

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber - Guildhall Windsor on Tuesday, 11th December, 2018**

PRESENT: The Mayor (Councillor Lion), the Deputy Mayor (Councillor C. Rayner) and Councillors M. Airey, N. Airey, Alexander, Bateson, Beer, Bicknell, Brimacombe, Cannon, Carroll, Clark, Coppinger, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lenton, Love, Luxton, Majeed, McWilliams, Mills, Muir, Quick, S. Rayner, Saunders, Sharma, Sharp, Sharpe, Shelim, Smith, Story, Targowska, Werner, D. Wilson, E. Wilson and Yong

Officers: Mary Severin, Elaine Browne, Louise Freeth, Andy Jeffs, Russell O'Keefe, Maddie Pinkham and Karen Shepherd

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bhatti, Bowden, Bullock, Burbage, Cox, Pryer, Rankin, Richards, Stretton and Walters.

65. ORDER OF BUSINESS

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

66. COUNCIL MINUTES

**RESOLVED UNANIMOUSLY: That:**

**i) The Part I minutes of the meeting held on 25 September 2018 be approved, subject to the following amendment:**

- P.24 to read: 'The Homelessness Strategy Update and Allocations Policy would be presented to cabinet in November 2018 before going to public consultation.'**

**ii) The minutes of the Extraordinary meeting held on 5 November 2018 be approved.**

Councillor E. Wilson requested that the statement relating to claims of asbestos made by the council following the meeting on 25 September 2018 be appended to the minutes to provide context.

67. DECLARATIONS OF INTEREST

Councillor Werner declared a Disclosable Pecuniary Interest in the item 'Appointments to Berkshire Fire and Rescue Authority' as he was being proposed as the council's representative. He would leave the chamber for the duration of the debate and voting on the item.

Councillors Bicknell, Alexander and Bateson declared Disclosable Pecuniary interest in the item 'Appointments to Berkshire Fire and Rescue Authority' as current council representatives. They would leave the chamber for the duration of the debate and voting on the item.

Councillors Bateson and Hilton declared Disclosable Pecuniary Interests in the item 'Members' Allowance Scheme – Proposed Amendments' as the SRA they received as Principal Members would be affected by the proposals. They would remain in the chamber but take no part in the debate or vote.

Councillor C Rayner declared a Disclosable Pecuniary Interest in the item 'Long Term Empty Homes Premium' as he was trustee of a trust that had held an empty home for a number of years. He left the chamber for the duration of the debate and vote on the item.

68. MAYOR'S COMMUNICATIONS

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

69. MEMBER QUESTION A

**a) Councillor Lenton asked the following question of Councillor M Airey, Lead Member for Environmental Services:**

Please confirm the date by which the refurbishment of the flood relief channel, known as the Wraysbury Drain, was due to be completed together with the then predicted cost; the date on which the work is now expected to be completed; the latest estimate of the cost; and the reasons for the continued slippages in time and cost.

Councillor M Airey responded that in 2014 the Royal Borough commissioned a study of the Wraysbury Drain and completed work which emerged from the study in September to November 2015. These works included ditch clearance (over 30 skip loads) and re-grading the drain at a number of locations along the Wraysbury and Horton Drains. The costs of this work (approximately £125,000) were contained within the approved budget with the remaining funding (£25,000) carried forward to complete further works as there is an ongoing need, as residents are aware, for maintenance and improvement of the drain.

The Royal Borough had been in dialogue with Wraysbury Parish Council and, more latterly, a residents group (Wraysbury Drain Action Group) to respond to concerns about lack of water and maintenance of the ditch. A full update had been provided to these groups. Lack of water in the drain and the negative ecology and wildlife impacts was a complex issue and was very difficult to resolve as the upstream flow issues were affected by development and changes to the area, a number of which were outside the Royal Borough control.

In addition, the lack of access to private land to inspect and undertake works had frustrated the speed at which the Royal Borough could respond. He was pleased to advise that the agreed focus of activity currently was to repair the weir adjacent to and to the south side of the railway line and some 150m upstream from the Station Road Bridge which would assist in managing the water levels in the immediate vicinity of Wraysbury. Access to the land was secured through legal means and a site visit had been conducted the previous week. Works would now be ordered for completion by Spring 2019. In parallel with this work a further programme of clearance and

## COUNCIL - 11.12.18

maintenance by the Royal Borough would be conducted in conjunction with private owners.

Councillor M Airey stated that he would respond in writing to those residents who had contacted him directly about the issue, copying in the parish council.

By way of a supplementary question, Councillor Lenton stated that he hoped the works would be complete within the lifetime of the current council.

Councillor M Airey responded that he would work with officers and residents to accelerate the programme as much as possible to undertake the works by May 2019.

### 70. PUBLIC QUESTIONS

No public questions had been received.

### 71. PETITIONS

Councillor Quick presented a petition on behalf of residents of Springfield Road in Clewer East. The petition was in objection to the application for an off licence to sell alcohol between 6pm-11pm, seven days a week at 113-117 Springfield Road. Councillor Quick explained that there a convenience store already selling alcohol, but it closed at 8pm. Apart from four small businesses the rest of the road and the surrounding nine roads leading onto it were residential roads. The petition addressed the licensing issues of crime and disorder, public nuisance, the protection of children from harm and that there was no need for an off licence in the area.

### 72. PANEL MEMBERSHIPS

Members considered two appointments.

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

#### **RESOLVED UNANIMOUSLY: That:**

- i) Councillor Quick be appointed as Chairman of the Tourism Development Forum for the remainder of the municipal year.**
- ii) Councillor Bowden be appointed as the Chairman of the Windsor Town Forum for the remainder of the municipal year**

### 73. APPOINTMENTS TO BERKSHIRE FIRE AND RESCUE AUTHORITY

Members considered appointments to the Berkshire Fire and Rescue Authority.

