

## Cabinet

**Thursday 29 June 2023**

Present: Councillors Simon Werner (Chair), Lynne Jones (Vice-Chair), Richard Coe, Geoff Hill, Joshua Reynolds, Catherine Del Campo, Adam Bermange, Karen Davies and Amy Tisi

Also in attendance: Councillors David Buckley, Ewan Larcombe and Helen Price

Also in attendance virtually: Councillor Maureen Hunt

Officers: Stephen Evans, Elaine Browne, Kevin McDaniel, Andrew Vallance, Alysse Strachan and Neil Walter

Officers in attendance virtually: Lin Ferguson

### Apologies for Absence

No apologies for absence were received.

### Declarations of Interest

No declarations of interest were made.

### Minutes

**RESOLVED UNANIMOUSLY: That the Part I minutes of the meeting held on Thursday 27 April 2023 be noted.**

### Appointments

There were no appointments to be considered in addition to the report at item 6 on the agenda.

### Forward Plan

Cabinet noted the Forward Plan for the next four months including the following additional changes listed in the agenda report pack:

- The Disposal of Open Land, Land at Braywick Park, Maidenhead would now come to July Cabinet as a result of the call-in decision in April 2023 to refer it back to the decision maker.
- The Allocations Policy would now come to July Cabinet to allow for further updates to be added confirming partnership working with the HQN.
- The Disabled Facilities Grant would now come to July Cabinet as further updates were being awaited following the legal position.
- The Award of the RBWM Leisure Management Contract would now come to July Cabinet due to a further unforeseen delay in the procurement process.
- The Tall Buildings SPD was removed from the Forward Plan to allow time for the new relevant Cabinet Members to consider amendments that had been made following consultations.

Since the agenda was published the following changes had been made:

- The Broadway Car Park - Nicholson Quarter Development update report had been added as a new item for July Cabinet

- Public Places Protection Orders Consultation had been added as a new item for July Cabinet
- Self-Build and Custom Housebuilding Guidance Note had been added as a new item for September Cabinet
- A308/Mill Lane/Parsonage Lane junction improvement had been added as a new item for September Cabinet
- Supported bus services tender approval had been added as a new item for September Cabinet
- Article 4 Direction – removal of permitted development rights to change of use from Class E (commercial class) to C3 (residential) had been added as a new item for September Cabinet
- A308/Holyport Road junction improvements had been added as a new item for October Cabinet

Cabinet members then discussed the items that they would like to see added to the forward plan for consideration at future meetings:

- Councillor Hill, lead member for Highways and Traffic, Customer Service Centre and Employment indicated that he was keen for a Parking Strategy for Maidenhead town to be brought for consideration due to the current issues being experienced by visitors and residents and the impact on business as soon as possible.
- Councillor Bermange, lead member for Planning, Legal and Asset Management highlighted that the planning policy team were working on a number of Supplementary Planning Documents (SPDs) and he would be looking for the affordable housing SPD to be considered in the Autumn.
- Councillor Del Campo, lead member for Adults, Health and Housing Services was keen to discuss an empty homes strategy, as per her previous motion to Council, to develop a supportive and encouraging approach to bring properties back onto the market. She noted that in January there were 400 empty properties in the borough and given that there were 10 rough sleepers and the volume of families on the housing waiting list this was a priority to be considered.
- Councillor Coe, lead member for Environmental Services updated Cabinet that an action plan on grass cutting and verge maintenance would be developed to maximise the outcomes from the existing contract. He commented that this is a clear concern for residents.
- Councillor Reynolds, lead member for Communities and Leisure picked up on the results of the Youth Council survey from November 2022 in which they highlighted libraries. He noted that of the 1815 respondents to the previous library opening hours consultation only 51 were under 30 years old. The Youth Council had surveyed 100 young people and 60% of respondents would like to use libraries more if they were open for longer and also open on Sundays. He was keen to bring a paper for consideration at a future meeting to discuss increasing opening hours, especially at satellite library sites in order to get more young people accessing libraries when they need them.
- Councillor Werner, Leader of the Council and lead member for Community Partnerships, Public Protection and Maidenhead would like to see a report in September about the role of Community Wardens including increasing the number of wardens and refocusing their role on issues that really matter to the community.
- Councillor Bermange, lead member for Planning, Legal and Asset Management explained that he had sought advice in relation to the existing item on the forward plan 'Disposal of Open Space Land, Land at Braywick Park, Maidenhead'. He had raised a statutory objection which was still outstanding before becoming a councillor and along with a number of Freedom of Information requests that had been recently published he had decided it would not be appropriate for him to lead on this matter. He stated that he had not discussed the subject with the Executive Director, Place since being appointed and that Councillor Reynolds, lead member for Communities and Leisure had agreed to become the lead member for this issue.

- Councillor Bermange continued that work had been undertaken on the governance of the RBWM Property Company and it was agreed that the arrangements needed to be strengthened even further than the initial action plan currently overseen by the Corporate Overview and Scrutiny Panel. A robust plan had been put forward in the interim by the Chief Executive to establish a shareholder panel comprising a small group of Cabinet members, senior officers and officers from the Property Company. He suggested that this should be reported back to the Corporate Overview and Scrutiny Panel so they were aware of this change.

