

**Publication
Date:
12 May 2014**

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the CABINET held on 6 MAY 2014

PRESENT: Councillor N M Rose - Leader
" M Smith - Deputy Leader

Councillors: Mrs I A Darby
G K Harris
P J Hudson
P E C Martin
M Stannard

ALSO IN ATTENDANCE: Councillors F Wilson, P M Jones, D Phillips, N L Brown, J Gladwin and R Burns-Green

105 MINUTES

The Minutes of the Cabinet meeting held on 11 February 2014 copies of which had been previously circulated, were approved and signed by Councillor N Rose, Cabinet Leader, as a correct record.

106 DECLARATIONS OF INTEREST

There were no declarations of interest.

107 28-DAY NOTICE FORWARD PLAN

The Cabinet received a report attaching the draft 28-Day Notice which provided a forward look at the Agenda for the next meeting of the Cabinet. The Notice would be published on 2 June 2014.

RESOLVED –

That the Draft 28-Day Notice / Forward Plan, to be published on 2 June 2014, be noted.

108 CURRENT ISSUES

(i) Councillor Peter Hudson – Chesham Leisure Centre

Councillor Hudson reported that pupils and teachers had suffered adverse effects to a chemical reactions whilst using the swimming pool at the Chesham Leisure Centre on Friday 2 May 2014. All those affected were taken to hospital but released unhurt.

Once the problem was identified, the pool was closed with immediate effect and the dosage system was independently checked and found to be working

appropriately. Probable cause was the restarting of the circulation combined with increased agitation of the pool water/surface zone caused an increase in the levels of trichloramines (Nitrogen trichloride) present in the pool atmosphere. Chloramines (including Trichloramines) appear in pools as a result of the reaction between ammonia based compounds. In pools these compounds usually derive from urine and sweat. It was recognised that Nitrogen trichloride is largely responsible for the so-called 'chlorine smell' however it should be noted that it is not chlorine. The increased levels of Trichloramines will produce the symptoms of those affected as described.

It was reported that communication had been received from GLL, and had been maintained with the school and parents. All parties involved had worked together well to minimise impact of the situation. On 13 May there would be a review of the incident and confirmation of the cause. There would also be a review of existing procedures and also look at communication procedures and all findings to all stake holders. GLL had issued a press statement which was to be shared with all members and affected parties.

(ii) Councillor Martin – SERCO

Councillor Martin reported on recent press reports relating to SERCO in respect of a profits warning and the resignation of the managing director and noted that recent steps taken by the company appeared to have resolved the issues. It was also noted that a strategic review of services would take place over a 9 month period and although there were no major issues for Chiltern a dialogue was to be maintained on this issue.

(iii) Councillor Rose – HS2

Councillor Rose reported that a feasibility study had been prepared in association with Peter Brett Associates in relation to the alternative option of a tunnel, Green Route. It was noted that there was a range of options and even through all options were technically feasible the Green Route was the preferred option. A petitioning room had been set up in the Council offices where volunteers can arrange for a valid petition to be printed and sent off. It was noted that three petitions had been received by the House of Commons to date. The Council's petition was currently in draft format and the deadline for local authority petitions was Friday 16 May 2014.

In response to a member query, members were advised that the County legal advisors were to be providing a co-ordinated message and the draft petition would be circulated before the weekend.

109 CHILTERN COMMUNITY GRANT REVIEW

The Cabinet considered a report containing the details of the reviewed Community Grant Aid Scheme which had focussed on simplifying the application form, increasing member involvement and developing a more consistent scoring process.

The new arrangements were introduced for the 2013/14 scheme and included:-

- A new streamlined application form
- Members invited to feedback on projects delivered in their own respective wards
- A traffic light evaluation system highlighting how each application support the Council's key corporate objectives in relation to developing community capacity, improving health, supporting the local economy, enhancing community cohesion, protecting the environment and improving community safety.

Positive feedback and an increased number of application forms demonstrated the new scheme had been well received by local community groups and Members. The new scheme had also attracted a diverse range of applications and enabled members to have a direct input into any applications delivered within their local wards.

It was noted that local communities were to be organising events and/or projects to commemorate World War 1 it was proposed that the new application included World War 1 events as an additional consideration in prioritising which organisations received funding from 2014 until 2018.

Councillor Hudson informed members that he had received positive feedback from voluntary groups confirming that the new scheme provided easier to complete forms and the increased member involvement was welcomed.

