

Public Document Pack

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

Tuesday 20 February 2024 7.00 pm

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

www.rbwm.gov.uk



Agenda

Part I

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 24 January 2024 as a true and accurate record.	7 - 10
4	Appointments Cabinet are asked to note and agree the following appointments: <ul style="list-style-type: none">Shahnaz Din – Key Stage 2 Teacher representative in Group C on the Standing Advisory Council Religious Education (SACRE)	-
5	Forward Plan To consider the Forward Plan for the period March 2024 to June 2024.	11 - 22
6	2023/24 Month 9 Budget Monitoring Report <i>Deputy Leader of the Council and Cabinet Member for Finance</i> To note the report and: <ul style="list-style-type: none">i) note the forecast revenue outturn for the year is an overspend on services of £8.663m which reduces to an overspend of £5.273m when including unallocated contingency budgets and changes to funding budgets (para 4); andii) note the forecast capital outturn is expenditure of £41.125m against a budget of £89.541m (para 9).	23 - 40

Cabinet Member Reports

7	<p>Budget 2024/25</p> <p><i>Deputy Leader of the Council and Cabinet Member for Finance</i></p>	To Follow
8	<p>Draft Affordable Housing Delivery Supplementary Planning Document</p> <p><i>Cabinet Member for Planning, Legal & Asset Management</i></p> <p><i>Cabinet Member for Adults, Health and Housing Services</i></p> <p>To note the report and:</p> <ul style="list-style-type: none"> i) Approve the publication of the draft Affordable Housing Delivery Supplementary Planning Document as set out at Appendix B for public consultation; and ii) Delegate authority to the Assistant Director of Planning, in consultation with the Cabinet Member for Planning, Legal and Asset Management, to approve and publish any minor changes to the draft Affordable Housing Delivery Supplementary Planning Document (SPD) prior to its publication and to approve Appendix 5 of the draft Affordable Housing Delivery SPD which will set out the justification for the financial contributions calculator. 	41 - 98
9	<p>Establishment of a Joint Committee - the Berkshire Prosperity Board</p> <p><i>Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead</i></p> <p>That Cabinet notes the report and recommends to Full Council:</p> <ul style="list-style-type: none"> i) To agree to the establishment of a fully constituted Joint Committee (to be known as the Berkshire Prosperity Board) from May 2024 to deliver a Berkshire-wide vision for inclusive, green and sustainable economic prosperity. ii) That the proposed constitution for the Joint Committee as set out in Appendix A - Functions and Procedure Rules for a Joint Committee, Appendix B - responsibilities of the accountable body and Appendix C - governance structure is approved, subject to the Monitoring Officer being authorised to make minor amendments to the Functions and Procedure Rules in conjunction with the participating authorities. iii) That the Chief Executive, in consultation with the Leader of the Council, be delegated to agree and enter into a legally binding agreement between the six member authorities setting out the supporting arrangements and responsibilities between the authorities - particularly that between the lead authority (known as the accountable body) - and the other member authorities and go through the relevant democratic process if required. 	99 - 126
10	<p>Determination of School Admissions Arrangements 2025-26</p> <p><i>Cabinet Member for Children's Services, Education & Windsor</i></p> <p>To note the report and:</p> <ul style="list-style-type: none"> i) Determine (approve) the proposed RBWM Admission Arrangements set out in Appendix A for community and voluntary controlled schools for 	127 - 180

	2025/26.	
11	<p>Special Educational Needs and Alternative Provision Capital Strategy Update</p> <p><i>Cabinet Member for Children’s Services, Education & Windsor</i></p> <p>To note the report and:</p> <ul style="list-style-type: none"> i) Request that officers carry out a public consultation in Spring 2024 on proposals to be included within an updated Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy. ii) Request a report back to Cabinet in May 2024, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment. 	181 - 204
12	<p>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</p> <p>Agenda item 11 is supported by annexes containing exempt information as defined in Schedule 12A of the Local Government Act 1972. If Cabinet wishes to discuss the content of these annexes in detail, it may choose to move the following resolution:</p> <p>“That pursuant to Regulation 4 of the Local Authorities (Executive Arrangements) (Access to Information) Regulations 2012 and having regard to the public interest, members of the public and press be excluded from the meeting for the consideration of item 11, which involves the likely disclosure of exempt information under the following category of Schedule 12A of the Local Government Act 1972:</p> <p>(3) Information relating to the financial or business affairs of any particular person (including the authority holding that information).”</p>	-

Part II

Cabinet Member Reports

13	<p>Special Educational Needs and Alternative Provision Capital Strategy Update</p> <p>To consider Appendix C in Part II.</p> <p>(Not for publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972)</p>	205 - 206
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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: Monday 12 February 2024



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

WEDNESDAY 24 JANUARY 2024

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

Also in attendance: Councillor Helen Price

Also in attendance virtually: Councillor Mark Wilson

Officers: Oran Norris-Browne, Stephen Evans, Lin Ferguson, Elizabeth Griffiths, Andrew Durrant and Elaine Browne

Officers in attendance virtually: Kevin McDaniel and Becky Hatch

Apologies for Absence

Apologies for absence were received from Councillor Reynolds.

Declarations of Interest

No declarations of interest were made.

Minutes

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on Wednesday 13 December 2023 were approved as a true and accurate record.

Appointments

None

Forward Plan

Cabinet noted the following additions to the Cabinet Forward Plan. All of which were new items.

- Budget 2024/25 – February Cabinet
- Proposal to Establish a Berkshire Joint Committee for Economic Prosperity – February Cabinet
- Public Spaces Protection Orders Consultation – March Cabinet
- School Transport Policy – April Cabinet
- Revocation of Air Quality Management Areas (AQMAs) within RBWM – May Cabinet
- Review of Air Quality Monitoring Programme for PM2.5 and PM10 – October Cabinet
- Berkshire Local Nature Recovery Strategy – December Cabinet

Councillor Price spoke as a non-Cabinet Member, in which she began by thanking the Cabinet for agreeing to amend the Council's privacy notice surrounding the Council's meetings being streamed on YouTube. These would now be deleted after 5 years from January 2024 onwards, rather than after just 2 years. She then made reference to the budget consultation process and how it was fed back to residents once they had completed it. She wished that once consultations had finished, that residents be informed of what had been decided and

were kept more in the loop. The Chair welcomed this and said that he would see what could be done moving forward.

2023/24 Month 8 Budget Monitoring Report

Councillor Jones, Deputy Leader of the Council and Cabinet Member for Finance said that in September 2023, senior officers had warned the Cabinet that the borough was at significant risk of issuing a Section 114 notice. Since then, despite being successful in making savings, the total forecasted overspend for the end of the financial year 2023/24, now sat at approximately £8m. Once contingencies were applied, this would reduce to £4.35m. In month 7, an increased demand was seen in statutory services such as adult services, which saw an increased overspend of £0.700m, which now led to a total overspend of £6.36m. Children's Services had also seen an overspend of £0.580m, due to an increase in placements.

Councillor Jones said that the place directorate had reduced its overspend by £0.800m, which showed that the Council was moving in a good direction when it came to services that it could control and that are not demand driven. It had been reported that around 40 MPs had written to Central Government to provide additional finances to ensure that it could continue to provide essential services and balance its budget. An extra allocation of £500m to assist in covering increases in adult social care costs, which Councillor Jones welcomed, however believed that it was not enough to cover the increased demand.

Councillor Jones then stated that although a balanced budget for 2024/25 had been achieved, all be it with some very difficult and unpleasant decisions, with the current level of overspend as a result of the previous administration's budget, the Council were entering the new financial year with minimal reserves. There was therefore a continued risk of issuing a Section 114 notice.

Councillor Hill, Cabinet Member for Highways and Transport, Customer Service Centre and Employment, asked what impact on RBWM specifically had been made by the 30% reduction in Government grants and also the limiting of Council tax rises by Central Government to just 2.99% per annum. Councillor Jones replied by saying that the borough had seen 6 years of continuous Council tax cuts, this reduced the amount that could be spent on residents. The borough had around £0.0015m per dwelling per year that it could spend, which compared to Reading's £0.0019m. The boroughs spend per dwelling was in the bottom 1% of all local authorities.

Councillor Tisi, Cabinet Member for Children's Services, Education and Windsor, wished to comment on Children's Services specifically and said that it was important to focus on demand driven services, such as this service and that children and young people were not just numbers and that safeguarding them was vitally important. Lin Ferguson, Executive Director of Children's Services and Education, said that it was the borough's statutory duty to ensure that children and young people were safeguarded and protected. Since October 2023, 11 children and young persons had come into the care of the borough; 6 of these were in police protection due to concerns over safety; 3 were asylum seekers and 2 were beyond parental control.

Lin Ferguson then said that despite this increase recently, the borough still had fewer Children in Care than the national average and that of the statistical neighbours. She said that placement sufficiency was a significant issue – the borough simply did not have sufficient in-house foster placements (a national issue) and the borough did not have an in-house residential home. Therefore, this placed the borough at the mercy of the market, where placement costs were often very high, and this did not always reflect better quality. Two young people had recently come into the care of the local authority and in placements that each cost £0.234m per year. Lin Ferguson explained that a multi-faceted transformation plan was in development in order to grow the number of in-house placements.

Councillor Price asked if the budget needed to be re-looked at, due to the significant reduced reserves that the Council would be going into the new financial year with. She also asked for clarity over what it would mean if a Section 114 notice was issued. Councillor Jones said that until the end of the year, the Cabinet would endeavour to fix the financial challenges and that work had not stopped, even though a balanced budget had been drafted. The governance of the process had been improved significantly, including scrutiny and performance management. The Spending Control Panel was also being seen to make improvements in terms of spending.

Elizabeth Griffiths, Executive Director of Resources, said that if a Section 114 notice was indeed issued, then this would mean persons coming in to take control of spending on services who were not local and not familiar with the borough's residents and services. She then echoed the comments on the hard work that was ongoing as Councillor Jones had said. A lot of the transformation work that was being planned for the next year, would be with an aim to ensure that these issues would not be seen again, taking a prevention approach. Historically low Council tax gave the borough a very difficult position to start from, coupled with the percentage increases that were all that's allowed, which led to the borough having significantly less to spend compared to neighbouring authorities.

Stephen Evans, Chief Executive, said that if access did become available to further money, then the recommendation of officers would be for this to be allocated into the reserves. For both adult social care and children's, budgets were going up significantly, however savings were also being proposed too. There was also a massive trade-off between an achievable and challenging budget. The LGA had identified a £4 billion gap in funding for local authorities, the Secretary of State had asked the Treasury for £1 billion, but only £500m was given, to which RBWM did not yet know how much of this would be allocated to them.

The Chair then thanked Councillor Jones, Elizabeth Griffiths, and her team for all of their hard work during the budget process.

AGREED: Cabinet noted the report and:

- i) **noted the forecast revenue outturn for the year was an overspend on services of £8.009m which reduced to an overspend of £4.347m when including unallocated contingency budgets and changes to funding budgets (para 5);**
- ii) **noted the forecast capital outturn was expenditure of £43.960m against a budget of £88.267m (para 11).**

Quarterly Assurance Report Q2 2023-24 or where latest information is available until October 2023

The Chair, Councillor Werner, Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead, introduced the Quarterly Assurance Report to Cabinet. He said that this was the 2nd new and improved report to come to Cabinet and that despite the financial challenges that were being seen, the Council was continuing to see strong performance across all services. Growing staffing concerns within the Council meant that the Council were quite reliant on agency staff, which of course came with an extra cost. He admitted that the borough struggled nationally, as the borough's salaries were very much out of step with other local authorities. Another key issue was housing, with cost of living rises and a growing number of asylum seekers, being seen to continually put strain upon the service. The draft budget was very much dependable on the transformation programme and that the Cabinet were working very hard with officers to fix the mess.

Councillor Del Campo, Cabinet Member for Adults, Health and Housing Services, commended the well written report, including the metrics and the data that was clearly set out. She said that permanent staff were of course always preferred compared to the use of agency staff, however acknowledged that this was not always possible to ensure safe levels of working.

Councillor Del Campo then said that something was being trialled in the adult social care team, which was to use small amounts of long-term underspend to increase pay. The aim of this was to reward loyalty and reduce dependencies on agency staff. In addition to this, there had recently been good news in terms of the Adult Social Care Outcomes Framework (ASCOF) ratings, which rated persons perceptions of adult social care. She then placed on record her thanks to the teams in Optalis and RBWM, especially during the recent flooding, where colleagues worked to ensure vulnerable residents were cared for.

Kevin McDaniel, Executive Director of Adults, Health & Communities, wished to talk to the ASCOF report, that Councillor Del Campo mentioned. He said that 275 RBWM residents took part in the survey and ranked the borough highly nationally for adult social care. The borough were ranked 4th for overall satisfaction and 1st for the value added to quality of life.

Councillor Bermange, Cabinet Member for Planning, Legal & Asset Management thanked the Corporate Overview & Scrutiny Panel for their comments on the previous report that had gone to Cabinet and said that this was a very valuable contribution. He then spoke on planning specifically and the progress that was being made to identify flaws in the system. He drew Cabinet's attention to table 4 of the report.

Stephen Evans wished to echo the comments of Councillor Bermange around scrutiny and said that good governance was essential, which he had seen strong examples of so far during his time so far at the borough.

AGREED: Cabinet noted the report and reviewed the Quarterly Assurance Report setting out progress against the performance indicators and risk register.

The meeting, which began at 7.00 pm, finished at 7.40 pm

CHAIR.....

DATE.....

Changes made to the Cabinet Forward Plan since the Cabinet meeting on 24.01.24:

Item	Scheduled date	New date	Reason for change
AfC Reserved Ownership Decisions	27.03.24	-	New Item
Council Plan – 2024-28	27.03.24	-	New Item
Independent Adult and Discretionary Advocacy Service	27.03.24	-	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

Residents can access the Cabinet Forward Plan via the following link - [Browse Forward Plans - Cabinet \(moderngov.co.uk\)](https://www.moderngov.co.uk/Browse-Forward-Plans-Cabinet). The Forward Plan is published at least 14 days prior to the beginning of that month's business. All Key Decisions that are planned to be taken by the Cabinet, shall be listed here, covering the next four month period.

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)
13 March In-Year Monthly Budget Update	Open -	A monthly report to provide an update on the Council's finances.	No	Deputy Leader of the Council and Cabinet Member for Finance (Councillor Lynne Jones)	Elizabeth Griffiths	Internal	Cabinet 27 Mar 2024	
Council Plan - 2024-28	Open -	Cabinet is asked to consider the new Council Plan, 2024-28.	Yes	Leader of the Council and Cabinet Member for Community Partnerships, Public Protection & Maidenhead (Councillor Simon Werner)	Stephen Evans, Becky Hatch	Engagement with key stakeholders including Members, parishes, residents, staff and key partners.	Cabinet 27 Mar 2024	April 2024
Public Spaces Protection Orders Consultation	Open -	To provide an update on the outcome of the consultation	Yes	Leader of the Council and Cabinet Member for Community	Andy Aldridge, Andrew Durrant	Public Consultation	Cabinet 27 Mar 2024	

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)
		process regarding the continuation of two Public Space Protection Orders and proposals for the way forward.		Partnerships, Public Protection & Maidenhead (Councillor Simon Werner)				
14 AfC Reserved Ownership Decisions	Open -	This report seeks approval of the following ownership matters in relation to Achieving for Children: - Approval of Achieving for Children's strategic direction through the adoption of the new five year Strategic Plan - Approval of Achieving for Children's budget for 2024/25 and the Medium Term Financial Strategy - Approval of Achieving for Children's arrangements for managing cash flow through the	Yes	Cabinet Member for Children's Services, Education & Windsor (Councillor Amy Tisi)	Lin Ferguson, Lucy Kourpas	Internal	Cabinet 27 Mar 2024	

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		adoption of the Financial Plan (known as the Treasury Plan) for 2024/25						
15 Independent Adult and Discretionary Advocacy Service	Open -	The value of the new contract for delivering the Independent Adult and Discretionary Advocacy Service exceeds £500,000, therefore the appointment of the successful provider requires Cabinet approval. This report sets out information regarding the tender process, recommendations from officers following the tender and seeks approval for future contracting arrangements.	Yes	Cabinet Member for Adults, Health & Housing Services (Councillor Catherine del Campo)	Lynne Lidster, Kevin McDaniel	Internal	Cabinet 27 Mar 2024	
April In-Year Monthly Budget Update	Open -	A monthly report to provide an update on the Council's finances.	No	Deputy Leader of the Council and Cabinet Member for Finance	Elizabeth Griffiths	Internal	Cabinet 24 Apr 2024	

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				(Councillor Lynne Jones)				
16 Empty Property Strategy	Open -	Cabinet to agree RBWM's Empty Property Strategy. The Empty Property Strategy aims to work with empty homeowners to increase the supply of housing. The strategy will set out the approach RBWM will take to provide a clear direction for addressing empty homes which blight communities and adversely affect neighbourhoods.	Yes	Cabinet Member for Adults, Health & Housing Services (Councillor Catherine del Campo)	Andrew Durrant, Amanda Gregory	Consultation may be required with residents, landlords.	Cabinet 24 Apr 2024	
School Transport Policy 2024-25	Open -	This report proposes changes to the School Transport Policy, effective from May 2024, based on a review of the school transport policy undertaken with the support of Hampshire County	Yes	Cabinet Member for Children's Services, Education & Windsor (Councillor Amy Tisi)	Lin Ferguson, Lynne Penn	External consultation using RBWM process	Cabinet 24 Apr 2024	

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		Council.						
May In-Year Monthly Budget Update	Open -	A monthly report to provide an update on the Council's finances.	No	Deputy Leader of the Council and Cabinet Member for Finance (Councillor Lynne Jones)	Elizabeth Griffiths	Internal	Cabinet 22 May 2024	
Revocation of Air Quality Management Areas (AQMA) within RBWM	Open -	The report seeks Cabinet approval to revoke the 5 AQMAs within RBWM which are no longer required as the measured levels of nitrogen dioxide (NO2) are well below the nationally set, health-based air quality objectives. RBWM can demonstrate no exceedances in all 5 AQMAs for at least 4 consecutive years. Provisional results for 2023 indicate continued compliance which will bring the consecutive years	Yes	Councillor Karen Davies, Councillor Simon Werner	Andrew Durrant, Amanda Gregory	Internal	Cabinet 22 May 2024	

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18		<p>to 5, therefore the council must proceed with the revocation of all 5 AQMAs.</p> <p>The Annual Status Report for 2023 including results from 2018 to 2022 can be found here: https://www.rbwm.gov.uk/sites/default/files/2023-09/eh_air_quality_annual_report.pdf. Defra's appraisal report concluded that: On the basis of the evidence provided by the local authority the conclusions reached are accepted for all sources and pollutants. Following the completion of this report, Royal Borough</p>						

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

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19		<p>of Windsor and Maidenhead should progress with the revocation their compliant AQMAs and submit an Annual Status Report in 2024.</p> <p>Section 83(2)(b) of the Environment Act 1995 allows for the revocation of an AQMA by an Order, if it appears on review the air quality standards and objectives are being achieved and are likely throughout the relevant period to be achieved, within the designated area.</p>						
Review of Air Quality Monitoring Programme for PM2.5 and PM10	Open -	The report will provide an update on the PM2.5 and PM10 monitoring programme within RBWM.	Yes	Councillor Karen Davies, Councillor Simon Werner	Andrew Durrant, Obi Oranu	Internal	Cabinet 1 Oct 2024	

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)
20 Berkshire Local Nature Recovery Strategy	Open -	The Strategy shall contain: -A description of Berkshire's biodiversity -A map of areas of particular importance for biodiversity -A list of priorities for nature recovery for Berkshire (the statement of biodiversity priorities) -A map of areas that could become of particular importance (the local habitat map)	Yes	Cabinet Member for Climate Change, Biodiversity & Windsor Town Council (Councillor Karen Davies)	Andrew Durrant, James Thorpe	Public Consultation	Cabinet 1 Dec 2024	January 2025

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:	2023/24 Month 9 Budget 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 – 20 February 2024
Responsible Officer(s):	Elizabeth Griffiths, Executive Director of Resources Julian McGowan, Senior Business Partner
Wards affected:	All

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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 £8.663m which reduces to an overspend of £5.273m when including unallocated contingency budgets and changes to funding budgets (para 4); and
- ii) notes the forecast capital outturn is expenditure of £41.125m against a budget of £89.541m (para 9).

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

- 3.1 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 deemed required in the February 2023 budget papers to protect against financial and service risks (£7.900m), they are projected to fall below £5m by the end of the year, based on the current forecast.

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. SUMMARY

- 4.1 RBWM faces significant financial challenges. In the Cabinet meeting of 27 September, the Chief Executive and S151 Officer gave an update to Cabinet, stating that the Council's reserves were low and there was a risk that a S114 notice would need to be issued. Since then, whilst a balanced 2024/25 budget will be proposed to February Council, the in-year position continues to deteriorate. At the most recent Cabinet meeting on the 24th of January, both the Chief Executive and the S151 Officer reiterated the risk that RBWM faces as the overspend continues to rise and reserves conversely reduce.
- 4.2 The majority of the overspend is in our statutory services and, despite processes being strengthened and costs being mitigated, the pressure of additional placements is largely beyond our control. The risk attached to these rising costs is that the placements which drive them will continue into the new financial year creating an instant overspend on the budget which already had millions of pounds of additional funding added to cover these services but may not be enough to cope with ever increasing rises in demand.
- 4.3 The month 9 forecast is an overspend of £8.663m on service budgets, which reduces to £5.273m when considering contingency and funding budgets. This is an adverse movement of £0.926m on month 8.
- 4.4 The significant changes in month 9 are:
- Children's services additional social care placements costs (£0.257m).
 - Estimated costs for a planning appeal (£0.180m).
 - Updated income forecasts showing pressures in planning and parking season tickets (£0.210m).
 - Agency costs in finance, with the Head of Finance and Chief Accountant both leaving before year end (£0.079m)
 - Additional Minimum Revenue Provision (MRP). This is a non-service budget. Review of calculations has identified an error whereby provisions were not made for 'assets under construction' (£0.304m).

Table 3: 2023/24 Revenue Budget Forecast Outturn

	Current Budget	Forecast Outturn	Forecast over / (under) spend	Change
	£000	£000	£000	£000
Adults and Housing	40,505	46,865	6,360	0
Children's Services	27,759	28,601	842	257
Place	11,986	14,043	2,057	347
Resources	13,014	12,432	(582)	64
Chief Executive Department	1,013	999	(14)	(14)
TOTAL SERVICE EXPENDITURE	94,277	102,940	8,663	654
Contingency	2,934	739	(2,195)	0
Other funding and non-service expenditure	(97,211)	(98,406)	(1,195)	272
INCREASE IN GENERAL FUND	0	5,273	5,273	926

GENERAL FUND		
Opening balance	(10,213)	(10,213)
Transfer out	0	5,273
CLOSING BALANCE	(£10,213)	(£4,940)

ADULTS AND HEALTH

4.5 There have been no changes to the forecast this month. Commentary on outturn is provided below.

Table 4: Adults and Health Forecast Outturn

	Budget	Forecast outturn	Forecast over / (under) spend	Change
	£000	£000	£000	£000
Exec Director & Commissioning	1,735	2,060	325	0
Adult Social Care	38,525	44,560	6,035	0
Transformation and Community	170	170	0	0
Public Health Spend	5,392	5,392	0	0
Public Health Grant	(5,317)	(5,317)	0	0
Total	40,505		6,360	0

- Executive Director and Commissioning (forecast overspend of £0.325m)**
- 4.6 This budget includes SLA income budgets for Schools MIS support which will not be realised (£0.133m). It also includes overspends relating to senior agency costs (which do offset with underspends on Optalis budgets, as senior posts have been brought back in-house). This budget also includes the Out of Hours services, hosted by Bracknell, that is overspending (£0.015m) but relates to both Children's and Adults.

- Adult Social Care (forecast overspend of £6.035m)**
- 4.7 Placements overspend is £4.157m, primarily due to the residential care costs of older people. The budget assumed demand would return to pre-Covid levels but that has not been the case. There is also significant inflationary pressures 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%.
- 4.8 Staffing shows an overspend of £1.883m due to the large number of vacancies and the subsequent reliance on agency staff. Social Worker pay scales have been increased from the 1 January 2024 to support increased permanent recruitment. There is also a pressure of £0.262m on income budgets in relation to likely increase in bad debt provision.
- 4.9 Ongoing 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 which started in August. 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.

Public Health

- 4.10 Public Health spend is met from the ringfenced grant and as such there is no impact on the General Fund, and nil variance reported.

5. CHILDREN'S SERVICES

- 5.1 The forecast shows an adverse variance of £0.842m. This is due to the following reasons:
- Increase in residential placement of £0.399m. This is for the placement of two young people who have become looked after, review of support package for one young person and a 12-week mother and baby assessment placement for two families.
 - Placement of two young people who are leaving care placements, total cost £0.040m.
 - Identified additional income to support the delivery of the department's education functions.

Table 5: Children's Services Forecast Outturn

	Budget	Forecast outturn	Forecast over / (under) spend	Change
	£000	£000	£000	£000
Mgt & Business Services	3,158	3,197	39	2
Education	1,279	942	(337)	(139)
SEND	3,676	4,321	645	30
Social Care & Early Help	21,043	21,840	797	375
Public Health	(11)	(27)	(16)	(11)
Grant budgets	(1,387)	(1,673)	(286)	0
Total	27,758	28,600	842	257

5.2 The budget remains volatile due to the statutory duty to safeguard children of the borough. As a demand led service any increase in demand to support children and families will likely have an impact on the budget projections.

6. PLACE

- 6.1 The adverse movement of £0.347m is mainly due to:
- Risk of legal costs following planning decision (£0.180m).
 - Further uncertainty of planning income due to slow progress of building control applications (£0.110m).
 - Under achievement of parking season ticket income in December 2024, which is a time when many tickets are renewed (£0.100m).

Table 6: Place Forecast Outturn

	Budget	Forecast Outturn	Forecast over / (under) spend	Change
	£000	£000	£000	£000
Executive Director of Place	20	20	0	0
Neighbourhood Services	9,277	10,927	1,650	83
Planning	1,331	1,762	431	264
Communities	(1,250)	(1,054)	196	0
Housing, ES & TS	2,134	2,005	(129)	0
Property	(2,908)	(2,908)	0	0
Infrastructure, Sust. & Transport	3,382	3,291	(91)	0
Total	11,986	14,043	2,057	347

Neighbourhood Services (forecast overspend of £1.650m)

- 6.2 There are significant cost pressures on the waste contract (£0.600m) due to haulage and vehicle costs. There also a pressure on the highways contract due to higher inflation than budgeted (£0.360m). There are ongoing discussions with contractors to identify savings.
- 6.3 On the positive side, reprocessing rates for dry mixed recycling is higher than anticipated (£0.285m) and a new contract for recycling has resulted in a saving (£0.180m).
- 6.4 Parking income is £1.100m below budget (£0.651m daily parking, £0.399m season tickets). Compared to the previous year daily parking is 4% up, and season ticket 7%, but this is equivalent to increases in charges and is insufficient to make up the budget (2022/23 included a reduced target to reflect recovery from the pandemic). A Maidenhead parking strategy has been successfully delivered, increasing usage (e.g. Vicus Way). Promotions and development of the parking strategy continue.

Planning (forecast overspend of £0.431m)

- 6.5 There is a pressure on planning fees (£0.775m) due to the current market and a low volume of building control applications. The planning fee increase of 35% has been included in the forecast (£0.082m) as well as the anticipation of Maidenhead's Golf Course application (£0.119m).
- 6.6 Appeal costs of £0.180m have also been included (see Appendix B: Risks and Opportunities) for further information. It should also be noted that one-off CIL funding of essential tree works is included in the forecast (£0.570m).

Communities including Leisure (forecast overspend of £0.196m)

- 6.7 The overspend is primarily due to the Leisure Contract where the budgeted concession income is less than currently obtained (£0.560m). There was uncertainty at the time of setting the budget as the tender was in progress at the time and has subsequently been delayed. This is partly mitigated by holding funding of the community wardens and identification of alternative sources of funding (e.g. Public Health). There are ongoing discussions with Leisure Focus on commercial options such as increase of prices.

Housing, Environmental Health and Trading Standards (forecast overspend of £0.129m)

- 6.8 The underspend is due to release of earmarked reserves no longer required and agreed by ELT, and underspend on the air quality monitoring budgets. Housing Temporary Accommodation is a volatile budget and it should be noted that although it is forecast to budget, it remains a volatile area and includes a one-off injection of funding from the Homes 4 Ukraine grant (£0.500m). There is also an Asylum Dispersal Grant of £0.298m which is forecast to be spent mostly after year end – see Appendix B Risk and Opportunities for further info.

7. RESOURCES

- 7.1 The adverse movement from month 8 of £0.064m is mainly due to additional costs in finance as a result of key staff leaving and the requirement to engage interims for year-end (£0.079m). Exact start dates and rates are to be confirmed.

Table 7: Resources Forecast Outturn

	Budget	Forecast Outturn	Forecast over / (under) spend	Change
	£000	£000	£000	£000
Executive Director of Resources	155	83	(72)	0
Revenues, Bens, Library & Res	5,078	4,181	(867)	(30)
Housing Benefit	(377)	(346)	31	0
HR, Corporate Projects, and IT	3,346	3,274	(60)	(12)
Corporate Management	(196)	581	752	25
Finance	1,615	1,527	(167)	79
Governance	2,368	2,299	(88)	19
Legal Services	1,025	833	(175)	(17)
Total Resources	13,014	12,432	(582)	64

Executive Director of Resources (forecast underspend of £0.072m)

7.2 The underspend is due to the Director post being vacant for the start of the year.

Revenues, Benefits, Library & Residents Services (forecast underspend of £0.867m)

7.3 The underspend is related to the release of earmarked reserves previously agreed by ELT (£0.799m). These reserves were mostly funded from New Burdens grants that related to previous years. There is also an underspend of £0.124m in Business Services and Registrars primarily due to vacancies and Court Cost income, and an overspend of £0.051m across library services.

Human Resources, Corporate Projects and IT (forecast underspend of £0.072m)

7.4 The underspend is due to several smaller variances, most significantly savings on IT contracts (£0.065m).

Corporate Management (forecast overspend of £0.777m)

7.5 The pressure is caused by the additional external audit fees for 20/21 and the increase in the scale fee for 23/24 (£0.587m), and a saving in respect of a reduction in bad debt provision that is unlikely to be achieved.

Finance (forecast underspend of £0.088m)

7.6 Despite the pressures on agency staffing, finance is forecasting an underspend which is caused by increasing recharges to the Pension Fund and Propco to properly reflect the cost of providing this support, and vacancies in the Procurement Team.

Governance (forecast underspend of £0.069m)

7.7 The variance is made up of a number of smaller variances, most significant staff vacancies and member allowances budget not being used.

Legal Services (forecast underspend of £0.192m)

7.8 The forecast underspend is due to staff vacancies (£0.142m) including the case worker and an Executive Assistant post, and over achievement of income from legal fees (£0.050m).

8. SUNDRY DEBT

8.1 The current level of overdue sundry debt is £9.247m. On subsidiary systems there is also debt of £2.917m and £0.129m in relation to Housing Overpayments and Housing Rents respectively. This remains an area of high focus and actions being taken on this have been reported in previous Cabinet reports.

