

AT AN EXTRAORDINARY MEETING OF THE BOROUGH COUNCIL held as a virtual meeting on Tuesday, 26th May, 2020

PRESENT: The Mayor (Councillor Sayonara Luxton), The Deputy Mayor (Councillor Gary Muir) and:

Councillors John Baldwin, Christine Bateson, Gurpreet Bhangra, Simon Bond, John Bowden, Mandy Brar, Catherine Del Campo, David Cannon, Stuart Carroll, Gerry Clark, David Coppinger, Carole Da Costa, Wisdom Da Costa, Jon Davey, Karen Davies, Phil Haseler, Geoff Hill, David Hilton, Maureen Hunt, Andrew Johnson, Greg Jones, Lynne Jones, Neil Knowles, Ewan Larcombe, Ross McWilliams, Helen Price, Samantha Rayner, Joshua Reynolds, Julian Sharpe, Shamsul Shelim, Gurch Singh, Donna Stimson, John Story, Chris Targowski, Helen Taylor, Amy Tisi, Leo Walters and Simon Werner

Officers: David Cook, Mary Severin, Duncan Sharkey, Adele Taylor, Karen Shepherd and Adrien Waite

MAYOR'S INTRODUCTION

The Mayor stated that it had been brought to her attention that Opposition Members had misquoted her on social media. At the last Extraordinary Council meeting she had spoken about asking councillors and local community leaders to offer support to vulnerable people during the COVID-19 crisis. This misquote had caused her significant concern. What she had actually said was clearly indicated in the Minutes of that meeting, which was that when she had been asked about supporting the vulnerable she had simply urged Councillors as local community leaders to make phone calls or offer help. She had made no reference to money or resources in that response.

1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Baskerville.

2. DECLARATIONS OF INTEREST

None received

3. CONSTITUTIONAL AMENDMENTS - DEVELOPMENT MANAGEMENT PANELS

Members considered amendments to the constitution in relation to Development Management Panels to allow the effective running of virtual panel meetings as part of the council's response to the coronavirus crisis.

Councillor Coppinger introduced the report. He thanked the Opposition and Parish Councils for their helpful and supportive comments. In light of these he wished to make one change to the paper and to clarify one area. He explained that he was now proposing 9 Councillors on the Panel which moved the quorum up from 2 to 3. Whilst not in the paper he confirmed that Parish Councils would keep their 28 day period of consultation on plans to ensure that they could be fully considered.

In March full Council had met to hear a proposal to enable emergency changes to the constitution which would enable Development Management to function. Council had

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approved it and a time limit was set for June. These emergency powers had now been running for 9 weeks. In this period 10 major applications and 46 minor ones had been decided, that was in addition to 192 applications which included, for example, conditions and permitted development. 11 applications had been referred to the delegated-plus process. No one: no Councillor, no Parish, no resident group had raised any issue with this process.

The emergency powers would come to an end in June and therefore there was a need to move forward whilst recognising that the volume of plans received had decreased and that the country could face a second wave of infection. There was a need to move forward in a safe and secure way. The other factor to be aware of was that the Development Management Panel sat on a quasi-legal basis and that all decisions and processes were subject to legal challenge. The proposals therefore simplified the process, restoring both visibility and democracy whilst ensuring that the design was capable of withstanding issues with software which could, if they occurred, negate the whole process.

The most important safeguard was that the proposals were time limited. Whatever happened it had to finish in December. It could not be just rolled over. In addition, Councillor Coppinger promised that should there be a material change of any kind it would be reviewed sooner. It would be wrong to state what would happen after that date but he hoped that the council could, by then, return to normality.

In making these proposals other councils had been observed and it had also been considered how well the council had been able to run virtual meetings. Remembering at all times that any system failure, whether individual or total, could stop an application being decided or could allow a subsequent appeal and/or litigation.

Councillor Coppinger clarified the proposals:

1. Continue the current criteria so that only call ins and major applications would come before the panel. A major application was more than 10 dwellings or for commercial purposes 1000sq meters. A call in could only be made by the Ward Councillor and must give a planning reason. Officers would work with Members prior to the meeting to try to find a solution and/or to explain the rationale for the decision. If there were sound reasons for a call in, he would expect adjoining ward Councillors to discuss with the actual Ward Councillors. It should be noted that in the last 6 months there had only been one occasion where an application was called in by a non-ward Councillor
2. Introduce a single Development Management Panel. From the council experience since March there would not be enough work for two panels and it was important to remember that a Councillor was not appointed to a panel to represent their ward or area but to be part of the Planning Authority
- 3 A panel of 9 Members to allow for political balance and representation from every area of the Borough. The size of the quorum was calculated by reference to the number of Councillors so in this case it was 3.
4. Limited officer attendance. This would normally be one from each of Planning, Legal and Democratic Services

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5. Speeches as currently, including opposer, Parish, Neighbourhood Planning Group where there is no Parish or Town Council, and the councillor calling the application in. For all these the speaker must submit the speech in advance to ensure it was heard and could be recorded. If they are in attendance, they could change their speech on the day. This was to ensure if they could not make it for any reason it could still be considered.

