

CABINET

THURSDAY, 21 JULY 2022

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

Also in attendance: Adele Taylor, Councillor Julian Sharpe, Councillor Gerry Clark, Councillor Lynne Jones, Councillor Helen Price, Councillor Catherine del Campo, Councillor Ewan Larcombe, Councillor John Baldwin and Councillor Gurpreet Bhangra and Mr Ogedengbe (RBWM Prop Co).

Officers: Emma Duncan, Andrew Durrant, Duncan Sharkey, Andrew Vallance, Kevin McDaniel and Louisa Dean, Gary Thornton, Adele Taylor and David Cook.

APOLOGIES FOR ABSENCE

There were no apologies for absence received.

DECLARATIONS OF INTEREST

There were no declarations of interest received.

MINUTES

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 23 June 2022 were approved.

Cllr Price mentioned that as per page 14 of the minutes the Cabinet Member had not contacted her or replied to her regarding the Local Cycling and Walking Infrastructure Plan.

APPOINTMENTS

None

FORWARD PLAN

Cabinet noted the Forward Plan for the next four months including the following additional changes:

- Council Tax Reduction Scheme – removed from Forward Plan as Cabinet decision not required.
- Calvary Crescent, Cedar Tree, St Clouds Way and Parks Tennis Capital Scheme all added to August Cabinet.

CABINET MEMBERS' REPORTS

A) DRAFT BUILDING HEIGHT AND TALL BUILDINGS SUPPLEMENTARY PLANNING DOCUMENT - REGULATION 13 CONSULTATION

Cabinet considered the draft Building Height and Tall Buildings Supplementary Planning Document due to go to consultation.

The Cabinet Member for Planning, Parking, Highways and Transport informed that there was a requirement within the adopted Borough Local Plan for the preparation of a new Building Height and Tall Building Supplementary Planning Document (SPD) to support Policy QP3a. The draft Building Height and Tall Buildings Supplementary Planning Document has been prepared to provide clear, detailed and specific design guidance to support both Council decision making on development applications and the adopted Borough Local Plan.

Paragraph 6.14.11 of the BLP, states the SPD will “identify locations that present opportunities for tall buildings in the Borough, together with site-specific recommendations on building height. It will provide additional detailed guidance on location, height and design of tall buildings and set application requirements for tall buildings.”

The first stage in the preparation of the document was the publication of the draft SPD. A final version of the Building Height and Tall Buildings SPD will be prepared taking into account the responses from the Regulation 13 consultation. This final document will then be brought to Members later in 2022 to consider its adoption by Cabinet. Along with other SPD's and Neighborhood Plans this document when adopted will be material consideration in planning decisions.

The Cabinet Member for Environmental Services, Parks & Countryside and Maidenhead said he was delighted that this SPD was now going out for consultation. Tall building were always controversial but this offered clear guidance across the borough and also nine specific areas within Maidenhead showing where height was acceptable and where it was not.

The Cabinet Member for Climate Action and Sustainability said that this was a key document for the borough and mentioned a recent planning committee where it would have been useful to have the clear guidance that this SPD would provide.

Mr Hill addressed Cabinet and said that increasing height in the town center makes a lot of sense, however building will increase the use of carbon and the increased height of Maidenhead. He asked if climate change should feature more in this SPD. He also made reference to a proposed 13 story building by Maidenhead Station that had been ruled out by the planning inspector and asked if it was still planned to be built. There was also no mention of fire safety re Grenfell Tower and also no mention about water usage and question if the appropriate bodies had been consulted. There would also be concern with increased density and increasing temperatures given recent heatwaves.

The Chairman informed that this was a proposed consultation on the SPD and not site specific developments. The mentioned agencies would be part of the consultation. From place making it was desirable to have increased density around key transport hubs and that this would also decrease the need to build on desirable areas. It made better sense to use brown field sites. With regards to safety this would be covered by the Building Safety Act 2022.

Resolved unanimously: that Cabinet notes the report and:

i. Approves the publication of the draft Building Height and Tall Buildings Supplementary Planning Document for public consultation, along with supporting evidence base studies; and

ii. Delegates authority to the Head of Planning in consultation with the Cabinet Member for Planning, Parking, Highways and Transport, to approve and publish any minor changes to the draft Building Height and Tall Buildings Supplementary Planning Document, prior to its publication.

B) 2022/23 MONTH 2 BUDGET MONITORING REPORT

Cabinet considered the latest budget monitoring report.

