

## CABINET

THURSDAY, 17 DECEMBER 2015

PRESENT: Councillors David Burbage (Chairman), Phillip Bicknell (Deputy Chair), David Coppinger, Carwyn Cox, Geoff Hill, Derek Wilson, Natasha Airey, Colin Rayner and Christine Bateson

Principal Members also in attendance: Councillors Philip Love, Claire Stretton and George Bathurst.

Officers: Alison Alexander, Andrew Brooker, Simon Fletcher, David Scott, Christabel Shawcross, Karen Shepherd, Anna Trott, Louisa Dean, Jessica Hosmer-Wright and Matthew Tucker

### APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brimacombe and Dudley.

### DECLARATIONS OF INTEREST

None received.

### MINUTES

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

- i) The Part I minutes of the meeting held on 26 November 2015 be approved.**
- ii) The Part I minutes of the Cabinet Local Authority Governors Appointments Sub Committee meeting held on 26 November 2015 be noted.**

### APPOINTMENTS

No appointments were made.

The Chairman, on behalf of Cabinet colleagues, thanked Christabel Shawcross, the Strategic Director of Adults, Culture and Health, for her services to Cabinet over the last six years. Ms Shawcross thanked Cabinet and all councillors for their support of Adult Services. She also thanked all staff in Adult Services, Libraries, Arts, Leisure and Culture who went the extra mile to provide services to residents.

### FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes that had been made to the plan since the last meeting. In addition it was noted that:

- The item 'Tender for Residential and Nursing Beds' would be presented to Cabinet in February 2016.
- The item 'St Clouds Way Opportunity Area' would be presented to Cabinet in April 2016.
- The item 'Safer Route to School Programme for Holyport' would be presented to Cabinet in May 2016.

- The item 'DAAT Review Outcome and Recommendations' would be deferred from March 2016 to May 2016 to align with the national drugs strategy.
- The item 'Future Delivery of Health Services' listed for February 2016 on page 27 of the report was a duplicate item and would be removed.
- The item 'Magnet Leisure Centre Options' would be presented to the Cabinet Regeneration Sub committee on 14 January 2015.

## ORDER OF BUSINESS

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

## CABINET MEMBERS' REPORTS

### A) HEATHFIELD AVENUE, SUNNINGDALE: REVIEW OF HIGHWAY CONDITIONS

Cabinet considered whether or not to exercise its powers under section 205 of the Highways Act to enable road widening at Heathfield Road, Sunninghill.

The Lead Member explained that Woodlands Lodge and Boxwood House were dwellings in Heathfield Avenue, Sunninghill which had been the subject of two separate planning applications to demolish the existing pair of semi-detached houses and in each case create an apartment building with associated car parking. The first application was for 10 apartments and had been refused planning permission by the Windsor Rural Development Control Panel on 17 December 2012. The second application was for 8 apartments and was refused on 2 May 2013 following consideration by the Windsor Rural Development Control Panel.

The applicant (Millgate Homes) appealed both decisions and planning consent was granted by the Planning Inspector on 25 March 2014. The Planning Inspector, in allowing the two appeals, imposed a number of conditions including one that required the developer to widen Heathfield Avenue to a minimum of 4.8 metres for the first 15 metres from its junction with Kings Road. No development could commence until a scheme had been submitted and approved in writing by the Local Planning Authority. In order to discharge this condition and widen the road it would be necessary to convert a section of grass verge to carriageway. Ownership and use of the grass verge was disputed between the developer and residents. An amicable solution could not be reached.

Cabinet was addressed by Chris Ryder-Richardson and Peter Swift on behalf of Heathfield Avenue residents.