Table 8: Aged debt

	> 1 month	> 2 month	> 6 month	> 1 year	Total
	£000	£000	£000	£000	£000
Adults & Health					
Adult Social Care	333	690	683	2,677	4,383
Deferred Payments	28	158	114	528	829
Children's Services	16	24	0	6	46
Place					
Housing	3	8	13	1,316	1,341
Commercial property	53	610	148	110	921
Other Place	152	398	164	92	805
Resources	836	4	5	77	922
Total Agresso Debt	1,421	1,893	1,127	4,805	9,247

Subsidiary systems:

HB Overpayments	2,917
Housing Rents	129
Total overdue debt	12,293

Note: excludes CTAX and Business Rates payable to the Collection Fund

9. CAPITAL

9.1 The 2023/24 budget of £88.267m includes the capital programme of £35.338m and slippage of £52.929m from 2022/23 and prior years. All capital expenditure is under review to minimise external financing requirements and reduce spend where possible. The current forecast suggests £43.011m of capital budget will be slipped to future years, whilst £5.405m of capital budget will be underspent and released.

Table 9: Capital programme forecast outturn

	Budget	Forecast Outturn	Forecast slippage to 24/25 and later	Forecast variance
	£000	£000	£000	£000
ASC and Health	1,738	626	(899)	(213)
Children's Services	15,787	10,666	(5,121)	0
Place	68,243	27,834	(36,368)	(4,041)
Resources	3,774	2,000	(623)	(1,151)
Total	89,541	41,125	(43,011)	(5,405)

9.2 The following table details how this year's capital spend will be financed.

Table 9: Financing of the capital programme

	£000
Government Grants	15,585
Other Grants	275
Community Infrastructure Levy	12,116
Section 106	3,842
Capital Receipts	587
Borrowing	8,721
Total	41,125

10. LEGAL IMPLICATIONS

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

11. RISK MANAGEMENT

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

12. POTENTIAL IMPACTS

12.1 Equalities. There are no direct impacts.

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

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

13. CONSULTATION

13.1 None.

14. TIMETABLE FOR IMPLEMENTATION

14.1 Implementation date if not called in: Immediately.

15. APPENDICES

15.1 This report is supported by two appendices:

- Appendix A – Revenue monitoring statement
- Appendix B – Risk and assumptions

16. BACKGROUND DOCUMENTS

16.1 This report is supported by one document, the budget report to [Council February 2023](#).

17. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	24/01/24	29/01/24
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	29/01/24	30/01/24
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	29/01/24	30/01/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	29/01/24	
<i>Directors</i>			
Stephen Evans	Chief Executive	29/01/24	12/02/24
Andrew Durrant	Executive Director of Place	29/01/24	30/01/24
Kevin McDaniel	Executive Director of Adult Social Care & Health	29/01/24	01/02/24
Lin Ferguson	Executive Director of Children's Services & Education	29/01/24	01/02/24

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?
Non-key decision	No	No

Report Author: Julian McGowan, Senior Finance Business Partner

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Service	Current budget	Forecast outturn	Forecast variance	Previously reported variance	Change from previously reported variance
	£000	£000	£000	£000	£000
Chief Executive Department					
Chief Executive	244	244	0	0	0
Strategy & Performance	769	755	(14)	0	(14)
TOTAL CHIEF EXECUTIVE	1,013	999	(14)	0	(14)
Children's Services					
Director of Children's Services	(79)	(79)	0	0	0
Achieving for Children Contract	44,686	45,528	842	585	257
Children's Services - Retained	58,853	58,853	0	0	0
Dedicated Schools Grant - Income	(75,701)	(75,701)	0	0	0
TOTAL CHILDREN'S SERVICES	27,759	28,601	842	585	257
Adult Social Care and Health					
Executive Director and Commissioning	1,735	2,060	325	325	0
Adult Social Care	38,525	44,560	6,035	6,035	0
Better Care Fund - Spend	14,579	14,579	0	0	0
Better Care Fund - Income	(14,579)	(14,579)	0	0	0
Transformation and Community	170	170	0	0	0
Public Health Spend	5,392	5,392	0	0	0
Public Health Grant	(5,317)	(5,317)	0	0	0
TOTAL ADULT SOCIAL CARE and HEALTH	40,505	46,865	6,360	6,360	0
Resources					
Executive Director of Resources	155	83	(72)	(72)	0
Revenues, Benefits, Library & Resident Services	5,078	4,181	(897)	(867)	(30)
Housing Benefit	(377)	(346)	31	31	0
Human Resources, Corporate Projects & IT	3,346	3,274	(72)	(60)	(12)
Corporate Management	(196)	581	777	752	25
Finance	1,615	1,527	(88)	(167)	79
Governance	2,368	2,299	(69)	(88)	19
Legal services	1,025	833	(192)	(175)	(17)
TOTAL RESOURCES	13,014	12,432	(582)	(646)	64
Place					
Executive Director of Place	20	20	0	0	0
Neighbourhood Services	9,277	10,927	1,650	1,567	83
Planning Service	1,331	1,762	431	167	264
Communities including Leisure	(1,250)	(1,054)	196	196	0
Housing, Environmental Services & Trading Standards	2,134	2,005	(129)	(129)	0
Property	(2,908)	(2,908)	0	0	0
Infrastructure, Sustainability & Transport	3,382	3,291	(91)	(91)	0
TOTAL PLACE	11,986	14,043	2,057	1,710	347
TOTAL SERVICE EXPENDITURE	94,277	102,940	8,663	8,009	654
Sources of funding and non-service expenditure					
Contingency and Corporate Budgets	2,934	739	(2,195)	(2,195)	0
Precepts and Levies	2,066	2,066	0	0	0
Financing and investment (income) and expenditure	5,180	4,623	(557)	(527)	(30)
Taxation and non-specific grant income	(110,629)	(110,629)	0	0	0
Minimum Revenue Provision	3,139	3,572	433	129	304
Transfer to / (from) earmarked reserves	(1,367)	(2,369)	(1,002)	(1,000)	(2)
Contribution to Pension Fund deficit	4,400	4,331	(69)	(69)	0
TOTAL FUNDING AND NON-SERVICE EXPENDITURE	(94,277)	(97,667)	(3,390)	(3,662)	272
(INCREASE) DECREASE IN GENERAL FUND	0	5,273	5,273	4,347	926

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Directorate	Risk / Opportunity Description	Estimated impact (Surplus) / Pressure £m
All	FEES AND CHARGES UPLIFT FROM 1 JANUARY (excluding Parking) Following approval at November 2023 Cabinet, some fees will increase from January 2024. This is not yet reflected in individual forecasts though an estimated impact figure was provided in the November report.	(0.160)
All	FLOODING Costs in relation to recent flooding in the borough are expected. A central register is maintained of possible issues but it is too early to quantify accurately (i.e. impact of three car park closures in Windsor, contractor support in i.e. closing roads and cleansing, reallocate residents to nearby accommodation, council staff time, alternative adult social care provision when usual services unavailable, use of Windsor Leisure Centre etc). The government has announced support for households and businesses which the Council may be required to administer if the funding level is triggered. New Burdens grant may be receive to cover these costs.	Unknown
Place	TEMPORARY ACCOMMODATION This is a volatile area and there are a number of pressures, both locally and nationally, which make this worth noting as a risk as we head into year end. The current risk is based on figures as at the end of Dec 23, where spend has been higher than average previous months. There also remains a significant amount of Housing legacy debt on Agresso which needs further investigation (Housing rents moved onto a new system, ARA, from June 2022).	0.250
Place	ASYLUM DISPERSAL GRANT This is a specific grant for the asylum hotels (£298,500). There is a plan in place to utilise this funding but the assumption is that the grant can be carried forward to 2024/25, clarification is being sought from government. There is a risk that costs exceed the level of the grant.	Unknown
Place	PLANNING APPEAL Costs in relation to a planning decision compensation / costs are expected. £0.180m has been included in the forecast but this is an estimate and may increase by an additional estimated £0.350m in case the planning committee's decision is overruled.	0.350
Place	TREE MAINTENANCE Increase in re-active maintenance as a result of ongoing inspections by end of March 2024 have been included in the forecast. However, the higher end of this forecast indicated potential additional costs of £0.085m which are not in the forecast.	0.085
Place	PARKING FEES AND CHARGES Additional income will be generated by raising parking fees from February 2024, subject to consultation. This is not reflected in the forecast.	(0.150)
Resources	EXTERNAL AUDIT FEES Deloitte have requested to the local government audit regulator (Public Sector Audit Appointments) that they be allowed to charge additional fees of £0.400m in respect of the 2020/21 audit, which includes additional work responding to objections. This has been included in the forecast we are challenging the scale of these additional fees so there could be a benefit if that was accepted.	Unknown
Resources	BAD DEBT PROVISION (excluding Adults& Health / legacy Housing Debt pre ARA) A saving of £0.190m was included in the 2023/24 budget in respect of reducing the bad debt provision (though the saving relates to Place as well, it has been recorded in Resources for simplicity). However, it is looking unlikely that this target will be achieved and there will be a cost from a requirement to increase the bad debt provision. Bad debt provisions are volatile depending on the timing of large invoices, but there is a risk that the requirement for an increase in the provision will be significant. The current forecast assumes the saving will not be met, but there will be no increase in bad debt provision. There are however some unreconciled credits on Agresso of approximately £0.360m which may mitigate the pressure.	Unknown
Children's	HEALTH FUNDING The budget assumes health funding for two placement of young people, totalling £0.258m. However, there is a risk that public health will not fund part or all of these costs.	0.258

Directorate	Risk / Opportunity Description	Estimated impact (Surplus) / Pressure £m
Adults & Health	<p>DATA QUALITY OF INFORMATION TO BASE ADULT SOCIAL CARE FORECASTS ON</p> <p>The lack of a care system that integrates with the ledger and automates processes results in significant concerns over the quality of data used to inform forecasting in Adult Social Care. Finance are reliant on the service to update manual spreadsheets of care packages, but there are significant differences between what is currently on the spreadsheets and the commitments recorded on the care system. This could be that the care system is not up to date, but each case needs to be followed up individually. As an example, in Mental Health there are £1.288m of care costs recorded on finance spreadsheets that are not recorded on the care system.</p> <p>There are also delays in notifying finance of new care package changes, some of which have been backdated to pre-1 April. So far prior year costs not accrued have been identified that total £0.194m. As an example, we have been made aware of services in October 2023 that backdate to December 2022.</p>	Unknown
Adults & Health	<p>INCOME FORECASTING</p> <p>Client income is proving difficult to forecast and there remains a risk of significant variations in forecast in the final months leading up to year-end. This is due to the invoicing of clients being a manual process and therefore requiring complex manual spreadsheets to monitor, exacerbated by:</p> <ul style="list-style-type: none"> - frequent backdating of financial assessments, for example due to delays at Court of Protection granting deputyship; - data quality issues (see data quality above) meaning finance may not be aware of the care package and the associated assessed client contribution; - learning disability clients who finance have recorded as having to make a contribution (including CHC) but have not been invoiced; - s117 clients where it may be that the ICB should be meeting costs. 	Unknown
Adults & Health	<p>RAISING OF INCOME</p> <p>Unlike with other departments, the finance team have to raise invoices for income from funding bodies (e.g. the ICB, other Councils). This is due to historic practice and also the budgets are on the RBWM ledger but the budget holders sit in Optalis. As accountants are raising the invoices, they are also having to take on the role of chasing this debt. The finance team are concerned over the completeness of records and the extent the service take ownership of this debt. Historic spreadsheets suggest there could be unclaimed income, but there appears to be no master list and finance have been requested to contact the ICB to resolve.</p>	Unknown
Adults & Health	<p>PROVISION FOR SOCIAL CARE COSTS</p> <p>At the end of 2022/23 we provided £314k for a Continuing Health Care case for which health have offered to pay 35% (£0.103m). We are still disputing this but if the 35% was accepted would allow us to release part of the provision.</p>	(0.103)
Adults & Health	<p>FUNDED NURSING CARE (FNC)</p> <p>FNC is a contribution from health to nursing residential placements. The Council pays care providers the FNC as part of its nursing block fees and then reclaims it from the Integrated Care Board (ICB). It can take a long time for the ICB to agree FNC with claims outstanding from 2021. The Council is projected to pay £0.245m more FNC than it receives. There may be potential to increase the FNC agreed and increase the income in the current forecast.</p> <p>It should also be noted that by paying FNC as part of the block contract that Council takes the risk of applying for and obtaining this funding, whereas with other providers it is usual to pay net of FNC and the provider takes that risk. This means that in the case of the block spaces where the fee includes FNC that there is no financial imperative for the block provider to secure FNC.</p>	(0.245)
Adults & Health	<p>ADULT SOCIAL CARE FEES</p> <p>The ICB limited the uplift it will fund in 2023/24 to 1.8% so they are not paying the published fees and charges for Council / Optalis provided care services. The Director of Adults & Health is challenging this decision.</p>	(0.060)
Adults & Health	<p>BAD DEBT PROVISION (ADULTS AND HEALTH)</p> <p>Although there is a project underway concerning the large amount of old debt in Adult Social Care, it is looking increasingly unlikely that any improvement will be realised in the year. The budget contains a bad debt saving of £0.350m which may not materialise in 2023/24. In addition the current bad debt provision is projected to increase by £0.445m. This makes a total overspend of £0.795m. £0.262m is in the forecast. It should be noted that the current project chasing debt over 1 year old has shown some early success, with £0.090m of legacy debt paid following sending of standard letters.</p>	0.533
Adults & Health	<p>PUBLIC HEALTH REPLACEMENT SPEND</p> <p>The budget assumes Public Health funding of £0.190m will be received for preventative services (day care and supported employment). However, the Public Health team have previously indicated that such funding is predicated and a more substantive case being made. The forecast assumes Public Health will continue to provide this funding.</p>	0.190

Directorate	Risk / Opportunity Description	Estimated impact (Surplus) / Pressure £m
Adults & Health	<p>SUPREME COURT JUDGEMENT ON S117 AFTERCARE</p> <p>In 2023 the Supreme Court ruled on determining responsibility for aftercare when people are placed out of area and then detained again under the Mental Health Act 1983. This impacts on which local authority has responsibility for aftercare , (including funding) for a person detained in hospital under the Mental Health Act. The ruling represents a change in the law resulting in £1m risk to RBWM arising from specific circumstances.</p>	1.000

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Report Title:	Draft Affordable Housing Delivery Supplementary Planning Document
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Bermange - Cabinet Member for Planning, Legal and Asset Management
Meeting and Date:	Cabinet – 20 February 2024
Responsible Officer(s):	Andrew Durrant: Executive Director of Place Adrien Waite: Assistant Director of Planning
Wards affected:	All

REPORT SUMMARY

This report recommends that the Cabinet approve the publication of the draft Affordable Housing Delivery Supplementary Planning Document (SPD) for public consultation.

The draft SPD provides more detailed guidance to support the implementation of the affordable housing policy requirements in the Borough Local Plan. It includes guidance on issues relating to the amount, type, tenure, and location of affordable housing, and addresses also issues relating to development viability and how affordable housing provision should be integrated into the planning application process.

The SPD will help to advance the strategic aims and priorities of the emerging Council Plan. It will help to optimise the overall amount of affordable housing provided and help ensure that priority is given to the provision of social rented and affordable rented homes.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Approves the publication of the draft Affordable Housing Delivery Supplementary Planning Document as set out at Appendix B for public consultation; and**
- ii) Delegates authority to the Assistant Director of Planning, in consultation with the Cabinet Member for Planning, Legal and Asset Management, to approve and publish any minor changes to the draft Affordable Housing Delivery Supplementary Planning Document (SPD) prior to its publication and to approve Appendix 5 of the draft Affordable Housing Delivery SPD which will set out the justification for the financial contributions calculator.**

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

Options

Table 1: Options arising from this report

Option	Comments
<p>To approve the publication of the draft Affordable Housing Delivery Supplementary Planning Document (SPD) for public consultation.</p> <p>This is the recommended option</p>	<p>The SPD provides the opportunity to develop more detailed, technical planning guidance to support the delivery of affordable housing required through policies in the Borough Local Plan, helping to optimise the provision of affordable housing in a way that best meets the affordable housing needs of the Borough. Consultation on the draft SPD is required to enable the SPD to proceed to adoption in due course.</p> <p>Choosing not to approve the consultation on the draft SPD would delay its adoption and mean it is more difficult to secure the right amount and type of affordable housing because there would not be detailed, locally specific guidance available.</p>
<p>Not publish the draft Affordable Housing Delivery SPD for public consultation</p>	<p>There is a risk that this would leave the Council without the detailed affordable housing guidance considered appropriate by the Council which could result in not making the most of development opportunities to deliver the right amount and type of affordable housing.</p>
<p>Do Nothing</p>	<p>This would cause delays to the adoption of the Affordable Housing Delivery SPD or prevent its production altogether.</p> <p>There is a risk that this would leave the Council without the detailed affordable housing guidance considered appropriate by the Council which could result in not making the most of development opportunities to deliver the right amount and type of affordable housing.</p>

2.1 Supplementary Planning Documents (SPDs) are important documents that add further detail to the Borough Local Plan (BLP), helping to explain in more detail how policies in the BLP should be delivered. It is important to note that SPDs cannot create new policy, and do not replace or amend existing policy in the BLP.

- 2.2 The BLP indicates that the Council will prepare an Affordable Housing Delivery SPD which will provide detailed information regarding the implementation and delivery of the affordable housing policy in the BLP (Policy HO3 “Affordable Housing”). It sets out a range of issues that the SPD should include.
- 2.3 A draft Affordable Housing Delivery SPD has been prepared for consultation by a team of officers, including from Planning, Housing and Legal. Preparation of the document included early engagement with registered providers of affordable housing and developers to consider the key issues that it should be addressing, and advice was sought about specific guidance on development viability.
- 2.4 The draft SPD seeks to optimise the level of affordable housing delivered through the planning system and aims to ensure that the affordable housing delivered addresses the affordable housing needs of the Borough, within the context of the BLP policy. As such the draft SPD is an important tool in helping to deliver the Council’s Housing Strategy 2021-2026 and advance strategic aims and priorities of the emerging Council Plan.
- 2.5 The draft SPD, as set out in Appendix B, is structured around a series of questions to help guide developers to bring forward the right amount and type of affordable housing and ensure it is appropriately integrated into their new development. Because of the complex nature of providing affordable housing, the SPD is very much a technical document aimed at developers to guide their proposals. However, it includes at the beginning a simplified “Developer’s Guide” that summarises the key elements of the document.
- 2.6 Key elements of the guidance in the draft SPD include:
- the quantum of affordable housing to be provided and how it should be calculated
 - ensuring the right dwelling size and tenure mix is delivered, with a focus on delivering rented housing and ensuring that the affordable housing provided is affordable to those in housing need
 - where affordable housing should be provided
 - how affordable housing should be delivered on sites
 - how to address development viability issues
 - the planning application process and the content of Section 106 legal agreements to secure the affordable housing.
- 2.7 Whilst most affordable housing secured through the planning system is provided on site, and that is the preferred means of delivery in most instances, occasionally it may be necessary to take a financial payment (known as a “commuted sum”) in lieu of on-site provision which can then be spent on provision of affordable housing in the Borough. To assist with determining the appropriate level of financial contribution for a scheme, an affordable housing online financial contribution calculator is being prepared to sit alongside the SPD. The calculator will be consistent with the BLP policy requirements and the SPD guidance in its approach.

- 2.8 The next stage in the statutory process for preparing an SPD is to publish the draft SPD for public consultation. It is recommended that Cabinet agree to proceed to this next stage, with a view to consultation starting in March 2024 for a minimum of 4 weeks. Delegated authority is sought for making minor changes to the document and for the agreement of Appendix 5 which will set out the justification for the financial contributions calculator.
- 2.9 Supporting documents that would be published to accompany the consultation draft of the SPD include the Strategic Environmental Assessment Scoping Report and a draft Consultation Statement summarising the early engagement undertaken in preparation of the draft SPD.

3. KEY IMPLICATIONS

- 3.1 Whilst SPDs are not part of the statutory development plan (such as the Borough Local Plan) with its associated planning status and weight in decision making, they are an important material consideration when determining planning applications, both for the Council as planning authority, and also the Planning Inspectorate in relation to appeals. This SPD will assist the Council in its negotiations with developers to achieve as much affordable housing as possible from development schemes and, by seeking to secure the right tenure and size of affordable housing in new developments, ensure that the affordable housing provided is most appropriate in meeting the affordable housing needs of the Borough. As noted above the preparation of this SPD is specifically referred to in the Borough Local Plan in relation to Policy HO3 “Affordable Housing”.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of the draft Affordable Housing Delivery SPD	SPD published for consultation in July 2024	SPD published for consultation in March 2024	n/a	n/a	SPD anticipated to be adopted July 2024

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost of producing the SPD to date has been £4,000 and has been funded from within existing budgets. This is to provide consultancy support to prepare an affordable housing financial contributions calculator to sit alongside the SPD and provide a robust and consistent approach for financial contributions towards affordable housing when it is not appropriate to provide affordable housing on site. No other costs, other than staff time, have been incurred in the preparation of this draft SPD.
- 4.2 It is anticipated that the remainder of the preparation of the SPD through to adoption will be undertaken by RBWM staff. Costs for consultation on the draft SPD are expected to be limited and within existing budgets.

- 4.3 An effective Affordable Housing Delivery SPD will assist in delivering affordable housing that best meets the housing needs of the Borough, in particular social rented housing. This will help in reducing the number of people in temporary accommodation with a positive impact on the Council's revenue budget.
- 4.4 Although not the main or preferred means of delivering affordable housing, financial contributions towards affordable housing sometimes are accepted in lieu of on-site provision. The introduction of a simple but robust means of calculating these contributions, through an online calculator, will generate additional capital funds that can be directed to the provision of affordable housing to meet local housing needs. It is not possible with any degree of certainty to forecast what level of capital receipts will arise from these contributions.

5. LEGAL IMPLICATIONS

- 5.1 The SPD will not form part of the statutory development plan but will be an important material consideration in determining planning applications.
- 5.2 SPDs cannot create new policy but provide more detailed guidance on how to apply the policies in the Borough Local Plan.
- 5.3 There is a statutory process for preparing an SPD. Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out these requirements. The process includes the requirement for consulting on a draft SPD.
- 5.4 The Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) also require the Council to consider whether or not Strategic Environmental Assessment (SEA) of the SPD should be undertaken. Officers prepared a screening report and the Environment Agency, Historic England and Natural England were consulted. Historic England and Natural England agreed with the report's conclusion that no SEA was required. The Environment Agency did not respond.

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 this would leave the Council without the detailed affordable housing		Major 3	Very likely	The Council currently has the policies in the Borough Local Plan	Adopt the recommendations in this report	Minor 1	Unlikely

<p>guidance considered appropriate by the Council which could result in not making the most of development opportunities to deliver the right amount and type of affordable housing.</p>				<p>and an out of date guidance document that does not relate to those policies.</p>			
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7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix A.
- 7.2 Climate change/sustainability. The development of new affordable housing facilitated through the Borough Local Plan and this proposed Affordable Housing Delivery SPD will also be subject to sustainability policies in the Borough Local Plan and the emerging Sustainability SPD aimed at mitigating the impact of climate change.
- 7.3 Data Protection/GDPR. The consultation on the draft Affordable Housing Delivery SPD will be undertaken in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. There are not anticipated to be any impacts.

8. CONSULTATION

- 8.1 Early engagement was undertaken with registered providers of affordable housing and developers on the potential scope of the SPD and potential issues that it should address. For further information see the Affordable Housing Delivery SPD Draft Consultation Statement (see background documents).
- 8.2 The draft Affordable Housing Delivery SPD will, subject to Cabinet approval, be published for a 4-week period of consultation commencing in March 2024.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: March 2024. The full implementation stages are set out in table 4.

Table 4: Implementation timetable

Date	Details
March 2024	Commence public consultation on the draft SPD
April 2024	Close public consultation on the draft SPD
May/June 2024	Consideration of comments received and any amendments to the SPD as necessary
July 2024	Adopt the SPD

10. APPENDICES

10.1 This report is supported by 2 appendices:

- Appendix A – Equality Impact Assessment
- Appendix B – Draft Affordable Housing Delivery SPD
- Appendix C – Minutes from the Place Overview & Scrutiny Panel

11. BACKGROUND DOCUMENTS

11.1 This report is supported by 3 background documents:

- Royal Borough of Windsor and Maidenhead Borough Local Plan (February 2022) <https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/development-plan/adopted-local-plan>
- Affordable Housing Delivery SPD Draft Consultation Statement (February 2024)
- Strategic Environmental Assessment and Habitat Regulation Assessment; Screening Report for the Affordable Housing Delivery Supplementary Planning Document (February 2024)

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer	9.1.24	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	9.1.24	29.01.24
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	9.1.24	6.02.24

Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	9.1.24	
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	9.1.24	
<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	9.1.24	10/01/2024
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	9.1.24	10.1.2024
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	9.1.24	
Andrew Durrant	Executive Director of Place	9.1.24	
<i>Assistant Directors (where relevant)</i>			
Adrien Waite	Assistant Director of Planning	9.1.24	
Amanda Gregory	Assistant Director of Housing, Environmental Health and Trading Standards	9.1.24	
Chris Joyce	Assistant Director for Placemaking, Partnerships and Sustainability	9.1.24	
<i>External (where relevant)</i>			
N/A			

Confirmation relevant Cabinet Member(s) consulted	Cabinet Member for Planning, Legal and Asset Management Cabinet Member for Adults, Health and Housing Services	Yes
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REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision	No	No
First entered into the Cabinet Forward Plan: 13.12.23		

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>Draft Affordable Housing Delivery Supplementary Planning Document (SPD)</u>
Service area:	<u>Planning</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?

The draft SPD is intended to provide more detailed guidance to support the implementation of the affordable housing policy in the Borough Local Plan. Approval is sought to publish the SPD for public consultation.

The intended outcome is to ensure that the amount of affordable housing delivered through the planning system is optimised and that priority is given to the provision of social rented and affordable rented homes as these best meet the housing needs of the Borough.

The delivery of affordable housing is through a combination of private developers and registered providers. Most affordable housing is secured on sites being developed by private developers, with a proportion of that housing secured as affordable housing for registered providers to manage.

Whilst the guidance is new, the underlying affordable housing policy is included in the adopted Borough Local Plan and this guidance does not and cannot change that policy approach.

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 – the SPD will impact people and the local community by helping to secure affordable housing for those in housing need in the Borough.

It should be noted that the adopted Borough Local Plan (BLP), which this draft SPD supplements, was subject to equalities impact assessments in 2017 and 2019, and these did not identify any negative impacts for any group with protected characteristics. The SPD provides further details and guidance on the application of the affordable housing policy in the BLP; it does not create new policy.

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

The ultimate outcome being sought will impact those in the Borough seeking affordable housing. It will also affect private developers and registered providers who are seeking to develop housing sites in the Borough.

Council Planning and Housing Officers will be affected as they will have to take account of the guidance in the SPD during the decision making process on relevant planning applications. The guidance is intended to assist them in their role, and provide clarity to developers bringing forward planning applications.

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?

Across the population as a whole, the proposal is likely to relate most to those on lower incomes. Evidence suggests younger age groups (aged 16-29) are most likely to experience housing problems, including affordability issues. People from ethnic minority backgrounds are also more likely to experience housing affordability issues.

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?

Early engagement has taken place with private developers and registered providers to help determine the issues that the SPD should address. A key consideration arising is to ensure that the affordable housing provided is affordable to those in housing need.

The report recommends that the draft SPD is published for public consultation. Comments relating to equalities considerations will be considered following the consultation and the SPD updated as appropriate.

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.

Equalities evidence matrix.

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	Improving the supply and type of affordable housing will positively assist younger people who suffer more from housing problems, including affordability issues	Yes	
Disability	The Borough Local Plan policy regarding accessibility standards for new housing and the SPD highlights this in relation to the information that needs to be provided with planning applications	Yes	
Sex	The provision of affordable housing will benefit residents in housing need regardless of their sex	Yes	
Race, ethnicity and religion	Improving the supply and type of affordable housing will positively assist those from ethnic minority backgrounds who are more likely to experience housing affordability problems	Yes	
Sexual orientation and gender reassignment	The provision of affordable housing will benefit residents in housing need regardless of their sexual orientation	Yes	
Pregnancy and maternity	The provision of affordable housing will benefit residents in housing need regardless of their maternity status	Yes	

Marriage and civil partnership	The provision of affordable housing will benefit residents in housing need regardless of their marital status	Yes	
Armed forces community	The provision of affordable housing will benefit residents in housing need regardless of whether they are in the armed forces or not.	Yes	
Socio-economic considerations e.g. low income, poverty	Improving the supply and type of affordable housing will positively assist those on low income, particularly through the provision of social rented and affordable rented housing which the Council's planning policies and draft SPD seek to prioritise.	Yes	
Children in care/Care leavers	The provision of affordable housing will benefit residents in housing need regardless of their care experience	Yes	

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 draft SPD is not changing policy but is providing more detailed guidance to support the delivery of existing policy.</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>Not applicable</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>
<p>The delivery of affordable housing, including the different types of tenure, will be monitored through the Authority Monitoring report which monitors the development that occurs across the Borough against policies and monitoring indicators in the Borough Local Plan.</p>

6. Sign Off

Completed by: Ian Manktelow	Date: 9.1.24
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Approved by: Adrien Waite	Date: 2.2.24
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If this version of the EQIA has been reviewed and/or updated:

Reviewed by:	Date:
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Appendix B

Affordable Housing Delivery Supplementary Planning Document

Draft for Consultation

Foreword

We are delighted to present for consultation our draft Affordable Housing Supplementary Planning Document, an important planning document which will help us work with developers to deliver more affordable housing to meet the needs of local residents.

We all know there is an urgent and pressing need for more genuinely affordable housing in the Royal Borough. Local house prices are very high, almost £500,000 on average. The average cost of renting in Windsor and Maidenhead is also substantially higher than both the South East and England. As a result, many residents find it very difficult to find a home, either to buy or rent privately, especially young people and those on low incomes. This document seeks to maximise the amount of affordable housing that we can deliver through the planning system, ensuring that the affordable housing that we deliver best meets the affordable housing needs of the Borough.

We need to deliver more rented affordable housing than has been achieved in the past, particularly social rented as this is the most affordable to residents. We want to deliver affordable housing on development sites wherever possible, ensuring these are well designed and integrated into new developments. Where on-site affordable housing is not possible, then we want to ensure there is a robust and consistent approach to collecting financial contributions from developers that can be used to provide affordable housing elsewhere in the borough.

This SPD provides more detailed guidance to developers so that we can achieve these ambitions for affordable housing within the limitations of the Borough Local Plan, and once finalised and adopted it will be a consideration in deciding planning applications. As a next step, we would encourage you to share your views on this draft SPD. We can assure you that all comments received will be considered carefully in finalising this important document.



Adam Bermange

Cabinet Member for Planning, Legal
and Asset Management



Catherine del Campo

Cabinet Member for Adults, Health and
Housing Service

DRAFT

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Developer's Guide

1. This guide provides a brief summary of the main requirements and guidance in relation to the provision of affordable housing in the Borough. For the detail, please see the Borough Local Plan (especially Policy HO3) and the detail set out in this SPD.