Councillor Dudley explained that the borough had the ability to nominate three representatives; these were currently Councillors Bateson, Alexander and Bicknell (who was also Finance Chair). Following an exchange of correspondence with the Authority and legal analysis it had been determined that the appointments should be politically balanced. Two local authorities had chosen not to adopt political balance (Bracknell Forest and Reading) but all other Berkshire authorities had decided to do so. The borough would proceed to achieve political balance. The role came with an allowance of £2,200 per annum.

## COUNCIL - 11.12.18

Councillor Dudley explained that the next meeting of the Fire Authority was scheduled for February 2019 therefore he proposed an amendment to the recommendation to amend the representative from 28 February 2019. Following consultation with the Leader of the Opposition the proposal was for Councillor Werner to be appointed as the third representative. Councillor Dudley thanked Councillor Bicknell, who would be standing down to make way for Councillor Werner, for his contribution to the Fire Authority on behalf of the borough.

Councillor Jones stated that she was delighted that political balance would be achieved. Councillor Werner had previously been a representative on the Fire Authority; it was important that someone with experience took the position.

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

**RESOLVED UNANIMOUSLY: That Full Council approves the appointment of Councillor Werner as the Council's third representative on the Fire Authority from 28 February 2019.**

Councillors Bicknell, Bateson, Alexander and Werner left the chamber for the duration of the debate and voting on the item

### 74. MEMBERS' ALLOWANCES SCHEME - PROPOSED AMENDMENTS

Members considered amendments to the Members' Allowances Scheme.

Councillor Dudley explained that the report was being brought to Council following the changes to the constitution already agreed for May 2019, and the proposal made at Council in September 2018 to reduce the Special Responsibility Allowance (SRA) for Principal Members. All proposals needed to be formally considered and recommended by the Independent Remuneration Panel (IRP) before being considered by Full Council.

Councillor Dudley referred Members to tables 2 and 3 in the report which set out the financial implications: an in-year saving of £5,867 and, from May 2019, an overall saving, already represented in the Medium Term Financial Plan, of £98,442 per annum. He highlighted that recommendation ix proposed that the ICT allowance be deleted but that Members would all receive the necessary hardware to access documentation within a secure environment. This was particularly important as Members were Data Controllers under the Data Protection Act 2018.

Councillor Brimacombe welcomed the direction of travel. He referred Members to the minutes of the meeting held on 25 September 2019, at which he had put forward a motion for the proposals to be accelerated. He was therefore in the position that he was not against the proposals but may need to abstain.

Councillor Beer commented that the proposal relating to ICT was discriminatory to older people who struggled with electronic communication. He would struggle if he was faced with the prospect of all communications being sent on an iPad.

Councillor Hill stated that he was in a similar position to Councillor Brimacombe; He would suggest a suitable date to bring in the changes would be 31 December 2019. He had tried to use an iPad for council work but had experienced difficulties from a personal perspective as he was dyslexic. He routinely went to Democratic Services for

paper copies of reports. In particular reports for Development Management panels were needed in hard copy for many Members.

Councillor Jones noted that Members would be able to receive hard copies if there was a medical reason but she felt that it did not help Members undertake their role if large documents were only available electronically.

Councillor E. Wilson highlighted that the report detailed savings of £119,000 per annum, which was a substantial sum of money to be put back into frontline services.

Councillor Dudley confirmed that all Members could continue to request hard copy agenda.

Councillor Bicknell reiterated his support for the proposals which were about saving money to use on frontline services for residents.

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

**RESOLVED: That Full Council notes the report and agrees proposals detailed in Appendix A by the Independent Remuneration Panel (IRP):**

- i) The SRA paid to a Principal Member (£12,215) be reduced to the level currently received by a Deputy Lead Member (£2,443); implementation to be backdated to 25 September 2018.**
- ii) SRAs for Deputy Lead Members and Principal Members be deleted from the scheme from May 2019.**
- iii) The SRA for the Chairman of the Rights of Way and Highway Licensing Panel be deleted from the scheme from May 2019.**
- iv) The SRA for the Chairman of the Audit and Performance Review Panel be deleted from the scheme from May 2019.**
- v) The SRA for the Chairman of the Sustainability Panel be deleted from the scheme from May 2019.**
- vi) The maximum number of SRAs payable to Chairmen of Overview & Scrutiny Panels is 4 from May 2019.**
- vii) The maximum number of SRAs payable to Chairmen of Area Development Management Panels is 2 from May 2019.**
- viii) The SRA for the Borough Wide Development Management Panel Chairman be amended to £6107, equivalent to the SRA for the Chairman of an Area Development Management Panel; implementation to be backdated to 22 May 2018.**
- ix) Subject to all Members being provided with an iPad, section 10 of the scheme (ICT Allowance) be deleted from May 2019, noting that the proposal would be revenue cost neutral if the budget was used instead to fund increased printing costs.**

- x) **The Basic Allowance be increased by £40 to cover the costs of Member registration as a Data Controller with the Information Commissioner's Office in 2018/19 and future years, until any exemption is applied.**

**(40 Councillors voted for the motion: Councillor M. Airey, N. Airey, Alexander, Bicknell, Cannon, Carroll, Clark, Coppinger, Da Costa, Diment, Dudley, D. Evans, Gilmore, Hollingsworth, Hunt, Ilyas, Kellaway, Lenton, Lion, Love, Luxton, Majeed, McWilliams, Mills, Muir, Quick, C. Rayner, S. Rayner, Saunders, Sharma, Sharp, Sharpe, Shelim, Smith, Story, Targowska, Werner, D. Wilson, E. Wilson and Yong. 1 Councillor voted against the motion: Councillor Beer. 3 Councillors abstained: Councillors Brimacombe, Hill and Jones)**

Councillors Bateson and Hilton remained in the room but took no part in the debate or vote on the item.

