

## CABINET

THURSDAY, 29 APRIL 2021

PRESENT: Councillors Andrew Johnson (Chairman), Stuart Carroll (Vice-Chairman), David Cannon, David Coppinger, Samantha Rayner, David Hilton, Gerry Clark, Donna Stimson and Ross McWilliams

Also in attendance: Councillor Christine Bateson, Councillor Gurch Singh, Councillor Helen Taylor, Councillor Mandy Brar, Councillor John Bowden, Councillor Gurpreet Bhangra, Councillor John Baldwin, Councillor C Da Costa, Councillor W Da Costa, Councillor Ewan Larcombe, Councillor Amy Tisi, Councillor Karen Davies, Councillor Neil Knowles, Councillor Helen Price and Barbara Richardson (RBWM Property Compan

Officers: Duncan Sharkey, Emma Duncan, Adele Taylor, Andrew Durrant, Tracey Hendren, Greg Nelson, Andrew Vallance, Hilary Hall, Kevin McDaniel, Nikki Craig, Mark Beeley, Louisa Dean, Simon Dale and David Cook.

### APOLOGIES FOR ABSENCE

None received.

### DECLARATIONS OF INTEREST

There were no declarations of interest received.

### MINUTES

**RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 25 March 2021 were approved.**

### APPOINTMENTS

None

### FORWARD PLAN

Cabinet considered the contents of the Forward Plan for the next four months and noted the changes made since last published, including:

- RBWM Enforcement & Prosecution Policy 2021 to April 2021, Cabinet decision no longer required as going to Council.
- Council Funding for local organisations added to May Cabinet.
- Council cleaning contract added to July Cabinet.

### CABINET MEMBERS' REPORTS

#### D) HOME TO SCHOOL TRANSPORT POLICY

Cabinet considered the report regarding the proposed changes to the Home to School Transport Policy from 1<sup>st</sup> September 2021.

The Deputy Chairman of Cabinet, Adult Social Care, Children's Services, Health and Mental Health informed Cabinet that in keeping with national policy we wished to encourage pupils to engage in active travel to school such as walking or cycling, accompanied as appropriate. School travel plans, which are managed by the schools, help to encourage, and develop alternative travel options such as active travel and raise awareness about travel issues such as air pollution and road safety.

He highlighted section 2.2 of the report that mentioned that the council was required to provide free home to school transport where a child meets certain eligibility criteria. These criteria were set out in table 1 and form the basis of the statutory elements of the policy.

Cabinet were also informed that the council encouraged, enabled and assist young people of sixth form age and above to undertake education and training and to this end they went above what was above the statutory requirements.

Consulted with parents, schools, stakeholders, and other interested parties had been undertaken. The feedback had been considered in the recommended options set out in table 3.

The Director of Children's Services informed that table one showed the statutory criteria for home to school transport. The distance criteria is the most common question we get from residents, up to the age of eight attending primary school the safe walking distance was 2 miles and 3 miles after 8 accompanied by an appropriate adult. Each application is assessed on need. For those families that qualify on low income they will remain eligible for transport irrespective of the proposed changes. The changes are only in discretionary areas.

Cabinet were also informed that home to school transport was funded from the general fund and was in addition to the £130 million it gets for education. Of the £2.8 million spent on school transport £2 million is for children with additional needs. Table 3 showed the options that went out for consultation, there was a high level of response as shown in table 8.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor felt that it was an excellent report as it showed what the council was doing to help children get to school. Even though it can cost £651 per year for some routes the council pay £2,500 so there is a considerable subsidy. For residents on low incomes there remained the ability to apply for getting their costs covered.

The Lead Member for Planning, Environmental Services and Maidenhead reported that changes in his ward would affect children going to Cox Green, however this special allowance was given as there was only one choice in school. This has been negated as Holyport College has changed its admissions criteria.

The Lead Member for Climate Change, Sustainability, Parks and Countryside congratulated the transparency of the paper and how engagement was undertaken and the insight it gave into transport needs. It was also important to have active school travel where appropriate.

