

**AT A MEETING OF THE BOROUGH COUNCIL held in the Council Chamber -
Town Hall - Maidenhead on Monday 11 March 2024**

PRESENT: The Mayor (Councillor Neil Knowles), The Deputy Mayor (Councillor Simon Bond)

Councillors Clive Baskerville, Adam Bermange, George Blundell, Mandy Brar, Catherine Del Campo, Alison Carpenter, Richard Coe, Suzanne Cross, Carole Da Costa, Wisdom Da Costa, Devon Davies, Karen Davies, Jack Douglas, Genevieve Gosling, Jodie Grove, Geoff Hill, Mark Howard, Maureen Hunt, Lynne Jones, Ewan Larcombe, Sayonara Luxton, Asghar Majeed, Siân Martin, Chris Moriarty, Helen Price, Gary Reeves, Joshua Reynolds, Julian Sharpe, George Shaw, Gurch Singh, Kashmir Singh, John Story, Helen Taylor, Amy Tisi, Julian Tisi, Leo Walters, Simon Werner and Mark Wilson

Officers: Stephen Evans, Elaine Browne and Kirsty Hunt

50. Apologies for Absence

Apologies for absence were received from Councillor Buckely.

51. Council Minutes

The Mayor noted that the minutes of the budget meeting held on 29 February 2024 were not yet available for review and would be considered at the April meeting.

52. Declarations of Interest

Councillor Moriarty declared a personal interest in agenda item eight, Overview and Scrutiny Co-Optees, by virtue of having a personal relationship with one of the proposed Co-Optees listed but he did not believe it presented a conflict of interest or would affect his approach to considering the agenda item.

53. Mayor's Communications

The Mayor shared a series of images with the meeting to highlight activities he and the Deputy Mayor had attended since the previous Council meeting including:

- attending the World Day of Prayer service at High Street Methodist Church, Maidenhead
- attending the Hungerford Star Dinner
- visiting the Maidenhead Rotary's Maidenhead Big Read Festival at Maidenhead Library
- attending the Lord Lieutenant's Awards Ceremony
- attending the Windsor and Eton Society Dinner
- attending the Maidenhead's Got Talent event
- attending the Windsor and Maidenhead Symphony Orchestra concert

54. Public Questions

The Mayor advised that the first public question set out in the agenda had been withdrawn.

b) Sir Brian Donohoe from outside the borough asked the following question of Councillor Werner, Leader of the Council and Cabinet member for Community Partnerships, Public Protection and Maidenhead

COUNCIL - 11.03.24

RBWM entered into a £90,000 settlement on 24/11/2006 with a part 20 defendant in consolidation action number WC049023. This protected the defendant from all future liability, and included a non-disclosure clause.

Why does RBWM have a policy which allows such contracts in child abuse cases?

Written response: *I have been advised by the Council's Legal Team that in the case referred to in the question, the Council (via its insurers and insurers lawyers) settled with a Part 20 Claimant out of court as part of the civil claim relating to the negligent running of Green Field House by the former Berkshire County Council. As is customary in such settlements, the Council agreed to waive all liability for future civil claims and agreed that the details of the settlement would not be disclosed. The Council does not have a policy in relation to such agreements, these agreements being customary during civil claim settlements and being made on a case by case basis.*

This Settlement Agreement (including the non-disclosure clause) related to the civil negligence claim only; it did not relate to any criminal prosecution of the Part 20 Defendant and it did not prevent the Council from providing evidence in relation to the Part 20 Defendant in any criminal proceedings

Sir Brian Donohoe commented that one of the child abuse victims was refused entry to the Council where he was attempting to whistle blow and officers had shown him the confidential settlement which he understood contained a clause to the effect that a known, or suspected, perpetrator of child abuse was “discharged from any further liability” and for “any claim arising hereafter”. He reported that Council officers had described this clause repeatedly as “customary” and do not rule out its “customary” use in the future. He asked whether officers had shown him the settlement document in preparation for the meeting and whether he agreed that the Council should debate banning the use of taxpayers money to underwrite and protect child abusers from their future financial liability?

Councillor Werner responded that he would ask officers in the Legal team to prepare a written response.

55. Petitions

There were no petitions presented.

56. Establishment of a Joint Committee - the Berkshire Prosperity Board

Council considered the proposed arrangements to establish a fully constituted Joint Committee (to be known as the Berkshire Prosperity Board) from May 2024 to deliver a Berkshire-wide vision for inclusive, green and sustainable economic prosperity.

