

NOTICE
OF
MEETING

CORPORATE OVERVIEW AND SCRUTINY PANEL

will meet on

MONDAY, 12TH SEPTEMBER, 2022

At 7.00 pm

by

COUNCIL CHAMBER - TOWN HALL, MAIDENHEAD AND ON [RBWM YOUTUBE](#)

TO: MEMBERS OF THE CORPORATE OVERVIEW AND SCRUTINY PANEL

COUNCILLORS GERRY CLARK (CHAIRMAN), JOHN STORY (VICE-CHAIRMAN),
SIMON BOND, KAREN DAVIES, GREG JONES, LYNNE JONES, HELEN PRICE,
JULIAN SHARPE, SHAMSUL SHELIM, LEO WALTERS AND SIMON WERNER

SUBSTITUTE MEMBERS

COUNCILLORS SAYONARA LUXTON, GARY MUIR, JOHN BOWDEN,
JOSHUA REYNOLDS, GEOFF HILL, MAUREEN HUNT, CATHERINE DEL CAMPO,
CHRIS TARGOWSKI, AMY TISI, GURPREET BHANGRA AND NEIL KNOWLES

Karen Shepherd – Head of Governance - Issued: 5th September 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 Panel Administrator **Mark Beeley** Mark.Beeley@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

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To consider the minutes of the meeting held on 25 th July 2022.	7 - 20
4.	<u>CALL IN - CEDAR TREE HOUSE, WINDSOR</u> 1) After the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed; 2) On matters of particular relevance to a particular ward, ward division Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Head of Governance by 12 noon on the day prior to the relevant hearing; 3) The relevant Cabinet Member for the portfolio (or holders if more than one is relevant) will then be invited to make any comments; 4) The relevant Executive Director or his representative will advise the Panel on the background and context of the decision and its importance to achieving Service priorities; 5) Panel Members will ask questions of Members and officers in attendance; 6) The Cabinet Member(s) will be invited to make any final comments on the matter; 7) The Panel votes on a decision.	21 - 46
5.	<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 MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
i.	<p style="text-align: center;"><u>CALL IN - CEDAR TREE HOUSE, WINDSOR</u></p> <p>For discussion of the Part II appendix.</p> <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p>	47 - 58
i.	<p style="text-align: center;"><u>CALL IN - ST CLOUD WAY</u></p> <ol style="list-style-type: none"> 1) After the Chair opens the meeting the members who asked for the decision to be called in will be asked to explain their reasons for the request and what they feel should be reviewed; 2) On matters of particular relevance to a particular ward, ward division Members who are not signatories to a call-in have the opportunity to make comments on the call-in at the meeting, such speeches not to exceed five minutes each. Ward Members will take no further part in the discussion or vote. Ward Members must register their request to speak by contacting the Head of Governance by 12 noon on the day prior to the relevant hearing; 3) The relevant Cabinet Member for the portfolio (or holders if more than one is relevant) will then be invited to make any comments; 4) The relevant Executive Director or his representative will advise the Panel on the background and context of the decision and its importance to achieving Service priorities; 5) Panel Members will ask questions of Members and officers in attendance; 6) The Cabinet Member(s) will be invited to make any final comments on the matter; 7) The Panel votes on a decision. <p><i>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p>	59 - 156

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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

CORPORATE OVERVIEW AND SCRUTINY PANEL

MONDAY, 25 JULY 2022

PRESENT: Councillors Gerry Clark (Chairman), John Story (Vice-Chairman), Karen Davies, Greg Jones, Lynne Jones, Helen Price, Julian Sharpe, Shamsul Shelim and Leo Walters

Also in attendance: Councillor Samantha Rayner, Councillor David Hilton, Councillor Mandy Brar, Councillor Gurpreet Bhangra, Councillor John Bowden and Councillor Maureen Hunt

Officers: Mark Beeley, Adele Taylor, Andrew Vallance, Nikki Craig, Rachel Kinniburgh, Louise Freeth, Steph James, Lynne Lidster, Kevin McDaniel, Alysse Strachan, James Thorpe, Emma Duncan, Lin Ferguson, Michael Shepherd and Karen Shepherd

APOLOGIES FOR ABSENCE

An apology for absence had been received from Councillor Werner. Councillor Bond was unable to attend in person, he would be attending the meeting virtually as a non-Panel Member.

DECLARATIONS OF INTEREST

Councillor Story declared that his wife was an employee of RBWM and requested that this was noted in the minutes. This was in relation to items 4 and 5 on the agenda.

The Chairman said that he was a Cabinet Member when the RBWM Property Company action plan was considered by Cabinet and originally referred to overview and scrutiny.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 22nd June 2022 were approved as a true and accurate record.

The Chairman said that there had been discussion around scrutiny of the waste contract and which elements should be considered and by which Panel.

Councillor Price said that she had raised the idea at the last meeting of the Panel having the opportunity to review how a meeting had gone. The Chairman had suggested that this could be done outside of the meeting, Councillor Price asked if this would be taking place.

Councillor Sharpe suggested that it could be something to consider as part of the ongoing review of how the scrutiny function was performing, rather than after every meeting.

Councillor L Jones said that a review should happen quarterly, so that the Panel could change how it operated if required.

The Chairman said that a quarterly private meeting could be held to review progress and actions from previous meetings. The Panel could then see if there were any benefits to holding the review meetings.

ACTION – The Chairman to work in collaboration with Democratic Services to organise an offline meeting to review Panel progress.