75. CHANGES TO THE COUNCIL CONSTITUTION

Members considered recommendations from the Planning and Housing Overview and Scrutiny (O&S) Panel.

Councillor Kellaway, Chairman of the O&S Panel, introduced the report. He explained that four years previously the council had started a pilot scheme to allow Neighbourhood Plan representatives to speak at Development Management Panels. Four years on duplication was occurring as parish councils also had the right to speak. It was therefore recommended that the pilot be concluded. He highlighted that Village Design Statements (VDS) were not planning documents and were therefore not on the same level as Neighbourhood Plans. Cookham had a VDS but was about to embark on a Neighbourhood Plan process. The final recommendation was for mandatory training for regulatory panels. This would be particularly important as there would be new councillors in May 2019.

Councillor Jones commented a number of training sessions should be offered in different locations.

Councillor Bateson commented that once a Neighbourhood Plan had been to referendum and then adopted by the council, it was put on the shelf under the Borough Local Plan. Effectively there was no Neighbourhood Plan at this stage as it was in the hands of the council. In Ascot and the Sunnings a Neighbourhood Development Group had been created after the plan had been adopted, but this was totally different to a Neighbourhood Plan group as it was arranged by residents.

Councillor S Rayner asked for confirmation that residents would continue to have the right to speak at Development Management Panel meetings.

Councillor E. Wilson stated that it was an excellent report however he had one reservation in relation to the parished and unparished areas. Two models were being proposed, one which allowed elected accountable people to speak and one where unelected and unaccountable people would be able to speak (even if they were doing good work). It felt like a quasi-parish council would be created in the unparished areas of Windsor and Maidenhead.

Councillor Saunders commented that the Cookham VDS had preceded the introduction of Neighbourhood Plans. A VDS was a supplementary planning document with clear legal status but was subordinate to the Borough Local Plan and the NPPF and therefore could only be defined as guidance. In contrast a Neighbourhood Plan, provided it did not conflict with the Borough Local Plan on strategic matters, had weight and could therefore define policies. Cookham Parish Council and the Cookham Society were now looking at a Neighbourhood Plan, which would subsume the VDS. He was personally grateful to the Cookham Society for their strong and productive guardianship approach to planning issues in Cookham. It had a substantial membership across the parish but would respect the rights of the parish council to speak at Development Management panels alongside residents.

Councillor Hunt commented that paragraph 2.12 of the report was incorrect as the Hurley and Walthams Neighbourhood Plan steering group had been made up of parish councillors, local people, and people from the village associations.

Councillor Kellaway confirmed that members of the public would continue to be able to speak at Development Management Panels, no changes were proposed. The chairman retained the right to determine how the time was allocated. In relation to the comment by Councillor E. Wilson, the proposals were trying to bring equity so that an unparished area had its own rights. The Cookham VDS was frequently referred to in planning matters relating to Cookham. In relation to Hurley and the Walthams, he commented on the odd situation where Burchetts Green was split between Hurley parish and Cookham parish and therefore had access to six borough councillors, two parish councils and its own village committee.

Councillor Coppinger, as Lead Member for Planning, thanked Councillor Kellaway and the O&S Panel for this and the previous report, which brought sensible changes and confirmed roles for clarity.

It was proposed by Councillor Kellaway, seconded by Councillor Coppinger, and:

**RESOLVED UNANIMOUSLY: That Full Council agrees:**

- i) The public speaking right pilot is concluded.**
- ii) To make formal amendments to the Constitution that secures the following:**
  - a. Village Design Statements are not development plan documents and are not recognised as being similar to neighbourhood plans.**
  - b. Once a Neighbourhood Plan has been adopted, a neighbourhood plan steering group or successor group or constituted interest group operating in the locality ceases to qualify for public speaking.**
  - c. Only Parish Councils retain the separate right to speak at a Development Management Panel meeting save for those parts of the Borough which are non-parished and for which the Neighbourhood Forum has/will have the right to speak. For those Parish Councils progressing a Neighbourhood Plan either the Parish Council or the neighbourhood plan steering group is entitled to speak but not both.**
- iii) Mandatory training for Members in relation to regulatory matters, which must have taken place since the Member was last elected.**

**Mandatory training attendance to be published on the council website.**

76. UPDATE TO PLANNING ENFORCEMENT POLICY

Members considered an updated Enforcement policy.

Councillor Coppinger stated that the borough had one of the busiest planning enforcement teams in the southeast if not the whole country. Fortunately the council had been able to increase the number of officers in the team so it was now fully staffed. The policy was being updated for the following reasons:

- To comply with legislation
- To ensure resources were directed to highest priority areas
- To align with the Parish Charter
- To manage resident expectations
- To improve communications

A customer guidance document had been published and officers had committed to meet with parish councils to discuss enforcement, share knowledge and improve transparency.

Councillor Werner commented that a large proportion of his ward work related to enforcement. Some people pushed the regulations to the extreme. Residents were a very good monitor but did not always feel they received the correct support. A lot of developers tested the bubble therefore he suggested the council should have a zero-tolerance approach. He asked if the changes proposed allowed for this type of approach.