Councillor Werner explained that over the last few years the Council Leaders from the Berkshire councils had met regularly to look at how their collective power could be used to lobby central government. Previously the Local Enterprise Partnership (LEP) used central government money on schemes that had ‘dreamt up’ with the leadership of each Council. Some of those ideas were developed and implemented and he gave the example of the failure of the station for forecourt design as an example of how the LEP was wasting money. Central government have decided to end LEP funding from the end of March 2024 with those budgets being handed back to groups of local authorities. Working with the other Berkshire Leaders a board was established where we would focus on four different work streams: Net Zero, Health and Inequalities; Education and Skills; Affordable housing development and Strategic Infrastructure. He explained that in the short term the Council would commission the LEP to do some of the work but with the local councils in charge. He was keen to see a pipeline of ideas being developed involving all RBWMs partners e.g. Maidenhead Town Partnership and

COUNCIL - 11.03.24

Windsor Vision for when the money becomes available. He concluded that this could have amazing benefits with very little cost to us and it could give us big rewards.

Councillor Jones seconded the proposal.

Councillor Price commented that working collaboratively could bring benefits that working alone just could not. She reflected that the LEP had made some very strange decisions such as the Vicus Way car park and the Maidenhead station forecourt. She hoped that lessons had been learnt, this would not be repeated, and the new board would be more responsible with taxpayers' money. She queried how residents would find out what was happening: would the results be reported to Cabinet or to Council, would the minutes be published on the website, would meetings be available to watch on YouTube and would the amount considered in Part Two be minimised. She continued to query who was this new body accountable to and how its success would be measured as the appendix refers to the accountable body, but it was not clear if this was a separate body. She concluded by suggesting that the Corporate Overview and Scrutiny Panel might have a role to play in ensuring the new Boards' efficiency, good use of monies and of officers' time.

Councillor W Da Costa stated that he had dreams and visions for residents and businesses based on many conversations. He imagined a regional green public transport network enabling travellers to travel cheaply and conveniently to their destination and improve footfall, reduce carbon footprint and boost the local economy. He recognised that nature and ecosystems did not worry about council boundaries so suggested a regional biodiversity action plan to build up ecosystems holistically across the region or raising funds publicly and privately to build up green industries in the region. He asked what the Leader and the Chief Executive's visions were for the Berkshire Prosperity Board to achieve for RBWM residents and how would they involve councillors, residents and businesses.

Councillor Hunt commented that the proposal was a good thing, agreed that there must be accountability by another body and supported the comments about transparency and that this could be considered by Overview and Scrutiny.

Councillor Jones commented that the Berkshire Prosperity Board had the potential to provide more flexibility and influence than a single Council would have on its own. It would enable authorities to speak collectively to government and other organisations to secure funding for key projects and would also provide a strengthened case to government and private investors for funding and greater investment for strategic projects across Berkshire. She stated that it could also position Berkshire for potential future devolution proposals to benefit from additional responsibilities and funding opportunities. She believed that meetings would be held in public. She stated that it was low cost and low risk and the benefit was that it could offer opportunity for greater funding and collaboration for strategic investment across Berkshire.

Councillor Werner agreed that it was absolutely imperative that the new Berkshire Prosperity Board was an open and transparent process. He reflected that the previous administration's relationship with the LEP had left the area with ridiculous schemes that wasted money and harmed the well-being of residents. He stated that this would be avoided by making sure that the decisions were open and transparent so they could be debated and that it was not only about being collaborative between the councils in Berkshire but across this Council. The Berkshire Prosperity Board would be accountable to the Council, the meetings would be public meetings that could be attended or watched and he considered it vital that particular decisions were able to be called in to scrutiny. He reflected that Councillor W Da Costa's ideas were the kind of ideas that were already part of the discussion and they would be pursuing all those kind of ideas and more. He concluded that they were not guaranteed the money to pay for all the ideas but by working as a Berkshire wide authority it would mean that they had the clout to hopefully be able to fund at least some of the schemes.

COUNCIL - 11.03.24

On the proposition of Councillor Werner, Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead and seconded by Councillor Jones it was

RESOLVED unanimously that:

- i) the report be noted;**
- ii) the establishment of a fully constituted Joint Committee (to be known as the Berkshire Prosperity Board) be agreed from May 2024 to deliver a Berkshire-wide vision for inclusive, green and sustainable economic prosperity;**
- iii) that the proposed constitution for the Joint Committee be agreed as set out in Appendix A - Functions and Procedure Rules for a Joint Committee, Appendix B - responsibilities of the accountable body and Appendix C - governance structure is approved, subject to the Monitoring Officer being authorised to make minor amendments to the Functions and Procedure Rules in conjunction with the participating authorities; and**
- iv) that the Chief Executive, in consultation with the Leader of the Council, be delegated to agree and enter into a legally binding agreement between the six member authorities setting out the supporting arrangements and responsibilities between the authorities - particularly that between the lead authority (known as the accountable body) - and the other member authorities and go through the relevant democratic process if required.**

57. Overview and Scrutiny Co-Optees

The meeting considered the report recommending the appointment of co-opted representatives to the Place and People Overview and Scrutiny Panel.