2. What developments have to provide affordable housing and how much?

Size and type of development	30% of total units on the site	40% of total units on the site
Greenfield sites 10 dwellings or more, or more than 1,000 sq m of residential floorspace, up to 500 dwellings gross		✓
All other sites 10 dwellings or more, or more than 1,000 sq m residential floorspace (including those over 500 dwellings)	✓	
Sites of 5 – 9 dwellings gross within designated rural areas		✓

- Fractions of affordable units should generally be rounded up, or alternatively a financial contribution made using the online calculator.
- Where justified, the vacant building credit can be applied

3. What Tenure and Dwelling Mix should be provided?

	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House	4 Bed House	
Rent:						80%
Social Rent 45%	10%	10%	20%	30%	10%	(45%)
Affordable Rent 35%						(35%)
Shared Ownership 5%	5%	10%	5%	0%	0%	20%
Total	15%	20%	25%	30%	10%	100%

- Social rents should be calculated in accordance with Homes England’s “Rent Standard Guidance” dated April 2015¹ or subsequent guidance. These will normally be a lower rent than “affordable rent” below
- Affordable rents (including service charges) should be capped at the Local Housing Allowance rate² for the location of the scheme and in any event be no more than 80% of local market rents
- Where shared ownership is provided as the intermediate tenure, developers need to ensure that overall costs are at an affordable level for those in need. This will include mean an initial equity purchase of upto 40% of the initial equity with a maximum annual rent of 2.75% on the remaining equity.
- There are transitional arrangements that apply in relation to the First Homes initiative.

Where should affordable housing be provided?

- The hierarchy for provision is:
 - On-site
 - Alternative site
 - Financial contribution
- On-site will be the likely solution in the vast majority of developments.
- Where a financial contribution is the agreed approach, this should be calculated using the online calculator.

How should affordable housing be provided on site?

It should be:

- Fully integrated into the development, in appropriate clusters.
- Phased alongside the market housing
- ‘Tenure blind’ – the affordable housing in terms of design, materials and appearance and layout should not differentiate it from the remainder of the development
- Be allocated the same ratio of car parking as the market housing

What do I do if I think there is a viability issue?

Developer’s will need to justify why a site-specific viability assessment is needed. If a viability assessment is justified developers should:

- Undertake the assessment using the approach set out in the Planning Practice Guidance (PPG)³, referring back to the Borough Local Plan viability assessments⁴
- Apply the residual land value approach, with the benchmark land value based on the ‘existing use value plus’ approach (see the PPG for an explanation)

¹ <https://www.gov.uk/government/publications/guidance-on-rents-for-social-housing>

² <https://www.rbwm.gov.uk/home/council-tax-and-benefits/benefits/local-housing-allowance>

³ <https://www.gov.uk/guidance/viability>

⁴ See [2017](#) and [2019](#) Viability reports

- Justify and evidence all inputs and assumptions
- Take account of all relevant planning policy requirements
- Demonstrate the proposal is deliverable
- Optimise the viability of their development
- Recognise the assessment will be made public.

Where a viability assessment indicates that policy level affordable housing or other requirements cannot be provided in full, the section 106 agreement will include early and late stage viability review clauses, and sometimes mid stage reviews.

Who should provide affordable housing?

- The Council's strong preference is that it should be provided by registered providers.
- The Council will seek, through the section 106 agreement, nomination rights.

Planning applications and legal agreements

- Applicants should engage at the pre-application stage, providing an affordable housing statement setting out the key elements of the affordable housing proposal
- This should be updated at the application stage
- Full details will be provided in an Affordable Housing Scheme at the full/reserved matters stage
- The section 106 agreement will secure the main elements of the scheme

1. Introduction

Purpose of the SPD

- 1.1 Policy HO3 of the Borough Local Plan (BLP) (2022)⁵ sets out the Council's policy for the provision of affordable housing. Paragraph 7.7.15 of the BLP indicates that the Council will prepare and keep under review an Affordable Housing Delivery Supplementary Planning Document (SPD) which will provide detailed information regarding the implementation and delivery of the policy. It indicates a range of matters that the SPD will include. This SPD implements the requirement in paragraph 7.7.15.
- 1.2 It is important to note that this SPD does not set new policy, nor is it able to change policy in the Borough Local Plan. It does, however, provide updated evidence and further information to assist developers in delivering policy compliant development in relation to affordable housing.

Early engagement

- 1.3 As part of preparing this draft SPD, the Council engaged with key stakeholders on the scope of the SPD and key issues that should be addressed. Two meetings were held in April 2023 with registered providers active in the Borough, and a meeting was held with private developers and planning agents who are active in the Borough in May 2023. Officers also met with the Windsor, Ascot and Maidenhead Community Land Trust in July 2023. The Draft Consultation Statement accompanying this draft SPD sets out the key issues raised in those meetings and how these have influenced the content of the draft SPD.

2. Policy Context

National Planning Policy and Guidance

- 2.1 Paragraphs 63-66 of the NPPF (December 2023) set out the Government's policy on delivering affordable housing through planning including:
 - Assessing the need for different groups in the community in relation to size, type and tenure (para 63)
 - The presumption that affordable housing should be provided on-site (para 64)
 - The thresholds at which affordable housing should be sought (major development) or lower in designated rural areas (para 65)

⁵ <https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/development-plan/adopted-local-plan>

- Policy in relation to affordable home ownership (para 66)

2.2 The Glossary to the NPPF (Annex 2) defines affordable housing as:

- Affordable Housing for Rent
- Starter Homes
- Discounted market sales housing
- Other affordable routes to home ownership

Borough Local Plan and evidence base

2.3 The Borough Local Plan⁶ was adopted in February 2022. Policy HO3 is the Affordable Housing policy. This is reproduced below. The supporting text to the policy provides justification for the policy and further information on its application.

Policy HO 3

Affordable Housing

1. The Council will require all developments for 10 dwellings gross, or more than 1,000 sq. m of residential floorspace, to provide on-site affordable housing in accordance with the following:
 - a. On greenfield sites providing up to 500 dwellings gross - 40% of the total number of units proposed on the site;
 - b. On all other sites, (including those over 500 dwellings) – 30% of the total number of units.
2. Within designated rural areas⁽¹⁴⁾, the Council will require 40% affordable housing from all developments of between 5 and 9 dwellings.
3. Where a development falls below the size thresholds in 1 or 2 but is demonstrably part of a potentially larger developable area above those thresholds, the Council will require affordable housing on a pro rata basis.
4. The required affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall.
5. The delivery of affordable housing will be provided in accordance with the following order of priority:
 - a. On-site as part of the development and distributed across the development to create a sustainable, balanced community
 - b. On an alternative site, only if provision would result in a more effective use of available resources or would meet an identified housing need, such as providing a better social mix and wider housing choice

⁶ Available on the Council's website [here](#)

6. If the Council consents to the affordable housing not being provided on-site under clause 5(b) a financial contribution equivalent to the cost of providing the same quantum of affordable housing which would otherwise be sought on site will be required in order to provide affordable housing on an alternative site. Financial contributions will also be required in respect of any fraction of an affordable unit that would be required to meet clauses 1 and 2 of the policy.
7. Planning obligations will be used to ensure delivery of affordable housing on an alternative site and to ensure that the affordable housing will remain at an affordable price for future eligible households, or for the subsidy to be recycled to alternative affordable housing provision.

Rural Exception Sites

8. Development proposals for limited affordable housing within the Green Belt, to meet local needs only, will be permitted as an exception where all of the following criteria are met:
 - a. a demonstrable local community need for affordable housing has been established;
 - b. the number, size and tenure of the dwellings are suitable to meet the identified need;
 - c. the site and the development proposal are well related to an existing settlement and not located in the open countryside;
 - d. the proposal is designed to respect the characteristics of the local area including the countryside setting, and
 - e. schools with capacity, health, shops and other community facilities are within reasonable travelling distance.

2.4 The housing need evidence underlying the Borough Local Plan Policy HO3 is the Berkshire Strategic Housing Market Assessment (SHMA) (2016)⁷. It indicates a high level of need for affordable housing in the Borough. The SHMA also informed Policy HO2 which sets out the requirements in relation to housing mix and type. The Local Housing Needs Assessment (2019) provides a similar picture in terms of the overall need for affordable housing and the mix and type.⁸

2.5 This SPD supplements Policies HO2 and HO3 of the Borough Local Plan.

3. What developments have to provide affordable housing?

3.1 The Policy requires affordable housing on the following sites:

- Developments for 10 dwellings gross or more than 1,000 sq m of residential floorspace
- Within designated rural areas, developments of between 5 and 9 dwellings will also be required to provide affordable housing

3.2 The policy, HO3(3), also makes clear that where development falls below the size thresholds above, but is demonstrably part of a potentially larger developable area above those thresholds, the Council require affordable housing on a pro rata basis. For instance developers should not artificially

⁷ Available on the Council's website [here](#)

⁸ Available on the Council's website [here](#)

subdivide a site to reduce the dwelling capacity below the threshold for affordable housing. An example of this would be where a new access road is proposed to be built to develop 7 new dwellings and a subsequent application is submitted for an additional 5 dwellings off the same access at a later date. Both of these on their own would be below the normal affordable housing threshold, but given that the two sites, regardless of ownership, form part of a larger developable area, the affordable housing percentage requirement should be applied to both schemes.

- 3.3 Also in this context, developers should not bring forward proposals that do not make best use of the land (i.e. that deliberately bring forward proposals to 'under-develop' the site to avoid affordable housing requirements). Similarly in defining the 'red' line extent of the site, developers should not exclude from the defined site area existing parts of the built development that are being materially modified (and hence clearly form part of the development).
- 3.3 These requirements apply to mixed use developments including an element of residential development, as well as developments comprising only residential uses. All dwellings are counted in the assessment of the thresholds, regardless of their use class.
- 3.4 A dwelling is considered to be a self-contained unit of accommodation. Self-containment is where all the rooms (including kitchen, bathroom and toilet) in a household's accommodation are behind a single door which only that household can use⁹. As such, institutional residential care homes and nursing care homes do not generally consist of self-contained dwellings units and would not therefore be subject to the provisions of the affordable housing policy. Extra Care/Assisted Living developments do normally consist of self-contained units and are subject to the provisions of the policy, as are sheltered housing schemes. In assessing the feasibility of incorporating affordable housing, consideration will be given to issues such as the overall layout of the proposal, location of dwellings, tenure mix, and access to communal areas and shared facilities.
- 3.5 Where a development is assessed against the floorspace threshold of 1,000 sq metres, this will be on the basis of gross floorspace, in the same way that the unit-based threshold is based on gross numbers.
- 3.6 Where a site above the site threshold for affordable housing consists of a mix of previously developer land (PDL) and greenfield land (and there are substantial elements of both on the site) the Council will expect a blended approach to the provision of affordable housing with the total percentage of affordable housing required based on the relative proportion of PDL and greenfield land on the application site. Where only a small proportion of the site (for example, less than 10%) is either PDL or greenfield, a blended approach will not apply and the percentage affordable housing requirement

⁹ As defined in the Census and used in Department for Levelling Up, Housing and Communities Dwelling Stock Estimates.

will be either 30% or 40% depending on whether the site is predominantly PDL or predominantly greenfield.

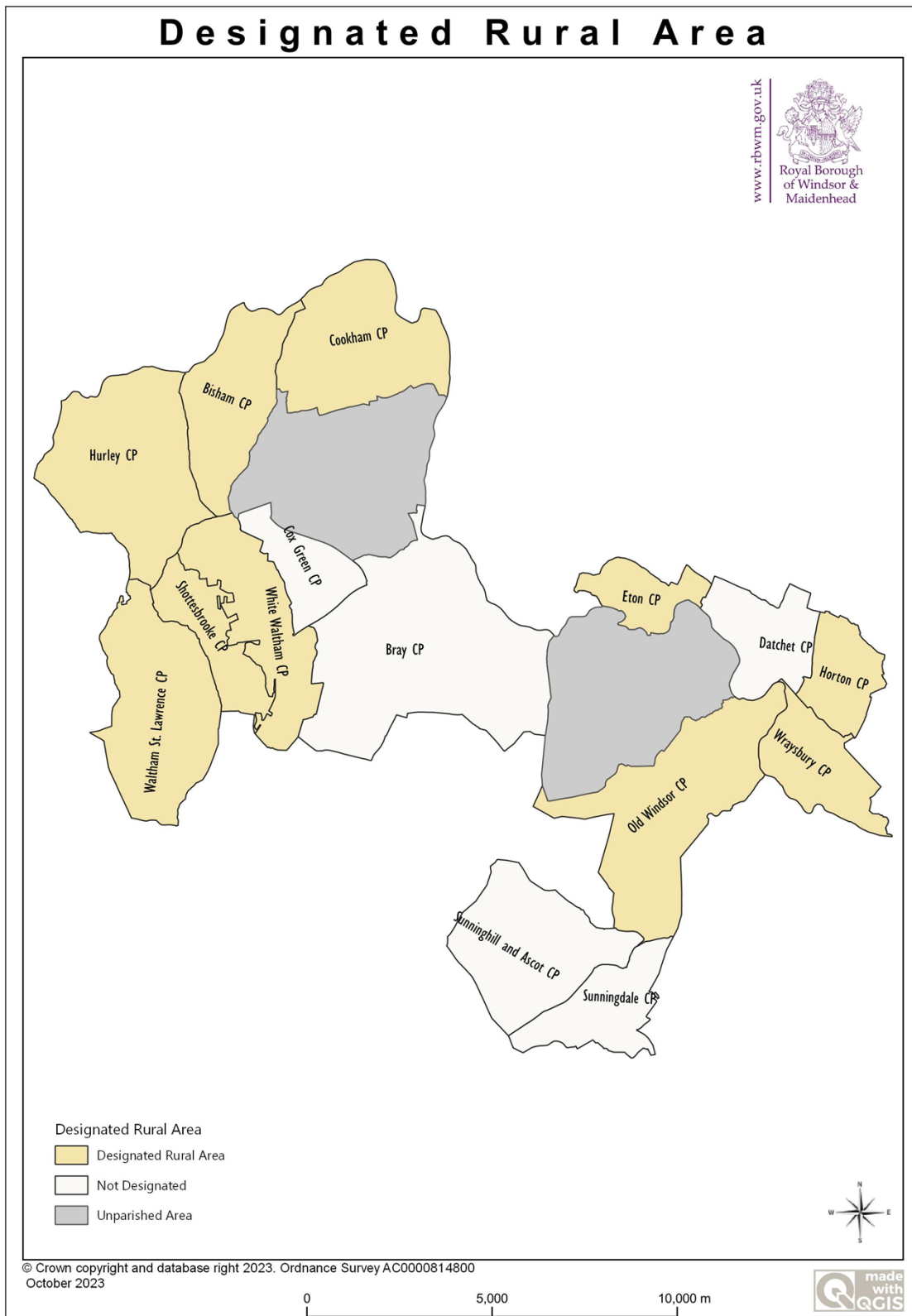
- 3.7 The designated rural areas to which the threshold of between 5 and 9 dwellings applies are set out in Schedule 1 of The Housing (Right to Acquire or Enfranchise)(Designated Rural Areas in the South East) Order 1997¹⁰. This should also be based on gross dwelling numbers. Footnote 14 of the Borough Local Plan lists the parishes concerned but two parishes have been omitted from the footnote in error. The full list of parishes designated as rural areas in the Borough to which the lower threshold applies is as follows:

Bisham, Cookham, Eton, Horton, Hurley, Old Windsor, Shottesbrooke, Waltham St Lawrence, White Waltham, Wraysbury

These are shown on the map in Figure 1 below.

¹⁰ <https://www.legislation.gov.uk/uksi/1997/625/schedule/1/made>

Figure 1 Designated Rural Areas in the Borough



4. How much affordable housing should be provided?

- 4.1 The Policy requires affordable housing to be provided on-site at the following levels:
- On greenfield sites providing up to 500 dwellings gross – 40% of the total number of units proposed on the site to be affordable.
 - On all other sites, (including those over 500 dwellings) – 30% of the total number of units to be affordable.
 - Within the designated rural areas, the Council will require 40% from all developments of between 5 and 9 units.

- 4.2 Where the calculation of an affordable housing requirement results in a fraction of affordable unit needing to be provided, the Council would normally expect that fraction to be rounded up to the nearest unit and provided on-site. If that is not feasible the Council will require a financial contribution, based on a pro rata tenure and dwelling size mix, using the online calculator referred to in Section 7 of this SPD and made available on the Council's website.

Vacant Building Credit

- 4.3 Government policy¹¹ indicates that to support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount, equivalent to the existing gross floorspace. This is referred to as the vacant building credit (VBC).
- 4.4 The applicability of the policy has limits which are set out below. Applicants should set out in their Planning Statement or Affordable Housing Statement how their site meets the criterion below for VBC to be applied:
- **VBC only applies to buildings** – defined as a permanent structure with a roof and walls. It excludes open sided structures.
 - **VBC only applies to vacant property** – this means a building will not have been in continuous use for a period of at least 6 months in the last 3 years ending the day the planning application first permits development.¹²
 - **VBC does not apply where a building has been abandoned** – Applicants will need to demonstrate that the building has not been abandoned, having regard to the criteria set out in Planning Practice Guidance.¹³
 - **VBC does not apply where a building has been demolished, or is in an advanced state of dilapidation**

¹¹ National Planning Policy Framework (2023) paragraph 65

¹² See Community Infrastructure Levy (Amendment)(England) (No.2) Regulations 2019, Schedule 1 Part 1 (1)(10)

¹³ Planning Practice Guidance, Planning Obligations section, paragraph 028. These criteria are based on case law

- **VBC will not be applied by the Council to properties made vacant for the sole purpose of re-development** – the onus is on the applicant to demonstrate why the property has been made vacant, including the provision of marketing evidence in accordance with Appendix D of the Borough Local Plan.

4.5 Where VBC is justified, the level of affordable housing will be calculated as follows:

- Floorspace of existing vacant building is **A** sq m
- Proposed total floorspace of new development is **B** sq m
- Vacant Building Credit = **C** = **A/B x 100%**
- Full requirement under Borough Local Plan Policy HO3 is **D** dwelling units (including any fractions)
- The reduction in the affordable housing requirement due to Vacant Building Credit = **D x C**

The adjusted Affordable Housing Requirement taking account of the VBC = **D – (DxC)**

4.6 Two worked examples of this are set out below:

Residential only scheme

- Floorspace of existing vacant building = 2,000 sq m GIA (A)
- Proposed total floorspace of new development providing 50 dwelling units = 5,000 sq m GIA (B)
- Vacant Building Credit = $2,000/5000 \times 100\% = 40\%$ (C)
- Full requirement under BLP Policy HO3 is 15 affordable dwellings¹⁴ (D)
- Reduction in affordable requirement due to VBC = $15 \times 40\% = 6$ (DxC)
- **The adjusted Affordable Housing Requirement = 15 – 6 = 9 Affordable Dwellings**

Mixed use scheme

- Floorspace of existing vacant building = 750 sq m GIA (A)
- Proposed development consisting of 1,000 sq m GIA residential (11 units) and 450 sq m retail (B)
- Vacant Building Credit = $750/1450 \times 100\% = 51.7\%$ (C)
- Full requirement under BLP Policy HO3 (30%) = 3.3 affordable units (D)
- Reduction in affordable requirement due to VBC = $3.3 \times 51.7\% = 1.71$ units (DxC)
- **The adjusted Affordable Housing Requirement = 3.30 – 1.71 = 1.59 affordable units**

¹⁴ Assumes 30% affordable housing based on Policy HO3 (1)(b)

- 4.7 When calculating the VBC, communal floorspace, basements and ancillary structures will be included within the total area of proposed floorspace. The Council will not deduct any proposed communal areas before the existing floorspace is calculated as a proportion of the new development.

5. What type and size of affordable housing should be provided?

- 5.1 Policy HO3(4) of the Borough Local Plan states that:

“The required affordable housing size and tenure mix shall be provided in accordance with the Berkshire Strategic Housing Market Assessment 2016, or subsequent affordable housing needs evidence. This currently suggests a split of 45% social rent, 35% affordable rent and 20% intermediate tenure overall.”

Table 12 in paragraph 7.5.4 of the Borough Local Plan sets out Berkshire SHMA (2016) recommended housing size mix by tenure, as follows:

	1 bed	2 bed	3 bed	4+ bed
Market	5-10%	25-30%	40-45%	20-25%
Affordable	35-40%	25-30%	25-30%	5-10%
All dwellings	15%	30%	35%	20%

Table 12 Housing Size Mix by tenure set out in 2016 SHMA for Eastern Berks & South Bucks HMA

- 5.2 However, in line with Policy HO3(4), there is more up to date evidence on housing need both in relation to relets and to priority needs on the housing register. There is a high proportion of 1 bed (especially) and 2-bed flats available as relets of existing properties and many households in temporary accommodation need rented family housing. Similarly, the housing register shows a high need for 2 and 3 bed properties for those in priority need. Consequently, the evidence points towards there needing to be more emphasis on houses and the dwelling mix being sought for new build affordable housing in the Borough should be based on the mix set out in Table 1 below (rather than the SHMA figures shown at the end for comparison).

Table 1 Affordable Dwelling Types Sought

	1 Bed Flat	2 Bed Flat	2 Bed House	3 Bed House	4 Bed House	
Rent:						80%
Social Rent 45%	10%	10%	20%	30%	10%	(45%)
Affordable Rent 35%						(35%)
Shared Ownership 20%	5%	10%	5%	0%	0%	20%
Total	15%	20%	25%	30%	10%	100%

- 5.3 The Council's objective is to ensure that the affordable housing that is delivered in the Borough is genuinely affordable to those in need. The Council wants to maximise the delivery of rented housing, particularly social rented housing and especially of 2, 3 and 4 bed houses given the costs and supply pressures faced with respect to the provision of temporary accommodation and to ensure that the priority needs of the Borough are addressed. Increasing the proportion of rented housing set out in Policy HO3 of the Borough Local Plan will be encouraged. Particularly with respect to larger units, the Council may be prepared to reduce the overall quantum of affordable housing to achieve lasting and sustainable housing options for cohorts of service users who cannot easily access other housing products.
- 5.4 Social rent is calculated in accordance with Homes England's "Rent Standard Guidance" dated April 2015¹⁵ or subsequent guidance. These will normally be a lower rent than "affordable rent."
- 5.5 In order to ensure the affordable rent element of a scheme is affordable to those in need, the Council requires rents (including services charges) to be capped at the Local Housing Allowance rate for the location of the scheme or below, and in any event should not exceed 80% of market value. In the case of 3 bed houses or larger, rents should be capped at no more than 60% of market value. The Borough currently has 4 Local Housing Allowance rate areas (called Broad Market Rental Areas). These are:
- East Thames Valley
 - Chilterns
 - Reading
 - Walton

For further information see the Council's website

<https://www.rbwm.gov.uk/home/council-tax-and-benefits/benefits/local-housing-allowance>

¹⁵ <https://www.gov.uk/government/publications/guidance-on-rents-for-social-housing>

This guidance on rental levels also applies to affordable private rented units provided as the affordable element of a build to rent scheme.

- 5.6 Where shared ownership is provided as the intermediate tenure as referred to in Policy HO3(4) of the BLP, to ensure those homes are affordable to those in need, normally the purchaser would be expected to purchase up to 40% of the initial equity, with a focus on 1 and 2 bed flats for affordability reasons. A subsidised annual rent of no more than 2.75% is paid on the remainder of the equity.
- 5.7 Shared ownership properties are unaffordable to households on the RBWM Housing Register as even working households do not have sufficient, or any, deposit associated with a mortgage.
- 5.8 In 2021 the Government introduced the First Homes product which is affordable home ownership product that involves a minimum 30% discount off market value with the discount passed on to future occupiers. After the discount has been applied the first sale price must be no higher than £250,000.
- 5.9 The Written Ministerial Statement¹⁶ and Planning Practice Guidance introduced transitional arrangements whereby local plans submitted for examination before 28 June 2021 will not be required to reflect the First Homes policy requirement, and the First Homes requirements will also not need to be applied when considering planning applications in the plan area until such time as the requirements are introduced through a subsequent update. A key issue is that with high house prices in the Borough, only flats would come within the price cap.
- 5.10 The Council's Housing Allocation Policy recognises the need to both define key workers within the Borough and facilitate their access to sustainable and affordable housing options. The development priorities outlined in this document aim to enable the creation of a range of housing products which can be accessed by this group.

6. Where should affordable housing be provided?

- 6.1 Policy HO3(5) of the Borough Local Plan, explained further in paragraph 7.7.7 of the Plan, makes clear that affordable housing should be provided on site. Provision on an alternative site will only be considered if it would result in more effective use of available resources or would meet an identified need, such as providing a better social mix and wider housing choice. Financial payment in lieu of on-site or alternative site affordable housing will only be used in exceptional circumstances to the satisfaction of the Council.

¹⁶ 24th May 2021

7. If a financial contribution is justified, how should this be calculated?

- 7.1 Where the Council agrees to a financial contribution instead of on-site affordable housing, Policy HO3(6) makes it clear that the contribution will be required to be equivalent to the cost of providing the same quantum of affordable housing that would otherwise be sought on site. This principle relates not just to the overall quantum of affordable housing, but also the quantum of the different tenure types and dwelling sizes.
- 7.2 To assist developers with calculating the level of contribution required and to ensure a consistent approach, the Council has prepared an affordable housing online financial contributions calculator. This will be available on the Council's website when this draft SPD is published for public consultation. The calculator applies the principles set out in Policy HO3(6) and the policy requirements in terms of quantum, tenure and dwelling size of affordable housing to the calculation of a financial contribution. Further explanation of the basis of the calculation is set out in Appendix 5.
- 7.3 Funds generated from financial contributions will be used fund new affordable homes through:
- grant funding to registered providers
 - direct grant funding to developers
 - through a local housing company, providing it is a registered provider
 - changing the tenure split of a development to favour of more rented housing, particularly social rented housing.

8. How should affordable housing be provided on a site?

- 8.1 The Council expects a high standard of design to apply to the affordable housing provided on a site as it does to the market elements of a scheme. For detailed design guidance, developers should have regard to the Borough Design Guide¹⁷.
- 8.2 In designing for affordable housing, account should be taken of the following:
- Affordable housing should be integrated into the new development. Its appearance in terms of design, materials and appearance and layout should not differentiate it from the remainder of the development - the scheme should be 'tenure blind'.
 - The affordable housing should be provided in clusters, to a max of 20 on the larger sites integrated within the development rather than concentrated

¹⁷ <https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance/adopted-supplementary-planning-documents-spd/borough-wide-design-guide-spd>

in one location. Affordable housing should not be ‘pepperpotted’ with individual dwellings across the site.

- Car parking spaces should be allocated to the affordable homes on the same ratio as for market housing.¹⁸
- The affordable housing should be delivered in parallel to the market housing, i.e. not significantly in advance of, or later than the remainder of the development, unless the Council has agreed to vary this approach following an agreed viability assessment process.

8.3 Affordable homes should meet the latest design and quality standards set out in the Homes England Capital Funding Guide¹⁹ or other relevant guidance, as well as the National Design Guide Planning Policy Guidance²⁰ and the Nationally Described Space Standard²¹.

9. What do I do if I think there is a viability issue with my development?

9.1 Paragraph 58 of the NPPF states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

9.2 Paragraph 7.7.9 of the BLP indicates that in exceptional circumstances, where the provision of affordable housing in accordance with this policy is not economically viable, the Council will expect the submission of open book financial appraisal information alongside the planning application. Applicants will be expected to pay for an independent review of the information submitted.

¹⁸ Note that the Council is currently reviewing its car parking standards and preparing a Parking SPD. Once this is available, reference should be made to this SPD for the appropriate parking standards.

¹⁹ <https://www.gov.uk/guidance/capital-funding-guide>

²⁰ [National design guide - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

²¹ [Technical housing standards – nationally described space standard \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

9.3 It is clear both under Government policy and guidance, and the BLP policy, that the need for a viability assessment should be an exception rather than the norm, and it is for the developer to justify the need for a viability assessment.

9.4 The approach to undertaking a viability assessment is set out in the Government's Planning Practice Guidance. As a basic principle the PPG indicates that:

“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.”

The PPG also sets out a range of standardised inputs to a viability assessment that developers are expected to follow. Further guidance on viability assessments is set out below:

Is the submission of a viability assessment justified?

9.5 Given that the BLP is up to date, if an applicant wishes to make the case that viability should be considered on a site-specific basis, they should provide clear evidence of the specific issues that would prevent delivery, in line with relevant Development Plan policy, prior to submission of an application, and explain what has changed since the BLP viability assessment that justifies re-consideration at the application stage. It should be noted that the BLP has been tested against a viability assessment which itself was not designed to set policy requirements at the margins of viability. As such developers will have to demonstrate a very significant margin of movement compared with the BLP viability assessment position.

Approach to preparation and submission of a viability assessment

9.6 If the submission of a viability assessment is justified, the following approach and principles should be applied:

- A viability assessment should be submitted at an early stage and certainly no later than the submission of the planning application
- It should seek to identify the maximum level of affordable housing that is viable, if the full policy compliant level of affordable housing is agreed to not be viable. It should test a policy compliant scheme (i.e a scheme that complies with the policies in the development plan that apply to that site, including the requirements of policy HO(3) of the BLP)
- It should be prepared by a suitably qualified viability expert, and where necessary, include input from other specialists (e.g. in relation to construction costs) following the requirement of RICS Financial Viability in Planning: Conduct and Reporting (April 2023)

- The assessment should be undertaken in accordance with the standardised method in the PPG²², fully justify and evidence all the inputs (costs and values) and highlight where these differ significantly from the assessment for the Borough Local Plan. Appendix 3 sets out details of the main inputs that would be expected to be provided with a viability assessment.
- Developers should justify their target return (profit) level and show why it is the minimum level of return needed for the scheme to proceed. It is expected that significantly lower levels of return should be applied for affordable housing and commercial development
- The scheme and viability assessment need to take account of all relevant planning policy requirements and the impact of the Community Infrastructure Levy charge applying at the time
<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/community-infrastructure-levy/what-development-cil-liable-and-how-it-calculated>
- Viability assessments will be made public via the Council's website except in exceptional circumstances where the applicant has justified the specific elements that are confidential, meeting the public interest test. In any event a summary will be provided.
- As set out in paragraph 7.7.9 of the Borough Local Plan, the cost of the Council commissioning an independent review of the viability assessments will be met by the applicant.

9.7 Two additional important principles underlying the viability process are:

1. Applicants should demonstrate that their proposal is deliverable and their approach to viability is realistic. The applicant should provide evidence to show how the scheme is actually likely to be developed, it should not assume a speculative development model.
2. Applicants should seek to optimise the viability of their development. This includes:
 - Optimising site capacity through a design-led approach within the context of development plan policies, including testing different design options to ensure that onsite affordable housing provision and viability is optimised
 - Ensuring viability is considered at an early stage in the planning process
 - Schemes should not include elements that have an adverse impact on viability where there is not a good planning reason for including them, including where there are policy requirements or planning

²² [Viability - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

obligation requirements that are necessary to make the development acceptable

- Consider the timing of financial contributions and on-site provision before considering a reduction in affordable housing or infrastructure provision.

