

Buckinghamshire County Council Select Committee

Environment, Transport and Locality Services

Date: Tuesday 14 April 2015

Time: 10.00 am

Venue: Mezzanine Room 2, County Hall, Aylesbury

AGENDA

9.30 am Pre-meeting Discussion

This session is for members of the Committee only. It is to allow the members time to discuss lines of questioning, areas for discussion and what needs to be achieved during the meeting.

10.00 am Formal Meeting Begins

Agenda Item Time Page No

1 APOLOGIES FOR ABSENCE 10.00am

2 DECLARATIONS OF INTEREST

To disclose any personal or disclosable pecuniary interests.

3 MINUTES 5 - 12

Of the meeting held on 17th March 2015, to be confirmed as a correct record.

4 PUBLIC QUESTIONS





This is an opportunity for members of the public to put a question or raise an issue of concern, related to Environment, Transport and Locality Services. Where possible, the relevant organisation to which the question/issue is directed will be present to give a verbal response. The member of public will be invited to speak for up to four minutes on their issue. A maximum of 30 minutes is set aside for the Public Questions slot in total (including responses and any Committee discussion). This may be extended with the Chairman's discretion.

For full guidance on Public Questions, including how to register a request to speak during this slot, please follow this link:

http://www.buckscc.gov.uk/about-your-council/scrutiny/get-involved/

5 CHAIRMAN'S REPORT

For the Chairman of the Committee to provide an update to the Committee on recent scrutiny related activity.

6 COUNTRY PARKS: A BETTER DELIVERY MODEL FOR 10.10am 13 - 20 BUCKS

10.55am

21 - 38

For members to consider the current arrangements for the management of the County's Country Parks and understand the business unit's plans to review the current arrangements and opportunities for considering different delivery models.

Members will consider whether they wish to carry out any further work on this topic.

Mrs Lesley Clarke OBE, Cabinet Member for Planning and Environment Mr Andrew Fowler, Head of Country Parks Mr Tim Williams, Service Lead Officer

7 LEGAL HIGHS: PREVALENCE AND IMPACTS IN BUCKS

This item is for Members to receive an overview of the issues related to legal highs, the prevalence in Bucks, the financial and social implications of legal high use and the activity and services commissioned by the Council and partners.

Members will consider whether or not there is scope to do more detailed inquiry work on this topic.

Mr Huseyin Djemil, Drug & Alcohol Action Team (DAAT)
Commissioner

Mr Lee Scrafton, DAAT Commissioner & Co-ordinator Ms Amanda Poole, Trading Standards and Community

Safety Manager

8 S106 DRAFT INQUIRY REPORT

11.50am 39 - 58

This item is for Members to consider and agree the draft S106 Inquiry Report, prior to its presentation to Cabinet on 11th May 2015.

Miss Kama Wager, Committee Adviser

9 COMMITTEE WORK PROGRAMME

12pm 59 - 60

Members will discuss the Committee Work Programme and forthcoming Committee items.

10 DATE OF THE NEXT MEETING

12.10pm

The next meeting will take place on Tuesday 19th May 2015 at 10am in Mezzanine Room 2, County Hall, Aylesbury. There will be a pre-meeting for Committee Members at 9.30am.

Purpose of the committee

The Environment, Transport and Locality Services Select Committee shall carry out scrutiny functions for all policies and services relating to environment, transport and locality services, including: Environmental sustainability; Planning & development; Transportation; Road maintenance; Locality services; Community cohesion; Countryside services; Waste, recycling and treatment; Trading standards; Resilience (emergency planning); Voluntary & community sector; Drugs and alcohol issues; and Crime and disorder and crime and disorder reduction partnerships (community safety partnerships).

In accordance with the BCC Constitution, the Environment, Transport and Locality Services Select Committee shall also sit as the designated Crime and Disorder Committee and will hold the countywide Crime and Disorder Reduction Partnership (known as the Safer Bucks Partnership) to account for the decisions it takes and to take part in joint reviews with District Councils of District Crime and Disorder Reduction Partnerships.

Webcasting notice

Please note: this meeting may be filmed for subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.

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If you would like to attend a meeting, but need extra help to do so, for example because of a disability, please contact us as early as possible, so that we can try to put the right support in place.

For further information please contact: Kelly Sutherland on 01296 383602; Email ksutherland@buckscc.gov.uk

Members

Mr W Bendyshe-Brown
Mr D Dhillon
Mr T Butcher
Mr P Gomm
Mr D Carroll (VC)
Mr S Lambert
Mr W Chapple OBE
Mr W Whyte (C)



Buckinghamshire County Council Select Committee

Environment, Transport and Locality Services

Minutes

ENVIRONMENT, TRANSPORT AND LOCALITY SERVICES SELECT COMMITTEE

MINUTES OF THE ENVIRONMENT, TRANSPORT AND LOCALITY SERVICES SELECT COMMITTEE HELD ON TUESDAY 17 MARCH 2015, IN MEZZANINE ROOM 2, COUNTY HALL, AYLESBURY, COMMENCING AT 10.00 AM AND CONCLUDING AT 11.55 AM.

MEMBERS PRESENT

Mr T Butcher, Mr W Chapple OBE, Mr P Gomm, Mr S Lambert and Mr W Whyte (Chairman)

OTHERS IN ATTENDANCE

Ms K Fisher, Ms C Marriott, Ms A Poole, Mrs K Sutherland (Secretary) and Ms K Wager

APOLOGIES FOR ABSENCE

Apologies were received from David Carroll and Dev Dhillon.

2 DECLARATIONS OF INTEREST

Phil Gomm declared an interest for Agenda Item 7 due to his involvement with Crimestoppers. Steve Lambert declared an interest for Agenda Item 7 as the Chairman of Trustees for Youth Concern Aylesbury.

3 MINUTES

The minutes of the meeting held on 3rd February were confirmed as a correct record subject to the following minor amendments:

On Page 9, remove the word 'there' from the final bold paragraph so it would now read 'Can assurance be given that these problems will not re-occur in the future......'

On Page 10, insert the word 'be' into the second question in bold type, so it would now read 'The Select Committee needs to be assured......'. At the bottom of Page 10, 'DFG' should be amended to read 'DFT'.





Finally Steve Lambert was present at the meeting but was not included in the attendance section.

The Chairman noted that a number of actions for the Cabinet Member for Transportation, Mr Freestone and Mr Dando had not all been completed, although the issue of contract variations had been clarified for members.

Miss Kama Wager, Policy Officer – Scrutiny confirmed that the Committee's assessment of progress against recommendations had been recorded in the new format and this chart had been circulated to the Finance and Resources Select Committee and to Cabinet Members. It would also be appended to the Annual Scrutiny Report which would be presented to County Council in April 2015.

4 PUBLIC QUESTIONS

There were no public questions.

5 CHAIRMAN'S REPORT

The Chairman confirmed that the draft report on S106 would be presented to the Committee at the April 14th meeting, with a view to taking the report to Cabinet in May.

During the TfB review with Mike Freestone the Committee had raised some issues regarding value for money and although benchmarking was happening now it was still felt that TfB could be more proactive in this area. The Committee would keep this on the agenda going forward.

The Chairman thanked Miss Kama Wager for all her hard work in support of the Committee over the past two years. Kama Wager would be supporting the Health and Adult Social Care Select Committee from April and the Committee wished her well with this new challenge. The Chairman welcomed Mrs Kelly Sutherland who would be supporting the Committee from April 1st, in her new role of Committee Adviser.

6 THE COUNCIL'S APPROACH TO SUSTAINABLE DRAINAGE (SUDS)

The Chairman welcomed Mrs Karen Fisher, Strategic Flood Management Officer and Mr Martin Dickman, Director of Environment Services to the meeting. The Chairman invited Mrs Fisher to provide members with an overview of the Council's approach to Sustainable Drainage (SUDS) before he invited member's questions. During the presentation and in response to subsequent questions, the following main points were noted:

• The Flood Water Management Act 2010 Schedule 3, introduced the idea of a SUDS Approval Body (SAB) which would be run by the Lead Local Flood Authority (LLFA) but this would not now be enacted. Instead the drainage aspects of planning applications would be referred to the LLFA for advice – in Bucks, this is Buckinghamshire County Council(BCC). This had been confirmed as a statutory duty in the past few days and LLFAs would be expected to deliver this from 15th April 2015.

- In practice, this meant that the Local Planning Authorities (LPAs), the four district councils in Bucks, would consider the LLFA's comments on drainage for all major applications. A major application consisted of 10 properties or more or a site over one hectare in size. Drainage maintenance and management plans would have to be submitted as part of the planning application.
- Internal Drainage Boards would not be statutory consultees, but BCC would speak to them to gain from their expertise, especially in the North of the County. Also water companies would not be statutory consultees, but they were happy to give their feedback.
- Based on the level of major applications this year, it is anticipated that there will be approximately 160 per year for BCC as the LLFA to respond to. There may be some funding from Government to support the new arrangement but this is still to be confirmed and may be in the order of £200-250 per application. As a result of a previous MTP bid, £100,000 base funding was available to cover staff costs and some level of technical advice, but the exact level of funding required will depend on the level of response that BCC choose to provide. In addition three of the four LPAs have indicated that they may also wish to ask for comments on the drainage aspects of minor applications and BCC could charge for this additional service. BCC could also offer pre-application advice for a fee as a way of generating additional income.
- The report in the agenda papers set out three different options for how BCC could discharge these new statutory duties and Option 2 was the recommended option. This involved a risk based approach, with higher risk applications receiving a more detailed response this was likely to be approximately 80 applications per year. It was envisaged that £110,000 total resource would be sufficient to meet the demand, possibly rising to £150,000 if the number of applications increased. This would be met by a combination of MTP budget, Government funding and charging for pre-application advice.
- Job descriptions had been drawn up but it was unlikely that anyone would be appointed
 to the new roles until early Summer, therefore in the interim it was proposed that
 consultant staff from Jacobs would provide responses to the LPAs on a three days per
 week basis. This would be funded by DEFRA funding that was held over from 2014-15
 for setting up SUDS.
- In addition BCC officers were working closely with the LPAs to agree how to process applications efficiently and what information will be needed on the drainage aspects of an application before it is passed through to BCC for a response. Pre-application advice charges were being researched and a proposal on how BCC can introduce this will be developed.
- There were concerns about the inspection and enforcement aspects of SUDS as this
 responsibility lies with the LPAs, therefore alternative options were also being
 researched and costed in preparation for further discussions.
- The Strategic Flood Management Officer was asked what sort of comments would be made on applications and whether the LLFA would have any 'teeth'. She explained that current mapping for surface water and ground water would be used and flood hotspots had been identified over the past two winters. Drainage schemes would have to be presented in detail and greenfield run off would be a key consideration. The principle of

SUDS is to contain water as near to the source as possible and not all within a traditional pipe system, which impacts the number of houses that can be built on a site. Karen Fisher expressed the view that there needed to be more power in the Planning policy - each of the LPAs needed to strengthen their Planning policy to take SUDS into account.

