

CABINET

THURSDAY 26 JANUARY 2023

PRESENT: Councillors Andrew Johnson (Leader of the Council; Growth & Opportunity) (Chairman), David Cannon (Anti-Social Behaviour, Crime, and Public Protection), David Coppinger (Adult Social Care & Maidenhead), Samantha Rayner (Deputy Leader of the Council; Business, Corporate & Residents Services, Culture & Heritage, & Windsor), Phil Haseler (Planning, Parking, Highways & Transport), David Hilton (Asset Management & Commercialisation, Finance, & Ascot), Donna Stimson (Climate Action & Sustainability) and Ross McWilliams (Digital Connectivity, Housing Opportunity, & Sport & Leisure)

Also in attendance: Councillor Sharpe

Also in attendance virtually: Councillors Brar and Price

Officers: Tony Reeves, Adele Taylor, Kevin McDaniel, Andrew Durrant and Louise Freeth

Officers in attendance virtually: Emma Duncan, Rebecca Hatch, Tim Golabek and Ian Motuel

Apologies for Absence

Apologies for absence were received from Councillors Bhangra and Carroll.

Declarations of Interest

There were none declared.

Minutes

RESOLVED UNANIMOUSLY that the minutes of the meeting held on 15 December 2022 were approved.

Appointments

There were no appointments to be considered.

Forward Plan

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

- Building Height and Tall Buildings Supplementary Planning Document (SPD) was delayed due to further work needing to be undertaken so this would be considered by Cabinet in March 2023
- Disabled Facilities Grant Policy was delayed due to further work needing to be undertaken so this would be considered by Cabinet in March 2023
- Award of Contract for Adult Social Care Case Management system would be delayed to the April Cabinet meeting due to a delay in the procurement process.
- The item on the Forward Plan for the Broadway Car park – Nicholson Quarter Development update was on the plan to be considered in February but as this was an update with no decision required Cabinet members would receive this information directly.
- The Leisure Management Contract was delayed from February to March Cabinet due to a delay in the procurement process.

Finance Update

Cabinet considered the report detailing the forecast outturn against budget for the 2022/23 financial year as at the end of November (Month 8). It included the revenue and capital budgets along with the forecast financial reserve position at year end.

Councillor Hiton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot moved the recommendations advising the meeting that the impact of actions reported in Month 6 was reducing the reported overspend from £1.3M to £934K which was an improvement of £363K. He stated that when taking account of contingency and funding changes the forecast outturn was an underspend of just over £1.3M.

Councillor Hilton thanked the senior management team for taking a collective responsibility for the Council's finances which had resulted in the reducing projected overspend and he continued to be optimistic that, without the use of contingency, the Council would deliver a balanced budget by the year end. He added that this would be for a fourth year in a row.

Councillor Hilton highlighted a few of the variances within the report:

- Adults & Housing were forecasting an overspend of £948K, an adverse variance from month 6 of £452K largely due to Adult Social Care. He noted that the forecast outturn relied upon the use of one-off funds. He repeated his previous observation that this overspend was mainly due to the cost of support for an increased number of older people placed into residential care as a result of the of the pandemic. Although hospitals were provided with funds to free up beds by moving patients into residential care an unintended consequence was the cost of their care passes to the Council and unfortunately once in care, they were unlikely to return to their homes. The directorate was implementing a series of actions to manage this overspend down.
- The Place directorate reported a favourable variance of £774K reducing the projected overspend to £662K. Parking income continued to increase and was now at 96% of the profiled budget. He reflected that if parking was a lead indicator of the state of the local economy then this was good news for retail sales.
- Overspend on Children's service was unchanged at £255K. He was pleased to report that the Deficit Management Plan and AfC's participation with the DfE Delivering Better Value in SEND support programme had reduced the deficit in the dedicated school grant by nearly £200k.
- The Resources and Governance, law and strategy directorates had reported a £900K positive variance.

Councillor Hilton advised that in year savings were forecast to underdeliver by £515K but that contingency had been included in the budget to manage any shortfall. He emphasised the volatility in the provision of Council services with the withdrawal of a commercial bus route and the unplanned influx of immigrant children. He commended the ability of officers and his Cabinet colleagues to manage such surprises.

Councillor Hilton reported that just 2% of Capital schemes had yet to start and that the Vicus Way carpark was operational and delivered within budget. The cost of the capital programme was £60.9M but further slippages were anticipated which would reduce interest rate costs.