Councillor Price noted that at the last meeting, Mr Andrew Hill had asked a question which required a written answer after the meeting. Councillor Price requested that the answer was made publicly available in the interests of transparency.

The Chairman confirmed that Mr Andrew Hill had received the written answer, he agreed that the answer should also be made available publicly on the website.

ACTION – Written answer to Mr Andrew Hill’s question to published as a supplement to the minutes.

CORPORATE PLAN 2021-26 PERFORMANCE REPORT

Rachel Kinniburgh, Service Lead – Strategic Policy, Performance & Insights, said that this was the first performance report against the RBWM Corporate Plan. The report considered performance up until May 2022. Following the adoption of the Plan, officers across the council had identified measures and milestones which reflected progress against the 50 goals.

The criteria developed by the Strategy, Policy and Performance Team to govern the compilation of the Panel’s reports was set out in the report, considering areas of progress and concern along with the direction of travel. The first report had been compiled based on direction of travel alone. Each of the three corporate plan objectives were set out in the report with their respective areas of concern and progress. On the whole, the position was broadly healthy, with 15 goals making significant progress and four goals where there were some areas of concern.

With the ‘council trusted to deliver’ objective principally focused on satisfaction, trust and feeling that the council delivered value for money, it was noted that operational service delivery was likely to influence these areas and so more data around service delivery would be published on the Citizens Portal. Rachel Kinniburgh encouraged Panel Members to engage with the team throughout the summer to share their thoughts on what could be included.

The Chairman thanked all officers that had been involved in the work that had been undertaken to improve reporting and identify criteria. He felt this would be a good way of monitoring performance and targets.

Councillor Walters commented on the A308 study which was ‘successfully completed’. He felt that it had not been completed successfully and was three years late, there had been significant impacts as a result on the village of Bray.

The Chairman said that it was completed successfully, although the timetable of the study was something that came under the Panel’s remit with monitoring and performance.

Councillor Walters felt that the result of the study was disappointing.

Councillor Sharpe said that the report was an important piece of work. He asked where issues may appear looking to the future, over the next few months.

Rachel Kinniburgh said that there was nothing significant which was causing concern at the moment. The areas of concern outlined in the report had insightful narrative which had been provided by officers. This was the first report, there were a number of measures where data was still being sourced or where there was limited data available.

Councillor L Jones noted that some of the goals had a target in the narrative while others had the target in the commentary. She asked if it was possible for a target box to be included to show Panel Members clearly what the target was and when it was due to be reached by. Councillor L Jones agreed with the comments made about the A308, the study had only got to the first stage and the council were now considering options. The Biodiversity Action Plan was not yet complete as it was being considered by Cabinet in November 2022, while the Windsor

public realm project included appointing a contractor. The tender had been put out but no decision had yet been made. Councillor L Jones commented on targets which were outside of the council, she was unsure of how value could be added on these targets. More narrative on these targets could be useful.

Rachel Kinniburgh said that the structure and format could be evolved based on feedback. More detail would be made available through the portal. The team would take the comments away from the meeting and have a look at what could be improved.

Councillor Price said that there were three priorities which were considered to be making sufficient progress currently. However, she felt that these should still be monitored, she asked if the priorities could be brought out further in the report. Councillor Price said that while she was considering the report, she found that she referred to the corporate plan, the citizens portal and the report. She felt it would be easier if the corporate plan was taken as the base template, and everything else fell into the same order as the plan.

When looking at the citizens portal, there was very little data to currently look at, more data on past performance would be very useful. She agreed with comments from other Panel Members on targets being completed when they had only been partially completed. Councillor Price said that there was a target to meet national guidelines on air pollution, however the council had only met one of the ten targets on air pollution. There was no mention of the climate partnership.

Emma Duncan, Monitoring Officer and Deputy Director of Law & Governance, said that if targets were not being met, Panel Members had the opportunity to raise queries around these during the meeting.

The Chairman said it was important that Members satisfied themselves with the answers given by officers. After the meeting, Members could contact officers to request amendments be made.

Councillor Price said there were a number of air quality pollutants, but the council was only measuring itself against one of them. She asked why the council was not measuring itself against all of the national targets.

James Thorpe, Sustainability & Climate Change Lead, said that air pollution sat with the Environmental Protection team. The solar purchasing scheme launch was complete, with emails of offers recently going out.

Councillor Price said that she was disappointed that there were no officers available to answer queries on air pollution. When building took place, this caused emissions and there was a lot of building planned to take place in the borough. This was shown as a straight line in the data which Councillor Price suggested was not realistic.

James Thorpe mentioned the environment and climate strategy which had a target of net zero by 2050, this was not a straight line trajectory. There was an aim for a 50% reduction by 2025, 75% by 2030 and 88% by 2035. On the citizens portal, the trajectory was a straight line until 2025 but this did not reflect the long term aim. On planning policy, the majority of new buildings would be net zero, especially in the South West Maidenhead area. A climate and sustainability Supplementary Planning Document (SPD) would be brought forward in due course, to stop a big increase in admissions from building work.

Councillor Price commented on the SPD, this had been delayed and it was not obvious to the Panel. She asked when the SPD would be completed.

James Thorpe said that it was being worked on with planning colleagues, it was acknowledged that it was behind schedule. Some external support would be brought in to accelerate the document, no timescale on completion could be given.

Councillor Price said that the Biodiversity Action Plan was 12 months overdue, climate was meant to be a priority but everything seemed to be delayed.