Cllr Tisi said that it would be hard for those families who would be losing subsidies midway through a child's education or when they had just committed to a school place in September. The report should have recommended softer options or phased introduction. The report mentioned 16 to 19 year olds with educational or disability needs who may get bursaries to cover transport costs or low income families receiving help. She asked Cabinet if they would make sure parents were aware of the help they could receive and signpost them to support.

The Lead Member responded to comments by informing that parents in Holyport would still be eligible to help under criteria mention to support transport costs and with regards to the bursary system the council would help and signpost residents in getting support. Only last week he had undertaken an exercise in testing how accessible the links were to get assistance.

The Director for Children's Services also informed that the bursary scheme was run by the government that schools applied for on behalf of students and there was the expectation the vast majority of 16 year olds would be eligible. It would require families to share information so criteria could be met.

Cllr Knowles declared that he was a school governor at St Peter's School and a ward member for school affected. At St Peter's they were just finishing off a school expansion at the request of RBWM, about one third of applicants would be from Eton and Eton Wick and would have been looking at taking advantage of the discount. The timing of the consultation and announcement is wrong and should have been done earlier for a better lead in time when parents were making their choice of school. Accessibility to the three tier system needs to be considered, especially to middle schools. There is no way for children to Cycle from Eton Wick to Windsor safely on a daily basis. The principle of fairness is correct but the timing is wrong.

Cabinet were informed that with regards to timings it had to be approved in May for introduction in September, they were working on a defined timetable and decisions had not been forced through. The consultation had gone above and beyond in connecting with people and included discussions at the Schools Forum and meetings with head teachers. There was a difference between the times for applying for school places and the time to apply for transport. With regards to St Peter's the bus route to Eton Wick was being maintained.

**Resolved unanimously that: Cabinet notes the report and:**

**i) Approves the recommended changes to the Home to School Transport policy as set out in table 3 so that it better reflects statutory guidance and is fairer to all residents and schools whilst continuing to support our most vulnerable families.**

E) MAIDENHEAD TOWN HALL

Cabinet considered the report regarding the future of the Maidenhead Town Hall.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property informed that as the Town Hall in its current condition did not meet its duty under the Climate Strategy and was no longer economical viable, a viability study was being proposed for a new civic building. There had been a significant amount of public interest in the paper and he clarified that no decision had yet been made, there was no fire sale of council assets and the library was not being sold. The paper related to the future of our civic accommodation.

The paper was a continuation of the Asset Management Strategy and a more stringent environmental policy especially around sustainability, energy performance and requirements from an operational perspective. Given the impact of the last 12 months it was prudent to look at our portfolio and needs so there is a balance between the office environment and remote working. The Town Hall is becoming outdated and did not meet our needs.

The Town Hall was built in 1962 and provides outmoded and inefficient office and civic accommodation for the Council. The building is becoming more costly to maintain with significant expenditure required to maintain its required health & safety obligations, along with ongoing responsive repairs, and the need to put in place some medium to long term planned and cyclical maintenance requirements. The energy performance of the building was only just in the acceptable level for a public building.

There were also a raft of central government policies regarding the energy performance of buildings coming forward with tangible leadership from public buildings and the need for retrofitting. No decision had yet been made but taxpayers would insist when we consider making a considerable investment that available options had been explored. This could be

relocation or investment in the current building. A detailed appraisal report would be brought back for consideration and he hoped that the majority of the building could be retained or enhanced for mixed use.

The Lead Member for Climate Change, Sustainability, Parks and Countryside informed that like many residents she liked the building but we needed to look at whole carbon life of the building. There was embodied carbon in the building and implications of continued use, demolition, and a new build. This paper is not a done deal but requesting a detailed appraisal of options.

The Lead Member for Planning, Environmental Services and Maidenhead mentioned the importance of the building for residents and its iconic status by appearing in films. He applauded the openness of the paper and that independent advice was being taken on options. No decision has been made and this was the start of the process.

The Lead Member for Housing, Communications and Youth Engagement said that a decision on the future of the building had not yet been made and its sustainability in the long term had to be ascertained. If the council decides to relocate to a more suitable location then its important not to repeat the historical errors of town council planners in the 1960's / 70's and tear down historical buildings. Its important to remember its significant to residents. With the regeneration work its important to maintain the new and old together.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor informed that the Town Hall was opened in 1962 by the Majesty the Queen and Duke of Edenborough and is now 60 years old so as custodians its important that we review the estate. She thanked the Leader for what he said about the library as it was defiantly not going to be sold.

