



## Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 29 March 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 10.00 am and concluding at 12.15 pm.

### Members present

M Tett, Cllr A Macpherson, G Williams, S Bowles, S Broadbent, J Chilver, A Cranmer, C Harriss, N Naylor and P Strachan

### Others in attendance

L Clarke OBE, T Green, A Hussain, R Stuchbury, N Thomas, P Turner and K Wood

### Agenda Item

#### 1 Apologies

Apologies for absence were received from the Chief Executive, Rachael Shimmin.

#### 2 Minutes

**RESOLVED –**

**That the Minutes of the meeting held on 1 March 2022 be approved as a correct record.**

#### 3 Declarations of interest

Cllr S Bowles and P Strachan declared a personal interest as Board Members of Aylesbury Vale Estates.

#### 4 Hot Topics

The following topics were raised:-

##### Leader

The Leader provided an update on the Ukrainian refugee crisis and reported that 2500 Buckinghamshire residents had indicated that they were willing to accommodate refugees. He thanked all the residents for their phenomenal response which was the second highest in the Country. The Council was responsible for checking the suitability of accommodation to see if it was fit for purpose and DBS checks would also need to be undertaken with regard to safeguarding issues for women and children. This was a very resource intensive piece of work and officers were working hard on undertaking checks required by law to enable the families to

be placed as soon as possible.

<https://www.buckinghamshire.gov.uk/community-and-safety/how-we-are-supporting-the-afghan-crisis/>

Deputy Leader and Cabinet Member for Health and Wellbeing

The Department of Health and Social Care have published guidance on 'Market Sustainability and Fair Cost of Care Fund'. This was a result of the White Paper Putting People at the Heart of Care and how authorities calculate market sustainability plans. Some funding had been passported but it was inadequate and therefore she was responding to the consultation on this point.

With regard to the Queens Platinum Jubilee the Council had launched a toolkit which would be issued through Adult Social Care settings and care homes which provided creative ideas on how to celebrate the Jubilee e.g wildflowering planting in care homes and this would be circulated to Members, schools and Parish Councils.

<https://www.buckinghamshire.gov.uk/community-and-safety/the-queens-platinum-jubilee/>

Deputy Leader and Cabinet Member for Planning and Regeneration

The Cabinet Member thanked everyone who had taken part in the questionnaire survey of the Local Plan; of which 3439 responses had been received on the discovery and exploration phase. There was also the Brownfield Call for sites where 275 submissions had been made between 16 February and 6 April 2021 which would be space for 4,900 homes. The Council needed 54,000 new homes so therefore it would be helpful to find further brownfield sites in the area. A second call for sites started in December and the Council have had another 47 sites put forward.

<https://www.buckinghamshire.gov.uk/planning-and-building-control/planning-policy/call-for-brownfield-sites/>

Cabinet Member for Transport

The consultation for Moving Traffic Offences would end on 4 April 2022 and further comments were welcomed.

<https://www.buckinghamshire.gov.uk/news/views-invited-on-new-traffic-offences-enforcement-powers/>

Cabinet Member for Communities

The Household Support Grant of £2.4 million had now been fully committed through a number of channels such as holiday food, voluntary sector funding, community support scheme and the Helping Hand Grants Scheme administered through the Heart of Bucks. The Council were waiting for the Spring Statement which they were hoping would refer to the doubling of the Household Support Grant of £500 million being available.

For the Easter holiday each eligible pupil, who receive free school meals, early years pupil premium or two year old free funded education place should receive a £60 digital food voucher via their schools or early years settings and this additional funding represented the increase in energy and fuel costs. The Leader referred to

the Spring statement and the two initiatives one funding available for those not on the £150 rebate on council tax e.g those who were perhaps in a larger house but income poor and also people in Houses of Multiple Occupation (HMO) and it was good to see that the Government had given the Council some flexibility about these two areas. The Council were hoping to get an extra £2million for the Household Support Grant and no guidance had been issued yet on how it was to be dispensed but it was hoped that this could be used for the Helping Hands Programme which had made an excellent job of supporting those most in need. There were lots of people in Buckinghamshire who were struggling particularly in areas of deprivation. <https://www.buckinghamshire.gov.uk/housing-and-benefits/support-with-food-bills-and-finances/>

Cabinet Member for Education and Children's Services

The Cabinet Member referred to two White Papers; 'Opportunity for All' and the SEND review 'Right Support Right Place Right Time'. The first White Paper referred to lengthening of the school day and extra tuition including the academisation of all schools and these proposals were being considered by the Council. The second White Paper was being considered which provided some additional funding. The implications of this on the Council would be submitted in a future report.

Cabinet Member for Culture and Leisure

The Cabinet Member referred to the delay of the skate park in Buckingham which was due to the Environment Agency carrying out a study into flooding as it was near a flood plain. He also commented that museums and galleries were opening up and there was an exciting programme of summer events.

<https://www.buckinghamshire.gov.uk/culture-and-tourism/museums-and-galleries/>

## 5 Question Time

**Question from Councillor Robin Stuchbury to Councillor Steven Broadbent, Cabinet Member for Transport and Councillor Gareth Williams, Deputy Leader and Cabinet Member for Planning and Regeneration**

**"Delivering on a development agreement (15/01218/AOP) to construct a cycleway within Buckingham**

The above-mentioned planning application and development agreement included a Section 106 agreement to deliver a cycleway serving the new Saint Rumbold's Fields development on Tingewick Road, Buckingham. The cycleway, with a footpath alongside, could be provided along the Scenic Walk and the Railway Walk (map attached to the S106 agreement) and would enable the young people from this development to safely access the secondary schools and primary school within Buckingham. A cycleway would also assist local people in lowering their carbon footprint by reducing the number of journeys by vehicle. Can the Cabinet Member please update me on the progress that has been made to deliver the cycleway?"