- There were concerns about the LLFA's lack of inspection and enforcement powers. SUDS could be designed well but if not implemented properly, then issues could arise. The LPAs would be responsible for enforcement during the development. The Chairman asked who would own the drainage system of a development once it had been completed. If SUDS related to a highway then BCC would adopt it, but if it was not obviously related to a highway then it would be adopted by a management company.
- The Environment Agency (EA) will remain as a statutory consultee for developments at risk of fluvial flood. The EA have standing advice that will be useful for low risk sites and they are offering training during this transition period.
- SUDS would not impact on BCC's S19 flood investigation responsibilities, indeed S19 investigation reports would constitute a body of evidence to add weight to SUDS recommendations.
- The Strategic Flood Management Officer was asked how other local authorities were approaching the new SUDS duties. Some authorities were further ahead – Kent, Essex and Hertfordshire had appointed people last year in anticipation – whilst others have a recruitment freeze and will be looking at a service similar to Option 1 outlined in the agenda papers. Cambridgeshire had opted for something similar to Option 3, so BCC would monitor their progress.
- A member challenged why BCC should progress Option 2 when it had been acknowledged that there would be no inspection or enforcement rights and BCC could only advise the LPAs surely Option 1 would be sufficient. Alternatively could it be self-financing through charging for pre-application advice? In response, Karen Fisher explained that Option 1 could mean missing out on surface water issues, which would store up problems later on for BCC as the Lead Flood Authority. Also this would not really be complying with the spirit of the Act. BCC would be investigating charging for pre-application advice, but it was not compulsory for developers to seek such advice.
- Another member supported the approach outlined in Option 2, but asked if
 consideration had been given to varying the TfB contract to allow Jacobs to continue to
 respond to applications on a permanent basis. It was acknowledged that this could be
 an option as Jacobs gave a good service and were very highly skilled. Members noted
 that the report did not indicate if other market options had been thoroughly investigated.
- Funding arrangements from the Department for Communities and Local Government had yet to be confirmed. The Chairman commented that this was unacceptable when the statutory duty would begin in two weeks' time and he requested that officers should write to the Minister to express concern at the lateness of the decision.

ACTION: Karen Fisher/Martin Dickman

In conclusion, the Chairman considered each of the eight Actions and Recommendations at the end of the report and summarised the Committee's view as follows:

- Members had challenged the proposed arrangements for the short and longer term, weighing up the statutory duty against the longer term benefits for BCC, as the Leading Flood Authority and therefore considering what arrangements should be put in place.
- It was important that close working with the LPAs continues to ensure there was clarity around processes and how BCC would judge the drainage elements of major applications.
- If BCC were to go down the route of also responding on drainage aspects of minor applications as well, there would need to be a robust business case.
- It was important that a charging structure for pre-application advice was developed promptly, as this would need to go through the Cabinet Member Decision process.
- The Committee would welcome investigation into the options for inspection/enforcement and adoption of SUDS and the development of a business case to support this.

The Chairman thanked Mrs Karen Fisher and Mr Martin Dickman for attending the meeting. The Committee noted the report and asked the officers to consider their points before the report was taken on to Cabinet.

7 SAFER BUCKS COMMUNITY SAFETY PARTNERSHIP PLAN

The Chairman welcomed Mrs Cath Marriot, Community Safety Manager and Mrs Amanda Poole, Head of Trading Standards and Community Safety to the meeting. Cath Marriott reminded members that the draft priorities for the Safer Bucks Plan had been discussed with the Committee at their December 2014 meeting and whilst the Committee was broadly supportive of the priorities, it had been suggested that the Community Safety team should obtain direct feedback from Bucks residents. Following initial stakeholder discussions, the draft priorities were reduced from seven to five and were reworded to make them more accessible for the public, before being included in a short online survey for residents and other key groups, e.g the voluntary sector.

Members were keen to discuss the survey responses, as it was noted that there was a very low level of response from Aylesbury Vale and from young people, who were at high risk of being the victim of crimes against the person. It was therefore very important to gain their views on the plan. In response, the Community Safety Manager explained that the Police had used the Thames Valley Alert system to publicise the survey in Chiltern and South Bucks but not in Aylesbury and this might explain the geographical split of the responses. She would request that the survey be sent out specifically to Aylesbury via the Thames Valley Alert system to see if further responses would be forthcoming. In addition, Community Safety had incorporated some questions into a forthcoming Children and Young People's survey which is distributed via schools. Children and Young People's Boards could also be consulted to make use of their evidence base.

The Chairman commented that the county level priorities included in the draft Safer Bucks Plan were very broad. The Community Safety Manager explained that once the Plan was agreed more specific Action Plans would be drawn up for each priority, utilising existing plans that were already in place across the Partnership.

The Community Safety Manager was asked how successful the Partnership had been in implementing the Plan last year. She explained that a Performance Report was delivered to Cabinet and for the past year Violent Crime had reduced by 3% in total, with night time violence falling by 13% and Domestic Violence by 8%. Acquisitive crime had also reduced by 28% in total, with household burglary falling by 30% and car theft by 40%.

A member commented that page 31 of the agenda papers showed a high level of repeat offending in Bucks and he asked what work was being done to help deter young offenders from reoffending. Cath Marriott reported that there had been a £10,000 increase in the grant to the Youth Offending Service to help target reoffending. Also Wycombe Youth Action target children in need to encourage them not to fall into crime.

A member asked how much of the crime reduction figures could be attributed to the Safer Bucks Plan and how much was simply down to the Police. The Community Safety Manager explained that the Police were a key part of the Community Safety Partnership but their main role was enforcement, while other partners take responsibility for prevention, raising awareness and information and drugs intervention etc.

Members considered the breakdown of the Community Safety Fund Plan and asked how certain elements of the funding would be used in practice. Cath Marriot advised that some funding was related to posts, for example, £85,000 for Independent Domestic Violence Advocates (IDVA) equated to approx. 2.5 full time equivalent posts out of 8 in total in Bucks. Partnership Crime Analysis Capacity showed the rounded down value of analysis work that had been undertaken by BCC on behalf of the Partnership in the last financial year. Previously each of the district councils and Police and Fire had their own analyst, but now this was a shared role, with one full time and one part time analyst at BCC offering this service to the other partners. A member questioned the value of analyst reports versus action on the ground. The Community Safety Manager was able to demonstrate that reports do add value – she had questioned the Thames Valley Scorecard and had developed new, different measures for Bucks in an Integrated Offender Management System. This had subsequently been adopted to replace the Thames Valley Scorecard as it was seen to be producing more meaningful data.

A member asked if there were any funding concerns for the Safer Bucks Plan. The Community Safety Manager advised that she had met with the Police and Crime Commissioner's team to flag up changes to funding and they were broadly happy with the Plan and the evidence base behind it.

The Committee agreed to note the report. The Chairman thanked Mrs Cath Marriott and Mrs Amanda Poole for attending the meeting and asked for clarification of the timetable for the Plan going forward. Members were advised that the Community Safety Manager would consult with the Buckinghamshire Safeguarding Children's Board and the Youth Parliament and send out the online survey via Thames Valley Alerts to residents in Aylesbury Vale, feeding back any significant feedback for the Committee to Kama Wager, Policy Officer – Scrutiny. Then it was hoped that the final version of the Safer Bucks Plan would be presented at Cabinet on 13th April 2015.

ACTION: Cath Marriott

8 FIRST CONSULTATION FOR THE REPLACEMENT MINERALS AND WASTE LOCAL PLAN

The Committee noted the report and that the consultation would run until 2nd April 2015.

9 COMMITTEE WORK PROGRAMME

The Committee discussed agenda items for forthcoming meetings which were itemised on the Work Programme. Members were asked to send any further suggestions of issues for consideration to Kama Wager or Kelly Sutherland.

ACTION: All members

10 DATE OF THE NEXT MEETING

The next meeting is due to take place on Tuesday 14 April 2015, 10am, Mezzanine 2, County Offices, Aylesbury. There will be a pre-meeting for Committee Members at 9.30am.

CHAIRMAN

SUNGHAMSIE RECOUNTS

Agenda Item 6 **Buckinghamshire County Council Select Committee**

Environment, Transport and Locality Services

Report to the Environment, Transport and Locality Services Select Committee

Title: Country Parks

Committee date: 14th April 2015

Author: Andrew Fowler, Country Parks Manager

Contact officer: Andrew Fowler

Report signed off by Cabinet Member: Lesley Clarke, OBE

Electoral divisions affected: All

Purpose of Agenda Item

To provide members with overview information on the County's Country parks to support the committee item on the 14th April. Areas within this report can be expanded upon during the questions and answers within committee.

