

CABINET

WEDNESDAY 29 NOVEMBER 2023

PRESENT: Councillors Simon Werner (Chair), Lynne Jones (Vice-Chair), Richard Coe, Geoff Hill, Joshua Reynolds, Catherine Del Campo, Adam Bermange, Karen Davies and Amy Tisi

Also in attendance: Councillors Helen Price, David Buckley and Mark Wilson

Also in attendance virtually: Councillor Gurch Singh

Officers: Oran Norris-Browne, Stephen Evans, Lin Ferguson, Elizabeth Griffiths, Andrew Durrant, Elaine Browne, Kevin McDaniel, Alysse Strachan, Christopher Wheeler and Neil Walter

Officers in attendance virtually: Andrew Vallance, Tim Golabek, Becky Hatch and Emmanuel Ogedengbe

Apologies for Absence

No apologies for absence were received.

Declarations of Interest

No declarations of interest were made.

Minutes

RESOLVED UNANIMOUSLY: That the minutes of the meeting held on 25 October 2023 were approved.

Appointments

Cabinet noted the appointments.

Forward Plan

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

- The 'Maidenhead Parking Strategy' item scheduled for January Cabinet was to be removed from the Forward Plan as this would now be going to the Place Overview & Scrutiny Panel instead.
- The 'Pickins Piece' item would also be removed from the Forward Plan, following the comments at the Corporate Overview & Scrutiny meeting in November 2023. This would allow greater time for alternate options to be looked at.

Councillor Bermange, Cabinet Member for Planning, Legal & Asset Management, asked if the Affordable Housing Supplementary Planning Document could be added for the January Cabinet meeting. Specifics would be confirmed offline.

Councillor Price had contacted the Chair and the Cabinet clerk prior to the meeting requesting some additional wording and a link to the Forward Plan to be included within each Cabinet

agenda moving forward. This would allow residents greater access to the webpage, to be able to see what Key Decisions were to be coming forward. Councillor Bermange thanked Councillor Price for this suggestion and welcomed it. This change was implemented.

In-year Monthly Budget Update

Councillor Jones, Deputy Leader of the Council and Cabinet Member for Finance, introduced the monthly budget update to Cabinet. She stated that additional processes had been put in place, which had seen good progress in addressing the financial situation. Month 7 showed an increase in demand for Adult's services, which was a statutory service, due to additional complexed needs and additional audit fees of £400,000. She added that despite this amount being equivalent to the fees in 2019/20, this had not been included within February's budget. The total forecasted overspend for the end of the financial year was now £7.3 million, with the contingencies being applied, this would reduce to £3.7 million. Without the hard work from officers in implementing the new processes such as a Spending Control Panel, this could have seen an even greater increase of £1 million.

Councillor Jones then said in reference to the audit fees that the finance team had been under-resourced for some time and their focus has been on day-to-day tasks. She said that things were now being focussed upon and the recruitment of more staff would now occur. As part of the administration's transparency agenda, appendix B outlined some risks and assumptions, with an impact if known. This had been newly introduced. She then said that external borrowing was forecast to be £204 million, and that the Council needed to begin to repay the accumulated debt, which had not been addressed over the previous four years.

Councillor Jones then outlined the recommendations that were before Cabinet. She then proposed a minor amendment to the recommendation that was outlined within the report itself. These were to note that the steps in recommendation i) that referred to improving governance had moved from paragraph 5.1 to the summary section and that the capital figures were in paragraph 11 and not 10. The recommendations, however, did not change other than where the references were located within the report.

The Chair thanked Councillor Jones and the finance team for all of their hard work in addressing the Council's financial position. He labelled the current budget as a fake budget, with the inclusion of ridiculous savings targets and plans to deliver them. He made it one of the new administration's top priorities to fix the mess that had been inherited from the previous administration.

Councillor Coe, Cabinet Member for Environmental Services, said that legacy issues such as ignoring the audit, not allocating enough money towards social care, and not repaying any of the accumulated debt had caused the issues that faced the Council. He wished to pay thanks to the officers particularly within his Cabinet portfolio for the savings that they had been able to make.

Councillor Price said that the report stated that improvements had been made to the Prop Co governance at the Council and she wished to understand what specifically had occurred. Additionally, she said that what had been revealed over the past few months was that robust processes had not been in place, the Council was short of staff, IT had not been harnessed in a way that it should have been, capital receipt had been understated, expenses had been understated and income had been overstated. She asked how had this come to pass?

Councillor Bermange replied to the Prop Co question and said that the new administration and Chief Executive identified the governance of this as being something that needed to be addressed. The borough was the sole client and also the sole shareholder in Prop Co, which meant that the Council were the owner. Shareholder panels were now being held regularly, which allowed for the borough to easily hold Prop Co to account and look at the wider picture of it and challenge its processes robustly.