RESOLVED -

- 1. That the report on the 2013/14 Community Grant Scheme and feedback key outcomes be noted.**
- 2. That the World War 1 commemorative projects be approved as an additional key priority when assessing applications from 2014 - 2018.**

110 DISCRETIONARY RATE RELIEF AND LOCAL COUNCIL TAX DISCOUNTS

The Cabinet considered a report which outlined that the Government had announced a number of schemes intended to support businesses by reducing their business rates liability. These are to be administered as discretionary

awards under section 47 of the Local Government Finance Act (LGFA) 1988 for which the authority would be fully reimbursed.

The Government had also announced that discounts would be granted to Council Tax payers affected by flooding. This was to be administered under the local authority's power to grant Council Tax discounts as they see fit, under section 13a of the Local Government Finance Act 1992.

The purpose of the report was to enable Cabinet to approve the criteria as recommended in guidance provided by the Department of Communities and Local Government and to delegate authority to the Head of Customer Services to administer the reliefs and discounts where the relevant criteria was met.

The Head of Customer Services drew members attention to the qualifying criteria for the Business Rates Relief which was defined as:

- The hereditament has been flooded in whole or in part as a result of adverse weather conditions and not from the failure of a water main, internal water system or failure of a sewerage system; and
- Business activity undertaken must have been affected on that day as a result of the flooding

The scheme did not cover any hereditament which was unoccupied at the time of flooding.

It was noted that there were approximately ten properties affected to date in Chiltern but this may increase as it was an on-going situation. Members were reminded that the Government had agreed that local authorities would be reimbursed for the reliefs and discounts. It was anticipated that this would be done via end of year returns to Government. The estimated costs of awarding 100% relief for 3 months to the business properties already identified as affected was £53,059.

The Head of Customer Services explained that currently all applications were submitted to the portfolio holder for approval but the Cabinet were asked to consider if it would be more appropriate to delegate to the Head of Customer Services for determination where the application meets the approved criteria.

RESOLVED -

1. The Cabinet approves the following recommendations to grant Discretionary Rate Relief under section 47 of LGFA 88 in the following circumstances:

- **100% relief is granted to properties affected by flooding for a period of three months in accordance with the criteria in paragraph 5;**
- **Relief of up to £1000 is granted to retail properties that meet the criteria in paragraphs 10-13 subject to an application being received;**

- **Unoccupied new build properties are granted relief to enable exemption from unoccupied property rates for a period of up to 18 months in accordance with the criteria in paragraphs 16 to 19; and**
 - **50% relief is awarded for new occupations of previously empty retail properties in accordance with criteria recommended by Central Government.**
- 2. The Cabinet agrees to delegate authority to Head of Customer Services to award Discretionary Rates Relief where the application meets the criteria as approved above.**
 - 3. The Cabinet approves the criteria applicable to award a Council Tax discount under S13A of the Local Government Finance Act 1992 to properties affected by flooding.**
 - 4. The Cabinet agrees to delegate authority to Head of Customer Services to award discounts where the application meets the approved criteria.**

111 UPDATE ON THE RECENT FLOOD IN CHILTERN DISTRICT

The Head of Health and Housing presented a report which updated members on the recent flooding in Chiltern and the response provided by the community.

It was reported that flooding in Chiltern District had occurred as a result of a period of intense rainfall which lasted from 30 December 2013 to approximately 21 February 2014. This had resulted in very high river and ground water levels, which are still prevalent and surcharging of the public and highway sewer networks. The situation was further aggravated by a number of culverts being partially blocked and silted impeding the rivers Misbourne and Chess.

Members were advised that it was unlikely that the Council would secure any resources through the Bellwin Scheme as the level of expenditure did not reach the £20,000 threshold for Chiltern District Council.

The government had announced various schemes to support residents and businesses impacted by flooding, which included Council Tax and Business Rate rebates and the creation of a Repair and Renewal Grant.

The Repair and Renewal Grant to be administered by Housing authorities would enable homeowners and businesses whose property had been flooded access to a grant of up to £5,000 to pay for measures to improve a property's ability to withstand future flooding. This grant required the Council to establish a procedure by which funding may be allocated to property owners affected by flooding.

RESOLVED -

1. **That the content of the report be noted;**
2. **The Head of Health and Housing in consultation with the Portfolio Holder for Health and Housing be delegated to amend the Housing Financial Assistance Policy to enable the Repair and Renewal Grant to be provided to businesses and homeowners by 1st April 2014.**
3. **The Head of Health and Housing in consultation with the Portfolio Holder for Health and Housing be delegated to approve and administer the Business Support Scheme**

112 HOUSING FINANCIAL ASSISTANCE POLICY

The Cabinet considered a report which provided an update on the budget provision for mandatory Disabled Facilities Grants and to seek capital funding to continue its programme of discretionary renovation grants and loans.

