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Notice of Meeting

Cabinet

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

Thursday 27 July 2023 7.00 pm

Grey Room - York House - Windsor & on [RBWM YouTube](#)

www.rbwm.gov.uk



Agenda

Item	Description	Page
1	Apologies for Absence To receive any apologies for absence.	-
2	Declarations of Interest To receive any declarations of interest from Cabinet Members.	5 - 6
3	Minutes To consider the minutes of the meeting held on Tuesday 11 July 2023.	7 - 8
4	Appointments Cabinet to note and agree the below appointments: Standing Advisory Council on Religious Education (SACRE) <ul style="list-style-type: none">· Vanessa Alfred – Judaism· Karen Waller – Headteacher· Suzanne Hill – Academy Headteacher	-
5	Forward Plan To consider the Forward Plan for the period August 2023 to November 2023.	9 - 16
6	Medium-term Financial Plan 2024/25 - 2028/29 To note: <ul style="list-style-type: none">i) the Medium-Term Financial Plan set out in Appendix A, including the forecast budget gap for the next financial year 2024-25 and over the medium-term.ii) the proposed budget themes that will drive the budget process to identify savings and income growth; andiii) the business planning process, and timeline for developing the new Medium Term Financial Strategy, Budget 2024-25, and new Corporate Plan.	17 - 30

7	<p>Finance Update Month 2 2023/24</p> <p>To note:</p> <ul style="list-style-type: none"> i) the forecast revenue outturn for the year is an overspend on services of £4.900m which reduces to an overspend of £1.520m when including unallocated contingency budgets and changes to funding budgets (para 4). ii) that the Council's approach to in-year budget monitoring and management is being strengthened – as part of a wider approach to improving corporate governance at RBWM - as set out in paragraph 5.1. iii) the forecast capital outturn is expenditure of £70.325m against a budget of £87.695m (para 10); and iv) agrees the virement in paragraph 11.4 to fund the additional capital costs of £0.101m for the Berkshire Records Office. 	31 - 44
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Cabinet Member Reports

8	<p>Disabled Facilities Grant Policy</p> <p><i>Cabinet Member for Adults, Health & Housing Services</i></p> <p>To note the report and delegate authority to the Executive Director of Place in consultation with the relevant Cabinet Member to publicly consult on the draft policy and to adopt the final version, once updated following consultation and to approve updates to the policy prior to publishing for consultation.</p>	45 - 54
9	<p>Allocations Policy</p> <p><i>Cabinet Member for Adults, Health & Housing Services</i></p> <p>To note the report and delegate authority to the Executive Director of Place in consultation with the relevant Cabinet Member to take the Housing Allocations Policy through a public consultation process and to adopt the final version of the Policy and to approve updates to the policy prior to publishing for consultation.</p>	55 - 122
10	<p>Disposal of Open Space Land, Land at Braywick Park, Maidenhead</p> <p><i>Cabinet Member for Communities & Leisure</i></p> <p>That Cabinet consider the objections received in relation to the proposed disposal (by the grant of a lease) of land at Braywick Park, Maidenhead (“the Open Space”) following the statutory notification of the Council's intention to dispose of the Open Space and having regard to the objections, confirm whether it agrees to the disposal of the Open Space.</p>	123 - 176

11	<p>Public Spaces Protection Orders Consultation</p> <p><i>Leader of the Council and Cabinet Member for Community Partnerships, Public Protection & Maidenhead</i></p> <p>To note the report and consider the Royal Borough of Windsor and Maidenhead, Antisocial Behaviour Crime and Policing Act 2014, Public Space Protection Order (Alcohol Consumption) Order 2023 and the Public Space Protection Order (Barbeques) Order 2023 and delegates authority to the Executive Director of Place Services in consultation with the Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead to approve both Orders.</p>	177 - 202
12	<p>Broadway Car Park - Nicholson Quarter Development update report</p> <p><i>Cabinet Member for Highways and Transport, Customer Service Centre & Employment</i></p> <p>To delegate authority to the Executive Director of Place in consultation with the Cabinet Member for Highways and Transport, to go out to tender and approve a contract to demolish the Broad Way Multistorey Car Park</p>	203 - 236

By attending this meeting, participants are consenting to the audio & visual recording being permitted and acknowledge that this shall remain accessible in the public domain permanently.

Please contact Oran Norris-Browne, Oran.Norris-Browne@rbwm.gov.uk, with any special requests that you may have when attending this meeting.

Published: Wednesday 19 July 2023



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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:

- a) *any unpaid directorships*
 - b) *any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority*
 - c) *any body*
 - (i) *exercising functions of a public nature*
 - (ii) *directed to charitable purposes or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)*
- of which you are a member or in a position of general control or management*

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, or a body included under Other Registerable Interests in Table 2 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 financial interest or well-being of a body included under Other Registerable Interests as set out in Table 2 (as set out above and in 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 (referred to in the paragraph above) **affects** the financial interest or well-being:

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

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

Other declarations

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

Agenda Item 3

CABINET

TUESDAY 11 JULY 2023

PRESENT: Councillors Simon Werner (Chair), Lynne Jones (Vice-Chair), Joshua Reynolds, Catherine Del Campo, Adam Bermange and Amy Tisi

Present Virtually: Councillors Richard Coe and Karen Davies

Officers: Oran Norris-Browne, Stephen Evans, Andrew Durrant, Elaine Browne, Kevin McDaniel and Michael Shepherd

Officers in attendance virtually: Alysse Strachan

Apologies for Absence

Apologies for absence were received from Councillor Hill. Councillors Coe & Davies were attending virtually so they could participate in discussions, but were unable to take part in any form of voting.

Declarations of Interest

No declarations of interest were made.

Minutes

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on Thursday 29 June 2023 were approved.

Leisure Services update and award of interim contract

Cabinet considered the report titled 'Leisure Services Update & Award of Interim Contract'.

Councillor Reynolds, Cabinet Member for Communities & Leisure, introduced the report to Cabinet and outlined the three options that were available, as outlined in table 2 of the report. Section 1 outlined in detail; the recommendation that was being put forward to Cabinet. He explained the risks that could potentially be involved if this recommendation was not agreed to as outlined within the report.

This was proposed by Councillor Reynolds and seconded by Councillor Werner.

AGREED UNANIMOUSLY: That Cabinet noted the report and:

- i) **Agreed to terminate the current Leisure Contract procurement process.**
- ii) **Agreed to a new 20-month interim contract to the incumbent leisure operator to ensure continuity of service allowing time for the consideration below to be made.**
- iii) **Requested officers conduct research to consider leisure delivery options in light of HMRC VAT ruling change and bring back to cabinet for decision on delivery option and if necessary, authority to run a new procurement process at the end of the interim contract.**
- iv) **Noted the risks and opportunities of taking the actions above.**

The meeting, which began at 7.00 pm, finished at 7.05 pm

CHAIR.....

DATE.....

Cabinet Forward Plan - changes made since Cabinet meeting on 29.06.23:

Item	Scheduled date	New date	Reason for change
Public Spaces Protection Orders Consultation	27.07.23	-	New Item
Article 4 Direction – removal of permitted development rights to change of use from Class E (commercial class) to C3 (residential)	27.09.23	-	New Item
Highway Service Contract - Award	29.11.23	-	New Item

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FORWARD PLAN OF CABINET DECISIONS

All enquiries, including representations, about any of the items listed below should be made in the first instance to Democratic Services, Town Hall, St Ives Road, Maidenhead. Email: democratic.services@rbwm.gov.uk

FORWARD PLAN

ITEM	Private Meeting - contains exempt/confidential information? See categories below.	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings	Date and name of meeting	Date of Council decision (if required)
A308/Mill Lane/Parsonage Lane junction improvement	Open -	For approval by cabinet the proposal to install a new Cyclops-style junction at the intersection of A308/Mill Lane/Parsonage Lane to boost pedestrian and cyclist safety. This junction has a high injury count, as recorded by the police, with this solution likely to result in a substantial improvement in safety.	Yes	Cabinet Member for Highways and Transport, Customer Service Centre & Employment (Councillor Geoff Hill)	Tim Golabek	Scheme formally consulted on in January and February 2023	Cabinet 27 Sep 2023	
Supported bus services tender approval	Open -	RBWM's supported bus services require retendering	Yes	Cabinet Member for Highways and Transport, Customer	Tim Golabek	Internal consultation with members and	Cabinet 27 Sep 2023	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
		to ensure new, affordable, long-term arrangements with operators are in place. Approval is sought to go to tender.		Service Centre & Employment (Councillor Geoff Hill)		consideration of external engagement on options if members approve.		
12 Self-Build and Custom Housebuilding Guidance Note	Open -	The report recommends that Cabinet adopt the Self-build and Custom Housebuilding Guidance Note to be published as guidance and afforded weight as a material consideration in the planning process. The guidance note has been prepared to provide detail and clarification on the self-build and custom housebuilding process and provide information on how the Council will support the delivery of serviced plots and provide	No	Cabinet Member for Planning, Legal & Asset Management (Councillor Adam Bermange)	Adrien Waite	Internal process	Cabinet 27 Sep 2023	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

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		sources of further information and advice.						
13 Article 4 Direction—removal of permitted development rights to change of use from Class E (commercial class) to C3 (residential)	Open -	The report recommends that a non-immediate Article 4 direction be introduced to remove permitted development rights for changes of use from Class E to residential on protected employment sites set out in BLP Policy ED2. Following Cabinet's approval, this would be subject to public consultation for at least 28 days and it is anticipated that a report would then be taken back to Cabinet to confirm the Article 4 direction. The Article 4 would then come into force 12 month's after	Yes	Cabinet Member for Planning, Legal & Asset Management (Councillor Adam Bermange)	Andrew Durrant, Ian Motuel	External consultation will take place subject to Cabinet approval	Cabinet 27 Sep 2023	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

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		initial publication of the notice.						
A308/Holyport Road junction improvements	Open -	Approval sought to proceed with the improvement of the junction at Holyport Road and A308 which is currently a location of reported near misses and queues.	Yes	Cabinet Member for Highways and Transport, Customer Service Centre & Employment (Councillor Geoff Hill)	Tim Golabek	Internal process and external consultations on the design.	Cabinet 25 Oct 2023	
Highway Services Contracts – Award 14	Part exempt - 3	A procurement has been undertaken for the Highways Service Contracts. Bids have been received, which have been evaluated both for quality and finance purposes. The purpose of the report is to gain approval to appoint the associated contractor(s) for each of the lots.	Yes	Cabinet Member for Highways and Transport, Customer Service Centre & Employment (Councillor Geoff Hill)	Andrew Durrant, Alysse Strachan	External market engagement, Internal process with Key stakeholders.	Cabinet 29 Nov 2023	

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

ITEM	Private Meeting - contains exempt/confidential information? See categories below	Short Description	Key Decision, Council or other?	REPORTING MEMBER (to whom representations should be made)	REPORTING OFFICER / DIRECTOR (to whom representations should be made)	Consultation (please specify consultees, dates (to and from) and form of consultation), including other meetings.	Date and name of meeting	Date of Council decision (if required)
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DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

- 1 Information relating to any individual.
- 2 Information which is likely to reveal the identity of an individual.
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information).
- 4 Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- 6 Information which reveals that the authority proposes:
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
- 7 Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

N.B. All documents to be used by the decision maker to be listed in the report to Cabinet

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Report Title:	Medium Term Financial Plan 2024/25 – 2028/29
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Jones, Deputy Leader and Cabinet Member for Finance
Meeting and Date:	Cabinet - 27 July 2023
Responsible Officer(s):	Andrew Vallance, Deputy Director of Finance & Interim s151 Officer
Wards affected:	All

REPORT SUMMARY

This report sets out the council's proposed Medium-Term Financial Plan (MTFP) for 2024/25 - 2028/29.

The MTFP sets the context for the council's business planning process, which will run from now until February 2024. The business planning process will include the development of the Medium Term Financial Strategy, 2024-25 Budget and a new Corporate Plan, which will reflect the priorities of the council.

The financial outlook for local authorities continues to be difficult and, as such, RBWM will need to take a range of challenging decisions and actions to put the council on a more secure financial footing for the future. This paper sets out a framework for reviewing the council's financial sustainability over the medium term and its response to the challenges it faces. It provides the basis upon which the council will take decisions about its priorities and resource allocation over the next six months.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet **NOTES:**

- i) the Medium-Term Financial Plan set out in Appendix A, including the forecast budget gap for the next financial year 2024-25 and over the medium-term;**
- ii) the proposed budget themes that will drive the budget process to identify savings and income growth; and**
- iii) the business planning process, and timeline for developing the new Medium Term Financial Strategy, Budget 2024-25 and new Corporate Plan.**

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

Options

Table 1: Options arising from this report

Option	Comments
To note the Medium-Term Financial Plan.	This is the recommended option.
To not note the Medium-Term Financial Plan.	If not noted the 2024/25 budget will be developed without regard to the wider financial challenge facing the council.

- 2.1 This report sets out the proposed financial plan for the Royal Borough of Windsor and Maidenhead across the next 5 years. It sets out the assumptions that the council is making about the wider financial context and the resources that will be available. It recognises that there is a high level of uncertainty in terms of the wider economic context, including inflation and interest rates, and a lack of clarity about levels of central government funding with the continuation of one year funding settlements.
- 2.2 However, it is clear that the financial outlook for local authorities including RBWM continues to be challenging. A growing number of authorities are issuing section 114 notices which limits spending and leads to intervention from government. Within this context, RBWM will need to take some challenging decisions about priorities and where savings can be found to ensure it remains financially sustainable over the medium-term.
- 2.3 The MTFP provides the budget envelope, which underpins the council's business planning process. The business planning process brings together the development of our 2024-25 Budget, Medium Term Financial Strategy, and a new Corporate Plan, which will reflect the priorities of the new administration. The business planning process will run from now, until the agreement of the new Corporate Plan, 2024-25 Budget and MTFS at February 2024 Full Council.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Services delivered within approved budget	Budget overspend >£250,000	Budget variance +/- £250,000	Budget underspend >£250,000 <£1,500,000	Budget underspend >£1,500,000	31 March 2029

4. FINANCIAL DETAILS / VALUE FOR MONEY

Introduction

- 4.1 The council faces serious financial challenges and must take some tough decisions and make changes to the way in which it operates, in order to ensure that it is on a sustainable financial footing going forwards.
- 4.2 The Royal Borough continues to have the lowest council tax in the country, outside of London. The low level of council tax results in an inability to raise funds to the same amount as other councils and provides the council with a lower level of income with which to fund services.
- 4.3 Our historically low levels of reserves coupled with increasing levels of borrowing have also made the RBWM financial position more challenging and present additional risk. Our reserves are insufficient to absorb the financial pressure projected for 2024/25 and beyond unless significant savings are made on an ongoing and sustainable basis.
- 4.4 The Royal Borough has a growing and ageing population, as shown in the 2021 Census results. Since 2011, there have been substantial increases in the population age-groups, 55-59yrs (+32.3%) and 70-74yrs (+33.2%). An ageing population has implications for demand for services, particularly adult social care. It also has implications for infrastructure planning and the suitability of housing stock to meet changing needs over people's lifetimes. There was a sharp increase in demand for adult social care during the period of the pandemic, and this has not reverted back to pre-COVID levels. Adult social care represents 42% of our 2023-24 service budget and a future trajectory of rising demand and costs is a key source of pressure on council finances.
- 4.5 The specific circumstances above present particular challenges for the Royal Borough and our short and medium term outlook. However, local authorities are facing serious financial challenges across all parts of the country. Just 14 percent of councils across England said they were confident in the sustainability of local government finance in a recent survey by LGIU. (LGIU statement: [State of Local Government Finance 2023](#))
- 4.6 Rising interest rates, the impact of inflation on labour costs and materials, and increased energy costs affect the council and also our partners – including contracted delivery partners, developers and businesses. These increased costs, coupled with a more uncertain and challenging economic outlook, have made the council's financial position more difficult and set a different and more uncertain context for investment decisions.
- 4.7 Continuing rises in the cost of living are also affecting residents, due to a combination of factors including: rises in energy bills, inflation causing increases in prices for necessities like food and fuel; and increased interest rates. Rising costs affect all residents, but the impacts are greatest on those who are already struggling financially. Our voluntary and community sector partners have seen increasing demand for food banks, debt advice and wider support services, and health partners are severely over-stretched. Cost of living rises are causing anxiety and stress for residents and can contribute to a

range of negative impacts across health, housing, and relationships, which can then feed through into increased demand for services.

- 4.8 These challenges follow more than a decade of austerity, in which local authorities have faced significant cuts to their funding from central government. There has been a lack of certainty from central government concerning levels of funding, with one year settlements continuing since 2019. Policy on key areas, including Adult Social Care Reform, has been delayed, adding to uncertainty about the future operating environment and local authority responsibilities.
- 4.9 Whilst the Covid-19 pandemic is now over, its impacts have led to lasting changes in behaviours. The pandemic continues to have a legacy through reduced income in areas such as parking season tickets and leisure income budgets, which is expected to continue over a medium-term basis. It has also increased demand on demand led services, particularly in Children's Services and Adult Social Care, which has, in turn, placed considerable pressure on discretionary services, including Early Help services for children and families.
- 4.10 The current financial outlook therefore presents a high level of risk and uncertainty, which needs to be factored into both the council's short and longer-term financial planning. This document explains the financial context for RBWM and sets out the areas of focus for the business planning process.

Further detail: RBWM Financial Context

- 4.11 RBWM has already delivered around £80m of savings from the start of austerity. The council has implemented a range of changes to the ways in which it delivers services, including sharing services with other councils and changing delivery models particularly around Children's and Adults services. However, it is clear that a more ambitious programme of transformation is needed to ensure that we can continue to deliver quality services and better outcomes for our residents.
- 4.12 RBWM has several significant risks that need to be considered as part of its medium-term financial plans and any potential mitigations identified, where possible.
- **A low level of council tax**, means that the council has missed out on additional revenue from raising council tax in previous years. It also means that any future percentage increases will generate less as they start from a lower base.
 - **Council Reserves are under considerable pressure**. They are insufficient to absorb the financial pressure projected for 2024/25 and beyond unless significant savings are made on an ongoing and sustainable basis. Reserves have been strengthened over the last three years, but this will need to remain a focus going forwards to ensure the council can remain financially resilient.
 - **The Pension fund deficit** means that a growing share of council funding is required to cover pension deficits in the future

- **Substantial levels of borrowing and higher interest rates** mean that an increasing share of the council's budget is required to service debt before money can be spent on day-to-day services. There is also a reliance on capital receipts in future years.
- **Growing pressures around Children and Adult Services and other demand led services** have been widening the budget gap further. This is compounded by the inflexibility of having low spend and comparatively smaller numbers of clients in these services.
- **Inflation and interest rate risks.** Assumptions on these have been reviewed as part of the MTFP given the current inflationary and cost of living pressures.
- **Longer-term consequences of the pandemic.** Government support for the council has ended but the long term changes precipitated by the pandemic, to the ways in which residents and businesses operate, are still playing out.
- **Reforms to Adult Social Care.** Work is currently underway to identify the full impact of the proposed reforms on future council budgets.
- **Reforms to future national funding arrangements.** Assumptions on these will be reviewed as part of the MTFP.
- **Other legislative changes.**

4.13 In short, there is a considerable level of uncertainty around financial plans for 2024/25 and beyond. However, the council has some advantages that places it in a better position than some local authorities to meet the financial challenges that it faces.

- Lower levels of deprivation mean that it does not have the same level of pressure on Adult Care and Children's Services that some councils have experienced. We have relatively low numbers of people that we support although this does make any increases proportionally larger.
- Significant capital assets have enabled the council to continue to fund its capital programme, at a time when government support for capital schemes has diminished.
- The borough is an attractive location for investment and development, and there are opportunities to maximise the benefits of inward investment, for the people of the borough.
- Lower reliance on Government Grant also meant that the impact of austerity was less than in some other councils, noting the corollary of the increased importance of Council Tax, compared to others.

4.14 For all councils there is a fine line between financial security and a financial position that can give rise to concern. The tipping point will be different from council to council and ensuring that we understand both risks and opportunities is an important part of ensuring ongoing financial sustainability.

5. MEDIUM-TERM FINANCIAL POSITION

5.1 A revised Medium-Term Financial Plan is attached as **Appendix A**. The table below shows the projected savings required during the period of the MTFP.

Table 3: Required savings

2024/25	2025/26	2026/27	2027/28	2028/29
£3.675m	£1.787m	£2.528m	£2.143m	£0m

5.2 The following assumptions have been made in determining the MTFP in Appendix A:

- Non-pay inflation 6.5% in 2024/25 then 4% each year thereafter.
- Pay awards 3% each year.
- Fees & charges inflated by 5% in 2024/25 then 2% each year thereafter.
- Council Tax increases of 2.99% each year but no Adult Social Care precept from 2025/26.
- Additional government funding of £1m for Adult Social Care, which was alluded to in the 2023/24 settlement without giving firm figures.

5.3 Appendix B shows the impact of any changes to these assumptions.

5.4 The council may need to deliver total ongoing savings of £10m over the 5-year period 2024/29, unless government funding in the form of grant or council tax flexibility improves before the council identifies other interventions. This also does not take account of the significant changes that are affecting adult social care in the future and other legislative changes.

5.5 The council has insufficient reserves to sustain a budget deficit and will therefore have to generate substantial cost reductions or increased income plans. These will need to be linked to the Corporate Plan objectives.

6. ALIGNING PRIORITIES AND RESOURCES: THE BUSINESS PLANNING PROCESS

6.1 The MTFP provides the budget envelope, which underpins the council’s business planning process.

6.2 The business planning process brings together the development of our 2024-25 Budget, Medium Term Financial Strategy, and a new Corporate Plan, which will reflect the priorities of the new administration. The business planning process will run from now, until the agreement of the new Corporate Plan, 2024-25 Budget and MTFP at February 2024 Full Council.

- 6.3 Early public and stakeholder engagement on the MTFs, Budget and Corporate Plan will take place during Autumn 2023, followed by a public consultation on the draft plans following November Cabinet. Earlier engagement events will provide an opportunity for greater transparency about the process for identifying priorities, and about the council's approach to balancing the budget.
- 6.4 Key dates are as follows:
- **Cabinet, November 2023:** Draft Budget and Corporate Plan, for public consultation.
 - **Cabinet, February 2024:** Final Budget and Corporate Plan
 - **Full Council, February 2024:** Final Budget, Corporate Plan & Tax Setting
- 6.5 Taking forward strategic, financial and delivery planning as a single process helps to ensure that we consider decisions about prioritisation and resourcing in the round. It makes sure that we are setting out a work plan which is achievable within the resources available, enables us to deliver affordable and quality services, and delivers progress against the council's priorities.
- 6.6 **A new Corporate Plan:** The council's new priorities will be defined over the coming months, and in consultation with our residents and partners. Decisions about resource allocation will reflect these priorities, which include:
- Achieving financial sustainability
 - A cleaner, safer, greener borough
 - Prioritising Climate change and biodiversity
 - Strengthening partnership working with the voluntary and community sector, and businesses
- 6.7 Given the scale of financial challenges facing the council, the business planning process will need to prioritise those activities which will help set our finances on a sustainable footing going forwards. This recognises that financial sustainability is crucial to enable the council to deliver affordable services and improved outcomes for residents into the future.
- 6.8 These activities will be developed under the following six themes:
- **Service re-design and transformation:** making changes to the way in which services are delivered to improve efficiency and value for money. Looking for opportunities to deliver in partnership with other local authorities or wider partners (including health) where it makes sense to do so. Given the scale of the financial challenges faced, it may be that some lower priority services may have to be significantly scaled back or stopped but this would always be a last resort option.
 - **Prevention / demand reduction:** designing in prevention and strengthening early support which prevents problems from escalating, including through working more closely with community and voluntary

sector partners. This is a shift in resourcing to activities that reduce future demand.

- **Contract management:** ensuring that contracted services are managed effectively to achieve better value for money, and reviewing options for service delivery including bringing services back in house, where it makes sense to do so.
- **Maximising income:** looking for opportunities to increase the income received by the council, for example, through increased commercial income, and more effective management of debt.
- **Managing our assets:** the council is fortunate to own a wealth of diverse assets across the borough. We will review opportunities to improve the social and economic value of these assets to the council, for example through renting out under-used spaces. The council will make the best use of its assets for the benefit of our residents and local taxpayers including appropriate levels of investment, disinvestment, and commercial activity.
- **Economic growth and development:** supporting inclusive growth, stronger relationships with businesses, and investment which maximises benefits for the people of the borough. A healthy economy, supported by well-planned development and investment into the borough, makes a substantial contribution to the council's income, through business rates and capital receipts, as well as supporting development of new jobs and affordable housing.

7. SUMMARY AND CONCLUSIONS

7.2 This paper sets out the financial operating context for the council and outlines the challenges faced. Some tough choices will need to be taken to achieve long term stability. This report sets the context, framework and timeline for the process of resource allocation and priority setting.

7.3 In the current financial climate, there are few quick fixes. However, the council is committed to taking action across the six themes highlighted above. Unless we prioritise getting the finances right, the council will be unable to fulfil its responsibilities to its residents and to take forward its wider priorities for improving the borough. The business planning process will therefore prioritise activity which sets the council on to a surer financial footing. We are currently developing and assessing the viability of a range of ideas and proposals, including changes to the way in which the organisation delivers and for maximising the value of our partnerships, contracts and assets.

7.4 All councils face considerable financial uncertainty that is beyond their control. Like all councils, we need to have a clear understanding of how that uncertainty can impact on our financial plans and ensure that we protect ourselves, as far as possible, against that uncertainty.

8. LEGAL IMPLICATIONS

8.1 None at this stage of the budget process.

9. RISK MANAGEMENT

9.1 Failure to identify sufficient savings as part of the budget process would risk the council being unable to maintain minimum levels of reserves.

9.2 The council is already at a more significant risk because it has moved up the commercial risk curve and is anticipating income for charges and capital schemes.

9.3 Several assumptions have been made in developing the Medium-Term Financial Plan and any variation in these will impact on the required savings. Appendix B provides more detail on the financial implications from any movement in these assumptions.

9.4 Whilst not a current likelihood and because of all the factors mentioned in this report, the council remains at significant risk of financial failure due to the inability to raise council tax income. Any significant unexpected financial change could have serious consequences.

10. POTENTIAL IMPACTS

10.1 Equalities. A full EQIA will be undertaken on the budget submitted to Full Council in February 2024 and a draft EQIA developed alongside the Medium-Term Financial Plan and updated throughout the budget setting process as appropriate.

10.2 Climate change/sustainability. The potential impact of budget recommendations will be considered once details of budget submissions are published.

10.3 Data Protection/GDPR. Not applicable.

11. CONSULTATION

11.1 The draft budget approved by Cabinet in November 2023 will be fully consulted on before final proposals are made to Cabinet and Full Council in February 2024. Appropriate consultation will also take place when developing proposals with our key stakeholders and partners.

12. APPENDICES

12.1 This report is supported by two appendices:

- Appendix A – Medium Term Financial Plan
- Appendix B – Sensitivity Analysis

13. BACKGROUND DOCUMENTS

13.1 This report is supported by one background document, the [Corporate Plan](#)

14. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officers (or deputies)</i>	
Andrew Vallance	Deputy Director of Finance/Interim S151 Officer	Report Author	
Elaine Browne	Deputy Director of Law and Governance/ Monitoring Officer		
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	3/7/23	7/7/23
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of Adults Services		
Lin Ferguson	Executive Director of Children's Services		

Confirmation relevant Cabinet Member(s) consulted	Deputy Leader and Cabinet Member for Finance	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Andrew Vallance, Deputy Director of Finance
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MEDIUM TERM FINANCIAL PLAN	2024/25 £'000	2025/26 £'000	2026/27 £'000	2027/28 £'000	2028/29 £'000	Notes
SERVICES BASE BUDGET	92,033	94,179	98,139	103,090	107,675	
Inflation						
- Pay (excludes DSG funded, include increase in pension contribution)	759	782	805	829	854	1
- Direct utility costs (water, gas, electricity)	0	28	29	29	30	
- Contract inflation (includes AfC and Optalis pay)	5,666	3,979	4,121	4,267	4,419	2
- Miscellaneous inflation	220	144	150	156	162	
- Fees & charges	(1,377)	(578)	(590)	(602)	(614)	
- Adult Social Care client charges	(273)	(280)	(287)	(294)	(301)	
Growth	2,000	2,200	2,300	2,400	2,400	
Savings	0	0	0	0	0	
Changes in government grants within net cost of services	(14)	0	0	0	0	
Commitments	(1,161)	(528)	952	(58)	(2,241)	
Service Base Budget Before Savings	97,853	99,926	105,618	109,818	112,383	
Budget surplus / (gap)	(3,675)	(1,787)	(2,528)	(2,143)	109	
Service Net Expenditure	94,179	98,139	103,090	107,675	112,492	
NON-SERVICE BUDGETS						
Corporate Budgets and Contingency	2,720	2,720	2,720	2,720	2,720	
Interest received	(1,126)	(854)	(854)	(854)	(854)	
Interest paid	10,847	8,869	7,629	6,839	5,862	
Minimum revenue provision	3,499	3,772	3,890	3,804	3,804	
Other non-service costs	168	168	168	168	168	
Pension costs including past deficit	4,570	4,750	4,750	4,750	4,750	
Total Non-Service Budget	20,678	19,425	18,303	17,427	16,450	
TOTAL EXPENDITURE	114,857	117,564	121,393	125,102	128,942	
NON-COUNCIL TAX FUNDING						
NNDR	(13,517)	(12,767)	(12,017)	(12,017)	(12,017)	3
Income from trading companies	(260)	(260)	(260)	(260)	(260)	
Non-ringfenced grants	(9,229)	(9,229)	(9,229)	(9,229)	(9,229)	
Transfer (surplus)/deficit Collection Fund	1,000	1,000	0	0	0	
Transfer to (from) earmarked reserves	0	0	0	0	0	
Transfer to (from) general reserves	0	0	0	0	0	
Total non-council tax funding	(22,006)	(21,256)	(21,506)	(21,506)	(21,506)	
COUNCIL TAX	(92,851)	(96,308)	(99,887)	(103,596)	(107,436)	
TOTAL FUNDING	(114,857)	(117,564)	(121,393)	(125,102)	(128,942)	
COUNCIL TAX	£	£	£	£	£	
Adult Social Care Precept	186.84	186.84	186.84	186.84	186.84	
Council Tax at Band D	1,097.30	1,135.70	1,175.24	1,215.97	1,257.91	
Special Expenses	36.66	37.76	38.89	40.05	41.25	
Total Council Tax	1,320.80	1,360.30	1,400.97	1,442.86	1,486.00	
	No. Band D properties	No. Band D properties	No. Band D properties	No. Band D properties	No. Band D properties	
Council Taxbase	70,750	71,250	71,750	72,250	72,750	4
Unparished Taxbase	36,981	37,481	37,981	38,481	38,981	4
ASSUMPTIONS						
CTAX increase (%)	2.99%	2.99%	2.99%	2.99%	2.99%	
ASC precept (%)	2.00%	0.00%	0.00%	0.00%	0.00%	
Pay inflation (%)	3.00%	3.00%	3.00%	3.00%	3.00%	
Utility inflation (%)	0.00%	2.00%	2.00%	2.00%	2.00%	
Contract inflation (%)	6.50%	4.00%	4.00%	4.00%	4.00%	
Miscellaneous inflation (%)	6.50%	4.00%	4.00%	4.00%	4.00%	
Fees & charges inflation (%)	5.00%	2.00%	2.00%	2.00%	2.00%	
Adult Social Care Income (usually related to pensions / benefits) (%)	2.50%	2.50%	2.50%	2.50%	2.50%	
Growth in tax base (Band D properties)	500	500	500	500	500	
Bank of England base rate	6.00%	4.50%	4.50%	4.50%	4.50%	
Government Grant inflation	0.00%	0.00%	0.00%	0.00%	0.00%	

Extended Producer Responsibility (new regulations concerning packaging produceds and household waste) is cost neutral
£1m additional grant assumed for ASC, but settlement indicates there could be additional funding of £1.86m
Assume capital receipts from sale of Golf Club

NOTES

1. Pay inflation excludes staff in Optalis and AfC.
2. Contract inflation includes pay inflation related to Optalis and AfC staff.
3. Reflects the regeneration of Maidenhead and the reduction in projected business rates as a result (estimated).
4. Assumes growth in taxbase Band D properties - see assumptions above.

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= current assumption built into MTFP

Non-pay inflation

The base assumption is non-pay inflation of 6.5% in 2024/25. A 1% increase costs £0.548m.

Non-pay inflation assumption	4.50%	5.50%	6.50%	7.50%	8.50%	9.50%	10.50%
Cost (£000)	4,790	5,338	5,886	6,434	6,982	7,530	8,078
Additional / (reduced) cost from current MTFP (£000)	(1,096)	(548)	0	548	1,096	1,644	2,192

Pay inflation

The base assumption is pay inflation of 3%. Each percentage point costs £0.542m assuming AfC and Optalis mirror this .

Pay inflation	1%	2%	3%	4%	5%	6%	7%
Cost (£000)	542	1,084	1,626	2,168	2,710	3,253	3,795
Additional / (reduced) cost from current MTFP (£000)	(1,084)	(542)	0	542	1,084	1,627	2,169

Fees & charges

The base assumption is fees & charges are uplifted by 5%. Each additional 1% generates £0.276m of income assuming demand remains unchanged.

Fees & Charges inflationary increase	2.0%	3.0%	4.0%	5.0%	6.0%	7.0%	8.0%
Income generated (£000)	(551)	(826)	(1,102)	(1,377)	(1,653)	(1,928)	(2,204)
(Additional) / reduced income from current MTFP (£000)	(826)	(551)	(275)	0	276	551	827

Council Tax

The base assumption is a Council Tax increase of 2.99%. Each 1% of Council tax generates £0.884m of income.

CTAX increase (%)	0%	1%	2.99%
Income generated (£000)	(91,082)	(91,966)	(92,851)
Cost (£000)	1,769	884	0

Bank of England base rate

This rate impacts on borrowing costs and investment returns. The base assumption is 6%, but each 1% increase costs £0.509m.

Bank of England base rate	5.50%	6%	6.50%
Net interest costs (£000)	9,212	9,721	10,230
Additional / (reduced) cost from current MTFP (£000)	(509)	0	509

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Report Title:	2023/24 Month 2 Revenue Monitoring Report
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Jones, Deputy Leader and Cabinet Member for Finance
Meeting and Date:	Cabinet – 27 th July 2023
Responsible Officer(s):	Andrew Vallance, Head of Finance and Interim S151 Officer
Wards affected:	All



REPORT SUMMARY

This report details the forecast outturn against budget for the 2023/24 financial year. It includes the revenue and capital budgets along with the financial reserve position at year end.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet:

- i) notes the forecast revenue outturn for the year is an overspend on services of £4.900m which reduces to an overspend of £1.520m when including unallocated contingency budgets and changes to funding budgets (para 4);**
- ii) notes that the Council's approach to in-year budget monitoring and management is being strengthened – as part of a wider approach to improving corporate governance at RBWM - as set out in paragraph 5.1;**
- iii) notes the forecast capital outturn is expenditure of £70.325m against a budget of £87.695m (para 10); and**
- iv) agrees the virement in paragraph 11.4 to fund the additional capital costs of £0.101m for the Berkshire Records Office.**

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

Options

Table 1: Options arising from this report

Option	Comments
To note the Council's outturn.	This is the recommended option.
To not note the Council's outturn.	This is not the recommended option.

3. KEY IMPLICATIONS

- 3.0 The Council faces considerable financial risks that could have a significant and immediate impact on its finances. However, whilst reserves are currently above the minimum level that the S151 Officer has deemed are required to protect against financial and service risks, they remain low compared to the optimum level that should be held. The Medium-Term Financial Plan assumes that the Council will identify sustainable savings over the medium term and therefore remain above the minimum level of reserves identified by the S151 Officer (£7.900m).

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
General Fund Reserves	<£7.9m	£7.9m to £12m	£12m to £15m	> £15m	Ongoing

4. 2023/24 MONTH 2 REVENUE FORECAST OUTTURN

- 4.1 The month 2 forecast is an overspend on service budgets of £4.900m. Assuming the contingency budget is not used and the budgeted contribution to general reserves not made, this reduces to an overspend of £1.520m.