**RESPONSE from Councillor Broadbent**

"Thank you for your question regarding the creation of a walking and cycling link,

which relates to a development site titled 'Land North of A421, Tingewick Road, Buckingham'. Your question touches on two matters, a Section 106 contribution and an element of the Section 278 works, which together contribute to the link that you describe. I understand that you have discussed this matter with officers and this response therefore confirms the current position.

To provide context, the creation of this walking and cycling link, referred to as the Railway Walk, is an identified cycle route proposal within the Buckingham Transport Strategy (Outline Cycling Strategy). The Transport Strategy, published and adopted in 2017 following local engagement and consultation, outlines a prioritised range of transport improvements required in response to local growth in Buckingham. This includes measures to enable sustainable and active travel. The Council is now working to deliver these improvements.

The Buckingham Transport Strategy proposes that the Railway Walk, which is an existing informal walking route that follows the alignment of the disused railway line, is upgraded through surfacing works and the creation of a public bridleway, so as to secure walking and cycling rights in perpetuity. Developer funding (Section 106 contribution) and developer-led works (Section 268 works) have since been secured through the 'Land North of A421, Tingewick Road' site to support this link.

#### Section 106 – Sustainable Transport Contribution.

The Section 106 agreement for this site includes a 'Sustainable Transport Contribution' that is *'to be applied for the purpose of constructing a 3 metre wide pedestrian route with street lighting along the route shown by the blue shading on Plan 1'*. The route to be delivered follows the alignment of the discussed railway line between the Tingewick Road (to the north west) and the A421 (to the south east). The Council is responsible for the delivery of this route.

The Section 106 agreement (see Eighth Schedule) explains that the Contribution is to be paid by the developer to the Council in 3 instalments, linked to specific dwelling occupation levels. To date, the Council has received the 1<sup>st</sup> instalment, with the 2<sup>nd</sup> and 3<sup>rd</sup> instalments payments requested and due imminently.

Buckinghamshire Council is responsible for ensuring Section 106 contributions are spent in accordance with the purposes and terms on which they are secured. The development and delivery of Section 106 funded transport schemes is managed through a yearly programme, whereby the Council works with partners to progress schemes across Buckinghamshire. The scheme development and delivery process includes engagement with Local Members, Parish & Town Councils and Community Boards.

It is necessary for the Council to prioritise the schemes that it develops and delivers each year. This prioritisation is influenced by factors such as:

- Limited Council officer resource and any capacity constraints of delivery partners
- The funding that has been received towards a project, in the context of the

total amount due. For example, where larger contributions are paid in incremental instalments over a longer time period.

- Expenditure deadlines or funding clawbacks linked to any unspent Section 106 contributions, as specified in Section 106 agreements. These are typically 10 years.
- Alignment with key strategic, policy or local area priorities.

In light of the above factors, the Council has not yet progressed the delivery of the Railway Walk scheme. However, the benefits offered by the delivery of the scheme are recognised and officers are currently undertaking engagement with local members to discuss opportunities for active travel infrastructure in the Buckingham area and confirm local priorities. This information will be considered when prioritising developer-funded schemes for future year delivery.

#### Section 278 works – Saint Rumbold’s Park

Your question also mentions the provision of a footway/cycleway link within the development site itself, through Saint Rumbold’s Park. This link would provide access to and from the development site and the Railway Walk. This link is within the ‘red line boundary’ of the site and forms part of the Section 278 works that are to be delivered by, the developer. This link is to be constructed as part of Phase 3 of the development site.

The provision of this footway/cycleway link was secured through Condition 20 of the Outline Planning Permission, reference 15/01218/AOP. Condition 20 was approved through the reserved matters application, secured through Condition 1 of the reserved matters application (reference 17/04668/ADP), which states:

- *Condition 1: the construction of any work commencing on St Rumbolds Park full details of the design specifications and method of construction for the pedestrian/cycle link through St Rumbolds Park and timing to implement the works shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details*
- *Reason: To ensure the remaining details required by condition 20 of the outline planning permission are satisfactory and are carried out*

The Council is responsible for ensuring that Conditions are met before they are discharged. Based on the information that has been provided by the developer, the Council has agreed that Condition 1 has been met. However, prior to the construction of the link, the Council is currently investigating whether a variation to the surfacing material that is currently proposed (Breedon Gravel has planning consent) can be made. It is hoped that a hard surfaced pathway can be achieved so as to maximise the opportunity for active travel connectivity between the site and the Railway Walk, once it is delivered.

I understand officers have informed you of the current position, as discussions are currently taking pace with the developer and archaeology team, and will provide a further update once available.”

**Question from Councillor Tony Green to Councillor Peter Strachan, Cabinet Member for Climate Change and Environment**

“The report states that residents residing in the former Wycombe area receive a free garden waste collection service for their first bin or bags. This is not a factual statement as the service is not “free”. Wycombe District Council decided many years ago that green waste collection would be funded, like other waste collection, out of the general fund rather than as a separate charge to users. This meant that the cost was collected from residents through their council tax, meaning that those residents in lower band properties, which were more likely to generate less green waste, paid less whereas those in higher band properties, which were likely to generate more green waste, paid more. This is the general principle of council tax.

The annual charge that is being proposed is, by comparison, a regressive tax as the same charge is levied onto everyone who uses the service irrespective of income or the amount that they use the service.

I believe that a fairer method of charging for green waste collection, if the decision is made not to continue funding it from the general fund, is to charge by usage. This means that a resident with a small garden who uses their green bins four or five times a year will pay less than a resident with a large garden who might use their bin 20 times a year.