Councillor Saunders commented that as a previous Lead Member for Planning he remembered the joy of planning enforcement in the way Councillor Werner had identified. Through mischief, negligence or innocence a consented development was not always progressed in the way consent was intended. Generally speaking architects and planning consultants adopted a simple approach that it was not a big deal and in the event of a complaint and an enforcement order being implemented an appeal would take place. Inspectors at appeal tended to adopt a common sense approach and generally were loathed to propose enforcement when in their opinion there was no public harm. That common sense factor affected judgement further up the line because planning officers had to take this into account and not issue enforcement notices if there was a rational and reasonable conclusion that the notice would fail at appeal and costs would be awarded. From a financial point of view he hoped that a common sense approach prevailed.

Councillor Beer commented that the problem was that members of the public did not know if their matter was still being considered or if it had been ditched. Therefore improved communication should be considered with ward councillors and those interested if there were insufficient grounds or a notice would be open to challenge.

Councillor M. Airey commented that he supported Councillor Saunders' direction. A key part of the report was to provide greater education to residents on what to expect and how enforcement was conducted.

Councillor Coppinger commented that if an enforcement issue was happening in your area it was the most important issue to you however the council had to prioritise, therefore communications and managing expectations were critical.

It was proposed by Councillor Coppinger, seconded by Councillor M. Airey and:

**RESOLVED UNANIMOUSLY: That Council notes the report and:**

- iv) Replaces the Planning Enforcement Policy (January 2016) with the appended RBWM Planning Enforcement Policy (December 2018) with immediate effect.**

77. LONG TERM EMPTY HOMES PREMIUM

Members considered increasing the Long Term Empty Property Premium from 50% to 100% in line with the new legislation.

Councillor S Rayner explained that the Local Government Finance Act of 2012 allowed councils to charge up to 150% of the relevant Council Tax on a property where it had been empty and unfurnished for 2 years or more. The borough chose to implement this change from April 2013. On 1 November 2018 the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act received Royal Assent to increase this further. The Act also allowed further increases in 2020/21. Implementation from 2019 would realise an additional £190,000 of income per annum for the council.

Councillor Saunders commented that up and down the country there was a substantial amount of homes not being utilised. In the borough the proportion was relatively modest but nonetheless existed in the hundreds. It was important that the council played its part in keeping the market liquid. A clear financial incentive to keep properties empty for a minimum period was needed, therefore it would be consistent with national legislation and other local authorities to set an appropriate level. This was a sensible modest fiscal lever the council should apply.

Councillor Hill stated his support for the paper as homes should be occupied. However he felt the report focussed on the financial element rather than the need to bring houses back into use. Other local authorities nearby were reducing their Objectively Assessed Need (OAN). He hoped the Leader would take note and reduce the number in the borough, therefore taking up less Green Belt.

Councillor Hollingsworth asked if the council had thought about making the costs punitive to encourage more homes to be brought back into use.

Councillor Werner stated his support for the proposals. When the Liberal Democrats had been in power they had done a lot of work on empty homes. He had read in the local paper that there were 1300 empty homes in the borough, which was more than Slough. He asked why the charge was not being increased to 150%.

Councillor Beer commented that he fully supported the proposals. However he questioned the definition of 'empty and unfurnished' properties as there were probably a large number of properties left furnished after the occupant died. Additionally some properties in the borough were furnished and only occupied for a couple of weeks each year, for example over Royal Ascot.

Councillor Lenton commented that he did not feel the report included a proper analysis including what proportion of properties were affected and in which areas. He also questioned the definition of unfurnished. He felt the report should be withdrawn.

Councillor Brimacombe agreed the principle was correct but detail was missing; he therefore supported councillor Lenton's proposal for the report to be withdrawn.

Councillor Dudley commented that it had been a good debate. The ratio of median house prices to earnings was 12.5 times in the borough. The Ministry of Housing, Communities and Local Government had been clear that reducing the OAN would be a strategy of folly and stupidity. The Prime Minister was completely supportive of the emerging Local Plan and development on the golf course site.

Councillor S Rayner confirmed that 332 properties had been empty in the borough for two years or more. It was important to keep a balance therefore a 100% fee was proposed but increases would be considered in the future.

It was proposed by Councillor S Rayner, seconded by Councillor Dudley, and:

**RESOLVED: That Council notes the report and:**

- i) Approves increasing the Long Term Empty Property Premium from 50% to 100% in line with the new legislation.**

**(43 Councillors voted for the motion: Councillor M. Airey, N. Airey, Alexander, Bateson, Beer, Bicknell, Cannon, Carroll, Clark, Coppinger, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lion, Love, Luxton, Majeed, McWilliams, Mills, Muir, Quick, S. Rayner, Saunders, Sharma, Sharp, Sharpe, Smith, Story, Targowska, Werner, D. Wilson, E. Wilson and Yong. 2 Councillors abstained: Councillors Brimacombe and Lenton)**

Councillor C Rayner left the room for the duration of the debate and vote on the item.

78. MEMBERS' QUESTIONS

- b) Councillor C Rayner asked the following question of Councillor Bicknell, Lead Member for Highways, Transport and Windsor:**

There are weight restrictions through the village of Horton. Please can you confirm the number of prosecutions in the last year by the Council for vehicles driving through the village over the weight limit?

Councillor Bicknell responded that responsibility for the enforcement of moving traffic offences within the Royal Borough rested with Thames Valley Police, which included the contravention of weight limits. Therefore, there had been no prosecutions by the council. Thames Valley Police had been requested to provide information of any prosecutions which they had pursued.

However, contraventions of the weight restriction had been reported to the borough by residents, Ward Members and the Parish Council who were keen to provide support

and deliver measures within the control of the council. For example, existing signage had been upgraded to improve visibility of the restriction and to discourage the abuse. Concerns were also regularly raised with the Community Wardens as part of their routine patrols and community meetings; the wardens sought to work with business and the community to resolve the issue.