Background

Buckinghamshire County Council owns (to a greater or lesser extent) and operates four country parks; Black Park, Langley Park, Denham and Thorney (the Parks) in the south of the county. There are no statutory responsibilities on the Council to provide Country Parks, however while the Parks are in the ownership and management of the Council there are legal and operational responsibilities to manage the activity appropriately. These include but are not restricted to Occupiers Liability, Health & Safety at Work, CoSHH, Landlord & Tenant Act, the Reservoirs Act, the Badgers Act, the Wildlife and Countryside Act, CROW Act and the Natural Environment and Rural Communities Act. These all have an impact on how the Parks can be managed and even require particular activities to be completed.

Since 1999 the Parks have been operating under a policy of operational self-financing. This means that they are required to generate all the revenue income required for their daily operations, while core support services e.g. HR, finance and IT continued to be funded centrally. In the early years of the policy this was not achieved and the Parks activities were subsidised by the wider Countryside and Heritage Group. However since 2005 operational self-funding has been achieved and in 2010 an annual income target has been set each year as part of the Place service efficiencies, driving the development of new income generating initiatives. In 2011 Cllr Martin Tett, the Cabinet Member at the time, made provision for a development fund of £300.000 per year, over a three year period, to be set aside to facilitate the development of income generating initiatives.

As well as the traditional country parks activities, the Parks have established a number of leases to provide additional on-site activities including; 2 high ropes courses, off road Segway's, cycle hire and café facilities, all of which help to attract in excess of 850,000 visitors per year and in 2014/15 the combined net turnover of the lease holders and the Parks exceeded £2.45m.

As a result of the Future Shape programme the Council now needs to consider what the most appropriate delivery mechanism might be for the future sustainable management of the Parks to place it in a better commercial position. That may mean remaining within the local authority structure, moving outside the traditional delivery model or potentially a hybrid of the two. Whichever option is chosen will present its own specific challenges and these options will need to be considered in association with other Council policies such as Corporate Landlord and Corporate Identity amongst others.

The four Country Parks, all based in the South of the County, total 800 acres but there are some very complicated legal arrangements on ownership, that will need to be unpicked to understand fully how the parks might function in the future.

Site	Area	Ownership	Visitor	Legal Agreements
		·	Numbers	
Black Park	535	BCC 40%	568,685	Deed of Use
Country ark	acres	SBC 20%		Leases with
-		SBDC 20%		- San Remo Catering
		LCC 20%		- Adventure Forest Ltd (GoApe)
Langley Park	151	BCC 40%	174,530	Deed of Use
Country Park	acres	SBC 20%		Lease with San Remo Catering
-		SBDC 20%		Legal Charge to Veolia visitor building
		LCC 20%		Legally binding boundary agreement
Denham	69 acres	Denham Court Estate:-	127,105	Leases with
Country Park		Freehold – BCC		- Groundwork South
		999yr lease - Buckinghamshire Golf		- Colne Valley Community Interest Company
		Club		- Environment Agency
		CP Lease back to BCC		
Thorney Park	47 acres	BCC	unknown	Angling Lease with British Carp Study Group
				Legal charge to Blue Circle re landfill options

Finances

The tables in appendix A provides some further detail of the income and expenditure during 2014/15 in the operational budget. There is a current income target of £70,805 over and above the operational requirements to sustain the Parks.

Before any future model can be adequately assessed it will be necessary to fully understand the financial value of the physical Country Parks asset and what costs are reasonably and directly attributable to the Country Parks service.

Reserves

In order to reduce the financial risk to the Council a number of financial reserves have been established in recent years. Each reserve has a particular function but the principle is to develop financial reserves so that the Country Parks are able to manage any financial pressures without having to revert back to the Council for financial support; notwithstanding significant Project funding from the Leader of the Council. Each reserve is outlined below.

Equipment and machinery

£ 62,000

This particular reserve was established to address the replacement of specific pieces of equipment that were not affordable under the lease arrangements with the County's fleet management and/or other park specific equipment such as play equipment that requires regular refreshing. There is a specific depreciation and spending plan which allows for the replacement value to be accrued over the life of the equipment.

Maintenance reserve

£221,000

This reserve is in place primarily to address unexpected/unplanned maintenance works that can be inflicted on the parks following severe weather conditions (wind, snow etc.) or enforced closures (fire, site safety concerns, disease outbreaks etc.) where a speedy resolution is necessary to reopen the parks to maintain income generation and access to these facilities.

However £127,000 has been committed from this reserve to facilitate the implementation of a high speed fibre link to Parks. While this is a significant amount to pay from the reserve, the improvements to the Parks IT coupled with planned improvements to the e-commerce system in the HQ Business Unit should enable better on-line sales, events booking and outdoor space hire and should also improve digital communication with our filming customers. This improved link will, of course, enable more efficient integration with the Councils network cutting out lost computer time.

• Income Generation/Development Fund £722,000

The Income Generation/Development Fund reserve is the residual amount from a funding package provided by Cllr. Martin Tett. These funds have been set aside whilst detailed plans have been drawn up for car park improvements and a full feasibility study for an extensive new visitor facility at the Black Park. An element of this funding may also be used, when necessary, to cover the Future Options feasibility study.

Expenditure to date has been committed for design and survey work (topographical, utilities, ecological, hydrological, soils etc.) to fully inform the planned developments. More recently a full building feasibility has been commissioned and should be available in the coming weeks. At the end of summer 2015 works will commence on a new car park design that will increase the capacity of Black Park car park by 50% to help address the peak period capacity issues and provide potentially significant additional income.

• Langley Park HLF Capital Project £174,400

As part of the £3.1m Langley Park restoration project, funded in the main by the Heritage Lottery Fund, there is a legal obligation for the Council to maintain the restored facilities for 10years from the provision

There is a requirement for 1 FTE ranger position to be employed in Langley Park for 3 more years and there is provision for £25,000 per year available in capital funds to support this. The residual £99,400 will be allocated to either car park or visitor centre improvements at Langley Park (see below).

Current Development Activities

of the Grant.

There are a number of sizeable pieces of work that are underway at present to guide the future developments at the parks. These have been developed following customer consultation and advice from consultants commissioned in recent years.

It is noticeable from the analysis of visitor numbers that the Country Parks (Appendix B) are approaching capacity at peak periods during the summer but there is significant capacity, as is expected, during months where the weather is less inviting.

• Black Park Car Park

In order to address the lack of capacity at peak periods the car park at Black Park is being redesigned and expanded to increase capacity from between 350 and 375 to 550 designed capacity and this coupled with the installation of a new pay on foot charging system should have the potential to generate an additional £50,000 per annum and facilitate further access to the parks at peak periods.

This design will be finalised in the next couple of months and will be implemented after the 2015 summer season so that visitor access and income generation from the car parks is not excessively impacted while the improvements are being implemented.

Feasibility study Black Park Visitor Building

It is obvious that visitors are less likely to attend an outdoor facility when the weather is poor and it is noticeable that other successful countryside facilities have invested heavily in indoor facilities so that visitors continue to visit the parks in off peak periods.

Over the last 18months a number of reports have been commissioned to advise the development of a new visitor facility at Black Park including a full building feasibility design. This new facility would incorporate visitor information, retail sales, education, indoor play and a new catering facility to compliment but not duplicate the existing offer.

Costs for outline designs are currently being developed and will allow a full range of fundraising activities to commence in the new financial year if it is considered that the potential income from the building would justify the expenditure.

Events and activities

A full range of commercial activities and events have been under development and trial for the last three years – some have been successful and others less so. Key successes include but are not restricted to outdoor film screening, farmers/craft market, firewood sales, family fun days and early years woodland activity sessions.

All these activities require a significant amount of preparation and while they may not generate significant direct income they do provide additional income in the car parks and potentially draw in new visitors who have not previously used the parks. It should be noted that events income has increased from £1,530 in 2012/13 to £23,630 in 2014/15.

Additional activities for 2015/16 will include new and improved hire spaces, party rooms and packages, an expansion of the events programme (programme available at http://www.buckscc.gov.uk/media/3032150/WEB-2015-Event-Prog.pdf alternatively copies will be available at the meeting.

New Projects

In addition to the existing projects there are also a number of options that are being considered to further support the Country Parks financial sustainability. These currently include cost benefit analysis of:

- an extension to the Langley Park visitor building to provide indoor seating
- an extension to the Langley Park car park
- the introduction of peak period charging at Langley Park
- extension of the peak charging periods at Black Park and Langley Park
- a new car park charging system linked to the new system at Black Park
- a residential education centre developed in partnership with a local Free School

If these analyses provide sufficient assurances that these projects will deliver the appropriate benefits then a programme of implementation will be developed to ensure delivery in a timely fashion.

• Future Delivery Options

There are a huge number of options that could be considered but these can generally be grouped in the following areas full externalisation, Local Authority Trading Company (LATC) or retaining the status quo. The thoughts of the select committee will help guide the future works in this area.

Initial discussions have been held with some consultancies regarding their future involvement working with officers and members (potentially this committee) to provide a definitive guide to the options available for the future management of these Council assets.

The timeline for the future options assessment has yet to be fully mapped out but a Project Manager is due to be assigned to the project at the start of April, who will start to do that.

