms, the pupils can manage their behaviour sufficiently well to attend their school (with or without an EHCP) and avoid permanent exclusions in Foundation Stage and Year 1.

2.51 The pilot is expected to benefit around six pupils, and the outreach element has now started. The outcome will be reported to the Schools Forum in 2023. If successful, the Schools Forum will be asked to approve a permanent change to the schools funding formula to support the ongoing revenue costs. This may include additional changes to support younger, pre-school age, children.

2.52 It is proposed that the hub would operate out of accommodation at The Lawns/Oakfield. This would most likely be the recently vacated bungalow, which will require remodelling and refurbishment. It is proposed that the capital cost would be covered by the HNPCA. The pilot will need to be temporarily located in other accommodation at The Lawns, as the project to remodel and refurbish the bungalow will not complete until mid-2023 at the earliest.

Temporary use of the Chiltern Road site by Manor Green School

2.53 The 'Chiltern Road' site is the former site of Forest Bridge School and Oldfield Primary School in South East Maidenhead. The Royal Borough has previously agreed in principle to the temporary use of the site until it is re-opened as a primary school.

2.54 Manor Green School have a proposed temporary use for the site as an SEN Careers Hub. This is the subject of a separate Cabinet report "*Temporary use of the Chiltern Road school site – Manor Green SEND Careers Hub*", also going to August 2022 Cabinet. A small amount of HNPCA may be used to fund accessibility improvements to the site, in addition to budget already approved by the Royal Borough for the remodelling and repair of the site.

2.55 It is proposed that, given that the Manor Green SEND Careers Hub is likely to be located at the Chiltern Road site until at least September 2025, a larger contribution is made to the remodelling works from the HNPCA grant. This proposal would be included in the consultation.

Other ideas

2.56 The consultation will invite stakeholders to suggest other ideas for capital investment, which will then (if appropriate) be brought to Cabinet for further consideration.

Next steps

2.57 It is proposed that the SEND and AP Capital Strategy consultation should include the proposals outlined above. Public consultation will start in September 2022 and run until late October 2022.

2.58 More detailed feasibility and design work will also be carried out on the proposals, so that estimated costs can be reported back to Cabinet alongside the outcome of the consultation.

South Ascot Village Primary School SEN Unit

- 2.59 As noted in Table 2, a new SEN Unit is planned for South Ascot Village Primary School, to open in September 2023. Due to increased costs and a widening of the scope of the project to best meet the needs of the intended pupils, an additional budget is sought, as set out in Appendix C (Part II). This additional budget will be funded using the remaining Special Provision Capital Fund (grant). As the virement falls between £101k and £500k, this must be considered by Cabinet, and approval is therefore requested in this report.

Options

Table 6: Options arising from this report

Option	Comments
Requests that officers carry out public consultation in Autumn 2022 on proposals to be included within a new Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy. This is the recommended option	This will allow the borough to invite views from interested parties on the proposals. For any new Resource Bases, this consultation will also count as the recommended informal consultation.
Requests a report back to Cabinet in January 2023, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment. This is the recommended option	This will provide Cabinet with the outcome of the consultation and estimated delivery costs, which will in turn enable Cabinet to agree a programme of investment in SEND and AP provision.
Requests that officers review the need for new Alternative Provision in the borough and, if needed, proceed with the creation of a partnership locally with the aim of submitting an application for a new Alternative Provision free school serving the borough. This is the recommended option	This will enable officers to proceed with the development of a bid for a new Alternative Provision free school serving the borough.
Requests that officers prepare a full application for a new special free school on the AL21 West of Windsor site. This is the recommended option	This will enable officers to proceed with the development of a bid for a new SEND free school serving the borough.
Recommends a new, £100,000, budget to full Council for feasibility and initial design works on the proposals to be included within the SEND and AP Capital Strategy. This is the recommended option	This will allow officers to develop the proposals further, and bring costed options to Cabinet for further consideration.
Approves a virement of uncommitted grant funding from the Special Provision Capital Fund to support increased capital costs of the new SEN Unit at South Ascot Village Primary School, as set out in Appendix C (Part II). This is the recommended option	This will allow the proposed SEN Unit at South Ascot Village Primary School to proceed, taking into account higher construction costs and a widened project scope.
Do nothing This is not the recommended option	It will not be possible to deliver the £3.5m capital investment in SEND

Option	Comments
	and AP places, or apply for new SEND and AP free school provision.