By way of a supplementary question, Councillor C Rayner stated that he had been a parish councillor since 2003 and a ward councillor since 2005. Each time he had contacted the police about who was responsible he had received the response that it was the council's responsibility. Borough trading standards officers had told him they did not have the capacity to enforce the limit. He asked the Lead Member to write to Thames valley Police to clarify the situation.

Councillor Bicknell responded that he would do so.

**c) Councillor C Rayner asked the following question of Councillor M Airey, Lead Member for Environmental Services**

Horton has problems with cars being parked for weeks on grass verges alongside the public highway. It is believed they may have been left by parking companies offering parking for travellers using Heathrow Airport. What can the council do to prevent these grass verges been used for commercial parking?

Councillor M Airey responded that concerns relating to long-stay parking on verges in Horton and Datchet had been raised previously by the residents and Members (including the former Councillor Grey) and were understood by officers. A residents' parking scheme was introduced in Horton Road, Datchet to remove this parking and enforcement was now in place to ensure that residents were not disadvantaged.

In addition, a scheme had been agreed to introduce new double yellow lines in Horton Road (between the existing residents' parking scheme and Welley Road) which would be implemented in January 2019 to further manage this indiscriminate parking. Officers were not aware of any further areas in this vicinity which require investigation to introduce additional measures. However, the Ward Member was very welcome to discuss areas for further investigation. Where the council had received indication that landowners were letting out land unlawfully for airport parking the enforcement team had investigated.

By way of a supplementary question, Councillor C Rayner commented that it was very important for residents that the green spaces were protected. A parking warden had not been seen in Horton and Wraysbury in a long time. When was the last time parking enforcement had taken place and someone had been issued with a ticket?

Councillor M Airey responded that MSL should be regularly patrolling the area however he would answer the specific question in writing.

**d) Councillor Brimacombe asked the following question of Councillor S Rayner, Lead Member for Culture and Communities:**

We know that the Narrative cafe in Maidenhead library closed due to the perceived uneconomic rent required by the Council, who now has no income at all in its

## COUNCIL - 11.12.18

budget from such a facility. So could you please inform Council of any efforts to secure a replacement cafe for the library at the market rent demanded?

Councillor S Rayner responded that the café closed in May 2018 despite the council offering to waive the RPI increase. The space had been used by various groups including for a book sale, health checks and singing. Councillor S Rayner had visited earlier that day and it was alive with residents using the library. The fantastic York Road development would provide the opportunity for cafés and restaurants for residents to enjoy. The council was looking at installing a hot drinks machine. The space had been marketed but only a few enquiries had been made.

By way of a supplementary question, Councillor Brimacombe commented that what he had heard was that there had been no effort to replace the lost facility. He asked if the Lead Member would agree that the council had appeared to stifle someone's entrepreneurship, lost a substantial amount of income and a much valued facility? Did such action hold any accountability and if so, for whom?

Councillor S Rayner responded that the council had asked for a lower than market rent but the scene had now changed in the library. A café would be less viable due to the opening of the new Bakedd café. The council had looked for someone else to take it over but none had come forward; it was proposed to install a hot drinks machine.

### **e) Councillor Hill asked the following question of Councillor Saunders, Lead Member for Finance:**

As has been widely reported the Budget is overspent by at least £7.4m. I recall the budget being presented to Council with immense confidence by the Lead Member and my concerns about it being speculative robustly dismissed. In this member-led Authority is anyone now going to stand up and say sorry, I got it wrong?

Councillor Sanders responded that the answer to the question was: 'Yes'.

By way of a supplementary question, Councillor Hill asked what confidence could the council have in the next budget with the same leadership in place?

Councillor Saunders responded, on behalf of all of the officers and Members involved in the budget setting process for the current year, that he apologised for some budget assumptions being overtaken by events and circumstances.

Did he apologise for the way in which the council devoted full funding to the needs of children in care? No he did not, unlike several councils, who should apologise for restraining this funding. Did he apologise for the way in which the downward trend on which the children in care budget was based, which reversed last year, and then accelerated, and for the high inflationary pressure on quality care for vulnerable young people? He could only share his deep concern that the number of children in care had risen substantially across the country, and continue to affirm his support and that of the administration for investing in the highest quality of care available for some of the most vulnerable people in the community.

Did he apologise for the way in which the council protected residents with Advantage Cards from the increases in time-based parking charges? No he certainly did not.

Unlike several councils, who had significantly increased their charges to residents. However did he apologise for not forecasting a substantial increase in the use of Advantage Cards by residents to park their cars? He supposed he did however if he could promote more budget variances which put money back into residents' pockets, he would be certainly hunting for them.

Did he apologise for working with officers and Cabinet colleagues to deliver the regeneration of Maidenhead, no matter how speculative and generating significant sums to reinvest in new resident facilities. No he did not. Did he resent any suggestion that the administration's clear, confident and capable management of the council's financial resources and risk was insane. Yes he did.

**f) Councillor Hill asked the following question of Councillor Targowska, Lead Member for HR, Legal and IT:**

The sudden departure of the Borough's former Managing Director without a proper explanation is unacceptable. The line manager for the MD is the Leader of the Council, so will there be any accountability allocated to either party for this fractured working relationship?

Councillor Targowska responded that he Leader of the Council was not the line manager of the Head of Paid Service. The Managing Director as the Head of Paid Service reported to and was responsible directly to full Council. Accountability (if indeed that was actually the perception) lay with full Council. When the Managing Director relinquished her day to day responsibilities, this decision was agreed and approved by Full Council in an Extraordinary Meeting on 5 November 2018.