Councillor Werner, Leader of the Council concluded that the timing of reports identified to be considered by Cabinet would be agreed after the meeting.

### 2022/23 Revenue Outturn Report

Cabinet considered the 2022/23 Revenue Outturn report which detailed the final outturn against budget for the 2022/23 financial year and included the revenue and capital budgets along with the financial reserve position at year end.

Councillor Jones, Deputy Leader of the Council and lead member for Finance introduced the report by stating that the final revenue outturn for the year there had been an overspend on service budgets of £757k, the contingency funding had been applied which had left £1.46m to be added to the Council's general reserve which currently stood at £10.2m.

Councillor Jones explained that the minimum level for the general reserve was currently £7.9m and the optimum would be between £12m to £15m. She added that the minimum levels being set in the budget were increasing year on year due to the Council's increased risks.

Councillor Jones focused on the following pressures:

- Adult Services had contributed £1.2m to the previous years' service budget overspend. This had been explained as an increase in older people placement numbers and the unit cost. During covid there was an increase in care home admittances from hospitals into care homes and she observed this seemed to be a continuing trend.
- Parking Season tickets, due to new working patterns, had not returned to pre-covid levels
- Energy inflation was affecting the Council's leisure centre utility costs for example increased costs to heat the swimming pool
- Unfulfilled positions had offset some of the Council's budget overspend but she reflected that these positions were important to provide adequate services to the borough's residents. She stated that the Council must understand and resolve any recruitment issues to ensure these positions, especially the key roles, were filled as soon as possible.

Councillor Jones highlighted that on page 29 of the agenda pack and within appendix A it set out significant Capital slippage which had meant that the Council had £779k underspend on the Minimum Revenue Provision (MRP) that was not expected and this had been offset by the £548k increase in interest payments on Council borrowing. Within the 2022/23 financial year the Council had received a number of 'one off' funding payments and this could not be relied upon for 2023/24.

Councillor Jones reiterated that she had concerns regarding the levels of savings targets given the known pressures on services but stated that Cabinet would work with the budget as inherited to mitigate those pressures through the year. She stated that years of council tax freezes and cuts, while austerity reduced council funding by around 30%, had left the council with significant financial constraints and a lack of capacity to provide services – people were seeing this on a daily basis across the borough. There was a significant financial challenge to address in the Medium Term.

Councillor Price reflected that savings on posts was a cost to the Council in its services and queried what was being done to consider how to recruit to the positions.

Stephen Evans, Chief Executive advised the meeting that it was difficult to recruit to certain professional roles since the pandemic especially within children's and adult's social care, planning and other regulatory roles for example. He stated that there were recruitment challenges across the local authority sector and the Council needed to consider the terms and conditions it was able to offer to prospective recruits. Where savings were proposed on the basis of not recruiting to a vacant post this would have been assessed in terms of impact on the wider service delivery.

Councillor Price reflected that the budget for the current year had included a number of unidentified savings within the Place directorate and she was concerned when looking at the outturn report how these savings would be achieved.

Councillor Jones noted those concerns had been raised before. She stated that for the budget process going forward that savings needed to be viable, worked through and not based on a 'review'.

Councillor Hill, lead member for Highways and Traffic, Customer Service Centre and Employment drew colleagues' attention to the Job Fair event held on Tuesday 27 June at Maidenhead Library. He advised that officers attending had been positive about the possibility for recruiting to the vacancies. He reported that the relaxed format had worked well to encourage people to come and ask questions.

The Chief Executive appreciated the feedback and advised that along with such events the Council was looking at various career pathways to attract younger people and people wishing to retrain into the Council such as apprenticeships and the management graduate scheme.

**Cabinet noted the report and that:**

- i) the final revenue outturn for the year was an overspend on services of £0.757m which would reduce to an underspend of £1.460m when including unallocated contingency budgets and changes to funding budgets (para 4);**
- ii) as a result of this, the general fund reserve had increased from £8.753m to £10.213m (para 4); and**
- iii) the forecast capital outturn was expenditure of £21.663m against a budget of £76.56m (para 13).**

Contract for Parking Enforcement, Moving Traffic Enforcement, Environmental Enforcement and Highways Enforcement

Cabinet considered the report relating to the award of contract for Parking Enforcement, Moving Traffic Enforcement and Environmental Enforcement.

Councillor Hill, lead member for Highways and Traffic, Customer Service Centre and Employment introduced the report explaining that this had been in progress for some time and they were picking up what the previous administration had started. He stated that none of these enforcement activities were about making money but parking enforcement was about making sure that people did the right thing at the right time, that moving traffic enforcement was about people's safety and that environmental enforcement was about keeping the Borough clean and tidy. He advised that this was not a revenue generating paper.

Councillor Hill explained that the procurement for the Parking & Environmental Enforcement contracts was broken down into four lots e.g.