Future activities

While considering the future management options for the Parks, Members should be aware of additional activities in which they may desire an input, be it in an advisory capacity or direct management, from the Country Parks Service. In the development of the options appraisal an assessment will be included to assess the impact of any new delivery model on future projects such as

•	Proposed Little Marlow Country Park options	Advice & support, operational management
•	BOZ Country Park options	Advice & support

Denham mineral sites Advice & support, operational management

County Council Green Spaces Operational management

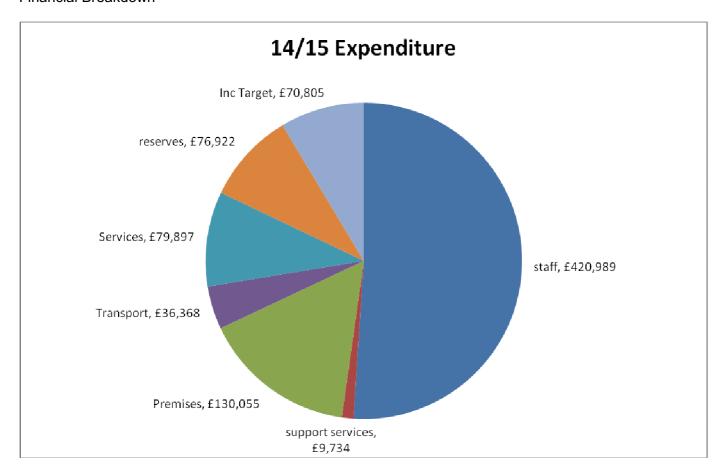
Relocation of Hillingdon Outdoor Activity Centre Advice & support if mitigation from HS2

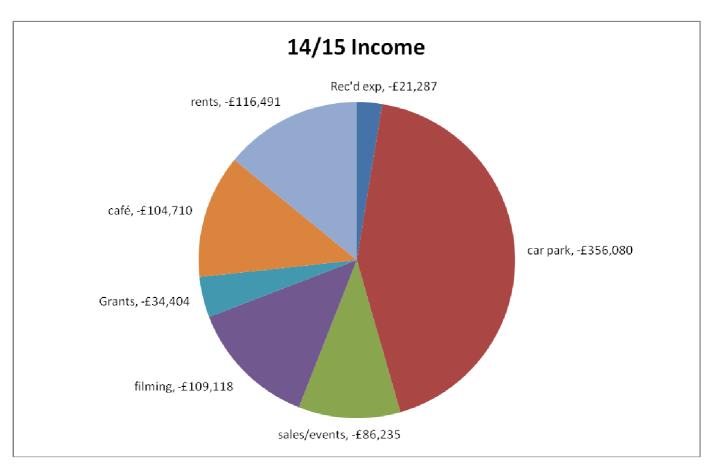
required.

Working with Colne Valley CIC Advice & support

Appendix A

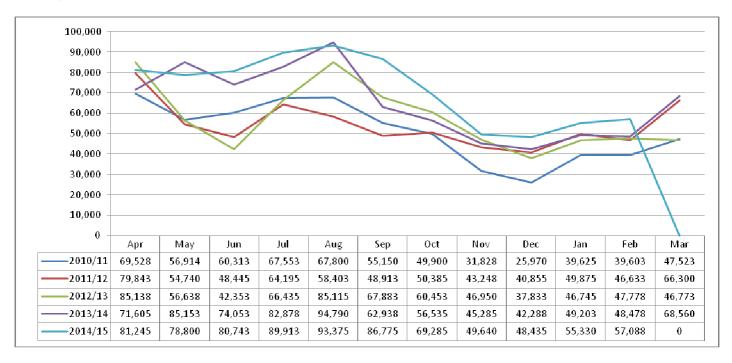
Financial Breakdown



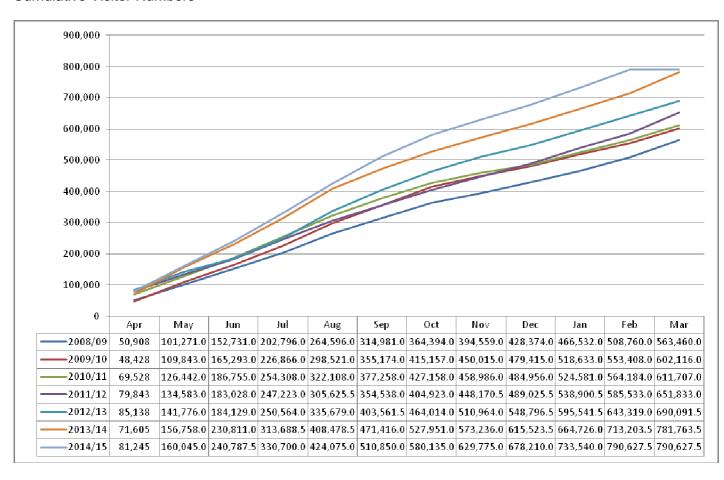


Appendix B

Monthly Visitor Numbers



Cumulative Visitor Numbers





Buckinghamshire County Council Select Committee

Environment, Transport and Locality Services

Report to the Environment, Transport and Locality Services Select Committee

Title: 'Legal Highs' Overview Information

Committee date: 14th April 2015

Author: Kama Wager, Policy Officer (information

collated from the service area)

Contact officer: Huseyin Djemil, DAAT Commissioner

Electoral divisions affected: All

Purpose of Agenda Item

To provide the committee with background information to support the committee discussion on the 'Legal Highs' item. This information has been collated form information provided by the service area. The officers will expand on the information during the member's examination and question within the committee item itself.

Purpose of the Item: This is an overview information item, the purpose of which is to build members knowledge and understanding of the issues and prevalence locally, with a view to inform whether or not there is value in the committee carrying out any further more detailed inquiry work, and possible areas of such work.

What is a 'Legal High'

Synthetic substances that are designed to mimic the effect of illegal drugs, they are also referred to as Novel Psychoactive Substances (NPS). Legal highs are being sold openly, mostly on the internet, but also in some shops. Legal highs are often labelled as 'bath salts', 'reagents', 'plant food' and 'research chemicals' which gets them past the Medicines



Act and the misuse of drugs act by way of stating that 'they are not for human consumption'.

Background

In the spring/summer of 2013 the DAAT began to receive anecdotal reports of an increase in the use of so-called "legal highs".

- Drug use trends cocaine / heroin remains very dangerous but reducing in terms of numbers of users and numbers in treatment both nationally and locally.
- Growth in numbers of 'legal high' users showing up in treatment and evidence that larger numbers exist outside of the formal treatment economy e.g. among professionals / students / clubbers / the LGBT community. Strong evidence that recidivist drug using offenders known to drug treatment and CJS services, are switching to legal high use.
- When there is a media article (interest in a particular substance) there is also a linked Google internet search spike looking for the product.
- Loop-holes in legislation mean enforcement is difficult and/or patchy and yet 'legal highs' can cause immense harm and can underpin associated criminal activity e.g. burglary.
- Legal highs are cheap relative to other drugs and widely available online 73 new synthetic drugs were detected in 2012, compared to 43 in 2011. There were 4 substances banned in 2012/13.
- Rise in internet retailers; up from 170 in 2010 to 693 in 2012, smaller amounts sold in "head shops".
- Online transactions for legal highs difficult to track, provide better profits and less risk than illegal drugs with secure delivery virtually guaranteed by Royal Mail / Parcel Force etc
- Legal highs pose challenges in terms of treatment & enforcement which are based on their illicit counterparts.



Impact & Local Concerns

- Legal Highs are undetectable using the current testing regimes therefore as existing
 illegal drug users migrate to 'legal' alternatives the current testing regimes will not be
 effective e.g.
 - The Integrated Offender Management cohort (IOM) legal high drug use would still negatively impact on their risk of re-offending and harm to self and others
 - Those requiring testing linked to a Safeguarding issue whether as a
 vulnerable adult or in relation to the wellbeing of a child in the care of an adult
 - Drug testing in a custody setting Tests are based on illicit substances. If someone is arrested on a trigger offence, burglary for example they could test negative for illicit substances when their criminality is based on acquiring funds for their legal high drug use.
- Serious Acquisitive Crime including burglary and other underpinning related criminal activity would still be a concern as all the negative traits and chaotic lifestyle of the problem drug user would be present in those migrating from illegal drug use to 'legal high' use including poly-drug use.
- Risk profile of treatment naïve 'legal high' users mean risk of greater harm e.g. Blood Borne Virus's, Sexually Transmitted Infections
- Adding 'legal highs' into an existing cohort of complex need poly drug users has already seen risk profiles and actual risky behaviours get worse e.g. sex work, antisocial & violent behaviour including sexual assault. The already complex needs group are that much harder to engage.

Planned Local Action

- We are working with existing treatment services to identify 'legal high' users within the existing treatment population
- Training delivered to substance misuse treatment providers and other professionals such as Probation staff, PCSO's, Trading Standards, Community Safety Teams, Youth Services and New Leaf.



- We are consulting with users, service providers, carers, other professionals and stakeholders to draft a 'legal highs' specification
- We have commissioned a comprehensive needs assessment to determine
 prevalence of use, which groups of people use legal highs and what are the best
 communication methods for engaging with these groups (results will be discussed in
 committee).

Legal Highs in Buckinghamshire - Needs Assessment

As part of a series of measures and with resources from the Thames Valley Police and Crime Commissioner the Bucks DAAT commissioned a "legal highs" Needs Assessment in January 2014. The Needs Assessment included field research, a national online survey (of users and non-users) and a data capture exercise. The full report is now complete and available on request from the DAAT by email to arepenning@buckscc.gov.uk. This has been circulated to Members.

Major Findings & Impact

There is confirmation that existing Problem Drug Users (PDUs) and high frequency users were switching to 'legal highs' use with few, or no sanctions. A core group of injectors have moved from injecting Heroin 2-3 times a day to injecting Mephedrone between 20-50 times daily. Mephedrone injectors are sharing needles with increased Blood Borne Virus (BBV) and associated risks

Legal highs use is resulting in ongoing or escalating patterns of crime and debt particularly amongst the minority of extreme Mephedrone users. Users described house and car breaking, shoplifting, bag snatching and prostitution which they directly related to periods of intense use of Mephedrone. Acts of violence, including sexual assault, were also associated with periods of intense use.

