

PLACE OVERVIEW AND SCRUTINY PANEL

Wednesday 12 April 2023

Present: Councillors John Bowden (Chairman), Helen Taylor (Vice-Chairman), Greg Jones, Gerry Clark, Shamsul Shelim, Leo Walters, Joshua Reynolds, Mandy Brar, Gurch Singh and Parish Councillor Pat McDonald

Present virtually: Councillor Sayonara Luxton

Also in attendance virtually: Councillor Phil Haseler

Officers: Mark Beeley and Alysse Strachan

Apologies for Absence

Apologies for absence were received from Councillor Davey and Councillor Hunt. Councillor Clark was attending the meeting as a substitute for Councillor Hunt.

It was noted that Councillor Luxton was attending the meeting virtually.

Declarations of Interest

There were no declarations of interest received.

Minutes

RESOLVED UNANIMOUSLY: That the minutes of the meetings held on 25th January 2023 and 31st January 2023 were approved as a true and accurate record.

Youth Council Results on Street Lighting Plan

Alysse Strachan, Head of Neighbourhood Services, provided an update on street lighting across the borough since the Panel considered the report from the Youth Council at the last meeting. They had raised concerns about road safety, personal safety and lighting levels. The report made reference to a number of areas where street lighting was considered a concern. Representatives from the Youth Council had attended the last Place Overview & Scrutiny Panel meeting to present the report and discussed their concerns with officers and the Panel. It was agreed that a further investigation and discussion on the matter was required and an update would be brought back to the Panel.

Alysse Strachan highlighted that there was no legal requirement for local authorities to provide street lighting. However, there was a duty to ensure that lighting units were kept in a safe condition. Currently, there were 14,351 LED lights across the borough and there were plans to upgrade the remaining 711 lights to LED standard. LED lights produced a white light and were lit to the standard presently used across the country in line with guidance from the Institute of Lighting Professionals British Standard. The new LED lighting was recognised to discourage crime and enabled residents to gain a sense of safety whilst facilitating orientation for all road users. The LED lights provided better clarity and perception, increased energy efficiency and were more cost effective. The street lighting inventory was maintained through a contract with FMJ Solutions, which ran until 2038. The contract included LED street lighting and other electrical street furniture assets.

RBWM had participated in the National Highways and Transport Survey for the last ten years. Residents answered questions to gauge satisfaction with a range of highway and transport subjects. In 2022, the survey was sent to 3,300 households with nearly 700 responses being received. Street lighting scored high for importance and fairly high as an area for investment. Survey responses indicated that provision was 'about the right amount'. Satisfaction scores for street lighting were in line with 2021 results and the national average. Considering responses by age group, 18-24 year olds in RBWM were less satisfied with street lighting than other age groups.

Alysse Strachan explained that officers had reviewed the specific locations listed in the report from the Youth Council and had offered further meetings with the Youth Council to discuss their concerns. Each location was different and had a specific set of considerations which needed to be taken into account alongside general considerations such as road safety and environmental impacts. Alysse Strachan highlighted a couple of specific examples, the full list of locations, maps and detail could be provided after the meeting. The following examples were discussed:

- Southlea Road, Datchet – the road had street lighting, however it was a low lit area and was lit in line with guidance from the Institute of Lighting Professionals British Standard. Not all of the road was lit to avoid urbanising the area.
- Brownfield Gardens to Ludlow Road, Maidenhead – the footpath was not adopted highway and as such RBWM was unable to control the street lighting. The lighting in this area was controlled by Housing Solutions.
- All footpath lighting had been upgraded to LED.

Alysse Strachan concluded the presentation by explaining that all street lighting across RBWM was installed in line with the British Standards. Since upgrading to LED, lights were on a dimming regime to promote energy conservation. Where lighting was considered desirable, then full consideration needed to be given to the environmental impact of any lighting design and full consultation with residents, Ward Councillors and Parish Councils would need to be carried out for specific locations. Additional street lighting or increased lighting levels might not be the correct or only solution to issues or concerns regarding road safety and personal security. It was recommended that officers continued to work with the Youth Council to look at options and put forward proposals.

Councillor Luxton said that it would be really useful for the map with the full list of proposed locations to be shared with the Panel. She had received a number of complaints recently in Sunninghill and Cheapside on street lighting.