By way of a supplementary question, Councillor Hill asked would there be any transparency, or would it continue to be conveniently cloaked as an HR mystery?

Councillor Targowska responded that it was not cloaked in mystery, however it was not appropriate for her to comment in a Part I council meeting. Part 2C of the council constitution prevented Members from addressing matters relating to an employee being raised in his manner and she was not going to assist Councillor Hill in doing so.

**g) Councillor McWilliams asked the following question of Councillor M. Airey, Lead Member for Environmental Services:**

Why there was no public consultation on the new Homelessness Strategy before it was adopted and who made that decision, since it was previously announced that one would be held?

Councillor M Airey responded by thanking the former Lead Member for his work in delivering the proposals. Consultation had taken place in July 2018 with partner agencies including homelessness charities, housing associations and Thames Valley Police. Extensive engagement had been carried out to inform the development of the new Homelessness Strategy including workshops and individual meetings with these statutory and voluntary organisations. It was essential that the strategy was working document that could be reviewed and updated regularly as initiatives and demands on housing changed. The partner agencies with whom the borough consulted were able to make suggestions and ideas through their professional experiences of homelessness. The time frame including the approval at Cabinet was quite limited.

Whilst it was a statutory obligation to produce a strategy there was no legal requirement nor was it normal practice to carry out public consultation. Following all the discussions with specialist partner agencies he had felt it would be better to get on with delivering the strategy. He had had no residents contact him to either comment on or challenge the policy.

By way of a supplementary question, Councillor McWilliams welcomed the clarity given by the Lead Member and reinforced his faith in the Lead Member's skills and principles to deliver the critical strategy. All Members would agree the welfare of vulnerable residents was critical and welcome the introduction of the Severe Weather Emergency Protocol (SWEP). Would the Lead Member continue to listen and ensure the borough's approach was regularly updated and improved upon?

Councillor M Airey responded that the short answer was 'yes'. In terms of SWEP, he commented that there were still some rough sleepers on the streets. He assured Members that these individuals had been offered accommodation but this had been rejected.

**h) Councillor McWilliams asked the following question of Councillor M. Airey, Lead Member for Environmental Services:**

What safeguards are in place to prevent the enforcement powers within the recently adopted Support Before Enforcement paper, specifically fines and threat of prosecution, being used on vulnerable residents?

Councillor M Airey responded that the borough was committed to supporting vulnerable individuals, and the September Cabinet report set out the approach the borough would follow to always seek to offer and provide support on a case by case basis, and which reflected the individual circumstances that each case presented.

As the Lead Member responsible for this very challenging area, he would be working closely with officers who had the operational responsibility to implement the council's policies. He would meet regularly with officers who provided updates which reflected the delegated approval by Cabinet to implement a Support before Enforcement Strategy.

Following the recently confirmed acceptance into the National MEAM programme, RBWM was drawing on the good practice the earlier adopters of this programme had developed. Officers were continuing to develop the strategic and operational arrangements, working in conjunction with partner stakeholders, from the point of referral through the engagement and support, to the incremental enforcement options where necessary if engagement with and offers of support were not being taken up. The approach would provide the necessary safeguards to ensure balance was achieved for the council's support before enforcement strategic approach

By way of a supplementary question, Councillor McWilliams welcomed the clarity that the Housing Enforcement team would work with charities to protect vulnerable residents from harm.

Councillor M Airey responded that he would ensure enforcement action would only ever be the last option when a vulnerable resident refused to engage.

**i) Councillor Majeed asked the following question of Councillor Dudley, Leader of the Council:**

The council has encouraged people to invest in Oldfield yet proposes building a 5 storey car-park in front of their homes; residents are concerned about antisocial behaviour and the effect of pollution on health. I ask you to send out the right message and not proceed with this development?

Councillor Dudley responded that the council was investing in homes, education, leisure, public realm and infrastructure in order to bring forward sustainable regeneration for the town. The redevelopment of the site known as Vicus Way, as a ground plus four storey car park, had been planned as part of the wider parking strategy to provide much needed infrastructure for the regeneration of the town of Maidenhead.

The car park would be used to replace parking spaces that would be lost as part of the infrastructure improvements to Maidenhead Station Approach (in the middle of next year 80 spaces would go) and the additional requirements for local businesses and commuters. The site was a predominately light industrial area, with easy access to the station and provided for an ideal site for car parking.

The planning application had dealt with transport, environmental and planning considerations. It had also taken into consideration its surrounding environment, and the need to assist the employment use of the area. The report was in the public domain, with a recommendation for approval. The over-riding consideration when speaking to most residents was to provide more parking for the town. There was also a large proportion of local businesses who were seeking additional car parking in order to provide for and retain staff.

The Vicus Way car park allowed the council to free up space in town centre car parks currently occupied by season and permit holders who would be able to move to the new Vicus Way car park, giving more available space for shoppers and businesses in the town centre. The car park would provide 503 much needed good quality permanent parking spaces and 26 blue badge spaces.

The council had a waiting list of businesses for spaces:

- Maersk - 200 spaces
- Lane 9 - 100 spaces
- 3 Mobile - 50 spaces
- Doug Stenning - 25 spaces
- NHS - 50 spaces
- Crossrail – 100 spaces

The total waiting list for car parking permits was therefore 525 spaces minimum. In addition there were multiple individual applications for parking permits for Hines Meadow and Stafferton Way, which were currently sold out.

To create a vibrant new town new parking provision was needed, to give residents the town they deserved.