Testing, for those on the Integrated Offender Management scheme (IOM), Drug Rehabilitation Requirements (DRR's), and subject to a Safeguarding process, is **not**



detecting Legal Highs use so many users/offenders are slipping through the net of sanction or support

There is a Mephedrone hot spot in Aylesbury but increasingly prevalent in High Wycombe (and now in Buckingham too). Use of Mephedrone is leading to more extreme and risk related behaviour

Moving Forward

The report has increased our understanding of this significant change in drug using patterns in Buckinghamshire and across the substance misuse field and the Bucks DAAT is now working to apply this understanding locally. We are also able to contribute to the discourse/evidence base in this important area of work by disseminating the report and findings as widely as possible

Next Steps:

- Communicate report and findings
- Create a task & finish project group to review report and translate findings into appropriate action
- o Schedule NPS training & development for professionals, including treatment staff
- Review of drug testing procedures IOM & Safeguarding
- Practitioner forum
- Service re-configuration / development in line with updated evidence base in this area



Presentation:

Attached is a member presentation, officers will talk through the key points as they introduce the item within committee.

Our view and understanding of 'legal highs' has grown in clarity since our first look at this subject in 2013. Having detected a change in the pattern of drug use among some of our existing drug using, homeless and vulnerable communities in Buckinghamshire we embarked on a course of action to understand and respond to this changing pattern of drug use.

Today we have a clearer evidence base to work from and as a result we have a filled in some of the gaps in our knowledge and understanding. We are still faced with the challenge of how to respond effectively to what we now know and our presentation is an honest description of that journey so far, our findings and our proposed next steps which we are happy to expand on during our meeting with council members both in our presentation and through questioning by members.



Agenda Item 7 Appendix 1

Bucks DAAT

New Psychoactive Substances

("legal highs")

Needs Assessment

Background

July 2013 - Increasing awareness of NPS / Legal High use and their effects in Bucks

Reports of:

- oProblem Drug User's (PDU's) switching to NPS use
- Stocklake tented community
 - Both vulnerable & "predatory" people sharing the same space
- Injecting shifting from 3 to 4 times / day to 20+ / day with
 - Use of puddle water for injecting Mephedrone also reported
- Rapid deterioration of Mephedrone users
- o Testing regimes circumvented − IOM, DRR, Safeguarding
- olncrease in crime linked to NPS use including violent and sexual assault, particularly among Stocklake tented community and Mephedrone users

Early Actions

- Local multi agency meetings with service providers and other stakeholders to discuss reports, share information, map the problem, generate actions to address known issues and assess resource implications
 - The "engagement café" was one of the suggestions followed up via SMART CJS
- Development of a cross border group (Milton Keynes, Northamptonshire, Bedfordshire, Cambridgeshire and other areas invited) commissioners, providers and statutory agencies
 - First met at Northampton Police HQ and then at Northampton Trading Standards to share information, developments in practice, & solutions
- Developed a specification for a formal NPS / "legal highs" needs assessment and sought resource to commission this via PCC
 - Discussed with Public Health and used existing DAAT governance

Needs Assessment Process

- Selective tender, autumn 2013
- Contract award, winter 2013 CDMR Glasgow selected
- Contract start, Jan 2014
 - Review of existing data
 - Stakeholder Interviews
 - Online Survey First National Online NPS Survey (users & non users)
- First draft report, completed in July 2014
- Project extended for "fresher's" (Sept 2014) at Bucks New University
- Presentation of findings to commissioners 10.10.14
- Final report, completed Nov 2014

Initial Findings

- Previous reports validated with users tending to fall into 3 distinct groups
 - Problematic Users Those with pre-existing use of illegal drugs that also use NPS
 - High Frequency Users Those that use multiple substances (both legal and illegal) alongside a wider pattern of drug use considered to be distinct from a pattern of more problematic addictive drug use.
 - Intermittent Users Those that use a limited number of substances on an occasional or infrequent basis

Initial Findings Cont....

Problem Drug Users

- oConfirmation of PDUs switching to NPS use which are "cheap, easily available and appeared to be of better purity than many of the illegal drugs on the black market" with fewer (or no) sanctions
- OA core group of injectors have moved from injecting Heroin 2-3 times / day to injecting Mephedrone between 20-50 times / day
- OMephedrone injectors sharing needles / BBV risk
- oNPS use resulting in ongoing or escalating patterns of crime
- Testing (IOM, DRR, Safeguarding) not detecting NPS use so users/offenders potentially slipping through the net (of sanction or support)
- Mephedrone hot spot in Aylesbury but increasingly prevalent in High Wycombe and Buckingham
- Seeing migration of specific individuals from Aylesbury to High Wycombe some seeking respite but also spreading mephedrone use and injecting behaviour

Initial Findings Cont....

Service Providers (includes but not limited to treatment)

- Awareness of NPS is 'out there' in pockets across Bucks but uncertainty over what constitutes an NPS
- olssues with attracting and/or engaging NPS users consistently
- No Opiate Substitution Therapy equivalent for NPS
- Old Tea Warehouse (vulnerable young adults) has a particular issue with NPS use and proximity to 'Headshop' (Ruby Moon) is significant
- Increased mental health issues being experienced and reported

Initial Findings Cont.....

Policing Supply

- OPolice responses to NPS use shaped by supposed legality and limited resources to test for illegal substances.
 - "A recent operation carried out with trading standards to seize and test legal highs on sale at a market stall found evidence of now illegal substances in the 'legal high' packets. These packages were seized. However limited resources meant that not all packages could be tested and the untested packages had to be returned to the stallholder because, until proven otherwise, they were legally available for sale. As the detective inspector interviewed commented, costly tests can only be used restrictively as this form of policing is not performance indicated and diverts resources from policing that is". (page 108)
- The presence of a 'Headshop' in Bucks is more significant than previously thought

Next steps.....

- Communicate report and findings
- Create a task & finish project group to review report and translate findings into appropriate action
- Schedule NPS training & development for professionals, including treatment staff
- Review of drug testing procedures IOM & Safeguarding
- Practitioner forum
- Service re-configuration / development in line with updated evidence base in this area
 - online presence (forums, website etc) and open access spaces e.g. engagement café,
 - clearer service goals & client centred approach tailoring to need (difficult to provide harm min advice when unclear of pharmacology of drug in question??)

Final Comments

Experiences of NPS use by PDUs

- oCriminal activity was most likely to be reported by Mephedrone users, particularly amongst the minority of extreme users of Mephedrone. The latter described house and car breaking, shoplifting, bag snatching and prostitution that they directly related to periods of intense use of Mephedrone.
- Acts of violence were also associated with periods of intense use.
- Amongst legal high users there were those who reported using shoplifting to subsidise their purchases of legal highs and some had clearly got into debt and rent arrears as a result of prioritising legal highs.
- However the Mephedrone users reported heavy involvement in criminal activity to fund their use: we were breaking into cars, breaking into houses, selling ourselves because we had really big habits. (page 69)

Buckinghamshire County Council

Trading Standards:

- General Products Safety Regulations 2005
 - Need to prove that the substance is unsafe (Cheshire West)
 - Notice to mark (Norfolk) ignored then prosecuted
- The Consumer Protection from Unfair Trading Regulations 2008
 - To stop commercial practices which mislead by act or omission
 - Need to show it affects the 'Transactional Decision'
 - Prohibited practices easier indicating approval e.g. "a licensed head shop" or giving the impression that a product can legally be sold when it can't.
- The intoxicating Substances (Supply) Act 1985
 - Aimed at intoxicating substances that are inhaled
 - Requires test purchase by under 18's
- Enterprise Act 2002 (Part 8)
 - Civil injunction, likely to need to prove harm
 - Doesn't cover breaches of GPSR

Thank You

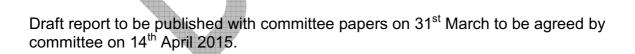
Questions?



Buckinghamshire County Council

Environment, Transport and Localities Select Committee

Section 106: Getting better outcomes and value from developer contributions





The Environment, Transport and Localities Select Committee

The Environment, Transport and Localities Select Committee is appointed by Buckinghamshire County Council to carry out the local authority scrutiny functions for all policies and services relating to these areas.

Membership of the Committee

Bill Bendyshe-Brown
Timothy Butcher
David Carroll (Vice-Chairman)
Bill Chapple
Dev Dhillon
Phil Gomm
Steven Lambert
Warren Whyte (Chairman)

Powers

The Committee is one of the Buckinghamshire County Council Select Committees, the powers of which are set out in Buckinghamshire County Council Constitution. This is available at www.buckscc.gov.uk/constitution

Publications

The Reports and evidence of the Committee are published by Buckinghamshire County Council by Order of the Committee. All publications of the Committee are on the Internet at www.buckscc.gov.uk/scrutiny

Committee support staff

The committee is supported by the Scrutiny Team and Democratic Services. The current member of staff supporting the Committee directly is Kama Wager (Policy Officer).

Contacts

The telephone number for general enquiries is 01296 382615. Email scrutiny@buckscc.gov.uk

Further information on the work of select committees can be found online at

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Executive Summary

This was a focused inquiry, the purpose of which was to consider the efficacy of the Council's internal governance and approach to the monitoring and management of Section 106 (s106) agreements.¹ We considered how the Council could improve its approach to s106 to ensure it achieves maximum investment opportunities from the growth and development within the county and ensures that appropriate mitigation measures are delivered on behalf of residents.