6. When announcing their vote each Councillor must state that they had heard /seen all submissions. If they were unable to do that they would not be able to vote.

Councillor Coppinger concluded that this was a next and safe step for the Borough which would restore democracy and start to enable the recovery of the Royal Borough. He repeated that this was for a fixed period of time and should there be a significant change in circumstances then it would be reviewed earlier. He also confirmed that the council would carry out a full consultation of the proposals at that time.

Councillor Cannon seconded the motions, as amended. He was happy to support the proposals in his role as Chairman of the current Windsor Development Management Panel.

Councillor Reynolds commented that the Conservative administration had had over a year to get used to an 18 Member Opposition, but he doubted that they would have been prepared for the large scale public backlash at the proposals. He was sure the Leader would be aware of the many emails received. The changes were not required by legislation, in fact the council could legally continue with the Development Management Panels as they were with the arrangements in Appendix A. The council's nearest statistical neighbours were not making changes of this scale to their constitutions. The Planning Advisory Service had stated that it was critical to the reputation of everyone involved that there was no perception that anyone was trying to take advantage of the current situation to avoid proper scrutiny or public engagement. Parish councillors and many councillors felt the proposals were being made to avoid proper scrutiny. This included a number of Conservative councillors the Opposition had spoken to over the last week.

Councillor Reynolds stated that the proposals sought to abandon the independence of Windsor and Maidenhead on planning matters. Councillor Haseler had commented that meetings would go on until 3am if the arrangements were kept as they were, yet Councillor Coppinger had said there were too few applications for two panels. The proposals also limited the call in rights of borough councillors. As borough councillors were often the last link in the chain on an application, 21 days was not long enough. He did not know why the removal of council planning applications to automatically come in to Panels was proposed; some would find this a conflict of interest. All could agree that the Borough Wide Development Management Panel was not needed as it had not sat in the last year.

Councillor Reynolds proposed an amendment to recommendation i) so that it would read:

1. Approve amendments to the constitution as detailed in Appendix D (Protocol for public speaking)

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2. Retain the wording of the current constitution as set out in Appendix A, except for removal of the Borough Wide Development Panel
3. Bring back to Council in August 2020 a report which reviews the new arrangements, in particular outlining any issues which have arisen.

Councillor Knowles seconded the amendment to the motion.

Councillor Werner commented that the amendments would be of benefit to Pinkneys Green and the whole borough. No reason had been given for why there would be changes to the call in. He saw two issues with this. Planning issues that happened on the boundary could affect a neighbouring ward but the ward councillor could not call in and would have no guarantee that the ward councillors in the neighbouring ward would do so. Additionally, what happened in town centre wards had an effect on the other wards in the town. If call in by a non-ward councillor was rare, he questioned why it needed to be removed. In relation to the number of panels, Members had been told there was a large backlog of applications. Queue theory demonstrated that having two panels would mean a lot more applications could be dealt with. Members had been told that other councils did not have two panels but he was aware of a number that did, including West Berkshire and Oxfordshire. It had been said that large panels would be difficult to manage, but there would be no difference in managing one panel of 'x' number of councillors compared to two panels of 'x' number of councillors.

Councillor Davies commented that the changes proposed to the standing arrangements for development management panels raised several serious concerns. One of the reasons given in support of the recommendation was to allow for robust and efficient meetings. She felt those words very accurately characterised the current Windsor Area Development Management Panel, under the excellent chairmanship of Councillor Cannon. She could not see why anyone would suggest that he could not cope simply because the meeting was held online.

The proposal was for one borough-wide panel of, now nine, members. With the legal requirement to maintain political balance, in the case of nine members this would presumably be five Conservatives, two Liberal Democrats and two Independents. Looking at these numbers and the political make up of Windsor itself compared to the borough, it was highly likely that there would be only two or a maximum of three Windsor councillors on the Panel.

Also, amongst the reasons for recommendation were that the changes would promote best practice and confidence in decision making. Windsor residents cared deeply about the town and were extremely interested in planning matters across the whole town, not just on a ward basis. It was not possible to know what applications would come in during the year. The reduction in numbers combined with the proposal that councillors only be permitted to call in developments in their own ward meant that Windsor residents would feel disenfranchised from the decision-making process.

