

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the CABINET held on **20 OCTOBER 2015**

PRESENT: Councillor I A Darby - Chairman
" M J Stannard - Vice Chairman

Councillors: G K Harris
P E C Martin
M R Smith

APOLOGIES FOR ABSENCE were received from Councillor F S Wilson

42 MINUTES

The Minutes of the Cabinet meeting held on 25 August 2015, copies of which had been previously circulated, were approved and signed by Councillor I A Darby, Cabinet Leader, as a correct record.

43 DECLARATIONS OF INTEREST

There were no declarations of interest.

44 CURRENT ISSUES

- (i) **Councillor Harris** reported that Knight, Kavanagh and Page Limited had been appointed to carry out a Leisure Needs Assessment for Chiltern, and following completion of the assessment a draft report was to be prepared by the end of December and a formal report and visual presentation to a meeting of Cabinet before the end of January 2016.
- (ii) **Councillor Martin** reported that a meeting for all District, Town and Parish councillors was scheduled on Wednesday 21 October 2015 to provide an update on progress with the Local Plan.
- (iii) **Councillor M Smith** reported that planning permission for the Crematorium at Aylesbury had been granted.
- (iv) **The Leader** reported, on behalf of Councillor Wilson, that the UK's first pavement wi-fi had been installed in Chesham High Street, which provided superfast wi-fi speeds in this area and was a pioneering first for the UK.

45 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 November 2015.

The Acting Chief Executive reported that, in respect of the Chiltern & South Bucks Joint Committee Forward Plan, the Revenues & Benefits Business

Case was deferred for consideration at the Joint Committee meeting in November 2015 rather than on 26 October 2015 as indicated.

RESOLVED –

- i) That the Draft 28-Day Notice / Forward Plan, to be published on 2 November 2015, be noted; and**
- ii) That the change to the Joint Committee Forward Plan in respect of the Revenues & Benefits Business Case be noted.**

46 JOINT BUSINESS PLAN REFRESH 2015 - 2020

The Principal Policy and Communications Officer presented the report which sought approval for the refreshed Joint Business Plan 2015 – 20.

The Joint Business Plan replaced the former Chiltern Aims and Objectives document and South Bucks Corporate Plan from 2014/15. The Joint Business Plan is reviewed every year to reflect the changing needs of the locality and the communities that live and work within Chiltern and South Bucks and the service planning process. The Plan was refreshed a little later this year due to the Local Elections taking place in May 2015. Members' attention was drawn to the various sections of the document to provide an overview of the content.

It was noted that minor amendments had been received from the Resources Overview Committee, Councillor P Jones and Councillor M Stannard which were to be incorporated and would not demonstrate significant change or focus to the document presented to the members. These minor amendments would be made by officers following consultation with the Leader prior to publication.

RESOLVED:

That the refreshed business plan be approved.

47 PERFORMANCE REPORT QUARTER 1 2015/16

The Principal Policy and Communications Officer presented the report which outlined the performance of Council services against performance indicators and service objectives during April to June 2015. In respect of Appendices A and B, the Resources Overview Committee had made suggestions to the layout of the table which were to be incorporated into future quarterly reports.

Members were advised of key pressure areas highlighted in the report which related to homelessness, affordable housing and impact of changes to the benefit scheme. Attention was drawn to the PI No. CdSD2, Special measures, speed of processing major applications for assessment in Oct/Nov 2015, which was regularly exceeded and whether this should be increased but the Acting Chief Executive advised that there was a formula that set the target

and a significant increase could affect performance and therefore it was agreed to include further explanation against the reason for the target. It was also noted that recycling figures were below target and further improvement was being sought including a programme of work to analyse recycling figures but the low levels were likely to be a seasonal impact. There were further areas within the report that identified the need for additional explanation which would be incorporated.

A query was raised in respect of CdS012 (C) and whether the target figure of 30% was correct, officers agreed to check on this and if appropriate set a more demanding target for future years' performance.

RESOLVED:

That the report be noted.

48 BUCKINGHAMSHIRE THAMES VALLEY LOCAL ENTERPRISE PARTNERSHIP (BTVLEP) CONTRIBUTION

The Acting Chief Executive presented the report requesting consideration of the Council's continued financial contribution to the Bucks Thames Valley Local Enterprise Partnership (BTVLEP).