The Cabinet Member for Asset Management and Commercialisation, Finance, and Ascot informed that we are early in the budget year and at month 2 outturn forecast was a pressure of £1.743M which is roughly where we were in month 2 last year.

Place Directorate reports a pressure of £1.387 M, comprising a parking shortfall of £600K and lost parking season ticket income is forecast to be £500K which demonstrates that working patterns have changed.

However Windsor car parks have been full with a big boost from the Jubilee celebrations. So, next month's parking figures will be interesting but increasing the take up of season tickets will be challenging but worthy of some thought.

There were pressures in Adult Social Care with higher numbers of clients in domiciliary, residential and nursing care which has triggered the release of £750K demographic contingency. Our excellent ASC team will not sit on their hands and were working on projects in both domiciliary care and residential and nursing care.

Children's Services report a projected overspend of £360K. There were increased legal fees and the net impact of the national transfer scheme for 15 additional unaccompanied asylum seekers will cost AfC £238K which was unbudgeted.

There were some other pressures including a significant overspend by the tree team and a forecast overspend on the Tivoli contract where we are told negotiations could add to budget pressures.

Libraries and residential services were forecasting an underspend of £52K but is the first service to report the negative impact of energy costs with a £46K pressure.

As a consequence of the delay in implementing IFRS16 (International financial reporting standards) a virement is requested of £202K from capital to support revenue budgets. IFRS16 has the impact of moving leasing costs onto the balance sheet.

On capital, Property services budgets have been reprofiled and as a consequence a variance of nearly £500k has been identified where schemes are complete and slippage from 2021/22 to 2022/23 will not be required allowing external funding to be use on alternative future schemes.

This is a forecast and the best estimates of officers on the outturn. Finance work with officers but it is difficult to calibrate their judgement, some will be more optimistic than others so this cannot be accurate. To use a sporting analogy in the first lap of a 5000 meter race where one cannot predict the winner.

Mr Bagley addressed Cabinet and said there was a concern that there was an overspend predicated at month two and asked if Cabinet were confident this could be controlled given the increase in energy prices and increasing inflation. He made reference to the parking figures not meeting target and asked if the one hour discount was an element and if they regretted this and if there would be a review. He asked if there were any clear data regarding the impact of the jubilee figures and what was being done regarding the £13 million SEN deficient on the DSG.

The Chairman replied that this was only the month 2 forecast and that he was confident that at year end they would be on budget if not under, he gave the example of the position at the same time last year where there was also a predicated overspend that resulted in a £3million underspend. He was confident that at year end the budget would be balanced. With regards to the parking discount he said he did not regret the policy and it would be rolled out further when financially appropriate.

The Cabinet Member responsible for Finance reported that the MTFs accounted for inflation and the current financial situation. With regards to the DSG he said that this had been

discussed and a plan approved by the Schools Forum to deal with the issue. Plans were in place and negotiations were ongoing with the government about this national issue, it was too early to comment on the success of the approved remedial actions.

Mr Hill addressed Cabinet and said that this was the first admission that parking income from season tickets was a problem. Back in January Mr Wilson had asked if the Vicus Way car park was still viable, the then lead member said it was and Mr Hill questioned if this was still the case. Mr Hill also questioned the additional borrowing and asked if this was new and if so what were the big ticket items.

The Chairman replied that with regards to Vicus Way the project was still on budget and on time and would provide valuable long term parking, especially when the Elizabeth Line was fully operational.

Cllr Baldwin said that he understood that the figures were only forecasts but it was a grave situation to be forecasting such a large overspend so early in the year. Parking income was down by £600,000 and the mitigations given such as the Jubilee included two bank holidays when parking was free. Season tick sales had collapsed and he could only see this position getting worse and not better. He was also concerned that the arboricultural team was overspent when the contract had only been signed in April.

The Chairman said that this time last year there was a predicted overspend that resulted in a year end underspend. There were not being complacent but they were confident that the budget would be on target again.

The Cabinet Member for Finance said that with regards to the arboricultural team this was an example how an issue has been identified and with adjustment would be brought back on track.

Cllr Del Campo raised concern about the DSG and although there was a five year recovery plan in place the deficit was increasing and could end up at £2.5m. It was time to accept that the savings were not working, the council could claw the money back from schools and invest on early intervention so there would be reduced demand on high cost SEN placements. She requested that the director look into this and report back.