The increase in delegated decisions, which was the intended outcome of the change, also had the effect of reducing public involvement in and scrutiny of planning decisions. Councillors had already heard concerns raised by the Windsor Neighbourhood Plan committee and from the Windsor Town Council steering group. Windsor residents were going to conclude that this was another example of Maidenhead councillors making decisions about Windsor, and that was not acceptable to them.

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Councillor W. Da Costa commented that in the NPPF it stated that sustainable development should take into account local circumstances. The borough was a federation of towns, each one with its own unique character and needs. Many of them had their own neighbourhood plans. It was important to have as many local councillors involved as possible as they would understand the local needs and circumstances. It was also about representation. His calculation was that with a panel of nine, there would only be one or two Windsor councillors on the panel.

Members had to weigh up different regulations including the NPPF, Borough Local Plan, and Neighbourhood Plans. When the decision was finely balanced, without local knowledge the council could not make good decisions. Councillor Reynold's amendments would ensure consistently good decisions. There could be an upsurge in applications as recovery came in. Nine members would need to be experts on the NPPF, the emerging Borough Local Plan and 12 Neighbourhood Plans. The proposals would create an unsustainable, unprecedented workload and an unnecessary Maidenhead bias. The current panels met twice a month. He felt that if this pattern worked, it should not be changed. The meetings were always quorate and many had full panel attendance. A workload split across two panels was manageable. Decisions were consistent and good so he questioned why there was a need to make changes.

Councillor Brar commented that she had been shocked when she had read the report as one of the Members of an endangered Panel. She questioned why ward councillors and parish councillors were not consulted. As a ward councillor and a parish councillor, she was very protective of the conservation area, green belt and unique character of the area. The proposals would eradicate her voice on the panel and prevent her from fulfilling her obligations to the ward and the parishes. The emergency procedures and reduction in call-in would reduce the ability of Members to hold decision makers to account. Councillor Brar referred to the Parish Charter which promoted the borough working in partnership with the parishes. She felt what was being proposed was the opposite. There had been an utter failure to consult with the parishes. She felt this was an insult to the Parish Charter working group chaired by Councillor Bateson. In her opinion, the Maidenhead and Windsor Panels should remain. If something needed to be cut, it should be the Borough-wide Panel which did nothing anyway. It was nonsense to suggest that it would be difficult to cope with 11 Members in a Panel when nearly 40 councillors were taking part in the full Council meeting.

Councillor Hill stated he was in favour of the amendments. He thanked Councillor Coppinger for the courtesy of a phone call and taking on his proposal to increase the membership to nine. However, he had considered it further and had grave concerns. The Borough-wide Panel had to go as it had not sat for some time. His biggest concern was the unintended consequences of merging the two panels. He felt there would be a major psychological impact on residents. There was an unwritten protocol that Windsor councillors did not speak on Maidenhead issues and vice versa unless there was dire need for an extra member. He felt there would be a problem of trust with the public with the new proposals. The time limit of 21 days was too short; Members already struggled with 28 days. Zoom was secure, was working well and could manage a large number of participants. The parish councils also disliked the proposals.

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Councillor Haseler, Chairman of the current Maidenhead Development Management Panel commented that if he was the Chairman of the Panel, the remaining Conservative seats could be split between Windsor and Maidenhead. The Opposition parties could then nominate two Members each and split them between Windsor and Maidenhead. There was no reason the panel make up could not be easily spread across the Borough.

Councillor Price commented that planning applications must have a fair hearing. It was her belief that one meeting with nine panel members would reduce that right to a fair hearing. Councillors who were unfamiliar with a local area, in order to equip themselves with local knowledge, would need to visit the sites. At this time all had been encouraged to minimise travelling. She welcomed the fact that the EQIA was circulated to Members that afternoon, but she was concerned that it was not dated or signed. She requested that the [link](#) be put in the minutes so that the public could see it.

Councillor Hilton commented that his experience of virtual meetings was that they took much longer and were more difficult to manage than in-person meetings. Interaction between Members was more difficult. Items at the end of an agenda seemed to get less time so the length of meetings needed to be taken into account. Councillor Coppinger had already stated that the period for consultation was still 28 days. A key point had been missed was that it was only major applications that would be considered. Of all the applications decided over the past nine weeks, no councillor or member of the public had complained about the outcome of a decision. A totally delegated scheme was clearly acceptable to both Members and the public. Therefore he could not understand why the proposals before Members were not equally as acceptable, given they moved the situation forward in a sensible manner. He was an Ascot councillor; for those in the south they were used to Windsor councillors outnumbering them on Panels and making decisions on their areas. They lived with it by presenting sound planning policy if they did not believe the application should be approved. That opportunity existed for all as Parish councillors and objectors had the same amount of time to speak and all councillors would have the opportunity to speak.