The Disabled Facilities Grant (DFG) was a mandatory means-tested grant given for adaptations to the homes of disabled people to ensure that they had access into and out of the home and to the essential facilities within it.

In response to a member query, it was confirmed that the Health and Wellbeing Board were responsible for the DFG while funding was provided by the Community Commissioning Group.

RESOLVED -

1. **That the position regarding Disabled Facilities Grant funding is noted.**

AND RECOMMENDED -

2. **That £50,000 is transferred from the provisional capital sum for 2014-15 and transferred to 2014-15 approved and committed capital programme for the delivery of discretionary Housing Financial Assistance during 2014-15**

113 HOUSING COMMUNITY ORGANISATIONS BUDGET - HOUSING INTERACTION TRUST

Members were advised that the Council's housing revenue budget for 2014/15 included a sum of £63,000 set aside for housing community organisation projects that would help the Council to meet its strategic housing priorities. The budget included:

- £25,000 to support the continuation of the Chiltern CAB Specialist Debt and Money Advice Service and
- £8,000 to support the continuation of the work of the Rural Housing Enabler in Chiltern (returning empty properties back into use).

In response to a Member's query, it was confirmed that since the production of the report accounts had been audited and signed off. The position in respect of wider funding for the trust was in respect of trying to access other sources of funding for future years to reduce the risk to their operation if the existing main funders reduced their funding.

RECOMMENDED

That the Council issues a grant of £40,000 to Housing Interaction Trust to support and maintain the Trust's work in Chiltern District in 2014/15 15, of which £10k to be applied from the homelessness reserve.

114 COMMUNITY SAFETY PARTNERSHIP PLAN 2014-17 AND POSSIBLE MERGER OF THE TWO COMMUNITY SAFETY PARTNERSHIPS

The Cabinet were advised of the new Community Safety Partnership Plan for 2014-17 which was to focus the work of the Community Safety Partnership (CSP) for the next 3 years; and the report also sought a view from the Council in relation to a proposed merger of the Chiltern CSP and South Bucks CSP.

Over the last year there had been quarterly meetings for both Community Safety Partnerships. They consider similar topics and following the Shared Service Review it was proposed that there should now be one team across Chiltern District Council and South Bucks District Council. Partners have been consulted and support the plan, as it would cut down on meetings. This had been agreed by the Community and Environment Overview Committee in March 2014 and if Cabinet agreed to the plan, permission would be sought by the Police and Crime Commissioner before going ahead.

With regard to the draft plan, the final figures were not yet available until year end and it had been written as two plans for the time being. It was noted that there was an additional priority this year of Child Sexual Exploitation.

RESOLVED -

- 1. That the proposal to merge the Chiltern Community Safety Partnership with the South Bucks Community Safety Partnership be supported; and**
- 2. That the 3 year Community Safety Partnership Plan, be endorsed.**

115 UPDATE ON AIRPORTS COMMISSION'S INTERIM REPORT

The Cabinet noted the report which provided an update on the Airports Commission's Interim Report, publishes in December 2013 and was for information purposes only.

RESOLVED -

That the report be noted.

116 NEIGHBOURHOOD PLANNING - REVIEW OF DELEGATED AUTHORITY

The Cabinet were reminded in the content of the report that delegated authority had been approved for a number of matters in relation to neighbourhood planning on 3 August 2012. The Head of Sustainable Development had delegated authority for decisions in the Neighbourhood Planning process, after consultation with the relevant local member/s and Cabinet Member, for decisions on the validity and acceptance of applications for a Neighbourhood Development Plan or a Neighbourhood Development Order.

Since 3 August 2012 the Chalfont St Peter Neighbourhood Plan had been submitted to the Council and its validity and acceptance process had been completed in accordance with the delegated authority.

RESOLVED –

Cabinet approve a revision to the delegated authority for neighbourhood planning set out in Paragraph 9 of the report, the revised delegated authority being:

“Decisions on the validity and acceptance of applications for a Neighbourhood Plan or a Neighbourhood Development Order are delegated to the Head of Sustainable Development. The Head of Sustainable Development being required to inform relevant local ward member(s) within the relevant Neighbourhood Area and the Cabinet Member for Sustainable Development of decisions taken and where determined that a Plan or Development Order is not found valid to provide reasons for the decision.”