Mr Hill addressed Cabinet and said that in his days of living in Cambridge he would look at the historical buildings and wonder if they met energy efficiency certification, should we tack down the Windsor Guildhall and replace it with a modern energy efficient building. Obviously this would not be the case but the history of Maidenhead is just as important. There were significant refurbishment in 2014, yet there is no transparently in the finances in this report. He asked if there had already been negotiations with third parties to sell or reuse the Town Hall. He asked if the Chairman had understood the importance of the building and its historical significance; it was now an important vaccination hub. There was the Desborough Theatre to be considered that was much loved by the community and had there been a £2 million pledge for regeneration of it been made.

The Chairman thanked Mr Hill for his comments and said that although his comments about the Guildhall were tongue in cheek would he consider a 1960's building as historical. There was going to be important discussions nationally about to get the right balance between meeting environmental obligations and maintaining historical buildings. With regards to transparency he informed that as much as possible the report had been published in Part I and as seen later where it was possible Part II information would be open. There had been no discussions about the future of the building pending the results of this report.

Cllr W Da Costa said the assessment criteria was very important, what was the current use of the building and what options were available. It was right to asses the estate for carbon resilience and that should include the build and use phase of all the councils estate. Would the options be looking at like for like, what about future use, the cost of refurbishment, the carbon impact of building new as well as removing and building on the town hall site. Any negative impact on the Town Hall site should be considered when looking at a new site.

The Chairman informed that as per the Asset Management Plan all assets would be reviewed and it was important to consider the economic, social and sustainability criteria.

(Cllr Carrol left the meeting)

Cllr Knowles informed that he was currently involved in the retrofitting of a property in London and given new technology a lot of space had been made available due to there being no need for larger servers and IT accommodation. With regards to the refurbishment of the Town Hall in 2014 he asked what the costs were and its life expectancy. The report leads to predetermination as it mentions that the current facilities were outdated, not environmental, not cost effective and that alternative locations should be looked at.

The Chairman reiterated what had already been said about the Town Hall not being able to meet climate strategy standards without significant investment and thus all options should be looked at.

Cllr Baldwin informed Cabinet that replacing the town hall with flats would be a carbon disaster. Given the past year with the facility being virtually empty why could there not be a tiered return during redevelopment and thus save location costs.

The Director of RBWM Property Services informed that during any proposed refurbishment of the Town Hall it would not be possible to retain staff in the building the £3 million was a high level estimate if we had to relocate all staff. There were considerable challenges with the building as pipes and wiring were all imbedded in its structure so upgrading would be intensive.

Cllr Hill said that much of what he wanted to cover had already been said but he wanted to reiterate that the report read as if a decision to leave the Town Hall had already been made, there was no reference to the building being the civic heart of Maidenhead.

Cllr Singh, as ward member, also reiterated the importance of the building and the environment and asked for reassurance that the building would not be knocked down for redevelopment.

**Resolved unanimously: that Cabinet notes the report and:**

- i) Cabinet recognises that the Town Hall cannot meet the Council's Climate Strategy**
- ii) Cabinet recognises that the Town Hall is not economically viable to adapt to meet future operational requirements.**
- iii) Cabinet recommend option appraisals to consider the location of a new civic building in the borough.**
- iv) Delegates authority to the Chief Executive in consultation with the Lead Member for Business, Economic Development & Property to undertake a detailed review and business plan.**

**A) RBWM ENFORCEMENT & PROSECUTION POLICY 2021**

Cabinet considered the report regarding the proposed updated RBWM Enforcement and Prosecution Policy.

The Lead Member for Public Protection and Parking informed Cabinet that the policy sets out the general principles that the Council intends to follow in relation to enforcement action and prosecutions that can be taken by a wide range of Council services. One of the main functions of a local authority is to act as a regulator and an enforcement agency across a wide range of legislation covering many different functions.

The purpose is to demonstrate that the local authority is acting fairly, consistently and transparently when carrying out regulatory and enforcement activity, including taking prosecutions in the criminal courts.