It became apparent during early committee discussions that certain control weaknesses existed in the s106 system within the Council (particularly in relation to highways s106). Welcome improvements are evident in the recent past, however we felt that the Council process for the monitoring and management of the s106 system remains in need of further improvement.

The extent of growth and development that the county will experience over the coming years poses a vital opportunity for the Council to ensure that its strategic approach and focus in relation to \$106 agreement is as effective as it can be so that it can deliver the best outcomes for Buckinghamshire. We were not convinced that this was the current position and we want to help ensure the Council get the best value from developer contributions.

The recommendations within this report seek to support our key findings and some key strategic areas for improvement. These focus on;

- The development of a centralised system for s106 recording and monitoring for use across the council rather than separate business units doing this on an individual basis.
- A need for clear criteria which allow for appropriate member engagement in the planning process.
- A need to improve the corporate strategic oversight of s106 agreements.
 Improving visibility and transparency of s106 across the organisation.
- A need for appropriate lines of accountability and the corporate resource and skills to be able to effectively manage the s106 process going forward, particularly given the known and future growth in the County.

1

¹ The definition of Section 106 (s106) is; "Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development. S106 agreements are often referred to as 'developer contributions' along with woks done under the Highways Act and the Community Infrastructure Levy"

1 Draft Recommendations

- 1. We recommend that there should be a shared council wide approach to monitoring S106 agreements across the Council using a central register database for all agreements (para 1-14).
- 2. We recommend that all s106 investment should be recorded in the capital programme (where it is appropriate to capitalise), to provide corporate visibility and oversight (via the Asset Strategy Board), of all council investment and enhance the strategic focus in relation to s106 (para 15-21).
- 3. We recommend that the Cabinet Member sets out clear criteria for how they will ensure they allow for appropriate local member involvement at the early stages to help positively shape s106 proposals and ensure suitable mitigation measures that meet local needs (para 22-27).
- 4. We recommend that the Cabinet Member put forward a proposal for how all future s106 highways schemes will be delivered in a timely manner (para 28-35).
- 5. We recommend that the Cabinet Member should put forward a business case for a better resourced s106 team to ensure the value of future s106 agreements are as robust and effective as they can be and issues highlighted throughout this report are addressed (para 36-45).
- 6. We recommend that there should be a corporate role within HQ; a single senior officer with overall responsibility for the strategic oversight and co-ordination of s106 agreements across the council (para 46-52).
- 7. We recommend that Cabinet clarify roles of relevant Cabinet Member(s) to ensure there is a strategic cabinet lead with oversight of s106 investment across the Council, along with the relevant Cabinet Member oversight at business unit level (para 53-55).

2. Inquiry Context

- 1. The inquiry was commissioned jointly by Environment Transport and Localities (ETL) and the Finance Performance and Resources (FPR) Select Committees. It was agreed that ETL would lead on the inquiry and its follow up and that the Chairman of FPR would sit on the inquiry group.
- 2. We received regular updates and held exploratory discussions with officers between 6th November 2013 and 18th November 2014.² After building our knowledge and understanding of the s106 process through earlier committee sessions,³ the committee agreed⁴ to hold a focussed inquiry evidence session on the 23rd February 2015 which concentrated on a few of the key strategic areas of concern arising from committee updates.⁵ The purpose was for members to examine these further and formally report and record our findings to Cabinet.
- 3. The inquiry group comprised of the following Members: Warren Whyte (Chairman); Bill Bendyshe-Brown; Bill Chapple; Steven Lambert; Brian Roberts (Chairman FPR). Members heard evidence from internal officers, John Rippon, Head of Growth and Development, Niall Cater, Consultant developing s106 recording processes, Matthew Sims and Simon Dando from Ringway Jacobs, and Karen Howe, Manager of S106, Environment and Economy Oxfordshire County Council. Following the evidence session discussions were held with Officers within Education (24th February), and Finance (4th March) to clarify areas highlighted within the evidence session.
- 4. We were made aware, as we neared the end of the evidence gathering, that Internal Audit has a s106 review in their work programme. The review is scheduled to take place during April 2015. To avoid duplication, we report our findings which highlight a number of gaps within the monitoring and governance process within the Council. We hope that our observations will help to inform the scope of the Internal Audit work and that they are able to put our observations into context of the different elements of s106 process adding more detailed evidence base to support further more specific improvements for the Council.

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² Schedule of meetings at appendix 1.

³ The background information on the s106 process and the Council's role can be found in the information paper received by members from the service area in Appendix 2.

⁴ At committee on 18th November 2014.

⁵ See appendix for refine scope for focussed evidence session.

3. Current Approach

Recording, Monitoring and Management

- 1. We heard that up until June 2012 the Council employed a Section 106 Monitoring Officer who worked with services, legal and finance as well as planning policy and development control to coordinate s106 negotiations across the Council.
- 2. Since this time, the impact of the removal of this post was apparent to us. We heard from both the Highways Development Team (within Place) and Education (under CYP), to understand how they monitor and manage s106 agreements. We were told that, negotiations were always done by the relevant service areas as they currently are. However, the previous post holder provided a monitoring role and strategic lead on major developments which meant there was strategic coordination across the service areas. The removal of the post has resulted in s106 agreements not being monitored and managed holistically, but rather on a service by service basis.
- 3. We were told that Education dealt with the risk posed by the removal of the s106 officer post by introducing a monitoring post within School Commissioning which has meant they have continued to monitor and report S106 as part of the capital programme evidencing where spend has taken place. They (CYP) monitor the commencement of developments and trigger points for payment from developers through a well maintained and up to date database of all s106 agreements and effective liaison with districts to get information on progress of developments. We were told that had they not done this, they would have faced major issues when the post was lost (as highlighted when we heard evidence from highways, see below).
- 4. In contrast, when we first spoke to highways over a year ago we were dismayed by the lack of records and monitoring they had. In our evidence session with highways, we heard that the commencement of developments or other triggers for payment has not been monitored robustly due to lack of resource. This resulted in the service area having to hire a consultant over the past year to identify all the agreements and start a recording/management database similar to the one education use. We first heard about this when we were reassured in a meeting between the ETL Chairman and FPR Chairman

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⁶ CYP put in permanent resource to monitor and chase payments. It is also part of the job description for the School Commissioning Strategy manager and the School Place Planning Commissioning Partner

in May 2014 that steps were being taken to collate an accurate picture of all highways s106 agreements. We therefore agreed that the committee would allow the service area time to make these welcomed improvements and report back to the committee.

- 5. In our evidence session on the 23rd Feb we heard that Highways have come a long way in the collating and recording of s106 agreements. We were shown the spreadsheet called the 'Master Deed Agreement List' (MDAL) containing all Section 106, 38 and 278 agreements has been established. Planning Team 2 of Legal & Democratic Services provides monthly updates of any new agreements entered into and these are added to the MDAL. We were told how each agreement is analysed and an Obligations Monitoring Form (OMF) completed. The information held on these forms is contribution specific and lists the amounts due together with details of any conditions attached to those sums. This includes, milestones/triggers, interest and indexation adjustments and timescales. A central index of agreements has also been developed. This is held in Excel spreadsheet format and affords opportunity to interrogate the data using filters on the date, title, legal reference, and both planning and appeal reference numbers. To-date over 180 S106 agreements have been sourced and stored on the system and 38 OMF records produced.
- 6. We considered with officers the extent to which the highways now have a full and accurate picture of all agreements and what further work needed doing. We were told that the longer term aim is to extend this central index to allow access to the recording of progress reports, invoicing and other relevant information. Investigation into the use of existing systems has been carried out.
- 7. However we were also warned that going forward; whilst these databases do provide a means of recording data they do not resolve the ongoing human interaction with assessment and monitoring of the agreements. Thus there is a continuing and vital resource implication to ensure this work is not lost and is not only utilised but is expanded and enhanced in a sustainable way going forward.
- 8. We felt that without enhanced resource and improvements highways are at risk of essentially being reliant on developers to submit s106 payments on time, or to rely on information from districts. In addition, we heard that they have had long delays on section 106 project delivery which runs the risk of the Council having to repay monies to developers where schemes are not delivered within the timeframes (see later section).

- 9. Having heard the evidence, we felt that, education are in far better position than highways and highways have come a long way in the past year on the monitoring of s106, however the monitoring processes across the Council as a whole are still not being undertaken in an efficient and sustainable way. It is difficult for members to have visibility and transparency of all the agreements and funds. They are currently unable to respond to residents questions about the final agreement and trigger points and need better access to information that should be available.
- 10. We were told by the finance team that even when the Council did have a s106 officer that they never had full sight of all the monies and schemes in relation to highways section 106, and this needs to change going forward. It was their view that a centralised management, monitoring and recording system would be far more effective and provides the strategic oversight mentioned in the section above.
- 11. The risks to the Council if the internal processes are not enhanced are that it risks having to repay s106 money that is sat unspent in reserves due to deadlines for project delivery not being met, it misses payments that are due as a result of ineffective monitoring of trigger points, and it risks reputational damage as developers will see it as a light touch and possibly start looking at other agreements looking to make claims.
- 12. We received evidence from Oxfordshire County Council about their monitoring processes in order to learn from an authority that had a coordinated approach. We learnt that Oxfordshire have three joint databases which are managed and monitored by a central team and record all the information on behalf of the Council, so that as an authority they have clear strategic oversight. The combined effect of the databases operated the central team enables the county council to follow a contribution from an agreement through to a specific scheme, or to track backwards from a scheme to the relevant agreement providing a clear audit trail.⁷
- 13. We were impressed with the integrated and coordinated process Oxfordshire County Council has instituted, and clearly the investment has resulted in significant infrastructure gains for the Count. It leads us to conclude that our own processes within BCC, albeit significantly better than the last couple of years, are still not as robust or proactive as they could and should be.