RESOLVED:

That the allocation of £3,600 per annum from existing budgets be approved as the contribution towards the running costs of Bucks Thames Valley Local Enterprise Partnership identified in the report for the period 2015/16 – 2017/18.

49 BUSINESS RATES POOLING

The Director of Resources presented the report which sought agreement to proceed to be part of an expression of interest for business rate pooling for 2016/17, if the Government determined pooling was to continue.

The report set out the background and mechanics of business rate pooling, and the Director of Resources highlighted the issues that needed to be considered before finally committing to a pooling arrangement. The report illustrated the various pooling combinations for the Bucks authorities and their financial effects.

The benefit from pooling arises when being able to reduce the amount of any growth in business rates above Government assumptions which otherwise would be paid over to the Government. The authorities in the pooling area were committed to make the same overall basic payment to Government as they would if they had not joined a pool. Members were in agreement with the principle of pooling.

The governance and operation of any pool would be set down in an Inter Authority Agreement between those authorities in the pool.

The Buckinghamshire authorities had commissioned independent advisers to model the various pooling options for 2016/17 which were set out in Table 1 of the report. It was noted that if Chiltern was not part of any pool it could pass over £500K additional in business rates to the Government, whereas pooling would reduce the figure.

Officers advised members that there was a proposal from South Bucks DC's Cabinet to top slice any gains to provide funding for Bucks Advantage, and the Members were supportive of this suggestion.

RESOLVED:

- i) That it be agreed to be part of an expressing of interest for forming a business rate pool for 2016/17, if the pooling arrangements continue;**
- ii) That Members preferences were towards those options that gave the more substantial gains for Buckinghamshire;**
- iii) That the Director of Resources be delegated, in consultation with the Leader and the Support Services Portfolio Holder, authority to make the final decision to be part of any pool, and any subsequent decision to confirm intention to pool and the signing of an Inter Authority Agreement.**
- iv) To agree to support for consideration by any Pool that Chiltern District Council may be part of, that any retained growth is top sliced before distribution in order to provide funding in 2016/17 for Bucks Advantage.**

50 TREASURY MANAGEMENT QUARTERLY REPORT Q2 2015/16

The Director of Resources presented the report on the Treasury Management operation of the Council for July – September 2015.

RESOLVED:

That the Treasury Management performance for 2015/16 be noted.

51 LOCAL DEVELOPMENT SCHEME REVIEW

The Planning Policy Manager presented the report which following the recent Government announced objective for speeding up plan-making, to consider options and a recommended way forward to produce a new Joint Local Plan with South Bucks District Council by early 2017 through a review of the Councils' approved Local Development Scheme and other associated necessary actions.

Members' attention was drawn to the new Government objectives for local plan-making which required a change to the Council's approved Local Development Scheme whilst presenting a significant challenge to produce a local plan by early 2017. The recommended approach was in line with that from the Shared Service Review, and will secure the best opportunity for the Council to meet the Government objective whilst having least financial impact.

RECOMMENDED TO COUNCIL;

- i) Subject to agreement by South Bucks District Council, Chiltern District Council agrees to the preparation of a joint Chiltern and South Bucks Local Plan (2014 – 2036) under Section 28 of The Planning and Compulsory Purchase Act 2004 and for the preparation of a joint Chiltern and South Bucks Local Development Scheme to this effect;**
- ii) Subject to approval of Recommendation 1 above and agreement by South Bucks District Council, that Council approves a joint Chiltern and South Bucks Local Development Scheme timetable such that the timetable comprises the following:**
 - a) public consultation on a joint Local Plan in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in January/February 2016 incorporating an 'Issues and Options' consultation**
 - b) a preferred options consultation commencing in October/November 2016**
 - c) pre-submission consultation on the Local Plan in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in March/April 2017**
 - d) submission of the Plan to the Secretary of State in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 in September 2017**
 - e) anticipated examination in December 2017**
 - f) anticipated adoption in June 2018**
 - g) on-going Duty to Co-operate**
 - h) review the need for a combined Chiltern and South Bucks community infrastructure levy at the most relevant point between September 2016 and July 2017.**
- iii) Agree the establishment of a Joint Planning Policy Member Reference Group with:-**