A definition of “enforcement action” from the Regulatory Enforcement and Sanctions Act 2008 is shown in paragraph 2.1 of the policy, with a list of enforcement actions that can be taken being shown in 2.4.

Cllr Tis asked if all officer or contracted officers were subject to the policy, the Lead Member confirmed they were. She went on to mention that page 30 of the document pack says that there should be an opportunity to comply with the law before enforcement is enacted, does this mean that (deack) enforcement officers would allow the public to say pick up rubbish before enforcement is enacted. The Lead Member said that education is important but if there is non compliance then incidences such as littering is not acceptable and will be enforced. The councillors disagreed on the professional interpretation of the policy with regards to the equalities impact assessment.

Cllr Baldwin mentioned that his concerns had already been mention but he would continue to monitor the implementation of the policy and make any objections at a later date.

**Resolved unanimously: that Cabinet notes the report and:**

**i) Agrees that the RBWM Enforcement & Prosecution Policy 2021 be formally adopted as RBWM policy and be implemented by relevant Council services.**

B) HOUSING STRATEGY 2021-26: BUILDING A BOROUGH OF OPPORTUNITY AND INNOVATION

Cabinet considered the report regarding the adoption of the Housing Strategy 2021-2026.

The Lead Member for Housing, Communications and Youth Engagement informed Cabinet that the draft new Housing Strategy had been approved by Cabinet to go out to consultation. There had been 150 responses and good input from the Access and Inclusion Forum. There were also stakeholder workshops with members and key partners. The strategy being presented today picked up on key points gained by the consultation and contained detailed action plans.

The Lead Member informed that in RBWM our residents faced particularly acute housing costs. The average house price in RBWM is approximately £476,000, which was over 15 times higher than the average UK salary (£30,420). The strategy had been developed around three key objectives; Deliver New Homes; Promote Health & Wellbeing; Support Vulnerable Residents to Obtain and Sustain Appropriate Accommodation. The need for more affordable accommodation had been highlighted over the last 12 months during the pandemic with residents not being able to afford to rent or buy properties.

Cabinet were informed that there would be a change to the recommendation in the report; if approved it would be recommending that the strategy goes to Council for adoption.

The Lead Member for Climate Change, Sustainability, Parks and Countryside said that this was a terrific paper and thanked the Lead Member and officers for their work and this was reiterated by Cllr Clark who also thanked the Lead Member for all the work done supporting the homeless.

Mr Hill addressed Cabinet and also commended the Lead Member on the report. He said that the Borough Local Plan references an affordable housing SPD and asked if this was to be produced. He also mentioned that the report said there would be work with the Government on John West House but what support was envisaged and what had happened to the £2 million flexible homelessness support grant. He also asked why the number of disabled facilities grants plummeting year on year, had the budget been reduced or was it harder to get a grant. Mr Hill also made reference to the impact of air pollution and having proposed developments surrounded by roads. He questioned the plan to build on the golf club grounds that were the town’s green lungs especially as the Lead Member for Planning had said he had

already been informed of some alternative housing sites, Mr Hill asked if these sites would be made public. The BLP says that there should be 434 new affordable homes each year from 2013, that's around 3000 that should have been provided. There was no reference to this in the RBWM Property Companies targets and the Magnet site did not have mixed tenure. The Leader had said that RBWM schemes would deliver 30% affordable housing yet the Nicholson's Centre had none. Policies were cheap unless acted upon.

In response Cabinet were informed that it was not appropriate to comment on live planning applications. With regards to John West House the council were seeking addition funding to improve the facilities and increase capacity. There had been a Sharp decrease in the disability grant due to the impact of the pandemic, also work was costing more so less could be done. The name of the flexible homelessness grant has changed over the years but is still being used.

Cllr W Da Costa welcomed the scope of the report and what it was trying to achieve. There should be reference to the Climate Change Strategy and providing carbon neutral homes. He was informed that page 8 of the strategy talks about climate change, being net zero by 2050 and linking the report to the Climate Strategy rather than copying it into this report.