Given that stickers are being supplied to residents who opt into the scheme, it would be relatively easy to have a unique bar-code on each sticker, identifying the property. When the bin is put out for collection, the contractor would scan the bar-code and register the collection. This would enable the resident to be billed for the number of collections that they utilise.

This seems to me to be a much fairer way of charging. Would you agree?”

**Response from Councillor Strachan**

“Garden waste charges have been in place across the Aylesbury Vale, Chiltern and South Bucks collection areas for a number of years and have operated on a simple basis where one payment is made to opt-in to the service and however much waste is produced by the resident and placed in the bin will be removed.

Furthermore, it would not be usual process to charge all residents for a service which is not used universally. The green waste kerbside collection is used by an average of about 35% of households so it is fairer to charge at the point of use rather than via council tax.

A 'pay as you use' method would be very difficult and costly to set up, implement and bill resident who use the system. The current charge of £50 per annum per bin equates to about £1.08 per week and this income would almost certainly be nowhere near enough to cover operational costs for a pay as you go system. So, this

is not supported.”

**Question from Councillors Lesley Clarke and Arif Hussain to Councillor Peter Strachan, Cabinet Member for Climate Change and Environment**

“The Cabinet is aware that the Wycombe District Council legacy area has never charged for green waste and this cost would cause another expense, considering that last year Band D Council tax precept was levelled up to bring it in line with the other 3 legacy councils. Something called equalisation!

Would the Cabinet therefore consider implementing the charges for Green Waste over a 5-year period, with the yearly amount being £10 for the first year, increasing incrementally by £10 per annum, bringing the total at the end of the fifth year to £50, the now proposed charge for the green waste collection across Buckinghamshire? And for this to be to **ALL** legacy council areas showing this to be a unified cost across the Buckinghamshire Unitary Council area?

This would show that the “equalisation” charge from a Unitary Council does acknowledge the increase in costs for some but shows a promised eventual savings to **ALL** its residents in the long term. We are concerned that likely backlash may well see residents of the former Wycombe area requesting this Council remove their green bin, which would lead to extra costs for this Council, notwithstanding, of course, the extra storage costs of the green bins returned to the Council. Further the decrease in the green waste collection will, we believe, have a knock-on effect not only on the Council’s recycling rates, but also on the composting of this collected green waste, of which this Council does receive an income? It may too, see an increase in fly tipping, which is something we believe that no one would wish to see?

We believe in considering to levy this charge in this way the Council will keep to its green credentials, albeit on an incremental basis, and helps **ALL** Buckinghamshire local residents to keep using this service and not see them using the grey bin for green waste, or indeed taking it to the waste recycling sites themselves, which would, after all, increase the carbon footprint that the Council is trying desperately to reduce in its pursuance of net zero?

Thank you for listening.”

**Response from Councillor Strachan**

"Thank you for the question. To confirm - the charge will be opt-in and not compulsory - residents can still access household recycling centres for free disposal or make use of discounted compost bins the Council offers. Having a starting charge increasing annually is not the method by which other areas introduced charging and under the current circumstance doesn't seem logical to reduce the charges across the county.

The notion of a variable charge based on households implies that charges could be

raised significantly if household income increases. Currently charges are pegged to contract (or in house) service costs. This method is transparent and fairer for all Council taxpayers than a more variable approach.

Also by having a £10 starting charge in year 1 for all residents in the County would cost the Council at least £1.8M in lost income.

To confirm the council receives no income from composting garden waste, it is a substantial cost to the Council to have its green waste treated and turned into compost. The cost, however, is much more acceptable from the environmental perspective than options such as landfill or incineration.

Garden waste charges have been in place across the Aylesbury Vale, Chiltern and South Bucks collection areas for a number of years. There is no evidence to suggest fly-tipping of garden waste happens more in these areas than the Wycombe area (where the collections are free). Garden waste is not a common material to be fly-tipped, and if it does occur it is usually a commercial fly tip of garden waste produced by a professional gardeners or companies.

All Household Recycling Centres accept garden waste free of charge and it remains one of the most popular items to be brought to the sites, irrespective of whether an area charges for kerbside collection or not.”

**Question from Councillor Katrina Wood to Councillor Peter Strachan, Cabinet Member for Environment and Climate Change**

“As an elected member for an area in the former Wycombe District Council area you will not be surprised that I am disappointed to see the paper on waste charges coming forward to Cabinet today. Whilst I do understand the reasons it does not mean that I approve of yet another move that disadvantages Wycombe residents. Firstly, the Council tax harmonisation which adversely affected them, now the introduction of the charging for green waste and finally also in the same paper the alignment of collections over December and January to a far longer length of time than existing.

Other colleagues will be covering the introduction of green waste charges to Wycombe residents so I will concentrate on the reduction in service that is also being proposed in this paper.

Although collection rates drop in December and January it does not mean that there is no Green Waste being produced for collection. The only time it isn't is if we have snow for that period! It is also easy to say residents can take the waste to a HWC but that is not easy for everyone to do. Many don't drive or have disabilities that prevent them lifting heavy bags. Also with the increased costs in petrol it is another burden to residents.

Please could the Cabinet member explain the following.

The assumed take up of paid for waste collection in the former Wycombe area is only expected to be 32.5% of households, and at the moment the waste company are collecting 100% of properties in January. You will not be saving on salaries or operational costs, so why could the alignment not have been at 4 weeks which is nearer halfway between the two existing options rather than 6. Also please explain what will happen to the existing 1000 tonnes of garden waste collected in Southern Buckinghamshire in January, accepting that it will be slightly less if only around 32% of Wycombe residents will be having Green Waste collected but remembering that figure includes Chiltern and South Bucks reduced numbers as they already pay for their collections.