James Thorpe said that a draft of the Biodiversity Action Plan had been completed but more consultation was needed. A short term delay meant that the plan could be a success, it was important that residents engaged with the consultation.

Councillor Price suggested that taking time to do things properly often led to better results. She had suggested initially that the Biodiversity Action Plan should have gone out for more consultation, this was now what was happening.

The Chairman said that biodiversity came under completed on the table, it would be useful to have an accurate or best estimate timetable.

Rachel Kinniburgh said that to get the system set up, a blanket April 2022 start date for projects needed to be added. These would be updated as the system progressed.

Councillor Davies commented on the nitrogen dioxide concentration across the Maidenhead AQMA. There was no empirical explanation for this, there had been an increase in other AQMAs since lockdown therefore there was no room for complacency. Full Council had agreed to review the air quality action plan in light of the new World Health Organisation (WHO) guidance on air pollution levels, which were lower than national guidelines. This topic was due to be considered by Communities Overview & Scrutiny Panel prior to the reorganisation of scrutiny, she asked where this could be considered.

The Chairman suggested that officers could refer the item to overview and scrutiny as appropriate to look at the implementation of the air quality monitoring.

Emma Duncan said that air quality could be explored by the Place Overview & Scrutiny Panel, Panel Members could refer it to the Panel if they chose to.

Councillor G Jones said that the citizens portal had the potential to turn into a huge database which took a huge amount of time to update and maintain. He asked if other councils were using a similar tool to track progress.

Emma Duncan said that it was a standard approach for all councils, data was important to understand whether targets were being achieved. RBWM had a more proactive way of monitoring targets, officers could intervene if things were not performing as expected. This was a particular advantage of the data being real time, rather than past data. It was also a good way of showing the public what was happening and was therefore a transparent way of sharing performance.

Rachel Kinniburgh added that targets brought clarity to objectives and the council made promises to residents, reporting performance showed that the council was keeping them. The reporting gap between the data and scrutiny meetings could also be kept relatively small, making the data more relevant.

Councillor Story said that the performance reporting and the citizens portal were excellent pieces of work, he passed on his thanks to officers. He said it was difficult to comment without knowing the concerns of residents, he wanted to see what residents were saying about the performance of the council. Councillor Story asked what the concerns of residents were and how long was it taking to resolve any concerns that had been raised. A large number of services were outsourced, Councillor Story requested that the performance of contractors was also included.

Councillor Story asked if the citizens portal was interactive, could residents add comments to the platform, for example. Councillor Story said that some of the data supplied was a couple of

years out of date, the data needed to be up to date for the platform to fully work. Councillor Story concluded by commenting that on two of the main goals, there were no areas of concern and Councillor Story asked what conclusions could be drawn from this.

Emma Duncan said that the council needed to ask residents what they thought of council services, this could be used to determine whether the council was 'trusted to deliver its promises'. This was being worked on and the data was currently light in this area. RBWM Together was an engagement platform which could be used to gain feedback from residents. Some datasets only received data on a yearly basis, so this was old data but it was the best and most up to date data available.

Rachel Kinniburgh confirmed that residents were unable to engage through the citizens portal, but RBWM Together was used as a collaboration space across a number of different services. There were a broad range of measures on the citizens portal, with a wide variety of reporting frequencies. Some data was only available nationally on a yearly basis, all other local authorities were in a similar position.

Emma Duncan added that it was important that adequate data was provided to Members so that they could challenge the performance. Performance indicators would need to be developed to fit around the data that was available, officers trusted the data which was being put in front of the Panel.

Councillor Walters referred back to the discussion on the SPD and the 50% reduction in emissions by 2025. He asked what the 50% reduction was referring to.

James Thorpe clarified it was 50% of the borough's carbon emissions, as published by the government. This was based on the 2018/19 baseline figure.

Councillor Bond commented on issues like vegetation growing over highways, this could fall under cycling and walking targets or customer services targets in the performance monitoring. If there was no budget, it was a financial issue, which again could appear in three areas of the citizens portal. He was happy to discuss the issue after the meeting with officers.

The Chairman said that this should initially be discussed with the Cabinet Member to understand why specific issues were not being dealt with in the first instance. This would then help to determine if it was a budget matter or not, and if required could then be considered at a scrutiny meeting.

Councillor Bond said that he had followed some issues through and discovered that areas were missing from the contract, so that the work did not get done.

Emma Duncan said that the 'council trusted to deliver its promises' objective would allow Members to see where residents felt that services were not at the level they felt they should be. A new caseworker system would be introduced in the autumn which would allow Members to raise queries directly.

Adele Taylor, Executive Director of Resources, said that the customer service strategy piece of work had a number of strands which identified a number of gaps and looked to identify data which could be collected.

Councillor G Jones said that he had been looking at the number of active adults in the borough through the citizens portal, when the 'more information' button was clicked, there was no further information or data. He asked where the 70.8% figure had therefore come from.

Rachel Kinniburgh said that target trajectories were available in the majority of cases, but some metrics were subject to baselining. The long term intention was to refine measures, in the short term the user would have to work harder to find the target trajectories in the portal, where they existed. This was due to current platform limitations, there was a limit to the

number of future dates which could be displayed on the first page. The team had to decide to include either past data and part of the trajectory, or the whole trajectory and no past data. The whole trajectory had been decided upon to show where the council was going. To see all of the data, Councillor G Jones would need to click on the calendar and increase the date range.