3. KEY IMPLICATIONS

Table 7: Key Implications

Outcome	Unmet	Met	Exceeded/ significantly exceeded	Date of delivery
Response rate of >3%	<3% response rate	>3% response rate	>5% response rate	01/12/2022
A report on the consultation and next steps is brought back to Cabinet in January 2023.	No report brought back to Cabinet.	Report brought back to Cabinet in January 2023.	n/a	26/01/2023
Pre-registration process for new free alternative provision school completed.	Pre-registration process not completed.	Pre-registration process completed.	n/a	17/10/2022
Full application for new free special school submitted	Full application not submitted.	Full application submitted.	n/a	21/10/2022
Costed feasibility and design works to be completed.	Costed feasibility works not completed.	Costed feasibility works completed.	n/a	26/01/2023
Completion of the SEN Unit at South Ascot Village Primary School	Completed later than 1 st September 2023.	Completed on 1 st September 2023.	Completed before 1 st September 2023.	01/01/2023

4. FINANCIAL DETAILS / VALUE FOR MONEY

SEND and AP Capital Strategy

- 4.1 Paragraph 2.30 has set out the availability of £3,721,222 High Needs Provision Capital Allocation (HNPCA) across the 2021/22, 2022/23 and

2023/24 financial years. £200,000 has been allocated to an approved project already.

- 4.2 This report does not yet propose budgets for specific projects to be funded by the HNPCA, as those decision will be made once Cabinet has considered the outcome of consultation on the SEND and AP Capital Strategy.
- 4.3 Funding is required, however, to carry out feasibility and design works on:
- the proposed new Resource Bases.
 - the refurbishment and remodelling of the bungalow at Oakfield First School, for use as an Early Years SEMH Hub.
- 4.4 A budget of £100,000, funded by the HNPCA, is therefore recommended to be set aside for the 2022/23 capital programme and cabinet are asked to recommend this for consideration by full Council at their meeting in September 2022.
- 4.5 The proposed new SEND and AP free schools would be funded and built directly by the DfE if the application(s) are successful.

Chiltern Road remodelling and the Manor Green SEND Careers Hub

- 4.6 As noted in paragraph 2.54, some additional changes are required at the Chiltern Road site, to make it appropriate for occupation by Manor Green School on a temporary basis as a SEND Careers Hub. A contribution of £20,000 from the HNPCA to cover the costs of making those changes is sought. As the remodelling work is already in the capital programme for 2021/22, no further permissions are required.
- 4.7 As the HNPCA is grant funded, there are no direct capital or revenue costs to the borough arising from the recommendations in this report.

Table 8: Financial Impact of report's recommendations

REVENUE COSTS	2021/22	2022/23	2023/24
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

CAPITAL COSTS	2021/22	2022/23	2023/24
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

South Ascot Village Primary School SEN Unit

- 4.8 Additional capital budget is sought to support the delivery of the new SEN Unit at South Ascot Village Primary School. The increased budget will be fully funded using uncommitted funding from the Special Provision Capital Fund, which is already funding the existing budget. The figures are provided in Appendix C (Part II).

5. LEGAL IMPLICATIONS

- 5.1 There are no legal implications arising from the recommendations in this report.

6. RISK MANAGEMENT

Table 9: Impact of risk and mitigation

Risk	Level of uncontrolled risk	Controls	Level of controlled risk
Insufficient consultation responses to usefully inform Cabinet (<3% response rate)	Medium	A wide range of consultation avenues will be used to maximise responses.	Low
Insufficient time to bring report back to Cabinet in January 2023.	Low	The development and delivery of the SEND and AP Capital Strategy is a key priority for Children's Services.	Low
Insufficient time to develop proposal for an alternative provision free school by the pre-registration deadline.	High	The short lead-in time means that informal discussions with potential partners are already underway.	Medium
Insufficient time to develop proposal for a special free school by the full application deadline.	Medium	Using information already collated for the recent SEND Strategy consultation will minimise the time required to write the application.	Low
Insufficient time to carry out costed feasibility and design works.	Medium	If Cabinet approves the proposal, then procurement will start immediately, allowing the feasibility and design works to be carried out alongside the consultation (subject to approval of the budget by Council).	Low
Cost of delivering the SEN Unit at South Ascot Village Primary School exceeds revised budget.	Medium	The revised budget takes into account the latest information about costs within the construction industry.	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. Equality Impact Assessments are published on the [council's website](#). An Equalities Impact Assessment (EqIA) is attached at Appendix B.
- 7.2 Climate change/sustainability. The government is placing increasing importance on the sustainability of school buildings. The design of any new schemes arising from the SEND and AP Capital Strategy will need to take sustainability into account.
- 7.3 Data Protection/GDPR. The collection, analysis and storage of consultation responses will be carried out in line with GDPR requirements. No Data Protection Impact Assessment is required as the consultation will be carried out in the normal manner, with reference to the relevant privacy notices.