Councillor Jones stated that as a ward councillor you could only speak for an allotted time; you could not take part in the debate. When there was no legislation in place to allow virtual meetings a totally delegated scheme was needed but that position had now changed. She could see no reason why the council could not return to the normal status quo with proper meetings in a virtual capacity. She had received many emails from the parish council and her residents. Parish councils were not consulted on the changes, nor was she as a Member until the report was published.

Councillor Walters highlighted that many wards had only two members, including Bray. Councillor Coppinger, as Lead Member for Planning, could not sit on a Development Management Panel. If an application came in for Bray and there was no opportunity to call it in, he asked where the application would go. He was glad that the proposed amendments were only temporary, unfortunately he could not say anything further on the amendments.

Councillor Stimson highlighted that planning was not a political 'animal'; it should be issue focussed. Knowledge of the NPPF and an understanding of how to apply this to planning applications was key. It was crucial that good quality members were in place and she felt that a panel of good quality members could do a good job. Councillor

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Stimson commented that she always visited sites before considering an application which enabled her to represent residents even if the application was not in her ward.

Councillor Cannon highlighted that a number of the concerns that had been raised were based on misinformation and misinterpretation of the report. There should be no political element to planning, all Members should be looking at compliance with planning policy. The argument that only ward councillors should decide an application was wrong. All Members sitting on a planning panel did so as a member of the Planning Authority. The current delegation meant that there was currently no democratic input; all needed to consider where the council hoped to be by December. There had been some scaremongering about representation but it would be down to Group Leaders as to who they chose to appoint to the Panel. Councillor Cannon concluded that the proposals in the report were bold, sensible, and non-political. The proposed amendment ignored this.

Councillor Coppinger, responding to Councillor Walters, commented that although he could not sit on a Panel, he was able to call in an application in Bray ward and speak at the panel meeting.

Councillor C. Da Costa commented that she had heard a number of comments about the need for nine good quality Panel Members; this seemed to suggest that some of the current Members were not of good quality. She highlighted that two areas (Windsor and Maidenhead town centres) did not have parish or town council representation.

Councillor Clark stated that all decisions at panel should be made with an open mind. The proposals allowed for the full democratic process including objections being raised and public consideration of applications, scrutinised by the public. As an interim step from the delegated authority he felt the proposals were excellent.

Councillor Davey commented that the proposals were unnecessary and were degrading any democracy left. The council ignored parish councillors at their peril. He had heard about the change from six to nine panel members over Twitter; he questioned the professionalism of this as a democratic process. He had shot a short video to demonstrate the power of social media, which had been seen by over 5000 people. The Opposition would continue to use social media to show what was going on. Councillor Davey commented that a quorum of three would enable three Conservative councillors to make a decision without any consultation with the Opposition. The speaking rights allowed any non-Member of the Panel to speak on any item. Councillor Davey suggested that, if the amendment was not accepted, the direction of travel was a debate on every planning matter in Zoom with all Opposition non-Panel members.

Councillor Bond commented that he had limited experience of panels; he had only sat as a substitute member. He endorsed the comment of Councillor Stimson that the Maidenhead Panel worked very well so this was not an issue. However, he felt that local knowledge was an issue. On the occasion he had sat on the Panel he had only received a couple of days' notice and had to read an 80 page report. It had helped that he knew the locations. He would not have knowledge of the areas at the other end of the borough which was 30 miles long.

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Councillor Rayner moved a procedural motion to move to the vote, which was seconded by Councillor Clark.

Councillor Knowles commented that he had been involved in the interim process in place which had come in 69 days previously. The world had changed since then. Government and the judiciary had moved into the virtual world. A huge technological leap had been taken. Given the changes in legislation it was only right that a review should take place of the interim measures. Things were moving very quickly and further changes were due to arrive on 15 June. He had received a lot of correspondence from Windsor area residents and the parish council. The main question was why were the proposals being made? Over 40 participants were taking part in the current debate that was being managed well. If extra councillors could turn up at a Development Management Panel and speak, he could not understand the need to reduce the size of the panel. On the evidence of the council meetings there was nothing to support the argument that two panel meetings could not be carried out effectively. Restricting the call-in to ward members only was an issue. He suggested the scenario where two ward Members were married and went on holiday together. He was glad that the time period had been changed from 21 to 28 days. The changes to speakers' rights were not ideal but he could see the need as a failsafe temporary measure.