Mr Ryder-Richardson stated that in July 2014 the council refused a request for a section 205. In October 2015 legal advisers recommended refusal again. Since then there had been contradictory arguments from Millgate homes. For example, the vendors of the two houses imaginatively claimed that the Heatherlands verge was used as a passing place and the loss of the facility caused great inconvenience. However, even after allowing for increased traffic from the development, Millgate claimed that the widening was not needed and had applied for the condition to be removed. Millgate had said the existence of telegraph poles meant all the verges were highway, but at an earlier development in the Avenue Millgate extended the fenceline

around a verge containing exactly the same equipment. No highway right of way was registered in the title when that development was sold. Mr Morrow, the vendor of Boxwood declared the verges were not owned. However he wrote a letter in 2004 where he claimed the verges were privately owned. A gardener employed by Mr Morrow claimed he parked his equipment on the verge, 160m away from the garden in which he worked, when there was ample room on the driveway. Future use of the highway should be considered, but future use would not increase if the flats were not built. Residents had provided tangible evidence that: the verges were privately owned; no presumption of dedication had been created; owners had demonstrated contract intentions; and the council was not obliged to act and had no powers under section 205. Having read the new submissions the legal adviser, backed by a QC, had recommended refusal for a third time including that dedication could not be presumed under common law or the Highways Act and the council could not use a section 205. The residents' case was in line with the officer's report and Mr Ryder-Richardson urged Members to accept the recommendation and reject the application as having no merit.

Mr Swift referred to a map that had been added to the agenda papers on the borough website. It was indicative and not to scale. At paragraph 1.7 of the report it showed that Heathfield Avenue was not included in the definitive map. The new map showed Pinewood with no verges, reflecting a new fenceline erected by Millgate during the development to encapsulate the verge back into the primary garden. However, the land registry map clearly showed the verge at Pinewood prior to the land registry assessment, which could be taken to have thoroughly considered the status of the Pinewood verge before being fully incorporated. This indicated the land registry was satisfied that the street was only in the confines of the narrow lines and the council could do the same. Ownership of the verge was not relevant. The point in dispute was whether or not the verges had been dedicated. Consistent evidence sourced over many years from a majority of residents was that no such presumption could be made. The report supported by a QC fully supported this contention. Without the presumption the verges could not be considered to be highway and as a result the council could not impose a section 205.

Councillor Hilton commented that since the deferral on 29 October 2015 he had read and re-read the paperwork including 11 statutory declarations, submissions from residents and the applicant, and the detailed analysis by legal services. The addendum from page 31 onwards importantly related only to the question did the verges form part of the highway? The legal officer had concluded that, as stated on 29 October 2015, the verges did not form part of the highway. No additional information or evidence had been provided on the second question, whether or not the council had the powers to carry out the road widening. The recommendation remained unchanged. On page 6 of the report it stated that the applicant could refer a decision to the High Court, which would be the final arbiter, however Councillor Hilton felt the case made by the legal officer was compelling and would stand up in court. He urged Cabinet to support the recommendation. He requested that if Members agreed the recommendation, the two planning applications to remove the relevant conditions relating to road widening be formally refused.

The Chairman commented that Cabinet was not in a position to undertake the refusal of the planning applications, but he was sure that the Lead Member for Planning had noted Councillor Hilton's comments.

The Lead Member apologised to residents for the time the process had taken, but he emphasised the importance of assessing all the evidence provided from both sides. The recommendation was that as the land did not form part of the private street the council could therefore not utilise its powers under section 205. The Chairman agreed that the report clearly demonstrated at pages 49-50 that the verge failed to meet the test for dedication.

The Principal Member for Policy thanked all the attendees at the meeting; it was good to see a display of community engagement.

**RESOLVED UNANIMOUSLY: That Cabinet does not exercise its powers under section 205 of the Highways Act to enable the road widening.**

Councillor Hilton left the meeting at 7.48pm.

E) SCHOOLS CAPITAL PROGRAMME 2016-17

Members considered the Children's Services 2016-17 capital bids.