Surely this will be a false saving as that 1000 tonnes will have to go somewhere and at some time so more rounds will be needed in February to clear the backlog as vehicles will be fuller quicker and need to be emptied more often.

I would urge Cabinet to reconsider this option and reduce the winter shutdown period to 4 weeks and reduce the number of collections to 48 per annum rather than 46 as recommended.”

#### **Response from Councillor Strachan**

The alignment to 6 weeks has been set at the period to enable resources to be used on higher priority services during that period such as Recycling.

In the north they have been operating with an 8 week suspension period for over 8 years and that has worked well with very few complaints about that policy and no issues about the amount of garden waste that is then collected when the service is restarted. In fact, the Green waste volume does not return to spring levels historically until March and April. Those residents that might have more garden waste have the option to take it to their nearest HRC and there has never been the need for extra rounds in February to collect heavy bins.

To confirm - a further suspension period in the South will allow the Contractor to deploy its workforce more efficiently during a busy period of refuse collection which could well accrue further savings for the Council.”

#### **6 Forward Plan (28 Day Notice)**

The Leader introduced the Forward Plan and commended it to all Members of the Council and the public, as a document that gave forewarning of what Cabinet would be discussing at forthcoming meetings.

**RESOLVED – That the Cabinet Forward Plan be noted.**

#### **7 Succeeding as a Place: Achieving our Shared Vision for Buckinghamshire to 2050**

The Buckinghamshire Strategic Vision for 2050 had been developed by the Buckinghamshire Growth Board with input from partner organisations and other key stakeholders including the Local Enterprise Board, Bucks Business First, Healthcare

Trust, Clinical Commissioning Group and the Voluntary and Community Sector. The Growth Board had approved the most recent draft with minor changes at its December 2021 meeting and it was now ready for endorsement by its partner boards, including Buckinghamshire Council's Cabinet.

The Strategic Vision was a multi-purpose document that set out the key priorities and objectives partners (including the Council) would take forward. The Strategic Vision was influential in guiding emerging strategies and played a core function in the deliverables of the Growth Board partners. It also established our identity and sets out the aspirations to Buckinghamshire's residents and businesses, as well as regionally and nationally.

The content of The Strategic Vision was written in conjunction with Buckinghamshire's Recovery and Growth Proposal looking closely at how the objectives aligned in delivering a Buckinghamshire that facilitates placemaking and economic growth. The Strategic Vision for Buckinghamshire would:

- **Express our shared ambition and focus** by setting the commitment and direction to improve the economic, environmental and social health of Buckinghamshire.
- **Tell the compelling narrative for Buckinghamshire** by using our single voice to make clear our willingness to engage and deliver sustainable and ambitious clean growth. Setting out what our priorities are and where we wish to go.
- **Set the strategic direction and overarching guidance** that has previously been absent to enable the shared 2050 goal to be achieved in all future plans, strategies, and frameworks.
- **Establish our identity** nationally and in the context of the wider South East region by bringing together our successes, future opportunities, and challenges.

Members discussed the vision and commented as follows:

- Reference was made to 2.4 of the report with regard to expressing the Council's shared ambition and focus. A suggestion was made here to refer to physical and mental health rather than social health as this had a different connotation.
- The document referred to the environmental ambition to be carbon neutral by 2050 which was ambitious but deliverable.
- This was an exciting document as the Council was aiming to provide over 200,000 jobs and therefore skills training had been incorporated into the document. Good jobs were the key to moving people out of deprivation and improved health and wellbeing.
- Vibrant and connected places would underpin this vision which was supported by national infrastructure such as East West Rail and it was important to focus on inward investment and increased prosperity.
- Another area of focus was digital connectivity as Buckinghamshire was below the national average and employees who worked from home needed to be supported.
- Buckinghamshire faced a number of challenges and significant improvements

needed to be made including areas of deprivation and affordable housing. The Cabinet Member for Education and Children's services commented that there were 124,000 children in Buckinghamshire and 7,000 children received free school meals which showed that the County was not as affluent as it appeared.

Cabinet Members welcomed the report.

**RESOLVED –**

**That the Buckinghamshire Growth Board's Strategic Vision to 2050 be endorsed.**

**8 Aligning charges and harmonising operational arrangements for garden waste collections in Buckinghamshire**

Buckinghamshire Council became a unitary authority on 1 April 2020 and at that point inherited different arrangements for the charging for garden waste services from the four district councils. The current arrangements were for residents residing in the former Aylesbury Vale, Chiltern and South Bucks areas to have an 'Opt In' service where participating residents were charged for the collection of their garden waste, whereas residents residing in the former Wycombe area were not charged separately for garden waste collection service for their first bin or bags.

The Cabinet Member for Finance, Resources, Property and Assets informed Members that chargeable garden waste services were an important way to reduce costs and prioritise essential Council services. Chargeable garden waste services delivered significant savings for the Council and currently generated a gross annual income of circa £2.6m. Aligning charges was estimated to generate an additional gross income of between £900,000 and £1.1m annually. This income had been calculated using the annual subscription fee of £50. If a free service was given across Buckinghamshire it would cost the Council over £8 million in the first year and this would impact on frontline services.

Four options were presented in the Cabinet report, with option 1 the recommended option, which was to introduce a chargeable Opt in kerbside garden waste collection service in the former Wycombe District Council area from July 2022.