Councillor G Jones said that on other metrics, it said 'awaiting data'. He felt this was more honest than not showing the full data set.

Michael Shepherd, Sport & Leisure Service Manager, said that the figure came from Sport England Active Lives data. This was the 2018/19 figure for RBWM, with a lag over Covid.

The Chairman said that air quality was on the Place Overview & Scrutiny Panel work programme, he suggested that this was the appropriate place to discuss the item in further detail.

Councillor Price said that it was important that there was a tight remit when things were referred to other Panels.

The Chairman said that the Chairman of the Place Overview & Scrutiny Panel would be referred to the minutes of this meeting, where this had been discussed. The Panel could then discuss the item once it was timetabled and ready to be considered at a meeting.

RESOLVED UNANIMOUSLY: That the Corporate Overview & Scrutiny Panel noted the report and:

- i) Noted the progress made in relation to implementation of the new performance reporting arrangements.**
- ii) Noted the criteria to guide the preparation of performance reports for consideration by the Panel and the interim criteria used to support the Panel's first Performance Report set out at Appendix A.**
- iii) Accepted the invitation to Panel Members to engage with the Strategy, Policy and Performance Team to support the identification of additional indicators under the Corporate Plan objective "A council trusted to deliver its promises".**
- iv) Considered the Performance Report at Appendix A and agreed any areas of performance the Panel considered appropriate to refer for further, more detailed scrutiny.**

WORKFORCE PROFILE REPORT

Nikki Craig, Head of HR, Corporate Projects & IT, said the report was produced on an annual basis and was also published on the website. The report covered a number of areas including: head count, grade bands, part time employees, length of service, voluntary turnover and starters and leavers, up until 31st March 2022. The second section of the report covered the nine protected characteristics. Under the Equality Act 2010, the council was required to report and publish this information. It was hoped that there could be a comparison with the 2021 Census data, however only data on gender and age had been released so this comparison was not yet possible. Comparisons had been made between previous years where possible.

Councillor Walters noted that there were more starters than leavers over the course of the year, he asked what jobs the additional starters were in.

Nikki Craig said that the overall head count had only increased by five, from 548 to 553. The starters and leavers were across all areas, some areas had higher turnover than others. Nikki Craig said that she would be able to share a list of which service areas the starters and leavers had come from, this could be shared with the Panel after the meeting.

ACTION – Nikki Craig to share starters and leavers list with the Panel.

Councillor Walters commented on sexual orientation, with a percentage saying that they 'would prefer not to say'. Councillor Walters felt that it was important that the employee was the best person for the job.

Nikki Craig said that it was not useful if the protected characteristics data was not completed, the data was collected at the start of the recruitment process. HR were considering what positive action could be taken to reduce the number of people who 'preferred not to say'. The reason for collecting data on protected characteristics was to ensure equality and to make sure that nobody was being discriminated against. The recruitment process was about someone's capacity and ability to fulfil a role. Part time working was less at a more senior level, work had been done to understand what the barriers were to working part time for senior staff.

Councillor Story asked what conclusions could be drawn from the number of staff that were 65+. He asked if there was an obligation for the council to have a workforce which was proportionate, under the Equality Act.

Nikki Craig said it would be good for the council to have an age profile which was reflective of the local area. The number of elderly residents was due to the number of care homes and that a number of residents had chosen to retire. Around 50% of the current workforce nationally were millennials, this was not reflected in the employee make up of RBWM.

Councillor Story asked if volunteers made up this age group.

Nikki Craig clarified that the report did not include volunteers, but a number of volunteers in the borough were in that age group. Nationally, there were more vacancies than people that were unemployed.

Councillor L Jones said that there seemed to be fluidity around female staff at RBWM. It would be helpful to understand where starters and leavers came from, as had been raised by Councillor Walters.

Nikki Craig confirmed that she was happy to provide the breakdown. Over the past year, there had been a 55%/45% split on male and female starters. It was difficult to say why people left the organisation, sometimes it was career development but there were a number of other factors, for example personal circumstances.

Councillor Price commented on the mandatory consultation, where only one senior officer had seen the report.

Nikki Craig said that was correct for the covering report, the actual workforce profile had been through a significant amount of consultation amongst senior officers.

Councillor Price said it was worrying that a number of employees did not want to give answers, it was good that officers were doing work to improve this.

Nikki Craig added that there had been an increased response rate to the annual employee survey.

Councillor Price understood that casual staff and contractors were not included as part of the report. She asked what percentage of the total workforce was covered by the data.

Nikki Craig said that before Achieving for Children and Optalis the count was around 1,200 and the other big service area not included was highways due to outsourcing, with around 50 more staff.

Councillor Price asked if there would be any value in having the workforce information from these areas, if it was possible.

Nikki Craig confirmed that the organisations were not required to share their workforce profile data.

Councillor Price commented on part time staff, she often found it difficult to get hold of officers on a Friday. She asked if service delivery was factored into which days staff worked.

Nikki Craig said that there was a flexible working policy, pros and cons needed to be considered. In HR, there were a number of colleagues that worked a four day week. However, the day not worked was spread evenly across the week.

Councillor Price asked if career development was a genuine reason from some leavers, or whether it was an easy option to tick. She said that there was a reference to an 'ambassador group' in the report, she asked for the context behind this group.

Nikki Craig said that the exit interview questions were asked anonymously. The ambassador group was a voluntary group of employees across the organisation, they were an employee voice group. The group was an important resource for gauging the opinion of the workforce and feeding in ideas.