Cllr Singh made reference to the development on St Clouds way and a live petition. He was concerned that the application had received some objection from the Housing Team and that how could we expect developers to adhere to targets when RBWM do not on their own developments. He was informed that it was not the job of Cabinet to speak for the Planning Authority.

**Resolved unanimously: that Cabinet notes the report and:**

**i)Delegates authority to the Head of Service in consultation with the Lead Member for Housing, Communications and Youth Engagement, to publish the Housing Strategy 2021-2026 and recommends it to Council for adoption.**

c) HIGHWAYS MAINTENANCE CONTRACT - OPTIONS FOR FUTURE SERVICE DELIVERY

Cabinet considered the report regarding the proposed extension of the Volker Highways Ltd highways contract.

The Lead Member for Transport and Infrastructure informed Cabinet that he wished to thank officers for producing such a comprehensive report. The core commissioned services were highlighted in section 2.1 of the report. The contract has an initial term which runs until April 2022 with an option to extend for two years up until April 2024 on a 1+1 basis.

The report contained details of performance which had been above average in the key areas of public satisfaction, key performance indicators within the contract having been met or exceeded and the Royal Borough's road condition having been maintained or improved over the period of the contract. Under the terms of the contract, they are required to bring efficiencies to the Royal Borough such as new ways of working, for example more planned than reactive work, innovation and new technology to the Royal Borough.

The Lead Member for Climate Change, Sustainability, Parks and Countryside mentioned that she had worked with officers from the company and they were always helpful. With regards to climate change we should also look at how our contractors were performing and in this instance she was pleased to say they looked at making environmental improvements.

The Lead Member for Planning, Environmental Services and Maidenhead informed that as a ward member he wanted to say that when helping residents he found the company provided an excellent service. Cllr Rayner also supported the paper and said she had been glad to see the performance of the contract and how quickly they responded to need to as filing pot holes.

Cllr C Da Costa asked about the road surfacing that they used about two years ago that was not hard wearing or sustainable. She believed that some of those roads were still waiting to be resurfaced. She asked if the Lead Member would ensure remedial work would be undertaken as promised before the contract was extended. The Lead Member replied that the details would be passed to officers to look into. Cllr Da Costa mentioned that when this was in the Leaders portfolio he had said that all repairs for inadequate resurfacing would be done free of charge.

The Chairman said he remembered the discussion at Council that where trial surface dressing was used and did not work it had been rectified by Volkner. He would leave it to the Lead Member to look at any ongoing concerns.

**Resolved unanimously: that Cabinet agrees to adopt the extension options to the contract for a further 2 years on a 1+1 basis, given the performance of VH has been above average in the key areas of public satisfaction, key performance indicators within the contract having been met or exceeded and the Royal Borough's road condition has been maintained or improved over the period of the contract.**

#### F) AFFORDABLE HOUSING WINDSOR

Cabinet considered the report regarding an approach by Abri Housing Group for the potential refurbishment or redevelopment of Sawyers Close, Windsor.

The Leader of the Council and Chairman of Cabinet, Business, Economic Development and Property informed Cabinet that unfortunately yet again there had been misinformation about a Cabinet report. For transparency and after ward members had been consulted it had been decided to release the Part II appendix into the public domain. This was Abri's scheme to take forward and to secure resident buy in from their tenant base. Cabinet were not here to comment on planning but to decide if we wished to facilitate plans by disposing of land identified in the appendix. If it was decided to undertake regeneration then he supported the principle of only having to move residents once. The Housing Strategy and this report go hand in hand and can help provide affordable housing. The Council would seek full nomination over any additional stock so it would be allocated to local residents.

The Deputy Leader of the Council, Resident and Leisure Services, HR, IT, Legal, Performance Management and Windsor supported the paper and said that the estate was unique in Windsor due to the high rise flats. The site is now 60 years old with 192 properties with 400 residents, 3 properties were leasehold, 173 properties are let at a social rent level, and 16 are let at an affordable rent level. Abri Housing Group are looking at either a substantial refurbishment of these assets, or the potential for a complete redevelopment of the estate. The preferred option will be determined post a full public consultation with existing residents, and local key stakeholders. Residents are concerned about the loss of open space and this would have to be overcome.