117 DELIVERY DPD - CONSIDERATION OF SUBMISSION MATTERS FALLING OUTSIDE DELEGATED AUTHORITY

At a meeting of the Cabinet on 11 February 2014 it approved the Pre-Submission Delivery DPD and associated documents for public consultation and submission to the Secretary of State for Communities and Local

Government with the submission target date within May 2014. The public consultation had been carried out in accordance with the Council's adopted Statement of Community Involvement and closed on 4 April. Members were advised that 66% of the representations were in objection.

It was noted that the Government had now advised that housing for older people "should" be counted as part of the housing supply, modifications are recommended to the Delivery DPD to take this into account. Older people's housing did form a significant part of housing supply in Chiltern and will form a significant part of housing need over the plan period, and increased the housing supply in the Delivery DPD by 375 dwellings.

The Head of Sustainable Development confirmed that Housing Proposal H15: The Glebe, Prestwood which had been estimated to provide a gross 9 additional new dwellings was currently an unimplemented housing proposal site in the adopted Local Plan for Chiltern District.

The Buckinghamshire district authorities had commissioned a Gypsy, Traveller and Travelling Showpeoples Accommodation Needs Assessment, August 2013. The Council had used this Needs Assessment and other evidence to determine that the Delivery DPD should plan to provide for the accommodation provision as detailed in Appendix 4, Table 5 – Traveller Accommodation Need.

Councillor Phillips was invited to speak on this item and outlined that he had responded to the consultation process in detail in respect of issues of concern raised by the Planning Committee.

The Head of Sustainable Development responded that the DPDD was significantly different from the current local plan process and future local plans were to have differing levels of detail but were not required to be too detailed or repetitive. Consideration was also given to the proposed figure for Rural Exceptions

RESOLVED -

That delegated authority be granted to the Head of Sustainable Development, in consultation with the Head of Legal Services and the Cabinet Member for Sustainable Development, to submit the Delivery DPD and to approve the modifications as set out in Appendix 2, paragraph 16 and Appendix 4 (Including Table 5 as agreed at the meeting).

118 LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL

The Cabinet were asked to consider the request from the Health and Wellbeing Board that all the local authorities in Buckinghamshire sign the Local Government Declaration on Tobacco Control which committed Local Authorities to:-

- Reduce smoking prevalence and health inequalities
- Develop plans with partners and local communities
- Participate in local and regional networks
- Support Government action at national level
- Protect tobacco control work from the commercial and vested interests of the tobacco industry
- Monitor the progress of our plans
- Join the Smokefree Action Coalition

RECOMMENDED

That the Council signs the Local Government Declaration on Tobacco Control

119 SERVICE PLAN SUMMARY 2014/15: HUMAN RESOURCES

Consideration was given to the content of the report and the attached Service Plan for Human Resources.

RESOLVED -

That the service plan for Human Resources, be noted.

120 ANNUAL PERFORMANCE INDICATOR REVIEW 2014-15

The Cabinet considered the report which provided information on the corporate and priority PIs and targets for 2014-15.

It was noted that the Council aimed to set targets against each indicator for the next three years and publish these along with the actual performance in the Annual Report, published in June of each year. A detailed quarterly performance report including corporate performance indicators was to be presented to Cabinet in the future.

RESOLVED -

1. That approval of the Priority Indicator set (see Appendix A) and future performance targets for the next three years, be confirmed.
2. That approval of Corporate Performance Indicators (Appendix B) and future performance targets for the next three years, be confirmed.

121 MINUTES OF JOINT EXECUTIVE COMMITTEES

Members considered the Minutes of the following Joint Executive Committee meetings:

- Chiltern & South Bucks Joint Committee – 4 February 2014
- Chiltern & Wycombe Joint Waste Collection Committee – 13 February 2014
- Chiltern & South Bucks Joint Committee – 2 April 2014

RESOLVED -

That the Minutes of the above meetings of the Chiltern & Wycombe Joint Waste Collection Committee be noted.

122 EXCLUSION OF THE PUBLIC**RESOLVED –**

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

123 LORD'S MILL WEIR

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered a confidential report which updated members on the current situation and possible options for a way forward in respect of the Lord's Mill Weir, particularly in respect of legal ownership and implications of this.

RESOLVED -

- 1. That the contents of the report in regard to the Council's ownership of the Weir structure and the River Chess, be noted;**
- 2. That financial assistance up to a maximum of £10,000 subject to stringent criteria being met, as set out in the report be provided; and**
- 3. That the detail of 2, as above, be delegated to the Head of Environment to take forward and approve in discussion with the Portfolio Holder and Local Member.**

124 PEST CONTROL AND DOG CONTROL CONTRACTS

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet received a report which outlined the agreement to enter into a Framework Agreement with the Buckinghamshire District Councils for dog control, stray dog collection and kennelling, pest control and dog waste collection which set out a number of principles for the tender process. The pest and dog control services were due to commence on 1 November 2014 for a period of four years with the opportunity for a further two year extension whilst the dog waste contract is the subject of a separate tender process. The Head of Health and Housing, in consultation with the Portfolio Holder, was authorised to accept the tender and represented best value.