Councillor Taylor, Chair of People Overview and Scrutiny Panel explained that the People Panel had the ability to appoint a number of individuals as co-opted members to give the Panel a wide range of viewpoints, knowledge and experience. The People Overview and Scrutiny Panel were seeking to appoint a representative from Church of England diocese, the Roman Catholic diocese, two parent Governor Representatives which one representing the primary phase and one to represent the secondary phase and finally one representative from the Regional Schools commissioner. She explained that the two religious representatives agreed to remain on the panel for a new term. All parent governors were contacted and made aware of the positions available and nominations were received. After discussing with both individuals interested in the primary parent government position one agreed to be representative the other was happy to be a substitute. Mark Jarvis had previously served on the Panel as a Parent Governor and had expressed an interest in remaining. He has a new role as the Chair of Trustees for the Pioneer Educational Trust, which includes RBWM schools such as Desborough College and Trevelyan Middle School, and therefore the Panel have recommended he was also appointed on the Panel as the Regional Schools Commission representative.

Councillor Martin, Chair of Place Overview and Scrutiny Panel explained that the Place Panel similarly were able to appoint two Parish Councillors with one representing the northern parishes and one representing the southern parishes. All Parish councils were made aware of the positions available and nominations were received. Two nominations were received from the southern parishes however one nomination was received after the deadline and therefore this nomination was recommended to be the substitute representative.

COUNCIL - 11.03.24

The report had been considered and recommended by both the People and Place Overview and Scrutiny Panels. Councillor Martin moved the recommendations as listed in the report and this was seconded by Councillor Taylor.

Councillor Hunt commented that the Council was very lucky to have people who wanted to volunteer and reflected that those that had volunteered before had been excellent.

On the proposition of Councillor Martin, Chair of Place Overview and Scrutiny Panel and seconded by Councillor Taylor it was

RESOLVED unanimously that

- i) the report be noted;**
- ii) the appointment of the following representatives be made to the Place Overview and Scrutiny Panel until May 2027:**
 - Louvaine Kneen as the Parish Councillor representing the Northern Parishes
 - Roly Latif and David Sanders (sub) as the Parish Councillors representing the Southern Parishes; and
- iii) the appointment of the following representatives be made to the People Overview and Scrutiny Panel until May 2027:**
 - Tony Wilson as the Church of England diocese representative
 - Catherine Hobbs as the Roman Catholic diocese representative
 - Poornima Karunacadacharan and David Hicks (sub) as the primary parent governor representatives
 - Noel Wood as the secondary parent governor representative
 - Mark Jervis as an additional co-optee on the Panel.

58. Councillors' Questions

a) Councillor Larcombe asked the following question of Councillor Werner, Leader and Cabinet member for Community Partnerships, Public Protection and Maidenhead

Four of the five Directors of RBWM Property Company Ltd resigned on 13 February 2024. Can you please explain the circumstances behind these resignations?

Written response: In terms of the reasons for these resignations, the decision of the former Chair and the non-exec directors is their own and we thank them for their contribution. A new interim company board has since been installed.

Regarding the RBWM Property Company more widely, as part of our financial recovery plan we're looking at all services to determine whether the current delivery model is the right one - that's something we have to do given the pressures facing the council. It's in this context that we'll be reviewing the Property Company and the services it provides, although no decisions have been taken about future approach. We've also taken steps more recently to strengthen council oversight of the company, which was needed.

Councillor Larcombe asked how much had the property company had cost the Council. He clarified that he meant that when the property company was set up in 2011 there were expectations as to how it would perform over the years and he wondered whether it had performed in accordance with those expectations.

Councillor Werner replied he had wanted to tackle the scrutiny of the property company when he became Leader and implemented scrutiny changes two levels: as owners of the property company they put in place a shareholder panel but as the Council was also a client they had

COUNCIL - 11.03.24

appointed an officer to act as the main liaison with the property company so it could be scrutinised at that level. At the second shareholders panel they had raised a number of issues with performance and asked for an improvement plan to urgently be put in place. It was the following day that four of the non-executive directors resigned and they have temporarily been replaced with senior officers of the Council while the future of the property company is considered.

b) Councillor Gosling asked the following question of Councillor Reynolds, Cabinet Member for Communities and Leisure

Windsor is one of the UK's best tourist attractions. I believe that our iconic Museum is part of this with an accreditation from The Arts Council. When it charged, it still had a large footfall. Over 1000 people have signed the Museum petitions. What alternative ways are being considered to preserve this attraction for future generations?

