

**Publication
Date
3 July 2017**

CHILTERN DISTRICT COUNCIL

MINUTES of the CABINET (CDC) held on 27 JUNE 2017

PRESENT Councillors I A Darby - Leader
M J Stannard - Deputy Leader
M R Smith
E A Walsh
F S Wilson

APOLOGIES FOR ABSENCE were received from Councillor P E C Martin

ALSO IN ATTENDANCE: Councillors J L Gladwin, P M Jones and D W Phillips

1 MINUTES

The Minutes of the Cabinet meeting held on 4 April 2017, copies of which had been previously circulated, were approved and signed by the Cabinet Leader, as a correct record.

2 DECLARATIONS OF INTEREST

Immediately before Item 13 (Revitalisation Group Update Report & Capital Grants 2016/17) was discussed Councillor I Darby declared a personal and prejudicial interest in that item due to her work involvement at Milton's Cottage and left the room for the discussion on that item.

3 28 DAY NOTICES (FORWARD PLANS)

The Cabinet received a report attaching the draft 28 Day Notices for Cabinet and the Chiltern & South Bucks Joint Committee outlining the items due to be considered at forthcoming meetings.

Members welcomed Councillor Liz Walsh, who had been appointed the Cabinet Member for Healthy Communities, to the meeting.

RESOLVED –

That the Draft Cabinet and Chiltern & South Bucks Joint Committee 28-Day Notices be noted.

4 CURRENT ISSUES

Councillor L Walsh - Community Cards Scheme 2017

Members noted that 29 schools had participated in this year's Community Cards Scheme which encouraged children in year 6 to get involved with constructive community activities. One winner from Chiltern, and another from South Bucks, would be announced shortly. The winning classes would win a day trip to Legoland. Other class and individual prizes would also be awarded.

5 ANNUAL PERFORMANCE REPORT 2016 - 2017

The Cabinet received a report outlining the annual performance of Council services against previously agreed performance indicators and service objectives for 2016/17. After welcoming the introduction of an infographic it was

RESOLVED –

That the performance reports and annual report, provided infographic format, be noted.

6 REVIEW OF THE CONSTITUTION

The Governance and Electoral Arrangements Committee had reviewed the Council's Constitution to ensure that it was up to date and more user-friendly. The proposed revisions to the Constitution, which included harmonised procedures with South Bucks District Council, were reported and agreed at Full Council on 16 May, subject to Cabinet approving the revisions relating to functions undertaken by Cabinet and associated rules.

It was noted that the Constitution had been updated since the Council meeting on 16 May to include the terms of reference for the new Joint Staffing Committee which replaced the Personnel Committee and Joint Appointments and Implementation Committee. The delegations to the Cabinet could now also be amended by the Cabinet, rather than by Full Council.

RESOLVED –

That the proposed revisions to the Constitution relating to Cabinet functions be agreed as recommended by the Governance and Electoral Arrangements Committee.

7 CAPITAL & REPAIRS & RENEWALS OUTTURN 2016/17

The Cabinet considered a report setting out the capital and repairs and renewals outturn position for 2016/17. It was proposed that the carry forward budget for additional budgeted capital expenditure of £787,000, and additional budgeted repairs and renewals expenditure of £237,000 for 2017/18 be agreed.

The Cabinet noted that the Resources Overview Committee considered the report at the meeting on 21 June and raised questions regarding the proposed carry forward for the London Road Depot. Members were reassured that the proposed carry forward was required due to the works planned at the depot in the current year.

RESOLVED –

- 1. That the 2016/17 capital and repairs & renewals outturn position be noted.**
- 2. That the proposed capital and repairs & renewals budgets be carried forward to 2017/18.**

8 TREASURY MANAGEMENT ANNUAL REPORT 2016/17

The Cabinet considered a report detailing the treasury management performance of the Council for 2016/17 which was required by the Code of Practice on Treasury Management. The total interest received on investments for 2016/17 was £164,000. The Council had also increased its cash reserves from £20M to £25.5M which was mainly attributed to the timing of payments of business rates.

RESOLVED –

That the Treasury Management performance for 2016/17, as required by the Code of Practice on Treasury Management, be noted.

9 AMERSHAM MULTI-STOREY CAR PARK

The Cabinet considered a report providing an update on the Amersham Multi Storey Car Park Development Project which sought approval of the final business case, amended capital programme and confirmation on the contracts for construction. The proposed project would provide a total of 1,046 car park spaces, resulting in an increase of 366 spaces. The additional parking spaces from the project were required in order to meet the increased demand for parking and were supported by a detailed business case that had been developed, as required by the Council's financial strategy, using realistic and prudent assumptions on potential income and expenditure. The proposed project was considered important to meet the parking needs and would also help generate additional income.