Councillor Jones then replied to the second question. She referred to the hollowing out of the core of officers and that when staffing numbers were cut as extensively as they had been, some things would ultimately slip due to under resourcing. She stated that a third of officer posts had been made vacant and that some poor decisions that had been made were not simply down to the officers, but down to the handling of the staffing situation by the previous administration.

In reference to the point on the auditors, she noted that everything had been kicked down the road. It was now up to the new administration to put new processes in place to move forward with the Council's finances.

AGREED: That Cabinet:

- i) **noted the forecast revenue outturn for the year was an overspend on services of £7.396m which reduced to an overspend of £3.688m when including unallocated contingency budgets and changes to funding budgets (para 4);**
- ii) **noted that the Council's approach to in-year budget monitoring and management was being strengthened – as part of a wider approach to improving corporate governance at RBWM - as set out in within the report; and**
- iii) **noted the forecast capital outturn was expenditure of £46.332m against a budget of £87.784m (para 11).**

EV ChargePoint Procurement

Councillor Hill, Cabinet Member for Highways and Transport, Customer Service Centre and Employment, outlined the report to Cabinet by saying that the forecast suggested that by 2035, there would be around 50,000 electric vehicles in the borough. There were currently 4,000. He then offered some factual information that was set out within Appendix B of the report. The Council had secured £327,000 of funding from the local EV infrastructure levy. As a result of this, the Council had also been invited to bid for a further £927,000 worth of funding from the Department of Transport. The second part of the plan was to invest around £200,000 per annum into the installation of EV Charge Points across the borough. It was estimated that 600 would be needed on the street, with additional ones being placed in car parks. The £200,000 annual cost would be coming from CIL and S106 payments. He then outlined the Oxford Dynamic Purchasing System and the recommendations that were before Cabinet.

Councillor K Davies, Cabinet Member for Climate Change, Biodiversity and Windsor Town Council, said that vehicles counted for around a third of all carbon emissions within the borough and she also said that electric vehicles were not the sole answer for climate change, but were of course a great step forward. She also added that it was a financially secure plan.

Councillor Reynolds, Cabinet Member for Communities & Leisure, said that it was important to highlight the difference in strategy between the current administration and the previous one. The original plan was for 30 Charge Points to be placed in car parks, whereas now it was 225.

The Chair agreed and said that it was also being financed by grant funding and therefore would not burden the Council taxpayer with further costs.

Councillor Buckley asked a question as a non-cabinet member. He asked that as the Council were considering a bid for the EV infrastructure, had the Cabinet or officers included the target and legal implications that all new boats were to be electric only, from 2030. He added that as we lived around the River Thames, had this been built into the strategy for the bid. With boat usage growing at the highest rate in recent times could consideration be given to this target timeline. Councillor Reynolds thanked him for his question and said that this was of course very important to consider, and he confirmed that the Cabinet had certainly considered it and were planning to utilise this in the future.

AGREED: That Cabinet noted the report and accepted an invitation to tender and tender evaluation documents for the delivery, operation and maintenance of EV charge points,

that were prepared for issue through the Oxford Dynamic Purchasing System, and included in a bid for government Local EV Infrastructure funding.

Annual update on demand for school places

Councillor A Tisi, Cabinet Member for Children's Services, Education and Windsor, introduced the report to Cabinet. She said that local authorities had a legal duty to ensure that they were able to provide an adequate number of school places for the borough's pupils, in order to meet demand. She then offered some factual information on the current scenarios within each area of the borough, being Ascot, Windsor and Maidenhead. Birth rates remained quite low. Ascot looked reasonably steady in the short to medium term, Datchet & Wraysbury required more junior school places, more places were required in the South East of Maidenhead, but there were spaces in other areas within Maidenhead. She ended her submission by outlining the recommendations that had been put forward to Cabinet, with some further background information also being provided.

Lin Ferguson, Executive Director of Children's Services, thanked Councillor A Tisi for her words and wished to add a few minor points. She said that there had been a lot of international migration within Maidenhead, potentially causing the minor issue in the South-East of the town. Secondly, Lin Ferguson said that discussions had occurred with the Headteachers of Windsor schools and to change the schooling system would be far too expensive.

Councillor Bermange said that it looked like from the report that there was currently no need for a school to be built on the Maidenhead Golf Course site and that school places could accommodate this potential influx of pupils. Councillor A Tisi confirmed this.

Councillor Del Campo, Cabinet Member for Adults, Health & Housing Services, wished to comment on the number of pupils who were coming to the borough to attend schools and praised the Ofsted ratings of these.