As there were no more speakers, Councillor Rayner agreed to withdraw her motion to move straight to the vote.

Councillor Reynolds stated that he wanted to correct some things he had heard other councillors say. He took great offence that Councillor Cannon had described his amendments as politically motivated. Most people had heard about the proposals from an article in the Maidenhead Advertiser on 20 May. Members were not scaremongering, they were raising issues raised by their residents. In relation to comments by Councillor Hilton, he did not feel that virtual meetings took longer. The idea that a change to the constitution was needed now and could be reviewed later was ludicrous. He asked why the constitution could not be kept as it was and if there were a problem, it could be reviewed later. Councillor Reynolds understood that it was parish councillors that would have 28 days, not Borough councillors. He asked for this to be clarified. He had sat on the Maidenhead Panel for a year and at no meeting had items later in the agenda been rushed through. The times for public speaking had not changed hence he had not proposed an amendment to that element.

Councillor Cannon raised a point of order as he had been referenced in Councillor Reynolds' summing up. As Chairman of the Windsor Area Panel he saw the proposals as a move forward to get democracy back into the system, not because he thought the current arrangements were not working.

A named vote was taken on the amendment proposed by Councillor Reynolds and seconded by Councillor Knowles: 17 Councillors voted for the motion; 21 Councillors voted against the motion. 2 Councillors abstained. The motion therefore fell.

Constitutional Amendments - Development Management Panels - Amendment (Amendment)	
Councillor John Baldwin	For
Councillor Christine Bateson	Abstain
Councillor Gurpreet Bhangra	Against
Councillor Simon Bond	For

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Councillor John Bowden	Against
Councillor Mandy Brar	For
Councillor Catherine del Campo	For
Councillor David Cannon	Against
Councillor Stuart Carroll	Against
Councillor Gerry Clark	Against
Councillor David Coppinger	Against
Councillor Carole Da Costa	For
Councillor Wisdom Da Costa	For
Councillor Jon Davey	For
Councillor Karen Davies	For
Councillor Phil Haseler	Against
Councillor Geoffrey Hill	For
Councillor David Hilton	Against
Councillor Maureen Hunt	Against
Councillor Andrew Johnson	Against
Councillor Greg Jones	Against
Councillor Lynne Jones	For
Councillor Neil Knowles	For
Councillor Ewan Larcombe	For
Councillor Sayonara Luxton	Against
Councillor Ross McWilliams	Against
Councillor Gary Muir	Abstain
Councillor Helen Price	For
Councillor Samantha Rayner	Against
Councillor Joshua Reynolds	For
Councillor Julian Sharpe	Against
Councillor Shamsul Shelim	Against
Councillor Gurch Singh	Against
Councillor Donna Stimson	Against
Councillor John Story	Against
Councillor Chris Targowski	Against
Councillor Helen Taylor	For
Councillor Amy Tisi	For
Councillor Leo Walters	Against
Councillor Simon Werner	For
Rejected	

Members returned to debating the substantive motion.

Councillor Baldwin referred to Councillor Walters' extraordinary service to the parish, ward, county and borough that deserved to be recognised. It seemed inevitable that the Maidenhead and Windsor Panels were about to be voted out of existence. As he feared they may never be reconstituted under the current administration he wished to place on record that he would miss serving with Councillor Walters. He would also miss the pragmatic interventions of Councillor Hunt. Whatever the fate of individual panel members, the real losers were the residents. The case already made by Members of the Opposition against the proposals remained, and had not been rebutted by any of the contributions from Conservative councillors. The proposals flew in the face of the wishes of the parish councils. He questioned whether it was coincidental that the only 23 people in the borough who believed the proposals were the best just happened to all be Conservative councillors. On first sight of the paper the Opposition had rung around Conservative councillors, some of whom had expressed concerns. Quite what happened to change their mind could only be

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guessed at. However if those dissenting voices were treated as brusquely as the Opposition at Cabinet at the same day he could well understand. When elected Members allowed themselves to be squeezed by the ever tightening confines of the administration's dogmatic corset, he questioned who was left to defend against a tyranny of a tiny majority. Those who wished to save genuine local accountability in place making needed to act and do so now; December would be too late.

Councillor Bowden commented that he had been on the Windsor Panel since 2015. He owned and lived in a listed property in the conservation area for over 20 years therefore he was familiar with the rules. The proposal was unique to the current circumstances and would be reviewed in December 2020. In context, local elections had been suspended in England and Wales. There was no power-grab or threat to democracy. As a councillor he would be able to speak or submit material to the Panel either in respect of his ward or adjoining wards. He had not been informed of the proposals directly straight away, due to specific circumstances including no email connection for a whole week.

