

**AT A MEETING OF THE BOROUGH COUNCIL held in the Desborough Suite -
Town Hall on Tuesday, 27th June, 2017**

PRESENT: The Mayor (Councillor John Lenton),
Councillors M. Airey, N. Airey, Alexander, Beer, Bhatti, Bicknell, Bowden, Brimacombe,
Burbage, Carroll, Clark, Coppinger, Cox, Da Costa, Diment, Dudley, D Evans, Dr L.
Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Kellaway, Lenton, Lion,
Love, Luxton, Majeed, McWilliams, Mills, Muir, C. Rayner, S Rayner, Richards,
Saunders, Sharp, Sharpe, Shelim, Smith, Story, Stretton, Targowska, Werner, D.
Wilson, E. Wilson and Yong

Officers: Andy Jeffs, Mary Kilner, Rob Stubbs, Alison Alexander, David Scott, Ann
Pfeiffer and Kevin McDaniel

148. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bateson, Jones, Pryer, Quick,
Rankin, Sharma and Walters.

149. ORDER OF BUSINESS

**RESOLVED UNANIMOUSLY: That the order of business as detailed in the
agenda be amended.**

Councillor Dudley congratulated Andy Jeffs on his permanent appointment as
Executive Director – Communities.

Councillor Dudley informed Members that item 9, 'Members Allowance Scheme –
Proposed Amendments,' had been withdrawn from the agenda as, due to a
mathematical error the budget required had been overstated. The report would
therefore be amended and deferred to the next meeting.

150. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 21
February, 30 March and 23 May 2017 be approved.**

151. DECLARATIONS OF INTEREST

Councillor Dudley explained that he had a non-pecuniary interest in relation to the item
'Additional Capital for Lowbrook Academy' but he had not come to the meeting with an
open mind. He would express his view then take no further part in the debate or vote.
He was founder and Chair of Governors at Holyport College, an Outstanding
secondary Academy in the borough that also wished to expand.

Councillor Richards explained that he was leading on a proposal to establish a Free
School in Windsor, He would therefore not debate and abstain from voting on the item
'Additional Capital for Lowbrook Academy'.

152. MAYOR'S COMMUNICATIONS

The Mayor submitted in writing details of engagements that he and the Deputy Mayor had undertaken since the last meeting, which were noted by the Council.

On behalf of all Members of the Council, the Mayor congratulated Councillor Leo Walters on achieving an impressive milestone in May 2017. Councillor Walters had lived in Holyport since 1965 and had served the residents of Bray as a Councillor for 50 uninterrupted years. He had been a Councillor of the Royal Borough for 43 years and prior to that he served for 7 years on Cookham Rural District Council, which was abolished when the Royal Borough was created in 1974. In that time, he had served on a range of council committees, panels and outside bodies. However, his main interest had been in planning and in that time he had an almost uninterrupted membership of the various planning panels and working groups set up to deal with planning matters. Councillor Walters had also served as Mayor of the Royal Borough on two occasions in 2002/2003 and in 2007/2008. He was only one of three councillors that had been Mayor of the Royal Borough on more than one occasion.

153. PUBLIC QUESTIONS

In accordance with Part 2C Paragraph 9.3 of the Royal Borough Constitution, the Mayor had agreed to accept the following urgent public questions:

1) Question submitted by David Rooney, Executive Principal of Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

Having preferred the option of speaking freely, I respect Council's decision to allow questions only and therefore hope the answers to these questions bring clarification to parents and form part of the public record. Lowbrook is an outstanding school with a proud record of achievement. It puts children and community first and we implore the council to do the same.

The Governors and Parents are left wondering why the council believed that £1.6 million was enough to deliver the expansion scheme when the school clearly demonstrated through six current tenders from July 2016, QS estimations, executive architectural advice and national benchmarks that this figure was well below what was required?

Councillor N. Airey responded that last summer the Council and the Academy negotiated on the scope and scale of an expansion at Lowbrook Academy. For the first time the negotiation was with an Academy that was seeking full control of the project instead of the local authority undertaking the detailed design work. The specification at this point was for some immediate internal modelling, four classrooms, 167 square meters of additional hall space and a staff room. The school put forward estimates as described in the region of £1,925,000 while the Council's team estimated a budget of £1,600,000 using the methodology which was regularly used for budget setting on Education projects and was calibrated with experience of tenders that come back.

On that basis the Council offered £1,600,000 to the Academy which was accepted following a discussion with the governing body. Within that meeting the council officer noted the difference in estimates and indicated that that the difference would not prevent the project from completing. The Council report of June 2017 which approved

the £1,600,000 also noted a financial risk of £300,000 on the tendering prices; a risk that the Borough was willing to carry, and as such the school was encouraged to proceed with the existing budget.

It was expected that at the tender response stage, if it came back above the approved budget, there would be another decision for the Council. This was similar to the process the Council uses for education capital schemes where it was in control and allows for market variation within an approved capital programme.

Mr Rooney confirmed that he did not have a supplementary question.

2) Question submitted by David Rooney, Executive Principal of Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

The engineering difficulty regarding the hall extension was identified within the first month of the scheme's development. The project proceeded with full support from all members of the steering group including a Borough Officer. The rationale was clear and based around financial and practical assumptions from our Executive Architect. The relocation of the hall subsequently became an issue 8 months past the design process and after authority had been given for pre-application. Why was this not addressed at the very beginning of the project design instead of after key milestone delivery dates?

Councillor N. Airey responded that on 30 September 2016, the steering group was advised that the option of adding 167 square meters to the existing hall would be mechanically complex, structurally risky and the implementation would be impractical for the school operation, all of which would add to the cost. The Academy proposed a second hall space of 290 square meters to create a space large enough for the whole school to meet, something that she understood to be a so called "red line" for the school on this project.

The minutes of that steering group meeting show that the preferred design was not turned down but supported as a direction of travel with section 4.4 noting the requirement for further funding. Through the autumn, work was undertaken to secure additional funding: the Academy approached the Education Funding Agency and the local authority looked at sport hall grant opportunities and section 106 sources, but none enabled additional capital to be secured.

Members had asked her about the fairness of the hall space in comparison to the provision in other schools. The national guidance for school buildings called Building Bulletin 103 set a number of parameters for primary school hall space in a two-form entry school. The guidance recognised the complexity of different school sites; some schools had a single space, large or small; some had two spaces and some had a real mix.