Adele Taylor said that the question was asked before employees joined the organisation, it could be updated at a later date. It would be useful for officers to have more information on the workforce. Trust had been measured in the staff survey, improvements had been made in this area.

Councillor Walters asked what the equality, diversity and inclusion network was.

Nikki Craig said it was an employee led voice group, which came together to consider all things related to equality, diversity and inclusion. The Executive Director of Resources and the Chief Executive were also part of the network. An outcome of the survey produced by the network was to have diverse interview panels, which incorporated people with protected characteristics, if possible. Colleagues could be borrowed from other services if required.

Councillor Walters noted that there was reference to the strategy team in the report.

Nikki Craig said that Rachel Kinniburgh led the strategy team, they had corporate and borough wide responsibility on equalities.

Adele Taylor said that sometimes members of the equality, diversity and inclusion network were offered the opportunity to be part of interview panels. It allowed employees to broaden their development.

Councillor Shelim commented on starters and leavers in March 2021, it was hard to understand why people were leaving the organisation when there were few jobs available due to the pandemic.

Nikki Craig said that turnover for that year went down to 10%, so the number of roles available had reduced. Now the turnover figure had returned to a figure similar to before the pandemic.

Adele Taylor said that a lot of work was done to market the organisation, it was important to have employees that also met the values of RBWM.

RESOLVED UNANIMOUSLY: That the Corporate Overview and Scrutiny noted the report and:

- i) Received future reports which would take into account the Census 2021 detail when published.**

MEDIUM TERM FINANCIAL STRATEGY 2023/24 - 2027/28

Andrew Vallance, Head of Finance, explained that the Medium Term Financial Strategy (MTFS) had been considered by the Panel at their last meeting in June. Comments from Panel Members had been incorporated into the report, which had since been considered by Cabinet before coming back to the Panel. Cabinet had recommended the MTFS to Full Council, which would be considered in September. The numbers element of the plan was included in the report, this showed an anticipated savings gap of £7 million. There was estimated to be an additional £3 million of costs from the adult social care reforms. Assumptions had been made around inflation and interest rates, these were subject to change. Appendix B considered a sensitivity analysis which showed the effect of changing some of the assumptions, for example a 1% increase in the council tax cap could increase the amount of council tax by £800,000. The draft budget would be considered by Cabinet in November, before two months of consultation which would include scrutiny in December.

The Chairman asked, for the benefit of any residents watching the meeting, why the council needed to provide a balanced budget.

Andrew Vallance said that there was a legal requirement for the council to have a balanced budget. Savings would be made across the five years of the MTFS. Officers were currently asking service areas for income generation or savings, which would be considered by Cabinet Members in the autumn. The budget consultation would then feed into Cabinet at the beginning of February 2023, before going to Full Council for approval at the end of February 2023.

Adele Taylor said that RBWM was in a similar position to many local authorities across the country. This was the start of the budget setting process, a set of assumptions needed to be laid out. The uncertainty at a national level meant that there was a lot of unknown and the financial situation was very volatile. Officers spoke to treasury bodies, other Berkshire colleagues and CIPFA to be as accurate as possible in assumptions that had been made.

Councillor Walters said that he had a lot of confidence in officers to make accurate assumptions and set a balanced budget. RBWM had traditionally had a low council tax level, which was what residents wanted. However, due to the financial position, this might have to change.

Councillor L Jones agreed that officers were doing a good job, there was stable reporting. There were a few challenges which were unique to RBWM. The council had the lowest council tax level outside London, coupled with low reserves and with increased levels of borrowing had made the financial position more challenging. Councillor L Jones noted that £7 million of savings needed to be made, with the potential for a further £3 million needed, she asked how confident officers were that there was sufficient financial resource available to achieve the objectives set out in the corporate plan, including climate change. Councillor L Jones asked if the voluntary sector had the capacity to deliver the council's objectives. In the report, it was estimated that there would be an increase of £500,000 in council tax and business rates each year, with the development in the borough. Councillor L Jones asked if these estimates could be made more accurate.

Adele Taylor said that the budget needed to be balanced and the objectives in the corporate plan needed to be met. The plan gave officers some prioritisation and framework within which

resources should be focused. Work around early intervention was key in helping to deliver the budget as it would help to manage demand. If Adele Taylor did not think that the council could deliver its statutory services, a S114 notice could be issued. RBWM was not in this position now and had not been either in the past few years. Money needed to be prioritised and spent in the right areas, as had been outlined in the corporate plan. On the voluntary sector, there had been a significant amount of work done on trying to build bridges and working differently.

Andrew Vallance answered the question on council tax, a report would be going to Cabinet in November which set out the level of council tax for the following financial year. The government had kept changing its mind on business rates, it was expected that there would be at least one reset over the five years.

Councillor Price said that there had been a few but significant changes to the report which had been considered by the Panel at their last meeting, she asked if any changes could be highlighted in future so that it was clear to Panel Members where changes had been made. Councillor Price asked why the savings for next year had increased by £4.8 million.

Andrew Vallance said that the savings had increased as officers had reconsidered the assumptions which had been made. The interest rate and inflation were the areas where there was an increase since the last budget in February 2022.

Councillor Story asked where the three biggest cost vulnerabilities were. Inflation and care costs seemed to be important factors, he asked if there were any others. On inflation, Councillor Story asked if RBWM inflation was the same as national inflation.