- Lot 1 Parking Enforcement

- Lot 2 Compliance Management Technology and Associated Services, including PCN issue and progression, evidence review, permit management, interfaces and reporting.
- Lot 3 Moving Traffic Enforcement which was new to the borough
- Lot 4 Environmental enforcement services

Councillor Hill advised that the Council was looking to bring some services such as environmental enforcement services back inhouse in the future but would let this contract run.

Councillor Bermange, lead member for Planning, Legal and Asset Management thanked the legal team for looking into his questions about the governance arrangements for the contracts. He explained that when outsourcing any activities to a contractor that they take on the responsibilities, how they conduct themselves would be a reflection on the Council and he was pleased to note there were statute and existing codes of practice in place for the staff operating the services. He reflected that anecdotally there had been concerns raised about the tactics used in environmental enforcement. He noted that the contract specifically referred to the code of practice and this regulated activity would be delivered in a proportionate and consistent way.

Councillor A Tisi, lead member for Children's Services, Education and Windsor highlighted the education side of litter enforcement and that it was important to offer tools for easy disposal. She was really pleased to see the focus on school safety and noted that one of the sites was outside Wraysbury School which was a particular area that was a traffic concern. She added that the ten sites had been identified and the traffic regulation orders had already been applied for but there was scope to extend this to other sites, other schools, which would heighten pedestrian safety.

Councillor Coe, lead member for Environmental Services commented on concerns raised previously about the Council's ability to direct the activities of contractors and recognising that residents' priorities may be different from those of a contractor. Councillor Hill responded that the Council was in control, able to direct enforcement officers where they wanted to and would be reviewing the moving traffic enforcement sites to refocus them on public safety.

Councillor Hill advised the meeting that the Council lost money on parking charge notices (PCNs) so wanted any residents observing the discussion to know that the Council was not using PCNs to make money but instead needed to provide the service at a cost to ensure that car parks were functioning.

Councillor Jones, Deputy Leader and lead member for Finance sought reassurance that there was a robust and fair appeals process in place for residents. In response Councillor Hill confirmed this was in place and intervention was possible by officers where there was a lack of confidence that contractors were treating residents as they should.

Councillor Price asked for clarification on the services to be brought inhouse and Councillor Hill explained that the viability of bringing the environmental services contract would be explored but the contract as proposed for a two-year term would be set to run. He added that there were currently no plans to bring the parking enforcement element of the contract in house.

Councillor K Davies, lead member for Climate Change, Biodiversity and Windsor Town Council raised residents concerns about coaches' engines idling within the Windsor coach parks, the impact this was having on air quality and asked what actions were taken.

Neil Walter, Parking Principal explained that all enforcement team officers working within the vicinity of the coach park were tasked with asking any coach drivers with their engines idling to switch them off. He noted the impact on businesses in the area from the resulting fumes. He added that it was difficult to enforce as the team were required to give a warning initially even if on repeat occasions. The focus was on educating drivers on the impact this action was having.

Councillor Werner, Leader of the Council and lead member for Community Partnerships, Public Protection and Maidenhead asked the amended recommendations be shared.

On the proposal by Councillor Hill, lead member for Highways and Traffic, Customer Service Centre and Employment and seconded by Councillor Bermange, it was

**AGREED UNANIMOUSLY: That Cabinet noted the report and delegated authority to the Executive Director of Place Services in consultation with the relevant Cabinet Member to**

- i) award the contracts for Lots 1 and 2 to Marston Holdings (NSL) for a total of 5 years with options for two extension periods of 2 years (5+2+2);**
- ii) award the contract for Lot 3 to Marston Holdings (NSL), subject to locations being agreed in alignment with our priorities to increase pedestrian safety and improve safe routes to school, for the same term as i); and**
- iii) award the contract for Lot 4 to WISE for a total of 2 years with options for two extension periods of 1 year (2+1+1)**

Appointments to Outside Bodies

Cabinet considered the report dealing with the appointment of representatives to serve the Council on a number of associated and outside bodies as set out in the appendix to the report.

Councillor Werner, Leader of the Council and lead member for Community Partnerships, Public Protection and Maidenhead introduced the report and confirmed that part of the recommendations was to delegate authority to the Head of Law and Governance, in consultation with the Leader of the Council and Leaders of the Opposition Groups, to appoint to the positions without a nominated person and any future positions that became vacant or required changes.

On the proposal by Councillor Werner, Leader of the Council and lead member for Community Partnerships, Public Protection and Maidenhead and seconded by Councillor Jones, it was

**AGREED UNANIMOUSLY: That Cabinet noted the report and:**

- i) Appointed representatives to serve on the organisations listed in Appendix B;**
- ii) Delegated authority to the Head of Law and Governance, in consultation with the Leader of the Council and Leaders of the Opposition Groups, to fill any ad hoc vacancies that might arise through the year from nominations received or make any changes to appointments as required.**

The meeting, which began at 7.00 pm, finished at 7.48 pm

CHAIR.....

DATE.....