In addition to harmonisation of charges across Buckinghamshire the report recommended harmonising the operational arrangements for garden waste services to provide the same standard of service to participating residents. This included:

- (i) Introducing stickers in the former South Bucks District area to determine which residents were eligible for their garden container(s) to be emptied.
- (ii) For additional subscriptions to be charged at the same rate and expire at the same time as first subscriptions regardless of when payment was made for any additional subscription(s).
- (iii) Aligning the Garden Waste suspension period to 6 weeks for the winter period.

The Controlled Waste (England and Wales) Regulations 2012 provided powers that local authorities had the discretion to charge for collection and disposal of certain wastes. Paragraph 4 of Schedule 1 of these regulations set out that a council may charge for the collection (but not the disposal) of household garden waste.

Cabinet had previously heard questions from Ward Members, Councillors Tony Green, Lesley Clarke OBE and Katrina Wood in the Written Questions item at the start of the meeting and considered this information as part of their deliberations.

Cabinet Members raised the following during discussion:

- Cabinet Members recognised that whilst this policy change would have a potential impact on Wycombe residents, the current charging arrangements discriminate against Chiltern, South Bucks and Aylesbury residents. The introduction of a charge would treat residents across the whole of the Council's area as equal. As the Council was now unitary it was important to have policy harmonisation. The Leader emphasised the fact that most residents had good access to a Household Waste Recycling Centre which could be used as an alternative to paying the collection charge.
- Reference was made to Councillor Green's question and charging different rates depending on use, which could also be applied to those with disabilities. However, this would be very complex and costly to administer. The proposed recommendations were the best solution.
- A Cabinet Member welcomed the fact that there would be a robust communications campaign after the decision had been taken to ensure that there was sufficient notice of the changes, procedures for opting into the service were advertised and alternatives to treating garden waste either at home or at HRCs were set out for residents to act on in good time. Communications across Buckinghamshire could now be harmonised on waste issues.
- An operational question was raised regarding the stickers and clarity regarding subscription. The Service Director for Neighbourhood Services reported that South Bucks residents would get a new sticker sent to them to put on their bins.
- The cost of the service was very reasonable. However if they needed to use the Household Waste Recycling Service this was a good alternative and customers had given 100% satisfaction rate with the service provided at these sites.
- Only 35% of the population used this service and it would be unfair to charge all residents if they did not need this collection service.

**RESOLVED –**

- (1) That to provide equity across all areas of Buckinghamshire, it be agreed for the Council to harmonise Garden Waste charges across all of Buckinghamshire by introducing 'Opt In' charging from July 2022 for the Wycombe area.**

- (2) **That the operational arrangements for Garden Waste collection services across all of Buckinghamshire be harmonised, as detailed in the Cabinet report.**

## **9 Proposed Littering Enforcement Policy**

Buckinghamshire Council as a unitary authority required a litter enforcement policy in order to undertake Litter Enforcement activities. The legacy Waste Collection Authorities (legacy District Councils) had the legal duties and responsibilities to deal with littering under the Environmental Protection Act 1990. It was for the relevant legacy authorities to consider priorities, investment, disinvestment in service areas including enforcement against Littering. The legacy Buckinghamshire County Council as Waste Disposal Authority had been funded by the legacy District Councils to undertake investigations into Fly-Tipping but didn't have the resources and/or duty to tackle littering.

The report was introduced by the Cabinet Member for Climate Change and Environment who explained that currently there were no adopted littering powers in Buckinghamshire. Littering tended to be a crime which self-perpetuated – often the more people saw it the more they were willing to contribute to the problem. Conversely, the more reduce litter and littering was reduced, the less likely it was that people would do it. Furthermore, littering and fly-tipping were contiguous and tended to link with each other.

As a unitary, Buckinghamshire Council had both waste collection and waste disposal tools available including the legal duties, responsibilities and powers. It was therefore proposed that the Council utilise these available tools and agree arrangements to undertake and enforce littering. The Council could utilise a low-level enforcement response and make use of Fixed Penalty Notices (FPNs) for littering. In the first year of the implementation of the Litter Enforcement policy it would focus on discovery, communication campaigns, education and some Enforcement activity.

Members discussed the report and commented:

- In terms of the process for a Fixed Penalty Notice this would be similar to flytipping and they were looking at enforcement options such as CCTV, dashcams and possibly the use of enforcement officers. With this option it would have to be the owner of the vehicle who would be criminally responsible. It would be too expensive for the Council to go down the civil route. Warnings would be issued first.
- The cost of £70,000 was proportionate which would pay for one officer and a communication plan. It was also important to use education to change behaviour. This could be reviewed later to see if more resources could be utilised.
- It was also important to combine this with litter picking campaigns, particularly with schools and communities as this encouraged good behaviour. Officers were also looking at the verges of A roads which were particularly bad. A Cabinet Member emphasised the importance of road safety and traffic

- management when litter picking in rural areas or by fast roads.
- Littering was anti-social behaviour and there should be no discount for an early fine. Under 17s would be given a formal warning and parents would be engaged to change their behaviour.

**RESOLVED –**

- (1) That the draft Enforcement Policy against Littering (Appendix A to the Cabinet report) be approved.**
- (2) That the utilisation of powers to serve Fixed Penalty Notices (FPN's) in response to littering offences be approved.**
- (3) That a maximum fine of £150.00 be adopted and approved, and that it should not be discounted for early payment.**
- (4) That the level of resources to initially be deployed be approved as the 'Silver Package', as described in Buckinghamshire Council Littering Proposal Tiers at Appendix B to the Cabinet report.**

**10 Buckinghamshire Council Companies Governance**

The Cabinet Member for Finance, Resources, Property and Assets introduced the report and informed Cabinet Members that Buckinghamshire Council had a number of mainly property based subsidiary companies and limited liability partnerships in place (Buckinghamshire Advantage, Consilio Property Ltd, London Road Business Park Management Ltd and Aylesbury Vale Estates). It was timely to review overall all governance arrangements to ensure continued visibility and reinforce best practise to deliver statutory arrangements.