The council did not intend to tell the Academy what it needed for the good of the pupils and therefore the issue for the Council was cost, and the council could not make that decision without recognising that the proposal was for a hall that was 123 sqm larger than the space agreed in the initial funding estimates. It was right therefore that Members had been advised on the range and typical arrangements for hall spaces in comparable schools within Maidenhead.

By way of a supplementary question, Mr Rooney commented that the school had been led to believe that the additional funding shortage had been agreed. He asked for an explanation as to why the school was led to believe that was the case.

Councillor N. Airey responded that as further borrowing would have been required, an internal process was followed. The letter sent by the Director of Children's Services stated it was going forward but not that it had been formally approved. The issue was due to come to Council in April 2017 but due to the announcement of the General Election and purdah it had been deferred. She did not believe the communication had explicitly stated that the funding had been agreed, but that it was in process, and would be put to Council.

3) Question submitted by Dominique Du Pré, Chair of Governors of Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

Lowbrook is a school that has moved from a position of near closure to being the highest performing Academy in England. It has been at the forefront of high achievement for over a decade; the first RBWM Academy; a school that has self-funded four high quality classrooms and is consistently over-subscribed as a consequence of this best practice.)

The funding shortage was clearly identified by the Academy and steering group yet we were given full authority to formally progress this build well past key project milestone delivery dates. Why were parents led publically to believe the project viable and the school required to enter into a renegotiation process?

Councillor N. Airey responded that the development of the scheme using the Design and Build approach required the development of a specification to the level of detail that contractors could make legitimate offers on. The council had previously allocated £1,600,000 on this project and, in line with the agreement that the Academy were leading, it was right that the Council authorised the project to move forward to the point where there was a specific price for delivery. At that point it would have been possible to make a final decision on the actual capital cost and there would have been more certainty about the viability of the scheme.

As she had said in a previous answer, Members had asked her about the hall and the fact that the proposed 123 square meter additional space was more than agreed at the outset. It was therefore the reason the decision had been brought back to council. It was only right for the council to explore how the Academy might contribute to the scheme in recognition of the additional space in the design compared to the original agreement.

Ms Du Pré confirmed that she did not have a supplementary question.

4) Question submitted by Dominique Du Pré, Chair of Governors of Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

Young families move from substantial distances into our catchment, at a premium, to secure their children a place at this outstanding school. The issue of over-subscription

is not new and historically we have taken bulge classes at your request and at our own will so as to meet the needs of this community.

Why was the process of a conscience/free vote used in this expansion project and why is this project often referred to as controversial when it is in the Conservative's policy and to our knowledge in principal had already been agreed?

Councillor N. Airey responded that the expansion of Lowbrook Academy was not an expansion to provide sufficient school places within the Borough as there were 70 surplus places for the coming year at a range of other schools in Maidenhead. It was therefore not a decision to allocate Government funding to meet the Council's statutory duty. That duty was already amply met. It was however an expansion to support a particular community in getting their children into their first choice school and to prioritise limited local resources towards this project potentially at the expense of others. The administration's manifesto included commitments to expand Good and Outstanding schools and to increase the number of such schools. The decision to expand Lowbrook clearly aligned with the former of these commitments. Given the range of questions she had heard from Members, and she highlighted that she did not speak on behalf of all 57 councillors, but in her capacity as Lead Member, she could see that some might view the decision as controversial for a number of reasons:

1. Central government policy was to provide funding for Academies to expand via the Education Funding Agency's Condition Improvement Fund, but they had declined.
2. Some schools that were not as successful as Lowbrook argued that investment should go to them if Members were making local decisions
3. It was typical of the admissions system nationally that about 15% of parents did not secure their first preference of school and found themselves in the same position as the 30 families who were planning for 60 places at Lowbrook. The borough figures matched the national figures almost exactly in this respect. The 16 living in the catchment area and the nine with siblings and living outside the catchment area had been offered places in Good or Outstanding schools with only four being offered a school that was not on their preference list.

So the choice to invest a further £775,000 into the expansion may well be seen as controversial for the reasons highlighted. It was also clear that it is not a straight policy decision as the decision had to be weighed up in light of local opportunities and costs; this was the role of the democratically elected councillors and the use of a Free Vote for those affiliated to the administration was wholly appropriate.

Ms Du Pré confirmed that she did not have a supplementary question.

5) Question submitted by James Spiteri, Parent Governor at Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

Expanding the highest performing school in England clearly meets local and central government policy. In fact, the expansion of Lowbrook was publically endorsed by the Prime Minister on her website and in her election communications during her campaign. Expanding outstanding academies remains a high priority. Why do members of the Conservative Council not believe they should be expanding outstanding academies such as ours when there is a clear policy from Central Government to convert all schools to academy status and there are many examples in

Windsor and Maidenhead where expansion projects in academies are currently being undertaken (e.g. Dedworth Middle School, Windsor Boys, Furze Platt Senior)?

Councillor N. Airey responded that the administration had no objection to expanding outstanding academies; indeed it was committed to expanding good and outstanding schools of any type. However the council's statutory duty was to fund that work if there was a clear shortage of places in the wider area and that was why it was funding the secondary schools mentioned, because it knew that the spaces would be needed to accommodate pupils already in the primary system.

In their document "Guide to forecasting pupil numbers in school place planning" the Department for Education said "We expect local authorities to forecast demand for school places based on groups of schools (planning areas) that reflect local geography, reasonable travel distances and patterns of supply and demand. For some this could be at local authority level." That was not just within the catchment area of a single school and the council considered the Maidenhead area to be a standalone area for primary school planning. There were sufficient places in the local area without this expansion of Lowbrook Academy, with 70 free places for September 2017 available as of the previous week.

She appreciated that this did not help the families who wanted to attend the Academy now, as the school had said they would not take the additional 30 places in September until they had certainty about the space to accommodate these pupils, which the council had been told could only occur once both financial certainty and planning permission had been granted, which was at the earliest likely to be around Christmas time. Once again it emphasised that this was a local decision about the cost/value of the opportunity, not a policy decision about a type of school the council was interested in expanding.

Mr Spiteri confirmed that he did not have a supplementary question.