Written response: The official RBWM petition has just over 70 signatures from local residents asking us to keep the museum open. You are correct to say that when the museum charged a small admission fee there was an income generation from the museum. When the decision was made by the previous administration to remove the fee, they failed to remove the income target. Therefore, the museum has always been set up to fail in the eyes of the budget.

We are committed to keeping a museum service within Windsor, and options for the museum are currently being explored with stakeholders. The Windsor and Royal Borough collection is a vital part of our history, and we want to ensure that residents still have access to our local heritage.

We're also exploring how we can get the museum to different community groups. Since 2020 0 school trips have been booked to the museum, which is disappointing and somewhat different to what's been shared on social media. Therefore, we're exploring whether we can send the museum collection out to schools and care homes so more of our residents can learn about the history of The Borough.

Councillor Gosling stated that as the draft budget was made public in mid-December there had been plenty of time to make initial inquiries as to likely suitable venues in Windsor. She queried where the museum was going to be put if it was moved, what would the costs be and would there be a charge to customers if the museum was rehoused.

Councillor Reynolds responded that was an interesting question regarding charging as the museum used to have a charge but several years ago that fee was removed but the income target was kept. The previous administration required the museum to generate an income and he queried how the previous administration expected to preserve the attraction for future generations when having that negative target. He explained that in this year's budget the previous administration had zero planned for the museum so there was a one year funding settlement agreed for it last year and the previous administration had not planned for anything for it for this year. He continued that they were exploring how we can get the Museum to different Community groups and noted that since 2020 zero school trips had been booked to the museum which was different to what he had read on some social media platforms. He stated that they wanted to make sure that the museum was set up for the future, worked for the residents of Windsor and Maidenhead as it was a borough Museum, and they were committed to keeping the Museum service in Windsor. He concluded that they would see what the outcome was of the review currently taking place.

c) Councillor Brar asked the following question of Councillor Coe, Cabinet Member for Cabinet Member for Household & Regulatory Services

COUNCIL - 11.03.24

Can I be assured that the Environment Agency and council will engage with Bisham Parish Council and the flood wardens to make sure that any lessons are learnt from the recent flood events on the Thames?

Written response: The council is working through its debrief process to ensure the lessons are learnt from the recent major flooding incident across the borough. This includes working with multi-agency partners as well as meeting with all local communities affected by the incident to get feedback on how we can improve our plans and complete our statutory duty to investigate all flooding incidents as the lead local flood authority. The council has provided all impacted Parish Councils the opportunity to feed into the Council's debrief process through a survey. This has helped to shape immediate learning which can change processes quickly ahead of any new flood events. Meetings with each impacted Parish Council are being organised to collect data for the Section 19 Flood Investigation Report. 3 of these have been completed and the final details of the remaining 3 are being put together.

The council has also secured the support of Environment Agency and Thames Water to meet with Bisham and Cookham Parish Councils to discuss their concerns. We are in the process of finalising the details of that meeting.

Although the formal review has a timetable, we will continue to welcome stakeholder ideas on how we can improve at any time.

Councillor Brar asked as her supplementary question whether Councillor Coe agreed that they could only solve flooding issues in Cookham or other parishes, which were liable to flooding, if the national government accepted responsibility for it.

Councillor Coe did agree and stated that it was easy for Cookham, Bisham and also Hurley to get forgotten with all the focus that was put on Datchet, Horton and Wraysbury and Old Windsor which suffered with flooding as well. He continued that the responsibility for the channels around Cookham, which flooded during the recent incident, rest with the Environment Agency and the channels around Cookham are what is known as 'main Channel' which are drainage channels which are responsibility of the Environment Agency to maintain or to enforce maintenance. This includes the channel at Cookham Moor which burst its banks and flooded the whole area around the Causeway. He stated that addressing the problems with a river as significant as the Thames and the channels that come off it around Cookham was definitely a matter which is beyond the scale of a small unitary authority to fund. He reflected that national government needed to stop trying to kick the issue down the road, take responsibility for this national issue and infrastructure of such national importance.

d) Councillor Price asked the following question of Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management

A Motion was agreed by Council in September relating to Part II items. When will the periodic review take place regarding historic Part II decisions?

Written response: The council is fully supportive of a new approach to transparency and this can be clearly seen in the subsequent reduction of information reserved for part 2 discussions to date in the interests of local democracy. Since last summer, steps have been taken to reduce the number of Part 2 papers over the past year and ensure that more information is covered in Part 1 discussions. I fully supported the Motion agreed by Full Council in July 2023.

Concerning the provision in that Motion to periodically review historic Part 2 Reports and Minutes with a view to publication, this was subject to officer capacity and resource availability.