Cabinet was addressed by Dianne Cranmer. Ms Cranmer stated that Wraysbury Primary School had expanded in 2011 to be a double form entry with staff numbers increasing from 32 to 60, yet the adult facilities had remained the same despite an agreement with the borough to increase them. The school also had the potential to provide nursery provision but this would add another 8 staff members. The current staff room was inadequate in terms of the square footage compared to the number of staff. Ms Cranmer believed that the current facilities contravened health and safety regulations 24, 25.3b, 25.4 and 25.5. The lack of accommodation caused daily disruption to the school. A full staff meeting was not possible unless the school hall was closed off to pupils, which impacted on the classroom timetable. Staff attempted to take breaks in four separate sessions because of the lack of space but this was not always possible. The Health and Safety Executive described this type of overcrowding as hazardous to employees with an increased risk of accidents.

Ms Cranmer explained that there would be additional benefits to the community of extending the current facilities. Councillors would be aware that the school was used as a Bronze command unit during the flooding events of 2014. The cost to the borough for closure and repair had been significant. Regardless of the flood response requirements, the governing body felt that the situation contravened health and safety regulations and the council urgently needed to address this issue.

The Lead Member thanked the speaker and explained that the Cabinet had listened to the problems associated with lack of space at the school. He advised that line 20 relating to the school in the appendix was in the incorrect place; the recommendation would be amended to reflect this. He explained that:

Item 1 was the devolved formula part of the grant from the DfE which totalled £250,000 and was divided up per maintained school by total pupil number. For example, Charters would get a large amount as it had 2000 pupils.

Items 2 to 11 inclusive used the further £1.34 million of condition grant from the DfE. Items 2, 3 and 4 were monies for all maintained schools (not Academies as they applied for their grant direct from the DfE).

Items 5 to 11 were school specific and had been put in by officers as the priority schemes needed next year. The Children's Services Overview and Scrutiny Panel had seen the report and had opportunity to ask the officers any questions about prioritisation. Items 20 and 21 (Wraysbury school staff room extension and the schools participatory budget) had both been agreed with corporate funding. The participatory budget for schools was new and would allow schools next year to put bids in for up to £6000. Schools would be looking to their supporters to vote online to win the money.

Items 12 to 19 were first reserve items; if more than the expected amount of £1.59m was received then those items would be viewed as priority in the schools capital programme for 2016/17.

The recommendation included approval to bring forward £60,000 of the 2016/17 budget for feasibility studies, to enable building works to take place over the summer holidays. Getting in early with contractors rather than waiting until exact funding was known would achieve better prices.

The Lead Member for Highways and Transport commented that the facilities for Wraysbury would benefit the whole community, and would likely be needed for future flooding events.

The Principal Member for Culture and Communities commented that Participatory Budgeting had been a great success in other areas and she was pleased to see it being extended to schools.

Councillor Ed Wilson arrived at 8.00pm

**RESOLVED UNANIMOUSLY: That Cabinet approves:**

- i. The Children's Services 2016-17 capital bids appended to this report and includes them in the 2016-17 capital programme subject to any changes as detailed in paragraph 3.6., and subject to lines 20 and 21 being moved above the line.**
- ii. That any approved schemes listed go out to tender.**
- iii. A budget of £60k for feasibility assessments preparation work on condition schemes, to be brought forward into 2015-16 from the approved 2016-17 budget, see para 3.8**
- iv. Variations to schemes that are dependant on government grant allocations will be reported to Cabinet after the DfE grant allocations have been confirmed.**

**B) UPDATE ON THE DELIVERY OF THE MULTI-AGENCY SAFEGUARDING HUB**

Members considered an update on the progress made to ensure delivery of the Multi-Agency Safeguarding Hub (MASH) in the Royal Borough, effective from January 2016.

The Lead Member explained that at its meeting in March 2015, Cabinet had noted and endorsed the development of a fully operational co-located Multi-Agency Safeguarding Hub (MASH) for the Royal Borough. This was also a manifesto commitment. She was pleased to confirm that significant progress had been made in developing the MASH, particularly around workforce and accommodation and works were well on track for implementation in January 2016.

Key partners in the MASH were:

- RBWM Children's Services.
- Thames Valley Police.
- Windsor, Ascot and Maidenhead Clinical Commissioning Group.
- Berkshire Healthcare Foundation Trust.
- DASH (Domestic Abuse Stops Here) Charity.