6) Question submitted by James Spiteri, Parent Governor at Lowbrook Academy to Councillor N. Airey, Lead Member for Children's Services

Due to my professional qualifications as a Chartered Architect, I was invited to become a Governor at the School with a view to using my extensive architectural knowledge to help oversee the build design and value engineer this project. Uncertainty and lack of commitment will only escalate

My current dealings in this market indicate higher inflationary costs due to the falling value of the pound and market conditions. You must commit to this project and not risk further delays due to economic forces which are out of the school's and RBWM control so why are conditions in this paper being imposed that do not align with conventional design and build projects or any other school builds identifiable in RBWM, in particular in Recommendation item 2 the scheme proceeds no further if the additional budget of £775,000 proves to be insufficient?

Councillor N. Airey responded that there were fluctuating costs in the market place with recent tenders for school build projects being significantly below estimates for the first time in a while. A view had been taken about the potential cost at current market values and the council was recommending that exact cost be secured rather than continuing to guess and argue about those guesses. This was normal practice in the public sector: an indicative budget was secured and an allocation made. In this case

the recommendation was to increase the allocation from £1,600,000 to £2,425,000 and then permission would be given to seek a contract to deliver, raising the expectation of the bidders. The final decision was to confirm the award of the tender or stop the process. This meant that the conditions in the paper did align with the Borough's conventional design and build projects and was the same process used for the secondary school expansion programme; indeed the recommendation on that report from July 2016 stated "To agree the proposed programme of school expansion and delegate responsibility to the Managing Director/Strategic Director, Adults, Children and Health to begin procurement, with the final proposals to be approved by full Council, at a cost of up to £29.6m". Those schemes would require Council to agree if any further money was required.

The recommendations in the report were explicit that there were three potential options should £2,425,000 be insufficient: value engineer the project; allocate more funds or stop the project. This may be harsh to some and reduce confidence in others however it was prudent to say to Members "if you support this scheme at £20,625 a place you are not tied to the same decision if it rises significantly further in the future". The Council was offering an expansion with clear guidelines and not a blank cheque, which was fairer to all schools in the Borough.

By way of a supplementary question, Mr Spiteri asked why, when it was fairly obvious a long time that the money allocated would not be enough, was the school not told to stop?

Councillor N. Airey responded that the council had always been working publically with the expectation of a viable project and wanted the school to continue building as agreed. The Council had put £300,000 into the risk section of the initial report to recognise the school's estimate. She added that the Council was working to secure the expansion project and if it had gone over by that amount we would have asked for more capital. From the start the council was willing to carry a further risk above the £1.6m that had been secured in the capital programme.

154. ADDITIONAL CAPITAL FOR LOWBROOK ACADEMY

Members considered approval of additional capital for the delivery of an expansion scheme at Lowbrook Academy.

Councillor Dudley, who had declared an interest, made representations before withdrawing from the debate and vote on the matter. He stated that he had not come to the meeting with an open mind; it was clear to him that Lowbrook should be expanded and without conditionality on the budget because there was a need to ensure 30 pupils who wanted to go to the school in September 2017 could do so. Without certainty it would mean these pupils may never go to Lowbrook and in some cases siblings would be split. Lowbrook was an outstanding school; the best Primary academy in the country. The council could afford to agree the funding with everything the Borough Local Plan would bring and the enormous wealth holdings. Lowbrook was a jewel in the educational crown and a beacon of excellence. As a Conservative he stood for beacons of excellence and giving parents the opportunity to send pupils to the school of their choice.

Councillor N. Airey introduced the report. She thanked the school for their questions and recognised the commitment of the parents who had passionately campaigned on the cause.

COUNCIL - 27.06.17

In April 2016 the Council was facing an unprecedented position: no local children could access the Outstanding Lowbrook Academy, one of the best schools in the country, without relying on siblings already being in the school. The Office of the School Adjudicator upheld the complaint from catchment area families and a new admissions policy prioritising catchment children ahead of out-of-catchment siblings had come into effect.

At the time, in seeking to find a solution for those families, the council made a decision in agreement with the Academy to spend £1.8m of local capital, borrowing which was paid for out of council tax receipts, to expand the school to provide four more classes, additional hall space and a staff room. Those pupils joined the school in September 2016 with the Academy making changes to accommodate them. This figure included £200,000 allocated in Part II of the Council meeting to cover two unknown risks: the project contingency and the cost of the land held by Cox Green. £150,000 had been used to secure the land into RBWM control ready to support the expansion. £50,000 contingency was still available for the project.

In September 2016 the design of the school evolved as it became clear that the existing hall space would be challenging to extend to deliver a space large enough for all the pupils to meet together. A new block with a 290 square meter hall in addition to the four classrooms came to the fore. It was identified that this design would cost more than the budget allocated for the project and other sources of funding were sought: the Academy bid to the DFE; the council looked into sports hall funding sources.

In January 2017, the administration indicated that the decision faced today needed to come to Council and while supportive of the expansion, the issue of the hall and fairness to all schools were raised with the Lead Member. No one could dispute that the initial arrangement specified 165 square meters of additional hall place as this was in the initial brief provided to the Architect by the school. In seeking to explore ways to meet the requirements of the Academy while ensuring fairness for all schools, a number of options were explored, including the proposal for the Academy to contribute a figure of £225,000 on top of the £50,000 already committed through the provision of an interest free loan by the council. The figure of £225,000 was an estimate of the additional cost of 290 square meters space compared to one of 167 square meters as initially committed to the Academy.

The paper recommended a further budget investment of £775,000 on top of the £1,650,000 already approved to progress the project to a final Design and Build tender price. The total budget of £2,425,000 for an expansion of 120 places represented £20,625 per place and was comparable to the most expensive school building projects undertaken in the Royal Borough in recent years. If approved, the commitment was unequivocal and an implementation plan based on the floor plan in the report, a 290 square meter hall and four classrooms in addition to the staff room currently under construction, should be developed as quickly as possible.

The report further recommended that officers and the Academy work together under the auspices of a steering group to strive to deliver the project within that budget, with the council taking the chair as it would carry the financial risk. The Lead Member stated that both she and the Academy would welcome transparency and scrutiny of the decisions of that steering group so that situation did not come full circle to the same position again. However this was not and could not be an open-ended

commitment, at any cost. It would be unwise for any council, on any decision, to provide a blank cheque when there were commercial negotiations to take place.