The report was considered by the Resources Overview Committee on 21 June and the Committee's comments were noted by the Cabinet. A number of questions had been raised by the Committee, and further clarification on the pre-construction costs, total overall costs and parking charges in relation to annual inflation, had been requested. A number of additional questions were also raised by Committee Members following the meeting. A supplementary appendix was circulated at the meeting responding to those questions raised.

A number of options had been considered in order to meet parking needs. The proposal set out in the report, which took into account the parking needs and financial implications, and was considered the best option. It was confirmed that Pick Everard, an independent consultant, had provided cost certainty on the proposals. During the budget setting process the impact that the proposed project would have on the Council's Medium Term Financial Strategy and Treasury Management Strategy had been taken into account.

Interest rates were at a historic low and in light of this it was therefore sensible to consider borrowing to finance the project which would provide long term benefits to the Council. The risk that the cost of borrowing could change was mitigated through the use of a 40 year fixed rate loan from the Public Loans Board to finance the construction costs.

Another risk was that income from the car park would be lower than estimated. The demand for parking spaces was subject to change however the car park was already at full capacity and demand was unlikely to reduce in the medium term. An extra 366 parking spaces, as proposed, would enable the car park to operate at 85% capacity. This was the maximum number of spaces that could be provided on that site and included the creation of an additional deck. A lower than anticipated level of income was not therefore considered a significant risk. It was confirmed that the income forecasts for the project were based on cautious estimates of increased usage, and although no detailed analysis of the impact from higher levels of income had been undertaken, this would only benefit the project.

The Council could also change car park prices, and a 3% increase had been included in the business case. Car park prices were due to change later this year and would still remain lower than competing car parks. One of the suggestions from the Resources Overview Committee was that the business plan should show charges being increased every 3 years, rather than annually, and the tabled appendix included details of the financial effect of this.

At the invitation of the Leader Councillors J Gladwin, D Phillips and P Jones addressed the meeting. It was advised that although there was agreement that Amersham required additional car parking there was concern regarding the following key issues:

- There was uncertainty regarding the impact of parking displacement arising from an increase in parking prices and changes to on-street parking restrictions, such as additional no parking areas.
- It was suggested that parking fees, when increased, be rounded up to a practical whole number
- There was also concern that a 50p increase in parking charges each year would not be realised
- There was concern about the impact on demand arising from additional spaces being created in Sycamore Road and King George V House car parks
- It was suggested that relaying the surface on the top floor of the car park be shown as a separate project
- It was recommended that the figures in the business case be reviewed again particularly in light of the risk of higher interest rates.

- Further clarity was requested in relation to the pre-construction costs and initial design costs.
- Concern was raised regarding the potential increased cost arising from the risks identified by Pick Everard such as archaeological remains, Transport for London, and other contingencies. It was considered that the likelihood of these having any material impact was low.
- It was suggested that a proportion of the Council's reserves be used to lower the level of borrowing required particularly in light of the low levels of income from Council investments.

Regarding the pre-construction costs it was confirmed that these had increased from £591,000 to £617,000 with cost certainty and any further variation would now be the contractor's risk. The £110,000 initial design costs were also included within the pre-construction cost.

The relaying of the surface on the top floor had been included in the project costs because it was more cost efficient to carry the work out at the same time. This could be included as part of contract but listed as a separate project cost for the purpose of the business case.

Regarding the impact from extra spaces provided elsewhere, it was noted that this was difficult to model due to the number of different factors; however the overall effect was estimated to result in around half of the number of staff parking in Sycamore Road temporarily during the construction of the car park.

It was clarified that the Council's reserves were allocated for a variety of different schemes and it was not considered desirable to commit a significant proportion of the reserves to a single project where alternative funding was available. The budget setting process had taken this into account. The Council was also gaining cost certainty through the use of a 40 year fixed rate loan.

The Council's Constitution required that any applications submitted by the Council be considered by the Planning Committee and Full Council. The Planning Committee meeting on 22 June considered the planning application relating to the project and agreed to recommend to Full Council that the Council's own planning application relating to the Multi Storey Car Park be approved, subject to amendments to conditions 2 and 13. Reference was made to the amendments made by the Planning Committee and the costs associated with the amendments relating to the total landscaping scheme.