Benchmark Land Value

9.8 It is expected that a residual land value approach will be taken to viability assessments. As such, the determination of the benchmark land value is a key element of the process. In determining the Benchmark Land Value (BLV) the following principles should be applied:

- The price paid for land should never be used as the basis for the BLV
- Normally BLV should be based on the Existing Use Value Plus (EUV Plus) approach – as highlighted in the Planning Practice Guidance. Any information used in the valuation of the EUV should be clearly comparable in terms of location and condition etc or realistically adjusted.
- Normally the benchmark land value set out in the BLP viability assessment for a similar type of site should be the basis of BLV in an individual site viability assessment at the application stage
- Any premium or uplift over EUV should be fully justified based on a policy compliant scheme (ie fully complies with the development plan)
- BLVs may be informed by BLVs on other policy-compliant schemes that have been accepted for planning purposes. It is important that historic BLVs involving non-policy compliant development are not used as they are likely to inappropriately inflate values for the purpose of BLVs
- It is expected that abnormal costs on a site will lower the BLV

9.9 The use of Alternative Use Value (AUV) needs to be applied with caution and will not be the normal approach to establishing BLV in most instances. Normally, AUV should only be used where a planning permission or consent for the alternative use is in place, there is evidence of market demand for the use and evidence that it would be delivered if the proposed scheme was not granted consent.

Review mechanisms

9.10 Where the agreed outcome of viability testing is that it is not possible to deliver a fully policy compliant scheme, resulting either in a reduced level of affordable housing or other reduced contributions or provision, the scheme will be subject to viability review clauses in the section 106 agreement, as follows:

- Early Viability Review – this includes the following:
 - It applies to all applications where full policy level affordable housing or other contributions required by policy have not been provided
 - It is required if 24 months or more have elapsed between granting of outline or full permission (not reserved matters) and substantial implementation on site, which could be:
 - For flatted development – development has reached first floor level
 - For housing developments – completion of at least one dwelling
 - The review will take place at the point that substantial implementation has been reached
 - 100% of any uplift in profit/surplus is allocated to increased affordable housing provision (preferably on site or if that is not feasible, by a financial contribution). In some instances it may be appropriate for some or all of the uplift in profit to be directed towards infrastructure provision which could not originally be provided in full for viability reasons
 - The uplift is capped by the policy level affordable housing requirement in terms of numbers and tenure.
- Mid Viability Review – for large schemes or for schemes that have stalled for a significant period of time, a mid-stage viability review may be required.
- Late Viability Review – this review:
 - Applies to all schemes not providing policy level affordable housing (subject to the detail below)
 - It should take place once 75% of the dwellings have been occupied/sold/leased
 - It is not required if it is less than 18 months between completion of First stage review and the 75% trigger point
 - If there is no early or mid-stage review, a late stage review will always be necessary
 - 60% of the uplift in profit/surplus will be provided as an affordable housing financial contribution. In some instances it may be appropriate for some or all of the 60% uplift in profit to be directed towards infrastructure provision by means of a financial contribution, which could not be provided in full for viability reasons
 - The uplift is capped by policy level affordable housing requirement (and taking account of any uplift from an early review)
 - The review must be completed and the outcome implemented prior to occupation of the whole development.

9.11 These provisions apply for all schemes where affordable housing is required by Policy HO3 of the Borough Local Plan. A viability review cannot result in a

reduced level of planning obligations compared with the original permitted scheme.

- 9.12 The Council will appoint an independent consultant to review the viability information provided at the review stages and the developer will be expected to pay the cost of that consultant.

How will the Council take account of the outcome of the viability assessment in decision making?

- 9.13 Following viability assessment, if it is agreed that the scheme cannot deliver the required level of affordable housing or other requirements (ie it is not policy compliant), the reduced benefits and the fact that the scheme may not be able to fully mitigate its impacts will be considered as part of the planning balance.

10. Who should provide affordable housing?

- 10.1 The Council's strong preference is for affordable housing to be provided and managed by Registered Providers (RPs) or through the RBWM Property Company. The Council works with a range of Registered Providers as follows:
- Housing Solutions – the primary registered provider in the Maidenhead area
 - Abri – the primary registered provider in the Windsor/Ascot/Sunningdale areas

Other registered providers currently with affordable housing stock in the Borough are:

- One Housing
- Metropolitan Thames Valley Housing
- A2 Dominion
- Paradigm

Registered providers who manage housing for older people or as specialist housing:

- Anchor Hanover
- Lookahead

Other RPs who have expressed an interest in managing affordable housing in the Borough:

- Sage Housing
- London & Quadrant
- Sovereign Housing

If a registered provider is not included in the list above, please contact us to discuss further. We will update the list above on our website if there are substantial changes to it.

Nominations and tenancies

10.2 Providers of affordable housing will be required to enter into a nomination agreement with the Council. The Council's usual requirement is to include a "nominations protocol" in the Section 106 agreement signed by the landowner or developer. The Council will normally require:

10.3 For rented housing:

- Initial lets – 100% nominations
- Relets – 75% nominations

All lets not subject to nominations must be given priority for local households living in the Borough.

10.4 For shared ownership

- Initial sales – 100% nominations
- Resales – 100% nominations

10.5 The RBWM Housing Service will nominate households from the Housing Register (and other households in housing need as described in the Housing Allocations Policy) to new build and existing affordable properties. Such nomination rights shall be attached to the dwellings and shall transfer to subsequent tenants/owners of the properties.

Alternative means of delivery

10.6 Policy HO2 (5) of the Borough Local Plan highlights the use of community-led approaches to delivering housing, such as co-housing, community land trusts, and co-operatives, and encourages these in sustainable settlement locations and on allocated sites. Although this SPD does not provide further guidance on rural exceptions schemes, rural exceptions schemes may provide another means of delivering affordable housing through these alternative mechanisms. Policy HO3(8) of the Borough Local Plan highlights the opportunity to develop rural exceptions schemes in the Borough, subject to

the criteria set out. Further guidance on rural exceptions schemes is set out in the Government's Planning Practice Guidance²³.

Grant Funding

- 10.7 For normal policy-compliant housing developments, Homes England grant funding is not available. However grant funding is available where "additionality" in relation to affordable housing can be demonstrated eg. the majority or all of the dwellings are affordable (exceeding the policy requirement) or there is a tenure mix/dwelling types which better meet local housing needs. When a Registered Provider submits an offer to the housing developer for the affordable housing element, no grant funding should be assumed unless additionality is demonstrated.

11. How should affordable housing be secured?

- 11.1 The Council will secure affordable housing requirements through entering into a legal agreement under Section 106 of the Town and Country Planning Act (1990)(as amended) – a S106 agreement. Further details of the expected main elements of an affordable housing S106 agreement are set out in Appendix 4.

12. What information should be submitted with a planning application?

Pre-Application

- 12.1 Applicants are strongly encouraged to engage at an early, pre application stage, with the Council on their applications, including the affordable housing proposals. The Council provides a pre application service, details of which can be found on the Council's website via the following link:
<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-pre-application-advice>
- 12.2 An applicant should prepare and submit an Affordable Housing Statement to inform pre application discussions. Key information to include in the Statement include:
- The amount of affordable housing being provided
 - The affordable housing mix including dwelling type, size (floorspace, number of bedrooms, maximum occupancy level)
 - Tenure - the appropriate mix of social rent, affordable rent and shared ownership

²³ See Planning Practice Guidance on Housing Needs of Different Groups: [here](#)

- The number and location of parking spaces
 - Phasing and timing of the affordable housing, including number, type and tenure of affordable housing in each phase. For full planning applications, the location of each of the units, colour coding the affordable units by dwelling type and tenure
 - Details of how the affordable housing should best be integrated into the design of the development
 - Location of any M4(3) wheelchair accessible homes, in line with Policy HO2 of the Borough Local Plan
 - Potential heads of terms of the s106 agreement
 - Highlight if there are any justifiable viability concerns and justification for why there may need to be a viability assessment undertaken (see section 9 for more details on viability)
- 12.3 Pre application discussions will be via the development management case officer who will also consult and involve the Housing Enabling Officer as appropriate.

Application Stage

- 12.4 All applicants for schemes requiring affordable housing provision will be required to submit an Affordable Housing Statement. This should incorporate the elements set out in para 12.2 above from the pre application stage, updating the Statement from the pre application stage to reflect discussion with the Council. Failure to provide an Affordable Housing Statement will result in the application not being validated.
- 12.5 The full details of the affordable housing provision should be set out in an Affordable Housing Scheme which includes some additional detail than that included in the Affordable Housing Statement. Further guidance on the Affordable Housing Scheme is set out in Appendix 3.

13. How will we monitor affordable housing delivery?

- 13.1 Chapter 15 of the Borough Local Plan sets out monitoring indicators for the Plan. These include indicators relating to the amount of affordable housing provided and the tenure. The Authority Monitoring Report will report on affordable housing delivery and this will be made available each year on the Council's website:

<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/evidence-base-and-monitoring/monitoring>

The Housing Enabling Officer monitors proposals, applications and delivery, including detailed breakdown on dwelling types, sizes and tenures when dwellings are completed.

14. Other guidance

14.1 The Council has prepared or is in the process of preparing other supplementary planning documents and other guidance of relevance to housing schemes that are delivering affordable housing. These include:

Adopted:

- Borough Design Guide - Adopted 2020

<https://www.rbwm.gov.uk/home/planning/planning-policy/planning-guidance/adopted-supplementary-planning-documents-spds/borough-wide-design-guide-spd>

- Building Height and Tall Buildings SPD – Adopted December 2023

<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/planning-guidance/adopted-supplementary-planning-documents-spds/building-height-and-tall-buildings-spd>

In preparation:

- Sustainability SPD – currently available as a consultation draft:

<https://www.rbwm.gov.uk/home/planning-and-building-control/planning-policy/planning-guidance/emerging-supplementary-planning-documents-spds/home/planning-and-building-control/planning-policy/planning-guidance/emerging-supplementary-planning-documents-spds/sustainability>

- Parking SPD – early stages of preparation

15. Council Contacts

15.1 Development Management: planning@rbwm.gov.uk

15.2 Planning Policy: planning.policy@rbwm.gov.uk

15.3 Housing Enabler: housing.enabling@rbwm.gov.uk

Appendices

1. More recent evidence on affordable housing need
2. Viability assessment information checklist
3. Affordable Housing Scheme
4. Section 106 contents
5. Financial contribution calculator explanation

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Appendix 1 More recent evidence on affordable housing need

There is more recent evidence on affordable housing needs since the Berkshire SHMA (2016) and the adoption of the Local Plan, particularly in relation to the nature of relets of affordable properties which indicates that alternative mix of affordable dwellings should be provided in order to best meet affordable housing needs. Table A1.1 below sets out the relet data for the Royal Borough over the period October 2020 to June 2023.

Table A1.1 – Relets of Existing Affordable Housing October 2020 – June 2023

Figures **in red** show the mis-match with SHMA figures.

The table shows that over this two-year period, 59% of relets were 1 bed flats which is much higher than the SHMA projection of 35-40%. Only 11% of relets were 3&4

	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house	
Relets	396	175	31	70	4	676
%	59%	26%	5%	10%	<1%	100%
SHMA	35- 40%	25-30%		25- 30%	5-10%	

bed houses. As such, the supply of affordable homes coming forward as relets is exceeding the need identified in the SHMA in relation to 1 bed flats when considered on a proportionate basis. A lower proportion of 1 bed flats is therefore sought in new build developments and a distinction has been made for 2 bed houses which are not highlighted in the SHMA. There is also a case for more 3 bed houses to be provided given the limited supply of relets compared with the SHMA proportions.

In terms of the Housing Register, Table A1.2 sets out numbers of those who are on the Housing Register and the size of property required, although it should be emphasised that they do not represent the priority housing needs.

Table A1.2 Housing Register by demand for size of property (November 2023)

Size of Property Required	Number of Households on Housing Register	%
1 bed or studio flat	184	28%
2 bed	251	39%
3 bed	162	25%

4 bed	40	6%
5 bed	8	1%
6 bed	1	1%
Total	646	100%

Furthermore, analysis of the priority needs of those on the Council's Housing Register has been undertaken. Table A1.3 below sets out the dwelling type needs for the higher priority needs on the Register.

Table A1.3 Housing Register – Homeless Housing Needs (November 2023)

	1 bed	2 bed	3 bed	4 bed	5 bed
Bands A and B	63	99	69	16	2
Total 249 (100%)	25 %	40 %	28 %	6 %	1 %

Homeless housing needs in the above table are those households who have made a homeless application on the Housing Register in priority Bands A and B. Nearly half require permanent 2 bed accommodation but there is also priority need for 3 bed, 4 bed and 5 bed accommodation. The figure has increased from 144 households in October 2022 to 249 households in November 2023 (+73%).

Houses are a preference for families as they have access to a self-contained garden – this includes 2 bed properties as houses rather than 2 bed flats or 2 bed maisonettes.

In addition, the size of bedrooms and number of bedspaces is important to maximise the number of double rooms and family occupancy rather than relying on single rooms which is not a good use of a valuable property resource. This means that:

2 bed properties should be 2x double rooms (4 person)

3 bed properties should be 3x double rooms (6 person)

4 bed properties should be 4x double rooms (8 person)

Additional factors which have influenced the proposed dwelling mix of affordable housing, are clarified below:

- (i) There are families in temporary accommodation who need permanent housing in the form of 3/4/5 bed houses. The average length of stay in temporary accommodation for a family is far longer than a 1 or 2 bed household due to the scarcity of suitable housing (only 11% of relets in the table above are 3 and 4 bed houses).
- (ii) There is scarce availability of 3/4/5 bed houses in the private rented sector at or below the Local Housing Allowance rent level.

- (iii) There is a significant cost to the council to place households in temporary accommodation.
- (iv) New build 3/4/5 bed houses enables a “chain of lettings” whereby smaller affordable dwellings can be released for smaller households in housing need without relying on new build.
- (v) The SHMA affordable housing projections do not breakdown “2 bed” into 2 bed flats and 2 bed houses, so an assessment has been made based on local evidence of housing need.
- (vi) 2 bed houses are preferable to 2 bed flats for families as they normally have more usable floorspace and a private garden. Even if the number of children does not increase, children growing older are socially and practically more easily accommodated in a house rather than a flat.

As a result, as set out in Table A1.4 (and Table 1 in the SPD) the following dwelling mix for affordable housing is sought. This continues to seek the same overall tenure mix set out in the Borough Local Plan Policy HO3(4) but seeks a lower proportion of 1 bed flats and a higher proportion of 2 bed houses compared to the SHMA mix, for reasons set out above.

Table A1.4 Affordable Dwelling Types Sought

	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house	
Rent • Social Rent 45% • Affordable Rent 35%	10%	10%	20%	30%	10%	80% (45%) (35%)
Shared ownership	5%	10%	5%	-	-	20%
	15%	20%	25%	30%	10%	100%

Appendix 2 Viability Assessment Information Checklist

The following information is required as part of a viability assessment to ensure that sufficient information is provided to enable an independent review of the assessment to be undertaken:

- a) Application plan
- b) Land ownership plan
- c) Details of the proposed scheme
- d) A schedule of floor areas in terms of GIA and net sales area
- e) A working electronic version of the proposed scheme appraisal and any supporting appraisals such as an existing or alternative use valuation. We would also expect detailed assumptions if not the modelling used to generate affordable housing values
- f) A submission which provides evidence in support of the assumptions adopted this would typically include:
 - i. Relevant evidence of existing/alternative use value e.g. analysed local sales in support of proposed values and where necessary adjusted for condition, location and policy compliance.
 - ii. Relevant evidence of yields and rents where the scheme includes a commercial element
 - iii. Evidence of offers from registered providers
 - iv. Support for all key inputs/assumptions used within the scheme appraisal
- g) A detailed element cost plan – this should be in a format which would facilitate elemental comparison with BCIS and a clear explanation as to any difference from BCIS
- h) Any plans which have been relied upon in preparing the Cost Plan but which have not formed part of the planning submission
- i) A detailed specification for the development. This underpins the cost plan and proposed values
- j) Detailed proposed programme from site acquisition through to final sale

Communication with the independent valuer assessing the appraisal on behalf of the Council should be made via the development management case officer, or at least with the case officer's knowledge.

Appendix 3 Affordable Housing Scheme

Section 10 of this SPD explains that an Affordable Housing Statement is required at the application stage (whether outline, full or reserved matters) to provide sufficient information to enable a decision on the acceptability in principle in relation to the affordable housing element of the scheme, including compliance with policy. However, to ensure that the detail of the affordable housing is right, a more detailed Affordable Housing Scheme is required. This will normally be a requirement of the section 106 agreement at the outline stage, and should be submitted at the earliest opportunity, and ideally at reserved matters stage.

All Affordable Housing

The total number of affordable dwellings in the Sub Phase as a percentage of the total dwellings in the Sub Phase.

The anticipated tenure, size, type, floorspace and occupancy of each of the units eg Accommodation Schedule.

A site layout showing the location of the units eg Tenure Plan.

Location of any M4(3) wheelchair accessible homes, in line with Policy HO2 of the Borough Local Plan. A Part M4(3) Checklist.

The number and location of car parking spaces

Plans showing the indicative internal layout of each type of unit.

Details of the proposed Registered Provider or alternative affordable housing provider that will deliver the units.

Confirmation that all of the units will be rented or sold in accordance with the provisions of the Nominations Agreement.

Social Rent and Affordable Rent

Details of the proposed rent and any service charge for each type of unit and confirmation that these meet the affordability requirements set out in this SPD.

Details of the management arrangements.

Shared Ownership

Details of the anticipated: price; percentage equity to be sold; mortgage payments; rent; service and management charge for each type of unit; and confirmation that these meet the affordability requirements set out in this SPD.

Details of the shared ownership lease and arrangements for resales under which the units will be sold.

Indicative marketing arrangements

Similar details will be required for any tenure not specifically mentioned above.

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Appendix 4 Section 106 contents

The section 106 agreement shall include, but is not limited to the following obligations:

- Payment of the Council's costs for drafting, negotiating and completing the s106 agreement which shall be a minimum non-refundable sum (payable immediately upon instruction);
- Details of the planning application;
- Details of all parties with a legal interest in the land (including mortgagees, beneficiaries, leasehold interests etc) who are required to be party to the deed;
- Site location plan;
- Definition of affordable housing and the different tenures;
- Number of affordable dwellings specifying the mix, size, type and tenure;
- Definition of an affordable housing provider;
- Details of the phasing of the development (if applicable);
- To provide details of an Affordable Housing Scheme (where applicable);
- Details of the sum to be paid as a financial contribution to affordable housing off-site (if applicable);
- Obligation to provide the affordable housing as set out in the s106 agreement;
- Obligation to enter into a Nomination Agreement which shall be in such form as required by the Council;
- Details of triggers for various affordable housing obligations (for example, commencement of development, first occupation etc);
- Obligation to keep affordable dwellings as affordable housing in perpetuity;
- Details of the transfer of affordable housing/affordable housing land to a registered provider;
- Obligation to ensure that the price of affordable dwellings/affordable housing land shall be such that a registered provider has no need for public subsidy;
- Mortgagee sale provisions for affordable dwellings;
- Financial viability review provisions for the provision of affordable housing on-site, or a financial contribution for off-site provision (or a combination of the two);
- Cascade arrangements for the provision of affordable housing should a financial review be required; and
- Requirement for the s106 agreement to be registered as a Local Land Charge by the Council.

Appendix 5 Financial contribution calculator explanation

TO BE ADDED

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PLACE OVERVIEW AND SCRUTINY PANEL

Monday 5 February 2024

Present: Councillors Siân Martin (Chair), George Blundell (Vice-Chair), Clive Baskerville, Alison Carpenter, Jodie Grove, Gurch Singh, Jack Douglas and Leo Walters

Present virtually: Councillor Asghar Majeed

Also in attendance: Councillor Adam Bermange

Officers: Mark Beeley, Andrew Durrant and Ian Manktelow

Officers in attendance virtually: Amanda Gregory and Paul Beetham

Draft Affordable Housing Delivery Supplementary Planning Document

Ian Manktelow, Principal Planning Policy Officer, gave the Panel a brief presentation setting out the context behind the Affordable Housing Supplementary Planning Document (SPD). There had been a commitment in the Borough Local Plan to prepare an SPD and this would provide an opportunity to give more guidance to developers. The SPD would also allow the council to secure affordable housing that best met the needs of the borough. The report would be going to Cabinet on 20th February for approval before going out to consultation for a minimum of four weeks in March or April. Consultation responses would then be reviewed and the SPD would be updated accordingly. The SPD could be brought back to Cabinet in July, dependant on the extent of the consultation responses and the issues raised.

Councillor Carpenter asked if the SPD would ensure that the council saw the maximum allocation of affordable housing being offered. It was stated in the report that those from minority ethnic backgrounds would struggle to gain housing in the borough but this was not what Councillor Carpenter had experienced in her conversations with residents. She asked what a designated rural area was and why this was important along with the significance of unparished areas. Councillor Carpenter considered the options available to developers and that an alternative site could be used, she questioned how the council could ensure that this was similar in quality to the original designs. For developers who chose the financial contribution, Councillor Carpenter queried what happened to this money and how would the council make sure that this was used to build further affordable housing.

Ian Manktelow said that the document would put the council in a better position when it came to viability discussions with developers. However, there could be site specific reasons why the target level of affordable housing could not be achieved. There was a review mechanism in place, for example if a planning application was approved in year 1 but the development did not start until year 3, the decision could be reviewed for more affordable housing due to a change in market demands. The comment on ethnic minority figures was a general comment picked up by the Housing team and Ian Manktelow would check this after the meeting. On rural areas, there were some parishes in south east England which were formally set out in legislation as rural areas. This legislation allowed the council to set a lower site size threshold at which the council could secure affordable housing. Unparished areas did not qualify as they were not parishes under the legislation. In relation to offsite provision, the priority was to get an appropriate level of affordable housing on the proposed site. If there were two sites coming through from the same developer, they could in theory allocate all of their affordable housing on one of the two sites but this was not the preferred approach. Where financial contributions

were received from developers, this was ringfenced and could only be spent on affordable housing.

ACTION – Ian Manktelow to check the comment on minority ethnic groups which had been included as part of the Equality Impact Assessment.

Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management, felt that the SPD helped to empower the decision makers to ensure that viability was not abused. He commented that the Borough Local Plan had been agreed in 2022 and had been finalised using viability analysis at the time, developers needed to justify any change in circumstances which meant that affordable housing was deemed unviable.

Councillor G Singh commented that it was pleasing to see the draft report considered by the Panel. He felt that the SPD closed a loophole particularly as there was not enough affordable housing being delivered. The report was very technical and he suggested that a foreword could be added to the front of the report to outline what the SPD was. It was clear to see the preference for affordable housing to be on site but there were other options available which could be used if needed. Councillor G Singh was concerned about planning applications not being validated without a statement. He suggested that reasonable time was given for the statement to be validated so that planning applications were not needlessly rejected.

Ian Manktelow explained that planning officers needed all of the information up front to make a decision on applications. Once an application had been validated, the length of time for a decision to be made started and chasing key documents could affect the performance of the planning team. A developers' guide had been included at the start of the SPD as a summary of the guidance but officers could consider the best way to publicise the consultation once it went live.

Councillor G Singh responded that a key audience of the SPD were people on the housing list, as they would want to know what the council were doing to help them get on the property ladder.

Councillor Walters said that there was a need for more affordable housing and he was pleased to see an emphasis on two bedroom houses instead of flats. He asked what a rural area was in the context of the SPD.

Ian Manktelow highlighted that the SPD was based on Borough Local Plan policy. Normally, the council could only require affordable housing on sites of 10 or more homes. Within the designated rural areas, this threshold was reduced to 5 homes and the council could require 40% of the homes to be affordable.

Councillor Grove highlighted concern that affordable housing could be built on a separate site and whether there were any conditions on developers to ensure that this was completed in a certain timeframe. There could also be areas with very little affordable housing because of developers claiming that they were not viable.

Ian Manktelow said that there would probably be very few examples of affordable housing being located on a separate site as this would require two planning applications to come through from the same developer at the same time. He noted that the S106 money would have a clause which would state when the money would need to be spent and if not spent within that period it would have to be paid back, so there was a need for some flexibility in the agreement. There would be an ambition for it to be spent relatively close to where it had been collected.

Councillor Grove asked if there were clear guidelines on whether developers should provide affordable housing on site, at an alternative site, or provide a financial contribution.

Ian Manktelow explained that the onus was on the developer and there were not strict requirements implemented by the council. This was designed to ensure that there was pressure on the developer to focus on the onsite affordable housing option.

Councillor Baskerville asked what the target was for affordable housing and how much had been delivered in recent years. He suggested that there was a feeling that the council had accepted viability arguments in the past and questioned whether the SPD would give the council more clout against developers.

Ian Manktelow shared data with the Panel showing the total number of affordable housing units completed over the past ten years. This was compared with the total number of homes created each year. The council wanted to see less shared ownership and more social and affordable rented homes.

Councillor Baskerville felt that some developers had been tough on the council in allowing it to reach intended targets. He queried how difficult it was for developers to provide an appropriate level of affordable housing.

Ian Manktelow confirmed that if a viability case was received from a developer, the council requested that the financial viability appraisal of the scheme was submitted. This was considered by an expert valuer to assess the appraisal to make a decision.

Andrew Durrant raised a couple of examples where developers had been challenged by the council and more affordable housing had been included in the plans.

Councillor Grove asked that if applications were rejected and the developers went to an appeal, how well supported would the council be by the SPD.

Ian Manktelow said that it was a balance and all aspects of the scheme needed to be considered. There were likely to be positives to the scheme, including the delivery of housing, that needed to be balanced against the negative elements. He reminded the Panel that the balance was 'tilted' in favour of development where there was not a five year housing land supply, as was currently the case.

Councillor G Singh proposed a recommendation from the Panel, that a foreword or executive summary was included at the start of the SPD. This was seconded by Councillor Baskerville.

AGREED UNANIMOUSLY: The Place Overview and Scrutiny Panel recommended to Cabinet:

- i) That a foreword or executive summary was included at the start of the Affordable Housing SPD.**

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Report Title:	Establishment of a Joint Committee – the Berkshire Prosperity Board
Contains Confidential or Exempt Information	No - Part I
Cabinet Member:	Councillor Simon Werner – Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead
Meeting and Date:	Cabinet – 20 February 2024
Responsible Officer(s):	Stephen Evans, Chief Executive Officer
Wards affected:	All

www.rbwm.gov.uk



REPORT SUMMARY

This report seeks to establish a Joint Committee (to be known as the Berkshire Prosperity Board) to enable the six Berkshire local authorities - through collaboration - to benefit from:

- Working to a shared vision of inclusive, green and sustainable economic prosperity to address challenges and meet opportunities, whilst retaining the sovereignty of each local authority.
- Presenting a strengthened case to government and private investors for greater investment into strategic projects, service delivery and initiatives across Berkshire.
- Acting as a vehicle to commission the Berkshire Local Enterprise Partnership (LEP) and others to deliver core functions in response to the government’s review of LEPs, which will see functions and responsibilities pass to local authorities from 1 April 2024.
- Having a stronger, collective voice in lobbying government and other agencies - taking a collaborative mindset in targeting external bodies effectively for the benefit of Berkshire.
- Advantageously position Berkshire in readiness for potential devolution proposals, to benefit from additional responsibilities and funding opportunities. Providing for a Berkshire that is better able to efficiently, seize future opportunities and adapt to challenges.
- Jointly working to transform Berkshire’s productivity through, responsive, agile collaboration.
- The proposals will go to RBWM Full Council on 11 March 2024 for final approval. The other 5 Berkshire authorities are following a similar decision pathway during February and March.

DETAILS OF RECOMMENDATION(S)

RECOMMENDATION:

That Cabinet notes the report and recommends to Full Council:

- To agree to the establishment of a fully constituted Joint Committee (to be known as the Berkshire Prosperity Board) from May 2024 to**

- deliver a Berkshire-wide vision for inclusive, green and sustainable economic prosperity.
- ii. That the proposed constitution for the Joint Committee as set out in Appendix A - Functions and Procedure Rules for a Joint Committee, Appendix B - responsibilities of the accountable body and Appendix C - governance structure is approved, subject to the Monitoring Officer being authorised to make minor amendments to the Functions and Procedure Rules in conjunction with the participating authorities.
 - iii. That the Chief Executive, in consultation with the Leader of the Council, be delegated to agree and enter into a legally binding agreement between the six member authorities setting out the supporting arrangements and responsibilities between the authorities - particularly that between the lead authority (known as the accountable body) - and the other member authorities and go through the relevant democratic process if required.

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

Options

Table 1: Options arising from this report

Option	Comments
<p>That Cabinet agrees to the establishment of a fully constituted Joint Committee (to be known as the Berkshire Prosperity Board) from May 2024 to deliver a Berkshire-wide vision for inclusive, green and sustainable economic prosperity.</p> <p>This is the recommended option</p>	<p>The lack of a fully constituted Joint Committee - working on a Berkshire-wide footprint and involving all Berkshire local authorities - would mean that the transfer of LEP functions to local authorities from 1 April will not take place and that the county misses out of wider opportunities which are likely to arise through greater joint working between the authorities.</p>
<p>Do Nothing</p>	<p>Failure to create a Berkshire-wide governance structure such as the one proposed will mean that the Berkshire councils would not be compliant with the government's decision to transfer economic development and prosperity responsibilities from LEPs to local authorities from 1 April 2024.</p>

2. BACKGROUND

- 2.1 Collectively, Berkshire Leaders and Chief Executives have been meeting to consider the challenges and opportunities faced by the Berkshire economy and the implications this has for residents. Leaders recognised that, although the Berkshire economy is comparatively strong, it faces a number of threats and has been experiencing declining productivity for several years.
- 2.2 In order to respond to these challenges, work has been undertaken by Berkshire local authority Place Directors to explore options to create a vehicle to drive and deliver economic prosperity within Berkshire for the benefit of residents.
- 2.3 Initial discussions explored the option of a devolution deal with government and how Berkshire might benefit from the financial and decision-making powers a deal might bring. Early on in the process, however, it was recognised that Berkshire's chance of securing a significant devolution deal was limited.
- 2.4 Berkshire is disadvantaged by both the government's Levelling Up agenda and because of priority being given to local authority areas with a Combined Authority and/or a directly elected mayor. The Berkshire Leaders have agreed not to pursue the option for a directly elected mayor.
- 2.5 At the same time that this conversation began, the government announced that it would be ending LEP funding from the end of March 2024, and transferring local economic leadership responsibilities and associated budgets back to local authorities. Hence, discussions have been ongoing as to the future of the Berkshire LEP.
- 2.6 As discussions progressed, Leaders recognised that the structure of six unitary authorities - which has provided much benefit to the Berkshire area - could be better harnessed to promote Berkshire collectively and overcome the disadvantage Berkshire has in comparison with other larger counties and metropolitan areas, that speak with a single voice. It is acknowledged that by working in partnership, Berkshire authorities can benefit from greater scale, and with that, have increased influence and a greater ability to develop solutions through collaboration.
- 2.7 Operating collaboratively will give Berkshire more bargaining power when negotiating for funds so that more investment is secured for key projects such as housing, transport, and skills. Collective lobbying will carry more weight and so help Berkshire secure better decisions from government. Shared problem solving should also produce more efficient and effective outcomes than if authorities tackle problems individually.
- 2.8 Through these discussions, the six Berkshire local authorities have set out their intention to develop a Joint Committee to help deliver this economic ambition. Collectively, the authorities have identified a programme that will focus on six thematic workstreams deemed key to the future prosperity of our local economy and residents, with progress overseen by the proposed new Joint Committee. These themes include health and inequalities, education

and skills, affordable housing, sector development, strategic infrastructure and net zero.