She was aware that this was not the unconditional backing the school had sought in recent months, however, and for the avoidance of any doubt, the report included an explicit recommendation that should the project need more budget once the detailed specification and tenders were completed, then the existing council procedures would be used to consider the implications. It was not possible to pre-judge those decisions and, indeed if the scheme required even more money, then it should rightly come back and the council should assess the value for money of the scheme.

The Lead Member explained that the decision would be taken on a free vote. The council was being asked to invest local council tax, not government grant or money from developers. The investment had an opportunity cost across the Borough; it was borrowing a further £775,000 against future capital receipts, which if spent on school expansion in one area, would not be available to spend on other community projects, including other schools, in other areas, or would not be borrowed at all.

The Council had a statutory duty to ensure there were sufficient school places and the council worked to a strategic plan to deliver this, which was in addition to this investment. Every one of the 30 pupils who had not been offered a place at Lowbrook that the expansion was originally expected to provide, had been offered a school place in a Good or Outstanding school in the Maidenhead area. Those families would be disappointed if they could not attend the particular school and, in common with 15% of families across the Borough and, indeed across England, would have to cope with the complexities of not securing a space in their first preference school if the council decided not to support the expansion with additional investment.

Children only got one chance at their education while schools typically only got one chance at expansion or investment in a generation. This was Lowbrook's opportunity to expand and build on their outstanding track record. Lowbrook was an outstanding school and this should be celebrated. However it must also be made clear that no other primary school in the Borough had the same facilities the academy was asking for. The question tonight was did the council think the revised cost of £2,425,000 for these 120 places meant that expansion of Lowbrook was still the right thing to do?

Whatever was decided tonight, the Lead Member assured all schools that council was fully committed to expanding good and outstanding schools and helping all schools become good or outstanding.

Councillor Saunders seconded the motion. He commented that there had been many exchanges about the financial aspects of the proposal. The council's approval of £1.6m last summer had been based on the national benchmarking for additional capital required; in conjunction with officers he, as Lead Member for Finance, had determined £200,000 for contingency. This figure was within a range of possible additional costs between £0 and £400,000 including the need to pay Cox Green Academy for a piece of land. He had hoped that there would be no need for a fee to be paid to transfer a piece of land owned by the borough between one Academy and another. The emerging design required further investigation and analysis resulting in the need for a new hall costing circa £740,000, identified now as the additional cost. The council's Budget Steering Group in January 2017 chose not to include the additional sum in the budget approved in February but identified the likely additional

cost. Any tendering process would be in a very interesting market. There were far too many variables including contractors' profit based on the capital available to undertake the job. If the procurement process identified a higher cost the first port of call would be to consider redesign within the figure of £775,000. If this was not possible, the decision would come back to Council. If it were not approved Phase 2 would not be funded by the borough. The funding would not come from the educational capital programme as no spaces were required at the school. Therefore money would come from general capital funds which would in the main be funded by borrowing supported by capital receipts from the Maidenhead Regeneration programme. As a financial professional and Lead Member for Finance it was clear to him that the council should support the additional funding.

Councillor Brimacombe acknowledged the passion and persistence of the school community and the parental engagement. He hoped that Council could be relied upon to do the right thing, as it should have done so in May 2016. He had written to all Members individually at least, consequently he hoped the facts were now well established. The council and the school had met on 16 May to discuss the scale and scope; the report was back to where the process had started with the exception of the basic sports hall (not an expensive sports hall) costing £220,000 more than originally estimated. The financial provision was now feasible and adequate as detailed in the report. The whole discussion had started because of inadequate primary provision in Cox Green. The proposal was outside of education policy but within manifesto commitments. The Governors of Lowbrook took some convincing to go on the journey, this could be read about in the Conservative 'In Touch' newsletter distributed in Cox Green last autumn. The governors had a fiduciary duty to protect the school and were only entitled to move forward when there was absolute certainty. Whilst RBWM must not be reckless in its offer, the governors had to be equally diligent in acceptance. It was already clear that Lowbrook provided excellent primary education, which was the foundation for social mobility contributing to society and the economy. These elements were at the root of his Conservative principles. It was important not to conflate policy with principle; this was not a policy decision, but a political one. Whether Members liked it or not the council had made a promise which Lowbrook and parents had relied upon. If the council tied its resources too tight, this needed correcting. The proposal was for the benefit of the many not the few.

Councillor Werner commented that the decision was about the basics: parents and their children. He had been through the admission process for his own daughter. It had been a stressful process but he had celebrated when his daughter had received her first choice preference. The council had the chance to ensure such happiness for others in the future. Lowbrook was an outstanding school therefore he posed the question why would anyone not want to expand it? The council had also made a promise and given the impression the council wanted the expansion to go ahead. He understood there was no shortage of spaces across the borough but there was in Cox Green. Liberal Democrats fundamentally believed in choice.

Councillor Targowska commented that if she had a child she would be fighting for it to be able to attend the best school; however it was incumbent on Members to do the best for all children in the borough. During the Borough Local Plan debate Members had heard resident concerns about the infrastructure needed for the new development. These were all valid; £120m of investment in schools would be needed including the building of up to 18 forms of entry at primary level; this could not be done on an ad hoc basis. The council needed a clear and transparent policy for building

COUNCIL - 27.06.17

new schools or expansion of existing ones. The cost of over £20,000 per pupil compared to the national average of £13,000 did not feel a prudent financial or policy decision. She could therefore not support the proposal.

Councillor Coppinger commented that there were four issues: Should money be given to an Academy where there was no shortage of places?; Was communication between both parties good?; Should the council take any notice of parent's views?; Should the funding be approved? The proposal was not council policy, therefore Members needed to make the decision. There were communication faults on both sides. He was the Chair of Governors at Holyport Primary; virtually all the parents wanted their children to go to the Outstanding secondary Academy down the road but this year only one got a place. He therefore understood parental concerns and supported the proposal.

Councillor Cox commented that it was clear work had already been done at the school to prepare for the expansion. Some pupils were being taught in non teaching areas including a staff room. He had two children and another on the way. He was sure the teachers were doing their best but teaching environments were important in encouraging excellence. He therefore supported the proposal. It was important that controls were in place as it was council tax payer money that would be used. It would also be important to manage expectations as it was not possible to give absolute certainty.