COUNCIL - 11.03.24

As was noted in the Report of the Chief Financial Officer at Budget Full Council in February 2024 (Appendix O to the Budget Paper), the Council faces a significant risk in relation to capacity, and in all areas of the Council resource has been reduced to very lean levels. Officers are regularly facing difficult decisions on how to prioritise the resources available and our focus is rightly on delivering the budget recently agreed by Full Council to help reduce the risk of effective bankruptcy.

The periodic review of historic Part 2 Reports and Minutes requires significant officer resource and capacity. This impacts both teams within Law & Governance (Information Governance and Democratic Services) and also the relevant Service Areas responsible for the original reports, especially where there has been a high turnover of staff which necessitates lengthy research into historic issues.

Therefore, at the present time, we are prioritising doing what is required to put the council back on a firmer financial footing and deliver the essential services the borough needs. As a consequence, there is, unfortunately, no capacity to prioritise the review of historic reports at present.

However, this does not affect the ability for FOI requests to be made in relation to historic Council Reports, which will be handled through the statutory process.

Councillor Price thanked Councillor Bermange for his response and for spending time with her the previous week to work collaboratively and pragmatically on finding what she believed was an acceptable way forward working with the current limited resources. She asked him to explain further what they had agreed with officers.

Councillor Bermange thanked her for working with him to find this solution to help achieve the aims of the motion and acknowledging the scarce resources available. He had validated the approach with the Monitoring Officer, Democratic Services and the Information Governance Team. As he had noted in the written response the Freedom of Information (FOI) process is an established statutory regime with built-in safeguards, is open to both public and members of the Council and the Council has a duty to comply with this statutory obligation. He explained that the public interest test applied to potentially exempt information was very similar to the test that was applied when determining whether documents needed to be in part two in the first place. He described that when the Freedom of Information team published a former part two report in response to an FOI query they would flag this to Democratic Services team who would add a link to the response on the original meeting agenda page where the restricted report was originally considered. He shared on screen an example of the Alexander Gardens cabinet report from February 2000 which was now available via an FOI query. All members would be made aware that this has happened and the details. He asked that if Councillors were aware of any particular past FOI responses that should be linked to past agendas they should advise him or Democratic Services and these would be retrospectively linked.

59. Motions on Notice

Motion a) regarding minimising the probability of flooding by ensuring that land drainage infrastructure was maintained

Councillor Larcombe introduced his motion as set out in the Council agenda. He referred to the Councillor question about flooding earlier in the agenda stating that the upstream catchment was about 8,500 square kilometers and once the area was saturated every drop of rain came past here, especially in the winter season. As part of the answer to the earlier Councillor question reference was made to the Section 19 report which was a report on what had happened during the last flooding event and he queried where the report went.

He referred to Councillor Walters who had objected, 30 years ago, to what is now known as The Jubilee River and recognised his efforts to ensure that it was considered by the Planning

COUNCIL - 11.03.24

Committee. He recounted that the Inspector had said “it would be very embarrassing for all concerned if the new channel did not carry its design capacity” and stated that it could not and never would.

He continued that 20 years later his ward, Datchet, Horton and Wraysbury, repeatedly flooded every time the gates were opened and highlighted that this was not a natural flooding event but someone was sitting in an office looking at a chart and pressing a button.

Councillor Larcombe described his ward, Datchet, Horton and Wraysbury, explaining that apart from two motorways, two railway lines with two railway stations his patch had the Thames, the Jubilee River, the Myrke which was a designated main river, the Datchet Common Brook, Wraysbury Drain which was a critical ordinary water course, the Horton drain, the Cole Brook which was another designated main river and the County Ditch.

He explained that the area flooded at the beginning of January and they were still flooded today because the ordinary water courses and the channels had not been kept clean and tidy for years. He recognised this was a nationwide and political problem and the issue for Datchet, Horton and Wraysbury was that it was geopolitical because they were at the end of the borough and at the end of the county.

He stated that the legislation was substandard as there was no duty anywhere for anybody to keep these water courses and the land drainage infrastructure clean and tidy. A Lead Local Flood Authority resulted from the Floods and Water Management Act 2010 but he queried who they were and what did they do. He reflected on the changes to partnership funding. He concluded that the images shared with the meeting was a road in Wraysbury called Feathers Lane from previous flooding in 2011.

Councillor Werner seconded the motion.

Councillor W Da Costa supported the motion. He reported that recent training on emergency planning within the borough. He reflected that due to the climate change they were observing increased amounts of carbon emissions, weather warnings and floods. He stated that he did not think that the existing plan dealt with the worsening situation. He suggested that it may be something for the Berkshire Prosperity Board to consider building in resilience to protect residents, farmland and businesses.

