

## **CHILTERN DISTRICT COUNCIL**

### **MINUTES of the Meeting of the CABINET held on 5 APRIL 2016**

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

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

**ALSO IN ATTENDANCE:** Councillors P Jones, L Smith, J MacBean, N Rose and J Rush

#### **96 MINUTES**

The Minutes of the Cabinet meeting held 10 February 2016, copies of which had been previously circulated, were approved and signed by Councillor I A Darby, Cabinet Leader, as a correct record.

#### **97 DECLARATIONS OF INTEREST**

Councillor I A Darby declared an interest in Agenda Item 11 – Chalfont St Peter Neighbourhood Plan and Agenda Item 19 – Mill Meadow Chalfont St Peter, Bridge Major Works as a member of Chalfont St Peter Parish Council.

#### **98 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 30 May 2016.

The Acting Chief Executive advised that the Chilterns Crematorium Joint Committee due to be held on 23 June was to be rescheduled to avoid a clash of priorities for staff due to the EU Referendum polling day taking place on Thursday 23 June 2016.

#### **RESOLVED –**

**That the Draft 28-Day Notice / Forward Plan, to be published on 30 May 2016, be noted.**

#### **99 CURRENT ISSUES**

- (i) **Councillor I A Darby** reported that two informal member working groups had been established. The working groups are for Affordable Housing and Leisure Needs Assessment. The membership for each group was advised as follows and it was noted that the working groups were to meet as and when required and report directly to Cabinet:

**Affordable Housing Member Working Group** – Councillors Bray, Darby, Gladwin, Harris, P Jones, Martin, Phillips and Stannard.

**Leisure Needs Member Working Group** – Councillors Harris, Hudson, Rouse, M Smith, Stannard and Walsh

- (ii) **Councillor Martin** reported that the consultation process for the Local Plan had concluded and 5800 responses had been received plus 200 late responses. This was a pleasing result and the number of responses was significantly higher than other authorities undertaking this exercise. Councillor Martin highlighted that the high level of response was testimony to the hard work of officers and members during the consultation process. Additional staff are being recruited to analyse and collate the responses. An update and progress on the consultation responses will be considered at the next meeting of the Member Reference Group.
- (iii) **Councillor Harris** reported that the Community Awards Ceremony was held on Thursday 17 March 2016 to celebrate people of all ages in the community and was extremely well organised and held at the King's Church, Amersham. The Awards had been well received and reported in the local press. He added that there was a local stamps scheme in local schools which encouraged children to get involved in community activities and the school with the best results was to be awarded a day at Legoland donated by Legoland. It was noted that this scheme had been so successful that other authorities had set up similar schemes.
- (iv) **Councillor M Smith** reported that the latest High Court application for Judicial Review of the planning permission for the Crematorium at Bierton had been refused but this was being appealed and members would be kept updated of progress.

#### **100 QUARTER 3 PERFORMANCE REPORT 2015/16**

Consideration was given to the report which outlined the performance of Council services against performance indicators and service objectives during September to December 2015.

#### **RESOLVED:**

**That the content of the report be noted.**

#### **101 PERFORMANCE INDICATOR REVIEW 2016/17**

Consideration was given to the report which provided an update on the outcome of the Performance Indicator (PI) review for 2016/2017 and sought approval for the proposed changes to reporting. The Director of Resources advised that at a meeting of the Resources Overview Committee held on 23 March 2016 a request had been made that the Performance Indicator for 'Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention' be retained.

**RESOLVED:**

- i) That **Appendix A PI Review - Priority Performance Indicators 2016-17** be noted and the proposed changes to the priority indicators during 2016/17 be approved; and
- ii) That **Appendix B PI Review – Corporate Indicators 2016-17** be noted and the proposed changes to the Corporate Performance Indicators during 2016/17 be approved, subject to (iii) below; and
- iii) That **Performance Indicator for ‘Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention’** be retained.

**102 JOINT BUSINESS PLAN REFRESH 2016/21**

Consideration was given to the refreshed Joint Business Plan 2016 – 2020.

**RESOLVED:**

**That the refreshed Joint Business Plan 2016 – 2020 be approved.**

**103 PROPOSED BUILDERS PARTNERSHIP SCHEME**

Consideration was given to seek authority to set up a pilot scheme to provide Building Control customers in Chiltern and South Bucks with information about builders who carry out their business in a legitimate and proper manner. The Leader of Cabinet highlighted that the report had also been discussed by members at a meeting of the Sustainable Development Policy Advisory Group. The point was emphasised that this did not mean that the Council was giving any warranties in respect of these builders to be used by residents.