Table 3: 2023/24 Month 2 Revenue Budget Forecast

	Current Budget	Forecast Outturn	Over / (under) spend
	£000	£000	£000
Adult Social Care and Health	39,507	42,360	2,853
Children's Services	27,759	27,809	50
Place	11,697	14,223	2,526
Resources	12,132	11,603	(529)
Chief Executive Department	932	932	0
TOTAL SERVICE EXPENDITURE	92,027	96,927	4,900
Contingency and Corporate Budgets	3,080	700	(2,380)
Other funding and non-service expenditure	(95,107)	(96,107)	(1,000)
DECREASE IN GENERAL FUND RESERVE	0	1,520	1,520

GENERAL FUND		
Opening balance	(10,213)	(10,213)
Transfer out	0	1,520
CLOSING BALANCE	(10,213)	(8,963)

- 4.2 There is usually volatility in forecasts this early in the year, particularly on demand led budgets and where progress on challenging efficiency targets is less certain. However, directorates have been asked to establish clear action plans where the forecast is for an overspend and the focus continues to be on managing down the overspends over the course of the financial year. Regular update reports will be brought back to Cabinet.

5. Strengthening in-year budget monitoring and management

- 5.1 Steps are being taken by the new Chief Executive to strengthen the Council's approach to in-year budget monitoring and management. The following changes are being implemented:

- A new senior officer **Performance & Resources Board** is to be established - chaired by the Executive Director of Resources (to be chaired by the s151 officer in the interim), which brings together Heads of Service to identify, monitor and scrutinise in-year budget pressures and opportunities. The Board will meet monthly to consider mitigations needed to help reduce any budget overspends.
- **Directorate Management Teams** are expected to meet monthly to monitor and manage budgets at directorate level.
- The Council's **Executive Leadership Team (ELT)** will scrutinise the in-year budget situation every month
- **Cabinet** will be briefed on the budget situation monthly, with a formal report on the Council's in-year budget taken to the public meeting of Cabinet on a quarterly basis

- 5.2 This forms part of a wider focus on improving corporate governance at the Council, including its approach to management of council-assets (particularly buildings and land). Going forward, any proposed permanent transfer of council buildings or land to a third party should subject to a formal decision by Cabinet.

6. ADULT SOCIAL CARE AND HEALTH

- 6.1 The Adult Social Care & Health directorate forecast outturn is an overspend of £2.853m.

Table 4: Adult Social Care and Health

	Budget	Forecast Outturn	Over / (under) spend
	£000	£000	£000
Executive Director and Commissioning	1,451	1,568	117
Adult Social Care	37,886	40,622	2,736
Transformation and Community	170	170	0
Public Health Spend	5,403	5,403	0
Public Health Grant	(5,403)	(5,403)	0
Total	39,507	42,360	2,853

- 6.2 The overspend is primarily due to older people residential care costs, where the Council is currently placing 193 clients at an average weekly cost of £1,118. There also continue to be workforce challenges, meaning all savings in respect of staff costs are unlikely to be met.
- 6.3 Currently, £1.270m (31%) of revenue budget savings are RAG rated RED, meaning there is a risk they will not be achieved, despite the service having taken the actions envisioned to secure the reduction in cost.
- 6.4 Actions to address the overspend include establishing a rigorous panel process for new care placements, the Homefirst project that seeks to support people as they leave hospital to reduce the risk of care home placements, and a targeted review of care packages between August and November. There are early indications that the panel review and Homefirst are having positive impacts, but with demand led services we must wait to see longer term trends before drawing firm conclusions.
- 6.5 There is significant inflationary pressure from all providers, especially those with no contractually agreed terms. This is particularly noticeable in residential and nursing home places where we are seeing requests for 8-16% uplifts on existing placements, having budgeted 5%.

7. CHILDREN'S SERVICES

- 7.1 The Children's directorate forecast outturn is an overspend of £0.050m.

Table 5: Children's Services

	Budget	Forecast	Over /
	£000	Outturn	(under)
		£000	spend
			£000
Management & Business Services	3,158	3,314	156
Education	1,279	1,420	141
Special Educational Needs & Disabilities	3,676	3,904	228
Social Care and Early Help	21,043	20,572	(471)
Public Health	(11)	(15)	(4)
RBWM Retained Grant Budgets	(1,387)	(1,387)	0
Total	27,758	27,809	50

- 7.2 There are continuing pressures on SEN Transport costs and Legal support costs. However, this has been mostly mitigated by government grant in respect of Homes for Ukraine being used to offset costs, reflecting the additional demand on services from children moving to the Borough.
- 7.3 Reflecting the areas of budget pressure outlined above, currently £0.550m (18%) of revenue budget savings are RAG rated RED, meaning there is a risk they will not be achieved.
- 7.4 Actions to address the areas of budget pressure include a new process to hear SEN appeals to ensure only eligible young people are offered transport.

8. PLACE

- 8.1 The Place directorate forecast outturn is an overspend of £2.526m.

Table 6: Place

	Budget	Forecast	Over /
	£000	Outturn	(under)
		£000	spend
			£000
Executive Director of Place	20	20	0
Neighbourhood Services	9,303	11,264	1,962
Planning Service	1,331	1,331	0
Communities including Leisure	(1,250)	(790)	460
Housing	2,016	2,016	0
Property	(2,908)	(2,908)	0
Infrastructure, Sustainability & Transport	3,186	3,290	104
Total	11,697	14,223	2,526

8.2 The overspend includes the following significant factors:

- Contract costs, specifically £0.600m on the SERCO contract and £0.400m due to inflation on the Volker highways contract having almost doubled from previous assumed budgets.
- Daily parking income is performing at 97% of income budget, however, there remains an underachievement of parking income targets partly due to continued lower levels of season ticket sales (0.600m).
- Increase in reprocessing rates on waste recycling (£0.400m) that are reporting higher than anticipated, mainly due to stockpiling of material in overseas markets and paper mills in Europe being shut due to energy crisis.
- Continued uncertainty on the leisure services contract renewal (£0.600m).

8.3 Currently, £0.010m (0.4%) of revenue budget savings are RAG rated RED, meaning there is a risk they will not be achieved.

8.4 The Place Directorate Leadership Team are developing a range of in-year actions to address the overspend, these include:

- Forecasting – working across service teams to ensure relatively early full year forecasts are accurate.
- Growth Bids – Officers are working with Members to review existing growth budgets to determine a reprioritisation to drive service improvement and efficiency.
- Contract Management – working within existing contract frameworks, officers are identifying potential cost saving opportunities, which are also informing future procurements.
- Parking income – Development of a parking strategy and communications campaign to increase parking use in key locations such as Maidenhead. There is also a review of additional on-street parking provision that will support ongoing service cost.
- Enforcement - consideration of options on moving traffic enforcement in relation to award of new Parking and Enforcement contract. This presents an in-year opportunity that can be reinvested in services.

9. RESOURCES

9.1 The Resources directorate forecast is an underspend of £0.529m.

Table 7: Resources

	Budget	Forecast Outturn	Over / (under) spend
	£000	£000	£000
Executive Director of Resources	198	158	(40)
Revenues, Bens, Library & Res Services	4,315	3,903	(412)
Housing Benefit	(377)	(377)	0
Human Resources, Corporate Projects & IT	3,346	3,346	0
Corporate Management	(196)	(196)	0
Finance	1,477	1,477	0
Governance	2,385	2,308	(77)
Legal Services	984	984	0
Total Resources	12,132	12,015	(529)

9.2 The underspends are mainly related to staff vacancies and anticipated government grant funding, though this latter is hard to predict as grants are notified by central government on an ad hoc basis throughout the year. No savings are RAG rated as RED.

10. SUNDRY DEBT

10.1 The current level of overdue sundry debt is £7.734m. On subsidiary systems there is also debt of £3.103 and £0.144m in relation to Housing Overpayments and Housing Rents respectively.

10.2 Some of the efficiency savings in this year's budget relate to reductions in debt. As such, work is currently ongoing to establish a more holistic, corporate led approach to debt. This is likely to include:

- clearer and more frequent reporting of debt to encourage directorates to engage in the debt recovery process;
- data cleansing, including write off of historic uncollectable debts, to allow efforts to be focused on collectable debts;
- ensuring processes are in place for debt on subsidiary systems that do not automatically follow corporate procedures (e.g. Housing Rents); and
- adopting tailored approaches where relevant, such as Adult Social Care where Optalis has recently recruited a dedicated income collection officer.

Table 8: Aged Debt and bad debt provision

	> 1 month	> 2 month	> 6 month	> 1 year	Total	Bad Debt Prov
	£000	£000	£000	£000	£000	£000
Adults & Health						
Adult Social Care	346	766	725	2,462	4,299	2,754
Deferred Payments	0	28	35	422	485	0
Children's Services	12	15	4	7	38	11
Place						
Housing	1	16	21	1,464	1,502	1,471
Commercial property	158	199	126	428	911	556
Other Place	27	226	31	106	390	181
Resources	17	14	1	77	109	83
Total Agresso Debt	561	1,265	943	4,965	7,734	5,056

Debt on other systems:

HB Overpayments	3,103	1,790
Housing Rents	144	50
Total debt	10,981	7,232

11. CAPITAL

- 11.1 The 2023/24 budget of £87.695m includes the original capital programme budget of £34.766m approved by Council in February 2023 and an expenditure slippage of budget of £52.929m carried-forward from 2022/23.
- 11.2 The capital budget for the current financial year is summarised in Table 9 below.

Table 9: Capital programme outturn

	Budget	Reprofiled to 24/25	Forecast 23/24 Outturn	YTD spend
	£000		£000	£000
ASC and Health	1,535	0	1,535	0
Children's Services	14,987	(1,345)	13,642	629
Place	67,196	(16,025)	51,171	1,304
Resources	3,977	0	3,977	224
Total	87,695	(17,370)	70,325	2,157

11.3 Table 10 below summarises how the capital programme for 2023/24 is financed:

Table 10: Financing of the capital programme

	Over / (under) spend
	£000
	£000
Government Grants	16,791
Community Infrastructure Levy	9,103
S106	2,082
Capital Receipts & contributions	1,309
Borrowing	41,040
Total	70,325

11.4 RBWM contributes towards Berkshire Record Office building refurbishment work and its share has increased by £0.194m to £0.488m as per the revised projections for 2023/24. The total revised capital programme is now estimated at £2.508m (initial capital expenditure was estimated at £1.450m). A RBWM budget of £0.387m has already been identified and approved for 2023/24 and the additional £0.101m can be funded by unspent capital grants.

12. LEGAL IMPLICATIONS

12.1 In producing and reviewing this report the Council is meeting its legal obligations to monitor its financial position.

13. RISK MANAGEMENT

13.1 Projected variances require mitigation to reduce them during the financial year.

14. POTENTIAL IMPACTS

14.1 Equalities. There are no direct impacts.

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

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

15. CONSULTATION

15.1 None.

16. TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in: 'Immediately'.

17. APPENDICES

17.1 This report is supported by nine appendices:

Appendix A Revenue monitoring statement

18. BACKGROUND DOCUMENTS

18.1 This report is supported by one background document, the budget report to [Council February 2022](#).

19. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>	<i>Statutory Officers (or deputies)</i>		
Andrew Vallance	S151 Officer	28/6/23	30/6/23
Elaine Browne	Monitoring Officer	28/6/23	30/6/23
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	28/6/23	3/7/23
Andrew Durrant	Executive Director of Place	28/6/23	5/7/23
Lin Ferguson	Executive Director of Children's Services	28/6/23	30/6/23
Kevin McDaniel	Executive Director of Adult Services and Health	28/6/23	30/6/23

Confirmation relevant Cabinet Member(s) consulted	Deputy Leader and Cabinet Member for Finance	
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Non-key decision	No	No

Report Author: Julian McGowan, Senior Finance Business Partner
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Original budget	Service	Current budget	Forecast	Forecast	Previously	Change from
£000		£000	£000	£000	reported	previously
					variance	reported
					£000	variance
						£000
	Chief Executive Department					
262	Chief Executive	258	258	0		0
674	Strategy & Performance	674	674	0		0
936	TOTAL CHIEF EXECUTIVE	932	932	0	0	0
	Children's Services					
(57)	Director of Children's Services	(79)	(79)	0		0
42,902	Achieving for Children Contract	44,686	44,736	50		50
63,408	Children's Services - Retained	58,869	58,869	0		0
(78,556)	Dedicated Schools Grant - Income	(75,717)	(75,717)	0		0
27,697	TOTAL CHILDREN'S SERVICES	27,759	27,809	50	0	50
	Adult Social Care and Health					
1,431	Executive Director and Commissioning	1,451	1,568	117		117
37,886	Adult Social Care	37,886	40,622	2,736		2,736
12,938	Better Care Fund - Spend	12,938	12,938	0		0
(12,938)	Better Care Fund - Income	(12,938)	(12,938)	0		0
276	Transformation and Community	170	170	0		0
3,976	Public Health Spend	5,403	5,403	0		0
(4,166)	Public Health Grant	(5,403)	(5,403)	0		0
39,403	TOTAL ADULT SOCIAL CARE and HEALTH	39,507	42,360	2,853	0	2,853
	Resources					
205	Executive Director of Resources	198	158	(40)		(40)
4,342	Revenues, Benefits, Library & Resident Services	4,315	3,903	(412)		(412)
(377)	Housing Benefit	(377)	(377)	0		0
3,283	Human Resources, Corporate Projects & IT	3,346	3,346	0		0
(193)	Corporate Management	(196)	(196)	0		0
1,534	Finance	1,477	1,477	0		0
2,410	Governance	2,385	2,308	(77)		(77)
1,001	Legal services	984	984	0		0
12,205	TOTAL RESOURCES	12,132	11,603	(529)	0	(529)
	Place					
(86)	Executive Director of Place	20	20	0		0
9,302	Neighbourhood Services	9,302	11,264	1,962		1,962
1,331	Planning Service	1,331	1,331	0		0
(1,250)	Communities including Leisure	(1,250)	(790)	460		460
2,018	Housing	2,016	2,016	0		0
(2,894)	Property	(2,908)	(2,908)	0		0
3,186	Infrastructure, Sustainability & Transport	3,186	3,290	104		104
11,607	TOTAL PLACE	11,697	14,223	2,526	0	2,526
91,848	TOTAL SERVICE EXPENDITURE	92,027	96,927	4,900	0	4,900
	Sources of funding and non-service expenditure					
3,080	Contingency and Corporate Budgets	3,080	700	(2,380)		(2,380)
2,066	Precepts and Levies	2,066	2,066	0		0
5,180	Financing and investment (income) and expenditure	5,180	5,180	0		0
(110,548)	Taxation and non-specific grant income	(110,629)	(110,629)	0		0
3,139	Minimum Revenue Provision	3,139	3,139	0		0
835	Transfer to / (from) earmarked reserves	737	(263)	(1,000)		(1,000)
4,400	Contribution to Pension Fund deficit	4,400	4,400	0		0
(91,848)	TOTAL FUNDING AND NON-SERVICE EXPENDITURE	(92,027)	(95,407)	(3,380)	0	(3,380)
0	(INCREASE) DECREASE IN GENERAL FUND	0	1,520	1,520	0	1,520

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Report Title:	DFG and Housing Assistance Policy
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr Del Campo, Cabinet Member for Adults, Health & Housing
Meeting and Date:	Cabinet – 27 th July 2023
Responsible Officer(s):	Andrew Durrant – Executive director of Place Services Emma Congerton – Housing Strategy and Inclusion Manager
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

The new Disabled Facilities Grant & Housing Assistance Policy (DFG Policy) is being brought in to maximise the range of support we can give to disabled, and other qualifying residents, in the borough in the form of grants to adapt their homes to enable them to live more independently and improve their quality of life. The policy introduces a £30k discretionary grant in addition to the £30k mandatory grant where it is identified that this will provide the best outcome for the applicant. The Policy will also bring in the required ability to award relocation grants, housing repair grants and palliative care works. It also specifies how cases will be prioritised and introduces a panel process for requesting funding beyond the £60k mandatory and discretionary grant limits, with the panel considering whether additional funding can be provided from outside of the DFG budget, from panel board members. Representatives of the panel will include Optalis, Achieving for Children, Public Health, Registered Providers and Housing. Finally, the policy outlines the Council's plans to include an internal or external Home Improvement Agency, allowing us to charge fees that will assist with funding the resources required for the service.

This report seeks permission to go out to a 12-week public consultation to ensure that residents' and stakeholder views can be considered, followed by delegated authority to adopt the final policy, once updated following consultation.

The Disabled Facilities Grant and Housing Assistance Policy has been reviewed by Foundations, the national supporting body for the administration of Disabled Facilities Grants and is currently being reviewed by external Counsel. The Policy will be amended in line with Counsel recommendations once returned.

The adoption of the DFG & Housing Assistance Policy will support the Corporate Plan approach, to 'promote health and wellbeing, and focus on reducing inequalities, across all areas.

The DFG and Housing Assistance Policy has recently been for review by Counsel and is currently being updated in accordance with the recommendations.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to take the Housing Allocations Policy through a public consultation process and to adopt the final version of the Policy.**
- ii) **Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to approve updates to the policy prior to publishing for consultation.**

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

Options

Table 1: Options arising from this report

Option	Comments
To take the DFG Policy out to public consultation, update following the consultation process and then to adopt the final policy in the autumn. This is the recommended option	This will enable key stakeholders and members of the public to share their views on the proposed changes to the DFG Policy.
To implement the DFG and Housing Assistance Policy without first going out to public consultation. This is not recommended	This is not recommended. Some of the changes in the DFG Policy are significant and will impact on both stakeholders and members of the public and they should be able to share their views before the final copy is adopted
Do Nothing	Our current DFG Policy does not allow us to make use of the full range of grants available to support disabled residents. Only implementing the policy allows us to take a more flexible approach to awarding grants to households in need.

- 2.1 Implementing a new DFG Policy will enable us to award grants higher than the mandatory £30k limit and assist more households in need of extensive adaptations to enable them to live independently at home. It will also set out under what circumstances we may approve grants higher than the £30k limit and how cases will be prioritised.

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 3.1 Implementation of the DFG Policy will enable us to pay a higher level of grants to certain households in need of extensive adaptations, however this will put a higher burden on the DFG funding.

4. LEGAL IMPLICATIONS

- 4.1 The current £30k mandatory DFG limit means that for some required adaptations, the grant funding does not cover the cost of the works. This means that households may be left in unsuitable accommodation, which may be subject to legal challenge if the property would meet the threshold to consider the household statutorily homeless. The adoption of the new DFG Policy will minimise the risk of legal challenge.

5. RISK MANAGEMENT

Table 2: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk of legal challenge currently because the mandatory grant limit of £30k is insufficient to enable larger adaptation works to be carried out, potentially leaving disabled residents in unsuitable accommodation	Major 3	High	Nothing	Implementation of the new DFG Policy which allows for discretionary funding on top of the mandatory limit	Minor 1	Low

6. POTENTIAL IMPACTS

- 6.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 6.2 There are no climate change implications as a result of the DFG Policy implementation.

7. CONSULTATION

- 7.1 A 12-week public consultation is planned, if approved by Cabinet. Comments will then be considered, a final copy produced, and the Policy will be adopted.

8. TIMETABLE FOR IMPLEMENTATION

Table 3: Implementation timetable

Date	Details
27 July 2023	Cabinet approves the DFG Policy going out to public consultation
7 August 2023	DFG Policy out to consultation for 12 weeks
29 October 2023	Consultation period ends
November 2023	The DFG Policy is adopted

9. APPENDICES

- 9.1 This report is supported by 1 appendix:

- Appendix A – Equality Impact Assessment

10. BACKGROUND DOCUMENTS

- 10.1 This report is supported by 1 background document:

- Draft DFG Policy

11. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
Executive Leadership Team	Chief Executive, Executive Directors, s151 Officer and Deputy Monitoring Officer	20 June 2023	21 June 2023
<i>Mandatory:</i>	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory:</i>	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer	N/A	
<i>Mandatory:</i>	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	28 June 2023	

<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health & Trading Standards	20 June 2023	21 June 2023

Confirmation relevant Cabinet Member(s) consulted Cllr Del Campo	Cabinet Member for Adults, Health and Housing
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REPORT HISTORY

First submission

Report Author: Emma Congerton, Housing Strategy & Inclusion Manager, 01628 683628
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

1. Background Information

Title of policy/strategy/plan:	Disabled Facilities Grant and Housing Assistance Policy (DFG Policy)
Service area:	Housing
Directorate:	Place Services

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

To take the DFG Policy out to a six-week public consultation. The new DFG Policy allows us to make use of discretionary grant funding, as well as other changes in terms of processes.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

The proposal to go out to consultation will not affect communities, but the adoption of the DFG Policy will impact on disabled residents seeking adaptations to their homes.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

<p>Who will be affected by this proposal? For example, users of a particular service, residents of a geographical area, staff</p>
<p>Disabled residents will be affected by the adoption of the new DFG Policy.</p>
<p>Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?</p>
<p>Yes, all applicants to the DFG fund are disabled or require adaptations due to ill-health/age.</p>
<p>What engagement/consultation has been undertaken or planned?</p> <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
<p>A six-week consultation period will take place, if approved by Cabinet, prior to the final Policy being drafted.</p>
<p>What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.</p>

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	Residents can apply for a disabled facilities grant at any age, however older people are more likely to need certain adaptations such as level access showers and stairlifts.	Yes	
Disability	All applicants for Disabled Facilities Grant funding are disabled and require adaptations to their homes.	Yes	
Sex	Not applicable		
Race, ethnicity and religion	Not applicable		
Sexual orientation and gender reassignment	Not applicable		
Pregnancy and maternity	Not applicable		
Marriage and civil partnership	Not applicable		
Armed forces community	Not applicable		
Socio-economic considerations e.g. low income, poverty	The enhanced grant levels due to implementing discretionary grant funding will impact on those households who are on a low income and cannot afford to 'top up' their loans to have necessary adaptations completed.	Yes	

Children in care/Care leavers	Not applicable		
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5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>The adoption of the new DFG Policy will positively impact disabled residents.</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p> <ul style="list-style-type: none"> For planned future actions, provide the name of the responsible individual and the target date for implementation.
<p>N/A</p>
<p>How will the equality impacts identified here be monitored and reviewed in the future? See guidance document for examples of appropriate stages to review an EQIA.</p>

6. Sign Off

Completed by: Emma Congerton	Date: 27 June 2023
Approved by: Tracy Hendren	Date: 27 June 2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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Report Title:	Housing Allocations Policy
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Cllr Del Campo – Cabinet Member for Adults, Health and Housing
Meeting and Date:	Cabinet – 27 July 2023
Responsible Officer(s):	Andrew Durrant – Executive Director of Place Services Emma Congerton – Housing Strategy and Inclusion Manager/Alex Szantai – Housing Operations Manager
Wards affected:	All

REPORT SUMMARY

The Housing Allocations Policy sets out how The Royal Borough will prioritise applicants for allocations of social housing that become available with our Registered Provider partners. The Housing Allocations Policy has been amended to give greater priority to local people, to incorporate the transfer lists of our main Registered Providers and to change to a Choice Based Lettings system to allow greater choice to households in need of social housing. This report is to secure approval to go out to public consultation to seek views about the changes to the policy and to confirm delegated authority to adopt the final version of the policy, once updated following consultation.

The Housing Allocations Policy has recently been reviewed by Counsel and is currently being updated in accordance with the recommendations.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to take the Housing Allocations Policy through a public consultation process and to adopt the final version of the Policy.**
- ii) Delegates authority to the Executive Director of Place in consultation with the relevant Cabinet Member to approve updates to the policy prior to publishing for consultation.**

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

Options

Table 1: Options arising from this report

Option	Comments
To take the Housing Allocation Policy out to public consultation, review comments and agree a final copy for adoption in autumn 2023. This is the recommended option	This will enable key stakeholders and members of the public to share their views on the proposed changes to the Housing Allocations Policy before it is adopted in the autumn.
To implement the Housing Allocations Policy without first going out to public consultation. This is not recommended	This is not recommended. Some of the changes in the Housing Allocations Policy are significant and will impact on both stakeholders and members of the public and they should be able to share their views before the final copy is adopted.
Do Nothing This is not recommended	Our current Housing Allocations Policy is not fit for purpose and does not allow us to make best use of the available housing stock within the Borough and presents a risk of legal challenge.

3. KEY IMPLICATIONS

- 3.1 The Housing Act 1996 (as amended) sets out the categories of persons who must be given reasonable preference on the local authorities Housing needs Register. The Localism Act 2011 allows for additional preference to be given, as decided by the individual local authority. The amendments to the Housing Allocations Policy allow for better choice for applicants to the register and promote best use of the available housing stock within the Borough.
- 3.2 The Royal Borough does not currently have a Temporary Allocations Policy in place. The case of *Nzolameso v Westminster City Council* [2015] WLR(D) 165, [2015] PTSR 549, [2015] UKSC 22 at the Court of Appeal, held that there is a statutory duty for local authorities to accommodate homeless households within the district, where reasonably practicable, failing which they should try to place households as close as possible to where they were previously living. Furthermore, the Court of Appeal stated that ideally each local authority should have a policy that states how temporary accommodation properties will be procured and how homeless households will be prioritised for available

units within the district. Without such a policy, The Royal Borough is at risk of legal challenge when placing homeless households, particularly out of borough.

- 3.3 There are two gypsy and traveller sites managed by agents of The Royal Borough; Abri and Housing Solutions. Whilst plots on these sites rarely become available, it is vital to have a policy which clearly states who will be prioritised for these plots to prevent unauthorised occupation of the site and to ensure fairness for those who would like to be considered for an allocation.

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 It is not anticipated that there will be any financial implications to the proposed changes to the Housing Allocations Policy. Our Registered Provider partners are currently administering a separate transfer system for their tenants who need to transfer to an alternative property, and we are in discussions with them about how the resources required to administer the transfer scheme within our Housing Needs Register will be met. The remaining changes within the policy will not require any additional resource to apply.

5. LEGAL IMPLICATIONS

- 5.1 The implementation of Choice Based Lettings will reduce the risk of homeless households challenging their offer of accommodation as discharge of the s193 homelessness duty.
- 5.2 Having a Temporary Allocations Policy will reduce the risk of legal challenge when placing households out of borough, or when unable to place them in their desired location within the borough.
- 5.3 Increasing the residency requirement from 2 years to 4 years is also proposed, with the average residency criteria for Berkshire authorities being 3.5 years (see table below). If the residency requirement is raised too high, there may be a risk of legal challenge for homeless households that do not meet the residency requirement and if an exception is not made for these households, they will be left in temporary accommodation for extended periods of time. Equal consideration will need to be given to wider borough residents.

Table 2: Berkshire Residency Requirements

Local Authority	Residency requirement
RBWM	2 years, proposing 4 years
Slough	5 years
Bracknell	4 years
Wokingham	5 years
Reading	3 years
West Berkshire	2 years

5.4 Having a Gypsy and Traveller Allocations Policy will enable us to allocate available plots on our sites in a fair and transparent way, which will reduce the risk of legal challenge.

6. RISK MANAGEMENT

6.1

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that the Council may be subject to legal challenge currently when placing homeless households in temporary accommodation , particularly out of borough, as we do not have a policy which details how applicants are prioritised for available properties which could result in Judicial	Major 3	High	Nothing	Implementation of the policy which clearly sets out how properties are allocated to homeless households	Minor 1	Low

Review proceedings						
There is a risk of legal challenge from gypsy and traveller households who wish to reside on our sites and who are unable to secure an allocation, which could result in Judicial Review proceedings. There is a further risk that unauthorised use of the site may be harder to manage through the courts if a policy is not in place.	Moderate 2	Medium	Nothing	Implementation of the policy will allow for transparency around how plots on our sites are allocated	Minor 1	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 There are no climate change implications arising as a result of the Housing Allocations Policy.
- 7.3 The Housing Allocations Policy will have a positive impact on residents with a housing need and will enable the best use of limited social housing stock.

8. CONSULTATION

- 8.1 The Housing Allocations Policy will go out to public consultation once external legal opinion has been received and included into the draft policy, for a period of 12 weeks. A series of consultation events will be held with relevant stakeholders to ensure the collection of quality feedback is maximised.

9. TIMETABLE FOR IMPLEMENTATION

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

Table 4: Implementation timetable

Date	Details
27 July 2023	Cabinet approves the Housing Allocations Policy going out for public consultation
7 August 2023	Housing allocations Policy out to public consultation for 12 weeks.
29 October 2023	Consultation period ends
November 2023	The Housing Allocations Policy is adopted.

10. APPENDICES

10.1 This report is supported by 1 appendix:

- Appendix A – Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 1 background document:

- Draft Housing Allocations Policy

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>			
Executive Leadership Team	Chief Executive, Executive Directors, s151 Officer and Deputy Monitoring Officer	20 June 2023	21 June 2023
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	N/A	
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	N/A	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	29 March 2023	29 March 2023
<i>Heads of Service (where relevant)</i>			
Tracy Hendren	Head of Housing, Environmental Health & Trading Standards	20 June 2023	21 June 2023

Confirmation relevant Cabinet Member(s) consulted Cllr Del Campo	Cabinet Member for Adults, Health and Housing	Yes
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REPORT HISTORY

First submission

Report Author: Emma Congerton, Housing Strategy & Inclusion Manager, 01628 683628.
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk

1. Background Information

Title of policy/strategy/plan:	Housing Allocations Policy
Service area:	Housing
Directorate:	Place Services

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

To take the draft Allocations Policy out to public consultation. Our existing Housing Allocations Policy is no longer fit-for-purpose and adopting a new one will enable us to make best use of available social housing stock within the district.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, this proposal will impact on communities as it will change the way in which we allocate social housing, however each household will be assessed in line with the new policy and based on their individual circumstances.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal? For example, users of a particular service, residents of a geographical area, staff
Anyone joining the Council's housing register, or already registered, will be affected by the changes in the policy. Prior to this, all residents will have the opportunity to comment on the proposed changes.
Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?
No, any household with a housing need will be able to join the housing register, subject to meeting the local connection and financial resource criteria.
What engagement/consultation has been undertaken or planned? <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
A 12-week public consultation period will take place once Cabinet have approved the Housing Allocations Policy going out to consultation and once the policy has been legally reviewed.
What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.
N/A

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age	Applicants over the age of 55 will no longer be able to join the Housing needs Register without a local connection, as is allowed in the current Housing allocations Policy. Choice-based lettings will require applicants to go online to bid, which may be hard for some older customers.		Yes
Disability	Choice-based lettings will require applicants to go online to bid, which may be hard for some older customers.		Yes
Sex	Not applicable		
Race, ethnicity and religion	Not applicable		
Sexual orientation and gender reassignment	Not applicable		
Pregnancy and maternity	Not applicable		
Marriage and civil partnership	Not applicable		
Armed forces community	Not applicable		
Socio-economic considerations e.g. low income, poverty	The Housing allocations Policy will enable us to make better use of available social housing stock within the borough, which will benefit those on low-incomes.	Yes	
Children in care/Care leavers	Not applicable		

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

All applications to the Housing Needs Register are assessed based on the individual needs of the household.

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

Assisted bidding will be available for those who are unable to go online and place bids themselves.

How will the equality impacts identified here be monitored and reviewed in the future?

See guidance document for examples of appropriate stages to review an EQIA.

6. Sign Off

Completed by: Emma Congerton	Date: 15 February 2023
Approved by: Tracy Hendren	Date: 16th February 2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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Royal Borough of Windsor and Maidenhead

Draft Allocations Scheme

February 2023

DRAFT

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Policy Statement

1. The Allocations Scheme sets out the priorities and procedures for the allocation of affordable social housing in the Royal Borough of Windsor and Maidenhead (RBWM). It applies to all current applicants and future applicants.
2. All social housing allocated to registered applicants is made through the **nomination agreements** held with local registered social landlords, our **registered provider partners**. It applies to **applicants** joining the Housing Needs Register for the first time and current registered provider tenants wanting to **transfer**.
3. RBWM is committed to implementing the principles of **Choice Based Lettings**, enabling applicants to make well-informed decisions about their housing options. Registered applicants can bid for properties suitable for their housing needs and in their chosen location. Choice helps to improve tenancy and community sustainment and encourage residents to have a stake in their community.
4. This Allocations Scheme helps us to:
 - Fulfil our obligations in S167 of the Housing Act 1996 to allocate in accordance with an Allocations Scheme
 - Use the additional qualifying criteria discretion provided by the Localism Act 2011 in deciding who will be allowed to register for social housing
 - Meet the requirements of Part VI Housing Act 1996 (as amended); the Localism Act 2011; and the Homelessness Reduction Act 2017 by giving reasonable, but not always overriding, preference to applicants in greatest need
 - Achieve the requirements of the Regulator of Social Housing's Tenancy Standard
 - Deliver and have due regard to the RBWM Local Plan, Housing Strategy, Homelessness and Rough Sleeping Strategy, Disabled Facility Grant Policy and nomination agreements with and the Tenancy Policies of our registered provider partners
 - Deliver our Domestic Abuse Policy, Domestic Abuse Safe Accommodation Strategy and Domestic Abuse Strategy and those of our registered provider partners
 - Meet the requirements of the Government's Statutory Guidance for allocations, homelessness, and improving access for members of the Armed Forces
 - Take full advantage of the opportunities offered by digital and technological developments to deliver more people-centred and more cost-effective services
 - This is the revised 'Housing Allocations Policy for RBWM and will take effect in respect of all allocations of social housing on or after June 2023. The

assessment of need and qualifying criteria set out in this policy will be applied to all new and existing applicants from this date.

5. This Allocations Scheme helps us to deliver:

- Our Corporate Plan commitment to help more residents into affordable, sustainable homes; deliver the very best services that we can and strengthen the ways in which we engage with residents and communities
- Our Corporate Plan priorities for providing a ladder of housing opportunity to support better life chances for all; shaping our service-delivery around our communities' diverse needs and putting customers at the heart of all we do; promoting health and wellbeing and focusing on reducing inequalities, across all areas
- Our Housing Strategy objective to support vulnerable residents to obtain and sustain accommodation and increase support and prevention for homelessness by providing excellent customer service, a range of housing options and good quality temporary accommodation for those in need
- Our Homelessness and Rough Sleeping Strategy priorities:
 - Reducing the number of people becoming homeless
 - Reducing the number of households in temporary accommodation and improving the quality of that accommodation
 - Supporting people into good quality, affordable and sustainable accommodation options
 - Reducing rough sleeping and supporting those who find themselves on the street
 - Improving the customer service provided to people approaching the housing service

6. The Scheme supports our statutory and regulatory responsibilities and is based on key principles shared by RBWM and our registered provider partners:

- Addressing the needs of a population of more than 150,000 which is both growing and ageing
- Allocating housing fairly, consistently appropriately and lawfully and to ensure that our decisions are transparent
- Removing barriers to accessing social housing for homeless households
- Meeting the emergency and long-term housing needs of people fleeing domestic violence and abuse
- Meeting the housing needs of people leaving care
- Improving access to suitable homes for people with disabilities
- Allocating housing in a way which registered provider partner's support
- Ensuring vulnerable households can navigate the allocations process by providing clear and easy to understand information
- Enabling applicants to express choice in selecting their accommodation wherever possible

- Ensuring the Housing Needs Register better reflects housing need than housing demand through effective management of the register
- Improving the way our Housing Register Team and our registered provider partners work together to ensure the effective allocation of social housing
- Providing appropriate advice to applicants RBWM is unable to register or nominate for an offer of accommodation, including accurate and timely referrals to other agencies
- Providing advice and signposting to applicants who may be able to access market housing including private rented, low-cost home ownership and shared ownership
- Providing key worker accommodation to those meeting the RBWM criteria
- Providing a high-quality service with clear standards
- Reducing the cost and use of emergency interim accommodation by providing advice and assistance to prevent homelessness and by making sure that homeless people and those threatened with homelessness are housed as soon as possible
- Reviewing the Scheme regularly and when prompted by changes in the law, Government Guidance and Regulation and to ensure continuous improvement
- Working with our registered provider partners to accommodate homeless households within the district, where reasonably practicable, or as close as possible to where they were previously living, including temporary accommodation
- Working with the RBWM Property Company Limited to ensure opportunities for the purchase of temporary accommodation options are maximised
- Ensuring the effective management of traveller sites while recognising gypsies and travellers as a minority group and providing services in a way that is sensitive to their specific cultural and traditional beliefs

7. The Allocations Policy Scheme applies to RBWM in maintaining the Housing Needs Register and nominating applicants to our registered provider partners which currently include:

- Housing Solutions
- Abri
- A2Dominion
- Anchor Hanover
- One Housing
- Paradigm Housing
- Metropolitan Thames Valley
- Sage Housing

8. In framing the Allocation Scheme, RBWM has had regard to:

- Housing Act 1996 as amended
- Localism Act 2011
- Housing Act 1985

- Homelessness Reduction Act 2017
- Domestic Abuse Act 2021
- Fraud Act 2006
- Equality Act 2010
- Human Rights Act 1998
- Freedom of Information Act 2000
- Data Protection Act 2018
- Welfare Reform Act 2012
- Mobile Homes Act 1983
- Race Relations Act 1976
- Allocation of Accommodation: Code of Guidance for local housing authorities in England
- Homelessness Code of Guidance
- Improving access to social housing for members of the Armed Forces statutory guidance
- National Planning Policy Framework for traveller sites

Choice

9. There is a very high demand for social housing in the RBWM area and we will balance providing choice and housing need to ensure that housing is offered in a way that helps to best manage the housing stock. In meeting needs in this way we may where appropriate use local Lettings Plans and S.106 agreements, however it is anticipated that the need for this will be limited and will only be in well-defined circumstances. Given this, Local lettings plans and S.106 agreements will only be used where there is a clearly identified case that they will promote settled communities and will assist in managing estates where there is a requirement to ensure community cohesion and meet our statutory requirements.
10. Properties are advertised online and will provide valuable information about the property, together with links to information about the local neighbourhood, helping applicants to make informed decisions about accommodation for which they will be considered.
11. While the aim of RBWM and our registered provider partners is to provide choice in the allocation of social housing in RBWM, the Scheme describes exceptional situations where this will not be possible, and a direct offer will be made without advertising.
12. Specifically, this would be where there are urgent operational or financial reasons. Examples include:
 - 12.1. Situations where urgent re-housing is required due to an applicant's existing property being uninhabitable, or where there are serious health and safety or personal protection issues that need to be addressed or in discharge of a statutory homelessness duty.