- a) The Group to consist of equal membership from the two councils, namely respective cabinet members with responsibility for planning plus up to five other members nominated by each council. Other than for the cabinet members there will be no substitutes and the cabinet members will be free to nominate a substitute member as and when necessary.
 - b) Meetings will not be open to the public and agendas, reports, documents and any notes of the meeting will be kept confidential amongst the two councils.
 - c) Other members of the councils will be able to attend the meetings and will be able to contribute to the meeting with the agreement of the Chairman.
 - d) The Group to have no decision making powers but to provide advice and a steer on the preparation of planning policy matters. Meetings will be arranged as required in order to progress the joint Local Plan to the Local Development Scheme Timetable, associated matters and other Local Plan related matters after the Local Plan has been adopted with due notice being given.
 - e) To be quorate, the meeting will require at least two appointed members from each Council to be present.
 - f) The terms of reference for the Group to be agreed at the first Group meeting.
 - g) Meetings as far as practicable will generally alternate between Chiltern and South Bucks offices. Both councils to elect a Chairman at the first meeting, with the chairmanship of meetings alternating between the two Councils (i.e. one chairing one meeting and the next chairing the next meeting at the respective Councils).
- iv) That Council agree the nominations for the Chiltern member places on the Group, with those members to remain in place unless otherwise determined by Council.

RESOLVED:

That Cabinet approve, subject to recommendations 1 and 2 above being agreed by Council and South Bucks District Council:-

- v) To delegate authority to the Head of Sustainable Development to update the supporting Local Development Scheme document as a new joint councils Local Development Scheme. In exercising this

delegation the Head of Sustainable Development will consult with and take into account the views of the Cabinet Member for Sustainable Development and the South Bucks District Council Cabinet Member for Sustainable Development.

- vi) That notification of the revised Local Development Scheme Timetable be sent as soon as practicable to all Duty to Co-operate organisations, the Bucks Thames Valley Local Enterprise Partnership, the Milton Keynes and Buckinghamshire Natural Environmental Partnership and groups, organisations and individuals on the Council's Planning Consultation Database.
- vii) That all of the public consultations on a joint emerging Local Plan to be carried out so as to meet the minimum requirements of both the Chiltern District Council and South Bucks District Council statements of community involvement.
- viii) Request as a matter of urgency the Joint Committee consider agreeing to the Planning Policy Team forming a shared service with South Bucks District Councils' Planning Policy Team, to be located at one of the authorities offices, either at Amersham or Denham.
- ix) Request as a matter of urgency the Personnel Committee to consider the staff resource implications for expediting the local plan to meet the Government objectives.
- x) Agree to the funding of £400,000 additional expenditure to be met from the Council's Planning reserve.

52 CHILTERN GREEN HOUSE GAS (GHG) REPORT

The Principal Strategic Environment Officer presented the report which provided an overview and summary of the Chiltern District Council Green House Gas (GHG) Report for 2014/15.

RESOLVED:

- i) That the ongoing reduction in carbon emissions had been maintain for the year 2014/15 be noted, and in doing so, continue to meet the Council's reduction target;
- ii) That the risks and opportunities for GHG emissions in relation to the shared service agenda moving forward be noted; and
- iii) The Chiltern GHG Report detailed in Appendix 1, as submitted to the Department of Energy and Climate Change by the deadline of 31 July 2015 be noted.

53 SMOKE AND CARBON MONOXIDE ALARM REGULATIONS

The Head of Healthy Communities presented the report which updated Members on the implications of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015; and sought approval to amend the Scheme of Delegation and prepare a Statement of Principles in respect of the power to impose a Penalty Charge for failure to comply with a remedial notice.

Members were advised that the regulations were a key element of public safety legislation which had come into force on 1 October 2015, requiring private landlords of residential premises to:

- Install smoke alarms on each floor of their rented property
- Install a carbon monoxide alarms in each room where there is a solid fuel burning appliance
- Carry out checks to ensure the alarms are in working order at the start of each new tenancy.

RESOLVED:

- i) That the requirement for residential landlords to install smoke and carbon monoxide alarms in their rented properties be noted;**
- ii) That delegated authority be given to the Head of Healthy Communities to enforce the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 and the Scheme of Delegations be amended accordingly;**
- iii) That the Head of Health and Housing be authorised to prepare and agree a Statement of Principles in respect of the fixed penalty charge for failure to comply with a remedial notice in consultation with the relevant Portfolio Holder; and**
- iv) That the fixed penalty charge be set at the maximum amount of £5000 where a landlord has failed to comply with a remedial notice.**

54 SERVICE LEVEL AGREEMENT GRANT TO CITIZENS ADVICE BUREAU

The Head of Healthy Communities presented the report which sought agreement to award funding to the Chiltern Citizens Advice Bureau (CAB) for the period 1 April 2016 to 31 March 2019.