Councillor J Grove commented that the recent flooding event in January had focused attention on the ongoing and ever worsening risk of flood events within the borough. The water had behaved very differently this year compared to the floods of 2013 and 2014. The preceding six months had been exceptionally wet but they could not ignore the deteriorated state of land drainage systems. As a Council we are looking to the government for funding for a long-term meaningful flood defence system in the form of a flood alleviation channel e.g. RTS Channel One. Even if successful this would take years to build but a difference could be made now as well-maintained land drainage infrastructure were essential to protect the properties, businesses and possibly the lives of the residents. She suggested that investment was financially prudent as flooding events were becoming more regular and the cost for recovery and reinstatement post flooding was increasing. She concluded that she supported the motion.

Councillor Reynolds agreed that it was really important that not only the infrastructure was built but it is then maintained so it is fit for purpose. He agreed with earlier comments that land drainage was also really important as they were aware that green areas in many wards flooded when it rained. He referred to a number of sites due to be built upon within the Borough Local Plan and raised concerns that plans to build homes on flood plains and green sites did not sit well with making improvements to reduce flooding.

COUNCIL - 11.03.24

Councillor Howard reiterated the comments about reducing the amount of flood plains, which slow the transit of water into the river, by covering them in concrete the flow channels are not maintained. He raised the misery of polluted water coming into people's houses as the water mains were leaking and raw sewage was being pumped into the flood water.

Councillor Jones also supported the motion noting that the responsibilities for maintenance of different land drainage infrastructures lay with different people or Organisations. She stated that everyone needed to step up and take responsibility because without everybody maintaining the infrastructure it just would not change.

Councillor Bermanage referred to the council's ability to serve enforcement notices under the Land Drainage Act. He advised that the council did not currently have a land drainage enforcement policy but hoped it was something they would have the resources to develop and implement in the future.

Councillor Wilson commented on the unpleasant situation in Eton and Castle where raw sewage had been flowing past residents' back gardens. Paths and fields had been flooding due to lack of channel maintenance and grazing land had now designated a wetland because of poor drainage. He concluded by encouraging the use of local contractors to support the local economy.

Councillor Moriarty thanked Councillor Larcombe for his continuous work to ensure this issue was not ignored. The contributions to the debate showed that this issue was affecting different parts of the borough, even those that were not previously affected. He thanked Councillor Larcombe for ensuring that resource was put into this area and noted his expertise. He was pleased to see the motion seconded by Councillor Werner, that Councillor Coe was working with him and Cabinet members were listening. He understood that creative solutions would be required and concluded by showing admiration for his determination.

Councillor Coe supported the comments made and added that he had been on site visits with Councillor Larcombe to view land drainage and the design of the Jubilee River. He reflected on the difficulties and complications of enforcing maintenance across the number of land and homeowners. He observed that the Council owed a debt to the voluntary groups that helped maintain these water courses as the enforcement resources had been removed within the organisation.

Councillor Walters reflected that he had heard Councillor Larcombe's lone voice for some time. He reflected that previous discussions had been lost and he thanked him for bringing the motion and was pleased to see it supported.

Councillor Reeves mentioned the lack of maintenance of a culvert in Kimbers Lane had caused flooding which meant walkers had to climb over a fence to continue. He stated that developers needed to be reminded that when building on affected land they needed to take appropriate accountability and responsibility for maintenance. He continued that the council should be asking as part of planning conditions that they achieve this critical aim of them taking responsibility.

Council Werner commented that Section 19 report captures each incident in detail and stated it would be foolhardy not to use the report as a work in progress to help fix issues. He said that as council we need to have a plan to help resolve the various issues of the drains and he said the work had already begun. He referred to the pumping station in Cookham which was overwhelmed with recent flooding. Councillor Reynolds was leading a campaign against sewage being pumped into waterways and encouraged everyone to sign his petition. He agreed that it would be a long process. He agreed that it was so important that the national government stepped up and dealt with this emergency. He reflected that this infrastructure issue was the kind of project that the new Berkshire Prosperity Board could support future growth.

Councillor Larcombe summed up the debate by stating that the Environment Agency had failed to maintain the Thames, they got rid of the dredgers, dredger operators and disposal facilities. He described how dredging was currently carried out. He advised that his petition had nearly got 1,200 signatures and would be brought to a future meeting. He stated that people and organisations needed to work together. He commented that there was a lack of oversight and scrutiny as the Flood Liaison Committee was not a committee of the Council. He said there was an opportunity for the new Administration to do better. He wanted to see progress on the Wraysbury Drain as the culvert had not worked for five years. He suggested that Parish Councils were asked to make an annual report about the quality of their land drainage infrastructure in terms of water levels, water flows and water quality. Work with Parish Councils to help identify and communicate with those who were responsible and enforce when action was not taken.