- 12.2. Urgent housing need situations where it would not be reasonable in the circumstances to wait for the Choice Based Lettings process to produce an offer.
- 12.3. Where there is an evidenced threat to life in the area in which an applicant currently lives.
- 12.4. Tenants in emergency cases whose homes are damaged by fire, flood or other disaster
- 12.5. Direct offers to persons who the council has a duty to rehouse under section 39 of the Land Compensation Act 1973.
- 12.6. Where an applicant is homeless and in temporary accommodation and owed a section 189B(2) Relief duty or 193(2) main duty the Council may wish to implement a short-term scheme to make direct lettings for a period of time to move applicants out of temporary accommodation, in order to manage any budgetary or legal impact, or a unit is to be temporarily designated as temporary accommodation (floating TA).
- 12.7. Where a vacant adapted property or a property designed to disability standards becomes available and there may be a need to offer that property to an applicant whose disability need best matches that property, regardless of the date they were registered.
- 12.8. Other examples include cases where an applicant is subject to Multi Agency Public Protection Arrangements (MAPPA), or presents a risk to themselves or others

We will provide information about the number and types of homes, and current vacancy rates, to help applicants to make informed choices. The more flexible applicants are in their choice of areas and property types, the sooner they are likely to be successful in being offered a property that meets their need.

13. The number of direct offers will be monitored with a target that these should add up to no more than 20% of all lettings annually made. This is to preserve Choice Based Lettings as the primary method of letting social housing properties in RBWM. However, 20% is a guide only and may change depending on national and local pressures and circumstances.

14. We will support people who do not qualify to join the register or may have a long time to wait for an offer with advice on other housing options including:

- Use of the private sector
- Home ownership

- Intermediate housing
- Build to rent
- Mutual exchange

Equality and diversity

15. We are fully committed to the Public Sector Equality Duty which requires public bodies and others carrying out public functions to have due regard to the need to eliminate discrimination, to advance equality of opportunities and foster good relations.
16. Our Allocations Scheme promotes equal opportunities in the services it provides in accordance with our Equality Policy and Commitment to Equality and Diversity on our [website](#). Our aim is to implement and maintain services which ensure that no potential or current applicant is treated less favourably on the grounds of age, disability, race, colour, religion, ethnicity, gender, sexuality, family status, transgender or transsexuality, nor is disadvantaged by the application of a rule, condition, or requirement, which has a discriminatory effect which cannot be justified by law.
17. Access to the scheme may be more difficult for people with a disability, sight or hearing impairment and for those who do not speak English as a first language. We are committed to helping all those who need assistance to access the Scheme particularly by working closely with other agencies and our registered provider partners.
18. The letting of property will be subject to the individual Equality and Diversity policies of our registered provider partners.
19. A summary and a full copy of the Allocations Scheme are available online. Our Housing Register Team will provide a full electronic copy of the Allocations Scheme on request, free of charge.

Making Changes to the Policy

This Allocation Policy will be reviewed and revised as required, including in response to;

- National Policy or Legislative changes
- Policy changes instigated by RBWM
- The implication of any relevant case law

Any major changes must first be approved by the Council's Executive through the Cabinet/Full Council meetings.

Any minor changes to the policy or the operational procedures, will be delegated to the head of housing

Roles and responsibilities

Exceptional Circumstances

20. The Allocation Scheme may be overridden where the Housing Services Manager considers that an individual's exceptional circumstances warrant a departure from any part of this policy, has recorded reasons for that decision, and has the written or emailed agreement of the Head of Service.
21. The Head of Service can make minor amendments to the Allocations Scheme to address changes in legislation, statutory guidance and local need without the need for statutory consultation. Major changes will be subject to full consultation and review.

RBWM Housing Team Responsibilities

Role	Responsibility
Housing Register Team	<p>Managing the Housing Needs Register including eligibility, qualification, verification, assessment, registration, banding, allocation and nomination</p> <p>Assisting vulnerable applicants with registration and bidding</p> <p>Nominations to registered providers</p>
Housing Options Team	<p>Managing homelessness cases including prevention and relief</p> <p>Main duty decisions, appeals on decisions made by Assistant Housing Options Officers and Housing Options Officers</p> <p>Assisting vulnerable applicants with registration and bidding</p> <p>Housing options advice for people who are unable to join the Housing Needs Register</p> <p>Prevention and relief options in the Private Rented Sector and supported accommodation</p> <p>Assessing the suitability of accommodation</p>
Temporary	Sourcing temporary accommodation in both the

Accommodation Team	social housing and private sector and both in and out of RBWM Arranging placements in suitable accommodation Working with the Allocations Team to arrange permanent and move on accommodation Arranging interim accommodation when needed
Housing Services Manager	Overall responsibility for the Housing Needs Register; homelessness decisions; appeals; exceptional circumstances and direct allocations Performance management
Head of Service	Monitoring the use of exceptional circumstances Minor changes to the Allocations Scheme Direct allocation decisions
Registered Providers	Shortlisting, reviewing entitlement, making offers, viewing properties, signup and new tenant visits.

Safeguarding

22. In any situation where there is evidence a child or adult may be at risk, RBWM will act promptly and in accordance with our safeguarding policies and procedures and those of our registered provider partners. All Housing staff will receive regular guidance and training on how to recognise and report safeguarding issues. More information about how we respond to safeguarding issues can be found in our **Safeguarding Policy**.

Right to information

23. The 'Freedom of Information Act 2000' makes it a requirement for every public authority to produce a 'Publication Scheme' setting out the information it will make available to the public. The Council's publication scheme can be accessed on the website.

Complaints

24. Complaints are separate to the circumstances where an applicant wishes to seek a review of a decision made on their application. A request for a review should be made under the review procedure set out in section 4 and not through the complaint's procedure. Unsuccessful reviews will not be progressed as a complaint. Where an applicant wishes to make a complaint about poor service, or the way they have been treated, this should be made using the Council's

complaints procedure. A copy of the current complaint's procedure is available on the Council's website.

Data Protection

25. RBWM regards the lawful and correct treatment of personal information as very important to its successful operations and to maintaining confidence between employees, residents and partners. More information about how we deal with personal information is in our **Data Protection Policy**.
26. Personal information will be handled in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 and will be subject to appropriate confidentiality. Applicants have the right to see the information held about them and receive a copy of the information held on computer, or on paper file.

The Housing Needs Register

Joining the register

27. To join the Housing Needs Register applicants must be eligible, have a **local connection** within RBWM and either be in one of the **reasonable preference** categories or have a **housing need**. Local connection, reasonable preference and housing need are described in more detail below.
28. All applicants must complete an **online application form** to join the Housing Needs Register. Help will be provided to complete an application form on request from the applicant, a partner agency supporting the applicant or where it is clear an applicant is being disadvantaged by the online process. Details can be found on our and our housing provider partner websites.

The eligibility persons from abroad qualification rules

Everyone over the age of 16 can apply to join the register but there are some groups of people who by law cannot join the register, regardless of their housing need or circumstances. These are people who:

- Come under the Government's eligibility rules and cannot lawfully be given housing help;
- Do not live habitually in the Common Travel Area (UK, Channel Islands, the Isle of Man or the Republic of Ireland);

- Do not have the right to live in the UK;
- Plus, other categories of people who the Government may in the future, decide are not eligible for housing assistance.

Under sections 160ZA (1), (2) and (4) of the Housing Act 1996 the Council cannot allocate a tenancy, or nominate a person for housing, if they are a person who is ineligible for an allocation of housing accommodation by virtue of being a person subject to immigration control, or a person from abroad, who is prescribed as ineligible.

The key relevant regulations that apply to eligibility are:

- Regulations 3 and 4 Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006, SI 2006/1294
- All subsequent amendments including 'The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (EU Exit) Regulations 2019 (SI 2019/861)
- The Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) Regulations 2020 (SI 2020/667) implemented from the 24 August 2020.

The above are not a complete list for all of the eligibility regulations. For example, there is significant legislation that relates to the UK's exit from the EU and access to housing assistance. The rules are complicated and change frequently. Anyone who is impacted or believe they may be impacted can approach the Council for advice or seek independent legal advice.

Applications from Under 18s

29. Anyone over the age of 16 can join the Housing Needs Register, although acceptance for offer will not normally be an option until they are over 18 and subject to the Tenancy Policies of our registered provider partners.
30. In circumstances where an offer of a tenancy is to be made in accordance with the above provisions an assessment will be required to determine if the young person can live independently, can sustain a tenancy and has an identified package of support available to them. Should the assessment indicate that a tenancy is unsustainable the offer of a tenancy will not be made. Tenancies granted to people under 18 will be held by Trustees until they reach the age of 18. Such trustees will act as rent guarantors.

Joint Applications

31. Applications from partners, including same sex couples, who are cohabiting can be registered as joint applications giving both parties joint and several rights and responsibilities for any future tenancy.

32. If one partner is ineligible due to their immigration status, the other partner will be registered as the sole applicant.
33. Other adults who are not partners of the applicant (such as residential carers) can only be made joint applicants based on the presentation to the Housing Allocations Team of clear evidence of need. In reaching a decision under this section the Housing Allocations Team may request the advice of an occupational therapy service in order to make an assessment of housing need.
34. If joint applicants ask to change to sole applications (for example, due to relationship breakdown) but want to remain registered, each sole applicant will retain the original application date as long as they are each still eligible to join the Housing Needs Register in their own right. Both applicants will have their housing needs reassessed based on their new circumstances.
35. An applicant with residency and parenting responsibilities for children may include them on the application. The other applicant may not include the children, even if there is shared custody or access arrangements.
36. Offers of accommodation to joint applicants for a joint tenancy will be subject to the Tenancy Policies of our registered provider partners.

Transferring tenants

37. Our registered provider partners' tenants residing in the borough, can apply to join the Housing Needs Register subject to the same requirements and exclusions below.

Temporary Accommodation

38. As a non-stockholding authority, we have a limited number of temporary accommodation units; including a family sized unit, block of four single units, two support accommodation units and lease properties from Abri and Housing Solutions to use as temporary accommodation for homeless households. We also work with private property providers to secure additional units of temporary accommodation to meet the demand. Priority for temporary accommodation in Borough is determined in accordance with Property Qualification Criteria 5 below.
39. Where no suitable properties are available in borough, a unit of accommodation will be secured in the nearest available location, or in a preferred location further afield.

40. Where it is not possible to place households in self-contained accommodation, Bed and Breakfast style accommodation will be secured. This may be out of area depending on availability. Families will be moved as soon as a self-contained unit of accommodation becomes available and will not remain in Bed and Breakfast accommodation for longer than six weeks. Although there is no time limit a single person can remain in Bed and Breakfast, we endeavour to secure self-contained accommodation for single households where there is a need for self-contained accommodation.

Assessment

41. Applications will be assessed based on the information provided on the application form. It is the applicant's responsibility to ensure that the form has been completed accurately and accompanied by all the documents required.
42. Applications will not be assessed until all the required documents have been received and the application is completed in full. Once a completed application is received, if after 28 days the required evidence is not received, the application will be cancelled, and the applicant will need to reapply.
43. Housing Register Team may request additional information or evidence where the details provided are not clear or not relevant to the information requested.
44. Housing applicants may receive an unannounced visit to verify the information provided.
45. Incorrect information could result in a change in priority at any stage of the process. Providing false information could result in exclusion from the Housing Needs Register and prosecution.
46. Further evidence will be required at nomination and offer stage depending on the separate requirements of our registered provider partners as described in their Tenancy Policies.
47. **Applicants from abroad** will be required to provide proof of their nationality and immigration status which will be verified.
48. Applicants with **medical, mental health or care needs** which may be improved or relieved by a move should include details on the Housing Needs Register application form.
49. Housing Register Team will require specialist evidence to assess current medical, mental health and care needs and the effect of a move to alternative accommodation on the condition. Advice may be needed from a medical

professional, social services or other individuals or agencies with a detailed knowledge of the condition. The assessment will determine the medical priority of the application.

50. The applicant is responsible for obtaining the information and any cost. Housing Register Team may seek its own specialist advice to determine medical, mental health or care needs. A home visit may be carried out to inform the assessment.
51. The Housing Register Team may request the advice of an occupational therapy service to assess housing need in cases where a member of the household has a substantial and permanent physical disability, other mobility needs or in cases where the Housing Register Team require further clarification regarding housing need
52. Priority on **welfare grounds** will be assessed by the Senior Allocations Officer, Housing Options Team Leader or Housing Operations Manager. Each case will be assessed by looking at whether the situation is serious and enduring, whether it is directly affected by the applicant's present housing and whether it would improve if the applicant were re-housed.
53. Young people leaving care under the Children Leaving Care Act, ready to move on to independent living and at risk if placed in private sector housing will be reviewed by the **Leaving Care Panel** for social housing based on these criteria:
 - Young people subject to Care Orders under section S31 of the Children Act 1989 where the council has parental responsibility (Looked After Children).
 - Young people with moderate learning difficulties or disability or those who are subject to a statement of educational needs or a psychological assessment.
 - Young people with significant mental health issues – who have been involved with CAMHS or CMHT for a period of three months or longer and are continuing to receive treatment.
 - Young people with complex needs placed in high-cost placements where they no longer require that degree of support and whose application has been approved by the 'Access to Resources Panel' or the 'Asylum High-Cost Placement Panel'.
 - Young people with significant offending behaviour, which limits access to other types of suitable accommodation.
 - Young people leaving care who are also parents and meet one other criteria listed (e.g. they or their baby are especially vulnerable).
54. Priority will be given to those applicants who have adopted or are currently fostering or where a recommendation is made by Children's Social Care to provide accommodation because the current accommodation is not large enough or would cause overcrowding.

55. Priority for **keyworker accommodation** applicants is based on working in a permanent position in one of the following sectors: education, health, police, fire, social services and some other key public and voluntary services and public sector agencies and specific covid key worker roles.
56. Our Traveller Sites are specifically designed to meet the needs of the local gypsy and traveller community. Applicants must be a Roma, gypsy or traveller, either by ethnic group or by legal definition. We aim to support and enable communities that are balanced, safe, inclusive, and sustainable, whilst encouraging community cohesion. Priority for allocation of **traveller site pitches** is based on housing need, time on the waiting list and family connections to the relevant site in Property Qualification Criteria 4 below.
57. Priority for temporary accommodation will be determined in accordance with Property Qualification Criteria 5 below.

Local Connection

58. Subject to the exemptions list below, joining the Housing Needs Register requires a local connection. Local connection is defined as:
- 58.1. The applicant or their joint applicant are currently living in the Royal Borough of Windsor and Maidenhead and have lived in the Royal Borough of Windsor and Maidenhead permanently for at least 3 years immediately prior to the application date.
- 58.2. The applicant or their joint applicant has worked on a full or part time basis (at least 24 hours per week) in the Royal Borough of Windsor and Maidenhead for the past 3 years and remains in employment in the Royal Borough of Windsor and Maidenhead.
- 58.3. The applicant or their joint applicant needs to be in the Royal Borough of Windsor and Maidenhead to give or receive regular daily support from or for a close relative (parents, adult children, brother and/or sister). This support will be measured using a social needs matrix and must be required on an ongoing long-term basis and cannot be provided by other family members or available support agencies. The family member must be permanently resident in Royal Borough of Windsor and Maidenhead and have lived there permanently for at least 5 years immediately prior to the application date.
- 58.4. An applicant has been accepted as being owed the main homeless duty. The Homelessness main duty is defined as the main duty under Part VII of the Housing Act 1996 (as amended).

58.5. A young person who is owed a leaving care duty by RBWM under section 23C of the Children Act 1989.

58.6. The applicant is of pensionable age and is owed a prevention or relief duty under the Homelessness reduction Act 2017.

59. Housing Register Team **will not disqualify** the following applicants on the grounds that they do not have a local connection with the local authority:

59.1. Members and former members of the Armed Forces where the application is made within five years of discharge

59.2. Bereaved (or divorced or separated) spouses and civil partners of members of the Armed Forces leaving services family accommodation following the death of (or divorce or separation from) their spouse or partner

59.3. Serving or former members of the Reserve Forces who need to move because of serious injury, medical condition or disability sustained as a result of their service

59.4. People who have experienced domestic abuse as defined by the Domestic Abuse Act 2021 and have established accommodation in refuge located in RBWM and it is safe to remain in RBWM.

59.5. Care leavers placed outside of RBWM where RBWM has a responsibility

59.6. Victims of domestic abuse who are placed in temporary accommodation where RBWM has a responsibility

Exclusions from the Housing Needs Register

60. Applicants will not qualify to join the Housing Needs Register if one or more of the following criteria apply to their household:

People from abroad

61. People from abroad cannot be allocated accommodation if they are ineligible under Part VI of the Housing Act 1996. There are two categories in S160ZA; a person under immigration control and a person other than a person under immigration control. The regulations are subject to change and are all explained in detail in the Allocation of Accommodation statutory guidance. Housing Register Team staff can advise people from abroad on the regulations and how they affect their application.

People guilty of unacceptable behaviour

62. Housing Register Team will exclude an applicant from the register for up to the five-year timeline where the applicant, or a member of the household, has been guilty of unacceptable behaviour within the past 5 years in any type of tenure, which if the applicant was a tenant of one of our registered provider partners would entitle them to a possession order (Part 1 of Schedule 2 of the Housing Act 1985). Exceptional circumstances must be approved by the Head of Service, where evidence is provided of behaviour change.

63. Unacceptable behaviour can include:

- Abusive and verbal behaviour
- Arson
- Assault
- Criminal behaviour
- Criminal damage
- Damage to property
- Perpetrator of domestic violence
- Drug and alcohol misuse/abuse
- Harassment
- Homophobic, biphobia or transphobic Hate Crime
- Has behaved unacceptably toward Council staff or partner agencies. This includes verbal abuse, harassment and intimidation, threatening behaviour or abusive language.

64. Applicants excluded because of unacceptable behaviour will remain excluded for a period of 5 years since the unacceptable behaviour incident or offence. The applicants may re-apply to the Housing Needs Register after this period of exclusion.

65. Applicants who successfully bid for a property will be subject to a further review by the registered provider making an offer in accordance with their Tenancy Policy.

Rent arrears and housing related debt

66. Applicants with rent arrears of six weeks or more of housing related debts to any landlord in any sector will not be accepted onto the register. This will not apply where the applicant is living in unaffordable accommodation. Housing related debt includes:

- Current rent and service charges
- Rent bonds and deposits

- Any recoverable payments made on behalf of the applicant in respect of homelessness
- Debts in relation to previous tenancies with a registered provider partner
- Council Tax debt
- Housing benefit overpayment
- Storage and removal costs
- Rechargeable repairs
- Support charges
- Legal costs

67. An applicant who can evidence they have maintained a regular repayment plan for a minimum of twelve weeks will be accepted onto the Housing Needs Register and enabled to bid however, their housing related debts will be further reviewed by RBWM or registered provider at the point of offer and in accordance with their Tenancy Policy.

68. Housing Register Team staff will carry out verification of housing related debts and will exempt any debts which result from benefit delay.

Homeowners

69. Applicants and household members who own their own home in the UK or abroad will not qualify to be included on the Housing Needs Register if that home is affordable to them and it meets their needs in terms of their health and/or disability. The following exceptions apply:

- People who are in financial difficulty because their home is being repossessed.
- People who require specialist housing because they have a disability or a medical condition where their current accommodation cannot be adapted
- People who are fleeing domestic abuse and where a homeless duty has been accepted

Applicants with sufficient income and/or savings to secure alternative housing

70. Main and joint applicants (including partners of the main and joint applicants) with a combined gross annual income of £60,000 or more will not qualify to be included on the Housing Needs Register.

71. Main and joint applicants (including partners of the main and joint applicants) with combined savings of more than £16,000 will not qualify to be included on the Housing Needs Register. Savings are also taken to mean accessible equity within a property.

72. The income and savings criteria do not apply to tenants currently in social housing wanting to downsize.
73. Armed Forces end of service payments will not be considered in calculations of financial resources.

Registration

74. Once an application is verified and needs are assessed, RBWM will register the application and apply a registration date. The registration date is the date the application is received, or in the case of homeless applicants to whom a full duty is accepted, it is the date RBWM accepts a duty to accommodate, if this is earlier.
75. The applicant will receive written confirmation of their registration date, their priority status and reason for it, the property size for which they can bid and mobility group if appropriate.
76. If an applicant disagrees with their registration date, their priority Band or the assessment of their needs, they can appeal as described in the Review and Appeal section below.

Change of circumstances

77. All applicants are required to inform Housing Register Team immediately when their housing circumstances change. A change in circumstances may mean an application is moved up or down a Band, or local connection or local priority is altered. If any change results in a Band change Housing Register Team will write to inform the applicant of the new Band, their new priority date if applicable and their right to appeal.
78. If an applicant is moved into a higher Band, their priority date will be the date they were accepted into the higher Band. If an applicant is moved to a lower Band their priority date will be their original acceptance date.
79. Additional adults will not be added to an application where this results in the need for larger accommodation than the applicant's household was originally eligible without evidence of an overriding medical, mental health, mobility or care need as agreed by the Housing Operations Manager.
80. Applicants who require an additional bedroom to enable full time (24 hour) care, or couples who have a medical or welfare need for separate bedrooms, may include this on their application subject to specialist evidence of need being agreed.

81. An applicant or member of their registered household expecting a child or children will be able to include the child or children on their application from 8 months into the pregnancy and have their housing need and housing requirements reassessed accordingly.

Intentionally altering circumstances and false information

82. Applicants have a responsibility not to intentionally worsen their circumstances to join the Housing Needs Register or to progress to a higher Band including:

- If an applicant has voluntarily given up accommodation which is suitable for their needs
- Where a deliberate act results in the worsening of overcrowding or other housing circumstances without good reason; or the applicant has failed to take Housing Register Team advice regarding their housing need

83. Housing Register Team may assess the application based on previous circumstances and applicant's housing need at their previous accommodation prior to the intentional act. This may result in the application being suspended or removed from the Housing Needs Register.

84. It is an offence under section 171 of the Housing Act 1996 to intentionally provide false information or intentionally withhold information that should have been given to RBWM. If an applicant intentionally provides false information or withholds information when applying to RBWM for housing, Housing Register Team will exclude the application from the Housing Needs Register for a period of 5 years. RBWM may also take legal action against the applicant.

85. If the applicant has already been granted a tenancy, and false information was used to obtain it, our registered provider partners may take legal action in accordance with their Tenancy Policies.

86. Allocations of accommodation made to employees of RBWM or to RBWM Councillors, or to members of their family where these family links are known to Housing Register Team, will be checked and authorised by the Head of Housing, to ensure these allocations comply fully with the Allocations Scheme.

Renewing Applications

87. Housing Register Team will write to an applicant on or after the anniversary of their application to establish whether an applicant wants to remain on the Housing Needs Register. If no response is received within 4 weeks a final letter will be sent advising the applicant that the application will be cancelled in one week if they fail to make contact. Housing Register Team will re-contact

vulnerable applicants. No further contact will result in the application being removed from the Housing Needs Register.

88. Applicants who do not bid during a twelve-month period will be subject to the same review process.

Removals from the Housing Needs Register

89. An application may be removed from the Housing Needs Register if:

- An applicant does not respond to pre-registration correspondence within 28 days
- An applicant asks Housing Register Team to cancel their application
- Where the applicant has died
- Where the applicant moves and does not provide a contact address for the applicant to be re assessed
- An applicant accepts the tenancy of a property provided by a social housing landlord
- An applicant accepts the offer of a home purchased by shared ownership
- An applicant no longer qualifies for the Housing Needs Register
- An applicant successfully moves under the mutual exchange scheme
- An applicant is no longer eligible to be on the Housing Needs Register

Housing Need Bandings

Reasonable Preference

90. RBWM is required to give reasonable preference to the following categories of applicant:

- people who are homeless within the meaning of [Part 7 of the 1996 Act](#) (Including those who are intentionally homeless and those not in priority need)
- people who are owed a duty by any housing authority under [section 190\(2\), 193\(2\) or 195\(2\) of the 1996 Act](#) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192(3)
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions
- people who need to move on medical or welfare grounds, including grounds relating to a disability, and
- people who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or others)

Applicants may fall into more than one of these categories. In such cases, the highest Priority Band will apply.

Right to Move

91. The Right to Move regulation supports current social housing tenants to move between local authorities in order to take up a job or live closer to employment or training in order to avoid hardship.

92. The employment should be long-term – at least 12 months and should be for at least 24 hours per week. The work must be based in RBWM, not just requiring the applicant to travel to the borough occasionally. Where an applicant has received an offer of a job, there must be genuine intent to take it up. Voluntary work is not eligible, but apprenticeships are eligible.

93. Applicants must provide evidence to confirm employment, and the reason(s) they would experience hardship if they were not able to move into the borough. This may include:

- A contract of employment.
- A formal offer letters.
- Wage/salary slips.
- Bank statements.

Housing Need Bands

94. Once an application is fully assessed it will be placed in a one of the subcategories defined within each priority Band reflecting the housing need of the application, including reasonable preference.

95. There are four priority Bands:

- Band A: Urgent priority
- Band B: High priority
- Band C: Medium priority
- Band D: Low priority and specialist accommodation

96. Band A

- Only one offer will be made for applicants while they are in this Band

- Housing Register Team will offer assisted bidding while applicants are in this Band

Band code	Criteria	Definition	Bidding requirement
A1	Medical A	<p>The applicant or a member of the household has an emergency or life-threatening medical or mental health condition which makes the current accommodation unsuitable to continue to occupy and is essential to rectify urgently.</p> <p>The condition, why the current accommodation is unsuitable, an explanation of how this can only be improved in alternative suitable accommodation and the type of accommodation required must all be confirmed by the Housing Occupational Therapist</p>	<p>Housing Register Team will override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
A2	Emergency priority	<p>Severe housing need for exceptional circumstances, in crisis situations which warrant emergency priority as agreed by the Housing Services Manager. This may include applicants:</p> <ul style="list-style-type: none"> • Required to move as determined by the police for witness protection reasons or because they under threat of immediate and serious violence • Requiring urgent hospital discharge where their current accommodation is totally unsuitable for their needs • Required to leave their homes as a result of Overcrowding Notice or Prohibition Order served in relation to the premises under the Housing Act 2004 or as the result of action taken by the Fire and Rescue Service • Required to move because they or a member of their 	<p>Housing Register Team will override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>

		<p>household is being seriously and adversely affected by their current accommodation and there is a severe and very urgent need to move for welfare reasons. Priority on welfare grounds will be assessed by the Housing Register Team Leader or Housing Services manager. Each case will be assessed by looking at whether the situation is serious and enduring, whether it is directly affected by the applicant's present housing and whether it would improve if the applicant were re-housed.</p> <ul style="list-style-type: none"> • Required to move because of a combination of high needs • Required to move for other very extreme circumstances <p>This does not include homeless applicants to whom RBNW has a duty under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002).</p>	
A3	Homeless (owed the main duty)	<p>The priority will be awarded to applicants who are owed a full homelessness duty by RBWM under Section 193(2) of the Housing Act 1996 (as amended), except those who are owed this duty because of the inclusion of a 'restricted person' in their household.</p> <p>This includes homeless applicants owed the main (unintentional) duty by RBWM, who qualify for a 'reasonable preference' as per the Housing Act 1996, Part VI and the Homelessness Reduction Act 2017, and to whom the local connection criteria of the allocations scheme do not apply.</p>	<p>If statutorily homeless and placed in band A. The council will discharge its homeless duty into the first suitable property that is offered.</p> <p>If a homeless applicant refuses the offer of a suitable property, the council will view its statutory homeless duty as having been discharged and the banding reviewed</p>

A4	Returning homeless after being accommodated in the private rented sector	<p>Previously homeless households accommodated in the private rented sector (which discharged RBWM's main unintentional duty) who have become unintentionally homeless again within 2 years. Main unintentional duty is defined as in Section 193 Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017).</p> <p>In these cases, the local connection criteria of the allocations scheme do not apply.</p>	<p>For homeless applicants making their own housing arrangements while bidding for permanent accommodation: no required timescale for bidding.</p> <p>For homeless applicants placed in emergency or temporary accommodation: the Housing Services Manager will make a reasonable direct allocation of suitable alternative accommodation.</p> <p>This may include an offer of suitable accommodation in the private rented sector, which will discharge RBWM's duty.</p>
A5	Fostering or adoption	<p>Priority will be given to those applicants approved or being assessed for approval to adopt or foster and where recommendation is made by social care to provide accommodation because the current accommodation is not large enough or would cause overcrowding</p>	<p>No required timescale for bidding</p>
A6	Urgent management transfers	<p>Applicants living in registered provider accommodation in the RBWM who are under-occupying one or more bedrooms.</p>	<p>Housing Register Team will override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p>

			<p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
		<p>Applicants releasing an adapted property or to make best use of adapted stock where the tenant does not require adaptations.</p>	<p>Housing Register Team will override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
		<p>Statutory and discretionary successors living in registered provider properties, where the registered provider has agreed to rehouse an applicant to more suitable accommodation than that currently occupied by the applicant</p>	<p>Applicants required to bid within 12 weeks of being placed in Band A. However, the Housing Services Manager may override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
		<p>Registered provider transfer</p>	<p>The Housing</p>

		<p>applicants needing temporary decant where the property is imminently required for essential works and the tenant cannot remain in the property.</p>	<p>Services Manager will override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
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97. Band B

Band code	Criteria	Definition	Bidding requirement
B1	Medical B	<p>The applicant's or a member of the applicant's household's medical condition, mental health, learning disability or care needs will only be able to substantially improve or be met by suitable alternative accommodation.</p> <p>Evidence is required from a specialist medical professional of:</p> <ul style="list-style-type: none"> • The medical or mental health condition, learning difficulty, or unmet care need; • The effect of the current accommodation • How suitable alternative accommodation will support an improvement 	<p>Where an applicant fails to bid successfully within 3 months, the priority of the case will be reviewed, which may result in down-banding or the removal of the application.</p> <p>However, the Housing Services Manager may override the choice-based lettings process to make a reasonable direct allocation of suitable alternative accommodation.</p>

B2	Homelessness or homeless (Relief stage)	<p>Applicants who are defined as threatened with homelessness or homeless by RBWM under Part 7 of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Homelessness Reduction Act 2017), prior to the main homelessness duty being determined.</p> <p>The Council reserves the right to withdraw Band B awarded on the grounds of homeless prevention if the applicant refuses the offer of a suitable property or fails to act on the advice of their housing adviser in order to prevent them becoming homeless.</p>	<p>The Housing Services Manager may make a reasonable direct allocation of suitable alternative accommodation.</p> <p>If a homeless applicant refuses the offer of a suitable property, the council will view its statutory homeless duty as having been discharged</p> <p>Where applicants fail to bid within 56 days the Housing Services Manager may agree a reasonable direct allocation of suitable alternative accommodation and discharge RBWM's duty</p> <p>Direct allocations may include an offer of suitable accommodation in the private rented sector, which will discharge the RBWM 's duty.</p>
B3	Preventing homelessness through early intervention	Applicants who would have been classed as family/friend eviction, where continued accommodation has been agreed for a period of at least 6 months to prevent homelessness	<p>For applications who would otherwise be homeless save the intervention of housing options and agreement by potential excluder</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable</p>

			<p>alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
B4	<p>Additional preference for people fleeing domestic abuse</p>	<p>Applicants, including out of Borough applicants, who are being accommodated in designated safe accommodation or temporary accommodation</p> <p>Enabling victims to put a safe distance between themselves and their abuser</p>	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
B5	<p>High Priority due to serious or adverse effect of current accommodation on health or welfare needs</p>	<p>Where the applicant or member of their household is being seriously and adversely affected by their current accommodation and there is an urgent need to move for welfare reasons.</p> <ul style="list-style-type: none"> • Priority on welfare grounds will be assessed using a matrix of social need in the procedure guide, by the Housing Register Team Leader or Housing Services Manager. Each case will be assessed by looking at whether the situation is 	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be</p>

		<p>serious and enduring, whether it is directly affected by the applicant's present housing and whether it would improve if the applicant were re-housed.</p> <ul style="list-style-type: none"> • An improvement notice has been served in relation to the applicant's dwelling by the private sector housing team and: <ul style="list-style-type: none"> ○ the remedies that are needed to reduce the hazard will require the property to be vacated for a significant period of time ○ the cost of the remedies is beyond the means of the applicant (where applicable) ○ the remedies will make the property unsuitable for occupation by the applicant. • Where there is significant evidence of serious harassment or violence, where a change of accommodation could be reasonably expected to alleviate the problem and there is no other remedy. • Applicants with a combination of medium needs. 	<p>reviewed and may be down banded or removed from the Housing Needs Register.</p>
B6	<p>Overcrowding by Two Bedrooms excluding those in temporary accommodation</p>	<ul style="list-style-type: none"> • Applicants with dependent children lacking 2 bedrooms • Applicants who have no access to a kitchen or bathroom or sharing a kitchen or bathroom with non-family members (as defined by S.113 Housing Act 1985); or lacking 2 bedrooms. <p>This excludes households in interim or temporary accommodation provided by RBWM</p>	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p>

			If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.
B7	Returning from institution	Applicants who were previously tenants of a registered provider who are returning from institutions, when a housing commitment was made in order to secure the relinquishment of the tenancy on entering the institution	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
B8	Additional preference for young people leaving local authority care	<p>To enable a planned move on to independent suitable accommodation providing a support plan is in place the following criteria will apply:</p> <ul style="list-style-type: none"> • they are ready and prepared to move to independent settled accommodation • they have the life skills to manage a tenancy • they have a support package and appropriate plan • they have not, or have not previously, been a tenant of a registered provider as a result of being granted this 	No required timescale for bidding

		<p>priority. In exceptional circumstances priority may be given to former relevant children (up to the age of 25) who have completed higher education</p> <p>Applicants moving on from care or supported housing, as authorised by the Housing Services Manager</p> <p>Care leavers approved by the Care leavers Panel</p>	
B9	Existing Social Housing Tenants (Social or Affordable rent) Under occupying their current accommodation	This applies to current registered provider tenants who are under occupying their current accommodation by one bedroom or more.	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>
B10	Management Transfers including Decants	This applies to registered provider tenants where the registered provider has accepted the applicant requires a management transfer or decanting from their existing property	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is</p>

			refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.
B11	Vulnerable applicants in Supported Housing ready for Move On	This applies to applicants in supported accommodation where the Move-On Panel has determined the vulnerable applicant is ready to Move-On to independent accommodation.	<p>No required timescale for bidding</p> <p>The Housing Services Manager may override the choice-based lettings bidding process to make a reasonable direct allocation of suitable alternative accommodation</p> <p>If this allocation is refused, the priority of the case will be reviewed and may be down banded or removed from the Housing Needs Register.</p>

98. Band C

Band code	Criteria	Definition	Bidding requirement
C1	Medical C	<p>The applicant's or a member of the applicant's household's medical condition, mental health, learning disability or care needs will only be prevented from worsening or achieve a gradual improvement or be met by suitable alternative accommodation.</p> <p>Evidence is required from a medical professional of:</p> <ul style="list-style-type: none"> The medical or mental health condition, learning difficulty, 	No required timescale for bidding.