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⁷ Detail of the Oxfordshire databases can be found in the information paper provided by Oxfordshire County Council at Appendix 3.

14. We felt that in order to build upon the recent improvements and to set the foundation for the council to move to a more robust and coordinated approach the council firstly needs a shared council wide approach to the monitoring and recording or s106 agreements across the council, which both Business units and members can access in order to be able to respond to resident enquiries. Therefore;

Recommendation 1: We recommend that there should be a shared council wide approach to monitoring S106 agreements across the Council using a central register database for all agreements.

4. Oversight, Visibility and Transparency

Corporate financial oversight

- 15. Currently all educational s106 monies under CYP are recorded within the capital programme, providing a greater corporate level oversight and visibility of monies received and due. However, there is not the same level of corporate oversight and visibility for highways funding we were told. It is only the major infrastructure projects in the Leader Portfolio which have significant amounts of S106 and ALUT (Aylesbury Land Use and Transportation) payments which have been shown in the 2015+ MTFP.
- 16. Other highways s106 funding is received and recorded on a site by site basis, thus not providing a clear overview of planned improvements. Unlike education s106, highways doesn't have the potential phased approach to how s106 may be delivered making it more difficult to record. We were told by finance officers⁹ that in the past they have tried to include all s106 highways schemes within the capital programme in order to improve the strategic visibility and transparency. However this proved difficult to do for all of highways s106 monies as it is often for smaller specific schemes with unknown amounts. We also suspect that some of this may be down to a lack of comprehensive recording and monitoring records within the service area in the past.
- 17. In speaking to the finance director¹⁰, it was his view that there is no reason why all s106 for highways couldn't or shouldn't be included within the capital programme. However, he pointed out that s106 monies could actually be

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⁸ Finance Director, meeting with Scrutiny officer on behalf of the Chairman – 4th March 2015.

⁹ Finance officers, meeting held with scrutiny officer on behalf of Chairman on 4th March 2015.

¹⁰ See 4 above.

- revenue (or de-minimus for capital purposes). Although all of education contributions are generally capitalised, highways amounts could be used for small schemes that would count as revenue.
- 18. We felt that although it was clear that capital monitoring is more robust now than it used to be, there are still a large number of smaller highways projects that are not included. Therefore, despite the improvements there are still a large number of more specific elements that are not fully transparent and we felt this should not be the case.
- 19. By including more of the highways s106 in the capital programme it may provide opportunities to highlight where some funds may be able to be used for existing schemes if they are flexible and it is appropriate to do so under the terms of the agreement. We felt that with better oversight, there may be better ways of adding value to s106 works by incorporating BCC funded works in the same area (to capitalise on road closures for example). This would also help programming of maintenance works prior to actual development. It would also improve visibility around how the funding aligns with business unit and strategic plans.
- 20. Thus, whilst we appreciate that highways s106 monies may not be as easily forecast as education monies, we felt that there is an opportunity for greater corporate oversight. S106 expiry dates and triggers need to be monitored corporately, which we felt could be done through the future Asset Strategy Board.
- 21. Therefore in order to provide visibility and transparency to corporate funding, we felt that all section 106 funding should be recorded in the capital programme (this should also include other possible areas such as libraries or social care facilities) and not just education and the major infrastructure projects in the Leader Portfolio. We felt that this would provide more strategic and member oversight which could help improve the strategic focus and planning in relation to \$106 and help avoid delivery slippage (see section below on commissioning and delivery). Therefore,

Recommendation 2: We recommend that all s106 investment should be recorded in the capital programme (where it is appropriate to capitalise), to provide corporate visibility and oversight (via the Asset Strategy Board), of all council investment and enhance the strategic focus in relation to s106.

Member Engagement and Local Intelligence

- 22. Members were concerned about the lack of member engagement and opportunities to feed local intelligence into the planning process, particularly in the early stages.
- 23. We heard how, typically the Highways Development Management team deals with over 2500 district planning consultation each year. They have a statutory 21 day timeframe in which to respond to pre planning enquiries and planning application, this along with the lack of resource capacity places a constraint on the amount of meaningful engagement which can take place. Therefore the team currently relies on members contacting them directly regarding issues of interest or particular concern and members are not being regularly informed of the planning application within their area to be able to know when to contact the team. We were told that currently members are sent copies of the District Planning Authority weekly list of planning applications, informing them of development proposals. However, members highlighted that is no longer happening.
- 24. A recent example of a s106 agreement in Buckingham highlighted the need for local intelligence within all areas to feed into the s106 process. The Chairman told the committee how the example in question included some desirable mitigation works to enable a contentious development. However, the agreement was badly worded and without local knowledge which resulted in the delivered transport schemes having less impact than expected and missing out on small but vital links to the surrounding path network. We heard how taking on board town council advice and engaging with the local member would have avoided this, and being provided with an opportunity to discuss the s106 heads of terms would have helped. We also heard how in a more recent proposal this has happened, and has positively helped shape the s106 proposal, emphasising the value of local intelligence within the process in order to ensure the appropriate mitigation measures to meet local needs.
- 25. We considered, with officers what the barriers and opportunities might be to better feed local intelligence into the process. As mentioned time constraints and lack of resource are major barriers. We also heard how the team are often not made aware of perceived issues in local areas, and often work is undertaken in parish/town councils that is not communicated to the team (e.g. accessibility studies). This was highlighted as an area for improvement working with Locality Managers to establish more effective channels of

- communication and flow of local information that can be used to shape and influence s106 negotiations with developers.
- 26. We felt that going forward the Council needs to identify and have a good understanding of local needs for different types of infrastructure through effective engagement with community members and other departments, partners and agencies. Currently, there is no clear process for a two way exchange of information around what work is in the pipeline and getting local intelligence which may help mitigation measures.
- 27. We recognise that there is time and capacity issues here but this needs to be resolved to ensure that appropriate mitigation measures are sought through s106. We felt that there needs to be a process to ensure better local insight and influence in terms of future requirements of s106 funding and early intervention in the planning process, in order to ensure we ask for the right mitigation measures and understand what communities want. Therefore;

Recommendation 3: We recommend that the Cabinet Member sets out clear criteria for how they will ensure they allow for appropriate local member involvement at the early stages to help positively shape s106 proposals and ensure suitable mitigation measures that meet local needs.

5. Delivery and Commissioning (within Highways)

- 28. We were particularly concerned around the delivery and commissioning of highways s106 schemes (this was not highlighted as an issue for education). The current position, we were told is that within highways the Council is functioning in a reactive way, playing catch up. They are not yet in a proactive position where they are on the front foot (for example, issuing invoices to developers), but rather they are reliant on developers coming forward.
- 29. We were told about the potential risk to the Council of having to repay monies back to developers where trigger points have not been effectively managed and schemes have not been delivered on time. Within highways, we heard that there is currently a backlog of schemes which are undelivered and timescales/deadlines are almost being reached, and thus the risk of having to repay monies is increasing. Members were concerned about this risk and raised their concerns early in the process of considering s106 last year.

- 30. In response to Members concerns about the potential risk of the Council having to repay aged s106 contributions, we were informed that a review is being undertaken jointly between the Highways service, Jacobs and Transport for Buckinghamshire, to ensure that schemes are delivered in a timely and coordinated fashion and in line with the Medium Term Plan and wider Capital Investment Programme.
- 31. We were told that it is proposed that each year as part of the MTP process future year's s106 schemes will be selected from the accumulated pool of contributions and subject to Cabinet Member approval, submitted to Business Investment Group (BIG) for the funds to be released from the S106 reserve.
- 32. We considered an outline proposal which Growth and Strategy are currently working with Ringway Jacobs and TfB to develop systems that enable rolling programme of S106 funded schemes to be delivered through the TfB contract framework on an annual basis, taking a shared risk approach, and packaging up schemes for delivery. Since design costs are typically disproportionate on lower value S106 schemes, by commissioning the schemes as a programme this will enable better economies of scale and spread design costs across small to large value schemes we heard.
- 33. Members were concerned about the delay and risk of non-delivery. They felt that there was a lack efficient process between the Council and TfB; For example, the council are not commissioning TfB to deliver schemes in a timely manner and TfB are not responding to the order in a timely manner.
- 34. The committee wish to continue to monitor and review the process for delivery and commissioning of highways schemes to see if it improves matters and assure them that the annual packaging of projects is the appropriate way going forward. We felt that, it may enable the council to catch up on the back log but were unclear whether or not it is the best solution for future schemes.
- 35. We question whether there is a more responsive way of delivery s106 without having to wait for the annual work programme. It is hoped that the proposal improves matters going forward. However members felt that the Cabinet Member and service area need to ensure that there is a clear a sustainable approach going forward to *ensure that* agreements that are within 7 years (time limit is 10 years) are picked up, and schemes are delivered in a timely manner so as to not risk the Council having to pay back monies to developers.

Recommendation 4: We recommend that the Cabinet Member put forward a proposal for how all future s106 highways schemes will be delivered in a timely manner.