Berkshire's economy

- 2.9 To date, Berkshire is an economic success story – no other region in the UK has played a bigger role in driving the UK economy in recent decades with significant opportunities ahead. The county has three diverse sub-regional economies and strengths in growth sectors of the future, innovative and international businesses, a highly skilled workforce, and is well connected to London and other highly productive markets.
- 2.10 The Covid pandemic, Brexit, the impacts of the war in Ukraine and the Israel-Hamas war have hit the economy hard and the county is facing economic headwinds linked to changing trading relationships with Europe, labour market shortages and high inflation. Furthermore, as a region, Berkshire is disadvantaged when competing for the government's Levelling Up Investment programme. As such, although the Berkshire economy is mature, growth is lower than in the past, and we are moving into a period of further economic uncertainty.
- 2.11 It is also important to recognise that some of the county's communities have not been able to contribute to - and benefit from - Berkshire's economic success. Wage growth has not kept up with economic growth and residents are facing increasing living costs, high levels of deprivation and poor health outcomes. Economic inactivity remains above pre-Covid trajectory, which is exacerbating labour market pressures. Housing is a particular issue, with median house prices costing almost 11 times more than median earnings, acting as a constraint to recruiting and retaining graduate talent and people with the skills our economy needs.
- 2.12 The Berkshire economy is mature, but the strains of growth are showing. Many of the companies headquartered in Berkshire face re-investment decisions post Covid-19 and Brexit, with a risk of relocation to other parts of the UK or overseas. There are many opportunities with growing industries such as the film industry in and around Reading University and Bray, but the need to act to secure Berkshire's long-term future is clearly evident.
- 2.13 The development of the Joint Committee will allow Berkshire authorities to share and develop an economic vision to collectively address challenges and seize opportunities working collaboratively with other key parties. Thereby providing a greater voice than each council would have individually, helping to lobby government and secure more finance from both public and private investors, and to be an attractive location for inward investment.

Key driver for change - responding to government changes to LEP funding and responsibilities

- 2.14 Government will cease funding LEPs from April 2024, with the core functions currently carried out by LEPs to be transferred to local authorities in a bid to empower local leaders and communities. Local authorities will receive the funding for and core responsibilities for delivering these functions from April 2024. The core functions are:

- Economic strategy and planning - this function is needed in the future to continue to provide evidence bases, data, and a Berkshire-wide economic strategy so that collective action can be prioritised and needs-led.
 - Business voice - this is a core function required by government going forward in each functional economic area. This function is needed in the future to embed a strong, independent, and diverse local business voice into local decision-making on economic development issues. New guidance on setting up a Business Board (which would form part of a Joint Committee's governance arrangements) is due to be released by Government.
 - Government programme delivery - this function is needed in the future to continue to monitor the final stages of government programmes at the Berkshire level and ensure compliance with programme guidelines.
- 2.15 As part of this transfer of functions, local authorities will now be expected to take responsibility for commissioning the Growth Hubs and Skills Hubs previously provided LEPs.
- 2.16 Berkshire Leaders and the LEP have agreed that they want to continue working in partnership to support the Berkshire economy. As part of the new arrangement, the Berkshire LEP will remain an independent company. Berkshire Leaders have agreed that funding received from government for the core functions will be used to commission specialist organisations (such as the Berkshire LEP) to deliver outcomes.
- 2.17 The development of a Berkshire Joint Committee with a nominated accountable body will allow Berkshire to accept funds from government and commission the core functions to address collective priorities.

Devolution

- 2.18 The government's 2022 Levelling Up White Paper set out plans for encouraging local areas to apply for a devolution deal – called 'County Deals'. These agreements devolve funding, additional responsibilities and decision making with a view to stimulating local economic growth.
- 2.19 Prior to local elections in May 2023, Berkshire Leaders submitted to government an expression of interest in becoming a devolved deal area, setting out the opportunities that Berkshire offers the national economy given the right support and investment.
- 2.20 Having a fully constituted Joint Committee will strengthen Berkshire's chances of being offered a devolution deal if government decides to accelerate the devolution process either in advance of or after the general election.

Benefits of Developing a Joint Committee – The Berkshire Prosperity Board

- 2.21 Establishing a Joint Committee and sharing common goals across a functional economic area will provide the six Berkshire authorities with exciting new

opportunities for collaboration on economic development. It also has the potential to provide more flexibility and influence than a single council would have on its own and enable local authorities to speak with one voice to government and other agencies/organisations to secure funding to help get key projects and initiatives off the ground.

2.22 In particular, Berkshire authorities - through collaboration – are likely to benefit from:

- Working together to a shared vision of inclusive and sustainable economic prosperity through working together to address challenges and meet opportunities, whilst retaining the sovereignty of each local authority.
- Having a strengthened case to government and private investors for funding and greater investment for strategic projects across Berkshire.
- Acting as a vehicle to commission the Thames Valley Chambers of Commerce and Berkshire LEP - and others - in response to the government's review of LEPs.
- Having a stronger, collective voice in lobbying government and other agencies - taking a collaborative mindset in targeting external bodies effectively for the benefit of Berkshire
- Advantageously positioning Berkshire in readiness for potential future devolution proposals, to benefit from additional responsibilities and funding opportunities. Setting up a Berkshire that is better able to efficiently, seize future opportunities and adapt to challenges.
- Working on six shared themes: health and inequalities, education and skills, affordable housing, sector development, strategic infrastructure and net zero.
- Developing approaches to improve Berkshire's productivity through more responsive, agile collaboration.

3. Joint Committee - constitution, secretariat and accountable body

- 3.1 The Joint Committee's role and purpose - on behalf of the six partner Berkshire local authorities - relates to ensuring that appropriate, effective and formal governance is in place for the purposes of delivering a Berkshire wide vision for economic growth and advancing partner aspirations for greater economic prosperity.
- 3.2 Core members of the Committee – to be known as the Berkshire Prosperity Board - will include Bracknell Forest Council, Reading Borough Council, Slough Borough Council, The Royal Borough of Windsor and Maidenhead, West Berkshire Council and Wokingham Borough Council.
- 3.3 It is proposed that each local authority will decide whether a decision made at the Prosperity Board is a key decision and treat it according to the criteria within its own constitution. Voting on all decisions will be on a unanimous 100% basis.
- 3.4 The structure and constitution of the Joint Committee will need decisions to be approved through each of the participating local authority's democratic decision-making groups. Details of the draft constitution and structure of the Joint Committee is contained in: Functions and procedure rules for a Joint

Committee (Appendix A); responsibilities of the accountable body (Appendix B); and the proposed governance structure (Appendix C).

4. Other options that have been considered.

- 4.1 The main alternative approach is to continue to work on economic development in each unitary area as exists at the moment. This no change approach does not resolve matters relating to the passing of LEP functions to local from April 2024, meaning that Berkshire authorities will not be compliant with the government's new approach. It also does not build a stronger voice for Berkshire and does not enable streamlined collective decision making.
- 4.2 The other main alternative option considered was to develop a Combined Authority/Mayoral Combined Authority and seek a formal devolution deal. However, there is currently no collective appetite across the Berkshire authorities to pursue a directly elected mayor model.

5. FINANCIAL AND LEGAL IMPLICATIONS OF THE RECOMMENDATION

- 5.1 Local authorities are empowered to set up Joint Committees by sections 101 and 102 of the Local Government Act 1972 and the Local Government Act 2000 to discharge functions.
- 5.2 Key legal elements that underpin the arrangement of the Joint Committee - such as indemnities, dispute resolution and financial responsibilities - will be agreed in a joint legal agreement. How the arrangements will work in terms of finances, dispute resolution and indemnities between the council are being developed and will be agreed by the member authorities.
- 5.3 Collectively the six Berkshire councils will receive £240k to provide the key functions outlined of Economic Strategy and Planning, Business Voice, and Government Programme Delivery. DLUHC have directly and expressly advised the authorities that the 240k can only be spent on these 3 functions.
- 5.4 It is envisaged that the total cost of the running the prosperity board in the first year will be in the region of £60K. In the first year, the costs of managing the Berkshire Prosperity Board will be contained within existing budgets and using an element of grant funding such as the Shared Prosperity Fund.
- 5.5 The following principles will be applied to the financial management of the Prosperity Board:
- Open book - transparently accounting for all costs including in-kind.
 - All costs will be shared equally by all participating unitary authorities and billed quarterly on estimate with final settlement on actuals after year end.
 - That all participating authorities have a suitable liability or indemnity arrangement to ensure risks is shared.
- 5.6 In the first instance, any additional funding required beyond the £60k initial estimate for year 1 - and in future years - will look to be drawn from funding

proposals such as the Shared Prosperity Fund in order to alleviate any further pressure on council budgets.

6. POTENTIAL IMPACTS

- 6.1 An EQIA screening form has been completed and is attached to this report.
- 6.2 Climate change/sustainability. We do not anticipate any adverse impacts to climate change and sustainability as a consequence of these proposals. Indeed, one of the key workstreams of the new Joint Committee is Net Zero, which aims to take a county-wide approach which should provide additional benefit to Berkshire by making local authorities and wider partners more joined up in their efforts to respond to the impacts of climate change and create more opportunities for reaching net zero.

7. CONSULTATION

- 7.1 Formal consultation on the proposals is not required. A briefing for all RBWM Councillors on the proposals was hosted by the Chief Executive on 22 January 2024.

8. TIMETABLE FOR IMPLEMENTATION

- 8.1 These proposals are being taken through all six Berkshire Local Authority Cabinets and Full Councils during February and March. It is expected that the first meeting of the Berkshire Prosperity Board will take place in May 2024.

9. APPENDICES

- 9.1 This report is supported by three appendices:
- Appendix A – Functions and procedure rules for the Joint Committee
 - Appendix B – Role of the accountable body
 - Appendix C – Governance structure

10. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory:</i>		<i>Statutory Officer (or deputy)</i>	
Elizabeth Griffiths	Executive Director of Resources & S151 Officer		
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	30/01/24	01/02/24
<i>Deputies:</i>			

Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	08/02/24	09/02/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer		
Helena Stevenson	Principal Lawyer & Deputy Monitoring Officer		
Mandatory:	<i>Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>		
Lyn Hitchinson	Procurement Manager		
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		
Mandatory:	<i>Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>		
Ellen McManus-Fry	Equalities & Engagement Officer	09/02/24	09/02/24
Mandatory:	<i>Assistant Director HR – to advise if report has potential staffing or workforce implications</i>		
Nikki Craig	Assistant Director of HR, Corporate Projects and IT		
Other consultees:			
Directors (where relevant)			
Stephen Evans	Chief Executive	Report Author	
Andrew Durrant	Executive Director of Place		
Kevin McDaniel	Executive Director of Adult Social Care & Health		
Lin Ferguson	Executive Director of Children's Services & Education		
Assistant Directors (where relevant)			
External (where relevant)			

Confirmation relevant Cabinet Member(s) consulted	Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead	Yes
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REPORT HISTORY

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

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>Establishment of a Joint Committee – The Berkshire Prosperity Board</u>
Service area:	<u>Chief Executive</u>
Directorate:	<u>Chief Executive</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?

The intended outcome is to set up a Joint Committee (to be known as the Berkshire Prosperity Board) to enable the six Berkshire local authorities - through collaboration - to benefit from:

- Working to a shared vision of inclusive, green and sustainable economic prosperity to address challenges and meet opportunities, whilst retaining the sovereignty of each local authority.
- Presenting a strengthened case to government and private investors for greater investment into strategic projects, service delivery and initiatives across Berkshire.
- Acting as a vehicle to commission the Berkshire Local Enterprise Partnership (LEP) and others to deliver core functions in response to the government's review of LEPs, which will see functions and responsibilities pass to local authorities from 1 April 2024.

- Having a stronger, collective voice in lobbying government and other agencies - taking a collaborative mindset in targeting external bodies effectively for the benefit of Berkshire.
- Advantageously position Berkshire in readiness for potential devolution proposals, to benefit from additional responsibilities and funding opportunities. Providing for a Berkshire that is better able to efficiently, seize future opportunities and adapt to challenges.
- Jointly working to transform Berkshire`s productivity through, responsive, agile collaboration.

The Joint Committee and its outcomes will be delivered collaboratively by all six Berkshire unitary authorities.

Although the Joint Committee to be established will be a new committee it's role and purpose - on behalf of the six partner Berkshire local authorities - relates to ensuring that appropriate, effective and formal governance is in place for the purposes of delivering a Berkshire wide vision for economic growth and advancing partner aspirations for greater economic prosperity. These are activities which would have been taking place within each authority individually and therefore is not a new proposal. Subsequent EQIAs will be undertaken for workstreams going forward where relevant.

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

An EQIA will be completed for any future commissioinging activities or decisions of the Joint Committee as required

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: Elaine Browne	Date: 01.02.24
Approved by:	Date:

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

Reviewed by:	Date:
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Functions and Procedure Rules for a Joint Committee

1. Functions

The Joint Committee will discharge on behalf of the Participating Local Authorities the functions listed below related to promoting economic prosperity in Berkshire:

- 1.1** Develop a shared, Berkshire-wide vision for inclusive and sustainable economic prosperity, together with a set of practical thematic priorities, that addresses the strategic challenges and opportunities that the area faces.
- 1.2** Agree to and making funding applications and/or investment bids to external bodies, in relation to economic prosperity for the benefit of the Berkshire.
- 1.3** Provide direction to the nominated Local Authority acting as the Accountable Body on the allocation of any funding awards/government grants received to appropriate projects for the benefit of the geographical area of the participating local authorities, including, where applicable, approving the approach to the procurement to be undertaken by Accountable Body Local Authority
- 1.4** Represent the participating local authorities in discussions and negotiations with regional bodies, national bodies, central government inward investors and others on matters relating to investment and funding for the benefit of Berkshire.
- 1.5** Co-ordinate work across the six participating authorities and other Berkshire Committees, networks, and other statutory providers where this can help to promote inclusive and sustainable prosperity and the delivery of priorities across the six programme themes.
- 1.6** Representing the participating local authorities in discussions and negotiations with regional bodies, national bodies and central government on matters relating to economic prosperity for the benefit of the local government areas of the participating authorities.
- 1.7** Provide the appropriate governance, accountability, and delivery mechanisms for any future Government funding and programme support, that could arise from the integration of the LEP, from future growth funding, from UKSPF Berkshire Wide programmes and from any subsequent devolution funding.
- 1.8** Seek to influence and align government investment in Berkshire in order to boost economic growth within the local government areas of the participating authorities.
- 1.9** Agree and approve any additional governance structures as related to the Joint Committee, or any sub-Committees formed by the Joint Committee.
- 1.10** Invite representatives of key stakeholders such as business associations, government agencies, the further education sector, higher education sector, schools, voluntary sector, and health sector to engage with the business of the Joint Committee including by attending meetings and commenting on proposals and documents.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

2. Membership and Quorum

- 2.1 The membership will comprise of six members with each participating Local authority appointing one person to sit on the Joint Committee as a voting member.
- 2.2 Each participating local authority will make a suitable appointment in accordance with its own constitutional requirements. It is anticipated that, where practicable, the leader of each participating local authority will be appointed to the Joint Committee.
- 2.3 Where a participating Local authority does not operate executive arrangements, the appointment of a voting member will be in accordance with the local authority's own procedures. It is envisaged that this will usually be one of its senior councillors.
- 2.4 In all cases, the appointed person must be an elected member (or their Deputy), of the council of the appointing participating local authority. Appointments will be made for a maximum period not extending beyond each member's remaining term of office as a councillor, and their membership of the Joint Committee will automatically cease if they cease to be an elected member of the appointing participating local authority.
- 2.5 Members of the Joint Committee are governed by the provisions of their own Council's Codes and Protocols including the Code of Conduct for Members and the rules on Disclosable Pecuniary Interests.
- 2.6 Each participating local authority will utilise existing mechanisms for substitution as laid down in their own Standing Orders. Continuity of attendance is encouraged.
- 2.7 Where a participating local authority wishes to withdraw from membership of the Joint Committee this must be indicated in writing to each of the Committee members. A six month notice period must be provided.
- 2.8 The quorum for the Joint Committee is **six** members. If the Joint Committee is not quorate it cannot transact any business. If there is no quorum at the time the meeting is due to begin, the start of the meeting will be delayed until a quorum is achieved. If no quorum is achieved after 30 minutes has elapsed, the Committee secretary will advise those present that no business can be transacted, and the meeting will be cancelled.
- 2.9 CEOs or their deputy will attend meetings in an advisory and supporting capacity.

3. Chair and Vice-Chair

- 3.1 The Chair of the Joint Committee will be appointed for 12 months and will rotate in turn between the six participating local authorities.
- 3.2 Unless otherwise unanimously agreed by the Joint Committee, each participating local authority's appointed person will serve as chair for 12 months at a time. Where the incumbent Chair ceases to be a member of the Joint Committee, the individual appointed by the relevant local authority as a replacement will serve as Chair for the remainder of the 12 months as chair.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

- 3.3 The Joint Committee will also appoint a Vice-Chair from within its membership on an annual basis to preside in the absence of the Chair. This appointment will also rotate in a similar manner to the Chair.
- 3.4 At its first meeting, the Joint Committee will draw up the rotas for Chair and Vice-Chair respectively as well as the meeting schedule for the year.
- 3.5 Where neither the Chair nor Vice-Chair are in attendance, the Joint Committee will appoint a Chair to preside over the meeting where they are quorate.
- 3.6 In the event of any disagreement as the meaning or application of these Rules, the decision of the Chair shall be final.

4. Sub-Committees

- 4.1 The Joint Committee may establish sub-committees to undertake elements of its work if required.
- 4.2 Any such sub-committee may not make a decision unless:
1. That decision has been delegated to it by the Joint Committee, and
 2. Such decisions are made unanimously as provided elsewhere in these Rules.

5. Delegation to officers

- 5.1 The Joint Committee may delegate specific functions to officers of any of the participating local authorities.
- 5.2 Any such delegation may be subject to the requirement for the officer to consult with or obtain the prior agreement of an officer (or officers) of the other participating local authorities.
- 5.3 It may also be subject to the requirement for the officer with delegated authority to consult with the Chair of the Joint Committee and the Leaders of the one or more participating local authorities before exercising their delegated authority.

6. Administration

- 6.1 Clerking support for the Joint Committee, and accommodation for meetings, will be managed in the first year by Bracknell Forest Council working with the Chair and Vice-Chair.
- 6.2 At its first meeting, the Joint Committee will agree the rotas for Chair and Vice-Chair respectively as well as the meeting schedule for the year.
- 6.3 In the first year, Authorities will where possible support the Joint Committee in kind by taking on responsibilities such as communications and clerking.

7. Financial matters

Appendix A: Functions and Procedure Rules for a Joint Committee v6

- 7.1 In the first year the costs of managing the Joint Committee will be contained within existing budgets and using an element of the shared prosperity fund. Beyond the first year, Council's will work within available budgets and funding sources.
- 7.2 When making a decision which has financial consequences, the Joint Committee will follow the relevant provisions of the Financial Procedure Rules of the Accountable Body Local Authority.
- 7.3 Where authorities are delegated funds to undertake work by the Prosperity Board, they follow their own contract procedure rules. Authorities will need to provide the accountable body with information to enable them to monitor that, spend is within budget and consistent with the outcomes required by the Prosperity Board.

8. Agenda management

- 8.1 Subject to 8.2, all prospective items of business for the Joint Committee shall be agreed by a meeting of the Chief Executives of the participating local authorities or their authorised representatives.
- 8.2 It will be the responsibility of each report author to ensure that the impacts on all participating local authorities are fairly and accurately represented in the report. They may do this either by consulting with the monitoring officer and chief finance officer of each participating local authority or by some other appropriate method.
- 8.3 In pursuance of their statutory duties, the monitoring officer and/or the chief financial officer of any of the participating local authorities may include an item for consideration on the agenda of a meeting of the Joint Committee, and, may require that an extraordinary meeting be called to consider such items.
- 8.4 Each participating local authority operating executive arrangements will be responsible for considering whether it is necessary to treat prospective decisions as 'key- decisions' and follow any steps required by law such as inclusion in any Forward Plan. Each participating local authority operating a Committee system will apply its local non statutory procedures.

9. Meetings

- 9.1 The Joint Committee will meet in-person, face to face quarterly and as required to fulfil its functions.
- 9.2 A programme of meetings at the start of each Municipal Year will be scheduled and included in the Calendar of Meetings for all participating local authorities.
- 9.3 Access to meetings and papers of the Joint Committee by the press and public is subject to Part 5A of the Local Government Act 1972 and to the Openness of Local Government Bodies Regulations 2014.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

10. Notice of meetings

- 10.1 On behalf of the Joint Committee, the Committee secretary will give notice to the public of the time and place of any meeting in accordance with Part 5A of the 1972 Act.
- 10.2 At least five clear working days in advance of a meeting the secretariate to the Joint Committee will publish the agenda via the website of secretariate's authority and provide the documentation and website link to the participating local authorities to enable the information to be published on each Participating Local authority's website. "Five Clear Days" does not include weekends or national holidays and excludes both the day of the meeting and the day on which the meeting is called.
- 10.3 The secretary to the Joint Committee will arrange for the copying and distribution of papers to all Members of the Committee.

11. Public participation

- 11.1 Unless considering information classified as 'exempt' or 'confidential' under the 1972 Act, all meetings of the Joint Committee shall be held in public.
- 11.2 Public representations and questions are permitted at meetings of the Joint Committee. Notification must be given in advance of the meeting indicating by 12 noon on the last working day before the meeting the matter to be raised and the agenda item to which it relates. Representatives will be provided with a maximum of 3 minutes to address the Joint Committee.
- 11.3 The Chair shall have discretion to determine the number of speakers per agenda item and to extend the time allowed for addressing the Joint Committee.
- 11.4 Where the number of public representations exceed the time / number allowed, a written response will be provided or the representation deferred to the next meeting of the Joint Committee if appropriate.
- 11.5 The Joint Committee may also invite special representatives of stakeholders such as business associations, government agencies such as DWP or Jobcentre Plus, the further education sector, voluntary sector, and health sector to take an interest in the business of the Committee including by attending meetings and commenting on proposals and documents.
- 11.6 The Chair shall have discretion to regulate the behaviour of all individuals present at the meeting in the interests of the efficient conduct of the meeting.

12. Councillor participation

- 12.1 Any elected member of any of the participating local authorities who is not a member of the Joint Committee may ask a question or address the Committee with the consent of the Chair.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

13. Business to be transacted

- 13.1 Standing items for each meeting of the Joint Committee will include the following:
- Minutes of the Last Meeting
 - Apologies for absence
 - Declarations of Interest
 - Provision for public participation
 - Substantive items for consideration
- 13.2 The Chair may vary the order of business and take urgent items their discretion. The Chair should inform the Members of the Joint Committee prior to allowing the consideration of urgent items.
- 13.3 An item of business may not be considered at a meeting unless:
- (i) A copy of the agenda included the item (or a copy of the item) is open to inspection by the public for at least five clear days before the meeting; or
 - (ii) By reason of special circumstances which shall be specified in the minutes the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 13.4 “Special circumstances” justifying an item being considered as a matter or urgency will relate to both why the decision could not be made at a meeting allowing the proper time for inspection by the public as well as why the item or report could not have been available for inspection for five clear days before the meeting.

14. Extraordinary meetings

- 14.1 Arrangements may be made following consultation with Chair of the Joint Committee to call an extraordinary meeting of the Joint Committee. The Chair should inform the appointed Members prior to taking a decision to convene an extraordinary meeting.
- 14.2 The business of an extraordinary meeting shall be only that specified on the agenda.

15. Cancellation of meetings

- 15.1 Meetings of the Joint Committee may, after consultation with the Chairman, be cancelled if there is insufficient business to transact or some other appropriate reason warranting cancellation. The date of meetings may be varied after consultation with the Chairman and appointed members of the Joint Committee, in the event that it is necessary for the efficient transaction of business.

16. Rules of debate

- 16.1 The rules of debate in operation in the Chair’s authority shall apply.

17. Request for determination of business

Appendix A: Functions and Procedure Rules for a Joint Committee v6

- 17.1 Any member of the Joint Committee may request at any time that:
- The Joint Committee move to vote upon the current item of consideration.
 - The item be deferred to the next meeting.
 - The item be referred back to a meeting of the Chief Executives of the participating local authorities for further consideration
 - The meeting be adjourned.

17.2 The Joint Committee will then vote on the request.

18. Urgency procedure

18.1 Where the Chair (following consultation with the appointed Members of the Joint Committee) is of the view that an urgent decision is required in respect of any matter within the Joint Committee's functions and that decision would not reasonably require the calling of an Extraordinary Meeting of the Joint Committee to consider it and it cannot wait until the next Ordinary Meeting of the Joint Committee, then they may request in writing the Chief Executive of each participating local authority (in line with pre-existing delegations in each local authority's Constitution) to take urgent action as is required within each of the constituent local authorities.

19. Voting

19.1 It is proposed that each local authority will decide whether a decision made at the Prosperity Board is a key decision and treat it according to the criteria within its own constitution. .

19.2 Where a vote is required it will be on the basis of one vote per local authority member . The Chair will take the vote by show of hands.

19.3 Decisions shall be decided by a unanimous vote where all six Members or member deputies are present and agree.

19.4 Where, immediately after a vote is taken at a meeting, if any Member so requests, there shall be recorded in the minutes of the proceedings of that meeting whether the person cast his / her vote for or against the matter or whether he/ she abstained from voting.

20. Minutes

20.1 At the next suitable meeting of the Joint Committee, the Chairman will move a motion that the minutes of the previous meeting be agreed as a correct record. The meeting may only consider the accuracy of the minutes and cannot change or vary decisions taken at a previous meeting as a matter arising out of the minutes.

20.2 Once agreed, the Chairman will sign them.

20.3 There will be no item for the approval of minutes of an ordinary Joint Committee meeting on the agenda of an extraordinary meeting.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

21. Exclusion of the public and press

- 21.1 Members of the public and press may only be excluded from a meeting of the Joint Committee either in accordance with the 1972 Act or in the event of disturbance.
- 22.2 A motion may be moved at any time for the exclusion of the public from the whole or any part of the proceedings. The motion shall specify by reference to Section 100(A) Local Government Act 1972 the reason for the exclusion in relation to each item of business for which it is proposed that the public be excluded. The public must be excluded from meetings whenever it is likely, in view of the nature of business to be transacted, or the nature of the proceedings that confidential information would be disclosed.
- 22.3 If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks is necessary.
- 22.4 Background papers will be published as part of the Joint Committee agenda and be made available to the public via the website of each authority.

23. Overview and Scrutiny

- 23.1 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will need to be in accordance with each of the six local authority's own democratic scrutiny procedures for agreement before implementation.
- 23.2 Decisions of the Joint Committee which relate to the executive functions of a participating local authority will be subject to scrutiny and 'call -in' arrangements (or such other arrangements equivalent to call-in that any participating local authority operating a Committee system may have) as would apply locally to a decision made by that participating local authority acting alone
- 23.3 No decision should be implemented until such time as the call-in period has expired across all of the participating local authorities.
- 23.4 Where a decision is called in, arrangements will be made at the earliest opportunity within the participating local authority where the Call-In had taken place for it to be heard.
- 23.5 Any decision called in for scrutiny before it has been implemented shall not be implemented until such time as the call-in procedures of the participating local authority concerned have been concluded.

24. Access to minutes and papers after the meeting

- 24.1 On behalf of the Joint Committee, the secretariate will make available copies of the following for six years after the meeting:
 - (i) the minutes of the meeting and records of decisions taken, together with reasons, for all meetings of the Joint Committee, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information.

Appendix A: Functions and Procedure Rules for a Joint Committee v6

- (ii) the agenda for the meeting; and
- (iii) reports relating to items when the meeting was open to the public.

25. Dispute Resolution

- 25.1 Where any dispute arises within the Joint Committee in connection with this arrangements, the Partners must use their best endeavours to resolve that dispute within the Joint Committee in accordance with the Terms of Reference.
- 25.2 Where any dispute is not resolved under Clause 25.1 on an informal basis, any participating member of the Joint Committee may convene an extraordinary meeting of the Joint Committee to attempt to resolve the dispute.
- 25.3 Where any dispute is not resolved under Clause 25.1 or 25.2, the Joint Committee can appoint an independent mediator to attempt to resolve the dispute. The cost of mediation will be borne in equal shares between parties involved in the dispute.
- 25.4 Where any dispute remains unresolved The Joint Committee will commission an independent review. The Joint Committee will abide by the independent review findings.
- 25.5 The cost will be borne in equal shares between parties involved in the dispute.

26. Amendment of these Rules

- 26.1 These Rules shall be agreed by the Joint Committee at its first meeting. Any amendments shall be made by the Joint Committee, following consultation with the monitoring officers of the participating local authorities. Note that Rule 1 (Functions) may only be amended following a formal delegation from each of the participating local authorities.
- 26.2 These rules and arrangements shall be reviewed every 12 months at the start of the new Chair and Vice-Chair term.

27. Special Representatives

The Functions and Procedure Rules for the Joint Committee set out that there will be a select number of 'special representatives' invited to attend meetings to 'influence' the work of the Committee as and when appropriate. These will be drawn from the following sectors and institutions: for example, Chamber of Commerce, LEP, emergency services, voluntary sector and businesses.

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Responsibilities of the accountable body

1. The accountable body

- 1.1 The accountable body is responsible for carrying out the finance functions and has oversight of governance, including providing legal and procurement services on behalf of the Joint Committee.
- 1.2 The accountable body ensures that decisions and activities of the Joint Committee conform with all relevant law, and that records and other evidence are maintained and managed in an appropriate manner including any documents (electronic or physical) relating to all funding received from Government or other public sources.
- 1.3 The accountable body should discharge its duty in line with the Local Government Finance Act 1988, section 114 requiring its Section 151 officer to report to all the participating authority's Leaders if there is or is likely to be unlawful expenditure or an unbalanced budget.
- 1.4 The accountable body must ensure that the Joint Committee must meet within 21 days to consider the report referred to in 1.6, and during that period the Prosperity Programme is prohibited from entering new arrangements that will cause money to be spent.
- 1.5 The accountable body should discharge its duty in line with The Local Government Act 1992 which requires financial reporting annually, to start in April and end in March, and meet the associated accounting obligations.
- 1.6 Where any grant is transferred to participating local authorities, the accountable body ensures this is done under a written agreement which reflects the grant requirements of the awarding body, clearly sets out ownership of responsibilities and makes adequate provisions for the protection of public funds (e.g. arrangements to suspend or claw back funding in the event of non-delivery or mismanagement)
- 1.7 The accountable body will co-ordinate participating local authorities in order to respond to any FOI/EIR requests made regarding the Joint Committee including the responsibilities of the accountable body.