		<p>or unmet care need;</p> <ul style="list-style-type: none"> • The effect of the current accommodation • How suitable alternative accommodation will prevent worsening or promote an improvement 	
C2	Threatened with homelessness (Prevention)	RBWM applicants who are homeless or threatened with homelessness, who are likely to lose their accommodation through no fault of their own, for which there is no legal redress, in the next 12 weeks, who are assessed by the council's housing options team as not likely to be in priority need and who are receiving and acting upon housing advice from the council to prevent homelessness	<p>No required timescale for bidding.</p> <p>Housing Register Team may make a reasonable direct allocation of suitable alternative accommodation.</p> <p>This may include an offer of suitable accommodation in the private rented sector, which will discharge RBWM 's duty.</p>
C3	Rough sleeping or sofa surfing	Applicants with no identified priority need who have been verified by the council as having no settled accommodation and are 'rough sleeping' or 'sofa surfing'. The procedure guide will provide the checklist for sofa surfing approval.	No required timescale for bidding.
C4	Lacking 1 bedroom	Households lacking one bedroom.	No required timescale for bidding.
C5	Management transfer	Applicants living in registered provider accommodation requiring a transfer to properties of the same size and type for significant reasons, as agreed by the registered provider	No required timescale for bidding.
C6	Medium Priority due to the applicant being significantly and adversely affected by their current accommodation	Where the applicant or member of their household is being significantly and adversely affected by their current accommodation and there is a need to move for welfare reasons. Priority on welfare grounds will be assessed by the Housing Register Team Leader or Housing Services manager.	No required timescale for bidding.

		Each case will be assessed by looking at whether the situation is serious and enduring, whether it is directly affected by the applicant's present housing and whether it would improve if the applicant were re-housed.	
C7	Housing for Older People	Applicants for housing for older people over 60 where there is no higher housing need.	No required timescale for bidding
C8	Social Housing Tenants living in a Bedsit or Studio Flat	When assessing applicants living in a bedsit or studio property they will be assessed as having a bedroom and assessed accordingly. Single and joint applicants will be assessed as having a bedroom. Depending on the circumstances of the case it may be appropriate to assess under welfare grounds.	No required timescale for bidding.
C9	Social housing tenants living in two-bedroom flats that have two children		No required timescale for bidding.
C10	Existing social housing tenants accepted in accordance with the Right to Move Regulations or living in a Market Rent		No required timescale for bidding.

99. Band D

Band code	Criteria	Definition	Bidding requirement
D1	Reduced priority – no bids in six months	The decision to exclude applicants who are not bidding in any Band will be made on the basis that they will be demoted to Band D for a period of 6 months unless there is a	Applicants in Bands A and B have 6 months from the date of assessment to place a bid. If they do not place a bid on

		<p>significant change in circumstances. Exceptions may be considered depending on the availability of suitable accommodation and personal circumstances of the applicant. At the end of the 6-month period applicants can request their application is reassessed. An application will only be re-instated if in accordance with the assessment process above. Applicants can appeal a decision to reassess.</p>	<p>properties which will meet their needs during that time, they will be reassessed to Band D for six months unless they continue to qualify in Band C. This will not apply to applicants owed a homelessness duty.</p>
D2	Keyworkers	<p>Priority for keyworker accommodation applicants must be working in a permanent position in one of the following sectors: education, health, police, fire, social services and some other key public and voluntary services and public sector agencies (including some covid key worker definitions)</p>	<p>No required timescale for bidding.</p>
D3	Traveller Sites	<p>Allocations to pitches will be made to those who fall within the following definition: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependents' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such." (Planning Policy for Travelers Sites)</p>	<p>See Property Qualification 4 below</p>
D4	Temporary Accommodation	<p>All homeless households will require an assessment of needs to determine the minimum size of accommodation and bedroom requirements and applicants will then be matched to available properties.</p> <p>The Council always seeks to place homeless households in</p>	<p>See Property Qualification Criteria 5 below</p>

		<p>temporary accommodation within the district but as a non-stockholding authority this is not always possible.</p> <p>Due to the shortage of available properties within the district, it is not always possible to accommodate larger pets with homeless households, though the Council will endeavour to allocate properties where pets are allowed to households in need of such a property.</p> <p>Where there is concern that a household may be at risk, due to violence or threat of violence, including domestic abuse, the Council may determine that an out-of-area placement is necessary in order to minimize the risk to that household.</p>	
D5	All other homeless households including those not in priority need or intentionally homeless	Clear reasonable preference to people who are homeless (within the meaning of Part 7 including those found to be intentionally homeless, or homeless but not in priority need) and people who are owed a duty by any local housing authority under section 190(2), 193(2) or 195(2) (or under section 65(2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any such authority under section 192(3)?	
D6	Additional priority for ex Armed Forces personnel	<p>The following categories will be awarded one Band higher priority than their assessed need:</p> <ul style="list-style-type: none"> • Members of the Armed Forces and former service personnel where the application for housing is made within 5 years of discharge. • Serving or former members 	<p>No required timescale for bidding.</p> <p>This is a floating band – therefore le. Once the banding has been determined around wider need – this category will then enable the household to increase their</p>

		<p>of the Reserve Forces who need to move because of serious injury, medical conditions or disability which is wholly or partially attributable to their service.</p> <ul style="list-style-type: none"> • Bereaved spouses or civil partners of members of the Armed Forces leaving Services Family Accommodation following the death of their service spouse or partner and the death was wholly or partially attributable to their service. 	banding to one higher than their assessed need.
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Priority within Bands

100. The subcategories in each Band do not reflect priority within the Band. Priority between applicants within Bands is determined by:

Band Registration date

101. Priority date will be the sole consideration when prioritising between applicants in the same Band unless one of the Local Priorities Property Qualification Criteria's below applies. The priority date is either the date of registration or the date RBWM is notified of a change of circumstances which results in moving up a Band, or in the case of homeless applicants to whom a full duty is accepted, it is the date RBWM accepts a duty to accommodate, if this is earlier.

102. Applicants moving down a Band will retain the earliest qualifying date either in the current Band or a higher Band.

Specific qualification criteria

103. Some advertised properties may have specific qualification criteria:

[Property Qualification Criteria 1 – Property for people aged 55+ and 60+](#)

[Property Qualification Criteria 2 - Property for people with mobility needs will be advertised as suitable for applicants with the following three categories:](#)

- Properties suitable for wheelchair user indoors and outdoors

- Properties suitable for people who cannot manage steps or stairs and may use a wheelchair some of the time
- Properties suitable for people who are independent but can only manage one or two steps

Property Qualification Criteria 3 – Property subject to a Local Lettings Plan

- 103.1. A Local Lettings Plan is an agreement made in exceptional circumstances between Housing Services and a Housing Provider. It sets out how properties will be allocated in exceptional circumstances to meet areas specific issues. This is done to tackle a specific issue or problem that has been identified locally at block, street, estate or neighbourhood level, or to achieve a sustainable community on a new development.
- 103.2. Local lettings plans allows our registered provider partners to deliver better outcomes and improve life chances for current tenants and future residents.
- 103.3. Local lettings plans will be used to ensure, where possible, that there is a mixed and balanced community. Local letting policies for some existing properties and initial lettings on new build schemes may specify different priorities for allocating properties. Properties subject to such a policy will be clearly labelled in the property advert.
- 103.4. Local lettings plans may be applied in addition to any local planning restrictions (contained in agreements made under Section 106 of the Town and Country Planning Act 1990) which may be in place but will not override them. These local lettings plans will be agreed by the respective Registered Provider and the Head of Housing for The Royal Borough.
- 103.5. Recommendations for local lettings plans may include:
- Individual lettings plans will be agreed with the registered provider for each development at the time of first letting only.
 - Establishing and sustaining a mixed, stable and sustainable community on a new the development to foster a sense of ownership and community;
 - Setting a maximum or minimum age limit for certain properties, where evidence can determine a specific need;
 - Preference to other household types who would not normally be eligible under the Allocations Scheme – e.g. this could be couples without children, where there is a high density already in the area of families with children;

- Preference to people who are under occupying or who are overcrowded in their current home in the local vicinity;
- Sensitivity around the letting of homes to vulnerable people;
- Once adopted, a local lettings plan will override the Allocations Scheme. Any properties subject to a plan will be clearly labelled when advertised for lettings.

Property Qualification Criteria 4 – Traveller Sties

- 103.6. Applications will be placed in a priority depending on assessed housing need. Once housing need is assessed, we prioritise people according to who has been waiting the longest.
- 103.7. **Emergency decants:** people that need to move to enable development of their site/pitch or major repair. Applicants who are currently homeless within the meaning of Part VII of the Housing Act 1996, as amended and there is no suitable temporary accommodation available (cannot accept bricks and mortar).
- 103.8. **Urgent:** Serious harassment, urgent medical needs, currently overcrowded, accepted homeless cases in temporary accommodation who, because of their lifestyle, want to move to a pitch as their offer of accommodation in discharge of the homeless duty. People in exceptional circumstances approved by the Head of Housing Needs.
- 103.9. All other homeless households, homeless prevention, social/welfare need, insanitary housing/accommodation in disrepair, need to move to give or receive support from a pitch resident.
- 103.10. With a housing need but does not meet the residence qualification or any other eligible applicant.

Property Qualification Criteria 5 – Temporary Accommodation

- 103.11. Where there is more than one homeless household requiring a specific size of temporary accommodation within the district, RBWM will prioritise households as follows:
- 103.12. Households with a disabled household member who requires access to services, care or support within the Borough. Disabled applicants will take priority over all other applicants for allocations of disabled adapted accommodation.

- 103.13. Households where at least one member of the household is in employment within the Borough and placing outside of the Borough would put undue stress onto the household.
- 103.14. Households with dependent children in school years 11,12 and 13 who are preparing for, or who are in the process of, taking examinations.
- 103.15. All other households with school-aged children.
- 103.16. All other homeless households.

Bidding and selection

Direct Allocations

104. Where the Housing Services Manager has determined that an applicant's housing needs are immediate as well as exceptional, the Head of Service may approve a request to offer an applicant accommodation ahead of other people on the Housing Register.
105. There will be occasions where allocations will need to be made outside the choice-based lettings scheme. Examples include but are not limited to:
- A registered provider partner needs to make an urgent management move
 - The requirement to make a direct offer to deal with an emergency case
 - The requirement to make a direct offer to meet the needs of a disabled applicant
106. The scheme prioritises the need to reduce and eliminate homelessness whilst also supporting the promotion of social and economic mobility by ensuring the best use of social housing stock and providing social housing tenants greater opportunity to move. Applicants will be encouraged to consider whether a property is suitable before they place a bid for example transport, education, employment and support needs or commitments.
107. RBWM is committed to extending choice of housing to those applicants who are accepted as homeless under the RBWM's statutory duties, ensuring effective use of our resources and the provision of temporary accommodation.
108. Applicants accepted as being owed a prevention or relief duty will be expected to bid on each suitable property that becomes available otherwise

RBWM may take action that includes making a direct offer of accommodation or reducing prioritisation by lowering the applicant's Band.

109. Applicants accepted as being owed a full statutory housing duty under Part VII Housing Act 1996 (as amended) will have bids placed on their behalf for each available property.
110. Applicants who have bids placed on their behalf because they are owed a homeless duty should not remove these bids. If bids are removed by the applicant, they will be replaced.
111. If a homeless applicant who is subject to Section 193(2) Housing Act 1996 refuses an offer of suitable accommodation, RBWM's duty is discharged.
112. In cases where Housing Register Team need to make decisions outside the policy there will be delegated authority determined by the Head of Service to decide. These cases include but are not limited to the refusal of an offer of suitable accommodation.

Sensitive Lettings

113. There may be occasions when a Registered Provider requests that a vacant property is advertised as a sensitive letting; for example, where a previous tenant has caused anti-social behaviour and it is important to get the right mix of tenants in the area, having regard to the needs of existing vulnerable or elderly tenants. The landlord and the local authority may agree that the applicant in prime position for nomination/allocation is not suitable to be offered the property and instead agree to offer the property to a more suitable applicant.

Bidding Timescales

114. The bidding requirements, which apply to each Band criteria, are set out within the Priority Bands. These requirements reflect the urgency of the housing need; the availability of temporary accommodation; ensuring the best use of housing stock; minimising costs.
115. Some priority criteria will allow applicants the opportunity to bid for suitable properties on choice-based lettings. Applicants are expected to maximize their opportunities for rehousing by bidding on all available properties of the right size in RBWM.
116. Applicants are entitled to two reasonable offers of accommodation. An offer is deemed reasonable where it is of the correct bed and person size based upon

the housing application and within an area selected by the applicant. If two reasonable offers are refused, the application will be removed from the register.

117. Any applicant who has been placed in Band A will receive one offer of suitable affordable accommodation in any area which will address their housing need. If the first reasonable offer of accommodation is refused and the applicant is in Band A the applicant will be entitled to a second offer, but the application will be moved to Band B.
118. A statutorily homeless applicant will be entitled to only one suitable offer of accommodation anywhere in the Borough. Where that offer is refused the Council will consider it to have discharged its statutory duty and where applicable, the provision of temporary accommodation will be withdrawn.
119. If an applicant refuses any offer, they will be asked to explain the reason in writing or by contacting Registered Provider Allocations team within 24 hours following the agreed procedure. If the reason is due to exceptional or unusual circumstances the offer may be deemed to be unreasonable, and not counted.
120. The offer will not be deemed unreasonable if the Council was not made aware of certain facts and requirements prior to offer.
121. If the offer is held to be reasonable, the applicant will be given 48 hours to reconsider.
122. Applications will be removed from the Housing Needs Register if it is found that it has never been or it has ceased to be an eligible application.
123. Applicants are required to re-register every other year. Applications will be removed if the applicant fails to re-register or if the Council considers there are good reasons for removal.
124. Applicants in Bands A and B have 6 months from the date of assessment to place a bid. If they do not place a bid on properties which will meet their needs during that time, they will be reassessed to Band D for six months unless they continue to qualify in Band C. This will not apply to applicants owed a homelessness duty.
125. The decision to exclude applicants who are not bidding in any Band will be made on the basis that they will be demoted to Band D for a period of 6 months unless there is a significant change in circumstances. Exceptions may be considered depending on the availability of suitable accommodation and personal circumstances of the applicant. At the end of the 6-month period applicants can request their application is reassessed. An application will only be re-instated if in accordance with the assessment process above. Applicants can appeal a decision to reassess.

126. Where identified in the Priority Bands in the tables above, the Housing Register Team will override the choice-based lettings system and make a reasonable direct allocation of suitable accommodation, particularly when there is an urgent need to rehouse.
127. For homeless applicants this reasonable direct allocation will discharge the RBWM 's homelessness duty. If a homeless applicant disagrees with the offer or the discharge of duty, they have the right to request a review of the suitability of the accommodation offered and/or the Discharge of the Homelessness duty, under Section 202 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017). The allocated property will not remain available to the applicant pending the outcome of the review process.
128. Where the priority criteria allow applicants to bid for suitable properties within a designated period of time, Housing Register Team will review the application at the end of that time and determine whether the bidding period will be extended; whether a reasonable direct allocation of suitable accommodation is required; or whether the priority no longer applies to the application, and it will be down-banded or removed from the Housing Needs Register.

Advertising vacant properties

129. Vacant properties will be advertised on the Choice Based Lettings website. Eligibility criteria will be included in the advertisement such as:
- Type of property – flat, house, bungalow
 - Location of property
 - Size of household
 - Size of property and number of reception rooms
 - Whether the property is suitable for children
 - Age limitations
 - The mobility group, if applicable
 - The level of care and support available
 - Whether pets are allowed
 - Whether it is sheltered accommodation
 - Who owns the property i.e. council or registered provider
 - The weekly rent including any other charges
 - An estimate of the date the property will be ready for occupation
 - Whether a local lettings policy applies
130. The property advert will state the rent charge, service charge and any related costs Applicants may exercise choice regarding the properties for which they bid. However, if the applicant is subject to bidding time limits, they will be expected to bid for both social and affordable rented homes as both will be considered suitable.

131. Housing Register Team needs to ensure that all properties are used as effectively as possible and will advertise and allocate properties with a bedroom entitlement for each of the following:

- Every adult, married or cohabiting couple
- Every person aged 21 years or more
- Two dependents aged 10-20 years of the same gender (sharing a room)
- Two children aged under 10 years regardless of gender (sharing a room)

132. Bedroom entitlement is further clarified by:

- Housing Register Team may allocate properties outside these size criteria to larger households, or where a bedroom is too small for more than one occupant.
- Unborn children will not be considered for assessment purposes until they are born, and a copy of the birth certificate has been received.
- Non dependants over the age of 21 will not be included as part of an applicant's household, except where there are care needs supported by medical evidence.
- Couples with an unborn child living in a social housing one bedroom property will not qualify to be registered until the baby is born and a copy of the birth certificate has been received, unless an applicant has a housing need under health or welfare grounds.
- Where there is evidence of a need for a member of the household to have a separate bedroom (for example, for medical reasons, or because of behavioural issues), then an additional bedroom need can be allowed once medical evidence of need has been received.
- A child must live at the address as their main home in order for them to be classed as a permanent resident. Usually, the care giver at this address will be the person in receipt of child benefit or Universal Credit. Exceptions will be considered, for example in circumstances where the child resides away from the applicant on a temporary basis, but their permanent home is with the applicant.
- Where an applicant has care or support needs that require overnight assistance on a permanent or casual basis, then the need for an additional bedroom can be awarded to permit this. This can include prospective foster carers, on evidence that Children's Social Care will approve the Applicant as a foster carer subject to availability of suitable size accommodation.
- Applicants awarded priority on the basis of having a bedroom shortage may be by-passed if they bid successfully on a like-for-like property. For example,

if an applicant lives in a 3-bed house but only requires a 2-bed house and bids successfully on another 3-bed house, they will be bypassed on the shortlist for that property.

- Large families (i.e. those with five or more children) may be given additional priority over smaller households for properties with four or more bedrooms.
- Accommodation where there is a separate dining space or reception room in addition to the main reception area will be classed as a bedroom and will be available for households to bid on that basis
- Where an applicant requires a different property to their assessed need we reserve the right to make an alternative sized accommodation offer

133. Applicants will be allowed to bid for the size and type of property as shown in Appendix 1. In some circumstances the opportunity may be given to bid for larger properties where they are in low demand.

134. Housing Register Team may allocate properties outside these size criteria for households who are threatened with homelessness (to whom the RBWM owes a 'Prevention' duty); or homeless (to whom RBWM owes a 'Relief' duty); or those to whom RBWM owes the main duty; and where it has been assessed that the property is reasonable for the household's needs. This offer of suitable accommodation will discharge the RBWM's duty under Part VII Housing Act 1996 (as amended).

135. Housing Register Team may allocate up to one additional bedroom above the size criteria for each qualifying person where there is an overriding, proven medical need to support the request. The need will need to be evidenced in accordance with the procedures described above.

136. Our registered provider partners have their own size criteria for their properties, which may vary from the criteria stated above. This will be made clear in their advertisements.

137. Adapted properties will be advertised with a mobility classification as below, with additional information if there is the potential for further adaptation:

- Suitable for wheelchair- user indoors and outdoors.
- Suitable for people who cannot manage steps or stairs and may use a wheelchair some of the time.
- Suitable for people who are independent but can only manage one or two steps.

138. Where an age restriction applies and there are no eligible bidders, applicants without children may be considered subject to an affordability assessment.
139. Details of recent allocations, the number of bidders for each property and the Band and priority date of the successful applicant are published on the RBWM website.

Bidding

140. Housing Register Team will advertise empty properties. Eligible applicants can make bids for properties by bidding online via the choice-based lettings website. Full details of how to bid are set out on the website.
141. Housing Register Team is aware that some vulnerable applicants may need assistance in order to complete the bidding process. Housing Register Team seeks to address this issue in the following ways:
- By providing regular training and awareness events for agencies who support vulnerable people to help them guide their clients through the process of registration and bidding.
 - By giving direct advice and assistance to applicants, support staff and agencies during office hours either in person or by phone and by providing information on the RBWM website.
 - By providing information in a variety of formats and languages on request.
142. Where necessary, bids can be made by Housing Register Team staff on behalf of applicants, proxy bidding by support staff, friends or family of a vulnerable person is also possible on request.
143. All bids for property will be checked against the eligibility criteria. Ineligible bids are excluded from consideration. Housing Register Team will contact and advise applicants who regularly bid for properties for which they are not eligible.
144. The applicant has the choice to refuse an offer of accommodation if it has been allocated via the choice-based lettings system on the understanding two refusals will result in removal from the register. The applicant may bid for other properties in subsequent choice-based lettings adverts.
145. Refusals of properties offered by a direct allocation may lead to a discharge of homelessness duty, or to a review of the priority banding, with the possibility of down-banding or removal from the Housing Needs Register. Details of the bidding and direct allocation requirements are listed against each Priority Band criteria.

Selection

146. Qualifying bids for each property are placed in priority order. Priority is decided by specific qualification criteria where one applies then by Band and then by date within the band.
147. If there are no eligible bidders for a property Housing Register Team may decide to make a direct allocation or to re-advertise the property.
148. Offers will normally be made to the applicant at the top of the shortlist subject to verification checks and acceptance of a nomination.
149. RBWM and our registered provider partners will require applicants to provide further verification of their housing circumstances and/or carry out a property inspection of the applicant's current home prior to making the offer. Registered providers may reject an applicant for a particular property if accepting the applicant would conflict with their own policies and procedures.
150. Before offering a tenancy, our registered provider partners will undertake:
- Vulnerability risk assessment – we will risk assess all applicants to identify any support needs. Where we identify a need, we will need to be satisfied that adequate support is in place.
 - Affordability assessment – applicants will be asked to complete an affordability assessment including proof of income and expenditure and full details of any debts. We will also seek permission to carry out credit checks. Where applicants have housing-related debts, they will need to demonstrate that they have arrangements in place to repay them. If it is evident that the applicant cannot afford the tenancy, an offer of a tenancy may be withdrawn.
 - References – we may seek references for all applicants to ensure they are able to maintain a tenancy, including condition of property, acceptable behaviour and rent payments. If there is evidence of previous significant tenancy breaches, we may withdraw an offer.
151. Our registered provider partners will not normally make an offer of a tenancy where the applicant:
- Has breached the terms of a previous tenancy where, if action had been taken possession would have been mandatory. This includes rent arrears, anti-social behaviour and tenancy fraud and is subject to the same criteria as qualification to join the Housing Needs Register.
 - Has behaved unacceptably toward Council staff or partner agencies. This includes verbal abuse, harassment and intimidation, threatening behaviour or abusive language.

- Was evicted from a previous tenancy or failed a probationary tenancy subject to the same criteria as qualification to join the Housing Needs Register.
 - Has knowingly given false or misleading information or has refused to provide information requested in
 - Has housing-related debts and cannot evidence that they have either repaid or significantly reduced the debt over a sustained period of time.
 - Has recently been subject to an anti-social behaviour injunction, an anti-social behaviour order, an injunction, a demotion order, a closure order or a community protection warning/notice.
 - Has been identified as unable to sustain the tenancy without additional support and there is no evidence that a support or care package is in place.
 - Has been identified as needing adaptations that cannot be provided and that would put them at risk if not in place.
152. Our registered provider partners want to promote responsible pet ownership. RBWM will not disadvantage owners of assistance dogs; emotional assistance dogs and lifetime pets owned by people living alone at the point of offer for its own accommodation where pets would not normally be allowed. The decision will depend on the type and number of pets and the likelihood for nuisance and annoyance to neighbours and will be made in accordance with registered provider partners' Tenancy Policies.
153. Our registered provider partners will arrange accompanied viewings, advise on any non-essential repairs to be completed after the tenancy start date and give a target date for the completion of these repairs.
154. RBWM will offer the successful applicant the option to accept the offer of a property and arrange for them to sign for the tenancy agreement. If an applicant refuses the offer the Housing Register Team will re-shortlist the existing bidders to allow an offer to be made to the next highest priority applicant.
155. Non-homeless applicants will not normally be penalised for refusing offers however persistent and unreasonable refusals will result in enquiries being made and a review of the application with the option for the applicant being excluded from the Housing Needs Register.
156. The decision to offer a Traveller Site pitch will be made by a panel of the local authority allocations team and the managing agent for the site. The Panel will identify the applicant in the highest band who has been waiting the longest within that band. They will then consider the current situation regarding illegal encampments in the Borough and the strength of the applicant's connection to the Borough
157. The Panel will then consider if there are any other circumstances that need to be considered to ensure the safe and secure running of the site so that residents can have quiet enjoyment of their pitch and the site. The Panel will aim to create

a shortlist of 3 applicants, who can be ranked for offer and contacted in turn. The Panel will authorise the offer to the selected applicant from the waiting list who will be contacted about the offer. Where an offer has been made and refused no further offer will be made and the application will be removed from the list.

Review and Appeal

158. In certain circumstances an applicant may request a review of the Housing Register Team decision concerning their housing application. A first appeal will be to a Senior Allocations Officer. A final appeal will be to the Housing Performance Lead.
159. Homelessness decisions are subject to the right of review under Section 202 of the Housing Act 1996 (as amended by the Homelessness Reduction Act 2017). The allocated property will not remain available to the applicant pending the outcome of the review process unless the property has been accepted and a review of suitability is requested.
160. Applicants may request a review in the following circumstances:
- Applicant disagrees with the decision to change their joint application to a sole application
 - Applicant disagrees with the decision to exclude, suspend or remove their application
 - Applicant disagrees with the assessment of their housing need, local priority and local connection
 - Applicant disagrees with the assessment of need following a change in their housing circumstances
 - Applicant disagrees with Housing Register Team direct allocation to them
 - Applicant disagrees with a decision to reassess to a lower Band
 - Applicant disagrees with the decision relating to eligibility
 - Applicant disagrees with the review of suitability if a Pt VI offer in respect of a Pt VII case
161. A request for a review must be made within 21 days from the day on which the applicant received notification of the decision. Housing Register Team has the discretion to extend the time limit if it considered that this would be reasonable.
162. Requests for a review must be made in writing by email or letter. Applicants will be asked to explain why they consider the Housing Register Team decision to be unreasonable, and to provide any additional evidence as required.
163. The review will be considered by the Housing Performance Lead who will carry out the review and respond to the applicant within 8 weeks of the review

request being received. Applicants will be advised if the decision is going to be delayed for any reason.

164. Any request for a review must be on the basis that the Allocation Scheme has not been applied correctly to the household's circumstances. If the applicant wishes to challenge the Allocations Scheme itself, they are advised to seek independent legal advice.

165. If the applicant remains dissatisfied with the decision, they will be advised that they have the right to refer their case to the Housing Ombudsman Service.

Performance and monitoring

Consultation, Implementation and Review

166. RBWM recognises the importance of involving, consulting and raising awareness with local communities about the housing register to reach agreement about an allocation scheme that balances housing needs from both national and local perspectives.

167. Consultation arrangements include a full 12 weeks' consultation through our social media channels and forums/focus groups.

168. This Scheme will come into effect in June 2023 with changes being made and implemented up to and including March 2025.

169. All applicants currently on the Housing needs Register and Registered Provider Transfer Registers with a local connection to RBWM will need to re-register to be reassessed under the new Housing Allocations Policy.

170. The Allocation Scheme will be subject to review a minimum of five years from its implementation and on publication of any significant change in legislation, Codes of guidance or the Regulatory Standards.

Service Standards

171. RBWM has service standards for the allocations scheme. These are included in the housing service standards agreed for and with RBWM tenants. RBWM will review and publicise its performance against these standards annually.

172. RBWM will aim to:

- Register applications within 28 days

- Process changes in circumstances within 28 days
- Reply to letters within 10 working days
- Answer phone calls within 30 seconds
- Provide advice to applicants to help them with bidding choices by phone, e-mail and in person
- Wear ID at all times including when visiting
- Deal with all enquiries in a fair and sensitive manner
- Advertise vacant properties for a minimum of 5 days
- Provide reliable information on when a property will be available to let
- Advise you of your right to request a review of a decision in accordance with the details contained within

173. An applicant is required to:

- Keep the Housing Register Team informed of any changes of circumstances
- Ensure the Housing Register Team have an up-to-date address
- Reply to requests for information as quickly as possible
- Treat RBWM staff with courtesy
- Give accurate information regarding personal circumstances

Monitoring

174. RBWM will publish waiting list numbers and lettings outcomes on its website at quarterly intervals:

- Percentage split of housing needs register and transfer list for our registered provider partners
- Percentage split of direct lets and choice-based lettings allocations
- Average waiting times per band and accommodation size
- Numbers of applicants on the register including percentage split of housing needs register and transfer list

Appendix 1 – Bedroom entitlement

	Single Person	Single Person with access to children (1)	Couple	Couple or Lone Parent Plus 1 Other	Couple or Lone Parent Plus 2 others	Couple or Lone Parent Plus 3 Others	Couple or Lone Parent Plus 4 or More Others
Studio	✓	✓					
1 Bedroom Flat	✓	✓	✓				
1 Bedroom House	✓	✓	✓				
1 Bedroom Bungalow	✓	✓	✓				
2 Bedroom Flat			✓	✓	✓		
2 Bedroom House				✓	✓		
2 Bedroom Bungalow	✓ (2)		✓	✓	✓ (2)		
3 Bedroom House					✓	✓	✓
3 Bedroom Flat or Maisonette					✓	✓	✓
3 Bedroom Parlour House					✓	✓	✓
4 Bedroom House						✓	✓
5 Bedroom or More House							✓

(1) Single person with children who do not live with them on a permanent basis.

(2) Depending on medical, mental health, mobility or care needs

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Report Title:	Disposal of Open Space Land at Braywick Park, Maidenhead
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Reynolds, Cabinet Member for Communities and Leisure
Meeting and Date:	27 July 2023
Responsible Officer(s):	Andrew Durrant, Executive Director of Place
Wards affected:	Oldfield

www.rbwm.gov.uk



REPORT SUMMARY

The purpose of this report is to formally consider the objections received to the proposed disposal of land (by grant of a lease) at Braywick Park, Maidenhead following the publication of an Open Space Notice placed in the Maidenhead Advertiser on 28 April and 5 May 2022. A plan of the land in question is at Appendix B.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION:

- i) **That Cabinet consider the objections received in relation to the proposed disposal (by the grant of a lease) of land at Braywick Park, Maidenhead (“the Open Space”) following the statutory notification of the Council’s intention to dispose of the Open Space and having regard to the objections, confirm whether it agrees to the disposal of the Open Space.**

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

Options

Table 1: Options arising from this report

Option	Comments
A) To agree to the disposal of (by grant of a lease) land at Braywick Park, Maidenhead to provide for the relocation of Maidenhead Football Club (MUFC)	Following the publication of the Open Space Notice, the disposal of land is conditional on the grant of planning permission to relocate MUFC facilities to Braywick Park, the next stage would be for the club to submit a full planning application to be determined. If planning permission is not granted, the proposal for relocation will not go forward.
B) To not agree to the disposal of (by grant of a lease) of land at Braywick Park, Maidenhead	This option presents a number of social-economic impacts that Cabinet would need to consider. The key issue for the Council is to balance any adverse consequences of the

Option	Comments
	<p>loss of open space, having regard to the objections received, against the advantages of leasing the to MUFC.</p> <p>The Council received a total of 22 objections to the Open Space Notice and these concerns need to be carefully considered.</p> <p>The officer decision was also called in by Place O&S and several representations and concerns were raised.</p> <p>The land transfer has been valued at £460,000 financial benefit to RBWM and the Council would receive a capital receipt for this amount (subject to planning permission being granted) and Maidenhead United FC would have the opportunity to develop within a new facility and deliver the key objectives of their business plan.</p>

- 2.1 An Officer Decision Notice concluding the Open Space Notice process was published by Democratic Services in March 2023 (a copy of the Decision Notice is at Appendix C) and subsequently reviewed (following call in) by Place Overview and Scrutiny on 20 April 2023.
- 2.2 The Overview and Scrutiny Review went beyond the scope of the Open Space Notice Process that was the basis of the Officer Decision Notice, to question the valuation of the lease premium, the lease tenure period and status of the legal agreement. These matters are not pertinent to the Open Space Notice process.
- 2.3 The Place Overview & Scrutiny Panel referred the decision back to the Executive Director of Place to reconsider the decision (on the basis that the original Cabinet decision of December 2019 delegated authority to take forward the proposal regarding the lease and Open Space Notice to the Executive Director). The Council's constitution allows a decision which has been delegated to an officer to be passed back to the delegating body for decision. The Executive Director for Place has subsequently made the decision to pass the decision back to Cabinet following the referral of the decision (a copy of the Decision Notice is at Appendix D). Cabinet is therefore now being asked to consider the objections to the Open Space Notice and to consider whether it agrees to the disposal (by the grant of a lease) of the Open Space.

Background

- 2.4 Maidenhead United Football Club ("MUFC") approached the Council in October 2019 about the potential to relocate to the Northern part of Braywick Park.
- 2.5 The request was considered at Cabinet on 19th December 2019. Cabinet agreed the release of the land at Braywick Park and delegated authority to the Director of Place to draft the necessary legal agreements, Section 123 Report

on valuation, so that a further decision could take place at Cabinet. This decision was then subject to an Overview & Scrutiny working party in early 2020; they concluded their work in October 2020.

- 2.6 Following the above negotiation and review process, Cabinet reconsidered the request to relocate the Football Club to Braywick Park at the meeting held on 26 November 2020. Cabinet agreed to the relocation of the club, subject to the grant of planning consent. A premium of £460,000.00 as recommended in the Section 123 report was agreed (this being the capital receipt the Council would receive for the land) and authority was delegated to the Director of Place to complete the lease negotiation and to undertake the statutory procedure required under s.123(2A) of the Local Government Act 1972 in relation to the disposal of above of any land consisting or forming part of an open space.

3. KEY IMPLICATIONS

- 3.1 As detailed the disposal of the Open Space at Braywick Park, Maidenhead has been subject to a long and detailed decision-making process. For ease the history (in chronological format) is below in table 2:

Table 2 – key dates, actions and outcomes

Key Date	Action / Outcome	Appendix / Comments
October 2019	<u>MUFC Approaches RBWM</u> The Club initially approached RBWM about the potential to relocate to the Northern part of Braywick Park. This is part of the clubs longer term ambitions to grow the club and expand the range of services it provides throughout the borough.	
19 th December 2019	<u>CABINET MEETING</u> The request was considered at Cabinet on 19 th of December 2019. Cabinet agreed the release of the land at Braywick Park and delegated authority to the Director of Place to draft the necessary legal agreements, Section 123 Report on valuation, so that a further decision could take place at Cabinet.	
October 2020	<u>O&S</u> The decision was the subject to an Overview & Scrutiny working party and they concluded their work in October 2020.	
26 th November 2020	<u>CABINET MEETING</u> Cabinet reconsidered the request to relocate the Football Club to Braywick Park who agreed to the relocation of the Club, subject to the grant of Planning consent, a premium of £460,000.00 as recommend in the Section 123 report and delegated authority to the Director of Place to complete the lease negotiation and to undertake the statutory procedure required under Section 123(2A) of the Local Government Act 1972 (open space procedure)	

3 rd March 2022	<p><u>The Agreement for Lease</u></p> <p>The Agreement for Lease was completed on the 3rd of March 2022, delayed by the impact of the Pandemic.</p> <p>The lease of the site at Braywick Park <u>will</u> only occur should a planning consent be granted by the Local Planning Authority for the development of the Football Clubs new facilities and the approval to dispose of open space granted.</p>	
28 April 2022 & 5 May 2022	<p><u>Open Space Notice</u></p> <p>Public Open Space notice published for two consecutive weeks in a local media outlet, the Maidenhead Advertiser and displayed in Maidenhead Library.</p>	Appendix E
5 th May 2022	<p><u>Open Space Notice</u></p> <p>22 objections received in relation to the disposal of the Public Open Space</p>	Appendix F
4 th April 2023	<p><u>Officer Decision Notice</u></p> <p>Publication of Officer Decision Notice concluding the Open Space Notice process</p>	Appendix C
20 th April 2023	<p><u>Overview & Scrutiny</u></p> <p>decision was reviewed by Place Overview Sight and Scrutiny Panel and passed back to the Executive Director of Place for reconsideration of the decision</p>	
25 th May 2023	<p><u>Officer Decision Notice</u></p> <p>Publication of Officer Decision Notice passing the decision in relation to disposal of the Open Space back to Cabinet</p>	Appendix D

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The council will receive in return for the sale of the land, subject to planning, a capital receipt of £460,000. This is currently not been identified in the 2023/24 Budget and 2024/25 MTFP. This will only be paid if planning permission is achieved.

5. LEGAL IMPLICATIONS

- 5.1 Under section 123(2A) of the Local Government Act 1972, where a Local Authority intends to dispose of land held as public open space, they must first advertise their intention to do so in a newspaper circulating in the area where the land is situated.
- 5.2 The Council must give full consideration to any objections received in

response to its notice of disposal.

- 5.3 The key issue for the Council is to balance any adverse consequences of the loss of open space, having regard to the objections received, against the advantages of leasing the land.

6. RISK MANAGEMENT

- 6.1 Throughout the wider process, officers have regularly taken key advice from the Legal Department to ensure any risk is mitigated. This includes valuation advice from external experts and legal advisors.
- 6.2 More specifically officers received advice in terms of the Open Spaces Notice to ensure compliance and due process was followed correctly, for which RBWM Legal Department have confirmed was executed correctly and in line with Legislation.