6. Strategic Approach Going Forward

Capacity and skills

- 36. Resources over recent years have been targeted at priority service areas in the face of competing demands and the need for budgetary constraints. However, we feel that this may be short sighted and the Council may be missing out on opportunities to maximise investment from the current and future expected growth in the county.
- 37. Whilst education suggests that their resource is sufficient, within highways, the current resource (temporary consultant) is not sustainable. The new role within the Transport, Economy and Environment business unit is a step in the right direction but we question whether this will be enough to truly enhance our approach for the long term. In the evidence we heard, the resource of a consultant part time has not been sufficient to catch up and manage current backlog, not to mention likely development to come. It was clear to us that despite the huge progress made from where highways were, the consultant clearly has some way to go just to understand the existing situation, never mind managing new ones.
- 38. To understand how other neighbouring local authorities manage the s106 process, we received evidence from Oxford County Council, Transport and Economy service for a comparison. We were told that they have one central team that act as a strategic hub for the whole Council; an Infrastructure Funding Team which consists of a total of 12 staff, split between two teams; the s106 Negotiations team (6 people), and the Planning Obligations Team (6 people). This team sits within the Environment and Economy Directorate and they are the strategic lead for the council for the whole s106 process.
- 39. The Planning Obligations Team monitors each and every one of these Agreements and all of the Obligations from the completion of the Agreement, the start of the development through to the end of a development and often beyond, in order to ensure complete transparency and financial probity. The total annual value of these Agreements over the last 6 financial years has varied from £9.5 million in 2011 at the height of the recession, to £59 million in 2008/09 (see appendix 5 for figures).
- 40. We were impressed with the strategic, professionally coordinated and integrated operation Oxford have in comparison to that of our Council. It was

clear that their corporate and strategic processes enable them to effectively manage the s106 process and as a result they have significant investment coming into the county, with the costs of their team being far outweighed by the amount of investment coming into the council through s106. For example, staff costs for the team are approx. in the region of £350-400k a year, whilst the lowest investment in one year was £12m, with other years being significantly higher i.e. the previous two years have been£50m and £46m (see chart in appendix 4). ¹¹

- 41. We were impressed by the intelligent management, and professional team within Oxfordshire County Council, as mentioned above. It highlighted that as a Council they are positioning themselves in a proactive position, and have the required resource and management structures and processes to effectively manage the s106 process and ensure appropriate mitigation measures on behalf of the Council and residents.
- 42. We felt that our Council needs to develop a far more coordinated approach as highlighted throughout this report. As mentioned, the county is experiencing and will continue to experience significant growth. Without adequate resource the Council will miss out on significant investment and needs to start considering how it can better manage investment for economic development and unlock investment. We felt that it may be appropriate for the Transport, Economy and Environment Business unit, Growth and Strategy team to lead this function strategically but with relevant departments such as education monitoring their own as well, however it would need to be sufficiently resourced to do this effectively.
- 43. We welcome the reinstatement of a s106 officer post within this team, however, given the current backlog and given the known growth and future growth, we felt the Council clearly doesn't have the capacity to deal with s106 in a robust manner, and question whether a single s106 officer resource will be enough going forward.
- 44. The Council needs to ensure adequate resources are allocated to planning services to create the necessary capacity to secure community benefits in line with corporate priorities. They need to ensure they have good robust s106 agreements and then enough resource to monitor, manage and deliver them. The council needs to provide support to services currently under pressure to allow them to identify community infrastructure improvements contribute to identify needs in a timely manner.

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¹¹ In drafting we were made aware that OCC recently lost a high court case that tested their ability to secure fees for monitoring s106 agreements – it has set a new legal precedent nationally.

45. It was our view that the Council should review whether there is value in having a larger resource given the Oxfordshire approach we heard about. We felt there would be value in comparing the Council's current approach to that of Oxfordshire in order to ensure it realises the potential investment of the large scale future growth in the county and ensure the correct infrastructure for Buckinghamshire residents. Therefore;

Recommendation 5: We recommend that the Cabinet Member should put forward a business case for a better resourced s106 team to ensure the value of future s106 agreements are as robust and effective as they can be and issues highlighted throughout this report are addressed.

Strategic Oversight

- 46. Councils who have an effective approach to the use of planning obligations have a good backing from the corporate centre. As a Council, we need to think about how we better integrate section 106 policies and practice into our corporate processes and objectives. We felt that many of the issues experienced are a result of a lack of corporate commitment, oversight and resource.
- 47. We heard how all service areas felt a strategic oversight role is fundamental and key to the Council successfully managing s106 agreements and progress of developments, particularly trigger points and invoicing.
- 48. As mentioned above we heard about the Oxfordshire approach to s106, and the strategic professional and coordinated operation of the central team which acts as the strategic hub on behalf of the council. We mention in the section above that the TEE business unit could perform this function in the future (if appropriately resourced).
- 49. It was clear that a strategic oversight is essential. Our Council currently has no strategic lead. We felt that the loss of the post was clearly an error and s106 has suffered due to the lack of strategic oversight, most notably within the highways department. Improving the corporate approach is essential to ensure the appropriate infrastructure for the huge growth the Council knows is coming.
- 50. Oxfordshire County Council represent a corporate approach and we felt as such had a much more visible and transparent approach to s106 that enabled the Council as a whole to utilise s106 investment in the most effective ways possible to the benefit of local residents.

¹² Audit Commission: Corporate Awareness Checklist; Improving performance on Section 106 agreements. http://archive.audit-commission.gov.uk/auditcommission/subwebs/publications/studies/studyPDF/3630.pdf

- 51. We felt that if our Council had a more coordinated overview strategically it can better find ways to resolve how to negotiate what is the best position for the authority and ways of getting the best infrastructure for the Council as a whole. As mentioned above, it is positive step in the right direction that a new s106 post has been identified to sit within the Transport Economy and Environment Business Unit, but there needs to be far greater corporate visibility. With the currently envisaged growth in the county, now is a once in a generation opportunity to improve infrastructure provision via development.
- 52. It was apparent to us that no senior manager has overall responsibility for the corporate co-ordination and management of s106 at the Council and therefore the system lacks council-wide co-ordination, strategic control and direction. Having an identified responsible person that provides strategic overview of the s106 process, will enable the council to adopt a more corporate approach to the use of s106 monies and assist the council in achieving its strategic aims. Therefore;

Recommendation6: We recommend that there should be a corporate role within HQ; a single senior officer with overall responsibility for the strategic oversight and co-ordination of s106 agreements across the council.

Cabinet Member Accountability

- 53. It was apparent to us throughout the discussions that took place over the past year that not only is there no strategic lead officer for s106 corporately, is also unclear who has or should have overall Cabinet Member responsibility for s106 at a corporate level. For example, responsibility could easily fall with the Leader or Cabinet Members for Finance, Highways, Education and Planning.
- 54. It was evident to us, that the role of developer contributions is clearly critical to providing suitable infrastructure for developments and mitigating the impact of such developments. As mentioned above, whether or not developer contributions have enough visibility given the current and future development in the county was of concern to members. It was not clear to us, how the issue of growth is coordinated across the council and whether or not the big issues are getting enough visibility in a joined up manner.
- 55. We believe that the recommendations made above will contribute to delivering improvements in the Council's overall approach to s106. However, we felt that for larger schemes that have critical infrastructure requirements, this is particularly important. We felt that there should be a clear political lead as well as a technical officer lead to demonstrate to developers that as a Council we take infrastructure seriously. Therefore we recommend that;

Recommendation 7: We recommend that Cabinet clarify roles of relevant Cabinet ¹⁸Member(s) to ensure there is a strategic cabinet lead with oversight of s106 investment across the Council, along with the relevant Cabinet Member oversight at business unit level.



Date	Topic	Description and purpose	Contact Officer	Attendees			
Environment, Transport & Locality Services Select Committee							
14 Apr 2015	Country Parks: A better delivery model for Bucks	Overview: For members to consider the current arrangements for the management of the County's Country Parks, and understand the Business Units plans to review the challenges of the current arrangements and opportunities for considering different delivery models.	Martin Dickman, Senior Manager, PLACE Service	Lesley Clarke OBE, Cabinet Member for Environment Andrew Fowler - Head of Country Parks, Tim Williams - Service Lead Officer			
14 Apr 2015	Legal Highs: Prevalence and Impacts in Bucks	Overview - for Members to receive an overview of the issues related to legal highs, the prevalence in Bucks, the financial and social implications of legal high use and the activity and services commissioned by the Council and partners. Members will consider whether or not there is scope to do more detailed inquiry work on the topic.	Huseyin Djemil, Daat Commissioner	Lee Scrafton, Martin Phillips, Cabinet Member for Community Engagement			
14 Apr 2015	S106 Draft Inquiry Report	For members to consider and agree the S106 draft inquiry report	Kama Wager, Committee Adviser				
19 May 2015	Archaeological & Historical Environments Statutory Duties	Inquiry evidence; for Members to examine the Council's statutory duties as record keeper, its ability to carry out its duties and charging opportunities to generate income and deliver high quality advice	Kelly Sutherland, Committee Adviser				
19 May 2015	Committee Inquiry Scopes	Members will consider scoping documents for upcoming inquiries	Kelly Sutherland, Committee Adviser				

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Date	Topic	Description and purpose	Contact Officer	Attendees
23 Jun 2015	Public Transport Inquiry - progress update	For Members to receive 6 month update to monitor progress towards the Committee Inquiry recommendations.	Mike Freestone, Director of Transport	Ruth Vigor-Hedderly, Cabinet Member for Transportation
23 Jun 2015	TfB Update	For Members to receive an update on the new client staffing structures following the recruitment process and on the customer focus improvements.	Mike Freestone, Director of Transport	Gill Harding Ruth Vigor Hedderly, Cabinet Member for Transportation
21 Jul 2015	Flooding in Bucks	INQUIRY EVIDENCE: For Members to consider the impact of flooding in the county, the Council and partnership response and lessons learnt.	Karen Fisher, Strategic Flood Management Officer	Lesley Clarke OBE, Cabinet Member for Environment.
17 Nov 2015	Public Transport Inquiry update	Recommendation Monitoring: for Members to scrutinise progress against the Committee's recommendations, one year after Cabinet agreement	Kelly Sutherland, Committee Adviser	Ruth Vigor-Hedderly, Cabinet Member for Transportation Neil Gibson, MD of TEE Business Unit Gill Harding, Director for Strategic Business Development

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