The Lead Member informed that the Schools Forum had only agreed their recovery plan two months ago so it was too early to say it was not working.

Cllr Jones mentioned that last year there were a number of one off grants that supported the budget, we could not expect that the same would happen this year so she asked what plans were in place. She also asked what was being done about borrowing, were we moving funds from short to long term borrowing. With regards to parking she asked if there was data to back up the forecast.

She was informed that table 14 showed movements within the year and that the Treasury Management Strategy showed that there was £20 million moved over 10 years. Funds had been put into our reserves that could be used to cover one off payments if required as a last resort.

Cllr Price addressed Cabinet and said that within the report there were several mentions of posts not being filled, she asked can we be assured that the inability to fill these posts would not impact service delivery or the delivery of the corporate plan. She noted that without recruitment certain savings would not be achieved and it seemed that more staff were leaving coupled with recruitment difficulties. She asked what steps were being taken to prevent a drop in service delivery and the delivery of the Corporate Plan.

The Lead Member replied that £850k had been added to the budget last year to aid the recruitment of key posts and most had been filled. Cutting staff was not a road to successful

service delivery and a lot of work was being done on recruitment. The Director for Resource highlighted some success in recruitment such as the finance team and mentioned that other options were considered such as grow your own.

The Chairman reiterated that this was early days into the budget and although there were pressures and challenges ahead he was sure, as per last year, the final year end position would be on target.

Resolved unanimously: that Cabinet:

i) Notes the forecast revenue outturn for the year is an overspend on services of £1.743m but there are sufficient funds to meet this from contingency if required (para 4.1);

ii) Approves one budget virement in respect of revenue expenditure funded from capital (para 12); and

iii) Notes the forecast capital outturn is expenditure of £56.189m against a budget of £56.971m (para 14).

C) SPENCER'S FARM STAKEHOLDER MASTERPLAN DOCUMENT

Cabinet considered the report regarding the stakeholder masterplan documents for Spencer's Farm.

Cllr Coppinger reported that he was a member of the Maidenhead Planning Committee and as there would be an application on this site he left the meeting during the consideration of this item and did not vote.

The Cabinet Member for Planning, Parking, Highways and Transport informed Cabinet that the report explained the adopted Borough Local Plan requirement for the preparation of Stakeholder Masterplan Documents and summarised the process and outcomes specifically in relation to the Stakeholder Masterplan Document for Spencer's Farm, Maidenhead.

The BLP Policy QP1 introduced a requirement for the preparation of stakeholder masterplans. Consultation on the scheme proposals originally commenced in 2017 prior to the submission of the adopted BLP. Various meetings and exhibition events took place in 2017/18 as detailed in the SMD document.

Further stakeholder and community engagement was carried out in 2021 in the form of webinars and workshops, with a three week public consultation taking place in August 2021.

Barton Willmore organised a four-week community consultation on the draft SMD in April 2022. A letter was sent to 1,002 local addresses around the Spencer's Farm site. 51 completed sets of comments were received and were included within the report. The site would be in line with our policies that included affordable housing, three entrances, tree planting, open space, a play area and walking and cycling provision and linkage.

The Chairman reminded Cabinet that this was a masterplan stake holder document and not a planning application.

The Cabinet Member for Digital Connectivity, Housing Opportunity, Sport and Leisure informed that this showed the importance of the BLP and that any development on the site would comply with the council's policies. There would be 142 affordable housing units with 59 being social housing. He asked for clarification on what would be happening with regards to the football pitch. The Cabinet Member informed that the football pitch was on an adjoining site

but discussions were ongoing about improving the facility and maybe incorporating it with the school.

Mr Sharma addressed Cabinet and gave a history of his and the fellow ward councilors efforts to make sure that the site was not included for development in the BLP. He was against development on the site and had managed to get it removed as a development site from the emerging BLP. Following the 2019 local election he said that the new liberal democratic ward councilors did not continue to fight to get this site out of the BLP and this lack of foresight had resulted in the site being included in the adopted BLP and thus this report was before Cabinet. He asked for it to be rejected.

The Cabinet Member for Planning, Parking, Highways and Transport said that the BLP had been adopted and this site had been allocated for development. The details of what development would be on the site would come via the planning process.