On the proposition of Councillor Larcombe, Ward Councillor for Datchet, Horton and Wraysbury and seconded by Councillor Werner it was

RESOLVED unanimously that this council takes immediate action to ensure that the probability of flooding is minimised by ensuring that land drainage infrastructure is maintained in a condition fit-for-purpose.

60. Appointment of Chair

The Mayor advised that an updated report had been circulated to address the other vacancies that were likely to occur as a consequence of the nominations.

Councillor Bermange introduced the item explaining that the report related to the remainder of the current municipal year as Councillor Reynolds had indicated that he no longer wished to be on the Maidenhead Development Management Committee. His extremely capable vice chair, Councillor Martin, was being proposed to become Chair, he had seen her step up into the role already and she had shown a real skill in managing the lively committee ensuring that all members got a chance to put their views across. He endorsed her nomination as the new Chair and noted that this would require a new Vice Chair be appointed and Councillor Hill was recommended as a long-standing member of the development management committee with a lot of experience in planning matters. He asked those present to note that Councillor Gurch Singh would be appointed as a permanent member of the Committee.

Councillor Reynolds seconded the recommendation and fully supported Councillor Martin's nomination as Chair. He noted that in a short time as a councillor she had already shown her skills in chairing the Place Overview and Scrutiny Panel and had chaired the Maidenhead Development Management Committee for the Spencer's Farm agenda item. He concluded that he was delighted that Councillor Martin had agreed to take over as chair with Councillor Hill as Vice Chair.

On the proposition of Councillor Bermange, Cabinet Member for Planning, Legal and Asset Management and seconded by Councillor Reynolds it was

RESOLVED unanimously that:

- i) **Councillor Martin be appointed as Chair of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24;**
- ii) **Councillor Hill be appointed as Vice Chair of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24; and**

- iii) **it be noted that Councillor Gurch Singh has been appointed as a member of the Maidenhead Development Management Committee for the remainder of the municipal year 2023-24.**

61. Annual Meetings Schedule 2024-25

The members present considered the report setting out the programme of meetings for the Council, Cabinet and the other various panels, forums, sub-committees and other bodies administered by Democratic Services for the 2024/25 Municipal Year.

Councillor Werner recommended the meetings programme noting that the schedule tried to avoid school holidays for all the councillors who were parents accepting that if something came up during the year that made one of the dates impossible there would be the opportunity to change it at a later date. Councillor Bermange seconded the proposed programme.

Councillor W Da Costa raised concerns that the proposed schedule did not include any scheduled dates for the Aviation Forum and none had been held since 2023. He stated that was very alarming for Windsor residents who were suffering from the level of aviation noise. He reported that Windsor residents were affected throughout the day with noise at levels that were 30 times greater than the World Health Organisation recommended. He reflected that there were a number of issues that had not been addressed in the Aviation Forum including the noise action plan and the various consultations. He requested that Councillor Werner put in a hybrid meeting of the Aviation Forum each quarter.

Councillor Price recorded her thanks to the officers who had created the meetings programme as she recognised that it was not simply rolled forward from the previous year but incorporated the changes with Cabinet meetings and avoided school holidays.

Councillor Coe responded to Councillor W Da Costa's queries about the Aviation Forum and advised that they had been considering how the Forum could be reformed to make it more purposeful. They were looking to schedule the meetings to fit in with the meetings of the main Heathrow bodies so that the Forum would input into those consultations via RBWMs representative on those panels. He explained that there was a meeting coming up in relation to latest round of consultations and hoped to be able to timetable a programme that interlocked with the meetings of the subgroups so that information could then be discussed at the Aviation Forum. He stated that he had asked for the meetings to be held in Windsor in recognition that area was more affected currently than other parts of the borough.

Councillor W Da Costa requested a guarantee of four meetings per year.

Councillor J Tisi observed that as the Chair of Audit and Governance Committee he recognised that the excellent budget process this year had been supported by how Overview and Scrutiny meetings had been dovetailed to actually get really good scrutiny over the process. He considered that it was a welcome development from the previous CiFPA observations and it was important that they were able to act as a critical friend to the Executive of the Council.

Councillor Bermange reiterated the thanks to the officers in Democratic Services who had worked to accommodate an annual schedule with so many different bodies and getting it all to work together in harmony. He emphasised that avoiding school holidays, wherever possible, was important when recognising that Councillors come from all different walks of life and they needed to make sure that Council meetings were accessible to everyone. He noted that Councillor Coe had already responded to Councillor W Da Costa's comments, acknowledged that the Aviation Forum was a really important body and they would look at firming up the next date soon. He concluded that as the Council moved forward into the next Municipal year they had a comprehensive schedule and should all look forward to it.