The core component of the MASH had now been agreed, totalling 17.1 FTE. Resource was being provided by all key partners and in terms of Children's Services' contribution, the council was looking to use staff from the existing workforce with staff being re-skilled to meet the requirements of the MASH.

At this stage, additional personnel, for example from Probation, Housing and Youth Offending, were not being co-located but they would be enabled to contribute virtually to the MASH discussions. It was also proposed to explore the potential to expand the remit of the MASH to cover adult safeguarding.

Thames Valley Police required a higher level of security than the Royal Borough and its partners, including a self contained and secure space, only accessible to MASH staff, external lighting and window security. She thanked staff for their flexibility whilst works continued. In terms of the actual operation of the MASH, a workflow diagram and process had been developed. The MASH would provide a single point of access for all concerns about a child/young person, whether a safeguarding concern, early help request or information/advice. This would ensure that residents received a more timely and appropriate response to their concerns.

The Chairman commented that he was pleased to see progress as the council had been waiting a while to get all partners agencies on board. A dedicated space and equipment would ensure safeguarding was undertaken in a professional and best-in-field way. He fully endorsed the work done so far.

The Lead Member for Adult Services & Health highlighted that the council was looking to see if adult safeguarding could also be dealt with by the MASH. The Lead Member for Highways and Transport congratulated the Lead Member for overcoming the challenges to get a MASH in place. The Lead Member explained that it was hoped the MASH would be ready for test runs in January 2016, to ease the transition for staff. The Principal Member for Policy praised Thames Valley Police for their engagement and looked forward to future co-operation.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i) Notes the progress made to ensure delivery of the Multi-Agency Safeguarding Hub for January 2016 and request a performance report in July 2016.**
- ii) Endorses exploration of the potential to expand the remit of the MASH to include Adult Safeguarding.**

**c) SAVINGS IN RESPECT OF 2016-17 BUDGET**

Members considered a number of recommended savings for inclusion in 2016-17 budgets. The Deputy Lead Member introduced the report, explaining that, to respond

to the reduction in grant funding and to maintain council tax levels, the council was looking to bring forward a number of savings for 2016/17 subject to consultation. The Chairman commented that good work had been done to ensure the council was in good shape for the next year, identifying £604,000 of savings.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- (i) **Recommends the savings listed in appendices A and B to Council for inclusion in the 2016-17 budgets, subject to consultation.**
- (ii) **Authorises Directors to implement savings plans as soon as possible.**
- (iii) **Authorises a consultation process for the proposals listed in appendix B of this report (Part II – Not for publication by virtue of paragraph 4 of Part I of schedule 12A of the Local Government Act 1972).**

D) MISSING YOUNG PEOPLE/CHILD SEXUAL EXPLOITATION STRATEGY

Members considered endorsement of the Missing Children/Young People and Child Sexual Exploitation Strategy 2015-2017.

The Lead Member explained that in March 2015 the council had reported on the outcome of the external review of statutory partners' response to addressing the risks to children and young people of child sexual exploitation. The review had confirmed that the Royal Borough was doing an appropriate job in addressing those risks.

At the same time, Cabinet reviewed the Windsor and Maidenhead Local Safeguarding Children Board's (LSCB) Missing Children/Young People and Child Sexual Exploitation Strategy and believed that it needed strengthening. The LSCB commissioned an external consultant to draft the initial revision of the Strategy.

The final Strategy was approved by the LSCB Board on 18 November 2015 the Lead Member highlighted that this was the LSCB strategy rather than the RBWM strategy. Cabinet would recognise that the majority of the council's work in relation to child sexual exploitation was focused on prevention and protection and it supported Thames Valley Police in their prosecution activities. Key elements of Children's Services' prevention and protection work included:

- Co-ordinating and driving the ongoing community awareness campaigns.
- Delivering training, usually in partnership with Thames Valley Police, to agencies and businesses, including tax drivers and licensed premises.
- Developing and implementing robust protection plans.