He explained further detail on the two virements for consideration by Cabinet were shown in table 12 on page 46 of the agenda report. The virements related to:

- a change in practice which required Achieving for Children to invoice public health for contributions would enable the Director of Public Health to have greater oversight of how allocations of Public Health grant to Children's services was being deployed.
- the non-staff budgets which took longer to disaggregate following the restructure of the transformation team across departments.

Councillor McWilliams arrived at the meeting at 19:12.

Councillor Johnson, Leader of the Council seconded the recommendations commenting that he was pleased to see the overspends being reduced, underspends being taken into account

and noted that the rising revenue for car parks was bringing the Council within sight of where they had wanted to be.

Councillor Rayner commended the Finance team and the Council for the current financial position stating that it demonstrated a strong steer. She noted that whilst she was pleased to see 117 Ukrainians supported within the borough it did cause extra financial strain. She commented that the allowances for host was increasing from £350 to £500 at a time when the tariff was reducing but the Council was delighted to have Ukrainian people living here.

RESOLVED UNANIMOUSLY that

- i) the report be noted;**
- ii) the forecast revenue outturn for the year be noted as an overspend on services of £0.934m which reduced to an underspend of £1.329m when considering unallocated contingency budgets and changes to funding budgets (para 4.1 of the agenda report);**
- iii) two budget virements (para 12) be approved; and**
- iv) the forecast capital outturn be noted as expenditure of £60.945m against a budget of £76.121m (para 14 of the agenda report).**

Council Tax Reduction Scheme

Cabinet considered the report setting out the outcome of the consultation into the proposed amendments to the Council Tax Reduction scheme for 2023/24.

Councillor Hilton, Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot proposed the recommendations and explained that the Council was obligated in law to review its Council Tax reduction scheme annually. He advised that the review left the council tax reduction rate unchanged at 80% but proposed a number of changes designed to make life easier for CTR recipients and to reduce the Council's administrative burden.

He clarified that three of the five changes only affected working age applicants who were in receipt of both Council Tax Reduction (CTR) and Universal Credit (UC). There were currently 2,204 working age residents in receipt of CTR and, of these, 1,221 were in receipt of both UC and CTR. The remaining two proposed changes affected all working age applicants.

Councillor Hilton explained the five proposed changes:

1. Universal Credit Customers – limited reassessments

The proposal was to only re-assess these claims three times per year, unless a customer had a significant change such as starting or stopping work. When re-assessed, all changes would be processed so the overall net financial effect would be the same, but the number of adjusted Council Tax bills issued to customers would be many fewer. He stated this would neither decrease nor increase the level of CTR for customers.

2. Universal Credit Customers – automatic re-awards

This proposal would mean that any UC customer who lost entitlement as a consequence of a slightly higher level of income for one UC assessment period of four weeks, would not need to submit a new claim for CTR if they subsequently re-qualified. He stated this would neither increase nor decrease the level of CTR for customers but would make the process of re-gaining support easier.

3. Universal Credit – net vs gross income

Currently, if a UC customer has a deduction from their UC income as a consequence of repaying a loan to the Department of Work and Pensions, the net UC income was taken into account when assessing entitlement to CTR. This was at variance with other Benefit Income where regulations require the gross income to be used. The proposal was to amend the scheme to equalise the treatment of UC customers by taking their gross award e.g. the amount of UC they should be receiving if deductions were not made. He stated that this would not be beneficial to these UC customers who are repaying a loan as they would get less CTR but would be fair.

4. All working age customers – backdating

It was proposed that the current one-month time limit for backdating was amended to be three months where the customer has proven good cause for failing to apply at an earlier date. This brought working age customers in line with pensions who receive CTR. He stated that this would be beneficial to customers.

5. All working age customers – annual uprating

The final proposal was to ensure the scheme aligned to changes introduced to the national Housing Benefit scheme, where the rules were set by the Department of Work and Pensions or the pensionable age CTR regulations which were amended by the Department of Levelling Up Housing and Communities. He stated that this would be largely beneficial to customers and was what the Council had done since the scheme was introduced.

Councillor Hilton reported that an extensive public consultation exercise had been undertaken from 2 September to 2 December 2022 which had included: a link on the Royal Borough's website, posters put up in the libraries and where details were held an e-mail issued to recipients of CTR and residents liable for Council Tax. He stated that in total 499 responses were received, compared with 191 responses in October 2020. The lowest support was from 77% of respondents and the highest 86% to the proposals.