AGREED: That Cabinet noted the report and:

- i) Supported discussions around a potential bulge class at Datchet St Mary's CE Primary School for September 2025.**
- ii) Delayed the opening of a new primary school at Chiltern Road, Maidenhead, until at least September 2026, and requested that this be reconsidered in Autumn 2024.**
- iii) Requested that further places for junior age children were provided in Maidenhead using existing spare physical capacity.**
- iv) Requested that proposals for temporary reductions in Published Admission Numbers were agreed with Windsor first and middle schools, to reduce the number of projected surplus places in the town.**
- v) Requested that public consultation was carried out for changes to the Royal Borough's school admissions arrangements for September 2025, as set out in paragraph 5.7.**
- vi) Requested that officers work with Alexander First School and the Ministry of Defence on plans to rethink education and community provision on the Broom Farm Estate in Windsor.**
- vii) Requested further investigation of the potential to expand Churchmead School, in consultation with neighbouring local authorities.**

Highway Services Contracts – Award

Councillor Hill introduced the report and thanked the highways officers for all of their hard work when it came to the contract. He said that there were four lots that were being considered by Cabinet. These were:

- Lot 1 – Highways Maintenance and Capital Works

- Lot 2 – Street Cleansing
- Lot 3 – Highway, Transport and Bridge Professional Services
- Lot 4 – Traffic Signal & ITS Maintenance

Councillor Hill then outlined the recommendations that was being asked of Cabinet to approve. He said that the recommendations allowed for the Council to hold the successful parties to account, greater accountability and that they would have more control over ongoings, unlike in previous years. There was also a small saving of £115,000 per annum over the course of 7 years, which was a positive.

The Chair thanked Councillor Hill for his presentation of the report and noted that there was an appendix in part II, which contained specific details of the preferred bidders. Unless required, Cabinet would consider the recommendations in part I of the report. He believed that it was ridiculous with the amount of outsourcing within the Council, especially with highways over the years.

Councillor Coe said that once the successful bidders had been informed, then the part II information would be released as part of the new administration's transparency agenda.

Councillor Jones said that when the highways contract was first outsourced, she had major concerns. She welcomed the new contract and also the savings that would now be made too.

AGREED: That Cabinet noted the report and delegated authority to the Executive Director of Place Services in consultation with the Cabinet Member for Highways and Transport, Customer Service Centre and Employment to:

- i) **Approve the appointment of the identified Preferred Bidders (PART II – Appendix B) following a Tender process which had been undertaken by the Council for the following Highways Services Contracts:**
 - Lot 1 – Highways Maintenance and Capital Works
 - Lot 2 – Street Cleansing
 - Lot 3 – Highway, Transport and Bridge Professional Service
 - Lot 4 – Traffic Signal & ITS Maintenance
- ii) **Award the Lot 1 contract to the Preferred Bidder for an initial period of 7 years with options for two extension periods of 4 and 3 years. (7+4+3).**
- iii) **Award the Lot 2 contract to the Preferred Bidder for an initial period of 7 years with options for two extension periods of 4 and 3 years. (7+4+3).**
- iv) **Award the Lot 3 contract to the Preferred Bidder for an initial period of 7 years with options for two extension periods of 4 and 3 years. (7+4+3).**
- v) **Award the Lot 4 contract to the Preferred Bidder for an initial period of 7 years with options for two extension periods of 4 and 3 years. (7+4+3).**

York Road Phase I, Maidenhead

Councillor Bermange outlined the report that was before Cabinet. He said that it had originally been scheduled to appear at October Cabinet, however some additional work had occurred since then, hence its appearance at the November Cabinet meeting.

Councillor Bermange said that Council had been in a development partnership with a company called 'Countrycide' for a number of years. One of the sites that had been developed, was the site in question at York Road, Maidenhead. Phase I had now been completed, but at this stage phases II and III were not to be pursued. He outlined some of the commercial units that now resided within this site, which had in turn brought further life to that area of Maidenhead. He then outlined the ways in which Countrycide could proceed, and explained the recommended approach to Cabinet which was outlined within the recommendations of the report.

One appendix was listed in part II however this was considered by the Cabinet in part I.

AGREED: That Cabinet noted the report and:

- i) Approved RBWM entering into a formal contract with Countryside outside of the Development Agreement to capture the capital value from Countryside's headlease sale as relates to the notional 4,000 sq. ft commercial floorspace.**
- ii) Delegated authority to the Executive Director of Place in consultation with the Cabinet Member for Planning, Legal and Asset Management and Managing Director of the Property Company to complete the contract with Countryside.**

Early Adoption of Fees & Charges

Councillor Jones said that an action plan to address the financial situation of the Council had been agreed by Cabinet and subsequently at Council. One of the actions was to maximise income through fees and charges. The report before Cabinet asked to approve the rise in fees & charges as of January 2024. This would generate an additional £411,000. The shortfall of around £7 million needed to be addressed.