Alysse Strachan clarified that there was no new street lighting being proposed, officers were currently upgrading all street lighting to the new LED bulbs. The list of locations were those already provided by the Youth Council.

Councillor Luxton asked what action would be taken on the areas of the borough which the Youth Council had highlighted as areas of concern.

The Chairman said that if there were areas which were a concern, they could be brought to the attention of officers and the relevant Ward Councillors.

Councillor G Jones asked why it took so long for a street light to be replaced once it had been reported as damaged. It could be a significant period of time, sometimes up to a year.

Alysse Strachan said that there had been some supply issues which had affected the time taken to replace faulty street lights, the council was working with suppliers to try and minimise the impact of issues. There were some examples where the council were reliant on SSE, as the power provider.

Councillor Reynolds asked for clarification that the council would not be taking action on any of the areas which had been highlighted by the Youth Council. It was important to see something tangible from the report which had been submitted. He asked if the street lighting in the area which was owned by Housing Solutions had been raised directly with the organisation.

Alysse Strachan said that it had not been raised but this was something that officers could do to see what the response was.

ACTION – Alysse Strachan to raise the issue of street lighting in Brownfield Gardens to Ludlow Road, Maidenhead, with Housing Solutions.

Councillor Reynolds agreed with the point raised by Councillor G Jones, it took a significant amount of time for issues reported to be resolved. He suggested that the issue was that the contract with FMJ Solutions ran until 2038 and this was something to be mindful of.

Councillor Singh asked how many street lights were currently not working across the borough.

Alysse Strachan said that less than 1% of the street lights were not working.

Councillor Singh asked if officers were looking at a solution to improve the timescales involved with replacing street lights. He suggested that the Panel could invite the utility providers to a future meeting.

Alysse Strachan said that 11 of the previously reported faults were due to SSE power issues, the council worked closely with SSE to replace faulty street lights. The contract was long term but there were key performance indicators that the contractors would need to meet to continue with the contract.

Councillor Singh asked if street lighting replacement was prioritised in certain areas. He used the example of the Grove Road car park which was in the centre of Maidenhead, some lights in this car park needed to be replaced and this had not been done for some time.

Alysse Strachan said that she would need to look at the Grove Road case after the meeting to explore what the issue was with the lighting in this car park. For response times, the standard response was two working days, emergency response was two hours, faults with power supply were up to 28 days. However, the council had seen significantly longer times than this from SSE.

Councillor Haseler, Cabinet Member for Planning, Parking, Highways and Transport, informed the Panel that he had recently written to the CEO of SSE because of the slow response times. Officers were having regular meetings with SSE and there had been an improvement seen. For 'stumped' street lights, there was a proposal in place for all of these to be replaced in the current financial year.

Councillor Taylor was surprised to hear during the presentation that there was no legal requirement on the council to provide street lighting. In her ward of Oldfield, the waterway provided a useful footpath for residents but the path was not lit. Councillor Taylor was concerned that there would be further developments across the borough where there were issues with lighting which could impact the safety of residents. She suggested that some research could be done to see if there were anymore 'blackspot' around the borough and consider how they could be approached.

Alysse Strachan said that she could work with the Planning team to see if there were any set rules or requirements for new developments to include street lighting.

ACTION – Alysse Strachan to see if there were any rules or regulations in place for new developments to consider street lighting.

Councillor Walters said that it was good to hear that Councillor Haseler had been successful in chasing up SSE to improve their timescales. It was also reassuring that most residents in the borough did feel safe.

Parish Councillor Pat McDonald asked if there were any penalties in place in the contract with FMJ Solutions, should the company not be performing to the level expected.

ACTION – Alysse Strachan to provide the key performance indicators on the contract with FMJ Solutions to the Panel.

Councillor Shelim suggested that officers should continue to communicate with the Youth Council going forward, it was important that they were involved.

Councillor Singh had received communication from residents that the lights were still on in the Broadway car park, which had been closed at the end of 2022 due to health and safety concerns.

Alysse Strachan confirmed that the lights in this car park had now been turned off.