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 Climate change/sustainability. Any impact to climate and sustainability have been considered at the stage of reviewing the feedback following the Open Spaces Notice. Whilst some objectives do raise concern about the loss of open green space, there are existing sport facilities in situ and the full design and recommendations will be explored at length as part of a full planning application for which environmental impacts will be assessed.

8. CONSULTATION

- 8.1 As required by the statutory process the intention to dispose of the Open Space was advertised for two consecutive weeks in the Maidenhead Advertiser on 28 April 2022 and 5 May 2022. A copy of the Open Space Notice is at Appendix E.
- 8.2 22 objections in relation to the disposal of the Open Space were received. A copy of the objections together with responses to the objections are at Appendix F.
- 8.3 Following the closure of the Open Space Notice period, officers of the council come together to review objections received that related to specific areas such as Property, Sport & Leisure, Parks & Countryside and Infrastructure. This was used to provide initial comments on the objections so that the Director of Place could take an overarching view and consider the outcome of the notice.
- 8.4 Appendix F also includes a summary table of what themes the objections related to, the list of which alongside the number of responses are detailed below:

- Damaging to the physical and economic health of our community and to wildlife (x2)
- Environmental impact - football pitches are not considered to enhance biodiversity (x3)
- Goes against council's continued assurance that it will protect green space (x1)
- Football ground development can only be tolerated if Maidenhead Golf Club is not developed (x1)
- New developments in Maidenhead are apartments and flats with little/no private outdoor spaces (x5)
- Impact on air quality, animal diversity (x3)
- Net detrimental environmental impact through existing football ground being developed for housing (x3)
- Adverse impact on infrastructure building additional flats at current football stadium (x1)
- Land upheld as community use for all - new stadium will not be available for all (x3)
- Destruction of MUFC heritage (x4)
- There are no outline plans for new football stadium, so it is not possible to make any informed judgement (x3)
- More information is needed on public access to proposed football land (X1)
- More information is needed on flooding impact (X2)
- There is no evidence presented to explain need for a new ground (X1)
- Wait for outcome of public inquiry at Ray Mill Road East before deciding on the loss of further open space (X1)
- Plan contravenes inspector's evaluation of the BLP, which stated the site was to remain in the Green Belt (X1)
- The disposal is in contravention of the NPPF (X1)
- Disposal of this land could only be acceptable if a like-for-like site is provided within a similar distance ($\pm 10\%$) of the town centre (X1)
- What control will RBWM have on the design, use and accessibility of the site? (X1)
- No public discussion of this proposal (X1)
- Is there a need for the housing capacity justifying the release of the current football club land? Are we not entitled to a more transparent public debate on this? (X1)
- Conflict with Corporate Plan (X1)
- Conflict with BLP - Quality of Place policies (X1)
- Conflict with BLP - Infrastructure policies (X1)

8.5 Subsequently, an Officer Decision Notice (ODN) was published which can be found in appendix C. The decision at the time was to approve the disposal of land. However, this was 'called-in' and members of the Place Overview and Scrutiny panel made clear concerns of the impact caused by disposing of land and that the decision should be reviewed.

8.6 Given that the decision has been referred back to Cabinet, it is now for Cabinet to determine whether the land transfer should go ahead and balance the objections from the consultation against the potential benefits of the transfer.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: Immediate

10. APPENDICES

10.1 This report is supported by 6 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Plan showing the land at Braywick Park, Maidenhead edged red
- Appendix C – Officer Decision Notice (published 4th April 2023) attached
- Appendix D – Officer Decision Notice (published 25th May 2023) attached
- Appendix E – Open Space Notice
- Appendix F – Objections received in relation to the proposed disposal of the Open Space together with responses to the objections

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 3 background documents:

- Cabinet Agenda and Minutes – 19 December 2019
- Cabinet Agenda and Minutes – 26 November 2020
- Place Overview & Scrutiny Panel Agenda and Minutes – 20 April 2023

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Andrew Vallance	Deputy Director of Finance/ interim S151 Officer	11/07/23	18/07/2023
Elaine Browne	Deputy Director of Law & Governance and Monitoring Officer	11/07/23	17/7/23
<i>Deputies:</i>			
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager		
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			

Samantha Wootton	Data Protection Officer		
Mandatory:		<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>	
Ellen McManus-Fry	Equalities & Engagement Officer		
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive	11/07/23	
Andrew Durrant	Executive Director of Place	11/07/23	12/07/23
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Communities & Leisure	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No

Report Author: Andrew Durrant, Executive Director of Place
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	Disposal of Open Space Land at Braywick Park, Maidenhead
Service area:	<u>Place</u>
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

To formally consider the objections received to the proposed disposal of land at Braywick Park, Maidenhead following the publication of an Open Space Notice placed in the Maidenhead Advertiser on 28 April and 5 May 2022.

The full proposals of the relocation of Maidenhead United FC are subject to formal planning approval and therefore this level of detail is not considered as part of this report.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

No, this report seeks a decision by Cabinet on the disposal of land notice and associated representations submitted at that point in time. A further, more detailed EQIA would be required if the proposed football club relocation progresses to full planning application.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

What sources of data and evidence have been used in this assessment?

Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age			
Disability			
Sex			
Race, ethnicity and religion			
Sexual orientation and gender reassignment			
Pregnancy and maternity			
Marriage and civil partnership			
Armed forces community			
Socio-economic considerations e.g. low income, poverty			
Children in care/Care leavers			

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

How will the equality impacts identified here be monitored and reviewed in the future?

See guidance document for examples of appropriate stages to review an EQIA.

6. Sign Off

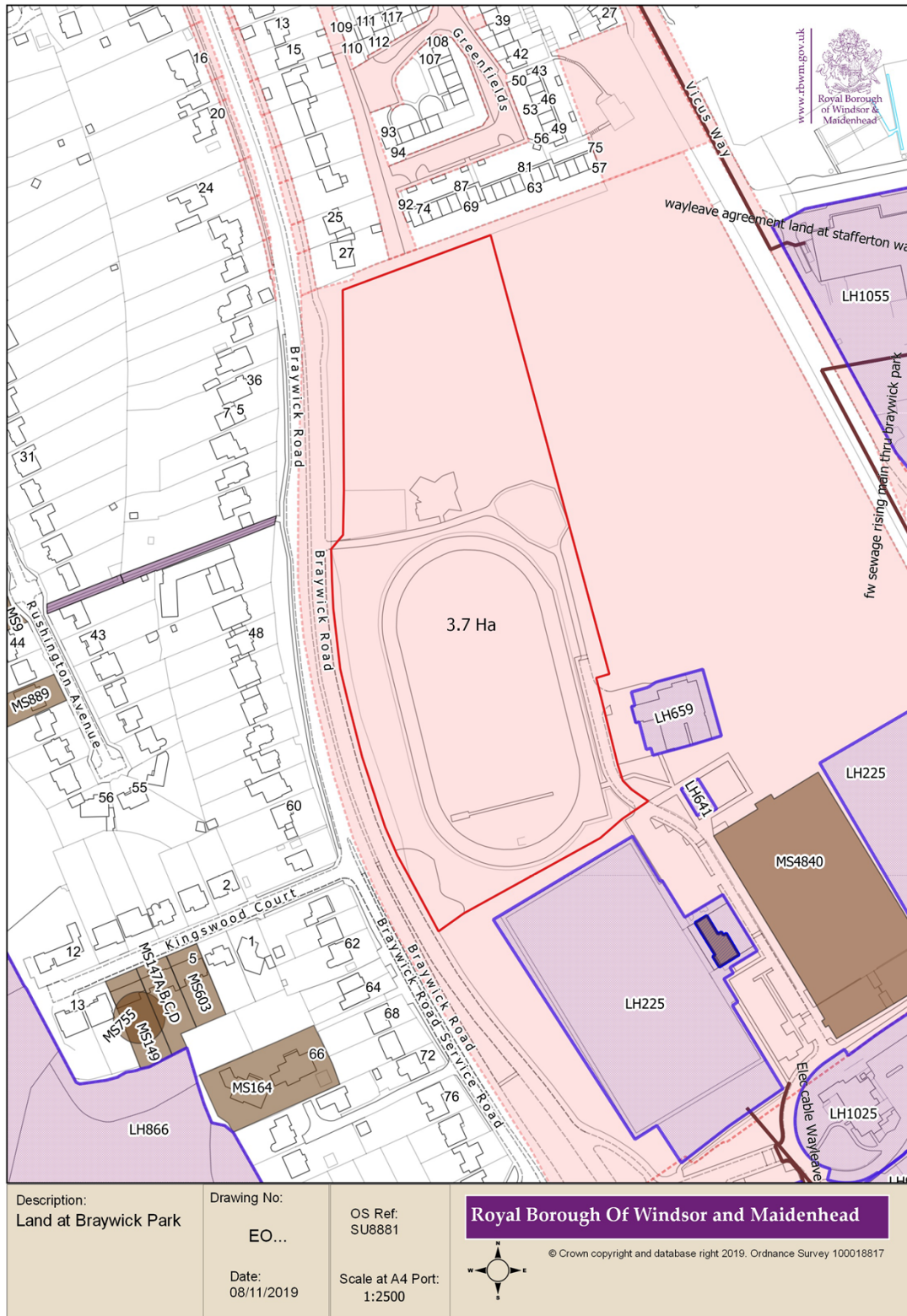
Completed by: Ian Brazier Dubber	Date: 11/07/2023
Approved by: Andrew Durrant	Date: 17/07/2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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Appendix B Plan showing the land at Braywick Park, Maidenhead edged red



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Submitted on Tuesday, 4 April, 2023 - 13:09

Decision title: Lease of the site at Braywick Park to Maidenhead United FC

Date of decision: Tue, 04th April 2023

Decision maker name: Andrew Durrant

Decision maker job title: Executive Director of Place

Decision maker email: andrew.durrant@rbwm.gov.uk

Authority for delegated decision: Part V of RBWMs Constitution provides for a delegation to chief officers.

Reason(s) for officer decision notice: Any decision which is taken in exercise of an express delegation made to an officer by the Cabinet or a Cabinet Sub Committee

Key decision subject to call-in?: Yes

Part II (Confidential) decision?: No

:

Wards affected: Oldfield

Consultation undertaken (internal and external):

The Council approved at Cabinet on 26th November 2020 the release of the land at Braywick Park, subject to planning, for £460,000 as recommended in the s.123 report and delegated authority to Executive Director of Place to undertake the statutory procedure required under Section 123(2A) of the Local Government Act 1972 as required and to negotiate draft agreement for lease, for 999 years at a peppercorn rent.

An Open Space Notice was publicised for two weeks from 28th April 2022 in respect of the proposed disposal of the land at Braywick Park, with objections accepted until 19th May 2022. There is no statutory time constraint on considerations, but consideration should be given to the 22 objections received on balance of the disposal versus the loss of the open space.

Decision made:

That the Executive Director of Place Services having due regard to the objections



received in relation to the Public Open Space Disposal Notice and, subject to the granting of planning permission for a new stadium, agrees to proceed with the lease of the site.

Reasons for decision:

Objections to the disposal of land at Braywick Park, Maidenhead by way of lease for the principal use as a football stadium or community sports stadium together with other associated sports, wellbeing, hospitality and community facilities, have been considered by the Council on balance of disposal of the site versus loss of the open space at Braywick Park.

Taking into account comparative and competing local community needs, the Council has considered the representation received from the public and, on the balance of benefits to the community, confirms that, subject to grant of planning permission for a new stadium, is recommending that the lease of the site proceeds.

Details of any associated risks and mitigation:

The risks associated with this project are limited for the council, as it will only be releasing land to enable the future project to be delivered.

All project costs and project risk will sit with MUFC and the selected development partner for the project.

Should the scheme not get delivered, following terms being agreed, then the Council would not release the land.

The land is being released by way of a long leasehold (999 years) which is a virtual freehold, with the council retaining the ultimate freehold and a caveat that, should the site cease to be used as a football stadium, the land will revert back to the council for nil consideration.

Details of any associated finance considerations:

The council will receive in return for the sale of the land, subject to planning, a capital receipt of £460,000. This will only be paid if planning permission is achieved and is, therefore, a conditional contract.

Name of Finance officer who provided advice: Carter Jonas

Date advice given: Wed, 01st September 2021



Name of legal officer who provided advice: Katherine Lamprell

Date advice given: Wed, 06th April 2022

Details of any associated equality/ sustainability /data protection considerations: Equalities. Equalities. The Equality Act 2010 places a statutory duty on the council to ensure that when considering any new or reviewed strategy, policy, plan, project, service or procedure the impacts on particular groups, an EQIA will be published on the council website for this project.

Climate change/sustainability. In light of the council motion to declare a climate change emergency, the development of the new stadium will need to meet BREAM standards and demonstrate that sustainable materials and construction methods are used where at all possible. The redevelopment of the existing stadium for residential purposes will also need to take account of social, environmental and economic sustainability.

Data Protection/GDPR. Due regard to the requirements of the Data Protection Act 2018 and the General Data Protection Regulation have been considered and taken into account before making a decision. In this instance, it has not been necessary to carry out a Data Protection Impact Assessment.

Details of any alternative options considered and reasons for rejection:
Do Nothing: MUFC will struggle to continue with its existing facilities, which will not be suitable for future advancement in the football league or be able to bring forward much needed sports facilities to a wide range of groups in the location community.

Associated documents:

Details of any declarations of interest made: none

If you would like to receive an email receipt, then please enter your email address and confirm it below: oran.norris-browne@rbwm.gov.uk

Confirm email address: oran.norris-browne@rbwm.gov.uk

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Submitted on Thursday, 25 May, 2023 - 09:35

Decision title: Decision on 'Lease of the site at Braywick Park to Maidenhead United FC' following Place Overview & Scrutiny Panel Call-In

Date of decision: Mon, 22nd May 2023

Decision maker name: Andrew Durrant

Decision maker job title: Executive Director of Place

Decision maker email: andrew.durrant@rbwm.gov.uk

Authority for delegated decision: Part V of RBWMs Constitution provides for a delegation to chief officers.

Reason(s) for officer decision notice: Any decision which is taken in exercise of an express delegation made to an officer by the Cabinet or a Cabinet Sub Committee

Key decision subject to call-in?: No

Part II (Confidential) decision?: No

:

Wards affected: Oldfield

Consultation undertaken (internal and external): n/a

Decision made:

The Executive Director of Place has decided that this decision shall be brought back to Cabinet to review the approach and process conducted regarding the Open Spaces Notice and Disposal of Land following previous Cabinet approval.

Reasons for decision:

Following the Call-In of the Officer Decision Notice dated 4 April 2023 to the Place Overview & Scrutiny Panel, it was agreed by unanimously by the panel that the decision be referred back to the original decision maker, being the Executive Director of Place.

Details of any associated risks and mitigation: n/a



Details of any associated finance considerations: n/a

Name of Finance officer who provided advice: n/a

Date advice given: Mon, 22nd May 2023

Name of legal officer who provided advice: n/a

Date advice given: Mon, 22nd May 2023

Details of any associated equality/ sustainability /data protection
considerations: n/a

Details of any alternative options considered and reasons for rejection: n/a

Associated documents:

Details of any declarations of interest made: n/a

If you would like to receive an email receipt, then please enter your email address
and confirm it below:

Confirm email address:

**THE ROYAL BOROUGH OF
WINDSOR & MAIDENHEAD
NOTICE OF INTENDED DISPOSAL OF OPEN SPACE LAND
LOCAL GOVERNMENT ACT 1972 SECTION 123 (2A)
LAND AT BRAYWICK PARK, MAIDENHEAD, BERKSHIRE**

NOTICE IS HEREBY GIVEN that The Royal Borough of Windsor and Maidenhead intends to dispose of land by way of lease for the principal use as a football stadium or community sports stadium together with other associated sports, wellbeing, hospitality and community facilities at Braywick Park, Maidenhead, Berkshire which land forms part of an open space and is shown delineated edged red for identification purposes only on a plan.

The plan is available for inspection between the hours 09:30am – 17:30pm Monday and Tuesday, 12:30pm – 17:30pm Wednesday, 11:00am – 19:00pm Thursday, 09:30 – 17:30pm Friday, 10:00am – 16:00pm Saturday and 11:00am – 14:00pm Sunday at the Maidenhead Library, St Ives Road, Maidenhead, Berkshire SL6 1RF and on the Royal Borough of Windsor and Maidenhead's website www.rbwm.gov.uk

Objections to the intended disposal, details of which and those making them may be made public, must be made in writing and submitted to Property Services Team, The Royal Borough of Windsor and Maidenhead, Town Hall, St Ives Road, Maidenhead, Berkshire SL6 1RF or by email to property@rbwm.gov.uk by no later than **19 May 2022**.

Dated: 28 April 2022

Duncan Sharkey, Chief Executive, The Royal Borough of Windsor and Maidenhead

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Appendix F – Objections received to Open Space Notice (inc Officer comments)

From: [REDACTED]
Sent: 15 May 2022 22:40
To: Property <Property@RBWM.gov.uk>
Subject: Objection to disposal of land at Braywick Park

Good Evening,

I am writing this email in objection to your plans for the disposal of land at Braywick Park.

Maidenhead's green space is very quickly being eradicated and built on which worries me.

Braywick park, in my opinion is not the right place for a football stadium. The parking at Braywick Park at the moment gets very full over a weekend and another sports facility where matches will be held requiring more parking spaces is ludicrous! Not to mention the infrastructure around the area. Braywick Road itself is a busy road. On a Saturday there will be both rugby and football matches going on which will be absolute carnage!!! I can think of better places for a new stadium to be like the Ascot Road just off the J8/9 and A308 roundabout.

What about the outdoor gym area, running track and the rugby pitches that will be gone if this plan goes ahead? Lots of young rugby players will not be able to train on a weekend as their pitch space will be gone! Have you seen how busy it gets on a Sunday?

How are the general public going to access these free facilities if they are simply not there anymore? Not everyone can afford to pay for a gym membership.

What about the people that live on Braywick Road or in Greenfields? I certainly wouldn't want to overlook a stadium with its bright floodlights and noise!!!!

I really don't think this has been thought through. Maidenhead football club is the oldest club in the country. Rather than move it, why not make good what is already there?

Our greenspace is sacred and is there to be enjoyed by the people of Maidenhead. Not sold off for profit by our greedy council!!

[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site, with only the area alongside Braywick Road to be utilised for the stadium development.
- Gym facilities to be provided within the plans.
- Maidenhead Athletic Club requirements to be accommodated within plans.

- MUFC's view is that any fans travelling by car will be directed to utilise the new multi-storey car park at Vicus Way – this will reduce traffic in the town centre on match days/evenings with easy access from the M4.
- The club's view is that the current football ground is considered to be no longer fit for purpose.

From: [REDACTED]
Sent: 18 May 2022 21:16
To: Property <Property@RBWM.gov.uk>
Subject: Land at Braywick Park

To the Property Services Team

I strongly object to the disposal of land at Braywick Park for several reasons:

1. This constitutes even more loss of public open space in Maidenhead which has already been greatly reduced by the Borough Local Plan.
2. The lease of this land does not constitute a good deal for the people of Maidenhead. Firstly this land is more valuable to us as open space to protect our health and wellbeing and secondly the majority of the people of Maidenhead will not benefit from this lease of land.
3. The current location of the football club is under covenant as a place for sport and gifting it to developers is against the wishes and conditions of this covenant.
4. It is my understanding that the developer plans to build even more flats where the current football stadium in our small town which is already over run with flats.
5. This council has declared a climate emergency and has developed and adopted an environment and climate strategy. The destruction of greenbelt goes against both of these things and just shows that the council does not even believe in the policies that it sets out.
6. The key targets of the environment and climate strategy are nowhere near to being achieved unless radical work is done immediately to stop the destruction of greenbelt and to enhance the greenbelt and create more green spaces.

Kindest regards

[REDACTED]

[REDACTED]
[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- The club will form an agreement in terms of the existing ground and provision of new facility with their own appointed developers.
- Income from sale of the land will support other Council services / mitigate budget pressures.
- Redevelopment of the existing football ground site is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 08:25
To: Property <Property@RBWM.gov.uk>
Subject: Land at Braywick Park

To the Property Services Team

We object to the disposal of Land at Braywick Park because this represents further loss of valuable green belt land and open space in our town, over 48% of Maidenhead's green open space is already scheduled for development in the Borough Local Plan.

This proposal to further develop Maidenhead's green belt, in addition to all the development of hundreds of acres planned in the BLP, is damaging to the physical and economic health of our community and to wildlife.

It also goes against our council's continued assurance that it will protect green space.

This football ground development can only be tolerated in our view if the land currently leased to Maidenhead Golf Club is not developed.

Kindest Regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site The new stadium development is subject to statutory planning application.
- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application, which is a separate concern to the disposal of land.

From: [REDACTED]
Sent: 19 May 2022 11:03
To: Property <Property@RBWM.gov.uk>
Subject: Objection to Disposal of open space at Braywick Park

Hello,

The proposed reduction of green space in Braywick park is a concern given the broader context of development in Maidenhead.

- Recent approval to develop the Golf Course, thus removing 40% of green space in Maidenhead which will have a huge impact on air quality, animal diversity, stress on local infrastructure.
- Almost all of the recent, in progress and planned building in Maidenhead are apartments and flats with little/no private outdoor spaces.
- People need outdoor spaces, especially residents living in apartments and flats.
- This piece of land in Braywick Park is currently used by the community – there is a running track available to all, and a playground which is enjoyed by many local children, again available to all.
- The detail of the proposed plan for usage of the space is limited and difficult to have an opinion on whether it would be overall of benefit or not to the community.
- Taken in isolation, the reduction of this green space for the purposes of sports/wellbeing/community facilities does not appear to be too much of a concern for the environment. But of course, the issue is that the existing football ground will now be developed for further housing. This means there will be a net detrimental environmental impact.
- It would be helpful to understand what further potential plans the council has to reduce green space in Braywick Park or elsewhere in Maidenhead.
- It would also be helpful to understand what is the reason for the substantial gap between plans being drawn up (Dec 1st 2021) and publication of the notice (April 28th 2022).

Yours sincerely,

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Officer Comments:

- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.
- Recent developments in the town centre such as Watermark at York Road benefit from private outdoor space through a balcony or terrace, in addition to podium gardens.
- Plan originally prepared for Cabinet report and utilised for the purposes of the notice.
- The more detailed plans for new stadium complex will form MUFC's public consultation and associated planning application.

From: [REDACTED]
Sent: 19 May 2022 11:17
To: Property <Property@RBWM.gov.uk>
Subject: Green space Braywick

I object strongly to the use of the green space in Braywick for Maidenhead Football stadium. The noise, traffic and car parking will adversely affect all the residents close by and users of the Leisure Centre. This area is used by local residents for recreation and dog walkers. Once again our council are ignoring the strong feelings of residents in order remove more green space and build more ugly flats in the town centre gradually ruining it.

Have the residents who back on to the area been informed as there seems to be very little information out there providing any detail?

Regards

Martin Lillis

Officer Comments:

- Whilst transport impacts would need to be considered as part of the planning process, it is understood that traffic flow will be no worse from the south of the town centre than currently on match days/evenings, whilst it is recognised that the club's ambition is to grow and evolve at the new site that will increase match goers.

- Noise will be contained to match days/evenings.
- MUFC's view is that any fans travelling by car will be directed to utilise the new multi-storey car park at Vicus Way – this will reduce traffic in the town centre on match days/evenings with easy access from the M4.
- Public consultation through MUFC's planning application.

From: [REDACTED]

Sent: 19 May 2022 11:38

To: Property <Property@RBWM.gov.uk>

Subject: Braywick Park

To the Property Services Team,

I am writing to express concern and objection to the disposal of land at Braywick Park for the following reasons:

- The fast ebbing loss of public open space in Maidenhead for the benefit of its residents as already adversely impacted by the Borough Local Plan.
- The lease of this land will not benefit the majority of the residents of Maidenhead. The land would be more valuable as an open green space to protect the health, wellbeing of Maidenians and the overall environment.
- The current location of the Maidenhead Football Club is under covenant as a place for sport/recreation. Gifting this land to property developers contravenes the conditions of the covenant.
- Allowing the developer to build additional flats at the current football stadium will adversely impact the infrastructure, accessibility and overall aesthetics of Maidenhead High street which is struggling to accommodate shoppers.
- RBWM council has declared a climate emergency and has developed and adopted an environment and climate strategy, the continual obliteration of our greenbelt is hypocritical of its own policies and the betterment of the town.
- Lastly and sadly, the key targets of the environment and climate strategy are nowhere near to being achieved unless our council representatives step up and protect our greenbelt and create more green spaces.

Yours sincerely,

[REDACTED]
[REDACTED]
[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- The club will form an agreement in terms of the existing ground and provision of new facility with their own appointed developers.
- Income from sale of the land will support other Council services/mitigate budget pressures
- Maidenhead town centre shopping to benefit from redevelopment of Nicholson's Walk shopping centre.
- Redevelopment of the existing football ground site is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 11:53
To: Property <Property@RBWM.gov.uk>
Subject: Maidenhead football Stadium Braywick

CAUTION: This email originated from outside the council. Do not click any links or open attachments in this email unless you recognise the sender and are sure that the content is safe.

Dear sir/ Madam

I wish to object to the building of a new stadium for Maidenhead football club in Braywick Park. You up held this land as community use for all when you rushed through your LDP and now you plan on using a huge area for a stadium which will not be available for all. Where is the extra parking going? (using the public car park for the leisure Centre?) Also demolishing history. Maidenhead United is the longest continuously played on, league ground in England. I understand they need better facilities but perhaps you could give them the land next door instead of selling it off to a developer. Maidenhead will be one massive high rise concrete jungle.

Yours

[REDACTED]

Officer Comments:

- Proposals for community uses to be re-provided on new stadium site.
- MUFC's view is that any fans travelling by car will be directed to utilise the new multi-storey car park at Vicus Way – this will reduce traffic in the town centre on match days/evenings with easy access from the M4.
- Transport impacts would need to be considered as part of the planning process
- Land adjoining current ground is owned by Shanly Homes.
- Redevelopment of the existing football ground site is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 12:03

To: Property <Property@RBWM.gov.uk>
Subject: Disposal of land at Braywick Park

Dear Property Services Team,

I am writing to object to the disposal of land at Braywick Park.

The open space of Braywick Park is well used by the local community and with the loss of and intended development of Maidenhead golf course and all the new flats planned for development in Maidenhead town centre, the remaining local green space which is easily walkable from the town should be protected. The value of local public open spaces was highlighted during the pandemic lockdowns when Braywick park was heavily used by local residents. With the proposed development of high rise flats in Maidenhead town centre and a booming population, this open green space will be even more essential for residents' health and wellbeing. The proposed land for sale is currently accessible and used by the public for recreation and this will be a big loss to the community.

The current Maidenhead football ground is one of the oldest football grounds in the world and that heritage should not be destroyed.

There is no current requirement for the existing site for housing as more than enough housing has been allocated in the BLP for housing until 2033.

Kind regards,

[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- The club feels that the current football ground is considered no longer fit for purpose.
- Redevelopment of the existing football ground site is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 12:21
To: Property <Property@RBWM.gov.uk>
Subject: Land at Braywick Football Stadium

Dear Sir or Madam,

I would like to lodge my objection to your proposal to allow land at Braywick Park to be developed as a football stadium.

the current Maidenhead ground is a site of historical interest as it is the longest continuously played on ground in English football.

Your actions will also reduce the amount of green belt available for public use in Braywick Park.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site.
- The club feel that the current football ground no longer fit for purpose.

From: [REDACTED]
Sent: 19 May 2022 12:43
To: Property <Property@RBWM.gov.uk>
Subject: Braywick Park

The proposed reduction of green space in Braywick park is a huge concern given the broader context of development in Maidenhead.

- Recent approval to develop the Golf Course, thus removing 40% of green space in Maidenhead which will have a huge impact on air quality, animal diversity, stress on local infrastructure.
- Almost all of the recent, in progress and planned building in Maidenhead are apartments and flats with little/no private outdoor spaces.
- People need outdoor spaces, especially residents living in apartments and flats.
- This piece of land in Braywick Park is currently used by the community – there is a running track available to all, and a playground which is enjoyed by many local children, again available to all.
- The detail of the proposed plan for usage of the space is limited and difficult to have an opinion on whether it would be overall of benefit or not to the community.

- Taken in isolation, the reduction of this green space for the purposes of sports/wellbeing/community facilities does not appear to be too much of a concern for the environment. But of course, the issue is that the existing football ground will now be developed for further housing. This means there will be a net detrimental environmental impact.
- It would be helpful to understand what further potential plans the council has to reduce green space in BraywickPark or elsewhere in Maidenhead.
- It would also be helpful to understand what is the reason for the substantial gap between plans being drawn up (Dec 1st2021) and publication of the notice (April 28th 2022).

Hope you will take this into consideration.

Kind regards

[REDACTED]

Officer Comments:

- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.
- Recent developments in the town centre such as Watermark at York Road benefit from private outdoor space through a balcony or terrace, in addition to podium gardens.
- Redevelopment of the existing football ground site is subject to statutory planning application.
- Maidenhead Athletic Club requirements to be accommodated within plans.
- Plan originally prepared for Cabinet report and utilised for the purposes of the notice.
- Plans for new stadium complex to form MUFC's public consultation.

From: [REDACTED]
Sent: 19 May 2022 14:16
To: Property <Property@RBWM.gov.uk>
Subject: Land at Braywick Park

Dear Property Services Team,

I want to register my strong objection to the disposal of land at Braywick Park for several reasons:

1. It constitutes even more loss of public open space in Maidenhead which has already been greatly reduced by the Borough Local Plan.
2. The lease of this land does not constitute a good deal for the people of Maidenhead. Firstly this land is more valuable to us as open space to protect our health and wellbeing and secondly the majority of the people of Maidenhead will not benefit from this lease of land.

3. The current location of the football club is under covenant as a place for sport and gifting it to developers is against the wishes and conditions of this covenant.
4. It is my understanding that the developer plans to build even more flats where the current football stadium in our small town which is already over run with flats.
5. This council has declared a climate emergency and has developed and adopted an environment and climate strategy. The destruction of greenbelt goes against both of these things and just shows that the council does not even believe in the policies that it sets out.
6. The key targets of the environment and climate strategy are nowhere near to being achieved unless radical work is done immediately to stop the destruction of greenbelt and to enhance the greenbelt and create more green spaces.

Yours sincerely

[REDACTED]

[REDACTED]

Officer Comments:

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- The club feels that the current football ground is not being gifted to developers.
- Income from sale of the land will support other Council services/mitigate budget pressures.
- Redevelopment of the existing football ground site is subject to statutory planning application.

From: [REDACTED]

Sent: 19 May 2022 14:31

To: Property <Property@RBWM.gov.uk>

Subject: Disposal of land at Braywick Park

Dear Property Services Team,

I am writing to object to the disposal of land at Braywick Park.

I live opposite the proposed site. This is a very poor decision which already seems like a underhanded done deal to me. Surely there is another site which could be used for this without using a greenfield site ?. I'm not looking forward to extra congestion, cars, litter being dropped by the general public going to/from football games. Extra noise is also a concern, more and more traffic too, and it will also

make the main road and grass verges being used on the cheap as a free car park instead of using the leisure centre car park. Its all very well people making these decisions. these people don't have to live opposite this. Where are the thoughts about local residents wellbeing living opposite this ?....NONE.

Kind regards,

[REDACTED]

Officer Comments:

- Traffic flow will be no worse than currently on match days/evenings. However the club's ambition is to grow at the new site and therefore attract more match goers.
- Transport and travel impacts of the proposals would be fully considered as part of the planning process
- Noise will be contained to match days/evenings.
- MUFC's view is that any fans travelling by car will be directed to utilise the new multi-storey car park at Vicus Way – this will reduce traffic in the town centre on match days/evenings with easy access from the M4.
- New stadium subject to statutory planning application.

From: [REDACTED]

Sent: 19 May 2022 17:00

To: Property <Property@RBWM.gov.uk>

Subject: Objection to disposal of open space at Braywick Park

I am writing to object to the disposal of "Land at Braywick Park" at this stage. <https://www.rbwm.gov.uk/home/business-and-economy/commercial-land-and-property/public-open-spaces-notifications>

1. Any such application of this sort is premature. There are no outline plans, for example, so it is not possible to make any informed judgement on the merits of this irreversible action. The scale of the football terraces, for example, is unknown. More information is needed in order to assess the merits.
2. If you are walking from the town centre then this is the first land at Braywick that you come to. At the moment it is easily accessible open space with running track, but the proposal appears to be to enclose the land such that it would be controlled by the Football Club. More information is needed on public access.

3. The Environment Agency previously objected to the building of Forest Bridge School in the flood plain. There is no evidence yet as to the impact of a Football club and buildings on the School, or the flood plain in general. More information is needed on flooding impact.
4. There is a “sequentially preferable” flood site – namely their current ground at York Road. There is no evidence to explain why the world’s oldest football ground could not itself be redeveloped? The York Road site seems ideal to deliver a town centre based sports facility, and this is especially important given the move of the leisure centre to the out of town site in Braywick.
5. MUFC has been in the National League for some years I believe. There is no evidence presented in this consultation to explain a need for a new ground. Without a detailed business case presented under this public consultation it is premature to consider the loss of this large area of open space. There may be good reasons, but they are not available to me.
6. The RBWM auditors criticised the lack of a detailed business case for the leisure centre. In particular residents were promised a free shuttle bus to offset the loss of the town. This shuttle service was apparently trialled for a very short period at the height of lockdown, and then shelved. The existing leisure centre car park is well-used and there is no evidence presented to consider the impact on match days of substantial numbers of cars.
7. Related to this – York Road encourages use of sustainable transport because it is nearer the train station. If relocated to Braywick this would tend to encourage the greater use of cars on match days given the convenience of the car park. This tends against the sustainability goals and climate change goals RBWM has set. More information is needed.
8. The BLP evidence base noted that football pitches are not considered to enhance biodiversity. There is currently no evidence to suggest that this will be anything other than a net loss of biodiversity.
9. Moreover this site remains greenbelt under the adopted BLP a greenbelt, so further development should be avoided unless there are exceptional circumstances. At this stage there is no evidence in regard to exceptional circumstances, so more information is needed.
10. The BLP SV in 2017 allocated York Road football ground in the area marked red. It was proposed to retain the football ground. This area was removed on “soundness” grounds under the BLP SV PC and main modification process. If the intent was to develop housing on this site, and there were active negotiations to that effect, then I fail to understand why this area was not retained within the BLP proforma.
11. Given that the Secretary of State has called-in the RayMill Road East development on the grounds that the approval by RBWM LPA for 80 houses prima facie undermines and contradicts the BLP approach to open space (which sets that area aside for green infrastructure), then it would be sensible to wait for the outcome of that public inquiry before deciding on the loss of further open space.

I therefore object at this stage to any further disposal of open space at this stage.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Flood impact assessment as part of planning application.
- The club feels that the current football ground is considered no longer fit for purpose.
- Redevelopment of the existing football ground site is subject to statutory planning application.
- Reduced traffic in town centre on match days with easy access from M4 and railway station.
- MUFC's view is that any fans travelling by car will be directed to utilise the new multi-storey car park at Vicus Way – this will reduce traffic in the town centre on match days/evenings with easy access from the M4.
- Easy access from railway station.
- Ray Mill Road East planning application withdrawn and scheme no longer proceeding.

From: [REDACTED]
Sent: 19 May 2022 17:00
To: Property <Property@RBWM.gov.uk>
Subject: Objection to the lose of green space at Braywick

Hi,

As residents of the estates on Bray Road we have the following concerns re the proposed development of a football stadium at Braywick

To add to the below collective list, I wish to also state that personally I find the decision odd to wish to build a sports stadium in this location given the general trend around the country is to move Football stadia to the outskirts of Cities & Towns rather than build in the centre.

Our collective concerns:

The proposed reduction of green space in Braywick park is a concern given the broader context of development in Maidenhead.

- Recent approval to develop the Golf Course, thus removing 40% of green space in Maidenhead which will have a huge impact on air quality, animal diversity, stress on local infrastructure.
- Almost all of the recent, in progress and planned building in Maidenhead are apartments and flats with little/no private outdoor spaces.
- People need outdoor spaces, especially residents living in apartments and flats.
- This piece of land in Braywick Park is currently used by the community – there is a running track available to all, and a playground which is enjoyed by many local children, again available to all.
- The detail of the proposed plan for usage of the space is limited and difficult to have an opinion on whether it would be overall of benefit or not to the community.
- Taken in isolation, the reduction of this green space for the purposes of sports/wellbeing/community facilities does not appear to be too much of a concern for the environment. But of course, the issue is that the existing football ground will now be developed for further housing. This means there will be a net detrimental environmental impact.
- It would be helpful to understand what further potential plans the council has to reduce green space in BraywickPark or elsewhere in Maidenhead.
- It would also be helpful to understand what is the reason for the substantial gap between plans being drawn up (Dec 1st2021) and publication of the notice (April 28th 2022).