Adele Taylor said that national inflation included things like the cost of food, it was difficult to determine the exact level of inflation which would affect RBWM. Some of the contracts would have wage inflation included, officers had to go for best estimates at the current point in time. The adult social care reform would be coming in October 2023, there was a difference between what the government thought it would cost and what officers believed it would cost the council. The three areas of cost vulnerability for Adele Taylor were inflation, normal demographics and the adult social care reform.

On normal demographics, Councillor Story asked if it was care costs in relation to demography.

Adele Taylor said that demographics had to be dealt with, there was an increasing and ageing population in the borough.

Councillor Walters commented on the new homes bonus, which was assumed not to continue.

Andrew Vallance said that it was assumed not to continue, although the bonus was extended last year and the settlement was likely to be a roll forward. No consultation had been done on what would replace it.

Councillor Walters asked about the provision for paying back debt.

Andrew Vallance said that it was paid back over 50 years, usually 2% to 4% of the capital sum and it was done on the lifetime of assets.

Councillor Bond said that the size of the savings required was particularly significant. It was useful to have the sensitivity analysis. RBWM used Arlingclose, Councillor Bond asked if they agreed with the assumptions made on inflation and interest rates. He asked what would happen if the assumption for interest rates were incorrect.

Adele Taylor confirmed that officers did consult with Arlingclose, their assumptions were very similar to those from the Bank of England. RBWM was continuing to lobby the government about the impact of inflation, it was hoped that this would be considered when any settlement

figure was agreed. More detailed work would need to be done around the collection fund, the draft budget would show what had changed.

The Chairman asked when officers would be able to update the material parts of the report.

Adele Taylor said that there was less certainty than usual due to what was happening nationally. Settlements were expected to be similar to previous years, notification would be received in December.

RESOLVED UNANIMOUSLY: That the Panel noted and commented on:

- i) **The proposed key themes of the Medium-Term Financial Strategy set out in the report.**
- ii) **The Medium-Term Financial Plan set out in Appendix A.**

As per C25 in Part 2 of the Constitution, the Panel was required to hold a vote on whether to continue the meeting, as the meeting had continued past 9.30pm.

A named vote was taken.

To continue the meeting (Motion)	
Councillor Gerry Clark	For
Councillor John Story	For
Councillor Karen Davies	For
Councillor Greg Jones	For
Councillor Lynne Jones	For
Councillor Helen Price	For
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Leo Walters	For
Carried	

RESOLVED UNANIMOUSLY: That the meeting would continue and the remaining items on the agenda would be considered by the Panel.

PROPERTY COMPANY GOVERNANCE ACTION PLAN UPDATE

Adele Taylor explained that the report set out an update on the action plan, the action plan itself had been considered at a previous meeting of the Panel. As of 1st April 2022, the client officer had changed from the Chief Executive to the Executive Director of Resources. The majority of the actions had now been completed, with some actions ongoing. Some of the items still outstanding were around shareholder protocol, CIPFA had recently produced a best practise document on management of public companies, officers were ensuring that the Property Company complied with this best practise before the shareholder protocols were agreed. The Property Company was a wholly owned company, property services in the council were undertaken by the Property Company. All other actions were expected to be resolved in the next couple of months.

Councillor Price mentioned that when the business plan had been considered by Cabinet, it was done so in Part II. She asked if the shareholder protocols would also be in Part II.

Adele Taylor said that as much content as possible was being discussed in Part I, she would confirm with Councillor Price after the meeting exactly how much could be discussed in public.

ACTION – Adele Taylor to confirm how much of the Property Company action plan could be discussed in Part I and which parts could only be discussed in Part II.

Councillor Walters asked if the Property Company had their own retained firm of lawyers.

Adele Taylor confirmed that they did, she would confirm the name of the firm after the meeting.

ACTION – Adele Taylor to inform Panel Members of the law firm for the Property Company.

The Chairman welcomed the transparency around the Property Company.

RESOLVED UNANIMOUSLY: That the Corporate Overview and Scrutiny Panel noted the report and:

- i) **Offered any comments on the latest updated action plan.**

WORK PROGRAMME

Councillor L Jones said that she had been trying to get the customer journey on to the Panel's agenda for over a year. She had been told that there was a working group, once work had been done it would be shared with the Panel. However, Councillor L Jones was concerned that the Panel would not be involved and would just receive a final report. The peer review team were visiting the council again in October, it would be good for the Panel to see the report. Councillor L Jones said that she wanted the Tivoli contract to be considered, Corporate should consider the contractual obligations. Annual complaints and compliments would link in well with the performance monitoring reports.

The Chairman said that there was a significant amount of work ongoing around the 'report it' system. This should be a useful tool to understand if issues were being resolved. He said that he would contact the relevant officer with regard to the customer journey.

Adele Taylor said that she was happy to take the item away and bring an item as an update on the customer service and journey, she would speak to the relevant officers.

ACTION – Adele Taylor to confirm the customer journey item on the work programme and speak to relevant officers.

Nikki Craig said that RBWM was legally required to report the compliments and complaints for adult and children's services, the council reported all complaints and compliments which had been received. The report did not include the 'report it' function. Nikki Craig said that she would discuss with the strategy team to see if current detail could be matched with the performance monitoring report.

ACTION – Nikki Craig to discuss with the strategy team to see if feedback from residents in the form of complaints and compliments could be incorporated into the performance monitoring report which would be considered by the Panel.

Emma Duncan said that an update on the action plan from the peer review was due at Cabinet in August. This could be brought to the next Panel meeting.