Councillor C. Rayner commented that it was very important to keep siblings together in the junior years. He had attended a secondary modern with good teachers but bad buildings. Good buildings were needed therefore he supported the motion.

Councillor Stretton commented that Councillor Dudley had already mentioned the discussion at the Conservative Group meeting the previous week. This had been her last meeting as she had since resigned from the Group. A secret ballot had been taken which was an unusual step. The free vote this evening was also a rare occurrence. At the meeting last week the Group had been told that the risk of the project going over budget was low. When Councillor Brimacombe had proposed removing the third condition in recommendation 2 he was ignored. Councillor Stretton felt the third condition was unnecessary if conditions 1 and 2 were in place. She therefore proposed an amendment to remove the third bullet point in recommendation 2.

Councillor Hollingsworth seconded the motion.

Councillor Da Costa commented that the third condition should be removed because it showed a lack of commitment or a lack of confidence in officers. He felt officers should be trusted and the council should be committed to the end.

Councillor N. Airey stated that she would be in favour of keeping the third bullet point as this was one of three principles by which tenders were agreed with all schools. If it were removed this would be preferential treatment for Lowbrook. It was not a lack of commitment, but fairness to all schools.

Councillor Saunders commented that he realised it was contentious but he had worked for thirty years in a range of financial roles and the idea of only two legs to the stool seemed bizarrely silly. If due to circumstances beyond the council's control the

COUNCIL - 27.06.17

budget was not enough, it always had three choices: seek permission to spend more, adjust the scope of the intent within the original budget, or if it was not possible to compromise on any element then it could cut its losses and the project would not proceed.

Councillor Werner commented that he would ordinarily agree with keeping the option but the Council had form in this regard and had not treated the school well during the process. The school had invested time and resources. The council had to show the school at this moment that it was committed to providing the extra places.

Councillor D. Evans commented that he had spent his life negotiating. The motion as drafted was the best bet for the school to get the expansion. If the amendment passed, Members who had concerns about the proposal would be further concerned and it was less likely to pass. The motion had been carefully crafted to get the maximum support. He urged Councillor Stretton to withdraw the motion.

Councillor McWilliams stated that he would like nothing more than to guarantee the school the funding required. However he knew there were genuine concerns about the council simply signing a blank cheque. The motion as crafted was the best option to get the expansion.

Councillor Brimacombe commented that he understood where Councillor Stretton was coming from. However it was not possible to put too much expectation on the project until there was certainty to proceed. Speed would be of the essence to get to a secure position. Goodwill and trust would be important in negotiations. Politics was the art of the possible.

Councillor Stretton commented that she had discussed the issue with the school, who had asked her to withdraw her proposal. She therefore confirmed that the amendment was withdrawn.

Councillor Smith highlighted that National Audit Office statistics showed the average cost per primary place between 2009-2015 was £10,900, in an overall range of £6,200-£13,300. The reasons for a variation were understandable including the market and site issues. It could also indicate that not all local authorities were creating places in the most cost effective way. When Riverside Primary in his ward had doubled in size to 210 the cost per pupil had been £9,523 and did not include a new hall. All basic grant funding had been allocated therefore this proposal was discretionary capital spending which required a higher degree of scrutiny. Councillor Smith said he was on the point of being convinced but the decision lacked clarity. The school did not appear to be meeting the council half way. The Governors had declined to consider different designs at a lower cost.

Councillor Hilton commented that policy would indicate the cost was far too expensive and that the hall was an extravagance larger than was needed. Principle would argue that the council should keep its word. He had been unable to find a definitive statement that said the council had made a commitment but on balance he believed this had been done therefore he supported the proposal.

Councillor Ilyas commented that he was astonished that the issue had reached this point. He questioned how, when initial funding had been agreed, a higher figure had now been reached despite a contingency being included. It was not appropriate for

him to seek out who was at fault but to consider what was most important: the pupils. There was a clear need for increased places for those within the catchment area. Councillor Ilyas stated that he worked in the educational field and believed all pupils should be able to access quality education and facilities. There was a proposal to expand the secondary school in his ward. This should be open to other outstanding and good schools to increase the life chances of the greatest number of pupils. He requested Members to review the case for the future in terms of the funding process to ensure it was fair for all. He supported the expansion.

Councillor S Rayner focussed on recommendation 5. As Lead Member for Culture and Community Services she asked the Lead Member for Children's Services to ask the school if it would consider a formal use agreement to ensure the wider community would benefit from the council's investment. There was no ambition to make money out of any community use. The agreement would be flexible for future generations and to consider the school's needs and could be regularly reviewed by the steering group.

Councillor McWilliams highlighted that parents had been required to split their children between schools. He was also aware of his colleagues' concerns about increasing costs. There was a need to move beyond who said what and why and move to an overwhelmingly positive case for expansion. One of the fundamental Conservative beliefs was dropping down ladders and creating opportunity. Cox Green was not a wealthy part of the borough. He believed students should be given the opportunity for a springboard to the future. This was a golden opportunity to make a difference, to back the school and give an opportunity for generations to come.

Councillor Ed Wilson commented that all agreed Lowbrook was outstanding and expansion should be supported. However he had issues about governance and the money required to keep the project going. In June 2016 he predicted that if the council went for this type of project without proper planning and control the council would end up in the mess it now found itself in. For the council to agree to expand an Academy school, funding had to be absolutely agreed up front. He did not believe this ever existed for Lowbrook, which put at risk the expansion. The council could not offer an open chequebook as there were 66 other schools in the borough and the council had to recognise they also had needs. The money proposed to be spent equated to the entire basic need spend across all schools in the borough. Proper agreements and safeguards for residents were needed. There had to be a better way; the council could not keep having the same debate.

Councillor Dr L Evans commented this was an uncomfortable position for the parents. She was however a councillor for the whole borough and needed to consider the educational needs of all children. Lowbrook had very good results. If the council wanted to improve the performance of all primary schools, she would expect to see people from Lowbrook going to help other primary schools, not just focussing on 30 extra pupils at their school. She highlighted that the cost per pupil for Oldfield school, also outstanding, was lower than for Lowbrook. It was known that by 2023 there would not be significant housebuilding in Cox Green so there would be no need for additional places; the demand was higher in other areas. She would be voting against the proposal.