**RESOLVED:**

**That a Builders Partnership Scheme be implemented in Chiltern and South Bucks for an initial 2 year period with a review after one year of operation.**

**104 CHALFONT ST PETER NEIGHBOURHOOD PLAN**

Consideration was given to the report which set out the current position in respect of the Chalfont St Peter Neighbourhood Plan following the judicial review. The report set out the options to progress the neighbourhood plan process and the recommendations of the officers to proceed to getting the neighbourhood plan process completed.

The Principal Solicitor advised that Chalfont St Peter Parish Council produced a neighbourhood plan which was subjected to consultation and examination in accordance with the statutory procedures. The Council accepted all of the Examiner's recommendations except that relating to Winkers Farm Country Club/Nightclub (Winkers). The Neighbourhood Plan was taken to referendum on 5 March 2015, which it passed. Before the plan could be made (adopted) by Chiltern District Council a legal challenge was made by the owners of

Winkers. They objected to the inclusion of the nightclub in a list of facilities to be protected by the Neighbourhood Plan. The High Court quashed the Council's decision in relation to Winkers and also quashed the referendum. As such the Council needs to re-consider its decision in relation to the Examiner's report and decide how to proceed with the plan. The report acknowledged it would be difficult to maintain the protection of Winkers as a local community facility and as such recommends that the Cabinet change its position on the Examiner's report before proceeding to a further referendum on the Neighbourhood Plan.

**RESOLVED:**

- i) That the outcome and the implications of the court judgement following the judicial review be noted;
- ii) To accept the Examiner's recommendation that the reference in the draft Chalfont St Peter Neighbourhood Plan that Winkers Farm Country Club (Winkers Nightclub) should be removed from Table 8.1;
- iii) That the Neighbourhood Plan (as amended in accordance with the Examiner's recommendations and the other modifications agreed by the Head of Sustainable Development under delegated authority on 23 January 2015) should proceed to referendum;
- iv) That a timetable for progressing the said Neighbourhood Plan be approved, with a referendum to be held on 8 September 2016.

**105 MINUTES OF JOINT EXECUTIVE COMMITTEES**

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

- Chiltern & South Bucks Joint Committee – 29 February 2016
- Joint Waste Committee for Buckinghamshire – 20 January 2016 - **the recommendations contained in Minute 26 in respect of the proposal to dissolve the Joint Waste Committee were agreed.**
- Chilterns Crematorium Joint Committee – 4 February 2016

**106 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)

## **107 CABINET REPORTS FROM POLICY ADVISORY GROUPS:**

Cabinet Members considered the notes of the following Policy Advisory Group:

- Customer Services Notes – 25 November 2015

## **108 HS2 - ASSURANCES, QUALIFYING AUTHORITY, SLA AND FUNDING**

Consideration was given to the report which set out Chiltern District Council's work to date in response to the High Speed Rail (London – West Midlands) Bill (HS2 Hybrid Bill) since the matter was last reported to Members in the Cabinet report of the 18 October 2015. The update set out how the HS2 Hybrid Bill is moving towards royal assent and considered the implications for the local authority in responding to the process and also set out the position regarding the Council becoming a Qualifying Authority and the implications of this pursuant to the HS2 Bill. It covered the following issues:-

- Select Committee Final Report
- Assurances and Undertakings from HS2 (closing this particular phase of the project) and conclusions
- The Hybrid Bill process going forward
- Qualifying Authorities
- Service Level Agreement and potential resources implications

Councillor L Smith was in attendance and pointed out that the report had not made mention of a vent shaft in the Chalfont St Peter area which should have been referred to.