Mr Hill disagreed what Mr Sharma had said about the Liberal Democrat ward members. He also said that paragraph 5.2 said that the applicant would be submitting a planning application once this report had been approved, but an application had already been submitted. He also said that the report mentioned that the council's officers still had outstanding issues that had not been resolved; he asked what they were. Mr Hill also raised concern about flooding he mention that Cookham PC had concerns on this issue, that parts of the site were designated as flood plans and that there had been little mention of flood risk in this document. He asked if there should have been more focus or if this would be addressed at the planning stage.

The Chairman mentioned that the Council had no control over when planning applications could be submitted.

The Cabinet Member for Planning, Parking, Highways and Transport said that the application submitted was an outline planning regarding access and land use. The points made about urban design and flooding would be dealt with during any planning application process.

Cllr Del Campo mentioned that Cllr McWilliams had made reference to the developer maintaining the council's policies but she said a developer had not yet been appointed. She also said that the report mentioned consultation with local residents but she had not met a single resident who had agreed with this. With regards to flooding she was concerned that this had not been addressed as there were level 1, 2 and 3 flood zones on the site but they were told this would be dealt with during the planning process. She questioned if this document was acceptable. Cllr Del Campo also questioned access to the site where local residents had mentioned an emergency vehicle would have difficulty accessing the site and maneuvering within it. She said that this document should be deferred for further consultation.

The Chairman said that Cabinet were not sitting as the planning authority and detailed planning applications would be dealt with via the planning committee. The planning inspector as part of the BLP adoption had concluded that the site was sound.

Resolved unanimously: that Cabinet notes the report and:

i) Approves the Spencer's Farm Stakeholder Masterplan Document as an important material consideration for Development Management purposes.

D) MEDIUM TERM FINANCIAL STRATEGY AND PLAN 2023/24 - 2027/28

Cabinet considered the report regarding the proposed new Medium Term Financial Strategy.

The Cabinet Member for Asset Management and Commercialisation, Finance and Ascot informed that this was an update on the MTFs published with the budget in February. The most important change was that it now reflected the requirements of the corporate Plan

2021-2026 and importantly took into account increases in energy costs and high levels of inflation.

The Council had a number of risks that we should now know about, low reserves, low levels of income, growing pressure on children's and adults' services and others. The pension deficit is an issue but Cabinet will be pleased to learn that in their annual report Pensions and Investment Research Consultants Ltd advise that the pension fund was ranked 5th out of approximately 100 Local Government Pensions funds with a return of 12.5% in 2021/22.

The MTFs shows we need to save £7.3m in 2023/24, an increase of £2.4M from February but after then the numbers have little changed. Over the 4-year period 2023/24 to 2026/27 savings of £15.27m will be required rather than £12.7M reported in the 2022/23 budget papers. This £7.2m is a loss of business rates as a consequence of the critically important regeneration of Maidenhead.

The Medium-Term Financial Plan is showed in Appendix A which includes the assumptions used and appendix B provided a sensitivity analysis.

Lastly cabinet should be aware of the risks around Adult Social care changes and particularly a cap on social care costs which could add £3M to ASC costs.

The revised MTFs provided the basis for developing the 2023/24 budget a process that starts this month and will be completed by December 2022.

Mr Bagley addressed Cabinet and said that Maidenhead regeneration had resulted in over £7 million loss in business rates and the Lead Member had said at the scrutiny panel that this was the right thing to do, he asked if this was a mistake from a financial point of view. He also asked that with regards to Council tax the Head of Finance had contacted the government about a need to increase council tax, he asked if council tax could not be increased would there be a cut in services.

The Cabinet Member replied that with regards to business rates it was the right decision to make a year ago based on the MTFs and the benefits that the regeneration would bring to Maidenhead. With regards to council tax they had contacted the government about this, as a low council tax authority they had been disadvantaged compared to higher council tax authorities in being able to meet demand. The council could increase tax and still be one of the lowest taking authorities in the country.

The Chairman reiterated the importance of regeneration of Maidenhead and the benefits that would come from this. With regards to council tax we would continue to press government as we wanted to remain one of the lowest taxing council in the surrounding area and the country as well as maintaining excellent service delivery offering value for money. The administration had made difficult decisions and set a balanced budget. Next years budget would again be released early and open to scrutiny and open to suggested balanced improvements. Residents needed to consider if not this budget what were the alternatives.

Cllr Jones mentioned that the report said that there was a need to increase council tax or decrease the budget. She asked if council tax could not be increased or if there were no increase in government grants would there be a need to increase savings. She also asked if increasing council tax was still a priority and what this burden would mean to residents.