8. CONSULTATION

- 8.1 There are various consultation requirements for the proposals set out in this report.

High Needs Provision Capital Allocation

- 8.2 Local authorities are required to consult in an appropriate and proportionate manner with local parents, carers, young people and providers on their proposals for spending the HNPCA.

New Resource Bases

- 8.3 The creation of a Resourced Provision or SEN Unit at a community, controlled or aided school requires that the local authority follows a statutory process, as set out in regulations and guidance. This process involves:
- informal consultation. The informal consultation period is not statutory, although there is a strong expectation that it should be carried out.
 - publication of proposals (the 'statutory notice').
 - 4 week formal representation period
 - decision by the local authority, to be made within two months of the end of the representation period.
 - implementation.
- 8.4 Adding Resourced Provision at an academy requires that the trust submits a full Business Case to the ESFA for approval. The process involves:
- notifying the ESFA at least three months before the proposed change.
 - carrying out public consultation.
 - completing the full Business Case and submitting it to the ESFA.
 - decision by the Regional Schools Commissioner (RSC).
- 8.5 Submission of the Business Case to the ESFA requires that planning permission for the new build has been obtained. This introduces a potential delay into the process that will need to be managed. In addition, recent experience with school expansions suggests that RSC decisions can take eight to ten months. In the case of expansions, however, an academy can still raise its PAN, or admit above it, whilst waiting for RSC approval. It is not clear

that this option is available in the case of a Resource Base, opening the potential for significant delay.

- 8.6 Planning Permission would be required for any extensions or new build.
- 8.7 The proposed Resourced Bases are at a mixture of school types, but in all cases the consultation on the SEND and AP Capital Strategy will count as the informal and public consultation.

New AP and SEND free schools

- 8.8 The two separate applications for new AP and SEND free schools both require evidence of public consultation on the proposed new provision. This will be provided by both the consultation on the SEND and AP Capital Strategy, and the earlier consultation on the borough's SEND Strategy 2022-2027.

New SEMH hubs

- 8.9 No consultation is specifically required for SEMH hubs.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Consultation will happen in Autumn 2022, alongside more detailed design and feasibility works. The outcome of the consultation and costings will be reported to Cabinet in January 2023.
- 9.2 If approved at Cabinet, it is likely that the new Resource Bases and SEMH would be open no later than September 2024.

10. APPENDICES

- 10.1 This report is supported by three appendices:

Contained in paper copies

- Appendix A – Priorities from the Royal Borough's SEND five year strategy.
- Appendix B – Equalities Impact Assessment (EqIA).
- Appendix C Part II only – Request for additional budget for South Ascot Village Primary School SEN Unit.

11. BACKGROUND DOCUMENTS

- 11.1 This report is supported by six background documents:

- [High Needs Provision Capital Allocation Guidance](#), DfE, March 2022.
- [SEND review: right support, right place, right time](#), Green Paper, DfE, 29th March 2022.
- [SEND Strategy 2022-27, consultation response](#), AfC/RBWM, March 2022
- *New special and alternative provision free school waves 2022*, Letter from DfE, 10th June 2022.
- [How to apply to set up an alternative provision free school](#), DfE, 10th June 2022.
- [How to apply to set up a special free school](#), DfE, 10th June 2022.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
Mandatory: Statutory Officers (or deputy)			
Adele Taylor	Executive Director of Resources/S151 Officer	08/07/22	21/07/22
Emma Duncan	Deputy Director of Law and Strategy / Monitoring Officer	08/07/22	27/07/22
Deputies:			
Andrew Vallance	Head of Finance (Deputy S151 Officer)	08/07/22	
Elaine Browne	Head of Law (Deputy Monitoring Officer)	08/07/22	
Karen Shepherd	Head of Governance (Deputy Monitoring Officer)	08/07/22	13/07/22
Other consultees:			
Directors (where relevant)			
Duncan Sharkey	Chief Executive	20/07/22	25/07/22
Andrew Durrant	Executive Director of Place	08/07/22	
Kevin McDaniel	Executive Director of People Services	05/07/22	06/07/22
Lin Ferguson	AfC Director of Children's Services	05/07/22	07/07/22
Heads of Service (where relevant)			
Insert as appropriate	Head of		
	Head of		
	Head of		
External (where relevant)			
Insert as appropriate or N/A			

Confirmation relevant Cabinet Member(s) consulted	Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health	02/08/2022
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 01/07/2022	No	No

Report Author: Ben Wright, School Places and Capital Team Leader
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APPENDIX A: Priorities from the Royal Borough's SEND five year strategy.