Thanks,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Officer Comments:

- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.
- Recent developments in the town centre such as Watermark at York Road benefit from private outdoor space through a balcony or terrace, in addition to podium gardens.

- Redevelopment of the existing football ground site is subject to statutory planning application.
- Maidenhead Athletic Club requirements to be accommodated within plans.
- Plan originally prepared for Cabinet report and utilised for the purposes of the notice.
- Plans for new stadium complex to form MUFC's public consultation.

From: [REDACTED]

Sent: 19 May 2022 17:03

To: Property <Property@RBWM.gov.uk>

Subject: NOTICE OF INTENDED DISPOSAL OF OPEN SPACE LAND - Braywick Park

Dear Madam or Sir,

I read from an advertisement in the Maidenhead Advertiser that RBWM intends to dispose, by way of lease, of a section of land at Braywick Park for the purposes of building a new football stadium for Maidenhead United FC, together with other potential sports infrastructure.

As a resident of Maidenhead in my childhood and young adulthood, and having returned to live in the town a dozen years ago, I have long had the opportunity to observe and use the town's recreational facilities and amenities. For the past 10 years, I have been a volunteer, coach and referee with Maidenhead Rugby Football Club, and I am deeply concerned about how relocating the football club to the same site may impinge on the space available for the coaching and enjoyment of rugby.

Participation numbers have grown in the Maids RFC Minis & Juniors age groups (from Under-6s to Under-16s and Colts) and I know that it can already be difficult to find serviceable rugby pitches throughout the season, with degrees of flexibility regularly required to accommodate all who wish to train on a weekly basis, none of which is conducive to gaining commitment from busy youngsters and their supportive families.

I have also been an enthusiastic visitor to York Road to support the Magpies and, in their 150th anniversary year, I understand the standing of the club in the town, and the imperative to establish a new home facility.

However, wedging a long-established football club, with all its attendant requirements, will very likely compromise the reach and community engagement which either sports club is able to provide. Any degradation to the space and service available to the RFC can surely not be acceptable as a focus on active sport is so important, for current and future generations.

Indeed, the plan to increase Maidenhead's population by ~40% in the next decade must demand more recreational facilities and amenities to be grown in and around the town, rather than cramming them into an already overused and under-maintained space.

Having witnessed Maidenhead's 'development' over five decades, I have often been struck by how the character and heritage of the town has been routinely diminished and demolished by successive generations of town planning. In MUFC, Maidenhead has a unique artefact of the longest continuously used football ground in the country. If York Road is to be razed and replaced, then let its legacy be one in keeping with the Magpies' heritage, rather than as a cuckoo in another's nest.

I look forward to your acknowledgement and reply, and to reviewing the community comments on this compromised proposal.

Yours faithfully,

[Redacted signature]

[Redacted name]

[Redacted title]

[Redacted contact information]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- The club feels that the current football ground is considered to be no longer fit for purpose.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site

From: [Redacted sender name]

Sent: 19 May 2022 18:55

To: Property <Property@RBWM.gov.uk>

Subject: Land at Braywick

I am writing to express my explicit disagreement with the plans for the disposal of land at Braywick Park, not that I am under the illusion for one minute that RBWM councillors or officers will take into account public opinion.

In the recently approved, and highly controversial Borough Local Plan, the site in question is allocated for Green Infrastructure. According to government guidance, Green Infrastructure is "...a natural capital asset that provides multiple benefits, at a range of scales. For communities, these benefits can include enhanced wellbeing, outdoor recreation and access, enhanced biodiversity and landscapes, food and energy production, urban cooling, and the management of flood risk". It goes on to state "Green infrastructure can embrace a range of spaces and assets that provide environmental and wider benefits. It can, for example, include parks, playing fields, other areas of open space, woodland, allotments, private gardens, sustainable drainage features, green roofs and walls, street trees and 'blue infrastructure' such as streams, ponds, canals and other water bodies". These are features that are supported by the Town and Country Planning Association, who give a definition of "a network of multi-functional green space and other green features, urban and rural, which can deliver quality of life and environmental benefits for communities". From the information available, the disposal of this land makes no contribution to the above criteria, but can easily be seen to detract from these same criteria.

Furthermore, the inspectors report on the BLP clearly stated "All three sites are in the Green Belt, with AL13 and AL14 to be removed and AL15 to remain therein" and to dispose of the site for development is entirely at odds with this. On the above information alone it is wholly inappropriate to remove the land at Braywick Park from public access.

Nonetheless, other reasons for objection to the disposal of this land are:

- **The site is allocated for Green Infrastructure in the BLP** and highlighted as a site to be upgraded (not degraded!). It is my opinion that when assessing the BLP, the inspector was misled into believing that this site would be retained for green infrastructure when, in reality, RBWM were in negotiations relating to the site's possible disposal for at least 2 years. Should the inspector have been properly informed, a different conclusion may have been reached regarding the release of other sites from Maidenhead's greenbelt such as Harvest Hill, the golf course or Spencers Farm.
- **The plan contravenes the requirement of the inspector's evaluation of the BLP**, which stated the site was to remain in the Green Belt.
- **The public (including myself) have been misled** with the BLP, believing that the site would be retained for public use, in line with the above definitions of Green Infrastructure. If the public had been properly informed, the acceptability of the BLP would have been reduced on the grounds of flood risk management, and the degradation of biodiversity and outdoor access.
- **It will be damaging to the environment and public health.** As a result of the approved BLP, an estimated 48% of Maidenhead's green space has been lost, this plan to remove more of the greenbelt will be damaging to the local and wider environment, and reduce the physical wellbeing on the town's population. Additionally, with the development of the golf course site, this land at Braywick Park will become an important asset in terms of flood management, serving as a sink for water run-off from the golf course site. This will be reduced if the site is to be covered in buildings and astro-turf.
- **The plan will result in the loss of "a natural capital asset that provides multiple benefits, at a range of scales":** A variety of facilities will be lost, many of which are free to use, which is an important consideration given the current cost of living crisis. These free to use facilities include the open play area, basketball facilities, running track, outdoor gym area, safe dog walking space, etc. In addition, there is no other suitable facility for the multi-pitch sporting

tournaments that take place each year. Disposal of the land means it will effectively enter into private management with access to members and ticket holders only.

- **Reduced easy access to open space.** With the excessive development with the town centre (19- and 23-storey blocks of dwellings), there will be very little open space available for the residents of these homes to use (contrary to BLP Section 14.10.2 "It is important that local residents have access to open spaces, including outdoor sports and leisure facilities, near to their homes"). The importance of easy access to quality open space is clearly evidenced by the actions of individuals during the Covid-19 pandemic. Furthermore, disposal of the land will contravene Policy IF4 which clearly states existing open space is to be "protected, maintained, and where possible, enhanced to increase capacity and make open space more usable, attractive and accessible", and "The protection and enhancement of physical access, including Public Rights of Way, to open space is supported".
- **The disposal is in contravention of the NPPF.** The NPPF states "Existing open space, sports and recreational buildings and land, including playing fields, should not be built on" unless certain criteria are met. The only criterion that could apply is "c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use". However, as the land will be disposed into private ownership there will be no benefit to the people of Maidenhead.

The only way in which this disposal of land could begin to be acceptable is if a like-for-like site is provided within a similar distance ($\pm 10\%$) of the town centre (for example the land currently occupied by Maidenhead Golf Course). To not dispose of this land is the perfect opportunity for RBWM to begin to heal its rapidly declining public opinion and demonstrably show its commitment its vision "to be a borough where the community collectively works together to achieve a sustainable future; by protecting and enhancing our natural environment and achieving rapid decarbonisation to net zero carbon emissions by 2050".

Kind regards,

[REDACTED]

[REDACTED]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- The club feels that the current football ground no longer fit for purpose.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 18:57
To: Property <Property@RBWM.gov.uk>
Subject: Disposal of open space at Braywick Park

Hello,

I am writing with regard to the plans to move the football ground to public open space in Braywick Park.

Maidenhead is already very much the poorer relation of the Borough when it comes to good quality public open spaces. There was a chance to put this right with the golf course, but that ship seems to have set sail. In that context I don't think any further degradation of green space available to the public can be countenanced.

I get that the Borough have balls up their finances, but this is not a reason too sell of the family jewels. Their will inevitably be further periods of financial difficulty in the future, you can't just sell off community assets each and every time it happens. The Borough is the custodian of community assets and should be seeking to improve the lives of their citizens, not selling them down the river.

Anyway, thanks for your consideration.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.

- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.

From: [REDACTED]
Sent: 19 May 2022 19:29
To: Property <Property@RBWM.gov.uk>
Subject: Objection to Disposal of open space at Braywick Park

Hello,

The proposed reduction of green space in Braywick park and at the current football club site is yet another large loss of green space in Maidenhead following approval to build on the golf course. Not only is it a concern environmentally, but it also drives the loss of regularly used and much loved local facilities.

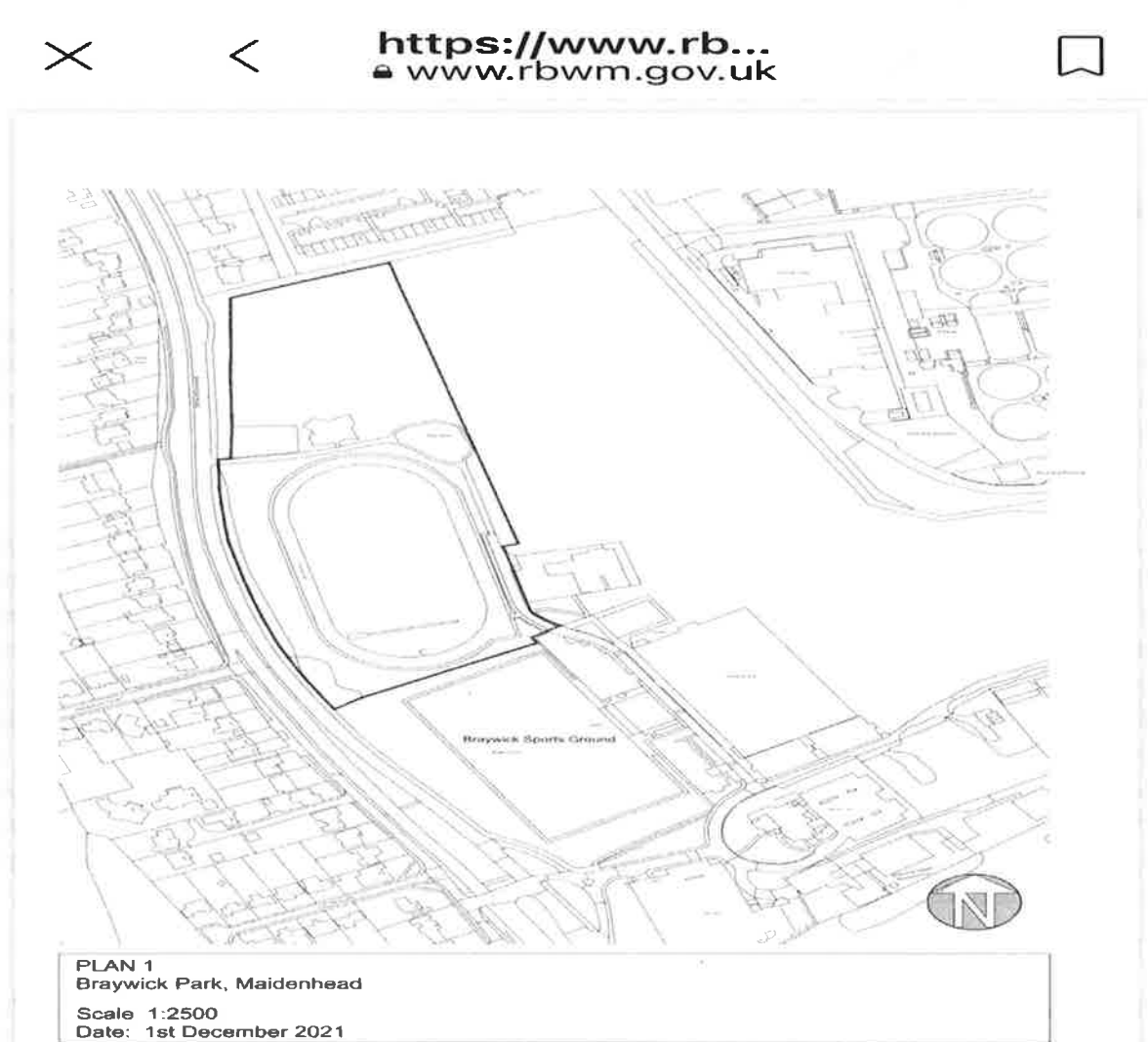
I am part of Maidenhead Running sisters, and as a group we regularly use the running track in Braywick to warm up. There is no other public facility like it in Maidenhead. I gather there are no plans to retain a track. I also use the track on my own and with my family. It is a fun and safe space for my 8 year old son and I to both run together yet independently going at our own speeds being there we can remain in eyesight and earshot of each other and there's little risk of him running in the wrong direction or drifting further away. He frequently times himself over the 400m distance, and monitors his progress. He loves going out to exercise here - something I'd hope the council would recognise as something to encourage as an important part of a healthy upbringing. I've also used it to help recover from injury, as it's an even surface, and very easy to tell distance covered. Each time I'm there it is well used by people of all ages, from all over the Borough. I can't think of another such local facility that is open to all, non stop. It would be a huge loss to our community.

We will also be losing the children's play park and 2012 Olympic Legacy outdoor gym. Again we've used and loved both over the years. There are other such facilities in Maidenhead, however not in easy walking distance.

It's impossible to overstate the importance of green open spaces and public sports facilities for residents mental health. This area was a huge part in my family maintaining a degree of sanity during the recent covid lockdowns. It's also key open space for local residents many of whom may not live in flats without access to gardens of their own, to let children run and play, to exercise dogs, to share a picnic with friends and family and to simply stop and connect with nature. A large chunk of the area being given up is grass, shrubs or trees, on top of the existing loss of 40% of the Boroughs green space at the golf course.

Other than the attached image I've been unable to locate copies of the proposed plans for the site. I've been invited to the Maidenhead Athletics club next week to hear about them, but that will be too late for this consultation.

It's unclear from the plan how current pedestrian access to Braywick Park and Nature Reserve would be effected when approaching on the dual carriageway from town. If people had to walk even further to get it that would not be considered acceptable.



Yours sincerely,

[Redacted signature]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.
- Gym facilities to be provided within the plans.
- Maidenhead Athletic Club requirements to be accommodated within plans.

From: [REDACTED]
Sent: 19 May 2022 22:17
To: Property <Property@RBWM.gov.uk>
Subject: Objection to the green space at braywick

Hello

I live in the bray area and I strongly have an objection to use up green space where I live. I could list a long list of why I have an objection but you have probably heard them all.

Please leave the green space for not only people like me but for all the natural habitant who give me such pleasure for my well being and my mental state.

Thank you

Mrs Patel

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site

From: [REDACTED]
Sent: 19 May 2022 23:01
To: Property <Property@RBWM.gov.uk>
Subject: Braywick development proposal

Dear Sir/Madam, I am writing to object to the planned reduction of green space at Braywick Park.

There has been significant reduction of green space in Maidenhead already, with the building of so many flats and the proposal to build on the golf course. In building so many flats with little outdoor space this puts pressure on the parks and green spaces available, as well as the services within the town.

This part of Braywick Park is used by the community, and is beneficial to those wishing to exercise outdoors on the running track and for children to play in the playground.

It is concerning to see so many flats being built in Maidenhead, and the reduction of our green spaces for the community to use, it doesn't seem like much sensible long term planning has been considered.

Regards,

[REDACTED]

Sent from my iPhone

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Gym facilities to be provided within the plans.
- Maidenhead Athletic Club requirements to be accommodated within plans.
- Recent developments in the town centre such as Watermark at York Road benefit from private outdoor space through a balcony or terrace, in addition to podium gardens.

From: [REDACTED]

Sent: 19 May 2022 23:33

To: Property <Property@RBWM.gov.uk>

Subject: Objection to Disposal of Open Space at Braywick Park

1. The running track and playground are community facilities offering much needed open space within walking distance of the many new building projects in the Town Centre which are almost exclusively flats with no open space of their own. This has implications for the health (both physical and mental) of the occupants.

2. Many people use the running track in preference to busy pavements and traffic laden polluted streets.

3. It is important, particularly in the face of significant cost of living issues endured by less wealthy residents, to have open space facilities open to all at no cost.

4. We have a perfectly acceptable football ground. What is the rationale for moving it, with the consequence of removal of open space? One can surmise that yet again this is being driven by financial pressures to release town centre land for housing development yielding funds to defray the debt incurred by previous council maladministration.

5. There is a complete absence of any detail in the proposal.

- For example, what proportion of the land will be enclosed and presumably “out of bounds” to the general public?
- Will there be a possibility to incorporate a running track in the stadium design, and will it be available to casual runners on non-match days?
- What are the implications for flood water run-off if yet more grassland is converted to the buildings associated with its use as a sports arena with stands and catering facilities.
- Having handed over the lease of the land to new occupants, what control will RBWM have on the design, use and accessibility of the site?
- Where are the documents relating to traffic and access analysis?

6. I have not seen any public discussion of this proposal. Apart from a 6cm square announcement in the Maidenhead Advertiser there has been no media coverage. The (very sketchy) plan is dated 1st December 2021. Why the delay in the application? When the possibility was first discussed there was no further announcement and I think you will find that most Maidenhead residents think the proposal has been abandoned.

7. Is there actually a need for the housing capacity that presumably is the justification for the release of the current football club land? There has been much debate re the need for housing driving the Golf Club development, and the recent announcement by the Secretary of State for Levelling Up, Housing and Communities would indicate a much greater role for community voices to be heard. Are we not entitled to a more transparent public debate on this?

This is not good government.

[REDACTED]

[REDACTED]

Officer Comments:

- New stadium is subject to statutory planning application and public consultation through MUFC.
- Whilst there will be a changed layout to rugby pitches and the athletics track, there will remain some rugby pitches on the Braywick site
- Gym facilities to be provided within the plans.
- Maidenhead Athletic Club requirements to be accommodated within plans.
- Flood impact assessment as part of planning application.
- The club feel that the current football ground is considered to be no longer fit for purpose.
- Plan originally prepared for Cabinet report and utilised for the purposes of the notice.
- Redevelopment of the existing football ground site is subject to statutory planning application.
- Recent developments in the town centre such as Watermark at York Road benefit from private outdoor space through a balcony or terrace, in addition to podium gardens.

- Redevelopment of Maidenhead Golf Club site is identified in the BLP and is subject to statutory planning application.

19/05/2022

Dear Sirs/Madams,

Section 123 Local Government Act 1972

Section 10 Open Spaces Act 1905

Section 164 Public Health Act 1875

Section 5A Local Government and Housing Act 1989

Regulation 5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000

Pursuant to Section 123(2A) of the Local Government Act 1972, I am writing to object to the proposed disposal of land, held by RBWM, comprising part of the public open space known as Braywick Park, on the grounds that the proposed action is an executive function yet is contrary to the adopted Policy Framework of the Council.

As a resident of the Royal Borough of Windsor and Maidenhead, I personally enjoy use of the land held by the Council as public open space, including this part of Braywick Park, and assert that its disposal through the exercise of executive function *ultra vires*, freeing it from the statutory trust, established under Section 10 of the Open Spaces Act 1906 and/or under Section 164 of the Public Health Act 1875, through which all members of the public benefit, would constitute an injustice to me and all those members of the public who enjoy this space.

Background

On 26th November 2020 Cabinet agreed to the following resolution in relation to the future of the land now proposed for disposal:

“That Cabinet notes the report and:

i) Approves the release of land identified at appendix B, subject to planning for £460,000 as recommended in the s.123 report.

ii) Delegates authority to Executive Director of Place, to undertake the statutory procedure required under Section 123(2A) of the Local Government Act 1972 as required and negotiate draft agreement for lease, for 999 years at a peppercorn rent.”

However, when Cabinet made this decision-in-principle to dispose of the land to Maidenhead United Football Club, approving the “release” of the land, this was within a Policy Framework that has since been significantly updated through the adoption of new plans and strategies by the Authority.

- In November 2021, Full Council adopted a new Corporate Plan (2021-2026).
- Without prejudice, in February 2022, Full Council purported to adopt a new Development Plan Document, the Borough Local Plan (2013-2033).

Notwithstanding the authority delegated to the Executive Director of Place by the resolution of Cabinet, to perform the executive functions under Section 123 of the Local Government Act 1972 and to negotiate with the Football Club, he can only perform these functions in accordance with the prevailing Policy Framework.

The decision made by Cabinet in November 2020 does not exempt the Director, when performing the delegated functions and making distinct determinations regarding the matters arising, from the legal requirement to determine these matters in accordance with the Authority’s adopted Policy Framework at the time. In proceeding with both the statutory process and contractual negotiations, the Director’s actions demonstrate he is minded to make determinations otherwise than in accordance with the current Policy Framework, which is not a lawful exercise of executive power.

Conflict with the Corporate Plan (2021-2026)

The proposed disposal of public open space in Braywick Park conflicts with the policies of the Corporate Plan. Specifically, within the, “Inspiring Places” goals, under the, “Quality infrastructure

that connects neighbourhoods and businesses and allows them to prosper” priorities is the following policy:

“Enable delivery of the key social, physical and green infrastructure to support new development at the Desborough / South West Maidenhead site (AL13 in the Borough Local Plan), including strategic highway improvements, public transport, cycling and walking infrastructure, new primary and secondary schools, community facilities and open space.” [Emphasis added]

Braywick Park sits within the South West Maidenhead placemaking area, which is expected to undergo intensive growth in households with the AL13 site allocated in the BLP for 2,600 homes. Critical in supporting this new development, as envisaged in this Corporate Plan policy, the Council has committed itself to delivering adequate levels of green infrastructure within the placemaking area. Retention of all existing open space, as recommended in the Open Spaces Study (2019) evidence base, is surely paramount to achieving this Corporate Plan objective, and this proposed disposal, with the consequential removal of the statutory trust protection, is clearly in direct conflict with this.

Conflict with the Borough Local Plan (2013-2033) – Quality of Place policies

The strategic Quality of Place policies of the BLP do not exist solely for the purposes of determination of individual planning applications but also form an integral part of the Policy Framework of the Council. All executive decision making must accord with the confines of the clear policy objectives provided. This is in contrast with the application of the BLP policies for the determination of planning applications, which is a function of the Authority, where decisions are made in accordance with the Development Plan unless material planning considerations indicate otherwise; this flexibility to diverge from the Development Plan

may be exercisable by the Authority but for the executive function relating to disposal of land must be exercised within the Policy Framework of which the BLP is an integral part, Policy QP1b, South West Maidenhead Strategic Placemaking Area, contains the following text; *"5. The design and delivery of development within the SWMSA should adhere to the following key principles and requirements*

...

g) A strategic green infrastructure framework and network of green spaces to meet strategic and local requirements, including retention of existing green spaces and edges where possible and provision of new public open space in accordance with the Council's standards." [Emphasis added]

The land in Braywick Park being proposed for disposal is existing green space. Its retention as open green space is currently protected by the statutory trust in which it is held. The disposal of this land is not unavoidable but is an elective determination by the Council so it is reasonable to conclude it would be *possible* to retain this land if the Council chose to do so. The executive decision to dispose of this land is therefore clearly contrary to Policy QP1b of the BLP and it would be irrational to conclude otherwise.

The supporting text to Policy QP1b identifies the challenge presented by the need to provide sufficient green infrastructure/accessible open space to meet the needs of a rapidly growing population in South West Maidenhead and reinforces the importance of the retention of open spaces within the South West Maidenhead Strategic Placemaking Area:

"6.6.10 In addition to the transport challenges, the scale of development and the transformation of the open space poses challenges for the retention and enhancement of green infrastructure to serve the new community and for the delivery of net gains in biodiversity. Furthermore, the current approach to Maidenhead from the south is characterised by green, leafy corridors. The challenge for the development of the SWMPA is to provide sufficient green infrastructure and accessible open space for the benefit of existing and new communities. Whilst on-site provision of open space and green infrastructure is important, the improvement and provision of new connections to areas of formal and informal open space elsewhere in the SWMPA area for pedestrians, cyclists and nature will be key to creating a healthy, sustainable community." [Emphasis added]

Whilst not referring to existing open space specifically in the main text, Policy QP2, Green and Blue Infrastructure, is supplemented by the following supporting text that further reinforces the strategic importance of retaining intact the existing network of green infrastructure in South West Maidenhead:

"6.10.3 The benefits of green and blue infrastructure are fully realised when delivered at a strategic scale. In areas subject to strong intensification (for example, the Maidenhead Town Centre and South West Maidenhead strategic placemaking areas) the need for a comprehensive, high quality network of green and blue infrastructure will be especially important."

Conflict with the Borough Local Plan (2013-2033) – Infrastructure policies

Policy IF4, Open Space, relates to both existing and new facilities. Paragraph 1 states;

"1. Existing open space in the Borough will, where appropriate, be protected, maintained, and where possible, enhanced to increase capacity and make it more usable, attractive and accessible."

[Emphasis added]

Paragraph 3 goes on to allocate the whole of Braywick Park as an upgraded open space;

"3. The following sites are allocated as new or upgraded open space as part of the Borough's Green Infrastructure network:

Ref. Site

AL15. Braywick Park, Maidenhead

...

Site specific requirements for these green infrastructure sites are set out in proformas in Appendix C. The proformas form part of this policy."

Again, there is a clear conflict between the proposed disposal of part of Braywick Park (AL15) and this policy, which calls on existing open space to be protected and maintained, where appropriate. "Protected", surely does not allow open space to be freed from the existing statutory trust, a consequence of disposal by the Council, and clearly in the case of land allocated within site AL15 such protection is "appropriate".

In conclusion, in proceeding to exercise the powers under Section 123 of the Local Government Act 1972 to dispose of this public open space land, the Director of Place has made and continues to make determinations in exercise of this delegated executive function that are contrary to the Policy Framework of the Council.

In these circumstances, I respectfully call on the Monitoring Officer to lay a report before Cabinet, under Section 5A of the Local Government Act 1989, giving the Cabinet the options to either seek the approval for the disposal from Full Council (as per Regulation 5 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000) or, alternatively, to abandon the disposal of this public open space thus retaining the statutory trust over the land that guarantees that it continues to be held for the enjoyment of the public.

Yours faithfully,

Officer Comments:

- The Corporate Plan sets out several ambitions and specific service goals, at times projects may conflict with certain aspects or span a number of themes and the interpretation of these. For example whilst the disposal of land does result in reduction of open green space the new facilities create more usable sports facilities all year round and increase levels of activity due to all weather playing surface. The decision is therefore a balance of impact and benefits each option presents,
- From a planning perspective It is definitely true to say that as a result of the proposal there would be an inevitable loss of green space and part of the land that is identified for green infrastructure (AL15) which references use for SW Maidenhead. However, this in itself does not necessarily mean that the contents of a subsequent detailed planning application/applications would be contrary to the policies or objectives of the BLP or the Corporate Plan.
- To assess a proposal against these policies officers would need full details of the proposal and the extent of wider community benefits, proposals for enhancement/provision of green space on site/elsewhere etc.
- Judgements about whether there will be adequate provision of open space have both quantitative and qualitative elements to them and would be impacted by factors such as the final amount/form of development which comes forward within this site allocation area and the detailed nature of any proposals for this parcel.
- They are matters that would need to be considered at the planning application stage with fuller details. It does not follow that that the decision to dispose of land would necessarily be in conflict with these policies, although it would impact on how they might be achieved and due consideration would have to take place under any planning application

Braywick Park - Objections to Public Open Space Notice

Obj.	Damaging to the physical and economic health of our community and to wildlife	Environmental impact - football pitches are not considered to enhance biodiversity	Environmental impact - against council's assurance that it will protect green space	Football ground development can only be tolerated if Maidenhall and Golf Club is not developed	New developments in Maidenhall are flats with private outdoor spaces	Impact on air quality, animal diversity	Net environmental impact through existing football ground being developed for housing	Adverse impact on infrastructure building additional flats at current football stadium	Land upheld as community use for all - new stadium will not be available for all.	Destruction of MUFCHeritage	There are no outline plans for new football stadium, so it is not possible to make any informed judgement	More information is needed on public access to football land	More information is needed on flooding impact	There is no evidence presented to explain need for a new ground	Wait for public inquiry at Ray Mill before deciding on the loss of further open space	Plan contravenes inspector's evaluation of the BLP, which stated the site was to remain in the Green Belt.	The disposal in contravention of the NPPF if a like-for-like site is provided within a similar distance (± 10%) of the town centre	What control will RBWM have on the design, use and accessibility of the site?	No public discussion of this proposal	Is there a need for the housing capacity justifying the release of the current football club land? Are we not entitled to a more transparent	Conflict with BLP - Quality of Place policies	Conflict with BLP - Infrastructure policies		
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3																								
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Report Title:	Update on the outcome of the consultation process regarding the introduction of two Public Space Protection Orders and proposals for the way forward.
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Werner, Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead
Meeting and Date:	Cabinet – 27 July 2023
Responsible Officer(s):	Alysse Strachan, Assistant Director of Neighbourhood Services
Wards affected:	All

REPORT SUMMARY

This report deals with the proposal to introduce two new PSPOs in Windsor, Maidenhead and Ascot. PSPOs specify an area where activities are evidenced to be taking place that are detrimental to the local community's quality of life. PSPOs impose conditions or restrictions on people using that area; such as alcohol bans or putting up gates.

The consultation closes on the 19 July. The feedback data and stakeholder feedback will be collated into a report for cabinet. From the results of the consultation to date, we can see that the vast majority are in agreement of the proposals. Should this change, we will remove the proposals from cabinet consideration. The summary of consultation responses will be made available via a supplementary document upon the closure of the live consultation.

1. *The report recommends the introduction of a PSPO to tackle anti-social behaviour related to the drinking of alcohol in public spaces.*
2. *The report also recommends a proposal for introducing a PSPO which prevent people from lighting barbecues in our parks and open spaces.*

The introduction of the PSPO to tackle barbecues in our parks and open spaces supports the Corporate Plan commitment to 'Taking action to tackle climate change and its consequences and improving our natural environment'.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet meeting notes the report and:

- i) Considers the Royal Borough of Windsor and Maidenhead, Antisocial Behaviour Crime and Policing Act 2014, Public Space Protection Order (Alcohol Consumption) Order 2023 and the Public Space Protection Order (Barbeques) Order 2023 and delegates authority to the Executive Director of Place Services in consultation with

the Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead to approve both Orders.

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

Options

Table 1: Options arising from this report

Option	Comments
<p>To reinstate the PSPO for alcohol consumption.</p> <p>To introduce a new PSPO for barbecues.</p> <p>This is the recommended option.</p>	<p>To introduce two new PSPOs to be enforced by authorised persons. This option is recommended as the new PSPOs are based on a solid and long- standing evidence base to address the related key issues.</p>
<p>Take no action and not introduce new PSPOs.</p> <p>Not recommended</p>	<p>This option is not recommended as it would mean new PSPOs would not be introduced and the issues would remain unenforceable causing distress for residents and visitors of the Borough.</p>

2.1 We are proposing the new PSPOs because cooking on a barbecue or other fire is already not allowed in these popular green spaces, as it poses a fire risk, can cause damage to grass and wildlife, and often leads to littering of food packaging, spent charcoal and disposable barbecues. While most people always follow this simple rule and respect local parks, every summer there are those who light barbecues in parks, ignoring the signage and the Community Wardens, thereby causing a fire hazard and environmental harm. The introduction of this PSPO will allow this existing rule to be enforced. This means the Community Wardens or other authorised officers will have the option to issue a £100 fixed penalty notice to those who refuse to comply.

2.2 The PSPO to address anti-social behaviour caused by alcohol consumption has been in place for many years and expired on 28 November 2022 and needs to be reinstated. The PSPO will allow police or other authorised officers to continue to be able to ask someone causing anti-social behaviour to stop drinking or hand over their alcohol, including any unopened cans and bottles. If that person does not comply, they could then be issued with a £100 fixed penalty notice.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
A PSPO (alcohol consumption) is put in place and enforced by authorised persons.	The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of anti-social behaviour continue/increase.	Conditions are put in place and anti social behaviour linked to consuming alcohol is enforced.	Reports of anti-social behaviour decrease.	Residents feel safe and this is reflected in the resident's survey.	TBC
A PSPO that addresses the use of barbecues is put in place and enforced by authorised persons.	The PSPO is not put in place and authorised officers cannot enforce behaviours. Reports of damage to the environment and parks continue/increase.	The PSPO is put in place and lighting and using barbecues is enforced.	Damage to our parks and open areas decrease.	Residents feel safe and this is reflected in the resident's survey.	TBC

4. FINANCIAL DETAILS / VALUE FOR MONEY

4.1 There are no financial implications arising directly from the recommendations in this report. The levels of charge for Fixed Penalty Notices (FPNs) in this Borough were approved by Cabinet on 27 September 2018 at £100 (reduced to £75 if paid within 10 days). It is proposed that these are kept as the charges for the two PSPO FPNs to be consistent with the other FPNs in place in the Borough.

4.2 Signage will be required, but funding for this will come from existing budgets.

5. LEGAL IMPLICATIONS

5.1 The Royal Borough is empowered under s.59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to make PSPOs where activities carried on in a public place have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;

- Are, or are likely to be, persistent or continuing in nature;
- Are, or are likely to be, unreasonable; and
- Justify the restrictions imposed.

5.2 Furthermore, under s.59, the Royal Borough has to consider the restrictions, and the duration of the order proposed.

5.3 Section 66 of the Anti-Social Behaviour, Crime and Policing Act 2014 allows that an interested person, i.e. “an individual who lives in the restricted area or who regularly works in or visits that area”, may challenge the validity of a PSPO, by application to the High Court where:

- A local authority did not have power to make the order; or
- That a requirement under the legislation was not complied with

No such challenge has been received in relation to this proposed PSPO to date, and there have been no indications that anyone is considering such a challenge.

5.4 Additionally, Regulation 2 of the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014 requires that the Royal Borough must take certain steps to publicise PSPOs.

5.5 The legislation stipulates that PSPOs must be subject to regular review. New orders should ideally be reviewed after a year, and thereafter PSPOs must be reviewed triennially.

5.6 Finally, under s.71, it must have had regard to the Rights of Freedom of Expression and of Assembly under the Human rights Act 1998, before making the Order. European Human Rights considerations are covered overleaf.

5.7 In accordance with the Council’s Constitution; Public Space Protection Orders within a single ward have been delegated to the Licensing and PSPO Sub Committee; however as the PSPOs in this report relate to multiple wards these PSPOs must be approved by Cabinet.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Threat or risk	Impact with no mitigations in place or if all mitigations fail	Likelihood of risk occurring with no mitigations in place.	Mitigations currently in place	Mitigations proposed	Impact of risk once all mitigations in place and working	Likelihood of risk occurring with all mitigations in place.
There is a risk that there could be a legal challenge to the validity of the PSPO process which could result in reputation damage to the council and potential court costs.	Minor	Low	Review by internal and external legal counsel. Public consultation on PSPOs	<ul style="list-style-type: none"> • Ad hoc PSPO panel to decide on local PSPOs • Panel to decide on strategic PSPOs 	Minor	Low

				<ul style="list-style-type: none"> Initial review of individual PSPOs Triennial reviews of all PSPOs 		
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A. We will review the consultation responses for any equalities considerations and if appropriate amend the EQIA as necessary.
- 7.2 Climate change/sustainability. There are no known identifiable factors that would impact climate change or sustainability.
- 7.3 Data Protection/GDPR. Data Protection Impact Assessment is not required. The information journey has been captured in the Privacy notice which can be found on [Privacy notice : Neighbourhood services | Royal Borough of Windsor and Maidenhead \(rbwm.gov.uk\)](https://www.rbwm.gov.uk/privacy-notice)
- 7.4 The Council will give regard to the rights and freedoms set out in Article 10 (right of freedom of expression) and Article 11 (right of freedom of assembly) of the European Convention of Human Rights in order to conclude that the restrictions on such rights and freedoms imposed by this Order are lawful, necessary and proportionate.