The Chairman said that they were working hard on not increasing the burden on residents during the current financial crises. They were looking for fairer funding and also welcomed alternative funded suggested during the budget build.

Mr Hill addressed Cabinet and said that what he had heard was the principle 7 had now been removed as a flexibility to increase council tax. Looking at table 3 and the savings he asked if the following paragraph meant that there could be £3million added each year, this would mean

a £16 million deficit could be a £32 million one that you were not sure yet. He also made reference to the council meeting last year where he asked how much money would be lost due to the Nicholson's Shopping Centre in Maidenhead, a figure of £2.5 million has increased to £7 million. He asked why nearly 10% of income had not been reclaimed. He asked why when drawing up contracts the loss of business rates had not been included.

The Director for Resources replied that business rates calculation took place on a regular basis and reflected current position so the aforementioned figures were not correct as you had to take into account current valuations and reliefs. With regards to adults social care they had added the figure as an estimate if government did not cover the change in legislation.

Resolved unanimously: that Cabinet RECOMMENDS to Full Council:

i) the proposed key themes of the Medium-Term Financial Strategy set out in the report; and

ii) the Medium-Term Financial Plan set out in Appendix A.

E) CAVALRY CRESCENT, WINDSOR

Cabinet considered the report regarding the proposed purchase of Cavalry Crescent.

The Cabinet Member for Asset Management and commercialisation, Finance and Ascot reported that Cavalry Crescent, Windsor was a former Defence Estates property consisting of 53 number 2 and 3 bedroomed houses. There were also two small parcels of land at the site that, subject to Planning Consent, could accommodate 10 new build apartments. It was proposed that the council purchase the freehold site that was on the open market.

The site would provide 53 houses and 10 new apartments to rent. The properties would be managed by the RBWM Prop Co. The site provided the opportunity to meet a range of housing need in the Borough through a variety of homes to rent in collaboration with RBWM Housing Department.

There would be refurbishment of the properties to an agreed specification to market habitation standards and planning permission and build the 10 new residential apartments on the infill sites. The Part II element of the report included the cost of borrowing, particularly inflation on interest, capital repayment, Minimum Revenue Provision, maintenance, and management cost. In addition legal and tax advice would be taken on the final contract form, funding structure and tax implications.

The Deputy Leader of the Council & Cabinet Member for Business, Corporate & Residents Services, Culture & Heritage, & Windsor said that this was a really exciting opportunity for Windsor. It's very rare that such an opportunity comes on the market to have 53 homes on the rental market.

Mr Bagley addressed Cabinet and asked if MRP had been correctly calculated, how much needed to be paid and could the council afford to pay the MRP. He also asked if refurbishment was better than demolishing the properties and rebuilding. He also said that it had been reported that the Ministry of Defence and UK Government Investments was seeking to buy back former military homes, such as more than 3,000 properties in Yorkshire, was this a risk with this investment.

The Director for Resources informed that MRP had been correctly and there had also been a full review two years ago with another review due soon. With regards to the development and new builds you had to think about the carbon footprint as well as value, the site was still under negotiation.

The Head of Development of the council's property company, said that as far as they know, the government was not seeking to purchase back Cavalry Crescent. There were no plans to

demolish the existing properties and that the two parcel of land would be built for affordable housing.

Cllr Jones reported that she was pleased to see the RBWM Prop Co being used as originally intended. She asked that if the project proceeds could they be informed of property tenure and details of open space. The Lead Member reported that tenure was in the business plan and there were no plans to change this.

Resolved unanimously: that Cabinet notes the report and:

i) Recommends to full Council to approve the capital expenditure budget of £22,550,202 including the proposed expenditure of up to £20,000,000 of the budget to acquire from Annington Property Limited the freehold acquisition of the fully refurbished existing 53 no. houses and the completed new build flats at Cavalry Crescent, Windsor.

ii) Note that the homes provide a range of rental tenures to meet housing need, from Market Rent tenure for the existing 53 no. houses and Affordable Rent tenure for the 10 new build apartments.

iii) Delegate authority to the Director of Resources in consultation with the Managing Director of the Property Company to complete negotiation of the contract for the freehold Purchase and Development Agreement with Annington Property Limited.

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) CAVALRY CRESCENT, WINDSOR - PART II

Cabinet noted the Part II appendices.

The meeting, which began at 7.00 pm, finished at 9.25 pm

CHAIRMAN.....

DATE.....