He concluded that the Council had looked carefully at the comments made including the alternative proposals suggested as to savings/revenue generation.

Louise Freeth, Head of Revenues, Benefits, Library and Residents Services reiterated the Council's duty to review its Council Tax reduction scheme annually. She stated that the Council was no longer operating a two-tier system but a three tier because of the disparity between those working age customer who were on universal credit and those who were not. The Council was trying to simplify things for residents as well as making the application of the scheme more efficient. She explained that it could be very confusing for a working resident on universal credit who receives a slight fluctuation in their salary as this could mean up to 13 Council Tax Bills within the year making it very difficult for them to understand what was due when. In addition officer time to make those changes.

The Council can provide support to any residents suffering financial hardship and in addition has been asked by DLHUC to provide residents both of working age and pensionable age up to £25 off their Council Tax bill if they are in receipt of Council Tax support. The Council has £113,000 to help residents with increased charges.

Councillor Johnson, Leader of the Council seconded the recommendations.

RESOLVED UNANIMOUSLY that the report and, in particular the feedback from the consultation be noted; and

RECOMMENDED to COUNCIL that the proposed amendments to the Council Tax Reduction scheme for the financial year 2023/24 be approved.

Land east of Woodlands Park Avenue and north of Woodlands Business Park, Maidenhead Stakeholder Masterplan Document

Cabinet considered the report summarising the process and outcomes in relation to the Stakeholder Masterplan Document for Land east of Woodlands Park Avenue.

Councillor Haseler, Cabinet Member for Planning, Parking, Highways & Transport moved the recommendations explaining that the document related to Land east of Woodlands Park Avenue known as BLP allocated site AL24. BLP policy QP1 ('sustainability and placemaking') had introduced a requirement for the preparation of a stakeholder master plan for developments that would deliver 100 or more new dwellings or more than 5,000 sq metres of employment or mixed-use floor space.

He reported that the Policy explains that the stakeholder master planning process formalises good practice in relation to pre application discussions, by requiring developers of larger sites to engage with the council, local community and other stakeholders at an early stage in the development process on key issues, priorities and development options. The developer was responsible for preparing the stakeholder masterplan document. The site allocation proforma contained in the BLP outlines the uses to be accommodated on the site, alongside a number of site-specific design requirements and considerations. The proposed uses are approximately 300 residential units, strategic public open space and sports pitches. The site-specific design requirements and considerations address matters including access to the site (including by sustainable modes of transport), boundary treatments, the form of housing (including the need for family housing and affordable housing), and the importance of providing a strong green and blue infrastructure network across the site.

He continued that the requirements for site AL24, as set out in the BLP, were the starting point for determining the matters to discuss with the local community and other stakeholders through the stakeholder masterplanning process. The Berkeley Strategic Land Team set up a community liaison group, with representatives from the Parish Council, local interest groups, key stakeholders, Ward Councillors, Council Planning Policy Officers and Urban design advisor working for the Council. The group had met on three occasions between June and September 2022. A five week public consultation was held between September and November. A dedicated online website was created to share the proposals and receive feedback, along with an email address and hotline. A flyer was posted to just under 3,000 local addresses advertising the consultation. A further online meeting was held in November for Berkeley to share results of the consultation feedback. 83 feedback forms were submitted.

Councillor Haseler highlighted some of the main SMD principles and approaches:

- a commitment to deliver a greater proportion of family housing
- a commitment to providing new sports pitches and allotments
- improvement of the junction of Woodlands Park Road and Woodlands Park Avenue to enhance safety
- an extensive network of pedestrian and cycle routes providing attractive routes to key facilities and links to the countryside
- open spaces and new wildlife habitats creating at least a 10% net gain in biodiversity
- active and informal open spaces to encourage active lifestyles and enjoyment of nature
- enhanced surface water attenuation to reduce off-site flood risk
- sensitive approach to the boundaries with existing development, in particular with the Lillibrooke Manor, and Alexander Devine Children's Hospice.

He added that through the Community Infrastructure Levy (CIL), Berkeley Homes would make financial contributions towards upgrading and improving the local infrastructure as would other forthcoming developments. He reminded the meeting that the current Infrastructure Delivery Plan (IDP) states that CIL contributions would be spent on the following three junctions in the vicinity of the AL24 site:

- Shoppenhangers Road/Norreys Drive

- A4/A404(M) Thicket Roundabout and Cannon Lane/Henley Road/Bath Road (A4) roundabout
- M4 J8/9

In addition, CIL contributions may be used for enhancements to existing schools to enable the provision of additional school places; improvements to existing healthcare facilities; enhancements to existing libraries, social and community facilities and public realm improvements.