8. CONSULTATION

- 8.1 We are currently running a consultation to propose the introduction of the PSPOs, the consultation went live on 14 June 2023 and runs until 19 July 2023.
- 8.2 The consultation consists of an explanation and copies of the draft PSPOs and a brief outline of the proposal and a short survey. The survey allows local residents or people with a connection to the Borough to express whether they agree or disagree with the proposals.
- 8.3 The consultation was publicised via a press release, social media channels such as RBWM Twitter and Facebook and notices in public areas such as libraries, notice boards in shops/parks and parish council's notice boards.
- 8.4 RBWM consulted with key stakeholders such as Thames Valley Police, Police and Crime Commissioner (PCC), Councillors, Town and Parish Councils, Landowners, Town Centre Managers, and residents groups.
- 8.5 The Maidenhead Town Centre Manager provided feedback regarding coverage of PSPO (alcohol consumption) in key areas. Therefore, this report also proposes to expand the locations to Kidwells Skate Park, Library Square on St Ives Road and an

extension to the Library fountain area to include the Amphitheatre. Also, the removal of the Leisure Centre and Megabowl Car Park areas as they no longer exist.

8.6A summary of all consultation responses will be circulated in a supplementary document following the closure of the consultation on 19 July.

9. TIMETABLE FOR IMPLEMENTATION

9.1 Implementation date if not called in: Immediately. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
18 July 2023	Consultation feedback to date is used to compile a proposal for cabinet.
27 July 2023	Cabinet to decide whether a PSPO is appropriate.
27 July 2023	If Cabinet is satisfied that a PSPO is appropriate, the Council's solicitor shall be authorised to issue the Orders with the revised date and seal.
27 July 2023	New Orders are sealed following Cabinet.
28 July 2023	The Orders will be published on the website and notices will be erected at the sites as considered sufficient.
8 September 2023	Challenges to the PSPO must be made to the High Court within 6 weeks of the order being made.
8 September 2024	After 12 months, partner review meeting convened to review whether to continue/amend/remove the orders.

10. APPENDICES

10.1 This report is supported by 5 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B- Draft order for the PSPO relating to alcohol consumption.
- Appendix C - Draft order for the PSPO relating to barbecues.
- Appendix D – Consultation Questionnaire <https://rbwmtogether.rbwm.gov.uk/public-spaces-protection-orders-pspo-consultation>
- Appendix E- Responses from consultation - to follow.

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 2 background documents:

- Public Space Protection Orders are established in sections 59 to 75 of the Anti-Social Behaviour, Crime and Policing Act 2014. This can be viewed at: <http://www.legislation.gov.uk/ukpga/2014/12/part/4/chapter/2/crossheading/public-spaces-protection-orders/enacted>

- Guidance on the legislation is available on the Home office publication: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956143/ASB_Statutory_Guidance.pdf

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officer (or deputy)</i>			
Andrew Vallance	Head of Finance/ interim S151 Officer	18/07/23	18/07/23
Elaine Browne	Head of Law & Governance/ Monitoring Officer	18/07/23	18/07/23
<i>Deputies:</i>			
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	n/a	n/a
<i>Mandatory: Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>			
Samantha Wootton	Data Protection Officer	18/07/23	18/07/23
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	18/07/23	18/07/23
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Andrew Durrant	Executive Director of Place	18/07/23	18/07/23
<i>Heads of Service (where relevant)</i>			
Andrew Aldridge	Community Safety Manager	18/07/23	18/07/23

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Community Partnerships, Public Protection and Maidenhead portfolio.	Yes- approved at briefing paper stage.
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision First entered into the Cabinet Forward Plan: 27/06/23	No	No

Report Author: Mandy Mann, Anti social behaviour coordinator, 07920504572
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Appendix A

Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	<u>Public Space Protection Orders 2023</u>
Service area:	<u>Neighbourhood Services</u>
Directorate:	<u>Place</u>

<p>Provide a brief explanation of the proposal:</p> <ul style="list-style-type: none">• What are its intended outcomes?• Who will deliver it?• Is it a new proposal or a change to an existing one?
<p>The overall aim of the Public Spaces Protection Orders are to reduce incidents and improve community cohesion through taking action to tackle anti social drinking and prohibit people from using barbeques in our parks and open spaces.</p> <p>The key objectives of the proposed new PSPOs are to prohibit certain behaviors that are causing harassment, alarm and distress in spaces where the public have access and to give powers to Authorised persons to help tackle anti social behaviour caused by anti social drinking and barbeques.</p> <p>Authorised persons such as Community Wardens and Police Officers and PCSOs can use the powers under the PSPO.</p> <p>The alcohol PSPO has been in place previously but needs to be extended.</p>

2. Relevance Check

Is this proposal likely to <u>directly</u> impact people, communities or RBWM employees?

- If Yes, state 'Yes' and proceed to Section 3.
- If No, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (for example, for a forthcoming action plan)

Yes, addressing these behaviours. The use of PSPO's is not linked to an individuals race, sex, gender, sexual orientation, disability or age. However, addressing these behaviours would have a positive impact on all people and particularly young people, elderly people and people with disabilities. People who are pregnant may also be positively affected in terms of feeling safer.

The PSPOs are aimed at either people causing ASB whilst drinking in public or people ignoring existing 'No bbq' signage and lighting bbqs and other fires in public places.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

Community Wardens will be affected as this will allow them to challenge people.

Residents and tourists who use the parks and open spaces for the purposes of having BBQs.

People experiencing socio-economic disadvantage are less likely to have access to a private garden so will benefit from improvements to public spaces.

Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented?

For example, compared to the general population do a higher proportion have disabilities?

No.

What engagement/consultation has been undertaken or planned?

- How has/will equality considerations be taken into account?
- Where known, what were the outcomes of this engagement?

We will do a public consultation for 6 weeks asking residents for their views on the proposal and giving them an opportunity to share any concerns or ask any questions. We will provide this consultation electronically but also hard copies for people who do not have access to the internet. Our wardens will hand hard copies out during their engagement work and can assist people in completing the form should they have issues.

What sources of data and evidence have been used in this assessment?

Please consult the [EQIA Evidence Matrix](#) for relevant data. Examples of other possible sources of information are in the Guidance document (Section 2.3).

Crime and Community safety data

97% of residents surveyed in the residents survey felt safe in the local area during the day. 82% of local residents feel safe in the local area after dark.

Perceptions of female safety after dark are comparably lower amongst all age and home ownership groups.

Green and open spaces are a key priority to residents and dominant factors that make their local area a good place to live

- 45% referenced the quality of parks and open spaces
- 34% referenced access to nature / the countryside

Quality of parks & open spaces (38%), peace and quiet (31%) and community support / getting on / helping each other (26%) are the primary contributors for residents aged 75 & over.

Perceptions of safety are high across demographics but comparably lower amongst residents living in Windsor, female residents, residents aged 75 & over, residents whose activities are limited due to a health condition and residents who own their property outright or rent from the council, housing association or trust.

Just over a quarter (27%) indicated they are concerned about antisocial behaviour in their local area; 40% are not concerned.

- A higher proportion of residents aged 35-74 indicated they were concerned compared to other age groups.

Residents who indicated they were concerned about anti-social behaviour in their local area were asked to detail their main concerns. Reasons were given in residents' own words and these have been categorised into themes for analysis purposes.

- A variety of concerns were raised but the most common are groups of young people / teenagers / children and drug dealing / taking.

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'. More information on each protected characteristic is provided in the EQIA Guidance document (available on the intranet).

	Details and supporting evidence	Potential positive impact	Potential negative impact

Age	Older people may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Disability	People with disabilities may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Sex	Women may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	NA
Race, ethnicity and religion		NA	NA
Sexual orientation and gender reassignment		NA	NA
Pregnancy and maternity	Pregnant women may feel less intimidated if there are less groups gathering and drinking and causing ASB.	✓	
Marriage and civil partnership		NA	NA
Armed forces community		NA	NA
Socio-economic considerations e.g. low income, poverty		NA	NA
Children in care/Care leavers		NA	NA

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

<p>What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it? For example, adjustments needed to accommodate the needs of a particular group</p>
<p>The public consultation will be available in digital and hard copy format to ensure it is accessible and inclusive.</p>
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p>

<ul style="list-style-type: none"> For planned future actions, provide the name of the responsible individual and the target date for implementation.
<p>How will the equality impacts identified here be monitored and reviewed in the future?</p>
<p>Community safety data will be reviewed through future residents surveys and community safety surveys.</p>

6. Sign Off

<p>Completed by: Mandy Mann</p>	<p>Date: 25/01/2023</p>
<p>Approved by: Andrew Durrant</p>	<p>Date: 18/07/2023</p>

If this version of the EQIA has been reviewed and/or updated:

<p>Reviewed by:</p>	<p>Date:</p>
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Appendix B

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR CRIME & POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (ALCOHOL CONSUMPTION) ORDER 2023

This Order is made by Council of the Royal Borough of Windsor and Maidenhead ("the Council") in exercise of its powers under Section 59 (1) of the Anti-social Behaviour Crime and Policing Act 2014 ("the Act") and all other enabling powers.

1. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Alcohol Consumption) Order 2019 and shall come into operation on [DATE].
2. The provisions of this Order shall continue in force for a period of 3 years.
3. The land described in the Schedule below shall be "the Restricted Area", being a public place in the area of the Council which is a public space in which the consumption of alcohol is likely to be carried on and is likely to have a detrimental effect on the quality of life of those in the locality
4. No person shall refuse to stop drinking Alcohol or hand over any containers (sealed or unsealed) which are believed to contain Alcohol, when required to do so by an Authorised Person.
5. Further, under s63 of the Act, any person who fails, without reasonable excuse, to comply with the requirement of a constable or Authorised Person to not consume alcohol, or consumes anything the constable or authorised officer reasonably believes to be alcohol, or fails to surrender any container sealed or unsealed in their possession which is reasonably believed by the constable or Authorised Person to contain alcohol shall commit an offence and shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale or to a fixed penalty notice.
6. Depending on the circumstances of a person's failure to comply with this Order, a constable or authorised person may decide that a fixed penalty notice should be issued to the person. Under section 68 of the Act, if a fixed penalty notice is issued and the person pays the fixed penalty to the Council before the end of the period of 14 days following the date of the notice, the person will have discharged any liability to conviction for the offence. However, if payment of the fixed penalty is not made within the required period, proceedings may be brought against the person in respect of any

offence of not complying with any part of this Order.

7. In this Order "Alcohol" has the meaning given in Section 191 of the Licensing Act 2003 and "Authorised Person" means a police officer, a police community support officer or person authorised in writing by the Council to enforce the provisions of the Act.
8. Any interested person being an individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area wishing to question the validity of this Order on the grounds that the Council had no power to make it or that any of the requirements of the Act have not been complied with may make an application to the High Court within 6 weeks from the date on which this Order is made.

SCHEDULE

Ascot, Sunningdale and Sunninghill

Church Road

Footpath from Station to High Street (Ascot)

Green area bounded by Lyndhurst Road, Church Road and Oliver Road.

High Street (Ascot)

Lower Village Road

Lyndhurst Road (from Ascot Station to the junction with Brockenhurst Road), All Souls Road, Victoria Road (from All Souls Road to the junction with Brockenhurst Road) and the adjacent recreation ground.

Oliver Road

Oriental Road

Quince Close

Station Forecourt (Ascot)

Station Hill (Ascot)

Sunninghill High Street (from the junction with Charters Lane to the junction with Kings Road)

Upper Village Road

Victory Fields and Playground (London Road)

Bisham and Cookham and Hurley and Walthams

Alfred Major Recreation Ground

Bath Road

Bridge Avenue

Children's Play area, Phipps Close, Woodlands Park (White Waltham)

High Road

Lower Road (the section from Station Hill to the junction with Grange Road)

Peace Lane

Shergold Way

Station Hill

Station Parade (Cookham)

Boyn Hill, Cox Green and Woodlands Park

Altwood Close

Altwood Road

Barley Mead (including the public footpath which links Barley Mead to Thatchers Drive) and
Barley Mead play area/open space.

Bath Road

Boyn Valley Road

Cox Green Lane

Cox Green Road

Farmers Way

Grenfell Road
Haddon Road
Heynes Green and Heynes Green Play Area
Northumbria Road
Pheasants Croft
Play area in Phipps Close
Shoppenhangers Road
Small green enclosed by Altwood Road and Haddon Road
Wessex Way Shopping Parade, Wessex Way play area/open space (including the Service Road area, St Columba's Close, St Chad's Road (the section between St Columba's Close and Wessex Way) and the short section of Wessex Way from the Service Road to Northumbria Road).
Westborough Road
Wootton Way

Clewer East and Park

Dedworth Road
Green Lane
Imperial Road
St Leonard's Road

Clewer and Oakley Green

Clewer Memorial Recreation Ground
Dedworth Road
Hanover Way
Maidenhead Road
Windsor Road
The area bounded by and including Smiths Lane, Maidenhead Road, Gallys Road, Dedworth Road and Manor Road.

Datchet, Horton and Wraysbury

Datchet Recreation Ground (Datchet)

Eton and Eton Wick

Bell Lane (Eton Wick)
Brocas Street to Meadow Lane
Eton Court
Eton Recreation Ground
Eton Wick Recreation Ground and Playground
Eton Wick Road (the short section from the junction with Princes Close to the junction with Haywards Mead)

Haywards Mead
High Street (Eton)
Meadow Lane
Meadow Lane Car Park
South Meadow Lane
Tangier Lane until the junction with Sunbury Road
The Brocas

Inner Windsor

Acre Passage/Peascod Place
Alexandra Gardens
Arthur Road to Maidenhead Road
Bachelors Acre
Barry Avenue
Boots Passage
Bridgwater Terrace
Charles Street
Church Street Gardens
Claremont Road
Clarence Road (Peascod Street to Charles Street)
Datchet Road
Farm Yard
George V Memorial
Goswell Hill
Grove Road
James Street
King Edward Court Service Road
Kings Road until the roundabout
Lower Thames Street (including the Windsor and Eton Bridge)
Madeira Walk
Maidenhead Road
Mellor Walk
Oxford Road East
River Street, and the streets forming the Guildhall triangle
Russell Street
Sheet Street to Kings Road
St Leonards Road
St Marks Road on from Grove Road
Stovell Road and the Footway under A332 Bridge
Thames Side
Trinity Place
Vansittart Road
William Street
Windsor Leisure Centre Car Park and Pleasure Ground
Windsor Skate Park (Vansittart Road)
The area bounded by and including Alma Road (from the junction with Clarence Road to Windsor and Eton Central Station), Clarence Road (from the junction with Alma Road to Victoria Street), Victoria Street, Sheet Street (from the junction with Victoria Street to the High Street), Park Street (from the junction with Sheet Street to the junction with St Alban's Street), St Alban's Street, Castle Hill, High Street, Thames Street, Thames Avenue, River Street, Barry Avenue (from River Street to the junction with Goswell Road), Goswell Road, Arthur Road (from the junction with Goswell Road to the junction with Alma Road) and the Alma Road Car Park area.

Maidenhead Riverside and Belmont

The area bounded by and including All Saints Avenue (from the junction with Courthouse

Road to the junction with St Mark's Road), St Mark's Road (from the junction with All Saints Avenue to the junction with Castle Hill), Wellington Road, Gordon Road, College Rise, College Road (from the junction with Castle Hill to the junction with Belmont Road), College Avenue, Belmont Road, Belmont Drive, Derwent Drive, Loddon Drive and Belmont Crescent.
Bath Road
Cookham Road
Harrow Lane
Raymond Road
Riverside Gardens
St Mark's Road
Walker Court

Maidenhead Town Centre

The area bounded by and including: Saint Cloud Way (A4), Bad Godesberg Way (A4), Frascati Way, Grenfell Place, Grenfell Road, Queen Street, York Road and Forlease Road.
Grenfell Park
High Town Road
Holmanleaze
Kidwells Park
Leisure Centre and Megabowl Car Park areas
Library fountain area
Railway Station Forecourt and Station Approach
South Road
York Stream Memorial Garden

Oldfield and Bray

Desborough Park
Fane Way

Guards Club Park
(including Guards Club
Island) and Reitlinger
Open Space
Shoppenhangers Road

Windsor Road

The area bounded by and including Stroud Farm Road, Stompits Road and the cul-de-sacs off (Hendons Way, Lynden Close, The Brambles, Farm Close and Bucklebury Close).

Old Windsor

Queens Close
Robin Willis Way and Old Windsor Recreation Ground
St Luke's Road
St Peter's Road
Straight Road

Pinkneys Green and Furze Platt

The area bounded by and including Halifax Road, Halifax Way, Halifax Close, Lincoln Road, Blenheim Road and Lancaster Road.
The green area between Blenheim Road and Alwyn Road

To include all of Shifford Crescent
Ashcroft Road
Bath Road
Boyn Grove Park
Cookham Road
Deansfield Close
Hampden Road
Highway Avenue
Highway Road
Mulberry Walk
Oaken Grove Recreation Ground
Oldershaw Mews
Sunderland Road
Shifford Crescent (from the junction with Switchback Road North to the junction with
Whitchurch Close), the Service Road which runs between Shifford Crescent and Switchback
Road North and the adjacent green area.

**THE COMMON SEAL of the
ROYAL BOROUGH OF
WINDSOR AND MAIDENHEAD**

was hereunto affixed
this

in the presence of:

Appendix C

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (BARBECUES) ORDER 2023

1. This Order is made by the Royal Borough of Windsor and Maidenhead ('the Council') pursuant to section 59 of the Anti-social Behaviour, Crime and Policing Act 2014 ('the Act') and all other enabling powers.
2. This Order may be cited as the Royal Borough of Windsor and Maidenhead Public Spaces Protection (Barbecues) Order 2023 and shall come into effect on [DATE].
3. The Council is satisfied on reasonable grounds that:
 - (i) the activities below have been carried out in public places within the Council's area and have had a detrimental effect on the quality of life of those in the locality; and
 - (ii) the effect, or likely effect, of the activities:
 - a. is, or is likely to be, of a persistent or continuing nature;
 - b. is, or is likely to be, such as to make the activities unreasonable; and
 - c. justifies the restrictions imposed by this Order.

4. The activities with which this Order is concerned are:

Persons using barbecues in public places.

5. The Council is satisfied that the prohibitions which are imposed by this Order are ones which are reasonable to impose in order to prevent the detrimental effect of the activities from continuing, occurring or recurring, or to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
6. The Council has had particular regard to the rights of freedom of expression and freedom of assembly set out in Articles 10 and 11 of the European Convention on Human Rights and has concluded that the prohibitions of this Order are compatible with those rights and do not unlawfully infringe those rights.
7. This Order shall be in force for a period of 3 years from the date when this Order is made (shown below in this Order). This Order applies to all persons at all times while it remains in force.
8. This Order applies to 'the Restricted Area' which is the land set out in Schedule A to this Order, being all public places within the boundaries of the Royal Borough of Windsor and Maidenhead.
9. The prohibition imposed by this Order is the following:

- (i) No person may light, cook with, set up or otherwise use a barbecue or barbecues in the Restricted Area (defined in this Order as all public places within the boundaries of the Royal Borough of Windsor and Maidenhead).

For the purposes of this Order, a barbecue includes any permanent, disposable, temporary, makeshift or homemade barbecue or any open fire for the purposes of heating or cooking food.

- 10. Under section 67 of the Act, any person who, without reasonable excuse lights, cooks with, sets up or otherwise uses a barbecue or barbecues in the Restricted Area shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale or shall be liable to be issued with a fixed penalty notice.

A person does not commit an offence under section 67 of the Act by failing to comply with a prohibition that the Council did not have power to include in this Order.

- 11. Depending on the circumstances of a person's failure to comply with this Order, a constable or authorised person may decide that a fixed penalty notice should be issued to the person. Under section 68 of the Act, if a fixed penalty notice is issued and the person pays the fixed penalty to the Council before the end of the period of 14 days following the date of the notice, the person will have discharged any liability to conviction for the offence. However, if payment of the fixed penalty is not made within the required period, proceedings may be brought against the person in respect of any offence of not complying with any part of this Order.

- 12. Under section 66 of the Act, any interested person (meaning any individual who lives in the Restricted Area or who regularly works in or visits the Restricted Area) may apply to the High Court within 6 weeks of the date when this Order is made to question the validity of this Order on the grounds that:

- (i) The Council did not have power to make the Order or to include particular prohibitions imposed by this Order; and/or
- (ii) Any requirement under Chapter 2 of the Act was not complied with in relation to this Order.



Proposal to introduce Public Spaces Protection Orders (PSPO) in Windsor, Maidenhead and Ascot

COMMENT FORM

Please see supporting information explaining the proposed order before completing this form.

1. In what capacity do you wish to respond to this consultation?

- As a local resident
- On behalf of a local business
- On behalf of a community or voluntary group
- Other (please specify)

2. What is your postcode?

3. Which age band best describes you?

- Under 18
- 18-24
- 25-34
- 35-44
- 45-54
- 55-64
- 65 and over

4. How far do you agree or disagree with the proposed Public Spaces Protection Order (PSPO) for Windsor, Maidenhead and Ascot? (Please tick)

Type of PSPO	Strongly agree	Agree	Disagree	Strongly disagree
A PSPO to address: Prohibition of BBQs in public spaces – Borough wide				
A PSPO to address: Alcohol consumption- Borough wide				

5. Have you experienced any other issues in relation to anti-social behaviour in public spaces?

6. Do you have any comments or suggestions on the proposed Public Spaces Protection Orders (PSPO) for Windsor, Maidenhead and Ascot?

Thank you for your responses.

This consultation closes at midnight on Wednesday 19 July 2023

Completed surveys can be returned to **FAO Mandy Mann, Community Safety, Town Hall, St Ives Road, Maidenhead, SL6 1RF**

Report Title:	Broadway Multistorey Car Park, Maidenhead – Demolition of existing structure.
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Hill, Cabinet Member for Highways and Transportation
Meeting and Date:	Cabinet 27 July 2023
Responsible Officer(s):	Andrew Durrant Executive Director Place
Wards affected:	St Marys Ward

www.rbwm.gov.uk



Royal Borough
of Windsor &
Maidenhead

REPORT SUMMARY

The Broadway Multistorey car park in Maidenhead was built in the early 1960s. The car park was constructed using concrete reinforced with steel bars. The condition of the concrete structure has been of concern for 10 years. In 2012 the Council resolved to investigate the replacement of the existing car park. The car park has been the subject of various strategies to repair or replace it as the structure is beyond its economic life, has been poorly maintained, and has significant structural failure due to water ingress eroding the reinforced steel.

The car park closed at the end of December 2022 as the state of the structure was a high health and safety risk to users. A plan for a replacement car park forms part of the redevelopment proposal for the Nicholson Quarter, recently subject to the Judicial Review process which has now been resolved. The Council has an obligation as part of the Nicholson Quarter scheme to re-provide a multi-storey car park on the Broadway. At Cabinet in June 2018 a budget of £35.3m was agreed, for the replacement car park. Currently, £26.3m is allocated in the council's medium-term capital programme (£16.1m is currently in 2023/24 Budget including slippage from 2022/23 and £10.2m approved by the Council for 2024/25).

The Council is considering the option to safely demolish the car park in the short-term and to explore options for the use of the space as meanwhile use pending the wider development of the Nicholson site. This might include providing a form of temporary surface car park on the cleared site, with a decision to be taken at a later stage subject to further development of options and more detailed financial analysis. The proposal as set out in this report is to demolish the existing car park – to make the site safe, remove the risks from the failed structure, limit opportunities for antisocial behaviour and prevent further town centre blight.

Following the closure of Broadway car park in December 2022, the distribution, frequency, and movement of parking in the Town Centre has been monitored by the Council, providing an overview of how all the Town Centre car parks are being used. The data shows that within the town centre there are 2500 available parking spaces at Hines Meadow, Grove Road, West Street, Stafferton Way and Vicus Way. The analysis of the data shows that Grove Road and Hines Meadow car parks have absorbed a significant amount of the short term and long-term parking demand, with

Hines Meadow remaining significantly under capacity. The Hines Meadow car park data shows that at peak demand, weekdays and weekends, that 58% of spaces are used, leaving significant capacity for visitor parking.

The outline programme to demolish the Car Park is around 10 months commencing in October 2023. The estimated cost of the Demolition contract package is £3.15m including fees and exclusive of VAT.

DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Delegates authority to the Executive Director of Place in consultation with the Cabinet Member for Highways and Transport, to go out to Tender and approve a contract to demolish the Broad Way Multistorey Car Park**

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

Options

Table 1: Options arising from this report.

Option	Comments
i) Delegates authority to the Executive Director of Place in consultation with the Cabinet Member for Highways and Transport to go out to Tender for the demolition of the Broad Way Multistorey Car Park This is the recommendation	The Broadway Car Park structure is beyond its economic life and poses a significant Health and Safety risk due the deterioration of the structure. The demolition of the existing structure is now required, whilst the comprehensive regeneration of the Nicholson Centre is resolved.
ii) Do Nothing This is not the recommendation	This would sustain the uncertainty as to the future of the Car Park, continue the Health and Safety risk the public, attract further instance of anti-social behaviour, promoting a lack of confidence for investment in the Town Centre

- 1.1 There needs to be clarity about the continuation of investment in Maidenhead Town Centre. This means a clear strategy about how the Council expects to

deliver the appropriate amount of parking provision using its own assets to support the economic vitality of the town.

- 1.2 Therefore, the council is considering a new strategic review of town centre parking across the borough in Maidenhead, Windsor and Ascot to align with other associated projects such as the Vision for Windsor and Ascot High Street - to set future plans for parking provision in RBWM.
- 1.3 The Town Centre and Parking teams continually monitor the usage of all car parks; this details the distribution, frequency, and movement of parking in Maidenhead Town Centre. This provides accurate real time information. This identifies that within the defined town centre there are 2500 parking spaces at Hines Meadow, Grove Road, West Street, Stafferton Way and Vicus Way.
- 1.4 The data also shows that both Grove Road and Hines Meadow car parks absorbed a significant amount of the short term and long-term parking demand. Even taking into account the closure of Broadway car park, the data for Hines Meadow multi-storey shows that at peak demand and during weekends occupancy of spaces is 58% - providing significant capacity for visitor parking in the town centre. This is shown in Table 2 below.
- 1.5 Hines Meadow, alongside other key car park sites, has recently undergone a series of condition improvement works that comprise of both structural improvements and also redecoration / replacement of failure doors. A further assessment has been underway to improve the internal signage and resolve faulty lifts that have been out of action at times more recently.

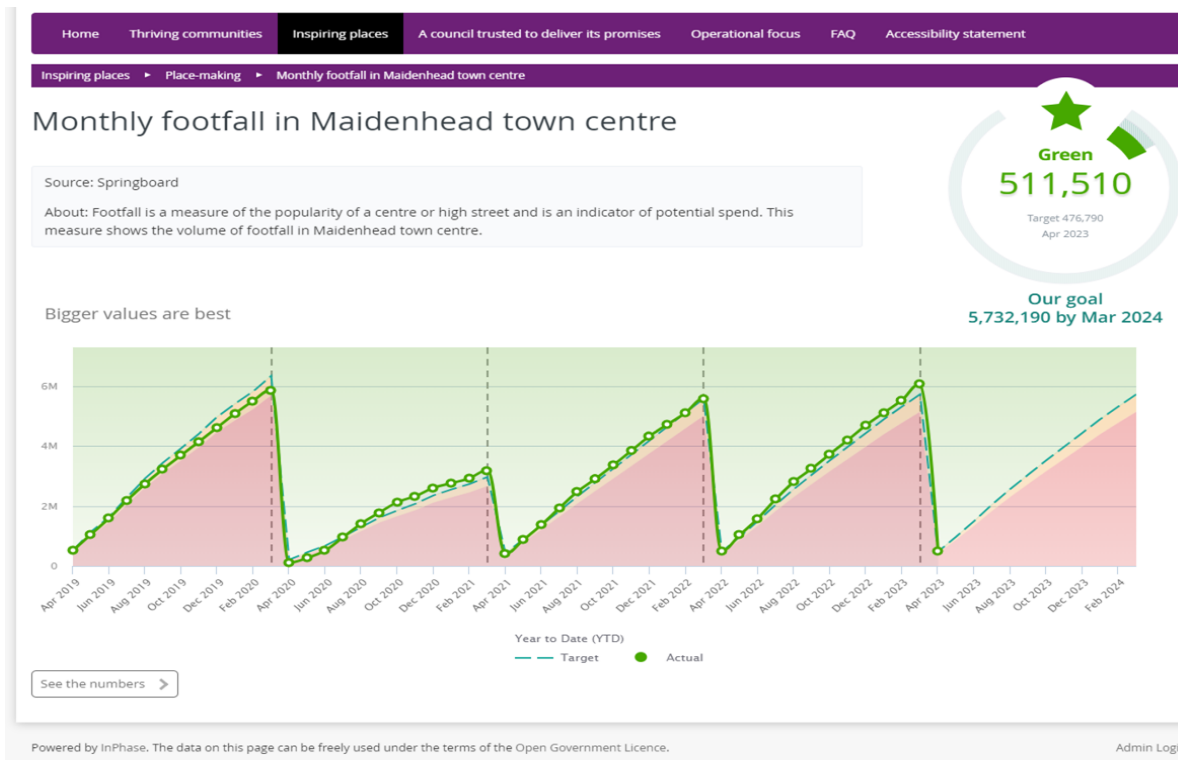
Table 2 Parking usage Short and Long Term in Maidenhead Town Centre

Grove Road	APR	MAY
1 HOUR	3157	3385
2 HOURS	2279	2273
3 HOURS	1561	1448
22/23 monthly total	5904	6325
TOTAL	6997	7106
YOY usage % change	▲ 18.51%	▲ 12.35%

Hines Meadow	APR	MAY
1 HOUR	12136	11446
2 HOURS	7265	7227
3 HOURS	2080	1893
4 HOURS	634	478
5 HOURS	444	443
OVER 5 HOURS	1389	1662
22/23 monthly total	17649	16593
TOTAL	23948	23149
YOY usage % change	▲ 35.69%	▲ 39.51%

- 1.6 This is also reflected in data collected on visitor trips to the town centre, providing a snapshot of usage and foot fall prior to, during and post Covid periods. The below footfall comparison data indicates a continued positive level of visitors to Maidenhead, in fact rated 'green' against target.

Table 3 Footfall comparison data



- 1.7 Through data collection and the team's analysis, it illustrates that the existing town centre parking has been able to absorb the parking demand from the closure of Broadway car park. Although the available town centre parking is more dispersed, it is supporting visitors and providing a choice of short term and longer-term location to suit their need.

2. KEY IMPLICATIONS

- 1.8 The Council is committed, through the Development Agreement (DA) with Denhead SARL, to build a new replacement multi-storey car park on the Broadway. The Council identified the need to replace the existing Broadway Car Park in 2018 prior to Denhead SARL purchasing the Nicholson Centre. The proposed car park would provide 888 spaces. The Council agreed the reduction in the size of the Car Park following a review, and its inclusion in the revised planning application for the Nicholson Quarter Development

- 1.9 The new Broadway multistorey car park would provide an opportunity to lease spaces to office occupiers and residential users in the proposed Nicholson Quarter Development. The Capital budget allocation for the new Broadway car park, was £35.3m, following capital virement the MTFP budget is £25m. The construction cost of the car park has increased due to inflation. Rider Levett Bucknall, construction cost consultant reviewed the building cost budget in December 2022. Their reappraisal of the car park build cost put the revised cost at £33.6m
- 1.10 The demolition of the Broadway Car Park would remove the uncertainty about its use and provide a decisive response to what will follow it. If the demolition program can commence around Sept/Oct 2023 this would demonstrate a transparent resolution of the matter. If the demolition did not take place there would be a continued health and safety risk and an implied lack of investment in corporate assets to ensure that they remain fit for purpose. No decisions have been taken yet on the use of the site as meanwhile use, although the council will look at options including whether it is feasible and financially viable to create a temporary surface car park.
- 1.11 The Broadway MSCP has deteriorated over a long period of time with various plans considered to either repair or replace the structure. As part of the closure, further assessments have been carried out to understand the level of corrosion and damage to the concrete structure (detailed in appendix C – Structural Report). The conclusion was that the car park requires significant works and that to fully quantify these works (and cost) more intrusive assessments would be needed the scope a project for repair, however intrusive assessments are very costly and officers recommend not spending further public funds to conclude the car park is beyond its economic lifespan.
- 1.12 Implications of the demolition works – there are several logistical considerations for this scheme that will be detailed within the project plan and associated programme of works, these include:
- The Broadway MSCP is positioned within a constrained site as image 1 shows, due to neighbouring premises that includes to redeveloped Landings scheme to the South of the site that is now well advanced.



Image 1 – Broadway MSCP site map

- **Project managing** a site of this nature is complex, requires specialist contractors and will need to be tightly controlled from a health and safety perspective.
- **A Traffic Management Plan** will be required to deal with any local impact of the works and whilst this may require road closures on occasion the programme of works will be designed to mitigate and minimise the need for doing so. Having Sienna Court available simplifies matters for staff parking and circulation. Methods of demolition are far more advanced now and removes the prospect of having several tipper trucks lining up waiting to be filled, however the main difficulty is the circular access ramp that overhangs part of the footpath at the southwest corner. The final element of its removal will require the Broadway to be fully closed for approx. 1 week. This would need to be approved by the highways team to allow proper planning and diversions etc.
- **Timescale and phases** of demolition have been indicated at 10 months, which having engaged a number of potential contractors is considered a reasonable expectation at this stage. However officers will work with contractors through the procurement process to define this accurately and ensure contingency considering the complex site location and that there are a number of legal agreements and party wall matters to resolve.

3. FINANCIAL DETAILS / VALUE FOR MONEY

- 1.13 The demolition cost of the Broadway car park is provided by Ryder Levitt Bucknall (RLB) – construction cost consultants and project managers. The process included initial site inspections with Demolition Contractors, a review of proposed working methods, programs, and risk management. RLB has analysed and reviewed the contractor’s proposal to establish the demolition budget cost of £3.5m. This has also been benchmarked against live demolition contracts and the Build Cost Indices Service (BCIS).
- 1.14 The Capital expenditure finance cost of the demolition is set out in table 5 below. In this illustration the cost of borrowing the capital for the project is £157k per annum over a period of 50 years. The Council must make a Minimum Revenue Provision (MRP) on all borrowing, this is to cover the Capital cost of £63k per annum over the 50-year borrowing period. A total cost for all the capital of £220k per annum for 50 years.

Table 5 Capital Finance cost of Borrowing

Broadway car park - Demolition			
	Costs		
Demolition	£3,148,080		These estimations are based on a number of exclusions and actual cost may be higher.
Borrowing needed		£3,148,080	Assumed all to be borrowed at this point in time.
		£219,736	This is based on the standard prudent assumption that the project will be funded by a 50 year PWLB loan (current rate 4.98%). The annual financing costs of £220k is made up of £63k MRP and borrowing costs of £157k for 50 years.
Total estimated cost		£3,367,816	

- 1.15 The budget for the demolition as well as the finance cost of borrowing (incl. MRP) has already been included in the MTFP and as such no change to the capital budget is assumed.**

2 LEGAL IMPLICATIONS

- 2.1 The legal implications of the demolition of the Broadway Car Park raised three areas of consideration. Firstly, any encumbrances on the car park by way of unexpired licences, leases, or wayleaves. The legal review of the Title has identified these, and all parties have been served notice under their legal agreements to determine any 3rd party interest in, on or over the property. This will ensure that when the site is handed over to the contractor it will be with Vacant Possession.

2.2 Secondly all utility connections that provide services to the car park: water, power, CCTV, lifts, and lighting, will be removed by the Council's contractor prior to a start on site. These works form part of the Vacant Possession process to remove any contingent liability issues with the current utility providers, minimising health and safety liabilities. Thirdly the demolition contract will provide a set of specific key performance requirements to safeguard the Council on cost, third party liability, program delay and Health and Safety.

3 RISK MANAGEMENT

3.1 The key risks for the Council are the significant health and safety liability that the Broadway Car Park poses as it is today and if no mitigation work is undertaken. Further uncertainty on the remedial action to demolish the car park would continue impacting the confidence for existing businesses and new investors in the town centre.

Table 4: Impact of risk and mitigation

Risk	Impact with no mitigations	Likelihood of risk occurring.	Mitigations currently in place	Mitigations proposed.	Impact of risk once all mitigations in place	Likelihood of risk occurring
Derelict Car Park Health and Safety Hazard	Major	High	Car Park Closed to Public and Fenced to prevent Trespass	Demolition	Minor	None

4 POTENTIAL IMPACTS

4.1 Equalities. An Equality Impact Assessment is available as Appendix A. The EQUIA Screening is attached and does not impact and groups with Protected Characteristics

4.2 Climate change/sustainability – There is a limited impact on climate change, all exiting material in the structure will be reuse or recycled. For example, the Concrete with be crushed, cleaned, grade and reused for ballast for construction.

4.3 Data Protection/GDPR. There are no GDPR issue related to this report or project.

5 CONSULTATION

- Executive Leadership Team
- Portfolio Holder for Highways and Transportation

6 TIMETABLE FOR IMPLEMENTATION

Implementation date if not called in.