Councillor Jones then compared the band D Council tax amount between the borough and Bracknell Forest as being £353. The difference with Reading was £652. The Cabinet did not wish to take this course of action, but they believed that it was of the upmost importance to address the growing debt and the overspend that had been discussed previously within the meeting.

Lastly, Councillor Jones then outlined the recommendations that had been put forward to Cabinet to decide upon.

Councillor Hill said that the current Cabinet were victims of the previous administration's handling of the Council's finances. He secondly noted that the policy of national government was also hampering the Cabinet's ability to manage their finances efficiently.

Councillor Reynolds said that it was very important to remember why the current administration had to take the action before them. He said that the previous administrations can kicking down the road approach was the reason for this.

Councillor Price asked for clarity on the process of the budget when it came to Councillors from the wider Council. Councillor Jones confirmed that the budget would be going to Overview & Scrutiny as usual and made a point to say that the paper before Cabinet was considered an urgent item due to the serious financial situation of the Council, hence why it had been brought forward from the main budget for consideration now.

Councillor Price then asked about community groups and charity groups when it came to the use of parks. Councillor Reynolds said that it was vital to ensure that nobody was discouraged from using the borough's parks. When groups filled in the form to apply to run an event in a park, there would be a discretionary section when if applied, it would suggest that persons were unable to apply to hold the event in the park, due to the cost of doing so. This was to be avoided at all costs, with the discretionary element being utilised by officers as and when forms came in, he added that officers were also getting in touch with regular known groups who make use of the parks.

Councillor Jones then requested two amendments to the recommendations that were before Cabinet. These were as followed:

- i) That the headings of 'Fixed Penalty Notice for fly tipping' and 'Fixed Penalty Notice for failing to produce documentation for the transfer of waste' be removed from Appendix A, with the further remaining headings under 'Environmental Protection' to be reviewed, with an updated version to be published within the consultation.

- ii) That the headings ‘Fixed Penalty Notice for Littering’, ‘Fixed Penalty Notice for Graffiti (New Fee)’ and ‘Civil Penalty of Littering for Vehicle (New Fee)’ under ‘Community safety / anti-social behaviour’ be removed from Appendix A and included elsewhere within the report.

Alysse Strachan, Assistant Director of Neighbourhood Services, said in relation to fixed penalty notices, that these were not necessarily used for financial gain, but rather to act as a deterrent for people to stop doing certain things such as littering. The maximum amount that could be used, was being pursued for this reason.

AGREED: That Cabinet noted the report and:

- i) **To increase fees and charges detailed at Appendix A, from 1 January 2024. This included a wide range of fees and charges but excluded parking.**
- ii) **To go out to public consultation on the proposed parking fees and charges set out at Appendix B, for 21 days, ahead of proposed implementation of revised fees and charges from February 2024.**
- iii) **Agreed that the Executive Director of Place Services in consultation with the Leader of the Council, Cabinet Member for Finance and Cabinet Member for Highways and Transport, will approve revised parking fees and charges, following the end of the consultation period and analysis of the feedback; and implement these after the mandatory 28-day notice period.**
- iv) **That the headings of ‘Fixed Penalty Notice for fly tipping’ and ‘Fixed Penalty Notice for failing to produce documentation for the transfer of waste’ be removed from Appendix A, with the further remaining headings under ‘Environmental Protection’ to be reviewed, with an updated version to be published within the consultation.**
- v) **That the headings ‘Fixed Penalty Notice for Littering’, ‘Fixed Penalty Notice for Graffiti (New Fee)’ and ‘Civil Penalty of Littering for Vehicle (New Fee)’ under ‘Community safety / anti-social behaviour’ be removed from Appendix A and included elsewhere within the report.**

Council Tax Base 2024/25

Councillor Jones introduced the report by saying that the objective of the report was to reset the Council’s tax base to a more realistic level, which was because the borough predicted that they would be in receipt of less income. She said that this was a legacy issue and that action now needed to be taken. She ended her submission by outlining the recommendations that were before Cabinet.

AGREED: That Cabinet noted the report and:

- i) **Approved the Council Tax base for the whole of the Borough area, for 2024/25 at 69,742.5 as detailed in the report and appendices. This was a decrease of 507.7 over the 2023/24 base, a 0.72% decrease.**
- ii) **Noted a Council Tax collection rate of 98.5% for 2024/25.**
- iii) **Noted an estimated deficit on the Council Tax Collection Fund in 2023/24 of £0.801m of which the Council’s share was £0.633m**

The meeting, which began at 7.00 pm, finished at 8.12 pm

CHAIR.....

DATE.....