Councillor Kellaway highlighted some contradictions. The Academy wanted to maintain its independence but had come to the borough for funding. By definition any funds going to Lowbrook were at the expense of the rest of the borough. He was

COUNCIL - 27.06.17

concerned that a precedent would be set. However he suspected that the council had made a commitment a year ago. He was still undecided.

Councillor Luxton asked the Lead Member whether all other schools with the same excellent results would get the same benefits as Lowbrook, such as Charters?

Councillor D Evans commented that this was not an easy decision either way. Councillor Targowska had raised some important issues about how the council would deal with future expansion once the Borough Local Plan was approved. The council needed a clear policy for all future expansions. When he had first become involved in this issue, the proposal would have cost £3m or £26,000 per pupil. That level of expenditure was not sustainable. He thought there was now a fair compromise. Provided the tenders met the required benchmarks the expansion should be approved, but there should be no blank cheque. It should be ensured that the facilities were available for use by the public.

Councillor Grey stated there was no need to debate how good Lowbrook was; any parent would want their child to go to the school. It was a question of fairness and the distribution of funds. There had been a weight of emails and pressure from parents. However all Members had to think collectively to see the whole picture. The proposal was not fair to other schools and would be used as a precedent. He would not support the motion.

Councillor Burbage commented that councillors were there to make a difference. There would be no better opportunity to expand one of the best schools in the country and the council should be getting on with it. The administration had a manifesto commitment to expand outstanding schools and there was a shortage of places in outstanding schools. Cox Green was not a wealthy part of the borough therefore the council should put taxpayers money in a good location. He wholeheartedly supported the motion.

Councillor Sharpe commented that he was troubled with the cost, particularly as the school had chosen to take Academy status. However on balance he would support the motion because education was really important, as was keeping families together. There was also a shortage of spaces in the south of the borough; he knew of one child who lived two doors away who did not get into the local school. This was just the tip of the iceberg. The council should take the right action and expand the school.

Councillor Diment commented there were three principles: the manifesto commitment to support outstanding schools, the importance of parental choice and the importance of keeping siblings together. She had been troubled by what she had heard of the process. Going forward she hoped lessons would be learned. This should not set a precedent but lessons used to help other schools to improve. It was important to support an outstanding school and create life changing opportunities.

Councillor Bicknell commented that there were 66 schools in the borough and this was not the only one that was good or outstanding. The way funding was apportioned was very important. He had four children so understood the emotions. However this was not about emotion, but about money. One point on council tax equated to approximately £600,000, therefore this was a lot of money to put in one place. Funding for Academy schools should come from central government not from the council tax payer. A prudent process was needed.

Councillor Hunt highlighted that Lowbrook was a beacon of excellence. If she could she would give whatever money was needed to expand outstanding schools. One of her grandchildren was taught in a school with second hand classrooms. She had a problem as she wanted fairness all round.

Councillor Carroll commented that in considering the decision he took into account three elements. Originally he had been concerned but had been satisfied that the process had now arrived at a suitable place. The second element was the principle of doing the right thing and enabling pupils to go to the school of their choice. It was not about who to blame; the key was that at bare minimum an expectation had been given to parents that the council would be supportive. Thirdly, the manifesto included an unequivocal commitment to expand outstanding schools.

The Lead Member responded to questions or issues raised by the following Members:

- Councillor Werner had said there were not enough places in Cox Green. In January 2017 the School Census data showed there were 36 children attending Lowbrook who lived outside the catchment area.
- Councillor Smith had raised the cost of places at Riverside. This was around £11,000 per place including a dining hall but it was not large enough for all pupils.
- Councillor S Rayner had highlighted the community use. The Steering Group could discuss this going forward. There was no precedent for seeking revenue from the lettings.
- The Electoral Review later in the agenda showed 29 new houses expected in Cox Green by 2027.
- Councillor Dr L Evans had suggest Lowbrook should help other schools. The headteacher was deputy head at Holy Trinity Cookham and had helped it move out of Requiring Improvement to Outstanding in 2015. The council was grateful for his work there.
- Councillor Luxton had asked a question about Charters. A report to Cabinet in July 2017 would include a programme for around £4m at Charters to provide 14 classrooms.
- Councillor Sharpe had commented on schools in the south of the borough. She asked for details of the specific case to which he referred.
- Councillor Diment referred to parental choice. Councillor Airey highlighted that there was only a legal right to parental preference. The council therefore aimed to have a 5-10% surplus so there was sufficient choice.
- Councillor Hunt referred to Waltham St Lawrence Primary School. The mobile dining hall was from Riverside. Waltham St Lawrence was an outstanding school.

Cllr Targowska referred to the infrastructure resulting from the development of the Borough Local Plan. A wholesale scheme costing £220m would come forward in September. All schools would be invited to discuss proposals, with basic infrastructure principles in place for the whole scheme.

The Lead Member stated that she would be abstaining from the vote. She had been involved in the process since last May. She was not against expanding an outstanding school, but she was also conscious that she would be leading the process of

negotiating on the circa 25 forms of entry and £220m of places in September so would like to be able to have it as a principle of fairness across the piece.

RESOLVED: That the motions contained in the report not be approved.

(23 councillors voted for the motion: Councillors Brimacombe, Burbage, Carroll, Coppinger, Cox, Da Costa, Diment, D Evans, Gilmore, Hill, Hilton, Hollingsworth, Ilyas, Lion, Majeed, McWilliams, C Rayner, Saunders, Sharp, Sharpe, Stretton, Werner, and D. Wilson. 23 councillors voted against the motion: Councillors M. Airey, Alexander, Beer, Bhatti, Bicknell, Bowden, Clark, Dr L Evans, Grey, Hunt, Kellaway, Lenton, Love, Luxton, Mills, Muir, S Rayner, Shelim, Smith, Story, Targowska, E. Wilson and Yong. Two Councillors abstained: Councillors N. Airey and Richards. As the vote was tied, the Mayor used his casting vote in accordance with Part 2C Rule 17.2.2 of the Council Constitution and voted against the motion.)

155. PETITIONS

No petitions were received.