Priorities

- **Priority 1:** Young people with SEND and their families are the 'experts' in understanding their child's needs. We will ensure that systems are in place so that the voices of our children, young people and families are heard and acted upon, so they can shape and inform how we work together to get the best results in a fair and transparent way.
- **Priority 2:** Children and young people with special educational needs are identified earlier and immediate action taken. Pupils will be supported in a timely and effective way to improve their outcomes and wellbeing. This means that we will work with our educational settings and families to ensure that all staff are trained in the identification of a SEND.
- **Priority 3:** It is our aim that all RBWM mainstream provision will be welcoming, accessible and inclusive, adhering to the SEND Code of Practice, so that they can meet the needs of the vast majority of children and young people who have special educational needs and/or disabilities. This means you can expect your mainstream local school or setting to make every reasonable adjustment to meet the needs of children or young people with SEND led by strong SEND leadership within schools.
- **Priority 4:** There is an increased focus on earlier targeted and multi-agency intervention to offer help and meet needs at the earliest opportunity supported by training and signposting. This will reduce the demand on high cost, high need interventions as well as ensuring that children's SEND needs are not ignored or misunderstood.
- **Priority 5:** Development of the right range of specialist provision within the RBWM to ensure that as many children and young people as possible can be educated in a local educational setting is a priority. There needs to be a range of provision to support parental choice and this needs to include more specialist SEMH Provision and a five-day week offer for post 16 young people.
- **Priority 6:** Young people with SEND are helped to become resilient and confident so that they can lead independent and fulfilling lives in their local communities. Supporting independent living and employment is needed with options clearly signposted. Education, Health and Social Care will work more closely together with the young person and their families to support this transition.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Essential information

Items to be assessed: (please mark 'x')

Strategy		Policy		Plan		Project		Service/Procedure	
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Responsible officer	Ben Wright, School Places and Capital Team Leader	Service area	Operations	Directorate	Children's Services
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Stage 1: EqlA Screening (mandatory)	Date created: 29/07/2022	Stage 2 : Full assessment (if applicable)	Date created : N/A
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Approved by Head of Service / Overseeing group/body / Project Sponsor:

"I am satisfied that an equality impact has been undertaken adequately."

Signed by (print): Lynne Penn, Associate Director, Operations

Dated: 29/07/2022

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Guidance notes

What is an EqlA and why do we need to do it?

The Equality Act 2010 places a 'General Duty' on all public bodies to have 'due regard' to:

- Eliminating discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- Advancing equality of opportunity between those with 'protected characteristics' and those without them.
- Fostering good relations between those with 'protected characteristics' and those without them.

EqlAs are a systematic way of taking equal opportunities into consideration when making a decision, and should be conducted when there is a new or reviewed strategy, policy, plan, project, service or procedure in order to determine whether there will likely be a detrimental and/or disproportionate impact on particular groups, including those within the workforce and customer/public groups. All completed EqlA Screenings are required to be publicly available on the council's website once they have been signed off by the relevant Head of Service or Strategic/Policy/Operational Group or Project Sponsor.

What are the "protected characteristics" under the law?

The following are protected characteristics under the Equality Act 2010: age; disability (including physical, learning and mental health conditions); gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

What's the process for conducting an EqlA?

The process for conducting an EqlA is set out at the end of this document. In brief, a Screening Assessment should be conducted for every new or reviewed strategy, policy, plan, project, service or procedure and the outcome of the Screening Assessment will indicate whether a Full Assessment should be undertaken.

Openness and transparency

RBWM has a 'Specific Duty' to publish information about people affected by our policies and practices. Your completed assessment should be sent to the Strategy & Performance Team for publication to the RBWM website once it has been signed off by the relevant manager, and/or Strategic, Policy, or Operational Group. If your proposals are being made to Cabinet or any other Committee, please append a copy of your completed Screening or Full Assessment to your report.