Councillor Carroll highlighted that other councillors had suggested the country would be opening up quickly in the coming months. In his role as a professional in infectious diseases and on advice from the Chief Medical Officer and Chief Scientific Adviser, he felt that it would not be a quick process. There would be no vaccine this year and it would be lucky if one came in the following year. It was therefore likely that measures would come in and out. The traditional 'flu season was difficult even though there was a vaccine available. It was likely that there would be another severe lockdown in the period October- February therefore appropriate arrangements were needed in place to allow the council to properly function. The proposals in the report did that.

Councillor Taylor thanked Councillors Coppinger and Haseler for listening to her concerns the previous week. She had been concerned about the reduction in panel members as the debate was very important. She suggested the review could take place earlier as the situation was changing very quickly. She also asked if a trial with all Panel Members had been considered.

Councillor Bhangra commented that he was supportive of the proposals given the panel size had been increased to nine. He had been surprised to hear that Councillor Werner was not sure that some councillors would do the right thing in calling-in a planning application. He found this to be very disrespectful. Both he and Councillor Carroll did what was right for the residents of their ward and always listened to their views on planning matters when brought to their attention.

Councillor Hilton reiterated that over 200 applications had been determined in the last nine weeks and no councillor or parish councillor had raised a concern about the process. At the moment all applications were decided under delegated authority. Members now had the opportunity to ensure that all major applications, which were generally the most contentious, would be determined by councillors. Virtual meetings would present challenges and it was understandable that low-risk proposals had been made. One of the issues that had not been talked about was the presentation of photographs, drawings etc. which was an important part of the decision making process. In this respect, lower numbers of panel members would be more appropriate. Neighbourhood plans set out the uniqueness of local areas. Five were in existence already. Those who sit on a panel needed to have a decent understanding of planning policy, undertake due diligence when reading the reports, and seek the views of ward

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councillors on the applications in their ward. In that way they could gain the local knowledge that had been discussed. Local ward councillors could take the opportunity to speak at a Panel meeting.

Councillor Haseler commented that it was paramount that the council got the planning process back on the road at the earliest opportunity. It was essential that a Panel be formed in which robust decisions could be made. The proposals would allow this to happen. He welcomed the proposal to increase the membership to nine which would allow a fair representation from across the borough whilst maintaining political balance. He explained that he had tweeted about the size increase to be open and transparent and to allay concerns. He had heard a lot of criticism including the lack of knowledge being a main concern. Members sat on the Panel as members of the Local Planning Authority and not to represent their ward. There was a lot of information available including on the planning portal and site visits were still an option. He felt that it was insulting to suggest that sound decisions could not be made if the Member did not live in the ward. What was important was the quality of Panel Members who needed to have a genuine interest in planning and be willing to take an open decision.

Councillor Shelim commented that it was particularly important that the borough did not have one town more important than another. Ideally councillors on a panel would be more locally skilled. This would mean more work for officers but the public and personal accountability were worth the cost and trouble. The only argument in favour of merging was to deal with the difficulties of working online during the pandemic. He therefore reluctantly supported the proposals on the understanding they were for a limited time only.

Councillor C. Da Costa commented that she agreed with Councillor Carroll in respect of the epidemiology of the virus and the likelihood of a winter lockdown, therefore to bring the issue back for review prior to December was preferable. She suggested the quorum should be changed so that three members of one party could not make a planning decision on their own.

Councillor Story highlighted that the proposals were an interim spec, a temporary measure between what the Council decided to do on 18 March to delegate all decisions to officers and getting back to a 'new normal'. The proposals were for a maximum of six months; he was sure officers and the Lead Member would be reviewing it regularly. Whatever the future proposals he was sure the Lead Member would ensure the principle of localism was alive and well and that there would be full consultation with parish councils and other local bodies.

Councillor Tisi commented that there had not been any complaints from residents and parish councils on the delegated procedure because they had not been aware it was happening. Also during lockdown people were more worried about their relatives than issues of local planning. The council should not take the lack of correspondence as a lack of interest or concern. She felt the panel of nine was a better balance than six. The report talked about changes to promote best practice in decision-making. She questioned who was determining 'best practice'. It was clear from the correspondence that there was no confidence in the council's decision making.

Councillor McWilliams commented that there would likely be significantly less applications coming forward for the next few months. The increase in panel size from six to nine would ensure geographical and political balance. One of the main benefits

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of the proposals was to bring democracy back, which had unfortunately been suspended by COVID-19. There was no law guiding the council to review the proposals in December, they could be kept under constant review and the council would respond accordingly. Objectivity was the most important thing in planning panels, regardless of whether the ward was rural or urban, or in Maidenhead, Windsor or Ascot. Members came to the Panel to make a decision based on the facts of a site in a quasi-judicial role.