**RESOLVED UNANIMOUSLY: That Cabinet endorse the Missing Children/Young People and Child Sexual Exploitation Strategy 2015-2017, see appendix 1, as approved by the Windsor and Maidenhead Local Safeguarding Children Board on 18 November 2015.**

F) COUNCIL TAX BASE 2016-17

Members considered the statutory requirement to set the council's tax base for council tax for 2016-17. The Deputy Lead Member for Savings Implementation introduced the report. He explained that the council tax base for the whole of the borough area was to be set at 65,969.62. this was an increase of 2.5% on the previous year due to an increase in the number of properties built (900 additional) and an increased collection

rate of 99.5%. The Chairman stated that he was impressed by the number of houses that had been developed over the past year; in combination with the New Homes Bonus this helped public finances.

The Lead Member for Planning commented that 900 additional properties was a very good number and he was sure it would continue to rise over the coming years.

**RESOLVED UNANIMOUSLY: That:**

- (i) The council tax base for the whole of the Borough area, for the year 2015-16 is 65,696.62 as detailed in this report and appendices.**
- (ii) Parishes are awarded a grant to compensate them for the loss of taxbase due to the delivery of Council Tax Support as a discount.**

G) FINANCIAL UPDATE

Members considered the latest financial update. The Deputy Lead Member for Savings Implementation introduced the report, highlighting the anticipated net underspend of £153,000 on the General Fund. He explained that, to meet pressures in Adult Social Care, additional savings of £600,000 in Operations would be used. Strong financial management enabled the council to deal with pressures and still provide the services needed. He reported an addition of £362,000 to the development fund from the sale of Compulsory Purchase Order (CPO) properties in Sunninghill. The council was also looking to make a loan to Flexible Home Improvements Loans Ltd. In addition, £230,000 would be allocated to the capital programme for a floodlit pitch in Dedworth. The final recommendation was to request Council approval of a £3m capital budget for public realm around the Landing site.

Councillor Ed Wilson commented that an artificial pitch would be a great facility for Dedworth and would be well used, particularly for football. Dedworth was the birthplace of footballer Peter Osgood; 2016 would see a number of events to mark the 10 year anniversary of his death. He asked officers to proactively engage with Dedworth councillors over details such as the cost of the pitch, how bookings would be administered, floodlights. The Principal Member for Culture and Communities reassured Councillor Ed Wilson that proper dialogue would take place. The pitch would be of a similar size to the one at Charters. The Lead Member for Education commented that the Eton and Windsor football club, of which he was chairman, had 400 players from age 5 to under 18. The club had to travel to the pitches at Braywick Park because the ones at The Windsor Boys' School were fully booked. This new pitch would be a fantastic opportunity. Floodlights could cause concerns but mitigation measures were available.

Councillor Cox arrived at 8.17pm.

The Chief Whip commented that there were a number of properties in her ward that had been empty for some time. It was pleasing to see the council using its CPO powers.

The Lead Member for Youth Services and Safeguarding commented that it was good to see improvements at Manor Youth Centre.

**RESOLVED UNANIMOUSLY: That Cabinet:**

- i) Notes that Strategic Directors in consultation with Lead Members will implement proposals that mitigate the predicted overspend.
- ii) Approves that the provision (£362k) that was set up when two properties were compulsorily purchased and sold, should be transferred to the Development Fund (see paragraph 4.5).
- iii) Approves the addition of Flexible Home Improvement Loans Ltd (FHIL) as a counterparty on its lending list and delegates authority to the Lead Member for Finance and Head of Finance to agree terms on a loan to FHIL (see paragraph 4.6).
- iv) Approves the addition of a £230k, S106 funded budget to the 2015-16 capital programme for a floodlit, all weather pitch in Dedworth Manor park, Windsor (see paragraph 4.9).
- v) That Cabinet recommends to Council a £3m capital budget for Broadway public realm (see paragraph 4.10).

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE 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 took place on items 8-9 on the grounds that they involved 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 7.30 pm, finished at 8.38 pm

CHAIRMAN.....

DATE.....