An audit report on Nottingham City Council's arrangements relating to its company, Robin Hood Energy, had stressed the need to ensure that "sufficient checks and balances were in place and in particular that risks were appropriately recognised and managed, that there was an effective scrutiny function and that challenge of political priorities by both members and officers was seen as a positive. This provided an important message that all councils establishing commercial entities should be alive to what is referred to as "institutional blindness". The Council was also aware that external auditors, such as Grant Thornton, had issued public interest reports where local authority companies had performed poorly and where it was found that governance arrangements were not adequate.

Buckinghamshire Council was committed to maintaining strong and robust governance to ensure that decisions were taken in the best interests of the communities it served. As part of this commitment, the Council constantly reviewed its governance arrangements alongside learning best practice with other authorities to ensure the Council continues to meet its statutory obligations in the best way.

Oversight of the Council's companies and limited liability partnerships was currently in place with visibility of Board Minutes and supporting papers being sent to the relevant Cabinet Members, Cabinet Member for Finance, Resources and Property & Assets, and senior officers: Director for Property and Assets, Head of Legal and

Democratic Services, Section 151 officer, and Head of Finance. Business plans of subsidiaries were scrutinised by Cabinet and the Finance and Resources Select Committee. Finance officers regularly attend board meetings of Consilio Property Ltd and Buckinghamshire Advantage.

Section 3 of the Cabinet report detailed the financial implications of the proposals, which were to seek to strengthen and consolidate the financial monitoring undertaken in terms of the Council's subsidiary companies and limited liability partnerships. Key financial monitoring information would be brought together for the Shareholder Committee. This would provide a regular snapshot of the financial performance of each company and the group to support wider decision making. It would also help to raise early concerns about the financial position of any of the subsidiary companies/limited liability partnerships and where necessary discuss and agree appropriate actions. The proposal for a shareholder committee was consistent with the best practice advice in the recent Local Authorities Companies Review Guidance.

Members discussed that proposed arrangements and welcomed the report which provided robust governance, particularly due to some high profile cases such as Nottingham City Council referred to above which unfortunately went into liquidation. It was important to have a clear audit trail of decision making.

**RESOLVED –**

- (1) That the creation of a Shareholder / Member Committee, as detailed in the Cabinet report be approved, to ensure that companies and limited liability partnerships act in the interests of the Council as shareholder, Member and/or lender and contribute to the Council's objectives.**
- (2) That the draft Terms of Reference be noted, and authority be delegated to the Service Director – Property and Assets, in consultation with the Cabinet Member for Finance, Resources, Property and assets to approve the final Terms of Reference.**
- (3) That authority be delegated to the Service Director – Property and Assets, in consultation with the Shareholder / Member Committee, to agree final terms and enter into each Memorandum of Agreement with the relevant company and/or Limited Liability Partnership.**
- (4) That authority be delegated to the Service Director – Property and Assets, in consultation with the Shareholder / Member Committee to approve final terms and arrange to enter into any Service Level Agreements where corporate functions provide support services to the relevant company and/or Limited Liability Partnership.**

**11 Q3 Budget Monitoring Report 2021-22**

The report set out the overview of the financial Revenue and Capital outturn position for Buckinghamshire Council for the financial year 2021/22 as at quarter 3. The Executive Summary highlighted a number of issues including:

- That the local government settlement in February 2022 had for the 4<sup>th</sup>

consecutive year been only for one year. This was due to the Government's intention to reform local government funding and their 'Levelling Up' agenda. There was, therefore, high risk around future funding levels with changes expected from FY 2023/24.

- That in-year pressures in Portfolio budgets had been managed and successfully mitigated, meaning that an element of the corporate contingency budget was no longer required. A contribution to an earmarked reserve was proposed which could be released, if necessary, in future years. This aligned to the Select Committee's view (budget scrutiny task & finish group) on risk and whether the level of contingencies for pressures such as inflation were sufficient.
- That the proposed transfer to reserves would help to mitigate against heightened risks around political uncertainty, global turbulence, inflationary pressures (currently exceeding 5%), social care reform and market sustainability, and the ongoing impact of Covid-19.
- That inflation would impact across revenue and capital in both the direct supply of goods and services. For each 1% change in inflation, the estimated cost was £4.6m annually in revenue and £5.2m across the 4 year capital programme. The revenue budgets for 2022/23 contained contingencies that would provide an element of mitigation, however, consideration would need to be given as to how to further mitigate the impact, and this might have implications for borrowing, cashflow or the scale and scope of projects.

The Appendix provided further detail for each Portfolio and information about performance relating to overdue debts and late payments of commercial debt.

At the end of Q3, an overall favourable variance of £0.9m was forecast after allowing for £6.8m of corporate mitigations. This was a favourable movement of £0.9m since Q2 where a balanced budget position had been reported. The favourable variance comprised:

- £5.9m adverse variance on Portfolio budgets (£4.8m adverse at Q2). This represented 1.4% of the Total Portfolio budgets.
- £4.2m favourable variance on Corporate Contingencies, after a proposed transfer to earmarked reserves of £6.2m (£2.8m Q2).
- £1.9m favourable variation relating to Covid Sales Fees and Charges compensation scheme (£0.9m at Q2). £1.2m of this related to the claim for the current year, as eligible pressures were higher than budgeted for, leading to the additional compensation. A further £0.7m related to the previous year, as further scrutiny had enabled the identification of more compensation than had been identified at financial year end.
- £0.7m favourable variation on Corporate Budgets, principally capital financing costs (£1.1m at Q2).