Members were advised that the work of the Citizens Advise Bureau contributed directly to the Housing and Homelessness prevention strategies and was a key partner in reducing the risk of homelessness. In 2014/15 the CAB prevented 39 cases of homelessness where clients were facing an imminent prospect of repossession due to rent and mortgage arrears. Due to the intervention of the CAB there was a beneficial impact for the residents of Chiltern and also reduced the impact and cost incurred by Council services.

It was noted that following consideration of the report by the Services Overview Committee an additional recommendation had been included to earmark a further £12,500 for specific projects subject to submission and approval of a detailed business plan by the CAB.

Following consideration of the report and noting the amended recommendation from the Services Overview Committee, the Cabinet

RESOLVED:

- i) That the Chiltern Citizens Advice Bureau be awarded funding of £125,000 per annum for the period 1 April 2016 to 31 March 2019;
- ii) That a further £10,400 be earmarked for specific projects subject to submission and approval of a detailed business plan from Chiltern Citizen's Advice Bureau; and

That delegated authority be granted to the Head of Healthy Communities to agree the Service Level Agreement in consultation with the relevant Portfolio Holder.

55 MINUTES OF JOINT EXECUTIVE COMMITTEES

Members considered and noted the Minutes of the following Joint Executive Committee meeting:-

- Chiltern & Wycombe Joint Waste Collection Committee – 27 August 2015

56 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.

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

57 CABINET REPORTS FROM POLICY ADVISORY GROUPS:

Cabinet members considered the notes of the following Policy Advisory Group meetings:-

- Sustainable Development PAG Notes – 26 August 2015

58 HOUSING OPTIONS AND ALLOCATIONS - LOCATA SOFTWARE

The Housing Manager presented the report which updated Members on the procurement of software to secure the continuation of the Bucks Home Choice system beyond the end of the current agreement with Locata in January 2016; and report that an exemption to the Council's Contract Procedure Rules had been granted by Management Team.

RESOLVED:

- i) **That the position regarding the procurement of software to secure the continuation of the Bucks Home Choice system be noted;**
- ii) **That it be noted that Management Team had agreed an exemption to the Council's Contract Procedure Rules;**
- iii) **That, in order to progress the procurement as set out in the report the Head of Healthy Communities be given delegated authority to liaise with other District Councils and Locata (Housing Services) Ltd to agree the services to be provided in a new Framework Agreement from 20 January 2016 and a final price for the delivery of the Agreement; and**
- iv) **That the final pricing will be reported to Management Team**

59 HS2 UPDATE REPORT

Consideration was given to the report which provided an HS2 Update and specifically on:-

- The Select Committee hearing process to date;
- Interim decision announced by the Select Committee on the Chilterns Long Tunnel (CLT);
- Additional provisions and their implications;
- Options for the Council going forward and implications; and
- The financial implications of the work moving forward and identification of further action necessary.

The Leader thanked the HS2 Team for their continued hard work on this project, and Cabinet

RESOLVED:

- i) **That the on-going negotiations with HS2 Ltd to pursue the non-tunnel mitigation asks in the October and November hearings in partnership with Buckinghamshire County Council, Chiltern Conservation Board and other partners to ensure that the proposals remain in alignment with the Council's plans and vision for the area be approved;**

ii) That the Council continues with its strategy to preserve a number of options to secure the maximum edge to edge bored tunnel throughout the AONB;

iii) That the position on assurances being sought from the promoter be noted;

RECOMMENDATION TO COUNCIL:

iv) That £140,000 be transferred from the General Reserve to the HS2 Reserve for the next stage of work relating to AP2 and AP4 work on petitions and related work at least until July 2016 with the resources identified in the report;

RESOLVED:

v) That the Acting Chief Executive in consultation with the Leader and Head of Legal and Democratic Services be authorised to approve any further negotiations and settlements reached with HS2 leading up to the Select Committee hearings; and

vi) That the Acting Chief Executive be authorised to approve expenditure from the HS2 Reserve after consultation with the Leader and Head of Legal and Democratic Services and act on the Councils behalf on any further rapid or unexpected developments relating to the petitioning points being presented to the Select Committee.

The meeting ended at 5.29pm