156. ELECTORAL REVIEW: STAGE ONE - COUNCIL SIZE

Members considered the outcome of stage one of the electoral review process. Councillor McWilliams explained that in September 2016 a report was considered by Council to undertake a review based on a number of criteria, to make the council more efficient in light of the changing delivery model and the fact that some wards were over represented and others under represented. The first stage involved an internal review. The second stage involved submission to the Local Government Boundary Commission for England (LGCE) to come up with new boundaries which would then be consulted upon. The cross-party working group had used a number of evidence bases including population numbers and predictions for the future. The group had considered the council's position in the bottom quartile in terms of the ratio of councillors to electors. Members were surveyed on their views of a potential reduction in the number of councillors by 25%.

The Working Group was recommending to Full Council to propose to the LGCE that, with effect from the Borough Elections in May 2019, the size of the council should become 43 elected Members, or 43 plus or minus one, subject to the outcome of Stage Two of the process.

Councillor Dudley thanked the working group and officers for their work on stage one. When the council was asking officers, suppliers and residents to come with the council on a journey of efficiency, councillors also needed to look at themselves. The right size and shape of the scrutiny function going forward would be important to ensure there was an acceptable burden for each councillor to deliver their democratic responsibilities. The different ways of interacting with residents including email and social media had been taken into account. The proposal would lead to a saving of over £200,000. If the council had not been proactive, the review would have been required anyway because of changing populations.

Councillor D. Wilson echoed the comments about the need for councillors to look at themselves in terms of overall efficiency. He had been on the council since 1991; the

last boundary review had been triggered by rising populations in Oldfield. The current increase in the ward was not far off triggering another review anyway.

Councillor Smith highlighted that the council had the lowest council tax outside London therefore he asked what was broken that needed to be fixed? The council should not model itself on other less efficient local authorities. The saving of £150,000-£200,000 was a small amount, just a third of appoint on council tax. It was fantasy that the 25% reduction in councillors could be matched by a 25% reduction in meetings. It would also likely not translate into a 25% reduction in papers or time, particularly in light of the ambitious regeneration programme and a busy planning authority. Case work would also become less efficient. The executive would also likely shrink, thereby concentrating power in an even smaller body.

Councillor Da Costa commented that although the work the council did was going to change, the amount of work did not. Information flows would slow down and Councillors would have no direct influence over the new corporate bodies in comparison to officers. Councillors would need to know not just how the council worked but also how the new corporate entities worked. Councillors who were Directors would have extra conflicts because their primary responsibility would be to the corporate body. If panels and committees were combined because of a reduction in councillors, it would become more demanding to understand the interplay of shared services and Joint Ventures. As a consequence scrutiny would either not happen or skill sets needed by councillors would dissuade ordinary people, including members of minorities, from becoming councillors. A reduction in the number of councillors would diminish democracy rather than improve it. A smaller reduction should be considered. He reported that Councillor Jones, a member of the working party, had not supported the recommendation.

Councillor Kellaway commented that some Councillors worked harder than others. Constituents would be pleased with the proposals.

Councillor E. Wilson commented that the working group had been ably chaired. Councillor Jones had agreed the recommendations but had stated that she could not verify what the other members of the opposition group would say. The number of Overview and Scrutiny Panels would reduce from seven to five. Councillors would need to work a little bit harder, just like others in society. There would be no change to the external boundaries of the borough, only the ward boundaries in between.

Councillor Werner stated that he was broadly in support of the reduction; it had been a Liberal Democrat manifesto commitment at the last local election. However he had concerns about the claimed efficiency savings because he feared that allowances may rise as a result. He would like guarantee from the Leader that this would not happen. He also commented that without an equivalent reduction in the size of the Executive, it could end up being over 50% of councillors which would be negative for democracy.

Councillor Hunt commented that if you removed Reading from the list of councils on page 15 of the report the figures were not so different, particularly West Berkshire and Wokingham. All councillors were volunteers paid a small allowance. Her work on council business meant that she would not be able to have another job. Workloads would increase with a reduction in councillors. There was a need to look at wards but not to the extent suggested because the council would end up relying on officers when the buck stopped with councillors.

Councillor Dr L. Evans commented that there was a clear understanding that the way the council worked was changing. It was important to look at the median figures in comparison to other councils. The review would have to happen soon anyway; being proactive gave the council the chance to think about it rather than accepting a fait accompli.

Councillor Beer commented that the lower number of constituents per councillor may not be a reflection of councillors' efficiency but would offer residents a better service if the level were maintained or close to the level. If the number of councillors were reduced, this would reduce the service provided. The council had a more complex and wider range of duties than boroughs to which it was being compared, including Heathrow, the M25 and London overspill. There would be fewer councillors to undertake scrutiny duties and finding substitutes may be a problem. Some councillors had lots of commitments outside the council. Re-jigging the wards may cause problems as they may not fit with established communities. There would be a need for flexibility, perhaps plus or minus 3 councillors.

Councillor Bicknell commented that it was the right thing to do to reduce the numbers.

Councillor McWilliams thanked officers for producing the report in a short timescale. He highlighted that the council was currently at the very bottom of the graph of electors per councillor, therefore was highly inefficient yet at the same time the council was asking officers to find savings and provide improved services. The two stage process was in place to ensure boundaries would fit when revised.

It was proposed by Councillor McWilliams, seconded by Councillor Bicknell, and:

RESOLVED: That Council:

- i) Notes the Stage One review report on the future council size in Appendix A and the cross party Working Group recommendation that the future council size be 43 Councillors.**
- ii) Agrees that the Stage One review report be submitted to the Local Government Boundary Commission for England.**

(41 councillors voted for the motion: Councillors M. Airey, N. Airey, Alexander, Bhatti, Bicknell, Bowden, Brimacombe, Burbage, Carroll, Clark, Coppinger, Cox, Diment, Dudley, D Evans, Dr L. Evans, Gilmore, Grey, Hill, Hilton, Hollingsworth, Ilyas, Kellaway, Lenton, Love, Luxton, McWilliams, Mills, Muir, S Rayner, Richards, Saunders, Sharp, Sharpe, Shelim, Story, Targowska, Werner, D. Wilson, E. Wilson and Yong. Six councillors voted against the motion: Councillors Beer, Da Costa, Hunt, Lion, Majeed and Smith.)