Section 3 of the report detailed information on savings targets. £13.2m of savings had been incorporated into the approved 2021-22 revenue budgets and it was forward there would be shortfall of £0.5m (£0.6m at Q2), which had been taken into account within Portfolio forecasts.

Section 4 of the report detailed information on:

- **Covid grant funding** – total new grant allocations for FY21/22 not including corporate grants totalled c. £62.7m. Excluding Business Support Grants the total amount carried forward to FY21/22 from the previous financial year totalled c.£15.3m. 16 COVID grants were currently open (excluding corporate grants).
- **The Contain Outbreak Management Fund (COMF)** which provided funding to local authorities to help reduce the spread of coronavirus and supported local public health. Buckinghamshire was expected to benefit from £15.9m of this spread over three financial years.

Members were informed that capital slippage had increased between Q2 and Q3 from 7.9% (£14.8m) to 11.7% (£22.5m). This was now exceeding the Council's target of 10% of budgets and could further increase in the final quarter of the year. As part of the MTFP process, the profile of capital expenditure had been reviewed and challenged to ensure that realistic budgets based on achievable timescales were set. An explanation was provided of specific circumstances impacting on capital projects.

Cabinet Members discussed the Q3 budget monitoring report and commented:

- Whilst some services were overspent others had a surplus but there were a range of pressures impacting on all services which were not forecastable and also the Ukrainian crisis.
- There needed to be adequate contingencies to cover the high end cost of care, particularly residential and nursing care.
- Children services had to pay high costs for placements with external providers; this could relate to seven or eight complex cases. Agency costs have also risen.

**RESOLVED –**

- (1) **That the current forecast outturn for the financial year 2021/22 and the associated risks and opportunities, be noted.**
- (2) **That the principle to transfer unused contingencies at year end, currently forecast at £6.2m, to an earmarked reserve be approved. The reserve will be used to mitigate the potential impact of Local Government fund reform, and heightening risks around the financial implications associated with inflation, Adult Social Care reforms and the ongoing impact of Covid-19.**

## **12 Q3 Performance Report 2021-22**

The Cabinet Member for Finance, Resources, Property and Assets introduced the report which comprised the following two items:

- The performance report, which provided details of the key performance measures reported through the corporate performance framework for 2021/22. The report also includes several indicators without targets for this year, that were being monitored to establish a baseline level of performance and monitor trends. Commentary was provided for each indicator explaining what was being measured, explaining the narrative behind each outturn and detailing improvement actions.

- The performance scorecard, which provided information on four key elements of performance for the Council covering Finance, Customer Service, Performance and Human Resources indicators. These were arranged in four quadrants.

Within the performance report and performance scorecard, outturns that were performing at or better than target are classified as Green, those that were within 5% of the target were Amber and those that were more than 5% of the target were Red. At the end of Quarter 3, 90 indicators had outturns reported with a Red, Amber or Green status. Of these, 62 were Green (69%), 12 were Amber (13%) and 16 were Red (18%).

This was an improved position on Quarter 2 where 53 indicators were reported as Green (63%), 7 were Amber (8%) and 24 were Red (29%).

Cabinet Members then provided comprehensive explanations for the performance marked as red where performance was more than 5% off the target for each of their portfolio's, these were as follows:

#### **Leader**

- **Unemployment Claimant Rate** – the indicator measured the unemployment claimant count in Buckinghamshire and the result was 68% of the national rate against a target of 55%, that was a slight improvement on Q1 and Q2. The report included information on the initiatives underway (both nationally led and locally led) to help move people off the claimant count and into work. There was a shortage of labour at the moment in particular social workers and planners for local government, film industry and the hospitality sector.
- **Strategic Infrastructure projects: % profiled spend achieved** – the target was 75% against the current value of 56.35%. Some of the slippage related to the South East Aylesbury Link Road although Phase 1 was now progressing well with planning permission granted and the detailed design complete. However, delays to the CPO, SRO and the Public Open Space Inquiry had led to a reduced profile of expenditure for Phase 2, although the team was working hard to progress matters to assist in delivering this phase.

#### **Cabinet Member for Climate Change and Environment**

- **% of waste collected for recycling, reuse, composting or anaerobic digestion from household sources (household collection and Household Recycling Centres)** – target of 60% against a current value of 49.85%. As previously reported, some disruption with kerbside collections due to driver shortages and the continued suspension of separate food waste collections meant food was mixed with residual waste in most of the South of the administrative area which impacted on the overall recycling rate.
- **Residual Household Waste per Household (kg)** – the current value was 138.35 kgs of non-recyclable household refuse produced per dwelling against a target of 125 kgs. This was likely attributable to the driver shortages and suspension of separate food waste collections. Information was provided on 'waste

behaviour change' campaigns being undertaken to educate people and reduce non-recyclable waste generated. It was noted that landfill was less than 1%.

#### **Cabinet Member for Communities**

- **% of total climate change spend across all Community Boards compared to profiled spend** – Community Boards had a target to spend 15% of their annual budget on initiatives to tackle climate change. At the end of Q3, £260,043 (44.45%) had been allocated to Community Board environmental projects out of the total budget for these types of projects of £585,000. It was anticipated that this position would improve by year end as a number of projects were in the pipeline.
- **% of total economic recovery spend across all Community Boards compared to profiled spend** – Community Boards had a target to spend 15% of their annual budget on initiatives to aid economic recovery. For Q3, £105,126 (17.97%) had been allocated to Community Board economic recovery projects out of the total budget, for these types of projects of £585,000. Based on projects in the pipeline, this position was expected to improve by year end. Community Boards had been sent a menu of ideas for funding.