### **RESOLVED:**

- i) That the Council continues with its strategy to pursue its mitigation asks on several non-tunnel topics;**
- ii) That Cabinet note the position on assurances sought from the promoter and the ongoing asks being negotiated by the Council and in partnership with the County Council;**
- iii) That up to £66,355 (representing 50% of the team costs) be transferred from the General Reserve to the HS2 Reserve for the next stage of work relating to the project at least until 31 December 2016, with the resources identified in the report, to cover any gap in funding from HS2 under the MOU, proposed Service Level Agreement and the new burdens doctrine ; and**
- iv) To consider the information in this report relating to becoming a qualifying authority and to resolve that authority be delegated to the Head of Sustainable Development in consultation with the Chair of the Planning Committee to sign the Planning Memorandum and thereby become a “Qualifying Authority” for the determination of planning matters under the Bill.**

## **109 HS2 - HOUSE OF LORDS OPTIONS PAPER**

Consideration was given to the second HS2 report which outlined the options of petitioning to the House of Lords having taken account of the discussion and advice obtained.

### **RESOLVED:**

- i) That having considered the issues raised in this report the Council petitions in the House of Lords for:**
  - a) A fully bored tunnel;**
  - and/or**
  - b) Increased mitigation**
- ii) That, having considered the advice of the parliamentary agent and Counsel a 'preliminary hearing' be sought with the Select Committee on the issue of the jurisdiction of the Select Committee to hear a petition seeking an Additional Provision;**
- iii) That, should such a preliminary hearing be allowed and be successful, to delegate to the Interim Chief Executive in consultation with the Leader of the Council and the Head of Legal and Democratic Services to consider the best grounds for the case to be presented by the Committee of the Lords;**
- iv) That the Council continues to work with neighbouring authorities and other partners in a collaborative manner to pursue the best mitigation for the AONB; and**
- v) That, in the light of (i) above, up to £150,000 be transferred from the General Reserve to the HS2 Reserve for the petitioning process for the resources identified in this report.**

## **110 AMERSHAM MULTI-STOREY CAR PARK**

Consideration was given to the report of the current and future parking situation in Amersham and at the Amersham Multi Storey car park. It also set out a high level plan for the development of the site to deal with the issues arising and to seek Cabinet confirmation of Corporate Asset Management Group's recommendation to progress the project as proposed.

### **RESOLVED:**

- i) That the content of the report be noted;**
- ii) That the project should proceed to enable the design stage and planning to progress; and**
- iii) That £110,000 required for the initial design, planning and project management work should be made available and**

**funded from the existing capital budget for the Amersham Multi Storey Car Park.**

#### **111 DISPOSAL OF PART HIGH STREET CAR PARK PRESTWOOD**

Consideration was given to the report which outlined the disposal of part of High Street car park to enable the development of affordable rented social housing on the land. Members were aware of a number of local issues around the proposal and felt it would be appropriate to remit it for consideration by the Affordable Housing Member Working Group that has been established.

##### **RESOLVED:**

- i) That the proposal be remitted to the Affordable Housing Member Working Group for consideration.**

#### **112 MILL MEADOW CHALFONT ST PETER - BRIDGE MAJOR WORKS**

Consideration was given to the report to allocate £225,000 from the Council's Capital Reserves to pay for the major works to the access bridge. Given the level of cost members were keen that the works were carefully specified.

##### **RESOLVED:**

- i) That the allocation of funds to enable major works to the access bridge be approved;**
- ii) That up to £225,000 be approved to pay for the major works including fees and temporary bridge, subject to intrusive ground survey, Environment Agency consents and planning consent; and**
- iii) That powers be delegated to the Head of Environment to carry out a procurement exercise, select the tenderer and arrange for completion of the work.**

#### **113 REPLACEMENT OF COUNCIL CHAMBER PROJECTORS AND RELATED ICT INFRASTRUCTURE**

Consideration was given to the Three Audio-Visual (AV) issues have been identified in relation to the Council Chamber:

- The frequent failure and poor quality of the projector equipment
- Poor sound quality from the wireless microphones
- The feasibility of web casting Council meetings following legislation changes

The report focused on the frequent failure and poor quality of the projector equipment. In addition members raised issues about the microphone system

and seating in the Chamber and asked that these be addressed at the same time as the AV system

**RESOLVED:**

- i) That an order be placed with Public-I for the replacement of all ICT infrastructure in the Council Chamber relating to the projectors in the Council Chamber;**
- ii) That the sum of £35,325 be added to the Approved and Committed Capital Programme**
- iii) That replacement chairs be provided in the Chamber, to be funded from the Repairs & Renewals Reserve**
- iv) A report be brought back to Members for the next meeting on options to replace the existing microphones**

**The meeting ended at 5.46pm**