Annual Scrutiny Report - Drafting Ideas

Mark Beeley, Principal Democratic Services Officer – Overview and Scrutiny, explained that each year a report was produced which would go to Full Council and highlighted the work of scrutiny over the past municipal year. The Panel were asked if there were any comments or areas they would like to see included in the annual report.

The Chairman commented on the River Thames Scheme, this would be scoped and explored in the next municipal year.

ACTION – Item on River Thames Scheme to be added to the work programme.

Councillor Reynolds felt that one of the successes of the Panel had been the meeting considering the Place directorate budget items. It was a long meeting but had been productive and a lot of information had been explored and recommendations to Cabinet made. Next year, there could be an opportunity to include residents consultation feedback as part of the budget scrutiny process.

Councillor Taylor suggested that more work could be done in collaboration with the Youth Council, they did a good job with the street lighting project and it would be great to work with them in future.

Work Programme

The Panel noted the work programme for the next municipal year.

Councillor Walters asked if the new homes bonus scheme was still happening.

ACTION – Councillor Walter's question on the new homes bonus scheme to be passed on to the relevant officers to be answered after the meeting.

Councillor Singh asked whether the list of objectors to the lease of the site at Braywick Park to Maidenhead United FC could be provided.

Mark Beeley confirmed that he would chase this action up after the meeting in advance of the call in being considered.

ACTION – Mark Beeley to ask officers if the objections to the decision could be provided to the Panel.

Councillor Reynolds asked if the objectors would be directly notified that the call in meeting next week would be taking place.

Mark Beeley said that the objectors would not be notified directly but information regarding the meeting would be displayed on the Town Hall noticeboard and on the RBWM website. Any resident was welcome to attend the meeting or watch the meeting on YouTube.

The meeting, which began at 7.00 pm, finished at 7.50 pm

Chair.....

Date.....

PLACE OVERVIEW AND SCRUTINY PANEL

Thursday 20 April 2023

Present: Councillors John Bowden (Chairman), Helen Taylor (Vice-Chairman), Greg Jones, Maureen Hunt, Julian Sharpe, Shamsul Shelim, Leo Walters, Joshua Reynolds, Clive Baskerville, Gurch Singh and Jon Davey

Also in attendance: Councillor Phil Haseler

Also in attendance virtually: Councillor David Coppinger

Officers: Mark Beeley, Andrew Durrant and Ian Brazier-Dubber

Officers in attendance virtually: Elaine Browne

Apologies for Absence

Apologies for absence were received from Pat McDonald, Councillor Luxton and Councillor Brar. Councillor Baskerville and Councillor Sharpe were attending the meeting as substitutes.

Declarations of Interest

Councillor Singh declared a personal interest as he owned property close to the proposed site.

Councillor Taylor explained that she was Ward Councillor for Oldfield, she had made her opinion public on the potential move of Maidenhead United into Braywick Park. Her role on the Place Overview and Scrutiny Panel was to scrutinise decisions made. The Panel had not made a decision on the lease and the Panel would also not have the power to reverse or cancel the decision made, any prior opinion did not affect the discussion at the meeting. Councillor Taylor confirmed that she had sought the advice of the Monitoring Officer on this declaration.

Call In - Lease of the site at Braywick Park to Maidenhead United Football Club

The three Councillors who called in the decision, Councillor Davey, Councillor Taylor and Councillor Hill, addressed the Panel.

Councillor Davey highlighted and explained some of the reasons which had been included on the call in form. It was felt that there had been a lack of consultation, particularly with the rugby club. They had been growing in size but were faced with having to lose half of their pitches. Councillor Davey referenced the RBWM Leisure and Sport Strategy, which considered the disparity between rich and poor and the impact on health deprivation which could be felt by residents from deprived areas, like Oldfield. The RBWM Playing Pitch Strategy highlighted that the pitches at Maidenhead Rugby Club were in danger of being developed on and needed to be protected. The football club was a private business and it was suggested that it should support itself. The current ground at York Road had a capacity of around 4,500 but the club were currently averaging around 1,000 fans per game. Councillor Davey therefore suggested that it was ambitious for the football club to think that they could fill a bigger stadium at Braywick. The plans would involve a loss of a significant amount of open space, which was believed to be in contrast to the RBWM Corporate Plan. This said that residents should be more active in open and green spaces, but this proposal would take more green space away from residents. There had been little communication between the parties and this needed to be improved before a decision could be made.