Councillor Knowles commented that it had been an interesting debate and he took on board the comments by Councillor Carroll. The crux of the issue was a set of virtual meetings that did not need any constitutional changes to take place. The full Council meeting with over 40 participants was proceeding well. He did not think party politics was relevant; he was representing the people in his ward and parish council. He also accepted the point that a well-balanced planning panel was a delight to behold.

Councillor Rayner commented that COVID-19 had presented many huge challenges for everyone. She welcomed the increase to nine members as this would allow a better representation across the borough. The council had to adapt the way it undertook its business to ensure democracy continued and the best decisions needed for recovery could be made. It was paramount that every planning decision was made based on planning reasons. It was also critical for residents to make best use of the process to ensure their views were known; their representations were incredibly valuable to Members making the decisions. It was essential that planning panels started again and gave everyone the opportunity to be heard. Residents could contribute by writing into the planning department, talking to their ward councillor or even taking part in a virtual meeting. This would allow local knowledge to be heard and shared. Many Windsor residents had said they would prefer the two panels to consider. Councillor Rayner highlighted that this was a temporary measure and would be reviewed by December or in advance.

The Monitoring Officer reminded Members that when it came to the vote, by taking part in it they would be confirming that they had heard the entire debate.

Councillor Walters commented that no one wanted the proposals in an ideal world as localism was terribly important. All recognised that two panels was the best form of planning. He had been involved in planning for over 50 years. The council had been forced into the current situation which no one really wanted. A temporary arrangement reviewed as much as possible was important.

Councillor Hill commented that he was irritated that some members had suggested Opposition councillors were politicising the issue. Many of them simply believed it was the wrong solution, despite the fact that it was temporary. The technology was working brilliantly therefore he could see no reason not to have two panels. Parish councils were up in arms at the proposals. It would be possible to have socially distanced meetings in the Desborough Suite Theatre. The changes were constitutionally and legally unnecessary; even the government was using Zoom. He refuted the claim that it was a party political issue.

Councillor W. Da Costa felt that with 12 towns and 9 Members some areas would lose out. There would also be a loss of local knowledge which would increase the risk of sub-optimal decisions and a loss of confidence in the system.

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Councillor Jones stated that the lack of legislation had forced the council into the current situation. She had heard no evidence that the council could not run two panels going forward. There was no evidence or best practice given. In such a changing environment December was far too long a period for a review, it should be much sooner.

Councillor Price reminded Members that at the budget meeting in December she had alerted the council to consider a decision that went to judicial review. She was asking again whether this decision could be susceptible to challenge under the Human Rights Act Article 6. She asked whether it was proportionate to end a fair hearing when two meetings would be just as easy. All councillors had received emails from residents and local groups. She asked whether the council would risk going to judicial review again over failure to follow the correct law.

Councillor Larcombe stated that he had been a parish councillor almost continuously since 1986. The area had flooded regularly over that time. His concern was not just about the new proposals but that the old system did not work as well as it should. There was a lot of unauthorised and tolerated development and retrospective planning approvals. Councillor Larcombe also referred to the failure of the enforcement process and a lack of funding for the River Thames Scheme.

Councillor Werner commented that Councillor Carroll had made a good point about the potential for a second wave. The council could be left in the same position in December and this was the concern, that the current proposals could be extended beyond the December deadline. He had been shocked by the claims that the issue was party political. Planning should be outside party politics yet two councillors had used party political attacks to try to influence people's votes. He found it disrespectful of Councillor Bhangra to say he was being disrespectful, particularly as he had not mentioned any names but simply referred to ward councillors. Councillor Werner stated that he wished to move onto Councillor Rayner's comments. It was very important to help the economy recover, but he did not think the answer was to approve even more applications than would have been approved. A planning approach was needed where the right applications were approved and the wrong ones were not approved.

Councillor Bhangra commented that he had been referenced by Councillor Werner as a Boyne Hill councillor.

Councillor Sharpe commented that it was clear that the situation was not ideal for anyone. The proposals to move forward were very constructive. He agreed with Councillor McWilliams that the arrangements should be kept under constant review. Local decisions would be important and with nine members he felt a good balance could be achieved. In his experience the panels had always been collaborative and worked well across political boundaries.