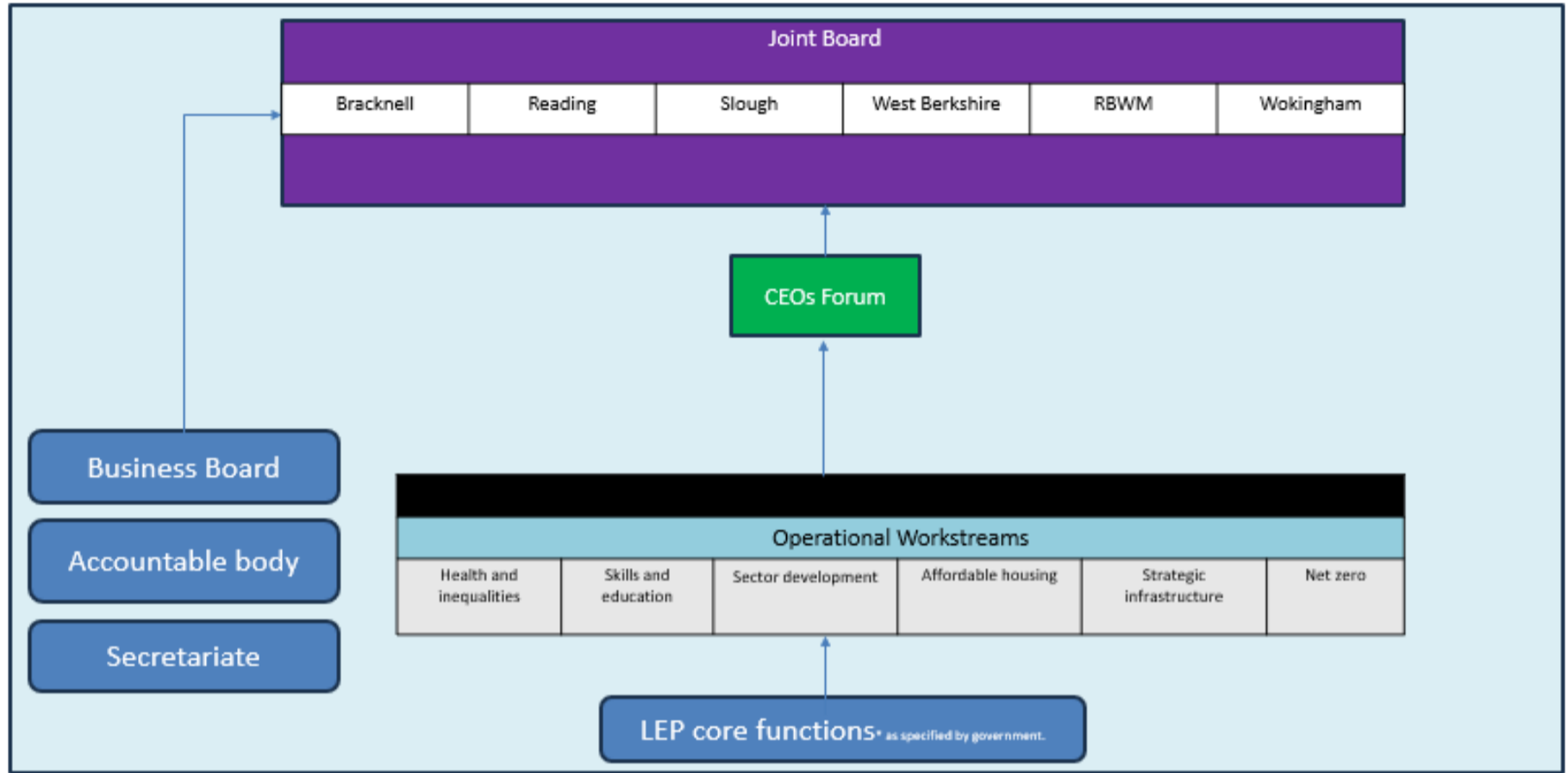
OPERATING PRINCIPLES

- 1.8 Open book- transparently accounting for all costs including in-kind.
- 1.9 All costs will be shared equally by all participating unitary authorities and billed quarterly on estimate with final settlement on actuals after year end.
- 1.10 That all participating authorities have a suitable liability or indemnity arrangement to ensure risks is shared.

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1. Governance arrangements

Proposed initial structure – Berkshire Prosperity Board



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Report Title:	Determination of School Admissions Arrangements 2025-26
Contains Confidential or Exempt Information	No – Part I
Cabinet Member:	Councillor Amy Tisi, Cabinet Member for Children’s Services, Education and Windsor
Meeting and Date:	Cabinet, 20 th February 2024
Responsible Officer(s):	Lin Ferguson, Executive Director Children’s Services and Education
Wards affected:	All wards

www.rbwm.gov.uk



REPORT SUMMARY

The Royal Borough of Windsor and Maidenhead is the admissions authority for community and voluntary controlled schools in the borough and sets the admissions arrangements for these schools.

The School Admissions Code 2021 (“the Code”) requires the borough to consult on the arrangements where significant changes are proposed and determine the arrangements for 2025/26 on or by 28th February 2024. The admissions authority is proposing two relatively minor changes requiring consultation: a) the extension of the designated area for Riverside Primary School (Maidenhead), and b) the reduction of the published admission number (PAN) at Homer First School (Windsor) from 45 to 30.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Determines (approves) the proposed RBWM Admission Arrangements set out in Appendix A for community and voluntary controlled schools for 2025/26.**

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

Background

- 2.1 The Royal Borough of Windsor and Maidenhead is the Admissions Authority for all community and voluntary controlled schools in the borough.
 - 2.2 The roles and responsibilities of the local authority as the admissions authority are set out in the School Admissions Code¹. These responsibilities include setting the admissions arrangements for community and voluntary controlled schools in the borough.
 - 2.3 The admissions arrangements include the process for applying for a school place, the criteria for allocating places if a school is over-subscribed, and a list of how many places per relevant age year group are available at each school (Published Admission Number (PAN)).
 - 2.4 In drawing up their admission arrangements, admission authorities must ensure that the practices and the criteria used to decide the allocation of school places are fair, clear, and objective. These arrangements must be 'determined' (approved) annually by 28th February and published by 15th March to comply with the statute. These arrangements are then ready for parents and carers when they start to apply for school places in the Autumn for the entry the following September.
 - 2.5 This year, therefore, the borough is considering the admissions arrangements for parents and carers who will start to apply this Autumn (2024) for places in September 2025.
 - 2.6 If there are significant changes to the admission arrangements a consultation lasting for a minimum of six weeks must take place between 1 October and 31 January.
 - 2.7 Voluntary aided schools and academies (including free schools) are responsible for determining their own admission arrangements.
- Proposed admissions arrangements for 2024/25
- 2.8 Two relatively minor changes to the Royal Borough's admissions arrangements have been proposed:
 - the southward extension of the designated area for Riverside Primary School, so that it will include an area of Maidenhead where there is significant housing development.
 - the reduction in the PAN at Homer First School, from 45 to 30, in response to falling demand locally.
 - 2.9 Both proposed changes were first proposed to Cabinet in November 2023 in the report on *Demand for school places*². There is more detail about both proposals in the following sections.
 - 2.10 A number of minor clarifications and updates have also been made to the admissions arrangements to bring them into line with the latest guidance issued by the Office of the Schools Adjudicator (OSA). The OSA's role in the

¹ [School Admissions Code](#), Department for Education, 2021.

² [Demand for School Places](#) (see item 8), The Royal Borough of Windsor and Maidenhead, 29th November 2023.

admissions process is to rule on objections made by various parties to admissions arrangements set by admissions authorities. Although there have not been any recent objections to the Royal Borough's admissions arrangements, the OSA's decisions are kept under review by officers to ensure continued compliance locally.

- 2.11 The full proposed arrangements are set out at Appendix A. These arrangements reflect the changes suggested by the OSA.

Extension of the designated area for Riverside Primary School

- 2.12 The *Demand for school places* report recommended a delay to the opening of a new primary school on the Chiltern Road site in south east Maidenhead, which was approved by Cabinet. Proceeding with the opening would have likely led to a large number of surplus (spare) primary school places in the town.

- 2.13 South east Maidenhead remains an area of growth in demand, however, due to significant amounts of new housing in the area. In order to ensure that residents can continue to get a local primary school place, it was proposed that the designated area of Riverside Primary School be extended to cover part of the area.

- 2.14 The southern boundary currently runs along the A4 from the Thames to Maidenhead/Bourne End railway line. The proposal would extend it southwards to also cover the area between the A4 and the main Reading/London railway line, with Frascati Way as the western boundary. This area includes a significant number of new dwellings and is currently in the designated area for Oldfield Primary School. This will continue to be the case – Oldfield Primary School's designated area will not be changed as part of this proposal.

Reduction in the Published Admission Number at Homer First School

- 2.15 The *Demand for school places* report also set out how demand for school places is falling in Windsor, with a projected surplus of 93 places at Reception for September 2025, reaching 110 by September 2027. This level of spare places (approximately 20%) is unsustainable, and Cabinet approved action to address this by reducing PANs at one or more first schools.

- 2.16 Although five first schools could potentially reduce their PANs, only one – Homer first School - has currently agreed. The proposal is to reduce the PAN from the current 45 Reception places to 30 from September 2025.

- 2.17 The Governing Body of Homer First School has separately requested that the PAN be reduced to 30 for the September 2024 intake. As the admissions arrangements for September 2024 have already been determined, the Royal Borough has had to make an application to the Office of the Schools' Adjudicator for an 'in-year variation' to reduce the PAN. The outcome of this application is expected by March 2024.

- 2.18 The school currently has 37 children in Reception, leaving eight places empty. The number of 1st preferences for the school has only been slightly above the proposed PAN of 30 in recent years, and around four of those each year have come from outside the borough. One or two each year are from other parts of Windsor and the surrounding villages.

- 2.19 As demand for school places in the area around Homer First School is set to continue falling, it seems very likely that a reduction in the PAN to 30 will have little or no impact on the likelihood of local Windsor residents getting a place at the school. Some applicants from further afield may be disappointed, but the number is likely to be very low.
- 2.20 If approved, this reduction in PAN at Homer First School would reduce the surplus places to a projected 78 for September 2025, and 105 for September 2026. This is still high, and further reductions at other schools are likely to be required in the future.
- 2.21 It is not proposed that there should be any changes to the accommodation at Homer First School. If demand rises again, therefore, the school will be able to expand back to a PAN of 45.

Outcome of the consultation

- 2.22 As set out in paragraph 2.6, the Royal Borough has had to consult on these changes. There are more details about the consultation in Section 8.
- 2.23 Only four responses were received. One was from a middle school in Windsor, with no comments on the admissions arrangements. A further three responses were from parents at Homer First School, one of whom is also a governor. All three of these respondents were in favour of the proposal to reduce the PAN at Homer First School for both September 2024 and September 2025. The three respondents expressed no view on the proposal to extend the designated area at Riverside Primary School.

Next steps

- 2.24 As a result of the outcome of the consultation, this report recommends that the admissions arrangements set out in Appendix A – and including both proposed changes – be approved.

Options

Table 2: Options arising from this report

Option	Comments
Determines (approves) the proposed admission arrangements set out in Appendix A for community and voluntary controlled schools for 2025/26. This is the recommended option	The Royal Borough must, by law, approve the admissions arrangements by 28 th February. The proposed changes are relatively minor and are in response to changing demand for school places locally.
Do nothing. This is not the recommended option.	Doing nothing will mean that the Royal Borough does not have lawful admissions arrangements in place for the September 2025 school intakes.

3. KEY IMPLICATIONS

Outcome	Unmet	Met	Date of delivery
The admissions arrangements are determined on time	Not determined by 28 th February 2024.	Determined by 28 th February 2024.	28 th February 2024.

4. FINANCIAL DETAILS / VALUE FOR MONEY

Revenue Funding

- 4.1 There are no direct financial implications arising from the recommendations in this report. However, the reduction in PAN at Homer First School will allow the school to organise its classes – and teaching staff – more affordably. This will reduce the risk of the school moving into financial deficit in the future.
- 4.2 The proposed extension of the Riverside Primary School designated area should ensure that children can get a local school place. This reduces the risk that they would need to be found a school place further afield, which come with home to school transport costs.

5. LEGAL IMPLICATIONS

- 5.1 The School Admissions Code 2021 is issued under Section 84 of the School Standards and Framework Act 1998. The purpose of the code is to ensure that all school places for maintained schools and academies (excluding special schools and alternative provision) are allocated and offered in an open and fair way.
- 5.2 Regulations 26 to 32 and Schedule 2 of the School Admissions (Admission Arrangements and Co-ordination of Admissions Arrangements) (England) Regulations 2012 cover the requirements of the co-ordinated admissions scheme.

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.
Parts of the admissions arrangements are subsequently found to not comply with the School Admissions Code.	Medium	Medium	Officers monitor decisions made by the Office of the Schools' Adjudicator and amend the arrangements accordingly (changes can be made immediately where necessary to comply with the code).	None	Low	Low

7. POTENTIAL IMPACTS

- 7.1 Equalities. There are no implications arising from the recommendations in this report. An EqIA is attached at Appendix C.
- 7.2 Climate change/sustainability. There are no implications arising from the recommendations in this report.
- 7.3 Data Protection/GDPR. There are no implications arising from the recommendations in this report.

8. CONSULTATION

- 8.1 The Royal Borough is required to publicly consult on any significant changes to its admissions arrangements. The School Admissions Code states that consultation must be for a minimum of six weeks, between 1st October and 31st January.
- 8.2 The Royal Borough commenced consultation on the arrangements set out at Appendix A on Wednesday 13th December 2023. The consultation finished on Wednesday 31st January, giving seven weeks of consultation.
- 8.3 The School Admissions Code sets out who must be consulted, which includes all other local admissions authorities, neighbouring admissions authorities and parents of children between the ages of two and eighteen. As changes were specifically proposed at Riverside Primary and Homer First, those schools were asked to distribute the consultation document to parents, staff and governors.
- 8.4 The consultation was mainly carried out using an online form, which was accessible via the borough website.
- 8.5 Paragraph 2.23 above sets out the outcome of the consultation.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Once the admissions arrangements for 2025/26 are approved, the Royal Borough has until 15th March 2024 to publish the approved arrangements on its website.
- 9.2 Any objections to these admissions arrangements must then be made to the Office of the Schools' Adjudicator by 15 May 2024. All other admissions authorities in the borough must, by 8th August 2024, send the local authority all the necessary information to allow the publication of a composite prospectus.
- 9.3 The composite prospectus, locally called the admissions guides, must be published by 12th September. These guides set out the admissions arrangements and give more information for parents and carers about how to apply for a school place.

10. APPENDICES

10.1 This report is supported by three appendices:

- Appendix A – Proposed admissions arrangements for 2024/25.
- Appendix B – Consultation on RBWM admissions arrangements for 2025.
- Appendix C - Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- [School Admissions Code](#), DfE, September 2021.
- [Demand for School Places](#) (see *item 8*), The Royal Borough of Windsor and Maidenhead, 29th November 2023.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources/S151 Officer	23/01/24	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	23/01/24	29/01/24
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	23/01/24	07/02/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	23/01/24	
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	23/01/24	23/01/24
<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	23/01/24	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	23/01/24	
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	23/01/24	
Andrew Durrant	Executive Director of Place	23/01/24	
Kevin McDaniel	Executive Director of Adult Social Care & Health	23/01/24	23/01/24
Lin Ferguson	Executive Director of Children's Services & Education	23/01/24	30/01/24
<i>Assistant Directors (where relevant)</i>			
	Assistant Director of		
	Assistant Director of		
	Assistant Director of		
<i>External (where relevant)</i>			
N/A			
Confirmation relevant Cabinet Member(s) consulted	Cabinet member for Children's Services, Education and Windsor	Yes	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision: First entered into the Cabinet Forward Plan: 10/10/2023	No	No

Report Author: Julie-Aññè (Jools) Fletcher-Dyer
School Admissions & Child Employment Team Leader



Admission arrangements for Royal Borough of Windsor and Maidenhead community and voluntary controlled schools

For September 2025 entry

Draft Version 2

Determined on xx

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Introduction

This document sets out the local authority's admission arrangements for entry to schools in September 2025. The Royal Borough of Windsor and Maidenhead is the admitting authority for community and voluntary controlled schools within the borough. The Royal Borough of Windsor & Maidenhead deliver its school admissions service through Achieving for Children, a community interest company set up in partnership with the Royal Borough of Kingston and the London Borough of Richmond.

These arrangements comply with the School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) (Amendment) Regulations 2014, the School Admissions Code 2021, and the School Admissions Appeals Code 2022. Parent guides for Primary, Phase, Secondary Phase, and LA-Managed In-Year Transfers can be found [here](#).

Proposed changes in this version of the Admission Arrangements

There are two areas of proposed change in the September 2025 document:

1. The reduction of the PAN for Homer First School from 45 to 30, in response to the falling rates for Reception entry in Windsor. The reduction in PAN at Homer First School will help reduce the overall number of Reception places in Windsor. There are currently 75 spare Reception places in the town, and this is expected to increase to 106 by September 2026 (a surplus of 20%). Analysis suggests that most children wanting a place at the school will continue to get a place even if the PAN is reduced to 30.

There are no proposals to reduce the accommodation at the school, which means that the capacity will remain available for when demand for places in the town rises again.

2. A variation on the stated catchment area for Riverside Primary School, to encompass new housing developments. Changing the designated area of Riverside Primary School means that residents in the area can be prioritised for places at the school, ensuring a local school place.

The proposal is to extend the designated area of Riverside Primary School southwards so that it includes part of Maidenhead where there is significant new housing. The southern boundary of the school's designated area currently runs along the A4 from the Thames to Maidenhead/Bourne End railway line. The proposal would extend it southwards to also cover the area between the A4 and the main Reading/London railway line, with Frascati Way as the western boundary. This area includes a significant number of new dwellings and is currently in the designated area for Oldfield Primary School. This will continue to be the case – Oldfield Primary School's designated area will not be changed as part of this proposal.

There are no other material changes proposed in these arrangements.

List of other admitting authorities within RBWM

Voluntary aided schools, free schools and academies are their own admitting authorities and are required to publish their own proposals for consultation (if required) and determine their own admissions arrangements. Details of their proposals and/or determined arrangements should be obtained from each individual school.

Own admitting authority schools (OAAs) within RBWM are as follows:

All Saints CE Junior	A	Knowl Hill CE Primary	A
Altwood CE Secondary	A	Lowbrook Academy	A
Bisham CE Primary	A	Newlands Girls'	A
Braywick Court	FS	Oakfield First	A
Burchetts Green Infants	A	St Edmund Campion Catholic Primary	A
Charters	A	St Edward's Catholic First	VA
Cheapside CE Primary	VA	St Edward's RFE Middle	VA
Churchmead CE Secondary	VA	St Francis' Catholic Primary	A
Clewer Green CE	A	St Luke's CE Primary	A
Cookham Dean CE Primary	VA	St Mary's Catholic Primary	A
Cox Green	A	St Michael's CE Primary	VA
Datchet St Mary's CE Primary	A	St Peter's CE Middle	A
Dedworth Green First	A	The Royal	VA
Dedworth Middle	A	The Windsor Boys'	A
Desborough College	A	Trevelyan Middle	A
Eton Porny CE First	A	Trinity St Stephen's CE First	VA
Furze Platt Senior	A	White Waltham CE Academy	A
Holy Trinity CE Primary (Sunningdale)	VA	Windsor Girls'	A
Holyport CE Primary	A	Woodlands Park Primary	A
Holyport College	FS		

Key: A - Academy
 VA - Voluntary Aided school
 FS - Free school

Schools that become academies after 3 January 2024 must process applications in line with the arrangements published in this paper for admissions in September 2025. They will then be expected to determine their own arrangements for entry in September 2026.

Section 1: Admission policy for primary age schools from 1 September 2025 (primary, first, infant, and junior schools)

1.1 These arrangements relate to the community (C) or voluntary controlled (VC) within the local authority.

Alexander First	C	Homer First	C
Alwyn Infant	C	Kings Court First	C
Boyne Hill CE Infant	VC	Larchfield Primary	C
Braywood CE First	VC	Oldfield Primary	C
Cookham Rise Primary	C	Riverside Primary	C
Courthouse Junior	C	South Ascot Primary	C
Eton Wick CE First	VC	The Queen Anne Royal Free CE First	VC
Furze Platt Infant	C	Waltham St Lawrence Primary	C
Furze Platt Junior	C	Wessex Primary	C
Hilltop First	C	Wraysbury Primary	C
Holy Trinity CE Primary (Cookham)	VC		

1.2 The authority strives to allocate school places in a fair and transparent way. Every school has a published admission number (PAN), which is the number of pupils normally admitted to the entry year of the school. The numbers currently in force are given in Section 6 of this document.

1.3 If the number of requests for places is equal to, or less than the number of places available, then all applicants could be offered a place at that school. Where a school receives more applications than there are places available, applicants will be prioritised and places allocated according to the published oversubscription criteria set out at 1.19 and 1.20 below. No places are reserved for pupils moving into a schools' designated area.

Children with an Education, Health, and Care (EHC) Plan

1.4 A child who is the subject of an EHCP will be admitted to the school named in their plan. These children will be admitted to the named school even if it is full, and are therefore outside the normal admission arrangements. As required by the Admissions Code these children will count as part of the school's PAN.

Tiebreaker

1.5 If a school does not have places for all the children in a particular criterion, the borough prioritises those applicants who live closest to the school. The distance will be measured in a straight line from the address point of the pupil's house to the address point of the school. Radial distance will be based on the Easting and Northing coordinates for the property and the school as defined in the Local Land and Property Gazetteer and based on the Ordnance Survey's national system. For applicants residing outside RBWM, the residential property coordinates used will be that which is provided by the home local authority. For new build properties these coordinates may not yet be finalised by the Local Land and Property Gazetteer and therefore the coordinates available as of the closing date for applications will be used. Distances are measured using direct distance calculations within a proprietary computer system. The measurement of each distance has been calculated using Pythagoras' Theorem. The same method of calculation is used for each direct distance measured, and may be expressed up to three decimal places where necessary. In the event that two or more children live at the same distance from the school then random allocation

will be used to prioritise applicants where necessary. The names will be drawn and the whole process scrutinised by persons who are independent of the authority. Random allocation will not be used for multiple birth siblings (e.g., twins, triplets) from the same family tied for the final place.

Multiple births or children with birth dates in the same academic year

- 1.6 After the admission criteria have been applied, should applications for siblings whose birthdays are in the same academic year fall either side of a school's PAN the authority will admit above the PAN in order to allocate all siblings to the same school.

Primary school entry point

- 1.7 Pupils are eligible to commence full time education from the September following their 4th birthday. However, a child does not legally have to be in full time education until the term following their 5th birthday. It is expected that all parents opting to exercise their rights under the summer-born entry legislation provide the Local Authority with written confirmation from the headteacher of their chosen school/s, outlining their agreement, for the avoidance of doubt, and to ensure statutory procedures are followed.
- 1.8 Parents who feel their children are not ready to begin school full time in the September following their 4th birthday have the option for their child to either:
- Start school later in the academic year, so long as the place allocated is taken up during the Reception academic year (unless section 1.38-1.42 applies) *and* no later than the start of the final term and / or the start of the term following the child's 5th birthday; or
 - Start school part time at any stage during the Reception academic year, so long as the child then attends the school full time from the start of term following their 5th birthday;
 - Start school directly in Year 1 if a child was born between 1 April and 31 August. Please note that an application for a Year 1 place can only be made from the start of the term prior to September entry, in line with the in-year process as detailed in Section 6. For the avoidance of doubt, places for entry directly into Year 1 cannot be reserved from the preceding year, nor from an application for a reception place
- 1.9 For all situations regarding delayed entry entitlements in Reception, parents should make their application at the same time as those applying for normal Reception entry stating that they wish to enter Reception at a deferred stage. Parents should discuss this as soon as possible with their preferred schools and the authority, and provide a copy of their written agreements to the Local Authority, in line with policy and safeguarding measures.
- 1.10 It will be expected that parents will opt for their child to commence school at the start of one of three traditional terms (autumn, spring, summer). It is also expected that part time schooling offered will be either five mornings or five afternoons a week; a decision which will normally be made by the school. In all cases where a variation is proposed, written agreements should be provided by the parent to the Local Authority.

Children educated outside of their chronological academic year group

- 1.11 It is expected that children will be educated in the appropriate academic year group for their chronological age. In certain exceptional circumstances, children will be educated outside this year

group. If this is the case, then applications should be made in the academic year prior to the required school transfer. Applications must be made on a separate CAF to those used for the chronological phase entry.

- 1.12 The Admissions Code enables a parent to request that their child is admitted outside of their normal age group, and this is not restricted Reception entry. For example, if the child is gifted and talented or has experienced problems such as ill health. In Reception entry, a parent may request that a summer-born child – born between 1 April and 31 August - is admitted into a Reception class in the September following their fifth birthday instead of entering Year 1. The specific details for summer-born arrangements are outlined in sections 1.7-1.10, and due to the legislation, differ slightly from requesting out of year group education in other academic year groups.
- 1.13 Admission authorities are responsible for making the decision into which year group a child should be admitted but are required to make a decision based on the circumstances of the case. There is no statutory barrier to children being admitted outside their normal year group. An admitting authority will usually take the following factors into account when considering a parental request for a summer born child to be admitted into a reception class in the September following their fifth birthday:
- The needs of the child and the possible impact on the child of entering Year 1 without having first attended the Reception class;
 - In the case of children born prematurely, the fact that the child may have naturally fallen into the lower age group if born on the expected date;
 - The social, emotional, or physical development of the child; and
 - Relevant research into the outcomes of summer-born and premature children.
- 1.14 If a request for an out of year group admission is denied, the admitting authority will set out clearly the reasons for its decision when informing the parents of the outcome. Parents do not have a right to appeal against entry into a specific year group outside of their chronological age. However, they may make a complaint to the local authority or to the school.

Appeals

1.15 Appeals against a decision not to offer a place at a particular school in a child's expected chronological age group should be lodged by the published closing date for the on-time submission of appeals. This date will be published in the authority's composite prospectus, online, and in the relevant offer letter.

1.16 Appellants are entitled to ten school days' notice of the appeal hearing date. The School Admission Appeals Code requires that appeals for on time applications are heard within 40 school days of the deadline for lodging appeals. Appeals for late applications are expected to be heard within 40 school days of the deadline for lodging appeals where possible or within 30 school days of the appeal being lodged. Appeals lodged by the closing date will be heard before the end of the summer term. Appeals lodged after the closing date will be heard as soon as possible. All aspects of appeals for voluntary aided schools, free schools and academies are the responsibility of the school governors, unless the admitting authority has purchased this service from the Local Authority. Appeal deadline dates may differ for own admission authority schools.

1.17 Other admitting authorities within the Local Authority's area are required to notify the local authority about the outcome of any appeals.

Oversubscription criteria for admission into a primary, junior, infant or first school

1.18 Once children with EHCPs have been allocated, remaining places will be allocated in the following descending order of priority:

1. Looked after children¹ or a child who was previously looked after². This category includes a looked after child or a child who was previously looked after but immediately after being in care became adopted³ or subject to a child arrangements order⁴ or special guardianship order.⁵ This also includes those children who appear to have been in state care outside of England and ceased to be in state care as a result of being adopted⁶
2. Children with exceptional social or medical reasons for requiring the school (as explained in Section 5 of this document)
3. For junior schools only - Children attending a priority linked infant school (Note 3)
4. Children who live in the 'designated area' of the school (Note 1) and who have a sibling who attends this school (Note 2)
5. Children who live in the 'designated area' of the school (Note 1)
6. Children who do not live in the 'designated area' of the school (Note 1) but have a sibling who attends the school (Note 2)
7. Children of a member of staff (Note 4)
8. Children whose parents have any other reason for their preference.

¹ Looked after children are children who are (a) in the care of a local authority, or (b) being provided with accommodation by a local authority in the exercise of their social services functions (see the definition in Section 22(1) of the Children Act 1989) at the time of making an application to a school.

² Previously looked after children are children who were looked after but ceased to be so because they were adopted (or became subject to a child arrangements order or special guardianship order).

³ This includes children who were adopted under the Adoption Act 1976 (see Section 12 adoption orders) and children who were adopted under the Adoption and Children's Act 2002 (see Section 46 adoption orders).

⁴ Child arrangements orders are defined in Section 8 of the Children Act 1989, as amended by Section 12 of the Children and Families Act 2014. Child arrangements orders replace residence orders and any residence order in force prior to 22 April 2014 is deemed to be a child arrangements order.

⁵ See Section 14A of the Children Act 1989 which defines a 'special guardianship order' as an order appointing one or more individuals to be a child's special guardian (or special guardians).

⁶ A child is regarded as having been in state care outside of England if they were in the care of or were accommodated by a public authority, a religious organisation, or any other provider of care whose sole or main purpose is to benefit society.

Notes relating to oversubscription criteria for community and voluntary controlled primary age schools

- 1.20 Note 1 – Designated Areas. Maps of the current designated areas may be viewed on the RBWM website, www.rbwm.gov.uk. Alternatively, applicants from RBWM can use the Neighbourhood View facility on the website for information on schools based on their address.
- 1.21 Note 2 – Sibling Criterion. A sibling would need to be attending the school at the time of admission of the child for whom a place is sought. The term ‘sibling’ includes a half or stepchild permanently living in the same family unit or an adopted or foster child permanently living in the same family unit whose place has been arranged by the social services department of a local authority. Sibling eligibility will flow from an adopted or foster child to other children of the family or from a child of the family to an adopted or foster child. In the case of Infant and Junior schools, attendance of a sibling at either the Infant or Junior school qualifies as a sibling for the linked school. Linked schools are described in Note 3.
- 1.22 Note 3 – Infant and Junior linked school priority. Furze Platt Junior is formally linked with Furze Platt Infant (Furze Platt Primary Federation); Courthouse Junior is formally linked with Alwyn Infant.
- 1.23 Note 4 – Children of a member of staff. Priority will be given where the member of staff has:
- a) been employed at the school for two or more years at the time at which the application for admission to the school is made; and/or
 - b) the member of staff is recruited to fill a vacant post for which there is a demonstrable skill shortage. Evidence must be provided to the Local Authority at the time of application.

Other information relevant to the application process

- 1.24 Applicants will be required to provide evidence of their child’s date of birth if they have not previously made an application via the local authority. If the application is due to a house move, the applicant will need to provide evidence they are habitually residing at the new address, such as a completion of sale document or a signed rental agreement. Further documents may be requested to satisfy anti-fraud measures. Lists of applicable documents are included in the parent [guides](#), and are also communicated via email directly to the affected parents. Additional information will be required for applicants applying from abroad (e.g., entry visa and passport details) to verify habitual residency in the country, if necessary. This also applies to in year transfers (see 3.7).
- 1.25 If a place is not available at a preferred school, and no higher preferred school has been offered, then parents will be informed of their right of appeal. The child will automatically be placed on the preferred school(s) waiting list which will be prioritised in line with the oversubscription criteria as published in Section 1.18 of the admission arrangements. This also applies to in year transfers (see 3.10),
- 1.26 Where no school place is available at a preferred school, and a child is currently without a school place within a reasonable distance, then the authority will, as a minimum, inform applicants of the availability of places at alternative schools and how they may apply. Where possible, the authority will offer an alternative or diversion school place at the next nearest community or voluntary controlled school with a vacancy. A referral may be made under the Fair Access Protocol, if deemed appropriate under the protocol qualifying criteria. This also applies to in year transfers (see 3.11).