Councillor Davey referenced the objections which had been shared with the Panel ahead of the meeting. If this was a planning application, the objections would need to be considered and responded to. Councillor Davey noted sections of the National Planning Policy Framework, which said that open space should not be built on unless it could be shown to be surplus to requirements. A non-designated heritage asset status could be given to York Road, to protect the football club at its current ground.

Councillor Taylor added that a lack of meaningful consultation with the public could be viewed differently by different people. She was concerned that a number of key stakeholders had not been involved in the process and their points did not appear to have been taken into consideration. It was a big project and Councillor Taylor suggested that fulfilling the statutory duties might not be enough. Consideration had also not been given to local residents in the area. There was no evidence that Maidenhead United would struggle at York Road and a recent planning application had been approved to allow the football club to improve some of the facilities. Part of the business case was the rental office space at the site which would provide the football club with additional income. The loss of open space was a concern, there was a publicly accessible running track, gym and playground on the site which would be lost. Communication with the rugby club had been poor where as there had been a distinct difference with the response from the athletics club. Sport England were also not supportive of the proposals.

Councillor Hill asked where in the RBWM Constitution it gave the Executive Director of Place the authority to make this delegated decision. It was felt that the decision had been made in error against the constitution and should be reversed. He suggested that the decision should be considered by Cabinet following the election. Councillor Hill felt that the figure that RBWM were receiving for the lease of the site was very low, for a loss of greenbelt land that once developed on would be worth a significant amount more.

Adam Bermange was the first public speaker to address the Panel. He highlighted the council's adoption of both the Corporate Plan and the Borough Local Plan and that the policies of any delegated authority decision was contained within these plans. Adam Bermange felt that there was clear conflict in the decision that had been made against the policies in the framework. The council should be ensuring that there was adequate provision of green infrastructure and open space and the loss of land at Braywick Park was in direct contrast of this Corporate Plan objective. Open space was stated in the Borough Local Plan as needing to be protected and maintained, while paragraph 3 allocated Braywick Park as an upgraded open space. Adam Bermange suggested that the Panel should refer the matter to Full Council for consideration.

Andrew Hill referenced the consultation which had undertaken in May 2022 on whether the council should dispose of the open space at Braywick Park. However, the land had already been disposed of at the Cabinet meetings in 2019 and 2020 and a contract had been signed with Maidenhead United before the consultation had started. There had been no reference to the objectors or a response to them in the report. On equalities, the Equality Impact Assessment was listed as being both previously published and also that it would be published in the future. A Maidenhead Advertiser article had recently commented on long queues leaving Braywick car park, there was no reference to these issues in the report. The current space was preserved currently for residents to use freely, the rugby club to hold matches for hundreds of children and an accessible athletics club. In comparison, the proposals by Maidenhead United would change the area to private land and restrict public access. Andrew Hill felt that the decision should be considered by a meeting of Full Council, rather than being under officer delegation.

Andrew Durrant, Executive Director of Place Services, addressed the concerns raised about the constitutional right to make the decision under delegated authority. The decision had been delegated as part of the Cabinet decision in 2019. It was important for the Panel to note that they were considering the procedure of leasing the land rather than the proposed planning application on the site. If the decision went ahead and a planning application was submitted

there would be further engagement and consultation with stakeholders and the public. A recent planning application had been granted at York Road to ensure that Maidenhead United could meet requirements for the National League and the English Football League, should the club be promoted to League Two. Andrew Durrant explained that he had been in conversations with the football club and the rugby club and had also met with both stakeholders at the same time. The sport and leisure strategy was currently being refreshed, along with the playing pitches strategy. All weather pitches allowed more use by a number of different sports.

Ian Brazier-Dubber outlined the process for the decision, including the Cabinet decisions in 2019 and 2020. An agreement for the lease of the site to Maidenhead United had been agreed, subject to planning consent. No planning application had been submitted and if it was the public would be informed.

Elaine Browne, Head of Law and Governance, confirmed that there was authority for the Executive Director of Place to make the decision, which had been delegated from Cabinet. She clarified that Panel Members had been provided with redacted copies of the objections in advance of the meeting.