157. CONTINUATION OF MEETING

At this point in the meeting, and in accordance with Rule of Procedure Part 4A 23.1 of the Council's Constitution, the Mayor called for a vote in relation to whether or not the meeting should continue, as the time had exceeded 10.00pm.

Upon being put to the vote, those present voted in favour of the meeting continuing.

RESOLVED UNANIMOUSLY: That the meeting continue past 10.00pm.

158. POLITICAL BALANCE AND ALLOCATION OF SEATS

Members noted that the political balance and allocation of seats on the Standing Panels/Forums had been reviewed following the resignation of Councillor Hollingsworth from the Conservative Group on 12 June 2017, and Councillor Stretton from the Conservative Group on 19 June 2017.

Members noted that, as a result of the resignations, the following vacancies (Conservative seats) had arisen:

- Licensing Panel
- Adult Services and Health Overview & Scrutiny Panel
- Children's Services Overview and Scrutiny Panel (substitute)
- Maidenhead Town Forum x 2
- Access Advisory Forum
- Corporate Parenting Forum
- Grants Panel (substitute x 2)

The change in political balance had resulted in four seats being transferred from the allocation of seats currently held by the Group of Five to Councillor Stretton.

It was proposed by Councillor Dudley, seconded by Councillor Bicknell, and:

RESOLVED UNANIMOUSLY: That:

- i) **Councillor Claire Stretton be allocated seats on: Maidenhead Development Management Panel, Culture and Communities Overview and Scrutiny Panel, Licensing Panel and Grants Panel.**
- ii) **Councillor Luxton be appointed as Chairman of the Corporate Parenting Forum for the remainder of the municipal year.**
- iii) **Councillor Sharma be appointed as Vice Chairman of the Maidenhead Town Forum for the remainder of the municipal year.**

159. MEMBERS' ALLOWANCE SCHEME - PROPOSED AMENDMENTS

The item had been withdrawn from the agenda.

160. MEMBERS' QUESTIONS

Question submitted by Councillor Shelim to Councillor Dudley, Leader of the Council:

Will the Leader of the Council write to Network Rail to request that they remove the litter on their land adjacent to the track at Windsor Central train station? Further there is graffiti in this area and would they also remove that as appropriate.

Councillor Dudley responded that he used the station and was aware of the rubbish, he would be very happy to write to Network Rail and encourage them to create an improved ambience.

Councillor Shelim confirmed that he did not have a supplementary question.

Question submitted by Councillor Shelim to Councillor Bicknell, Lead Member for Highways and Transport:

Will the Lead Member please write to Great Western Railways and request the frequency of trains from Windsor Central train station to Slough are increased in frequency? At peak times and seasons, the trains are very full and extra capacity and frequency would be appreciated by all residents and visitors alike and must make commercial sense.

Councillor Bicknell responded that he would be very happy to write to Great Western Railways requesting an increased frequency of trains between Windsor Central Station and Slough. He fully appreciated the overcrowding issues at peak times and would work with Great Western Railways to identify opportunities to increase capacity and / or frequency. Whilst there were infrastructure constraints, for example platform lengths and single track, he had asked officers to continue to pursue a number of issues with Great Western Railways and would also raise the issues in his capacity as a member of the Thames Valley Berkshire LEP – Transport Board.

Additionally, the Department for Transport hosted a meeting today to begin development of the specification for the next rail franchise, which included this line, which would commence in 2020. Officers attended and raised this issue. It was also worth noting that the council was in discussion with the rail operators to improve services from Windsor & Eton Riverside as part of the new franchise.

Councillor Shelim confirmed that he did not have a supplementary question

a) Question submitted by Councillor E . Wilson to Councillor Rankin, Lead Member for Economic Development, Property and Deputy Finance:

Will the Lead Member advise how the 'investwindsorandmaidenhead' website has helped businesses to relocate to Dedworth & Clewer?

Councillor D Evans responded on behalf of Councillor Rankin. He explained that the website was principally established as an economic development and investment site to promote the opportunities earmarked for developed and regeneration within the borough. These were predominantly within Maidenhead, but with other opportunities in Windsor and Ascot areas of the Borough as well.

From January to June 2017, there had been 2000 hits on the website with the percentage split of these searches on the website reflecting the scale of these opportunity areas. The website was monitored daily however there had not been any searches made on the website or queries raised on the generic business@rbwm.gov.uk inbox that specifically related to the Dedworth and Clewer area.

A feature of the website offered a property search function with links to key commercial property agents. Commercial buildings available within the area were likely to be registered with one or more of these agents who would be widely promoting them.

There is an opportunity to amend the website and Councillor Rankin would be happy to work with relevant officers to progress this directly if Councillor Wilson had any specific concerns or indeed an understanding of specific details or individual opportunities for businesses to relocate into the Dedworth or Clewer areas and /r to include investment opportunities within these areas that may have been identified.

Councillor E Wilson commented that he had a number of detailed specific changes to the website. He asked the Lead Member to work with him and Councillor Bhatti to discuss the way forward.

Councillor D. Evans said commented that he was sure Councillor Rankin and officers would be in touch to progress this.

161. MOTIONS ON NOTICE

Councillor McWilliams introduced his motion. He explained that the motion requested the Leader to write to the Secretary of State for Communities and Local Government, Chancellor and Prime Minister to consider improving Help to Buy Loans to a level of 40%. A number of London boroughs received this level, yet 20 of them had lower house prices than in the borough. The current government system misrepresented the south east in comparison to London.

Councillor Dudley commented that in the Midlands some estates were up to 60% Help to Buy properties. The scheme was very London centric. A £600,000 property in the borough with a mortgage of £330,000 would mean a family would still need to find £120,000 for a deposit. This would not be possible for most on a modest salary and they would end up being stuck in rental properties for life.

It was proposed by Councillor McWilliams, seconded by Councillor Dudley, and:

RESOLVED UNANIMOUSLY: That this council notes the Help to Buy London programme with an up to 40% government house purchase loan compared with the national English scheme of up to 20%. Given the unaffordability of property to Royal Borough first time buyers, and our average house prices being greater than the majority of London boroughs, this council asks the Leader to write to the Secretary of State for Communities and Local Government, Chancellor and Prime Minister to please address this basic unfairness through extension of the 40% scheme to areas like the Royal Borough.

The meeting, which began at 7.30pm, finished at 10.25pm,

Chairman.....

Date.....