Table 5: Implementation timetable

Date	Details
27 th July 2023	Approval of Demolition and delegation to enter contact(s) for the Demolition
2 nd October 2023	Appoint Contractor and commence demolition

7 APPENDICES

7.1 This report has by four appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – indicative Project Program
- Appendix C – Structural Report
- Appendix D - Cost Budget **Not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.** As it contains commercially sensitive financial information that could impact the Council's tender process.

8 BACKGROUND DOCUMENTS

8.1 This report does not have background documents:

9 CONSULTATION

Name of consultee	Post held	Date sent	return Date
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Andrew Vallance	Head of Finance/ interim S151 Officer	22/06/23	26/06/23
Elaine Browne	Head of Law & Governance/ Monitoring Officer	22/06/23	06/07/23
<i>Deputies:</i>			

Mandatory:	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager	22/06/23	23/06/23
Mandatory:	<i>Data Protection Officer (or deputy) - if decision will result in processing of personal data; to advise on DPIA</i>		
Samantha Wootton	Data Protection Officer	22/06/23	
Mandatory:	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	22/06/23	23/06/23
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive	22/06/23	26/06/23
Andrew Durrant	Executive Director of Place	22/06/23	23/06/23
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		
Heads of Service (where relevant)			
Alysse Strachan	Head of Neighbourhoods	22/06/23	
Tim Golabek	Interim Head of Infrastructure, Sustainability and Economic Growth	22/06/23	

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Place, Councillor Hill.	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision and state the date it was First entered into the Cabinet Forward Plan: 10 th June 2023	No	NO

Report Author: Ian Brazier – Dubber, Managing Director, RBWM Property Company on behalf of Executive Director of Place
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Equality Impact Assessment

For support in completing this EQIA, please consult the EQIA Guidance Document or contact equality@rbwm.gov.uk



1. Background Information

Title of policy/strategy/plan:	Broadway Car Park – Demolition Tender
Service area:	Transport and Highways
Directorate:	<u>Place</u>

Provide a brief explanation of the proposal:

- What are its intended outcomes?
- Who will deliver it?
- Is it a new proposal or a change to an existing one?

Demolition of the Broadway Car Park
 Property Company on behalf of Council
 No – long standing project with previous cabinet approvals.

2. Relevance Check

Is this proposal likely to directly impact people, communities or RBWM employees?

- If no, please explain why not, including how you've considered equality issues.
- Will this proposal need a EQIA at a later stage? (For example, for a forthcoming action plan)

No, the car park has been closed for the preceding six month any groups with protected characteristic have migrated or been provided with interim arrangements whilst the wider site development issue is resolved.

If 'No', proceed to 'Sign off'. If unsure, please contact equality@rbwm.gov.uk

3. Evidence Gathering and Stakeholder Engagement

Who will be affected by this proposal?

For example, users of a particular service, residents of a geographical area, staff

<p>Among those affected by the proposal, are protected characteristics (age, sex, disability, race, religion, sexual orientation, gender reassignment, pregnancy/maternity, marriage/civil partnership) disproportionately represented? For example, compared to the general population do a higher proportion have disabilities?</p>
<p>What engagement/consultation has been undertaken or planned?</p> <ul style="list-style-type: none"> • How has/will equality considerations be taken into account? • Where known, what were the outcomes of this engagement?
<p>What sources of data and evidence have been used in this assessment? Please consult the Equalities Evidence Grid for relevant data. Examples of other possible sources of information are in the Guidance document.</p>

4. Equality Analysis

Please detail, **using supporting evidence**:

- How the protected characteristics below might influence the needs and experiences of individuals, in relation to this proposal.
- How these characteristics might affect the impact of this proposal.

Tick positive/negative impact as appropriate. If there is no impact, or a neutral impact, state 'Not Applicable'.

More information on each protected characteristic is provided in the Guidance document.

	Details and supporting evidence	Potential positive impact	Potential negative impact
Age			

Disability			
Sex			
Race, ethnicity and religion			
Sexual orientation and gender reassignment			
Pregnancy and maternity			
Marriage and civil partnership			
Armed forces community			
Socio-economic considerations e.g., low income, poverty			
Children in care/Care leavers			

5. Impact Assessment and Monitoring

If you have not identified any disproportionate impacts and the questions below are not applicable, leave them blank and proceed to Sign Off.

What measures have been taken to ensure that groups with protected characteristics are able to benefit from this change, or are not disadvantaged by it?

For example, adjustments needed to accommodate the needs of a particular group

Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?

- For planned future actions, provide the name of the responsible individual and the target date for implementation.

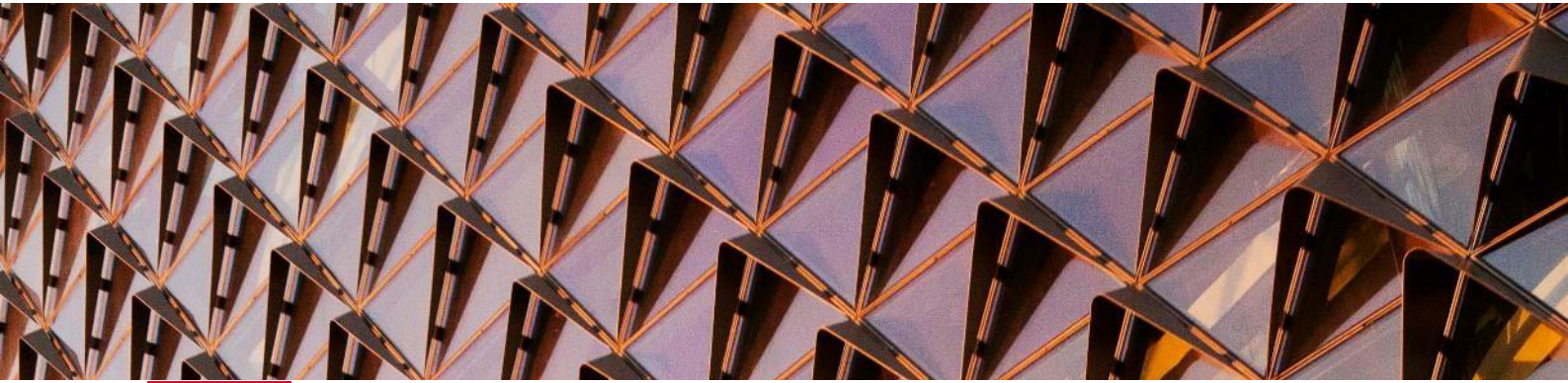
How will the equality impacts identified here be monitored and reviewed in the future?
See guidance document for examples of appropriate stages to review an EQIA.

6. Sign Off

Completed by: Ian Brazier – Dubber	Date: 30th June 2023
Approved by: Andrew Durrant	Date: 11th July 2023

If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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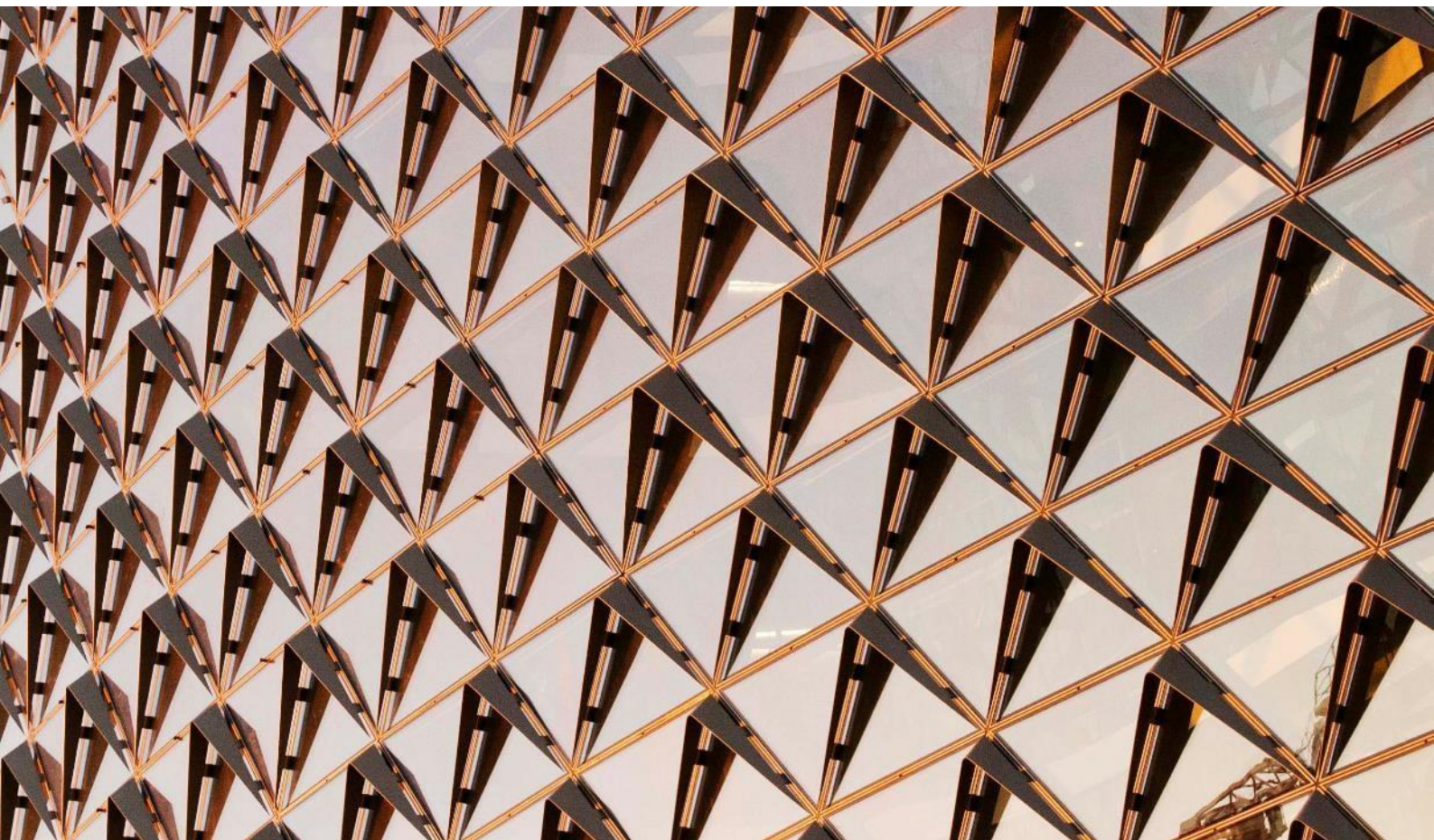
FEE PROPOSAL

ROYAL BOROUGH OF WINDSOR & MAIDENHEAD

DEMOLITION OF MULTI STOREY CAR PARK

PRINCIPAL DESIGNER
RIDER LEVETT BUCKNALL

MAY 2023



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APPENDICES

Appendix A: RLB Terms and Conditions of Business

AUTHORISATION

This report has been prepared by:



Signature.....

Steven Boulter
Associate

and reviewed for issue by:



Signature.....

Chris Harrington
Partner

1.0 INTRODUCTION

Rider Levett Bucknall (RLB) have received a request from Royal Borough of Windsor & Maidenhead Council to provide a fee proposal offering the Principal Designer Service, for the demolition of a multi storey car park located in Maidenhead. The proposed programme has start on site in October 2023 and completion December 2024.

RLB now provide this fee proposal capturing our Scope of Services, fee proposal, commercial offering and our terms and conditions to fulfil the commission.

2.0 PRINCIPAL DESIGNER (PD) – SCOPE OF SERVICE

The services summarised below are derived from the duties laid on the Principal Designer by the Regulations and other related requirements of the Regulations.

Item	Description	Regulation
1	Co-operate with any other person working on or in relation to a project at the same or an adjoining construction site to the extent necessary to enable any person with a duty or function to fulfil that duty or function.	Regulation 8(4)
2	Report to the Client anything the Principal Designer is aware of in relation to the Project which is likely to endanger theirs, or that of others', health and/or safety.	Regulation 8(5)
3	Provide any information or instructions as soon as is practicable and in a clear and concise format.	Regulation 8(6)
4	Plan, manage and monitor the pre-construction phase and co-ordinate matters relating to health and safety during the pre-construction phase to ensure that, so far as is reasonably practicable, the Project is carried out without risks to health and/or safety.	Regulation 11(1)
5	Consider the general principles of prevention when planning the various items or stages of work which are to take place simultaneously or in succession. Estimate the time period required to complete such work or work stages and, where relevant, the content of any construction phase plan and any health and safety file.	Regulation 11(2)
6	Identify and eliminate or control, so far as is reasonably practicable, foreseeable risks to the health and/or safety of any person carrying out or liable to be affected by construction work; maintaining a structure; or using a structure designed as a workplace.	Regulation 11(3)
7	Ensure all designers comply with their duties in Regulation 9, so far as reasonably practicable.	Regulation 11(4)
8	Co-operate with and ensure that all persons working in relation to the pre-construction phase co-operate with the Client, the Principal Designer and each other.	Regulation 11(5)
9	<p>a) Assist the Client in provision of the pre-construction information required by Regulation 4(4); and</p> <p>b) So far as it is within the Principal Designer's control, provide pre-construction information promptly and in a clear and concise format, to every designer and contractor appointed, or being considered for appointment, to the Project.</p>	Regulation 4(4), Regulation 11(6)
10	Where appointed post-construction, complete a gap analysis of pre-construction information issued to date.	
11	Liaise with the Principal Contractor for the duration of the Principal Designer's appointment and share with the Principal Contractor information relevant to the planning, management and monitoring of the construction phase and the co-ordination of health and safety matters during the construction phase.	Regulation 11(7)

Item	Description	Regulation
12	Assist the Principal Contractor in preparing the construction phase plan by providing to the Principal Contractor all information the Principal Designer holds that is relevant to the construction phase plan, including pre-construction information obtained from the Client and any information obtained from designers under Regulation 9)31(b).	Regulation 12(3)
13	During the pre-construction phase prepare a health and safety file: <ul style="list-style-type: none"> ▪ Appropriate to the characteristics of the Project. ▪ That contains information relating to the Project. ▪ That is likely to be needed during any subsequent projects to ensure the health and/or safety of any person. 	Regulation 12(5)
14	Ensure that the health and safety file is appropriately reviewed, updated and revised during the Project, up to the date the Principal Designer's appointment has ended, to take account of the work and any changes that have occurred	Regulation 12(6)
15	If the Principal Designer's appointment concludes before the end of the Project, pass the draft health and safety file to the Principal Contractor.	Regulation 12(8)
16	Deliver 1 copy of the health and safety file at the end of the Project to the Client.	Regulation 12(10)
17	Attend monthly meetings throughout the Project in line with stipulated programme.	

3.0 FEE PROPOSAL

For provision of the PD service described in this Proposal the sum of £12,825. The service is based upon the documentation and information received.

The Fees stated in this Proposal will remain firm for a period of 6 months from the date of this Proposal. If provision of the Services extends thereafter, then Rider Levett Bucknall reserve the right to revise their Fees in line with inflation and any other extraneous charges not known at the date of the Proposal.

The proposed Fees include: Principal Designer Duties

In the event of the requirement for varied and or additional services or abortive costs necessitated by causes for which Rider Levett Bucknall are not responsible, the additional or wasted time will be charged on a time charge basis in accordance with the following schedule:

- Partner : £120/hour
- Associate : £105/hour
- Senior Professional : £85/hour
- Professional : £75/hour
- Assistant : £60/hour

Value Added Tax will be added to all the fees at the time of invoicing in accordance with legislation.

Proposed Fee drawdown:

Jun-23	£675	Apr-24	£675
Jul-23	£675	May-24	£675
Aug-23	£675	Jun-24	£675
Sep-23	£675	Jul-24	£675
Oct-23	£675	Aug-24	£675
Nov-23	£675	Sep-24	£675
Dec-23	£675	Oct-24	£675
Jan-24	£675	Nov-24	£675
Feb-24	£675	Dec-24	£675
Mar-24	£675		

£12,825.00
Total excl vat

4.0 WHY CHOOSE RLB?

FRESH PERSPECTIVE

We are an award winning, leading independent firm providing our clients with some of the most comprehensive and forward-thinking advice available.

FLAWLESS EXECUTION

We offer a range of complementary cost consultancy, project and programme management, building surveying and health & safety, and advisory services from conception, through design and construction and operational performance of facilities to their eventual disposal or reuse.

We are committed to developing new services and techniques aimed at enhancing our clients' businesses in the long term.

INDEPENDENT ADVICE

Our clients have rapid access to the latest industry intelligence and innovations, which serve to enhance value and mitigate risk.

We provide expert management of the relationship between value, time and cost from inception to completion. We do this through our global and local team of experts, who possess a passion for both core services and innovation

900

UK people

100%

employee owned

12

UK offices

- Belfast
- Birmingham
- Bristol
- Cardiff
- Cumbria
- Leeds
- Liverpool
- London
- Manchester
- Sheffield
- Thames Valley
- Warrington



**APPENDIX A:
RLB TERMS AND CONDITIONS OF BUSINESS**

TERMS AND CONDITIONS

1.0 SERVICES

In accordance with the Proposal for Provision of Services (The Proposal) and these Terms of Contract, Rider Levett Bucknall UK Limited will provide the Services using the reasonable skill and care to be expected of a competent and qualified consultant experienced in performing services of a similar scope, nature and complexity to the Services for the Fees stated. The Client's instruction to proceed with the Services constitutes acceptance of the Proposal and formation of the Contract upon these Terms of Contract. In the event of any conflict between these Terms of Contract and any other documents, the provisions of these Terms of Contract shall prevail.

1.0 CLIENT RESPONSIBILITIES

Performance of Services is subject to:

- Timely provision of adequate and accurate information by the Client and those third parties over whom Rider Levett Bucknall UK Limited have no control.
- Performance by the Client and those third parties over whom Rider Levett Bucknall UK Limited have no control, of all functions upon which the Services or any part thereof are dependent.
- Provision of access to such sites and locations as and when may be necessary in order for Rider Levett Bucknall UK Limited to undertake the Services.
- Obtaining by the Client of all permissions from and payment by the Client of all fees to third parties necessary to enable the Services to be undertaken.
- The Client shall require and take reasonable steps to ensure that the principal contractor, under the terms of the principal contractor's contract to liaise with the Principal Designer and share with the Principal Designer information relevant to the planning, management and monitoring of the pre-construction phase and the co-ordination of health and safety matters during the pre-construction phase and to ensure that all information required for the Health and Safety File is provided promptly to the Principal Designer.
- The Client shall promptly provide all information which it is obliged by the CDM regulations to provide to the Principal Designer, to the Principal Designer.
- The Client shall ensure that all designers appointed by the Client shall be under a contractual obligation to comply with the provisions of the CDM regulations as they apply to designers and, in particular, to co-operate with other designers and the Principal Designer in the performance of their respective duties under the CDM regulations to include the provision of copies of information for the Health and Safety File, reasonably within the time constraints provided by the Principal Designer and of any applicable programme. The Client shall also ensure that the terms of appointment of any designers and the contracts of any contractors engaged directly by the Client allow the Principal Designer reasonable access to all design documents as required to discharge his obligations.

2.0 LOCATION

The Services will be provided from a Rider Levett Bucknall UK Limited office, unless otherwise agreed.

3.0 CONTRACT MANAGEMENT

Each party will nominate a named individual who will be responsible for managing all issues relative to the performance of the Contract. When it is necessary for either party to change its named individual, prior notice in writing shall be given.

4.0 STAFF

Where individual staff are named in the Proposal, Rider Levett Bucknall UK Limited will use all reasonable efforts to ensure that the named individual(s) are used. However, this is not guaranteed. Where changes in staff are necessary, reasonable notice of the changes will be given.

5.0 SUB-CONTRACTORS

Rider Levett Bucknall UK Limited reserves the right to employ agents and sub-contractors when providing any part of the Services.

6.0 VARIATIONS OF SERVICE

Rider Levett Bucknall UK Limited will bring to the attention of the Client any additional services required of Rider Levett Bucknall UK Limited which are considered to be outside the Services described in the Proposal.

Unless and until agreed to the contrary, additional services will be charged at hourly rates stated in the Proposal or, at rates analogous thereto. If there are no hourly rates stated in the Proposal or if there are no rates upon which charges can be based, then rates which are fair and reasonable will be charged.

With the exception of actions or failure to act having an impact on safety or compliance with legislation, additional services will only be undertaken with the Client's agreement, confirmed in writing. Where issues of safety or compliance with legislation are involved, Rider Levett Bucknall UK Limited will notify the Client of necessary variations at the earliest opportunity.

7.0 CONFIDENTIALITY

Rider Levett Bucknall UK Limited will comply with the Client's requirements for confidentiality and secrecy to the extent to which they are made known. Any costs incurred by Rider Levett Bucknall UK Limited in so doing are to be reimbursed.

8.0 COPYRIGHT

Copyright in all documents and electronic representations prepared by Rider Levett Bucknall UK Limited in providing the Services is reserved to Rider Levett Bucknall UK Limited.

We often promote our business and its services by using specific examples of the work we have done and the services we have provided to our customers., we may refer to the work or services we will provide to you in future publicity and you grant to us permission to use the following elements for our publicity purposes; we may include naming you as a customer of ours, naming the other parties and

contractors involved in your project, providing a summary of the work undertaken, identifying the land or property concerned and showing photographs and extracts from plans from the project.

9.0 PAYMENT

Invoices for periodic payment for work carried out will be issued on 21st day or nearest working day of each month, which will also be the Payment Due Date. Payment Notices stating the amount of payment and the basis of its calculation are to be issued by the Client not later than 5 days after the Payment Due Date.

Any Pay Less Notice stating an intention to withhold payment, its value, reasons and basis of calculation is to be issued by the Client not less than 1 day before the Final Date for Payment.

In respect of every invoice, the Final Date for Payment shall be 14 days after the Payment Due Date.

Rider Levett Bucknall UK Limited will be entitled following a minimum of 7 days' notice in writing to the Client to suspend performance and delivery of the Services if the Client fails to make full and proper payment in accordance with these provisions.

Without prejudice to any other right or remedy, Rider Levett Bucknall UK Limited shall be entitled to interest upon late payment at the Bank of England base rate plus 8% per annum.

10.0 COMPLAINTS

Rider Levett Bucknall UK Limited treats all complaints seriously and prefers to deal with them at source and between the individuals concerned. If this fails, the following procedure shall be followed.

In the event of a complaint against Rider Levett Bucknall UK Limited, which has not been capable of resolution at source, the Client should write to "The Managing partner" at the office with which the Client is dealing. Failing a satisfactory response, the Client should write to the Director with regional responsibility. For the purpose of clarity, the word "complaint" should be included in the heading.

11.0 TERMINATION

The Contract may be terminated by either party at any time by giving not less than 30 days written notice.

The Contract may be terminated by either party without notice in the event of a material or persistent breach of the Contract by the other party or in the event that the other party is unable to pay its debts or has a receiver, administrator, administrative receiver or liquidator appointed or calls a meeting of its creditors, or ceases, for any other reason to carry on business, or in either party's reasonable opinion any of these events appears likely to occur.

In the event of termination by Rider Levett Bucknall UK Limited which is not as a result of the Client's breach of Contract, Rider Levett Bucknall UK Limited shall be entitled to payment of Fees as follows:

- such proportion of the sum or percentage as may be fair and reasonable,
- time charges and additional services incurred up to the date of termination; and
- all other charges, disbursements and costs incurred up to the date of termination.

In the event of termination by the Client or by Rider Levett Bucknall UK Limited as a result of the Client's breach of Contract, including inability to pay debts, insolvency or cessation as described above, Rider Levett Bucknall UK Limited shall be entitled to payment of Fees as above plus loss of profit.

12.0 DISPUTES

Any dispute arising under or in conjunction with this Contract shall be settled in accordance with the Scheme for Construction Contracts (England and Wales) Regulations 1998, Part 1, Adjudication provisions, amended as follows:

- a) At Paragraph 1(1) insert after 'arising under' the words 'or in connection with'.
- b) At Paragraph 2(1)(b) the adjudicator nominating body shall be the Royal Institution of Chartered Surveyors. :

13.0 PROFESSIONAL INDEMNITY INSURANCE

Rider Levett Bucknall UK Limited has professional indemnity insurance with a limit of indemnity of [£1,000,000] (1 million pounds) each and every claim and in the aggregate respect of claims arising from sudden and accidental pollution, contamination, asbestos and claims arising directly or indirectly out of or connected to the fire resistant and/or fire retardant characteristics of external cladding systems and EWS1 works.

Rider Levett Bucknall UK Limited shall maintain such insurance during the carrying out of the Services and for a period of [6] (amend as necessary) years commencing on the date of completion of the Services, provided that such insurance remains available to contractors at commercially reasonable rates and on commercially reasonable terms.

14.0 SERVICE OF NOTICES OR OTHER DOCUMENTS

All notices or other documents required by this Contract shall be in writing marked for the attention of the representative identified pursuant to clause 4 and served upon the addresses notified by the parties or in the absence of such address, then the registered address, where applicable, or the last known principal business address. Any notice shall be deemed to be properly given if it is delivered by hand or by first class post. If the notice is sent by first class post, it shall be deemed to be received two days after the day it was posted. If the notice is delivered by hand, it shall be deemed to have been received on the day it was delivered unless delivered outside of the hours of 9.00am to 5.00pm on a working day in which case it shall be deemed to be received on the next working day.

15.0 LIMITATION OF LIABILITY

Notwithstanding anything to the contrary contained within this [Agreement], the total aggregate liability of Rider Levett Bucknall under or in connection with this [Agreement], whether in contract, in tort, for negligence or breach of statutory duty or otherwise (other than in respect of personal injury or death) shall not exceed [£1,000,000] (1 million pounds)

16.0 NET CONTRIBUTION

The liability of Rider Levett Bucknall for any loss or damage under this Agreement shall not exceed such sum as it would be just and equitable for Rider Levett Bucknall to pay having regard to the extent of its responsibility for the loss and/or damage in question when compared with the responsibilities of contractors, sub-contractors, consultants and other persons responsible for that loss and/or damage.

17.0 RIGHTS OF THIRD PARTIES

No rights of this Contract shall be extended to third parties and the provisions of the Contracts (Rights of Third Parties) Act 1999 shall not apply.

18.0 DATA PROTECTION

Each party agrees that it will comply with all applicable laws relating to the protection of personal data in effect from time to time (together, Data Protection Laws), in each case to the extent it applies to each party. In this section, the expressions 'process', 'personal data', 'data processor' and 'data subject' have the meanings given in Data Protection Laws.

Where the Client supplies Rider Levett Bucknall UK Limited with personal data or instructs Rider Levett Bucknall UK Limited to obtain personal data or Rider Levett Bucknall UK Limited obtains personal data in providing its services to the Client (Supplied Personal Data), the Client agrees that Rider Levett Bucknall UK Limited may process that personal data as data controller or as data processor depending on which processing activities Rider Levett Bucknall UK Limited is undertaking as part of the Client's instructions.

Each party will, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of processing as well as the risk of varying likelihood and severity for the rights and freedoms of natural persons, implement appropriate technical and organisational measures to ensure a level of security appropriate to the risk in relation to the Supplied Personal Data.

The types of Supplied Personal Data that Rider Levett Bucknall UK Limited may process on the Client's behalf as data processor include the names, email addresses and telephone numbers of any of the following who are individuals: the Client, the Client's employees, the Client's customers and potential customers (and their employees and representatives), the Client's suppliers and potential suppliers (and their employees and representatives) and persons who have caused the Client, or to whom the Client may have caused, loss, damage or who have claims against the Client or the Client has claims against them (and their employees and representatives) and any other individuals who are relevant or involved in such matters. Any additional types of Supplied Personal Data may be identified in the Proposal.

The Client warrants that:

- all Supplied Personal Data provided by the Client or on the Client's behalf has been lawfully obtained;
- all necessary consents and data processing notices have been provided in relation to the processing of the Supplied Personal Data provided by the Client or on the Client's behalf;
- the Client will not do or omit to do anything which will place Rider Levett Bucknall UK Limited in breach of any Data Protection Laws; and
- the Client is lawfully entitled to provide, ensure the provision of or authorise Rider Levett Bucknall UK Limited to obtain (as the case may be) the Supplied Personal Data for the purposes envisaged by the Client's instructions to Rider Levett Bucknall UK Limited (if necessary Rider Levett Bucknall UK Limited can provide additional advice to the Client about this).

To the extent that Rider Levett Bucknall UK Limited is processing the Supplied Personal Data as the Client's data processor, the purpose of that processing is so that Rider Levett Bucknall UK Limited provides professional services to the Client in accordance with the Client's instructions and in this case where Rider Levett Bucknall UK Limited acts as the Client's data processor the rest of the provisions of this section will apply.

Where Rider Levett Bucknall UK Limited acts as the Client's data processor Rider Levett Bucknall UK Limited shall:

- process the Supplied Personal Data only in accordance with the Client's instructions (provided those instructions are within the scope of the Proposal) unless otherwise required by law or any regulatory body (in which case Rider Levett Bucknall UK Limited shall, where permitted, inform the Client of that legal requirement before processing)
- not transfer or allow the transfer of the Supplied Personal Data outside the European Economic Area other than as permitted by Data Protection Laws, as required in order to carry out the Client's instructions or as authorised by the Client;
- ensure that persons authorised to process the Supplied Personal Data are bound by duties of confidentiality or are under an appropriate statutory obligation of confidentiality;
- implement such security measures as required to enable the Supplied Personal Data to be processed in compliance with Data Protection Laws, including:
 - a) ensuring that access to the Supplied Personal Data is limited to Rider Levett Bucknall UK Limited's personnel who have a reasonable need to access it to enable Rider Levett Bucknall

UK Limited to perform its obligations and limit that access to those parts of the Supplied Personal Data necessary for those purposes; and

- b) taking reasonable steps to ensure the reliability of any of Rider Levett Bucknall UK Limited's personnel who it allows to have access to the Supplied Personal Data and to ensure that all those personnel are informed of the confidential nature of the Supplied Personal Data and are aware of Rider Levett Bucknall UK Limited's obligations relating to it;
- notify the Client without undue delay on becoming aware of a loss, or unauthorised access, disclosure or alteration, of any of the Supplied Personal Data and cooperate with the Client to resolve that issue; and
- at the Client's expense, provide the assistance that the Client may reasonably require to help it to comply with its obligations to keep the Supplied Personal Data secure, allow the Client to inform a regulatory authority or data subject of a personal data breach, conduct a data protection impact assessment, consult with a regulatory authority regarding the processing of Supplied Personal Data or respond to requests made by data subjects under Data Protection Laws.

The Client authorises Rider Levett Bucknall UK Limited to appoint sub-processors from time to time provided that Rider Levett Bucknall UK Limited notifies the Client of any intended changes concerning the addition or replacement of other sub-processors and Rider Levett Bucknall UK Limited shall impose on any sub-processor (and ensure any sub-processor's compliance with) the terms in this section as if the processing being carried out by the sub-processor was being carried out by Rider Levett Bucknall UK Limited (and Rider Levett Bucknall UK Limited will be responsible for the acts and omissions of those sub-processors as if they were its own acts and omissions).

Whilst Rider Levett Bucknall UK Limited is carrying out the Client's instructions Rider Levett Bucknall UK Limited will (on the Client's written request): provide written details of its data processing activities in respect of Processed Personal Data; and on reasonable notice allow the Client to audit Rider Levett Bucknall UK Limited's compliance with the terms in this section (subject to any reasonable requirements or restrictions that it may impose to safeguard the personal data it holds on behalf of other clients or to avoid unreasonable disruption to its business).

At the end, or on termination, of the Client's instructions Rider Levett Bucknall UK Limited will return or delete all Supplied Personal Data (and delete any copies, except to the extent retention is required by law, for its reasonable record keeping requirements or to perform post termination obligations). The terms in this section will continue to apply for so long as Rider Levett Bucknall UK Limited retains and process any Supplied Personal Data after termination as a data processor.

19.0 GOVERNING LAW

This Contract will be governed by and interpreted in accordance with the laws of England.

We accept the terms and conditions above.

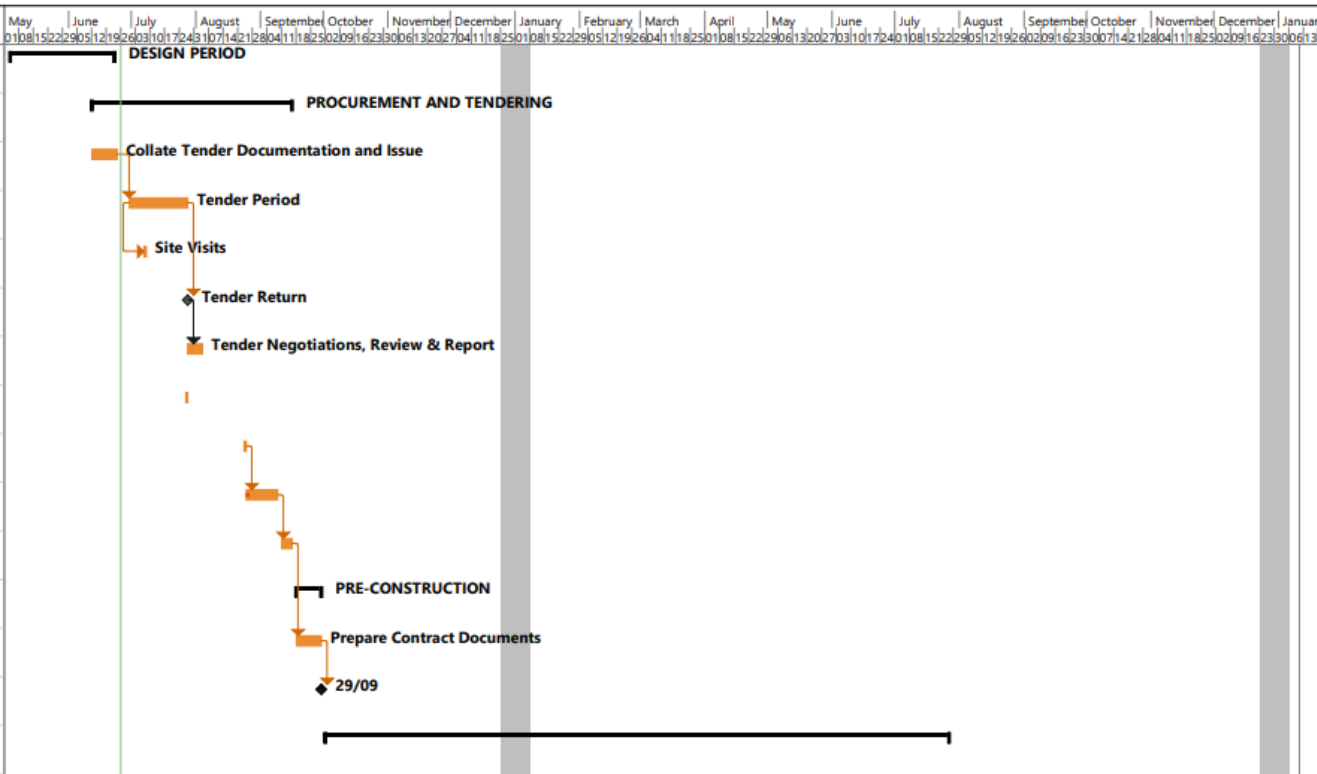
Signed by:

Position:

Company:

Date:

ID	Task Mode	Task Name	Duration	Start	Finish
1		DESIGN PERIOD	34 days	Thu 04/05/23	Thu 22/06/23
11		PROCUREMENT AND TENDERING	69 days	Mon 12/06/23	Fri 15/09/23
12		Collate Tender Documentation and Issue	2 wks	Mon 12/06/23	Fri 23/06/23
13		Tender Period	4 wks	Fri 30/06/23	Thu 27/07/23
14		Site Visits	1 day	Fri 07/07/23	Fri 07/07/23
15		Tender Return	0 days	Thu 27/07/23	Thu 27/07/23
16		Tender Negotiations, Review & Report	5 days	Fri 28/07/23	Thu 03/08/23
17		Cabinet Meeting Review (27 July 2023)	1 day	Thu 27/07/23	Thu 27/07/23
18		Cabinet Meeting Review (24 August 2023)	1 day	Thu 24/08/23	Thu 24/08/23
19		Standstill Period (10 Days)	10 days	Fri 25/08/23	Fri 08/09/23
20		Client's Agreement / Appoint Contractor	1 wk	Mon 11/09/23	Fri 15/09/23
21		PRE-CONSTRUCTION	10 days	Mon 18/09/23	Fri 29/09/23
22		Prepare Contract Documents	2 wks	Mon 18/09/23	Fri 29/09/23
23		Issue Contract Documents	0 days	Fri 29/09/23	Fri 29/09/23
24		DEMOLITION OF CAR PARK	201 days	Mon 02/10/23	Fri 26/07/24



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