COUNCIL - 11.03.24

On the proposition of Councillor Werner, Leader of the Council and Cabinet Member for Community Partnerships, Public Protection and Maidenhead and seconded by Councillor Bermange it was

RESOLVED unanimously that

- i) the report be noted;**
- ii) the programme of meetings for the 2024/25 Municipal Year, attached as Appendix B be approved;**
- iii) the split of virtual meetings/in-person meetings for the 2024/25 Municipal Year, attached as Appendix C be agreed; and**
- iv) that a further review of in-person/virtual meetings would take place if and when legislation is enacted to allow decision making meetings to take place virtually.**

62. Use of Urgency - Early Adoption of Fees and Charges

The meeting considered the report explaining the Early Adoption of Fees and Charges decision, the reasons for it and why the decision was treated as matter of urgency.

Councillor Jones explained that the fees and charges report was originally proposed to be part of the draft Budget report to be considered by Cabinet in November 2023. She explained that when that report was delayed to December the fees and charges element of the report was taken as a separate report to enable it to be implemented according to the planned timetable. The subsequent separation of the two reports meant that the fees and charges report as an individual report was entered onto the forward plan with less than the required 28-day notice period. The report was considered as an urgent item and was agreed by Cabinet on 29 November 2023. To ensure full governance and transparency this report was being brought to the meeting to be noted. This was in accordance with the Constitution in Part Three, Section 15 paragraph 4B which states that the decision taker will provide a full report to the next available Council meeting explaining the decision, the reasons for it and why the decision was treated as a matter of urgency.

Councillor Jones proposed the report be noted and this was seconded by Councillor Werner.

In response to Councillor Price's query it was confirmed that this was the next available Council meeting because the January meeting had been rescheduled and the February meeting was reserved to budget discussions.

Councillor Sharpe was hesitant about the use of urgency for a decision taken in November, that it was not taken through Overview and Scrutiny and did not accept the reasons provided as it did not feel right for a well organised and well-managed Council.

Councillor Reynolds explained that the urgency was due to the state to the Council's finances that had been inherited and the need for the changes to fees and charges to be implemented. He stated that was very clear at the Council meeting on 27 September that an action plan was being put together which included maximising income from fees and charges. He continued that the Chair of Corporate Overview and Scrutiny was consulted about the proposal and a full discussion was held at the time. He did not recall anybody approaching or speaking to us at the time or coming to speak at Cabinet when the item was presented at Cabinet or asking any of these questions at the time of the decision. He concluded that it felt as though the opposition was trying to make a political point out of something that was very clearly constitutional.

COUNCIL - 11.03.24

Council Bermange commented that considering this report actually showed an example of good governance as they had identified there was a technical issue with the separation of the fees and charges item from the wider budget paper which was advertised correctly on the Forward Plan. He described the full process undertaken, as set out in the report, to separate the two items. He stated that it demonstrated the administration were committed to good and clear governance.

In response to Councillor C Da Costa's question it was clarified that the original decision was not being revisited but the report included details of the original decisions' implementation timetable at paragraph nine to explain the need for urgency in November.

Councillor W Da Costa queried whether elements of the fees and charges could be discussed.

It was reiterated again by the Monitoring Officer that the constitution required that whenever urgent decision decisions were taken this should be reported to the next available Council meeting explaining the original decision, the reasons for it and why the decision was treated as a matter of urgency. The report was not an opportunity to revisit the original decision but the reasons for it to be taken under urgency was to be noted by the Council.

Councillor Reeves stated that the report had to be taken as a separate item at Cabinet to allow the public consultation to be undertaken and allow the implementation timetable to be met. He stated that the purpose of the report was really clear.

Councillor Carpenter commented that she did not believe that the Council did listen to what the residents wanted in relation to parking fees as part of the consultation.

Councillor Werner considered the report to be an example of the partnership Cabinet of delivering good simple governance but there was still some misunderstanding. He noted that the Constitutional Working Group could look at constitutional issues and if there were suggestions for changes in the Constitution with regard to urgency items then he was happy to work with colleagues to improve the Constitution.

Councillor Jones summed up by reiterating the technical process that had been followed and the constitutional reason why the report had been brought to Council's attention for noting.

As per Council agenda rule C17.3.4 the following Councillors requested that how they voted be recorded in the minutes. Councillors Gosling, Hunt, Luxton, Majeed, Sharpe, Story and Walters abstained from the vote to note to the report and accept the reasons provided.

On the proposition of Councillor Jones, Deputy Leader of the Council and Cabinet member for Finance and seconded by Councillor Werner it was

RESOLVED that the report and reasons provided for the Cabinet decision on early adoption of fees and charges being taken as an urgency item be noted.

The meeting, which started at 7.00 pm, ended at 9.00 pm.