Councillor Price said that she would be meeting with officers this week to finalise the scrutiny scoping document on her suggested topic around equalities. She would circulate it to Panel Members shortly and it was hoped that it would be ready to come to the next meeting. On the transformation programme, she suggested that it would be good to look at this sooner rather than later as there had been some changes in the transformation team. On the Cabinet

Forward Plan, there was an item on the Covid Relief Fund, Councillor Price asked if this was relevant for the Panel to consider.

Adele Taylor said that there were some potential changes to the transformation team, this would be brought forward at the appropriate time. On the Covid Relief Fund, the council had been given money for business rate relief, this was for businesses that had not had any other support. There was a strict criteria around the fund, therefore there was not much opportunity for scrutiny. Adele Taylor said that she was happy to discuss with Councillor Price outside of the meeting, if appropriate.

The meeting, which began at 7.00 pm, finished at 10.00 pm

CHAIRMAN.....

DATE.....

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Report Title:	Member Call In – Cedar Tree House
Contains Confidential or Exempt Information	Main Cabinet Report – Part I Cabinet Appendix A - Part II Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Meeting and Date:	Corporate Overview & Scrutiny Panel – 12 th September 2022

In accordance with Part 3 B7 and Part 4 A16 of the Constitution, the Cabinet decision on 30th August 2022 has been called in for review by the Corporate Overview & Scrutiny Panel.

1. REASON(S) FOR CALL IN

1.1 The call-in notice was submitted on Thursday 1st September 2022, stating the following reasons for the decision being called in:

- The executive did not take the decision in accordance with principles set out in article 12.2 as per RBWM Constitution Part 4 A16:
 - Due consultation and the taking of professional advice from officers.
 - Consideration of the legal and financial implications.
 - Clarity of the aims and desired outcomes in compliance with the council's adopted plans and strategies.
- Officers' recommendation was not accepted.
- How does the sale comply with current plans?
- The financial implications of the decision were not considered as other options of refurbishment/conversion were not included in the report.
- The council has a responsibility to achieve best value and the current option is a significant loss.

2. MEMBERS CALLING IN THE REPORT

2.1 The call-in notice was signed by:

- Councillor Lynne Jones
- Councillor Helen Price
- Councillor Simon Bond

3. PANEL OPTIONS

3.1 Having considered the Call-In, the Overview and Scrutiny Panel may decide:

- i. to take no further action, in which case the decision will take effect immediately;
- ii. to refer the decision back to the decision-maker for reconsideration, setting out the nature of the Panel's concerns. The decision-maker must then re-consider the matter, taking into account the concerns of the Overview and Scrutiny Panel, before making a final decision. In the case of Cabinet as the decision maker, the Leader can call a Cabinet meeting within 5 working days to expedite the process or refer the item to the next appropriate scheduled meeting. In the case of any decision maker, consideration must take place within a maximum of 28 days;
- iii. if the decision is considered to be outside of the budget or policy framework, to refer the matter to next scheduled ordinary full Council or an extraordinary full Council meeting within 28 days if appropriate, in which case paragraph (3.3) below will apply;

3.2 If, following a call-in, the Overview and Scrutiny Panel does not meet within 10 clear working days of receipt of the decision to call-in, or does meet but does not refer the matter back to the decision making person or body, or Full Council under iii above, the decision shall take effect immediately.

3.3 If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the Policy Framework, or contrary to or not wholly consistent with the Budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's view on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Cabinet as a whole or a committee of it, a meeting will be convened to reconsider within 5 clear working days of the Council request. Where the decision was made by an individual, the individual will reconsider within 5 clear working days of the Council request.

3.4 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.

4. APPENDICES

4.1 This report is supported by four appendices:

- Appendix A – Cabinet Report

- Appendix B – Extract from Cabinet Minutes
- Appendix C – Cabinet Report Appendix A (Part II)
- Appendix D – Extract from Cabinet Minutes (Part II)

5. BACKGROUND DOCUMENTS

5.1 This report is supported by three background documents:

- [Council Constitution - Part 4A - Purpose and Procedure Rules for Overview & Scrutiny](#)
- [Cabinet Agenda - August 2022](#)
- [Full Council Agenda - April 2021 \(Purchase of Cedar Tree House\)](#)

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

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%
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£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

EqIA : 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

CABINET

THURSDAY, 25 AUGUST 2022

PRESENT: Councillors Andrew Johnson (Leader of the Council; Growth & Opportunity) (Chairman), David Cannon (Anti-Social Behaviour, Crime, and Public Protection), David Coppinger (Environmental Services, Parks & Countryside & Maidenhead), David Hilton (Asset Management & Commercialisation, Finance, & Ascot), Donna Stimson (Climate Action & Sustainability) and Ross McWilliams (Digital Connectivity, Housing Opportunity, & Sport & Leisure)

Also in attendance: Councillors Baldwin, Bhangra, Bond, Brar, Davey, Price, Rayner, Sharpe, Singh, Taylor; Mike Piggford (LTA); Ian Brazier-Dubber (MD, RBWM PropCo)

Officers: Emma Duncan, Andrew Durrant, Adele Taylor, Alysse Strachan, Kevin McDaniel, Karen Shepherd, Louise Freeth, David Wiles and David Scott

CEDAR TREE HOUSE WINDSOR

Cabinet considered options for the property at Cedar Tree, 90 St Leonards Road, Windsor.