Enforcement

Judicial review of an authority can be taken by any person, including the Equality and Human Rights Commission (EHRC) or a group of people, with an interest, in respect of alleged failure to comply with the general equality duty. Only the EHRC can enforce the specific duties. A failure to comply with the specific duties may however be used as evidence of a failure to comply with the general duty.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Stage 1 : Screening (Mandatory)

1.1 What is the overall aim of your proposed strategy/policy/project etc and what are its key objectives?

The proposals to be included in the draft SEND and AP Capital Strategy are intended to use capital grant to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP). This Cabinet report recommends public consultation on these proposals which, if implemented, will make it easier to achieve the aims set out in the borough's own SEN Strategy and in the government's green paper on SEND.

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1.2 What evidence is available to suggest that your proposal could have an impact on people (including staff and customers) with protected characteristics? Consider each of the protected characteristics in turn and identify whether your proposal is Relevant or Not Relevant to that characteristic. If Relevant, please assess the level of impact as either High / Medium / Low and whether the impact is Positive (i.e. contributes to promoting equality or improving relations within an equality group) or Negative (i.e. could disadvantage them). Please document your evidence for each assessment you make, including a justification of why you may have identified the proposal as "Not Relevant".

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected characteristics	Relevance	Level	Positive/negative	Evidence
Age	Not relevant	n/a	n/a	
Disability	Relevant	High	Positive	If the proposals in the draft SEND and AP Capital Strategy are implemented following public consultation, they will improve the access for children and young people to education and the support they need locally.
Gender re-assignment	Not relevant	n/a	n/a	
Marriage/civil partnership	Not relevant	n/a	n/a	
Pregnancy and maternity	Not relevant	n/a	n/a	
Race	Not relevant	n/a	n/a	
Religion and belief	Not relevant	n/a	n/a	
Sex	Not relevant	n/a	n/a	
Sexual orientation	Not relevant	n/a	n/a	

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Outcome, action and public reporting

Screening Assessment Outcome	Yes / No / Not at this stage	Further Action Required / Action to be taken	Responsible Officer and / or Lead Strategic Group	Timescale for Resolution of negative impact / Delivery of positive impact
Was a significant level of negative impact identified?	No	None	Ben Wright, School Places and Capital Team Leader.	The initial consultation is planned for Autumn 2022, with consideration of the outcome by Cabinet in January 2023.
Does the strategy, policy, plan etc require amendment to have a positive impact?	No	None	Ben Wright, School Places and Capital Team Leader.	The initial consultation is planned for Autumn 2022, with consideration of the outcome by Cabinet in January 2023.

If you answered **yes** to either / both of the questions above a Full Assessment is advisable and so please proceed to Stage 2. If you answered “No” or “Not at this Stage” to either / both of the questions above please consider any next steps that may be taken (e.g. monitor future impacts as part of implementation, re-screen the project at its next delivery milestone etc).

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Stage 2 : Full assessment

2.1 : Scope and define

2.1.1 Who are the main beneficiaries of the proposed strategy / policy / plan / project / service / procedure? List the groups who the work is targeting/aimed at.

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2.1.2 Who has been involved in the creation of the proposed strategy / policy / plan / project / service / procedure? List those groups who the work is targeting/aimed at.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

2.2 : Information gathering/evidence

2.2.1 What secondary data have you used in this assessment? *Common sources of secondary data include: censuses, organisational records.*

2.2.2 What primary data have you used to inform this assessment? *Common sources of primary data include: consultation through interviews, focus groups, questionnaires.*

Eliminate discrimination, harassment, victimisation

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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Advance equality of opportunity

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqlA : Title of EQIA

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

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ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

EQUALITY IMPACT ASSESSMENT

EqIA : Title of EQIA

Foster good relations

Protected Characteristic	Advancing the Equality Duty : Does the proposal advance the Equality Duty Statement in relation to the protected characteristic (Yes/No)	If yes, to what level? (High / Medium / Low)	Negative impact : Does the proposal disadvantage them (Yes / No)	If yes, to what level? (High / Medium / Low)	Please provide explanatory detail relating to your assessment and outline any key actions to (a) advance the Equality Duty and (b) reduce negative impact on each protected characteristic.
Age					
Disability					
Gender reassignment					
Marriage and civil partnership					
Pregnancy and maternity					
Race					
Religion and belief					
Sex					
Sexual orientation					

2.4 Has your delivery plan been updated to incorporate the activities identified in this assessment to mitigate any identified negative impacts? If so please summarise any updates.

These could be service, equality, project or other delivery plans. If you did not have sufficient data to complete a thorough impact assessment, then an action should be incorporated to collect this information in the future.

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**ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD
EQUALITY IMPACT ASSESSMENT**

EqIA : Title of EQIA

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