Councillor Haseler concluded that the masterplan prepared provided a description of the site and a summary of the planning policy context; summarised the feedback received during the engagement phase; set out a series of development objectives for the site; identified the principal opportunities and constraints associated with the site; and outlined the design principles that would guide the future development of the site. The site promoter, stakeholders, local residents and local planning authority had worked collaboratively on the Stakeholder Masterplan Document.

Councillor Coppinger, Cabinet Member for Adult Social Care & Maidenhead seconded the motion and thanked everyone involved for their participation in the process.

Councillor McWilliams commented on the developers engagement approach, advised that he had attended a few of the sessions and was pleased to see references to the CIL requirements in the infrastructure delivery plan. He reflected that it was good for residents to see that through the delivery plan there were clear requirements in place for mitigations on the infrastructure network and recognised it would help solve existing issues.

In response to a question from Councillor McWilliams regarding the figure of 300 and the type of homes, Councillor Haseler advised that the exact number of dwellings would be developed as the planning application process progressed. He explained that there was still a lot of work to ensure developers delivered the type of homes the borough needed.

In response to a query from Councillor McWilliams about how Berkley responded to feedback regarding the quality of their consultation Councillor Haseler reported that they had listened, added another Webinar and drop-in session on 10 February 2023 to their consultation programme. He added that Cox Green Parish Council had provided additional feedback after the consultation had ended and were working with Berkley.

Councillor Johnson commented that he wanted to see more family homes rather than flats, pleased to see that the council was raising its standards around planning consultation. He acknowledged that the Council had not always got this right. He added that he was keen for local people should benefit from the development and would be pushing for a local lettings scheme. He concluded that he was happy to hear the 300 residential units figure was not a hard target.

RESOLVED UNANIMOUSLY that

- i) **the report be noted; and**
- ii) **the Land east of Woodlands Park Avenue Stakeholder Masterplan Document be approved as an important material consideration for Development Management purposes.**

Windsor Castle Hill Public Realm Improvement

Cabinet considered the report setting out the proposed Windsor Castle Hill Public Realm Improvements.

Councillor Haseler, Cabinet member for Planning, Parking, Highways & Transport moved the recommendations explaining that in July 2020 the Council had secured over £1.5M of funding from the Local Growth Fund to deliver improvements to the public realm and wayfinding in Windsor Town Centre. The project was intended to deliver an improved pedestrian experience around Windsor Castle encourage visitors to remain in the Town which would benefit local businesses and the local economy.

He added that the proposals directly supported the delivery of the Corporate Plan's objectives and demonstrated the Borough's efforts to create a sense of place in town centres. The scheme was also an integral part of improving Windsor's public realm over the foreseeable future and was referenced within the emerging 'Vision for Windsor' project, improving access, the quality of place within the Town and ultimately driving our visitor economy. The improvement works on Windsor Castle Hill formed part of the approved RBWM Windsor Visitor Economy business case approved by the LEP and the Borough in July 2020. This was structured in line with the five-case model with strategic, economic, financial, commercial and management cases showing the benefits to the town and its residents and businesses. Future 'Vision for Windsor' ideas and projects could build on this scheme, resulting in increased benefits for the town its residents and businesses.

Councillor Haseler continued that a public consultation was completed in December and January 2020/2021 during which time an online survey was accessible to the public. Virtual consultation events had been held for councillors and members of the public. The result of the consultation was that two-thirds of respondents supported the proposed design to make Castle Hill a pedestrian-first location with vehicular access restricted. The works were scheduled to take place between February and December 2023 with a detailed breakdown of the phases in section 9 of the agenda report. He concluded by proposing the recommendations and stating that the works would be delivered through the existing Highways Contract, through the Council's delivery partner Volker Highways.

Councillor Rayner, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor seconded the recommendations noting that Windsor was a destination for historical events and the plans built upon the improvements for Windsor making it a better place for both residents and visitors.