Section 2: Admission policy for secondary age schools from 1 September 2025 (secondary, middle, and upper schools)

All secondary age school schools in RBWM are academies, voluntary aided or free schools, and are therefore responsible for their own admission policies. Please refer to the individual schools for details of their admission arrangements. Summaries of these arrangements are included in the parent guide to secondary phase admissions, found [here](#).

Section 3: Admission policy for in-year entry for 2024/25 (Years Reception to Year 11 only)

- 3.1 This policy refers to all applications made for children of statutory school age seeking entry to school outside of the normal admissions round.
- 3.2 Parents must apply directly to the admission authority for the school or schools of their preference. This is the local authority for community and voluntary controlled schools, and the schools themselves for voluntary aided schools, free schools, and academies (i.e., own admission authority schools).
- 3.3 The relevant admission authority will make available a suitable form upon which an application may be made. Own admission authority schools may also require a supplementary information form (SIF) to be completed at the time of application.
- 3.4 Own admission authority schools are required to notify the authority of applications received and their outcome. This is to enable the authority to keep up to date figures of available school places in the area, and support applications where necessary. All admission authorities must inform parents of their right to appeal against refusal of a place.
- 3.5 Children who are the subject of a direction by the local authority to admit, or who are allocated to a school in accordance with the Fair Access Protocol, will take precedence over those on a waiting list.

The application process for RBWM community and voluntary controlled schools

- 3.6 Applications should be made no earlier than six school weeks prior to hopeful entry. Applicants may state up to six preferences, but only preferences for eligible schools will be processed.
- 3.7 Applicants will be required to provide evidence of their child's date of birth if they have not previously made an application via the local authority. If the application is due to a house move, the applicant will need to provide evidence they are habitually residing at the new address, such as a completion of sale document or a signed rental agreement. Further documents may be requested to satisfy anti-fraud measures. Lists of applicable documents are included in the parent [guides](#), and are also communicated via email directly to the affected parents. Additional information will be required for applicants applying from abroad (e.g., entry visa and passport details) to verify habitual residency in the country, if necessary. This also applies to entry to a relevant age group during coordinated admissions (see 1.24).
- 3.8 Applications will be processed and, where vacancies exist, a place will be offered at the highest preferred school possible.
- 3.9 Entry will be deferred until the start of the next term, unless a child is without a school place or it is considered impractical to delay, in order to minimise the disruption to both the child's education and that of other children.
- 3.10 If a place is not available at a preferred school, and no higher preferred school has been offered, then parents will be informed of their right of appeal. The child will automatically be placed on the preferred school(s) waiting list which will be prioritised in line with the oversubscription criteria as

published in Section 1.18 of the admission arrangements. This also applies to entry to a relevant age group during coordinated admissions (see 1.25).

- 3.11 Where no school place is available at a preferred school, and a child is currently without a school place within a reasonable distance, then the authority will, as a minimum, inform applicants of the availability of places at alternative schools and how they may apply. Where possible, the authority will offer an alternative or diversion school place at the next nearest community or voluntary controlled school with a vacancy. A referral may be made under the Fair Access Protocol, if deemed appropriate under the protocol qualifying criteria. This also applies to entry to a relevant age group during coordinated admissions (see 1.26).
- 3.12 The Admissions Code allows admission authorities to admit above the published admission number (PAN) in-year. Community and voluntary controlled schools must not do so, except at the specific request or direction of the authority. Voluntary aided schools, free schools and academies are expected to notify the local authority if they choose to admit above their expected cohort number.

Section 4: Admission policy for sixth form entry in September 2025

- 4.1 All RBWM schools with sixth forms are academies, voluntary aided or free schools, and are responsible for sixth form admissions. The Local Authority has no jurisdiction over sixth form admissions.

Section 5: Further Information

Social or medical criterion

- 5.1 The authority will consider an application in this category only where the child, or his or her parent or guardian, can demonstrate a wholly exceptional medical or social requirement for attendance at the preferred school. It is expected that places will be given under this category in no more than a small number of instances in a year, if at all.
- 5.2 To apply under this criterion, the parent or guardian must send a covering letter to support the application. It must explain the reasons for requiring a place under this criterion, why the preferred school is significantly more suitable than any other school for their child, and the difficulties likely to be caused by not attending it. Such difficulties must be so exceptional as to be extremely rare in the population. The reasons may be associated with the child or with the family. An application to be considered under social and medical grounds can only be made for the school listed as the first preference.
- 5.3 Supporting evidence must be included from suitably qualified professional persons associated with the child or the family, such as a consultant, a general practitioner, psychiatrist, or a senior social worker. Evidence from members of the family, friends or a child minder will not normally be acceptable. All evidence must be submitted on official letterhead or clearly show origins from a registered professional email address. Any evidence must be provided at the expense of the parent, though there is no expectation for parents to finance evidence solely for this purpose. The parent must give permission to the local authority to make such enquiries as it thinks necessary to investigate the matter further, in order to fulfil its duties.
- 5.4 All schools are able to work with pupils who have special educational needs, and all schools are expected to accommodate severe medical needs. The authority is unlikely to accept that one school is more suitable than another on these grounds. Such difficulties as childcare arrangements or the need to drop off/collect children at more than one school are unlikely to be acceptable without accompanying exceptional medical or social reasons.
- 5.5 Applications lacking external objective evidence will be rejected under this category. Any rejected application will then be considered under the next highest appropriate category to the child. Applicants are strongly advised to name other schools within the permitted number of preferences, in order to exercise their parental preferences under the Admissions Code.
- 5.6 Applicants seeking to rely on these grounds must provide the necessary evidence by the closing date for applications. This will allow time for the authority to obtain additional evidence if necessary. It may not be possible to consider applications under this criterion after the closing date, even where a family has subsequently moved into the area.
- 5.7 The strength of applications will be considered by two or more officers individually and then together, referring to another officer if disagreement exists. The officers assessing the strength of an application will have knowledge of the admissions process and the School Admissions Code (2021). The officers must consider the application as objectively as possible, and will note collectively their reasons for any rejection of the application under this criterion. Applicants are advised that because of the possible subjectivity of applications and decisions, the evidence that is presented must be as full and objective as possible, and that the threshold of acceptance will be exceptionally high.

5.8 There will be no right of appeal to officers against refusal of a decision in this category, but all parents will have the usual right of appeal to an independent appeal panel after allocations of places have been published, should they not receive an offer at their preferred school.

Looked after children and previously looked after children

- 5.9 When an application outside of the normal admissions round or in-year application is received to admit a looked after child or a child who was previously looked after, the authority will place the child in the school of the parent's preference (including the corporate parent) unless:
- that school is unsuitable to the child's age, ability, or aptitude or to his or her special educational needs; or
 - the attendance of the child would be incompatible with the provision of efficient education for the children with whom he or she would be educated or the efficient use of resources; or
 - the child has previously been permanently excluded from the preferred school; or
 - other exceptional circumstances exist rendering the school unsuitable.
- 5.10 The local authority has the power to direct a school to admit a looked after child where Key Stage 1 classes are already at the maximum size⁷ to comply with the infant class size legislation.

⁷ As defined in Section 1 of the School Admissions (Infant Class Sizes) (England) Regulations 2012. Infant classes (a class in which the majority of children will reach the age of 5, 6 or 7 during the school year) are limited to 30 pupils per school teacher. The definition of school teacher can be found in Section 4 of the School Standards and Frameworks Act 1998.

Section 6: Published admission numbers of community and voluntary controlled schools

School Name	2019	2020	2021	2022	2023	2024	2025
Alexander First School	30	30	30	30	30	30	30
Alwyn Infant and Nursery School	90	90	90	90	90	90	90
Boyne Hill CE Infant and Nursery School	60	60	60	60	60	60	60
Braywood CE First School	30	30	30	30	30	30	30
Cookham Rise Primary School	30	30	30	30	30	30	30
Courthouse Junior School	105	105	90	90	90	90	90
Eton Wick CE First School	30	30	30	30	30	30	30
Furze Platt Infant School	90	90	90	90	90	90	90
Furze Platt Junior School	90	90	90	90	90	90	90
Hilltop First School	45	45	45	45	45	45	45
Holy Trinity CE Primary School, Cookham	30	30	30	30	30	30	30
Homer First School	45	45	45	45	45	45	30*
Kings Court First School	30	30	30	30	30	30	30
Larchfield Primary and Nursery School	30	30	30	30	30	30	30
Oldfield Primary School	60	60	60	60	60	60	60
Riverside Primary School	60	60	60	60	60	60	60
South Ascot Village Primary School	30	30	30	30	30	30	30
The Queen Anne Royal Free CE Controlled First School	30	30	30	30	30	30	30
Waltham St Lawrence Primary School	22	22	22	22	22	22	22
Wessex Primary School	60	60	60	60	60	60	60
Wraysbury Primary School	60	60	60	60	60	60	60

* Proposed change of PAN

Section 7: Definitions and explanations

Admission Authority – this is the authority responsible for setting and managing admission arrangements for a particular school. Specific types of schools are managed by different admitting authorities, although all are bound by the local authority’s co-ordinated admission scheme. These different schools are detailed below:

Community schools – the local authority is the admission authority for these schools.

Voluntary Controlled schools – these are generally faith schools for which the local authority is the admission authority.

Voluntary Aided schools – these schools are faith schools, managed by the Church of England or Catholic diocese, for which the governing body is the admission authority. All the Voluntary Aided schools are bound by the co-ordinated admissions scheme.

Academies and Free Schools – these are schools whose running and capital costs are met by the DfE for which the governing body is the admission authority.

Published Admission Number (PAN) – The number of school places that the admission authority must offer in each relevant age group of a school for which it is the admission authority. Admission numbers are part of a school’s admission arrangements. This number is commonly determined with regard to a Net Capacity Assessment (calculated using instructions from the Department for Education (DfE) based on the space available and use of resources). Schools must admit up to their PAN in the relevant age group. The PAN for Free schools and Academies is set by the Department for Education. In compulsory schooling (Reception to Year 11), the PAN will apply to the following year groups in each type of school:

Primary, First, Infant Schools – Reception Year

Junior Schools – Year 3

Middle Schools – Year 5

Secondary Schools – Year 7

Upper Schools – Year 9

Schools sometimes use the term ‘PAN’ for an age group that is not the relevant age group, but it is only binding on the relevant age group for that school. Often, the number of children admitted in a year group is the same as the PAN, but this is not always the case. Parents are advised to check this with the Admissions team if this is a concern during the In-Year transfer process.

Admission Criteria – the rules used to prioritise the order in which children are offered school places.

Appeals – a parent’s opportunity to ask for an independent panel to consider the admission authority’s decision not to offer the child a place at the desired school.

Common Application Form (CAF) – this is the form used by applicants to apply for school places via their home authority.

Designated Area – sometimes known as the ‘catchment area’, this is a distinct geographical area that is served by a school. Admissions criteria often give certain priority to applicants living within a school’s designated area, although this is never a guarantee of a school place.

Education, Health, and Care Plans - An education, health and care plan is for children and young people who have special educational needs and disabilities and where an assessment of education, health and social care needs has been agreed by a multi-agency group of professionals. It is available from birth to age 25.

Home Address – this is a child’s habitual residence and must be the address where you live with your child, unless you can prove that your child lives elsewhere with someone who has legal care and control of your child. We expect a child’s home address to be a residential property that is the child’s only or main residence, not an address at which your child may sometimes stay or sleep due to your domestic arrangements. The property must be owned, leased, or rented by the child’s parent/s or the person with legal care and control of the child. Additionally, a child’s home address is where he or she spends most of the school week unless this is accommodation at a boarding school.

Joint Custody Arrangements – Where the child is subject to a child arrangements order and that order stipulates that the child will live with one parent/carer more than the other, the address to be used will be the one where the child is expected to live for the majority of the time. For other children, the address to be used will be the address where the child lives the majority of the time. Where the child lives equally with both parents and carers at different addresses the authority will consider all available evidence the parent or carer provides in order to confirm which address the authority will use to process the application, for example:

- any legal documentation confirming residence
- where the child spends the majority of the school week
- the pattern of the residence
- the period of time over which the current arrangement has been in place
- confirmation from the previous school of the primary contact details and home address provided to them by the parents
- where the child is registered with their GP
- any other evidence the parents may supply to verify the position

Applications cannot proceed if parents are in dispute. It is the responsibility of those with parental responsibility to agree on school selection and preference order before applying for entry, and to present the agreement in writing to the LA.

Local Authority (LA) – if you live in the Royal Borough of Windsor & Maidenhead, we are your ‘home local authority’. If you live somewhere else, then the county or borough you live in is your ‘home authority’. References in this paper to ‘the local authority’ or ‘the authority’ will be taken to mean the local authority of the Royal Borough of Windsor and Maidenhead unless otherwise specified.

Oversubscribed – when there are more applications than places, the school is said to be oversubscribed.

Parent – this is defined in law (the Education Act 1996) as *either* any person who has ‘parental responsibility’ (as defined in the Children Act 1989) for the child or young person, *or* any person who has care of the child or young person.

Preference – this is a school to which a parent/carer wishes to send their child. Parents cannot choose the school their child attends but can indicate their preference. The authority must offer a place at the highest preferred school possible once the admissions criteria have been applied.

Service Families – where Service families and the families of other Crown servants are due to be posted to an area admitting authorities must treat such families as resident in the area when processing any application assuming appropriate evidence has been provided which may include notification of posting in the form of an official letter from the MOD, FCO or GCHQ.

Sibling – children are considered siblings if they have brothers or sisters living in the same family unit at the same address, and for whom the applicant has parental responsibility. The term includes a half or stepchild permanently living in the same family unit or a foster child permanently living in the same family unit whose place has been arranged by the social services department of a local authority. Sibling eligibility will flow from a foster child to other children of the family or from a child of the family to a foster child.

Supplementary Information Form (SIF) – a SIF is required by some own admission authority schools in order to collect additional information not provided on the common application form. This is to enable them to assess applicants against the published admission criteria.

Section 8: Proposed Revised Designated Area for Riverside Primary

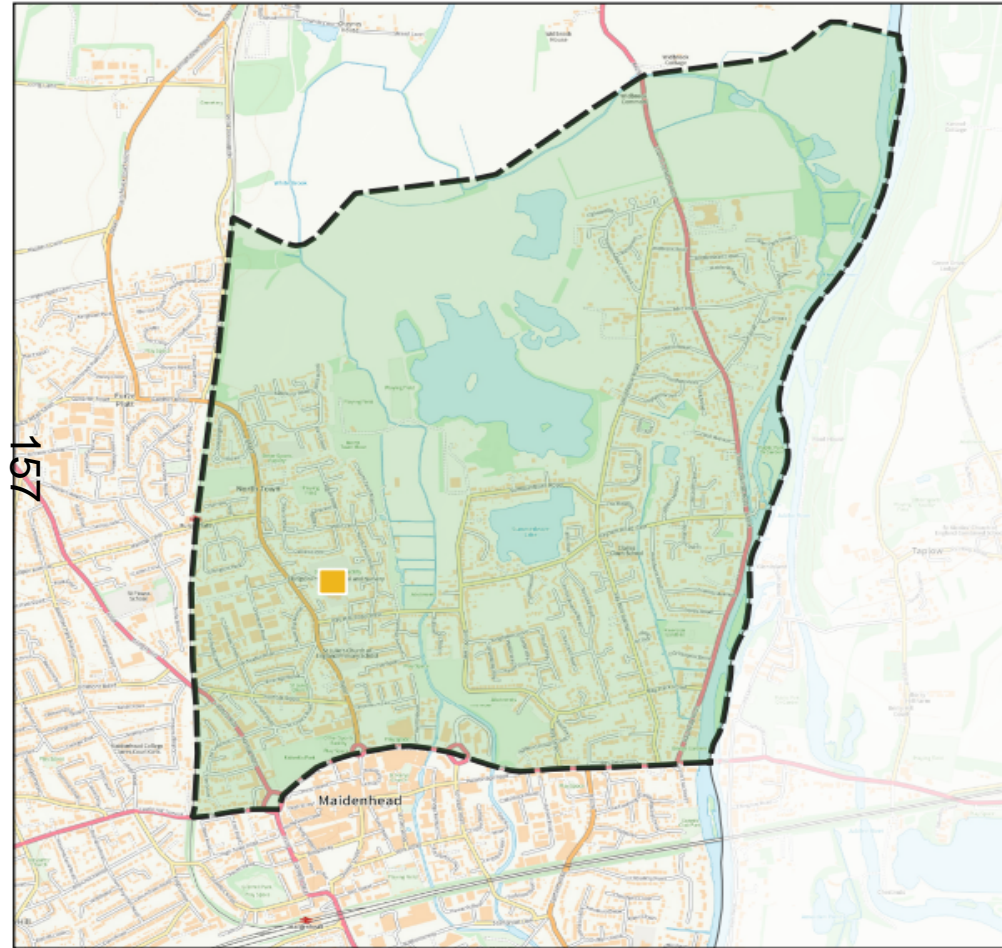
8.1 The proposal is to extend the designated area of Riverside Primary School southwards so that it includes part of Maidenhead where there is significant new housing. Across Maidenhead as a whole demand for Reception places is expected to fall, although there will be increased demand in South East Maidenhead due to the new housing.

Changing the designated area of Riverside Primary School means that residents in the area can be prioritised for places at the school, ensuring a local school place.

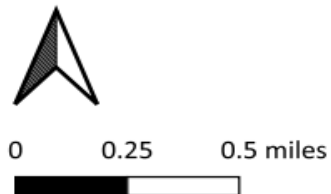
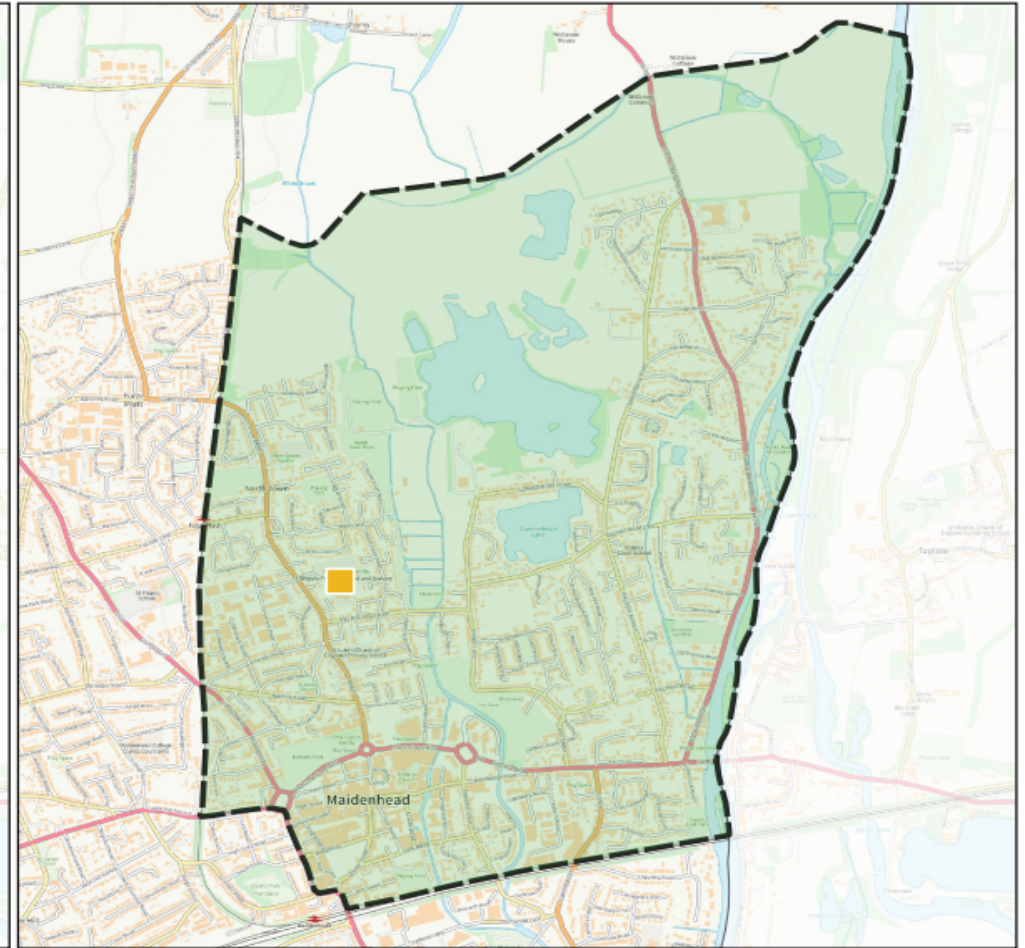
The southern boundary of the school's designated area currently runs along the A4 from the Thames to Maidenhead/Bourne End railway line. The proposal would extend it southwards to also cover the area between the A4 and the main Reading/London railway line, with Frascati Way as the western boundary. This area includes a significant number of new dwellings and is currently in the designated area for Oldfield Primary School. This will continue to be the case – Oldfield Primary School's designated area will not be changed as part of this proposal.



Proposed change to the designated area of Riverside Primary School and Nursery, for September 2025

Existing designated area



Proposed designated area



-  Riverside Primary School designated area
-  Riverside Primary School and Nursery

The proposal is to extend Riverside's designated area southwards from the A4 to the main Reading/London railway line, with Frascati Way as the western boundary of the new segment.

Date: 06/12/2023. ben.wright@achievingforchildren.org.uk
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Royal Borough
of Windsor &
Maidenhead

Consultation on the Royal Borough's school admissions arrangements

1. Proposed changes to the admissions arrangements for community and voluntary controlled schools

THIS SURVEY WILL CLOSE AT MIDDAY ON WEDNESDAY 31st JANUARY 2024

The Royal Borough of Windsor and Maidenhead is consulting on changes to the admissions arrangements for community and voluntary controlled schools within the borough.

These changes will affect admissions for entry to community and voluntary controlled schools in the borough from September 2025.

Voluntary Aided schools and academies (including free schools) have their own admissions arrangements and are not affected by the changes proposed here.

Summary of the proposed changes

There are two areas of proposed change:

A reduction in the Published Admission Number (PAN) for Homer First School and Nursery (<https://www.rbwm.gov.uk/home/schools-and-education/schools-and-schooling/schools-directory/homer-first-school-and-nursery>), from 45 to 30. This would be for children starting Reception in September 2025 and is in response to falling demand for Reception places in Windsor. There are currently 75 spare Reception places in Windsor, and this is expected to increase to 106 by September 2026. Analysis suggests that most children wanting a place at the school will continue to get one, even if the PAN is reduced to 30. The falling demand for school places in the town is a result of a reduced birth rate and fewer families moving into the town. Reducing the PAN at Homer First School will mean that the school has fewer empty places and can organise its classes more efficiently, helping to reduce pressure on the school's budget.

Note: Homer First School would like to reduce their PAN from 45 to 30 from September 2024, which would affect the Reception intake starting next year. This change can only be made if the Office of the Schools Adjudicator agrees to it.

A change to the designated area for Riverside Primary School and Nursery (<https://www.rbwm.gov.uk/home/schools-and-education/schools-and-schooling/schools-directory/riverside-primary-school-and-nursery>), extending it and moving the southern boundary from the A4 to the main London-Reading railway line. Frascati Way would be the western boundary (with the River Thames as the eastern boundary). This area includes a significant number of new dwellings and is currently in the designated area for Oldfield Primary School. This will continue to be the case - Oldfield Primary School's designated area will not be changed as part of this proposal.

No other changes to the school admissions arrangements for the Royal Borough are proposed. You can view the draft admissions arrangements here, including (on page 22) a map showing the existing and proposed designated areas for Riverside Primary School and Nursery.

The information collected about you in this survey is collected in compliance with data protection legislation. The information is held securely by Achieving for Children for the specific purpose of this survey and will not be shared with other agencies or organisations without seeking your explicit consent. For more detail, please read our privacy policy here: <https://www.achievingforchildren.org.uk/privacy-notice/> (<https://www.achievingforchildren.org.uk/privacy-notice/>).

2. Procedure for responses

Responses to this consultation must be made by midday on Wednesday 31st January 2024.

You can respond by:

submitting this response form.

emailing us at rbwm.admissions@achievingforchildren.org.uk

Writing to us at School Admissions, RBWM, Zone F, Town Hall, St Ives Road, Maidenhead, SL6 1RF.

After the end of the consultation period, the local authority will need to consider any responses made and make a formal decision on its admissions arrangements by Wednesday 28th February 2024. These will then need to be published by Friday 15th March 2024.

Anyone then wishing to object to the admissions arrangements must submit an objection to the Office of the Schools Adjudicator by Wednesday 15th May 2024.

3. Questions

Questions about the proposals

If you have any questions about admissions arrangements or the proposed changes, you can contact us at rbwm.admissions@achievingforchildren.org.uk.

4. Response Form - About You

Please note that responses must be attributable to named individuals or organisations. Responses may be published, but all personal data will be removed. For further information on data protection, please see our privacy notice (<https://www.achievingforchildren.org.uk/privacy-notices/public-consultations-and-surveys/>).

Your name: *

Your address *

5. Response Form - About You

Please indicate whether you are a parent or carer of a child or children of school age or younger.

I am: *

	Yes	No
A parent/carers of a child/children of school age or younger	<input type="checkbox"/>	<input type="checkbox"/>

6. Response Form - About You

Please use the drop-down boxes below to indicate which school(s) your child or children attend.

Please complete all rows, selecting 'None' in any rows you don't need. *

I am a parent/carer of a child/children at:

School 1

School 2

School 3

Please use this box to indicate any 'other' school or early years provider not listed.

7. Response Form - About You

Please indicate whether you are a governor at one or more schools in the borough (if you answer 'Yes', you will be able to indicate which school(s) on the next page).

I am: *

	Yes	No
A governor at:	<input type="checkbox"/>	<input type="checkbox"/>

8. Response Form - About You

Please use the drop-down boxes below to indicate which school(s) you are a governor at.

Please complete all rows, selecting 'None' in any rows you don't need. *

	I am a governor at:
School 1	<input type="text"/>
School 2	<input type="text"/>
School 3	<input type="text"/>

Please use this box to indicate any 'other' school.

9. Response Form - About You

Please indicate whether you are a member of staff at one or more schools in the borough (if you answer 'Yes', you will be able to indicate which school(s) on the next page).

I am: *

A member of staff at: Yes No

10. Response Form - About You

Please use the drop-down boxes below to indicate which school(s) you are a member of staff at.

Please complete all rows, selecting 'None' in any rows you don't need. *

I am a member of staff at:

School 1

School 2

School 3

Please use this box to indicate any 'other' school.

11. Response Form - About You

Please indicate whether you have another relationship with the school.

I am: *

	Yes	No
A local resident living in the Royal Borough of Windsor and Maidenhead	<input type="checkbox"/>	<input type="checkbox"/>
Representing an organisation	<input type="checkbox"/>	<input type="checkbox"/>

If you are representing an organisation, or have another relationship with the school that is not shown, please give further details here.

12. Response Form - Your views on the reduction in Published Admission Number at Homer First School

Do you agree with the proposal to reduce the Published Admission Number (PAN) at Homer First School from 45 to 30 for 1st September 2025? *

- Yes, the proposed reduction in PAN at Homer First School and Nursery should go ahead.
- No, the proposal reduction in PAN at Homer First School and Nursery should not go ahead.
- I don't know whether the proposed reduction in PAN at Homer First School and Nursery should go ahead.
- I have no view on whether the proposed reduction in PAN at Homer First School and Nursery should go ahead.

If you have any comments relating to the proposal to reduce the PAN at Homer First School and Nursery, please give these below:

Do you agree that the PAN should be reduced from 45 to 30 for the September 2024 Reception intake? *

- Yes, the proposed change should happen in September 2024.
- No, the proposed change should not happen in September 2024.
- I don't know if the proposed change should happen in September 2024.
- I have no view on whether the proposed change should happen in September 2024.

If you have any comments relating to the proposal to reduce the PAN in September 2024, please give these below:

13. Response Form - Your views on the extension of the designated area for Riverside Primary School and Nursery

Do you agree with the proposal to extend the designated area of Riverside Primary School and Nursery? *

- Yes, the proposed extension of the designated area for Riverside Primary School and Nursery should go ahead.
- No, the proposed extension of the designated area for Riverside Primary School and Nursery should not go ahead.
- I don't know whether the proposed extension of the designated area for Riverside Primary School and Nursery should go ahead.
- I have no view on whether the proposed extension of the designated area for Riverside Primary School and Nursery should go ahead.

If you have any comments relating to the proposal to extend the designated area at Riverside Primary School and Nursery, please give these below:

14. Response Form - Your views on the any other aspect of the Royal Borough's admissions arrangements for community and voluntary controlled schools

If you have any comments on any other aspects of the Royal Borough's school admissions arrangements for community and voluntary controlled schools, please provide these below.

15. Submitting your response

You have now reached the end of our survey on the school admissions arrangements for community and voluntary controlled schools in the Royal Borough of Windsor and Maidenhead.

If you are ready to submit your response, please click 'submit' below. By clicking 'submit' you give us permission to analyse and include your response in our results, in line with our privacy notice, which you can find here <https://www.achievingforchildren.org.uk/privacy-notice/> (<https://www.achievingforchildren.org.uk/privacy-notice/>).

If you are not ready to submit, you can return to previous questions, or save your response so that you can come back to it later, using the buttons below.

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Appendix C: 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:	Determination of School Admissions Arrangements 2025-26
Service area:	Operations
Directorate:	School Support 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?

The School Admissions Code 2021 (“the Code”) requires the borough to consult on the arrangements where significant changes are proposed and determine the arrangements for 2025/26 on or by 28th February 2024. The admissions authority is proposing two relatively minor changes requiring consultation: a) the extension of the designated area for Riverside Primary School (Maidenhead), and b) the reduction of the published admission number (PAN) at Homer First School (Windsor) from 45 to 30.

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.

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.
Children and young people educated, or due to be educated, at schools in the Royal Borough.
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? <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>The statutory consultation process has been undertaken for the proposals in the report, as outlined in paragraph 15 of the Code. This includes consultation with other local authorities, with parents and families affected by these arrangements, and all admitting authorities within the borough.</p> <p>This process is compliant with the Equality Act 2010 and the Public Sector Equality Duty, as outline on p. 37 of the Code.</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.
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	N/A	N/A	N/A
Disability	The proposal is not expected to impact on the ability of children with special educational needs to attend Homer First School and Nursery.	N/A	No
Sex	N/A	N/A	N/A
Race, ethnicity and religion	N/A	N/A	N/A
Sexual orientation and gender reassignment	N/A	N/A	N/A
Pregnancy and maternity	N/A	N/A	N/A
Marriage and civil partnership	N/A	N/A	N/A
Armed forces community	N/A	N/A	N/A
Socio-economic considerations e.g. low income, poverty	The proposal is not expected to impact on any specific community, as Homer First School and Nursery is likely to be able to continue offering places to all families who want to attend.	N/A	No
Children in care/Care leavers	N/A	N/A	N/A

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
N/A
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.
N/A
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.
N/A

6. Sign Off

Completed by: Jools Fletcher-Dyer School Admissions & Child Employment Team Leader	Date: 19/01/2024
Approved by: Lynne Penn Associate Director Operations	Date: 19/01/2024

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

Reviewed by:	Date:
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Report Title:	Special Educational Needs and Alternative Provision Capital Strategy Update
Contains Confidential or Exempt Information	Yes – Main report and appendices A, B and D are Part I. Appendix C is Part II and not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.
Cabinet Member:	Councillor Amy Tisi, Cabinet member for Children’s Services, Education and Windsor
Meeting and Date:	Cabinet, 20 th February 2024
Responsible Officer(s):	Lin Ferguson, Executive Director Children’s Services and Education
Wards affected:	All wards



REPORT SUMMARY

The Royal Borough of Windsor and Maidenhead has been allocated £3.7m of grant from the High Needs Provision Capital Allocation (HNPCA), which can be used to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP).