By way of a supplementary question, Councillor Majeed commented that residents of Oldfield had been checking car parking figures every morning on the board outside the Broadway car park. It regularly showed 1000 spaces available at 9am. He asked if there was therefore a real need for more parking?

Councillor Dudley responded that he had just answered the question.

79. MOTIONS ON NOTICE

Councillor Coppinger introduced his motion. He explained that both he and Councillor Jones were passionate about reducing the amount of plastic used in the borough. This was the reason two similar motions had been put forward. He had agreed with Councillor Jones to combine the two motions; he would present the motion and Councillor Jones would second the proposal. He therefore proposed an amendment to recommendation i, second bullet point, to read:

- **Encourage plastic free initiatives such as Maidenhead Challenging Plastic, promote the Plastic Free Windsor and Plastic Free Maidenhead campaigns, *appoint a Member of the council to each of the Plastic Free Steering committees* and support campaign events.**

Councillor Coppinger explained that when the Prime Minister announced the government's environmental strategy in January two Maidenhead ladies, Tricia Buck and Donna Stimson formed Maidenhead Challenging Plastics with a view to leaving Maidenhead in an environmentally better place than they had found it. The group had expanded with many more people joining. They had discussed this initiative with Gail Tudor of Surfers Against Sewage and also considered joining Plastic Free Communities but plastic free was not realistic because there was a need for some plastic, reducing the amount was the important thing.

The group had met monthly since May and were working across a number of fronts:

- Setting Refill up whereby shops and restaurants agree to fill water bottles. They would have a Refill logo in their window to show that they were part of the scheme.
- Litter picking with Councillors, but not just litter picking but separating recycling from rubbish and taking recycling to Stafferton Way to ensure the maximum amount was recycled.
- A blog called 'Maidenhead Matters' sharing both their tips and those of Green Redeem's Reduce Reuse Recycle scheme. Residents can share their ideas and also report areas which need litter picking.
- A community section which was running a schools competition called Litter Art that had gone out to all primary schools thanks to Councillor Natasha Airey.
- Working with Green Redeem whereby 25 schools would be given Deposit Return Scheme machines, so called 'reversed vending machines'. For every bottle received the school received 5p with a ceiling of £2000.

Kuldeep Ahir of Maidenhead Chamber of Commerce had asked Councillor Coppinger to mention that the following night the Chamber was holding a meeting at the '3' offices to share knowledge with businesses to help them become plastic free and to support businesses with plastic free alternative products. Councillor Coppinger commented that

if all these people could do something, it was about time the council did, hence the reason for the joint motion.

Councillor Jones welcomed the motion and was delighted to second it with the amendment as stated; she understood that this meant her motion would fall away. There was a cross-party interest in how single use plastics affected all environments. Plastic free communities were part of Surfers Against Sewage. The Crown Estate was an established supporter of Surfers Against Sewage, in fact they were one of the charities Prince Harry made donations to on the occasion of his wedding. Theresa May had awarded Rachel Yates, the woman who delivered Plastic Free Penzance, an award in recognition of her efforts. Having designated council members on the steering groups achieved the last of the five objectives to be a Plastic Free community. The Plastic Free communities and any other organisation working towards this would welcome council support.

Councillor Da Costa stated that people wanted to revel in the vibrancy of life. The government's own strategy paper, called for 'cleaner air and water; plants and animals which are thriving;' he would add residents who were happy and well and 'a cleaner, greener country for us all.' The report, 'A Green Future: Our 25 Year Plan to Improve the Environment' set out a range of objectives which went further than mere words about plastic to include:

- Using and managing land sustainably
- Recovering nature and enhancing the beauty of landscapes
- Connecting people with the environment to improve health and wellbeing
- Increasing resource efficiency, and reducing pollution and waste
- Securing clean, productive and biologically diverse rivers and watercourses
- Protecting and improving the local and regional environment
- Using resources from nature more sustainably and efficiently.
- Enhanced beauty, heritage and engagement with the natural environment, including the green belt
- Mitigating and adapting to climate change
- Minimising waste and aiming to eliminate landfill, leachate, waste gases and wasteful contaminated land
- Managing exposure to chemicals and pollutants, for example, air pollution locally from aircraft and cars
- Enhancing biosecurity for local flora, fauna and ecosystems

Councillor Da Costa stated that he supported the motion in its entirety as it was a start. If the council made the amendment it was a step forward but residents wanted the council to go further, further even than the higher table of ambition of Plymouth, Mendip and many other councils who had already committed to change, implemented policy and set out on the path of excellence.

## COUNCIL - 11.12.18

The council should walk the extra mile and,

- Audit its resources to understand the status and report on it
- Engage widely with residents, businesses, best practice councils and environmental groups and experts
- Develop a plan that included council, residents, businesses, colleges, and the local ecosystem
- Drive this deep into council policies, processes, planning regimes (the Borough Local Plan), bylaws and enforcement
- Set milestones, dates and a Lead Member to ensure achievement
- Continually reinvent the process to improve, improve, improve
- Communicate to facilitate learning about protecting the environment

The council needed to set this as a key objective and measure and report progress regularly, be accountable to its residents, its children and future generations. The council needed to work together to ensure that a better legacy was left for the next generation. Vastly reducing the use of plastics across the borough was essential, as well as wider schemes to improve and protect the environment in general.

Time was short. Sir David Attenborough's recent address to UN's 24th conference of the parties or COP24, in Katowice, Poland stated:

'Time is running out. People want us, the decision makers, to act now. They are behind us, along with civil society represented here today. Supporting us in our tough decisions but also willing to make sacrifices in their lives daily'

Councillor Da Costa reiterated that people wanted to revel in the vibrancy of life; so he encouraged the council to create a vibrant environment for flora, fauna and humans and take seriously husbanding resources, the environment, the ecosystem and achieving the well-being of residents. The council should make the amendment then convene its own conference of the parties to achieve. The council owed this to its residents, to the land and to future generations.