Councillor Walters agreed that there was authority for the lease to be signed.

Ian Brazier-Dubber said that once Maidenhead United had gained planning consent, they would be able to enter into the lease from the council. The lease would last for 999 years.

Councillor Walters asked how large the proposed site was. He was informed that it was 3.7 hectares or 9.47 acres. The land had been valued considering the proposed use of the land.

Councillor Walters asked what was being proposed by Maidenhead United on the site.

Ian Brazier-Dubber explained that the proposals included a new football stadium, a replacement running track and some car parking.

Councillor Walters asked what the reaction was from the rugby club towards the plans.

Andrew Durrant commented that the discussion between the football club and the rugby club had been open and honest. The rugby club continued to have concerns about the changes and how it would affect their provision.

Councillor Taylor asked for confirmation that the valuation figure for the site was from 2020 and whether officers were confident that this was still a reasonable valuation.

Ian Brazier-Dubber confirmed that the valuation had been completed a couple of months before the Cabinet decision in November 2020. The valuation needed to consider similar developments and the usage by the football club had been considered. If the site would be proposed for housing, for example, then the valuation of the site could be different.

Councillor Taylor questioned whether the council was giving an advantage to a separate private company to gain financial stability with this decision.

Ian Brazier-Dubber said that as part of the valuation, the valuers and the council needed to be satisfied that there was no 'state aid' involved to give a company an advantage. It had been determined that this was not the case.

Councillor Taylor raised a final concern, that if things went wrong and the football club left the site, the council would be left with a stadium which it would not be able to use.

Andrew Durant said that this had not been considered at the current stage, a comparison could be made with leisure centres that the council owned but were run by an external

operator. Should the external operator cease, the council would be unable to open the leisure centres. Maidenhead United played a significant role in the community and this was core to their aims and ambitions.

The Chairman commented that the lease would be for 999 years and therefore would remain the property of the council.

Councillor Reynolds felt that some of the reasons made by officers for the decision were not relevant. The community work that the football club were involved in was not relevant to the lease. Councillor Reynolds said that he did not feel like he had the appropriate information to be able to scrutinise the decision, he had asked for documentation on the £460,000 valuation but he had not been allowed to see this. A lot had changed in the last couple of years and this also applied to valuations. Councillor Reynolds highlighted the claim in the report that the move was needed as the facilities at York Road were outdated. He claimed that this was no longer correct as the recent planning application which had been permitted would allow Maidenhead United to upgrade some of their facilities to meet current standards. Consideration had also not been given to the loss of public open space which would be lost as a result of this decision. Councillor Reynolds concluded by stating that he had been shown nothing by officers which persuaded him that the reasons why the decision had been called in were not correct.

Councillor Sharpe said that football clubs held great respect in local communities and Maidenhead United had played a significant role in helping its community. The decision had been made but there was sufficient evidence to suggest that the decision should be reconsidered. Councillor Sharpe said that the decision should be referred back to the decision maker, to consider the comments that the Panel had made.

Councillor Singh said that having considered all of the evidence, he had significant concerns. He believed the decision should be made in an open and transparent way in a meeting. Councillor Singh suggested that it should be referred to Full Council. He was worried that the proposal could set the football club up to fail.

Councillor Hill said that a lease was a tradable asset and the leaseholder could change. Maidenhead United would be able to sell the land at York Road for several million pounds and lease the land at Braywick for a relatively small amount. Councillor Hill commented that the delegated authority allowed the Executive Director of Place to come up with a draft agreement, Councillor Hill claimed that this was a full decision. Referring the decision to either Cabinet or Full Council would allow additional information to be provided and for Councillors to have a further discussion on the issue.

Councillor Walters noted that office space was part of the proposed application.

Andrew Durrant explained that all football clubs of that stature would have some office space. The Panel were scrutinising the decision to the lease the land and were not deciding on the proposals from the football club on what they planned to build on the land.

Councillor Hunt highlighted that the decision was significant, the lease would last until 3022. She asked if the valuers had taken into account all aspects of the proposals, for example the running track, gym and office space, as well as the stadium. In other schemes, this would be regarded as ground rent and this rent would increase over time. Councillor Hunt could not believe the council were planning to give this piece of public land to the football club at peppercorn rent for 999 years.