The Cabinet Member for Asset Management & Commercialisation, Finance, & Ascot explained that the property was purchased by the Council in May 2021 with a view to using it as temporary accommodation. It had been used as such by the previous owners from March 2021 and before then as a bed and breakfast. The intention had been to refurbish the property to provide much needed temporary accommodation for those in need in the borough. The property had been vacant whilst a planning application was prepared. As a result of due diligence, it had become clear that construction costs had grown which exceeded the originally agreed capital budget. To proceed with the original proposal would now cost an extra £490,000. The Cabinet Member referred Members to the options detailed in Table 1 which included the original proposal with additional costs; an alternative proposal to convert the property into affordable/key worker accommodation (with similar additional expenditure required); or sale of the property on the open market (which would minimise financial exposure and planning risk). An independent valuation had been provided that indicated the property would achieve £800,000 as is or £1.15m fully restored. The council would need to invest £150,000 to refurbish the property to a saleable condition resulting in a loss of £429,000.

The public consultation on the planning application had raised the issue with local residents who had expressed a number of concerns.

Councillor Johnson commented that the decision on planning would lay with the Development Management Committee, but Cabinet needed to be mindful of the significant planning risk. There were also significant inflationary impacts on the construction sector. National policy would increase demand for temporary accommodation therefore the challenge needed to be addressed but it did not mean that every proposal was the right one to take forward. He was strongly minded to proceed with option C.

Councillor Stimson commented on the escalation of building costs and uncertainty in relation to planning permission.

Councillor Rayner stated that she supported the new recommendation for option C. she had met with residents and local businesses and was fully aware of their concerns. The borough needed temporary accommodation, but the business case also needed to be robust.

Cabinet was addressed by Karin Falkentoft, James Waud and Rhian Thornton.

Karin Falkentoft explained that she lived next door to Cedar Tree. She had provided lots of information already to Cabinet members. She was very happy that residents' concerns had been listened to; option 1 would have been detrimental to residents' lives and livelihoods.

James Waud explained he was the manager of The Windsor Trooper which was opposite the property. He was delighted with the new recommendation but felt a further option to divide the property into three individual flats had been missed. There was no garden which families would want so flats seemed more sensible. He had undertaken some research which showed that most similar 2 bedroom properties were valued lower than £300,000. He acknowledged the council needed to find a solution for those who found themselves homeless, but he felt the £0.5m could be used more appropriately for something else.

Rhian Thornton explained she was the headmistress of Upton House School which was located 40metres from Cedar Tree. She was pleased to hear the new recommendation but as she had only just heard it, she wished to make some comments.

Upton House school was proud to play an active part in the Windsor community. It was a hugely diverse school with a keen focus on charity and support for the vulnerable. For example, a number of Ukrainian refugees were being supported through the school's bursary scheme. She felt it was reasonable for the school to challenge and seek assurances if there was any risk to the children, however low. The school had found out about the development by default rather than being informed. It seemed the council had been unaware there was a private school close by and it had not been included in any risk assessment. Councillor McWilliams had been unable to attend two meetings held with governors until one on 3 June 2022. When he had been asked about vetting procedures, he had been vague but had pledged to create an appropriate policy, which had thus far not arrived. The school had requested a copy of the risk assessment from the Chief Executive, but this had not been received so it could only be assumed it had not been undertaken. The school was not saying that all homeless people were a risk to children, it was just asking for a guarantee that any occupant would not pose a risk. Given the new recommendation, Rhian Thornton requested a guarantee that should there ever be a revisit of plan a, there would be no risk to the children.

Councillor Johnson thanked the public speakers. He explained that no absolute guarantee could be given that any of the occupants would not pose a threat, as was the case with any resident in the area. However, it was recognised that those with additional complex needs would more appropriately accommodated elsewhere.

Councillor McWilliams confirmed that he had recently visited the school. He felt he had answered all the questions, but he appreciated it was a complex issue. He explained that when a property was purchased it was not necessarily determined how it would be used therefore there was no requirement for a risk assessment at that stage in the way described. However, he acknowledged the wider point of concerns about the previous use of the building. The government had required all rough sleepers to be housed at the time for the protection of those individuals and society at large during the pandemic. The property had been managed by private landlords at that time. Councillor McWilliams commented that anti-social behaviour was taken very seriously in all council managed properties.

There were 1000 borough residents on the housing register therefore it was clear people were being priced out and there was a lack of sustainable accommodation. The council did not want to rely on out of borough temporary accommodation as this stretched people's support networks.

The Executive Director of People Services commented that it was important to distinguish between the allocation of temporary housing and the rough sleeper pathway. The pathway was for those with additional needs, to be supported to make adjustments rather than simply being put in a property and left without any support. The rough sleeper pathway had never been the intention for Cedar Tree.

Councillor Price commented that she recollected that the decision to purchase the property had been taken very quickly as it had come up at auction. She felt that more care should have been taken as the decision would now result in a financial loss. The shortage of labour and increasing costs was known at the time of the purchase.

Councillor Johnson commented that the council did have to move quickly at the time. No one would have anticipated the rampant inflation; build costs had started to go up significantly at the end of last year.

Councillor Hilton commented that the planning risk was severe therefore he did not feel it was appropriate to proceed.

RESOLVED UNANIMOUSLY: That Cabinet noted the report and:

- i) Noted the risk in relation to the grant of planning consent**
- ii) Approved the option to sell Cedar Tree House (option C) as a family dwelling for best market consideration.**

Agenda Item 6

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

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Agenda Item 7

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

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