Councillor Davey questioned why, if planning was non-political, the balance was proposed to be five /two /two rather than three of each group. He requested clarity before the vote in relation to the quorum and whether three Members of one party could make a decision. Also, he requested confirmation on the rights of non-Panel Members to speak at panel meetings.

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The Monitoring Officer confirmed that the requirement for political balance was included in regulations. If only three Members turned up to a meeting, whether or not they were of the same party, the quorum would be met.

Councillor Del Campo stated that she was hearing that the proposal was not ideal and that Opposition councillors had not come up with alternatives. She highlighted that Councillor Reynolds had brought a proposal that would have allowed the council to get back to business as usual, but this had been rejected.

Councillor Johnson restated for the record that the proposals were a temporary measure to deal with the COVID-19 crisis. No decision had been made by the administration to make it permanent and it had listened to representations, hence the increase from six to nine Panel Members. He confirmed that in terms of his own allocation of Panel Members, there would be two from Maidenhead, two from Windsor, and one from Ascot.

Councillor Johnson explained that the previous Friday he had attended a meeting with all parish councils at which he had said he was minded to consider an increase to nine Panel Members. On the fundamental issue of local democracy he wished to announce that the council would take formal steps to commence a community governance review to consider a Windsor Parish Council, it would not wait until receipt of a petition with the requisite number of signatures had been collected to trigger the process. A report would come forward to July Council and, depending on the outcome, it would look to take forward the review over the course of the next year.

Councillor Cannon confirmed that although he had reserved his right to speak, he had nothing further to add to the debate.

Councillor Coppinger concluded the debate by answering a number of questions. He confirmed that 28 days would apply to borough councillors as well as parish councillors. In relation to call ins, all large applications (over 10 dwellings) would go to Panel anyway. He confirmed that all councillors had the right to speak at Panel. The quorum came from a formula; it was a low figure and always had been. The council was on a journey and not an easy one as it did not know what was coming next. The proposals were designed to be a first step; it was not the end game by any means. Although the software was good, a number of councillors had experienced connection issues during the meeting. If that happened in a planning meeting they would not be able to vote. A recent government meeting online had failed meaning no questions could be asked by the press. If that happened in a planning meeting the panel would not be able to make a decision or it would be subject to legal challenge. The end point was December but he had promised if there was a material change it would be reviewed earlier. He intended to set up a working group in September with Members from all parties and a representative of parish councils to consider the information available and all representations and make recommendations on changes.

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

RESOLVED: That full Council notes the report and:

- i) Approves amendments to the constitution detailed in Appendices C and D with the provisions to be reviewed and a further report presented to full Council in December 2020, subject to an**

amendment that the membership of the Panel be amended to 9 Members.

- ii) Delegates authority to the Monitoring Officer to update as appropriate and publish the council constitution.
- iii) Appoints Councillor Phil Haseler as Chairman of the Royal Borough Development Management Panel.
- iv) Requires Group Leaders to inform the Head of Governance by 5 June 2020 of those Members and substitutes from their respective Groups to be appointed as the remaining Members and substitutes of the newly created Royal Borough Development Management Panel.

23 Councillors voted for the motion; 16 Councillors voted against the motion. 1 Councillor abstained.

Constitutional Amendments - Development Management Panels (Motion)	
Councillor John Baldwin	Against
Councillor Christine Bateson	For
Councillor Gurpreet Bhangra	For
Councillor Simon Bond	Against
Councillor John Bowden	For
Councillor Mandy Brar	Against
Councillor Catherine del Campo	Against
Councillor David Cannon	For
Councillor Stuart Carroll	For
Councillor Gerry Clark	For
Councillor David Coppinger	For
Councillor Carole Da Costa	Against
Councillor Wisdom Da Costa	Against
Councillor Jon Davey	Against
Councillor Karen Davies	Against
Councillor Phil Haseler	For
Councillor Geoffrey Hill	Against
Councillor David Hilton	For
Councillor Maureen Hunt	For
Councillor Andrew Johnson	For
Councillor Greg Jones	For
Councillor Lynne Jones	Against
Councillor Neil Knowles	Against
Councillor Ewan Larcombe	Against
Councillor Sayonara Luxton	For
Councillor Ross McWilliams	For
Councillor Gary Muir	For
Councillor Helen Price	Against
Councillor Samantha Rayner	Abstain
Councillor Joshua Reynolds	Against
Councillor Julian Sharpe	For
Councillor Shamsul Shelim	For
Councillor Gurch Singh	For
Councillor Donna Stimson	For
Councillor John Story	For
Councillor Chris Targowski	For
Councillor Helen Taylor	For
Councillor Amy Tisi	Against

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Councillor Leo Walters	For
Councillor Simon Werner	Against
Carried	