Ian Brazier-Dubber informed the Panel that Carter Jonas had valued the land against other comparable sites and facilities.

Councillor Reynolds suggested that the Panel should refer the decision to Full Council. The constitution stated that a call in could be referred to Full Council if the decision was outside of

policy framework. He felt that there were a number of different policies that had not been taken into account.

Elaine Browne clarified that this applied if the decision was taken outside of policy, she did not believe that there was any evidence that the decision had been taken outside of policy.

Councillor Reynolds stated that the decision fell outside of policies in the Corporate Plan, the Quality and Place Policy and the Borough Local Plan.

Elaine Browne said that the evidence listed by Councillor Reynolds were targets rather than policies.

Councillor Baskerville commented that Maidenhead United had improved their league position steadily over the past 25 years and were now competing in the fifth tier of English football. He encouraged both the football club and the rugby club to continue to speak to each other to find a compromise. The decision needed to be made and discussed in a public council meeting.

Councillor Davey said that the Panel should send the decision back to the decision maker with a list of requirements. He wanted to see more consultation done with the public. York Road was the longest ground still in continuous use by the same club, he questioned why that history should be destroyed.

The Chairman outlined the options available to the Panel. They could either choose; to take no further action, to refer the matter back to the decision maker, or to refer the matter to Full Council providing there was evidence that the decision fell outside of policy framework.

Councillor Sharpe proposed that the decision was referred back to the decision maker.

Councillor Davey wanted to see a new, full consultation rolled out to the public.

Councillor Taylor asked if the valuation of the land could be reviewed as part of the new decision being made. She was informed that the cost of revaluation would be in the region of £10,000 - £12,500.

Councillor Hunt asked how much the original valuation had cost the council. This information would be provided after the meeting.

ACTION – The cost of the original valuation of the proposed site at Braywick Park to be provided to Panel Members after the meeting.

Councillor Reynolds explained that he had set out why he thought the decision fell outside of policy framework and should be referred to Full Council, should the Panel also agree.

Elaine Browne responded by saying that planning policy would come in at the next stage of the process. The Panel were considering the lease of the site, and the lease was dependant on planning permission being granted.

Ian Brazier-Dubber highlighted that the open space notice has been served under the Local Government Act 1972 for the disposal of the site. The policies which had been referenced by Councillor Reynolds were land policies which planning applications were determined against.

Councillor Singh believed that the decision was tied to a single planning application going ahead. He felt that this needed to be discussed at a Full Council meeting.

Councillor Sharpe felt like the advice was clear from officers, the Panel needed to satisfy themselves that the decision had been made outside of the scope of the policy framework in order for the matter to be considered by Full Council. He believed that the Panel had not heard evidence that the decision was outside the policy framework. Councillor Sharpe

reiterated his proposal to refer the decision back to the decision maker. This was seconded by Councillor Shelim.

Councillor Hunt clarified that the Panel had asked for another valuation to be completed and a full consultation to be undertaken. She felt that a 999 lease with no increase in payment over time left the council in a vulnerable position. Councillor Hunt requested that the length of the lease was reconsidered.

A named vote was taken.

| To refer the decision back to the decision maker (Motion) | |
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| Councillor John Bowden | For |
| Councillor Helen Taylor | For |
| Councillor Greg Jones | For |
| Councillor Maureen Hunt | For |
| Councillor Julian Sharpe | For |
| Councillor Shamsul Shelim | For |
| Councillor Leo Walters | For |
| Councillor Joshua Reynolds | For |
| Councillor Clive Baskerville | For |
| Councillor Gurch Singh | For |
| Councillor Jon Davey | For |
| Carried | |

RESOLVED UNANIMOUSLY: That the decision was referred back to the Executive Director of Place Services to reconsider the decision, taking into account the concerns of the Panel. The Panel's concerns related to:

- i) The date of the valuation for the lease of the site.**
- ii) Whether there was full consultation with the public on the proposals.**
- iii) Whether the length of time that the lease would last was appropriate.**

The meeting, which began at 7.00 pm, finished at 9.10 pm

Chair.....

Date.....