RESOLVED UNANIMOUSLY that

- i) the report be noted, and**
- ii) the delivery of the Castle Hill Public Realm Improvements in Windsor be approved.**

Corporate Plan Review and Refresh

Cabinet considered the report providing an overview of key achievements and activities in the first year of the Corporate Plan, the set of proposed amendments to ensure that it remained appropriate and responded to the Council's changing operating context and a revised set of equality objectives for the council.

Councillor Johnson, Leader of the Council moved the recommendations stating that this was an opportunity to review the Plan following the previous year's challenges including the economic climate, the war in Ukraine, rising inflation and interest rates and significant changes in national government policy. He reflected that the Council had benefited from new evidence and insights that became available including the residents survey, 2021 census data and updated inequalities 2020 evidence base.

He highlighted that the main changes and focus was:

- reflecting the impact of the cost-of-living crisis

- greater focus on prevention in both Adults and Children’s Social care to reduce demand and improve outcomes
- increased focus on economic growth for the benefit of our residents, partners and businesses
- increasing the Council’s Place leadership
- reducing equalities

Councillor Raynor, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor seconded the report stating that the plan had given the Council a defined shape but to keep it updated was equally important. She added that the Plan had begun to change the organisation, she was pleased to see the objectives of a Vision for Windsor and the planning masterplans coming forward to help give confidence in development.

Councillor McWilliams was pleased to report that as part of the progress document, the rough sleeper pathway, first developed in 2019, had helped 30 individuals during the previous year into permanent long-term accommodation and whom otherwise would have been vulnerable. He added that given the recent cold weather it was reassuring that the Council had processes in place to help people and make a difference.

Councillor Stimson thanked everyone involved for the work that had been captured in the report and was pleased to see the addition of new goals to support those affected by the cost of living, children needing positive outcomes, strengthening community support and promoting economic support.

Councillor Johnson concluded the discussion by stating that he expected the document to be discussed at a future Overview and Scrutiny Panel and therefore he would not be taking questions or comments from non-Cabinet members.

RESOLVED UNANIMOUSLY that:

- i) **the report be noted;**
- ii) **the Year 1 Progress Report be approved for publication, as set out at Appendix A;**
- iii) **the changes in context set out in the report (section 2.4 – 2.9) and new evidence and insights generated in 2022 (Appendix B Inequalities Project Phase 1 findings and Appendix C Census 2021 Insights) be noted;**
- iv) **the proposed revisions to the Corporate Plan, summarised in table 1 of the agenda report, and noting the further detail included at Appendix D be agreed;**
- v) **the proposed Equality Objectives be agreed and the update on work undertaken to strengthen equalities across the council (Appendix E) be noted; and**
- vi) **inclusion of care experience as a protected characteristic within Equality Impact Assessments, in recognition of our particular responsibility to consider the needs of children in care and care leavers, as their corporate parents be agreed.**

Corporate Peer Challenge - Progress Review

Cabinet considered the report which updated Members on the progress on the Action Plan resulting from the recommendations of the Local Government Association (LGA) Corporate Peer Challenge in January 2022.

Councillor Johnson, Leader of the Council moved the recommendations reflecting the exercise had provided valuable feedback and that the Council had been challenged to raise their ambition in some areas. He reported that the Council was on target to implement all of the recommendations and acknowledged that the LGA had made a good point that Parish and Town Councils play an integral role in the Place agenda. He noted that Parish and Town Councils were not across all parts of the borough. He committed to further exploring the potential for further devolution, the development of parish and town councils in particular mentioning Clewer and Dedworth, as part of visioning work in Windsor and an opportunity to expand representation in Maidenhead.

Councillor Haseler commented that it had been an interesting and exercise taking part and thanked the LGA for their recommendations, thank you to the Leader of the Council for embracing those suggestions and to officers for enabling the Council to move forward to make it a better council.

Councillor McWilliams stated that the Council would continue to work on delivering the recommendations and commented that it was important to work with the Constitutional Working Group on areas where members felt improvements could be made and detailed recommendations developed.

Councillor Raynor, Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor seconded the recommendations and thanked the LGA for their feedback and noted that it had fed directly into the Corporate Plan refresh citing the example of strong leadership in pan Berkshire discussions and the Residents' Survey delivering above benchmark results in many areas. She added that she also supported the proposals for developing new partnerships with new parish councils and noted that Maidenhead was an unparished area and would welcome this going forward.

RESOLVED UNANIMOUSLY that the report and the comments of the Peer Review Team be noted.

The meeting, which began at 7.00 pm, finished at 7.59 pm

CHAIR.....

DATE.....