The Lead Member for Climate Change, Sustainability, Parks and Countryside welcomed the report and that they were going into a full consultation. She hoped that as part of the process they would also be looking at the carbon impact of any potential demolishing and rebuilding. Maintaining green land was also important.

Mr Ed Wilson addressed Cabinet and said that it was good that the Part II information had been released to alleviate residents concerns. Its good to see that something positive is being proposed for Deadworth, its good that something is being done but there needs to be better communication. Residents have contacted him about open space and if there were any alternatives for providing open space as well as pay areas and the new orchard. He had also received questions about financing any proposal and if the Abri would meet legal costs. Would S106 be used to improve the area and had there been any other approaches for the use of the land. Would there be any clawback arrangements if nomination rights were not

met. He asked for consultation to be undertaken on open space and again mentioned the importance of communication with residents.

The chairman said that this was almost a once in a lifetime opportunity to improve the area and the outcomes for residents. He agreed that after this meeting Abri had a big job to do regarding communication and consultation. S106 would be dealt with during the planning application process. The issue regarding open space did need further discussion and consideration.

Cllr C Da Costa addressed Cabinet and said that better communication with councillors could have alleviated some of the concerns raised by the proposal. She supported the proposals but felt the council should not give away any land. There could be leasing arrangements or joint venture with RBWM Property Company. The Director of RBWM Property Company said that any sale of the land would be at market value, which for affordable housing was zero, but there would be a section 123 report. If there is refurbishment they may only need temporary use of our land but if there is to be regeneration then they will need ownership to secure finances.

Cllr Price said that she supported the improvement of social housing and Abri had been responses to questions. She was concerned about the paper gifting open space to Abri, looking at the EQIA there was no mention of the loss of open space on the protected characteristics groups so how can a decision be made tonight. She felt that the assessment was not robust and noted it had not been signed off by the monitoring officer. She was concerned about the map being in Part II as there was no clear rational and mentioned that open space was protected by national and local policies, yet the paper did not mention them. The open space was under the provision of children and young people and more of this type was required not less. She requested that the council undertakes a in depth consultation above what was planned by Abri. There also needs to be better communication with ward councillors.

The Chairman reiterated that ward councillors were briefed back in February. This was an opportunity to redevelop the estate and the council could help being the adjacent land owner.

The Council's Chief Executive said that this was Abri's project and not the councils so it was up to them to brief and undertake consultation. The Abri consultation and planning consultation will look at the overall scheme. The policies mentioned would be tested with any planning application.

Cllr W DA Costa mentioned that the new world we had to look at the environment and close the use of green space for development. It's a wildlife corridor and carbon sink. Without stringent planning policies we would be reducing green space and its impact on the environment, local habitat and social use. There would also be a huge amount of carbon released during development. It would be better to keep the land and look at redeveloping an office block.

**Resolved unanimously: that Cabinet notes the report and:**

- i) Approves the disposal of land identified in appendix A to Abri Housing Group, at nil value for the sole use as affordable housing, subject to planning being achieved and the scheme progressing.**
- ii) Delegates authority to the Managing Director in consultation with the Lead Member for Business, Economic Development and Property to enter into a contract for the sale of the land, subject to obtaining a s.123 report, confirming the value.**
- iii) Delegates authority to the Managing Director in consultation with the Lead Member for Business, Economic Development and Property to consider any objections to the proposed disposal of land following**

publication of the Notice required under section 123(2A) of the Local Government Act 1972.

- iv) Delegates authority to the Managing Director in consultation with the Lead Member for Business, Economic Development and Property to dispose of the land identified at appendix A – subject to satisfactory planning restrictive to affordable housing.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

**RESOLVED UNANIMOUSLY:** That under Section 100(A)(4) of the Local Government Act 1972, the public were excluded from the remainder of the meeting whilst discussion took place on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of part I of Schedule 12A of the Act.

CABINET MEMBERS' REPORTS

- A) MAIDENHEAD TOWN HALL

The Part II appendix was noted.

- B) AFFORDABLE HOUSING WINDSOR

The Part II appendix was moved to Part I.

The meeting, which began at 6.15 pm, finished at 9.45 pm

CHAIRMAN.....

DATE.....