Councillor D Evans commented that whilst he congratulated the initiatives to reduce plastics he was concerned about the way the motion was worded, in particular how it would be enforced. The motion needed a practical element otherwise it was set up for failure from the start. There was no way that the council could achieve plastic free status. For example, he questioned how future contracts would be monitored.

The Managing Director of Riverford Organics, the leading vegetable box schemes in the UK, had said that plastic boxes could reduce the carbon footprint of the business' packaging by 70% if wooden boxes were replaced with plastic ones because they had a much longer life.

This was not a straightforward matter. Councillor D. Evans finished with a comment from The Guardian:

'Householders continue to see plastic as wicked and paper-based goods as benign. But when considered over the entire life of the packaging, paper and cardboard embody far more greenhouse gases than their plastic

## COUNCIL - 11.12.18

equivalents. Paper products take substantial amounts of energy to make. Crushing a tree down into small fibres, mixing the wood pulp into a slurry and then passing the wet mass through huge rollers cannot be done without use of enormous quantities of power.'

He in no way denigrated the idea of reducing plastics but the idea that the council could live without plastic was fanciful. A degree of realism was needed.

Councillor McWilliams thanked the volunteers of the Cox Green litter pickers.

Councillor E. Wilson commented that it was about setting an idea and encouraging people on a path. Maidenhead Matters had invited him to a litter-pick in Grenfell Park; the litter collected was then recycled. In Dedworth community litter picks had also been run and were complemented by a Dedworth Recycling Day. The item picked up most was empty energy drink bottles. The practical thing to do would be to write to the manufacturer to ask them to include prominent messages on the packaging about recycling. Councillors should set the example for residents by undertaking litter picks.

Councillor Werner commented that it was a hugely complicate issue but it was difficult to get all the facts in one motion to present to council. This was a good start, setting a clear example and a direction in which to head. He thanked Plastic Free Maidenhead and Windsor for their work.

Councillor Hollingsworth commented that he had attended the recent Sustainability Panel meeting at which the two ladies had made some very good points and submitted questions to officers which were to be responded to in writing. He asked the Lead Member to ensure this would happen.

Councillor N. Airey highlighted the schools competition and encouraged councillors who were governors to get their school involved.

Councillor S Rayner stated her support for the motion. There was already a lot of great work on the environment, such as at Braywick Nature Reserve and volunteers across the borough.

Councillor Cannon supported the motion and highlighted that there was a difference between single function items and single use plastic.

Councillor Hunt commented that residents of the villages in her ward, and across the borough, undertook litter picks. She had attended the opening of the Margaret Bowdrey bridge which had been made in part of composite plastic which was longer lasting and cheaper than wood.

Councillor Lenton stated that he supported the reduction in use of plastics but to suggest that the council could do without plastic was nonsense. For example vehicles ran on tyres made of synthetic rubber. If there was a return to natural rubber this would devastate half of South America and Southeast Asia. The removal of all plastics would destroy the world economy.

Councillor Coppinger highlighted that the focus was on reducing the use of plastics, not stopping the use entirely.

Councillor Yong provided some facts about the effects of plastic in the fashion industry:

- The cost to the UK economy to send clothing and textiles to landfill was £82m per annum. She thanked the borough for now collecting textiles for recycling.
- By 2050 the fashion industry would have used 25% of the world's carbon budget.
- 500,000 tonnes of microfibers were released into the ocean during clothes washing each year.

It was proposed by Councillor Coppinger, seconded by Councillor Jones, and:

**RESOLVED: That this Council:**

**i) Agrees with the general principles of the Plastic Free Communities scheme namely to:**

- **Lead by example in removing single-use plastic items from council premises as has already been agreed by the Sustainability Panel on 18 September 2018**
- **Encourage plastic free initiatives such as Maidenhead Challenging Plastic, promote the Plastic Free Windsor and Plastic Free Maidenhead campaigns, appoint a Member of the council to each of the Plastic Free Steering committees and support campaign events.**
- **Encourage all businesses within the Borough to become plastic free.**

**ii) Work towards becoming a Plastic Free Council, including but not limited to:**

- **Ceasing to use or to permit the use of single-use plastics in properties and open spaces under the management of the council.**
- **Seeking to minimize the use of single use plastics in any future contracts.**

**iii) Reduce the use of plastic drinks bottles by:**

- **Working with an external supplier to trial at least one reverse vending machine in the Borough**
- **Supporting the work of Refill to enable all residents and visitors to refill their reusable water bottles across the Borough and to increase the supply of fresh drinking water within the Borough.**

**(44 Councillors voted for the motion; Councillor M. Airey, N. Airey, Alexander, Bateson, Beer, Bicknell, Brimacombe, Cannon, Carroll, Clark, Coppinger, Da Costa, Diment, Dudley, D. Evans, L. Evans, Gilmore, Hill, Hilton, Hollingsworth, Hunt, Ilyas, Jones, Kellaway, Lion, Love, Luxton, Majeed, McWilliams, Mills, Muir, Quick, C. Rayner, S. Rayner, Sharma, Sharp, Sharpe, Smith, Story, Targowska, Werner, D. Wilson, E. Wilson and Yong. 1 Councillor voted against the motion: Councillor Lenton.)**

COUNCIL - 11.12.18

Members noted that Councillor Jones' motion was no longer required.

80. LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

**RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 16 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.**

The meeting, which began at 7.30pm, ended at 10.04pm

CHAIRMAN.....

DATE.....