Cabinet has previously approved a SEND and AP Capital Strategy setting out how this grant will be spent. This report provides an update on progress and proposes a new round of projects for public consultation. These proposals include new provision for post-16 pupils at Berkshire College of Agriculture and Forest Bridge School; an Autistic Spectrum Condition Resource Base for pupils at Churchmead School and more places at Manor Green School.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) Requests that officers carry out a public consultation in Spring 2024 on proposals to be included within an updated Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy.**
- ii) Requests a report back to Cabinet in May 2024, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment.**

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

Providing sufficient school places

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

National and local policies

- 2.3 There are a number of relevant national and local policies:
- **The government's *SEND and AP Improvement Plan* 'Right Support, Right Place, Right Time'**¹. Published in March 2023, this sets out a plan for a new single national SEND and alternative provision system to provide consistent, clear and early support for children and young people with SEND. The plan confirmed £2.6 billion of investment between 2022 and 2025 to fund new places and improve existing provision for children and young people with SEND or who require alternative provision. At present, the legislation underpinning this plan has not been passed into law.
 - **The Royal Borough's SEND strategy 2022-2027**. Priority 5 of the borough's agreed SEND strategy² commits the borough to developing the right range of specialist provision so that as many children and young people can be educated in a local educational setting as possible. The priorities in this strategy align with the government's SEND and AP Improvement Plan.
 - **New special and alternative free school waves**. Part of the Department for Education (DfE)'s capital investment includes opening up to 60 new special and AP free schools.

High Needs Provision Capital Allocation (HNPCA).

- 2.4 The Royal Borough has been allocated £3,721,222 of High Needs Provision Capital Allocation funding to meet the capital costs of providing new places and improving existing provision for children and young people with Education, Health and Care Plans (EHCPs); other children and young people with SEND, and children who require alternative provision.
- 2.5 There are indications from the DfE that new HNPCA allocations for local authorities will be announced, most probably in March 2024 for the 2024/25 financial year.
- 2.6 The DfE is encouraging local authorities to invest in projects that help manage pressures on high needs revenue budgets. In particular, the DfE wants local authorities to consider prioritising projects that increase the number of suitable places for children with EHCPs in mainstream settings, i.e. Resourced Provision and/or SEN Units.

¹ [SEND and AP Improvement Plan](#), DfE, March 2023.

² [Special Education Needs or Disability \(SEND\) Strategy \(2022-2027\)](#), RBWM, October 2023.

2.7 The other key points from the guidance are that:

- the funding is intended mainly for school aged children, but local authorities can spend it across the 0 to 25 age range.
- there is no deadline for spending the funding.
- the funding can be spent on provision that lies outside the local authority boundary, if that will improve the range and quality of provision for our children and young people.
- the funding is not intended for individual mobility equipment, or for maintenance work. It also cannot be used for revenue expenditure of any kind.
- the later allocations also include a small element for improving the suitability and accessibility of school buildings.
- allocations can be spent anywhere (e.g. at all types of schools and colleges) provided that the funding is providing new places or improving existing provision for children and young people with high needs.

2.8 The full guidance is available on the DfE website³.

Special Educational Needs and Alternative Provision Capital Strategy

2.9 The Royal Borough's plan for this capital investment is set out in the SEND and AP Capital Strategy, which was approved in March 2023. This followed public consultation in early 2023.

2.10 Appendix B sets out the progress on the approved projects.

2.11 Two projects that were given 'in principle' approval as part of the strategy are not now being taken forward. Plans for new Resourced Provisions at Cox Green School and Desborough College have been reviewed following discussions with the schools. The proposals included in the public consultation would have created too much specialist provision for children with Cognition and Learning needs.

2.12 In addition, it is recommended that an earlier proposal to open a Resourced Provision for children with EHCPs with Autistic Spectrum Condition (ASC) at Wraysbury Primary School is cancelled. This was initially approved by Cabinet in August 2020, to open in September 2022, but was subsequently delayed to better phase the revenue implications of opening new provision. Consideration has since been given to whether an SEMH Resourced Provision would be more appropriate at this site.

2.13 The school is currently focused on continuing to improve outcomes for its cohort of children and a new Resourced Provision would not be appropriate at this time. This report recommends, therefore, that the project is cancelled and that the remaining capital budget of £384,570.06 is redirected to help fund new SEND and AP projects.

2.14 It is possible that a Resourced Provision at Wraysbury Primary School will be considered again at a future date.

³ [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.

- 2.15 With these proposed changes the borough has £1,459,842.71 of capital available for new SEND and AP projects.
- 2.16 Several potential schemes have been proposed by schools and colleges in the borough over the last six months:
- **Berkshire College of Agriculture** - new accommodation to expand Foundation and Supported Intern Provision, to support young people with disabilities into paid employment.
 - **Churchmead School** – new accommodation to open a secondary Resourced Base for children and young people with EHCPs for ASC.
 - **Forest Bridge School** - new accommodation to allow the school to offer post-16 places for young people with EHCPs with ASC as the primary need.
 - **Manor Green School** – new accommodation to convert respite provision into learning spaces, allowing a further 16 to 20 children and young people to attend the school.
- 2.17 These proposals are examined in a bit more detail in the following paragraphs. Initial estimated costs are provided in Appendix C, which is Part II.
- Berkshire College of Agriculture – new post-16 provision for SEND
- 2.18 Berkshire College of Agriculture (BCA) is part of the Windsor Forest College Group (WFCG). Their proposal is for the refurbishment of a redundant two storey accommodation block at BCA to provide five teaching rooms and support spaces. Across their four sites⁴, WFCG has over 400 learners with EHCPs – the college was unable to accommodate a higher number in 2024 within the Foundation department at BCA due to a lack of suitable space.
- 2.19 The refurbished accommodation would allow the college to expand their Foundation offer and Supported Internship provision, as well as improve provision for other learners with additional needs.
- 2.20 Foundation studies are suitable for students who may have a learning difficulty or require extra support. They will be working at Entry Level 1 to Level 1, progressing towards independence and employability.
- 2.21 Supported Internships are one-year courses specifically for students with an EHCP who want to go into employment. This course is an exit route from the college into employment. Under the proposals the number of Supported Internships could be doubled from eight to sixteen for the first year, and the college expects it would expand further in subsequent years.
- 2.22 The proposal would benefit students aged 16 and over, with a particular focus on moving into paid or voluntary employment. This would mean that more young people would get the support they need locally, without having to travel to a college elsewhere. According to the Office of National Statistics, only 53.5% of people in England with a learning disability and/or who are autistic go on to secure paid employment, compared to 81.6% of their peers⁵. In 2023, 71% of leavers from BCA's Supported Internship programme went into employment.

⁴ BCA, Langley College, Strode's College and Windsor College.

⁵ [Outcomes for disabled people in the UK: 2021](#), Office of National Statistics., 10th February 2022.

- 2.23 Over the longer term, the proposal could help reduce cost pressures on adult social care, as young people would be more likely to become independent members of their local communities. Local authorities now maintain EHCPs for some young people up to the age of 25 and so more provision for post-16 continues to be required.
- 2.24 It is proposed that the new accommodation would be in place by September 2025.
- 2.25 Based on initial feasibility and design works already carried out by the WFCG, this scheme could be achieved with the capital funding available. It is likely that there would be enough funding for another scheme as well.
- 2.26 Additionally, Slough Borough Council has, in principle, committed capital funding to this scheme, as it will benefit their residents as well. A Memorandum of Understanding will be required between the three parties if this proposal is taken forward.
- Churchmead School – Resource Base for children with EHCPs for ASC
- 2.27 Churchmead School is a secondary school for children and young people aged 11 to 18. The school is located in Datchet and has up to 120 places per year group.
- 2.28 Discussions have been held with the school about the possibility of opening a new Resource Base for children and young people with EHCPs with ASC as the primary need.
- 2.29 Resource Base is a generic term for a facility attached to a school that provides additional support for children and young people with EHCPs. Resource Bases usually focus on a specific need or range of needs, and come in two types:
- Resourced Provision. Children and young people attending this will be able to spend most of their time in mainstream classes at the school. They will spend some time receiving extra support in the provision itself. A Resourced Provision requires accommodation roughly equivalent to a whole classroom, split into small group spaces, an office and toilets.
 - SEN Unit. Children and young people attending a SEN Unit will spend more of their time in the unit but will still attend some mainstream classes in the school. An SEN Unit requires accommodation roughly equivalent to two classrooms, split into several small group spaces, an office and toilets.
- 2.30 Churchmead School is considering both options.
- 2.31 As set out in Appendix A, the Royal Borough already has seven Resource Bases (six Resourced Provisions and one SEN Unit). A further two are expected to open in September 2024. One of the Resourced Provisions is the secondary 'Shine' facility at Furze Platt Senior School, Maidenhead, which is also for children and young people with EHCPs with ASC as the primary need.
- 2.32 The number of children and young people with an EHCP with ASC as the primary need continues to grow. As at January 2024, 224 children and young people of secondary school age (excluding sixth form) have EHCPs with ASC as the primary need. This compares to 145 in January 2020, and 116 in

January 2013. The Shine Resourced Provision at Furze Platt Senior School is already full and will be increasing to its maximum size in September 2024.

- 2.33 Opening a new Resource Base for this cohort will, therefore, mean that more children with EHCPs can be educated in a mainstream setting in the Royal Borough, closer to their home communities. Although it is unlikely that secondary age children already in out-borough and/or independent school provision will be moved to the new provision, over time the proposal should help minimise these numbers and the associated costs.
- 2.34 Churchmead School has agreed that public consultation can be carried out on the proposal to open a Resourced Provision or an SEN Unit at the school. It is proposed that the new provision would have ten places and could open in September 2025 or September 2026.
- 2.35 Feasibility and design works will now be required (in partnership with the school and Diocese) to ensure that the project is practicable and affordable. Based on recently completed Resource Bases elsewhere in the borough, this scheme could be achieved with the capital funding available. It is likely that there would be enough funding for another scheme as well.

Forest Bridge School – addition of sixth form places

- 2.36 Forest Bridge School is a special school for children and young people aged 4 to 16 with EHCPs and ASC as the primary need. It is located in Braywick Park, Maidenhead and has 112 places.
- 2.37 The school is keen to open a sixth form, for young people aged 16 to 19, on its current site. Whilst some pupils are ready to move to college or employment at the end of Year 11, a sixth form at Forest Bridge would enable those young people who are not ready to leave to remain in education at the school. At present, these young people are often transferring to residential and/or independent school provision elsewhere – there is no post-16 provision in the borough specifically for students with EHCPs for ASC. Some of these placements are outside the borough, taking young people away from their local community.
- 2.38 Opening a sixth form will, therefore, mean that more young people with EHCPs can receive the support they need at post-16 in their local community. Over time, the proposal should help minimise the costs of placing these children in out-borough and/or independent school provision.
- 2.39 The proposal is for up to eight pupils per year group, across three year groups (National Curriculum Years 12, 13 and 14) and providing 24 places overall. Priority is expected to be given to Royal Borough residents, although a small number of places may still be taken by residents from other areas.
- 2.40 The proposed sixth form would offer provision for those whose needs cannot be met in non-specialist post-16 provision, providing a personalised curriculum focused on Preparing for Adult (PFA) outcomes and ongoing communication and social skills.
- 2.41 Forest Bridge School has agreed that public consultation can be carried out on the proposal to open a sixth form at the school.

2.42 The sixth form would be located in a new two-storey block, with three classrooms and appropriate ancillary spaces across two storeys. Based on work already commissioned by Forest Bridge School, the cost of the scheme is likely to exceed the capital funding currently available, although this will change if there is further High Needs Provision Capital Allocations from the government. Further feasibility and design works could also reduce the costs.

Manor Green School – additional places

2.43 Manor Green School is a special school for children and young people aged 2 to 19, with EHCPs for complex, profound and multiple learning difficulties. The school has 275 places and is located in Maidenhead.

2.44 Discussions have taken place about the possibility of converting respite rooms, previously used by health, into teaching accommodation. This would provide two new classrooms, together with some ancillary spaces. The number of places at the school would increase from 275 to around 295 (the exact figure will be dependent on the final designs for the new accommodation).

2.45 These new places would allow more children and young people with complex needs to be educated locally, including those whose needs cannot be fully supported in mainstream education. Over time, the expansion could help minimise costs arising from more expensive placements in out-borough and/or independent schools.

2.46 Manor Green School is already relatively large, but around 30 students are now attending the recently opened SEND Careers Hub at the Chiltern Road site in Maidenhead. This offsets the proposed increase in numbers, therefore minimising any traffic impacts on the surrounding roads.

2.47 Manor Green School has agreed that public consultation can be carried out on the proposal to expand the school. It is proposed that the new accommodation would be ready by September 2025 (and possibly sooner).

2.48 The school has already carried out some initial feasibility work, which has provided a broad cost estimate. This scheme could be achieved with the available capital funding and it is likely that there would be enough funding for another scheme as well.

Next steps

2.49 This report recommends that public consultation is now carried out on the four proposals, in line with the requirements set out in guidance and legislation (summarised in Section 9 of this report).

New special school in the Royal Borough

2.50 The Royal Borough continues to work with the DfE on plans for the borough's new special school. This will be a 100 place school, for children and young people aged 7 to 16 with EHCPs for Social, Emotional and Mental Health (SEMH). The school will be located in a new housing development planned on the western edge of Windsor (identified in the Borough Local Plan as AL21 West of Windsor).

2.51 The DfE has carried out a competition, inviting bids from proposer groups to run the new school. Ten proposer groups were initially interested, and five

submitted an application. Of these, the DfE identified three to be taken forward to interview. The three proposer groups were interviewed by a panel, including an officer from the Royal Borough, in December 2023. Ministers are expected to announce the successful proposer group in early 2024.

- 2.52 One requirement of the successful bid is a commitment from the local authority to fund any 'abnormal' works related to the new school arising from specific site conditions. £500,000 of capital funding (from the High Needs Provision Capital Allocation) has been set aside for this purpose.

Options

Table 1: Options arising from this report

Option	Comments
Requests that officers carry out a public consultation in Spring 2024 on proposals to be included within an updated Special Educational Needs and Disability (SEND) and Alternative Provision (AP) capital strategy. This is the recommended option	This will allow the Royal Borough to carry out statutory consultation in relation to the proposals and also meet the grant conditions. Cabinet will then be able to take the consultation outcome into account when deciding which project(s) should proceed.
Requests a report back to Cabinet in May 2024, to provide the outcome of the consultation, cost estimates for the proposals and a recommended programme for capital investment. This is the recommended option	This will allow Cabinet to consider the outcome of the consultation in a timely fashion.
Do nothing. This is not the recommended option.	Doing nothing will mean that it will not be possible to use the remaining capital to improve SEND and AP provision in the Royal Borough.

3. KEY IMPLICATIONS

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Consultation response rate of >3%	<3% response rate	3% response rate	<3% response rate	<5% response rate	30/04/24
Report to Cabinet in May 2024	Cabinet report later than May 2024	Cabinet report in May 2024	N/A	N/A	22/05/24

4. FINANCIAL DETAILS / VALUE FOR MONEY

Capital Funding

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

- 2021/22 £500,000
- 2022/23 £1,299,900
- 2023/24 £1,921,232
- **Total £3,721,222**

4.2 As set out in paragraph 2.5 there is an expectation that new allocations for 2024/25 will be announced in early spring. If a new allocation is confirmed this will allow the borough to take this into account when the outcome of the consultation is considered by Cabinet in May 2024.

4.3 £1,053,952.36 of HNPCA is currently unassigned to any budgets. Two major schemes – the Resourced Provisions at Hilltop First School and Trevelyan Middle School – are yet to be tendered, so it is possible that this figure will change once tenders are in.

4.4 The Royal Borough of Windsor and Maidenhead has also previously been allocated SEND capital from the Special Provision Capital Fund (SPCF). Most of the remaining funding from this grant is in the budget for the Resourced Provision at Wraysbury Primary School. This report recommends the cancellation of this project, releasing the unspent £384,570.06 to be spent on new schemes. There is also a small amount of unassigned SPCF (£21,320.29).

4.5 Taken together this totals £1,459,842.71 of capital (grant funded) available for new SEND projects.

Revenue Funding

4.6 The report to Cabinet in May will set out any likely revenue impacts. These will impact mainly on the High Needs Block of the Dedicated Schools Grant, and potentially on the home to school transport budget. For all of the proposals it is expected that, over time, the impact of the proposals will be to minimise the cost of educating children and young people with EHCPs and alternative provision needs.

Table 2: Financial impact of report's recommendations

REVENUE COSTS	2024/25	2025/26	2026/27
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

CAPITAL COSTS	2024/25	2025/26	2026/27
Additional total	£0	£0	£0
Reduction	£0	£0	£0
Net Impact	£0	£0	£0

5. LEGAL IMPLICATIONS

5.1 As set out in paragraph 1, the Education Act 1996 sets out a statutory duty on local authorities to provide enough school places, including provision for children with special educational needs and disabilities (SEND) and alternative provision (AP). The Children and Families Act 2014 places further important statutory responsibilities for supporting children and young people with SEND, including keeping the level and scope of educational provision for them under review.

5.2 Legislation requires that the local authority or academy follows a statutory process when making changes to educational provision.

5.3 In all cases, the grant conditions for the High Needs Provision Capital Allocation state that the DfE “*expect[s] LAs to consult in an appropriate and proportionate manner with local parents, carers, young people, and providers when developing their local capital strategy for HNPCA*”.⁶ Details of consultation undertaken is required when LAs submit their Grant Assurance Data returns.

Adding places to a further education college

5.4 The local authority does not have the legal power to formally propose a change at a further education college (e.g. Berkshire College of Agriculture). The legal implications of making such a change are, therefore, outside the scope of this report and are the responsibility of the Windsor Forest Colleges Group. We will work with the college group to minimise any risks arising from this.

Adding a Resource Base at a Voluntary Aided School (Churchmead)

5.5 The creation of Resource Base at a community, controlled or aided school can be proposed by a local authority. To do so the local authority must follow a statutory process, as set out in regulations and guidance⁷. This process involves:

- informal consultation. The informal consultation period is not statutory, although there is a strong expectation that it should be carried out.
- publication of proposals (sometimes called the ‘statutory notice’).
- 4 week formal representation period.
- decision by the local authority, to be made within two months of the end of the representation period.
- implementation.

Adding a sixth form at an special academy (Forest Bridge School)

5.6 Adding a sixth form at a special academy requires that the trust submits a full Business Case to the ESFA for approval⁸, as an extension to the age range. The local authority cannot formally propose the change. The process involves:

- notifying the ESFA at least three months before the proposed change.
- carrying out public consultation.

⁶ Page 10, [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.

⁷ [Making significant changes \(‘prescribed alterations’\) to maintained schools](#), DfE, January 2023.

⁸ Page 19, [Making significant changes to an open academy](#), DfE, January 2022.

- completing the full Business Case and submitting it to the DfE.
 - decision by the Regional Department for Education Directors.
- 5.7 Submission of the Business Case to the DfE requires that planning permission for the new build has been obtained. This introduces a potential delay into the process that will need to be managed.
- 5.8 Note that, for these purposes, free schools and academies are identical in law.
- Expanding a community special school (Manor Green School)
- 5.9 The expansion of a community special school must follow a statutory process if the number of places is increased by 10% or by 20 or more (whichever is the smaller number). As Manor Green School could be expanded by up to 20 places it is currently assumed that the statutory process is required. This decision will be revisited once the feasibility and design works have been carried out.
- 5.10 The statutory process is the same as set out in paragraph 5.5, but with a wider list of consultees and additional information in the published proposals.
- Planning permission
- 5.11 Planning Permission would be required for any extensions or new builds. Internal remodelling is not likely to need planning permission, but this will be confirmed as part of the feasibility and design works.

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.
Insufficient consultation responses to usefully inform Cabinet (<3% response rate)	Medium	High	None	A wide range of consultation avenues will be used to maximise responses.	Low	Medium
National election called, making it likely that a report to May Cabinet may need to be delayed.	Low	Medium	None	None possible. Report to be considered at June Cabinet instead.	Low	Medium

7. POTENTIAL IMPACTS

- 7.1 Equalities. An Equality Impact Assessment is available as Appendix D.
- 7.2 Climate change/sustainability. There are no implications arising from the recommendations in this report.
- 7.3 Data Protection/GDPR. The collection, analysis and storage of consultation responses will be carried out in line with GDPR requirements. No Data Protection Impact Assessment is required as the consultation will be carried out in the normal manner, with reference to the relevant privacy notices.

8. CONSULTATION

- 8.1 Section 5 has already highlighted the consultation requirements arising from the proposals in this report. It is proposed that all the consultations are brought together into one process. Care will need to be taken to ensure that the different requirements of each are met.
- 8.2 As the local authority only has the legal power to formally propose changes at Churchmead and Manor Green schools, this consultation must be a joint document. All parties will agree the draft of the consultation documentation and will assist with the distribution, although this process will be led by the local authority.
- 8.3 Legislation and guidance set out who should be consulted. The consultation will include (but is not limited to):
- Young people with SEND.
 - Parents and carers of children and young people with SEND.
 - Schools in the local authority.
 - Neighbouring local authorities and any local authorities with pupils at schools affected by the proposal(s).
 - Residents in the Royal Borough.
 - Local groups involved in SEND.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 It is proposed that consultation will start in early March 2023 and conclude in late April. It is proposed that the outcome of the consultation, and recommendations on which proposal(s) to approve, is taken to Cabinet in May. If a national election is called for 2nd May 2024 (the same day as local elections in other local authority areas) then this timetable may need to be revisited. A decision to call an election on 2nd May 2024 would be expected 25 working days previously (i.e. by late March). However, a delay to June would not significantly impact on the programme.

10. APPENDICES

10.1 This report is supported by four appendices:

- Appendix A – List of current SEND provision in the Royal Borough.
- Appendix B – Summary of progress on SEND and AP Capital Strategy.
- Appendix C – Initial estimated costs of proposed new SEND schemes.
- Appendix D – Equality Impact Assessment

11. BACKGROUND DOCUMENTS

11.1 This report is supported by two background documents:

- [SEND and AP Improvement Plan](#), DfE, March 2023.
- [Special Education Needs or Disability \(SEND\) Strategy \(2022-2027\)](#), RBWM, October 2023.
- [High Needs Provision Capital Allocations Guidance](#), DfE, April 2021.
- [Making significant changes \('prescribed alterations'\) to maintained schools](#), DfE, January 2023.
- [Making significant changes to an open academy](#), DfE, January 2022.
- [Outcomes for disabled people in the UK: 2021](#), Office of National Statistics., 10th February 2022.

12. CONSULTATION

Name of consultee	Post held	Date sent	Date returned
<i>Mandatory: Statutory Officers (or deputy)</i>			
Elizabeth Griffiths	Executive Director of Resources/S151 Officer	23/01/24	
Elaine Browne	Deputy Director of Law & Governance & Monitoring Officer	23/01/24	29/01/24
<i>Deputies:</i>			
Andrew Vallance	Deputy Director of Finance & Deputy S151 Officer	23/01/24	07/02/24
Jane Cryer	Principal Lawyer & Deputy Monitoring Officer	23/01/24	
<i>Mandatory: Procurement Manager (or deputy) - if report requests approval to go to tender or award a contract</i>			
Lyn Hitchinson	Procurement Manager	23/01/24	23/01/24
<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	23/01/24	
<i>Mandatory: Equalities Officer – to advise on EQiA, or agree an EQiA is not required</i>			
Ellen McManus-Fry	Equalities & Engagement Officer	23/01/24	26/01/24
<i>Other consultees:</i>			
<i>Directors (where relevant)</i>			
Stephen Evans	Chief Executive	23/01/24	
Andrew Durrant	Executive Director of Place	23/01/24	
Kevin McDaniel	Executive Director of Adult Social Care & Health	23/01/24	23/01/24
Lin Ferguson	Executive Director of Children's Services & Education	19/01/24	26/01/24
<i>Assistant Directors (where relevant)</i>			
	Assistant Director of		
	Assistant Director of		
	Assistant Director of		
<i>External (where relevant)</i>			
N/A			
Confirmation relevant Cabinet Member(s) consulted	Cabinet member for Children's Services, Education and Windsor	Yes	

REPORT HISTORY

Decision type:	Urgency item?	To follow item?
Key decision: First entered into the Cabinet Forward Plan: 10/10/2023	No	No

Report Author: Ben Wright, School Place Planning and Capital Programme
Manager

APPENDIX A – SEND PROVISION IN THE ROYAL BOROUGH

- A.1 The Royal Borough has two schools specifically for children with Special Educational Needs. It also has seven Resource Bases, with a further two planned to open in September 2024.

Table A1: Existing SEN provision in the Royal Borough

Type	Provision	SEND need	Age	Places
School	Manor Green School	Complex, profound multiple learning difficulties	2-19	300
	Forest Bridge	Autistic Spectrum Condition	4-16	96
Resourced Provision	Charters School	Physical Disability	11-19	6
	Dedworth Campus	Autistic Spectrum Condition	4-13	10
	Furze Platt Primary Federation	Autistic Spectrum Condition	4-11	10
	Furze Platt Senior School	Autistic Spectrum Condition	11-19	25
	Riverside Primary School	Speech/Language	3-11	13
	Wessex Primary School	Hearing Impaired	4-11	9
SEN Unit	South Ascot Village Primary School	Autistic Spectrum Condition	4-11	10

Table A2: Planned SEN provision in the Royal Borough

Type	Provision	SEND need	Age	Places
Resourced Provision	Hilltop First School	Communication and Interaction	3-9	10
	Trevelyan Middle School	Cognition and Learning	9-13	10

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Appendix B: Progress on the SEND and AP Capital Strategy projects.**Table B1 – Summary of progress on the SEND and AP Capital Strategy projects**

Row	Project name	Project description	Cost centre	Status	Total cost ¹ (£,000k)	Comment	Actual/ expected completion
1	Charters School Resourced Provision works	Accessibility improvements to the Resourced Provision	CSKV	Complete	47	-	2021/22
2	SEND Careers Hub	Facility providing services aimed at young people with SEND, aged 11 to 25 to prepare them for and support them into employment. Run by Manor Green School.	CSLN	Complete	125	Contribution from High Needs Provision Capital Allocation towards overall cost of refurbishing and remodelling the Chiltern Road site in Maidenhead, which will become a primary school in due course.	September 2023
3	Early Years School Readiness Hub	Facility providing short-term, additional, help to young children who are not yet ready to attend school. Run by The Lawns Nursery School.	CSNF	Complete	350	This project is still at Final Accounts, so the final cost may be marginally different from that given here.	October 2023
4	Manor Green School access	Widening of road and gates to help ease local traffic congestions.	CSNQ	Complete	HNPCA: 39 S106: 31	Partly funded using last S106 available for use on SEND projects	August 2023
5 199	Henley College sensory room adaptations	Funding to make adaptations to meet specific SEND needs of young person with an EHCP.	CSNH	Complete	15	Funded from the Minor SEND adaptations fund costcentre. Intended to keep children and young people in local provision, which keeps them in their local community and is more cost effective than the alternatives.	Summer 2023
6	Trinity St Stephen First School temporary toilet and changing facilities	Funding to make adaptations to meet specific SEND needs of young person with an EHCP.	CSNH	Complete	45	As above	November 2023
7	Homer First School medically vulnerable facility	Fitting out of new facility at Homer First School.	CSNH	Complete	5	-	January 2024
8	Homer First School external works	Reprovision of external play area lost as a result of the opening of the medially vulnerable facility.	CSNH	Not started	21	-	To be confirmed
9	Resourced Provision for Communication and Interaction at Hilltop First School	Opening of a new Resourced Provision for Communication and Interaction.	CSNG	Underway	n/a	This project is being tendered, and so the project budget is not shown here.	September 2025
10	Resourced Provision for Cognition and Learning at Trevelyan Middle School.	Opening of a new Resourced Provision for Cognition and Learning.	CSNG	Underway	n/a	This project is being tendered, and so the project budget is not shown here.	September 2025
11	Funding to support the delivery of a new special school on the West of Windsor site.	Costs associated with the delivery of the new special school.	CSNJ	Underway	n/a	The borough has to cover the cost associated with any 'abnormal' site conditions on the special school site. Initial planning work is underway with the developer and DfE.	September 2026 or later
12	Funding feasibility and design works associated with the delivery of the programme.	Costs associated with designing the new provision.	CSMR	Ongoing	30	Some of these costs have been moved into the relevant project cost-centres already.	Ongoing

¹ All High Needs Provision Capital Allocation funded, unless otherwise indicated.

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Appendix D: 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:	Special Educational Needs and Alternative Provision Capital Strategy Update
Service area:	Operations
Directorate:	Children's 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?

The proposals to be included in the updated SEND and AP Capital Strategy are intended to use capital grant to fund new Special Educational Needs & Disabilities (SEND) places and Alternative Provision (AP). This Cabinet report recommends public consultation on these proposals which, if implemented, will make it easier to achieve the aims set out in the borough's own SEN Strategy and in the government's SEND and AP Improvement Plan.

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.

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.
Children and young people educated, or due to be educated, at schools in the Royal Borough.
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? <ul style="list-style-type: none">• How has/will equality considerations be taken into account?• Where known, what were the outcomes of this engagement?
There has been no specific consultation on the proposals outlined in the report. Where proposed changes are being made through changes to the Royal Borough's school admissions arrangements, these will be consulted on this spring
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	N/A	N/A	N/A
Disability	If the proposals in the draft SEND and AP Capital Strategy are implemented following public consultation, they will improve the access for children and young people to education and the support they need locally.	Yes	N/A
Sex	N/A	N/A	N/A
Race, ethnicity and religion	N/A	N/A	N/A
Sexual orientation and gender reassignment	N/A	N/A	N/A
Pregnancy and maternity	N/A	N/A	N/A
Marriage and civil partnership	N/A	N/A	N/A
Armed forces community	N/A	N/A	N/A
Socio-economic considerations e.g. low income, poverty	N/A	N/A	N/A
Children in care/Care leavers	N/A	N/A	N/A

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

N/A
<p>Where a potential negative impact cannot be avoided, what measures have been put in place to mitigate or minimise this?</p> <p>For planned future actions, provide the name of the responsible individual and the target date for implementation.</p>
N/A
<p>How will the equality impacts identified here be monitored and reviewed in the future?</p> <p>See guidance document for examples of appropriate stages to review an EQIA.</p>
N/A

6. Sign Off

<p>Completed by: Ben Wright School Place Planning & Capital Programme Manager</p>	<p>Date: 19/01/2024</p>
<p>Approved by: Lynne Penn Associate Director Operations</p>	<p>Date: 19/01/2024</p>

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

<p>Reviewed by:</p>	<p>Date:</p>
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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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