#### **Cabinet Member for Culture and Leisure**

There were no indicators for this portfolio area marked as red where performance was more than 5% off the target. He informed Members that the Discover Bucks Museum would be opening on 2 April 2022.

#### **Cabinet Member for Education and Children's Services**

- **% of assessments completed in 45 working days** – target was 84% – achieving this target had been impacted by a 34% rise in the number of children and families assessed between April-December 2021, compared to the same period last year. In response to this, capacity within the service had been increased leading to improved performance during Q3. During Q3 (October to December 2021) the percentage of children's assessments completed within 45 working days had been 74% (1,570 assessments). This is an improvement of seven percentage points (66%) since Q2 (July to September 2021).
- **% of children with Initial Child Protection Conferences completed within 15 working days of the strategy discussion** – the target was 85% against a current value of 61% (34% in Q2). Between April and December 2021, there had been a 59% rise in the number of children subject to an ICPC compared to the same period last year with a particular spike in Q2 (July to September 2021). Capacity within the service had been increased leading to improved performance during Q3, including 75% completed on time during December 2021. The service continues to review out of time cases and monitor safety plans and was satisfied that those children were safe.

#### **Cabinet Member for Finance, Resources, Property and Assets**

There were no indicators for this portfolio area marked as red where performance was more than 5% off the target. There had been a slippage in capital spend but this was closely monitored. There had been an improvement in average waiting times for

customer services which was now 'green' due to hard work by the service area.

#### **Cabinet Member for Health and Wellbeing**

- **% of successful drug treatment completions of those in treatment** – performance was reported for Q2 as data was reported in arrears. Performance was 14.3% against a target of 15.2%, which was benchmarked against the South East of England. It was anticipated that recruitment would help the service to increase successful completions / performance.
- **% of births that receive a face-to-face New Birth Visit within 14 days by a health visitor in the quarter** – this was a target of 90% with a current value of 69.9% (79% in Q2). The proportion of visits had decreased due to staff shortages within the Aylesbury and Wycombe teams. In addition, capacity had been reduced due to responding to an increase in the proportion of the health visiting caseload who are seen on the UPP (Universal Partnership Plus) pathway (safeguarding/vulnerable families) in the period. This data represented visits from health visitors and does not include the visits from a midwife, which mothers would also receive post birth. Information was provided on improvement actions being taken to improve future performance.

#### **Cabinet Member for Housing, Homelessness and Regulatory Services**

- **Number of applicants with/expecting children who have been in non-self contained Bed & Breakfast accommodation for longer than 6 weeks** – there was one family affected against a target of 0. The service had unexpectedly experienced reduced capacity during the quarter, which had resulted in this family not being moved within the indicator timeframe. They had now been allocated accommodation. Measures and staff were now in place to mitigate this in the future.
- **Number of households living in temporary accommodation for over 12 months** – the current value was 86 (78 in Q2) against a target of 32. This was an increase from Q1 and Q2. Numbers had increased due to a change in how they were recorded and the target may need to be reviewed. In addition, there were a number of people needed one bedroom or three/four bedroom accommodation where demands for this type of accommodation were high.
- **% of homelessness decisions taking over 56 days** – the target was 40% but the current value was 50.7% (52% in Q2, 57.7% in Q1). The focus of the housing service was to try and prevent people from becoming homeless, and due to the current number of cases or approaches to the service, timescales for making homelessness decisions have slipped. This had been challenging and would continue to be, as the Department for Levelling Up, Housing and Communities expected further temporary accommodation to be offered to those at risk of rough sleeping due to the colder weather and the Omicron variant. The work required to get people into safety had an impact on the time it took to make full duty decisions.

#### **Cabinet Member for Planning and Regeneration**

- **% of enforcement appeals allowed** – the current value was 28.5% (25% in Q2) and the target 20%. Cabinet Members noted that the results were affected by

low numbers of appeals. In the last quarter, 2 out of 7 appeals had been allowed. The 12 month rolling appeal performance was 19.4% of appeals allowed (3.5 out of 18). New team managers were in place working on the backlog.

#### **Cabinet Member for Transport**

- **% of gullies cleaned against the cyclical gully programme** – the target was 64% against a current value of 60%. The last quarter had continued to be a challenge in terms of the difficulties in delivering this programme due to the effect that Covid-19 and HGV driver shortages had on productivity. The additional supply chain commissioned from September had increased output throughout October and November, although during the shorter work month of December, there were a greater number of driver and operator absence issues. Extreme weather had also impacted on the service.
- **% eligible clients who are provided with transport before the required start date, or no later than 15 working days from the date the transport assessment was completed (SEND), or all information was received to provide transport (Mainstream)** – this had a target of 95% against a current value of 84% (74% in Q2). This reflected the seasonal pattern of school transport provision and nature of the workload at different times of the year. Further development work was underway to amend the 15 working days to start from when the transport assessment was completed for Special Educational Needs and Disability clients so that measures were under the Service areas control. Changes in software due in summer 2022 would also provide better information for team workflows which would help improve operational performance.

#### **RESOLVED –**

- (1) That the Council's performance for the Quarter 3 period 2021-22 be noted.**
- (2) That the actions being taken to improve performance, where required, be noted.**

#### **14 Confidential Minutes**

The Confidential Minutes of the Meeting held on 29 March 2022 were agreed as a correct record.

#### **15 Date of next meeting**

Members were informed that 12 April 2022 Cabinet meeting may be cancelled and would be informed shortly. The following meeting was 10 May 2022.