It was reported that two tender had been received for the pest control contract and one for the dog control contract which were currently being evaluated on the basis of service quality, price and technical ability.

RESOLVED -

- 1) That the outcome of the tender process, be noted; and**
- 2) That pest treatments for those on income related benefits continue to be subsidised.**

125 ADDITIONAL DELEGATED POWERS FOR HEAD OF ENVIRONMENT

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered the report which requested an extension to the delegated authority to the Head of Environment which would:

- Clear up any ambiguity within the Constitution
- Ultimately streamline the process and reduce the volume of minor Landlord & Tenant matters for Cabinet consideration
- Enable Officers to deal with the grant of short term tenancies in a more timely manner and reduced the need to utilise the Chief Executive's powers of urgency

RESOLVED -

That to extend the Head of Environment's delegated powers to enable the grant of short term non-protected tenancies across Chiltern District Council's property portfolio.

126 AMERSHAM AND CHESHAM STREET MARKETS - EXTENSION OF OPERATING CONTRACT

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered the report which updated members on the progress of the Amersham and Chesham Market Operating Contract awarded to the Market Traders Co-operative Group and the recommendation to extend the Contract for two years.

RESOLVED -

That the Contract with the Market Traders Co-operative Group to operate both Amersham and Chesham Street Markets be extended for a further two years from June 2014 to May 2016 as allowed for under the Contract.

127 EXTENSION OF THE JOINT PROCUREMENT OF THE GROUNDS MAINTENANCE CONTRACT WITH SOUTH BUCKS & WYCOMBE DISTRICT COUNCILS

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered the report which updated members on the current joint grounds maintenance contract between Chiltern District Council, South Bucks District Council and Wycombe District Council which was awarded on 1 April 2010 for a term of five years with the potential to extend for a further three years to an eight year term.

RESOLVED -

1. That the contract extension of the existing joint grounds maintenance contract (April 2010 – March 2015) with John O’Conner to run from April 1st 2015 to March 31st 2018, be invoked; and
2. That the opportunities in this aspect of service delivery following the service review, be noted.

128 CHIEF EXECUTIVE’S URGENCY POWERS UNDER THE SCHEME OF DELEGATION FOR STORM DAMAGE AT CHILTERN POOLS LEISURE CENTRE

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet were advised that the Chief Executive had exercised powers of urgency under the Scheme of Delegation (in consultation with the Cabinet Leader) to carry out the necessary storm damage repairs on two separate occasions at Chiltern Pools Leisure Centre.

RESOLVED -

1. That the exercise by the Chief Executive of urgency powers under the scheme of delegation in connection with storm damage repairs on two separate occasions at Chiltern Pools Leisure Centre, Amersham, be noted;
2. That the expenditure of £26,191 for storm damage to the gym roof and estimated expenditure of £32,000 for damage to a side wall, be endorsed; and
3. To note that repair costs are to be substantially reimbursed by insurance underwriters with £2,000 property insurance excess payable at the Council’s expense (£1,000 for each incident).

129 CHIEF EXECUTIVE EXERCISE URGENCY POWERS UNDER THE SCHEME OF DELEGATION

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet were advised that the Chief Executive had exercised powers of urgency under the Scheme of Delegation (in consultation with the Cabinet Leader) to authorise the Estates Officer and Legal Services to grant two leases in favour of CAB and Bromford Housing Association at will applying in the interim.

RESOLVED -

To note that the Chief Executive has exercised urgency powers under the scheme of delegation in connection with two minor landlord and tenant matters, namely the grant of two new leases in favour of CAB at Barn Hall Annex, Chiltern Avenue, Amersham and Bromford Housing Association, part of 2nd the Upper Floor, King George V House, Amersham.

130 NON DOMESTIC RATES - ARREARS FOR WRITE OFF

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information).

The Cabinet considered a report requesting that arrears of National Non Domestic Rates be written off since all appropriate action had been taken and the debt was now irrecoverable.

RESOLVED -

That arrears of National Non Domestic Rates in the sum of £12,017.98 in accordance with the provision of Financial Procedure Rule 12, be written off.

The meeting ended at 6.38pm