Following the discussion, the Cabinet then

RESOLVED –

- 1. That the current position of the Amersham Multi Storey Car Park Development Project be noted.**
- 2. That the final business case for the project be agreed.**
- 3. That, subject to the decision of Full Council on recommendation of the Planning Committee, that the Head of Environment, in consultation with the relevant Portfolio Holder and Director of Services, be authorised to conclude the delivery agreement between Balfour Beatty and the Council for the construction phase.**
- 4. That the Head of Finance be authorised to carry out the necessary arrangements to obtain the loan finance.**
- 5. That the Head of Environment be authorised to negotiate and conclude any necessary agreements to allow the development to proceed through to completion.**
- 6. That the 2018/19 revenue budgets include the additional revenue operating costs of a larger car park operational from September 2018.**
- 7. To note and agree that the cost of the pre-construction costs have increased from £591,000 to £617,000 for delay due to planning and Scape fees.**

AND RECOMMENDED –

- 8. That £10,800,000 be added to the capital programme for the construction of the project.**

10 JOINT HOUSING STRATEGY (AFFORDABLE HOUSING AND HOMELESSNESS)

The Cabinet were asked to approve and implement the Joint Housing Strategy (Affordable Housing and Homelessness). It was proposed that the draft Strategy would be subject to a 6 week consultation and the final version would be agreed by the Head of Healthy Communities, in consultation with the relevant Portfolio Holder, before being considered by Full Council for adoption.

RESOLVED –

- 1. That the Head of Healthy Communities be authorised to prepare a Joint Housing Strategy (Affordable Housing and Homelessness).**
- 2. That the draft Joint Strategy be noted.**
- 3. That a 6 week consultation exercise be undertaken on the draft Joint Strategy.**
- 4. That the Head of Healthy Communities be authorised to prepare a finalised Joint Strategy, in consultation with the Portfolio Holder for Healthy Communities, prior to submission to Full Council on 17 October 2017 for approval.**

11 REVITALISATION GROUP UPDATE REPORT & CAPITAL GRANTS 2016/17

The Cabinet received a report seeking agreement for £7,800 of funding to help deliver the work of the Revitalisation Groups, which would attract partnership project funding of nearly £10,000 into the district from other stakeholders.

Councillor I Darby declared a personal and prejudicial interest due to her work involvement at Milton's cottage and left the room for the discussion on this item.

After noting that the Healthy Communities Policy Advisory Group had supported the recommendation it was

RESOLVED –

- 1. That £7,800 from the Capital Reserves be transferred into the approved Capital Programme list and be used to support the following Chiltern District’s Revitalisation Groups’ projects, subject to planning consent, if required, and confirmation that ongoing maintenance and insurance obligations will not be the responsibility of the Council:**
 - a) Little Chalfont – village centre notice boards project (£3,000)**
 - b) Chalfont St Giles – contribution to Milton’s Cottage secondary glazing (£2,800)**
 - c) Great Missenden & Prestwood villages – community cycle parking project (£2000)**

Note: Councillor Darby left the meeting for the discussion on the above item.

12 CHILTERN POOLS

The Cabinet received an update on the detailed feasibility study to re-provide a combined community and leisure facility in Amersham. Agreement was also sought to enter into a land swap with Amersham Town Council to enable the proposed development and to proceed to the detailed design stage of the project.

The report was considered by the Services Overview Committee meeting on 14 June and Members supported the way forward and agreed to recommend that the recommendations be agreed by the Cabinet.

The Deputy Leader referred to the huge support from the Community received during the initial proposals and advised that he was particularly interested to receive the feedback from the public regarding the revised proposals which addressed concerns raised during initial consultation. It was acknowledged that this was a large project however it would provide an excellent service to the community and would also generate additional income for the Council. There had been significant involvement from Members already. The figures in the final business case would be scrutinised further,

before being considered by Members, to ensure that income assumptions were accurate and robust.

At the invitation of the Leader Councillor P Jones advised that although he fully supported the project he also emphasised the importance of reviewing any additional proposals that increased costs to ensure that these could be recovered from future income. It was suggested that the Council avoids duplication of services available elsewhere.

Following the discussion, the Cabinet then

RESOLVED –

- 1. That the findings of the feasibility study to re-provide a combined community and leisure facility in Amersham be noted, and to progress the project to the next decision point, this is the Stage 2 refinement of brief.**
- 2. That the current facility mix identified in the feasibility plan and detailed in Appendix 1 be noted.**
- 3. That it be agreed:**
 - (a) To place the necessary statutory advertisements and undertake public consultation together with Amersham Town Council in relation to the proposed disposal and acquisition of land as detailed in appendix 2 to support the redevelopment of the facility.**
 - (b) To delegate:**
 - (i) consideration of any duly made objections during the advertisement period;**
 - (ii) the decision whether to acquire and dispose of the land referred to above and the detailed terms thereof to the Chief Executive in consultation with the Head of Legal and Democratic Services and the Leader of the Council.**

4. That authority be delegated to the Director of Services to:
 - (a) agree heads of terms with current lease holders to secure the surrender of their leases to enable the Council to take possession of the Community Centre, Youth Club, and Library buildings as part of the redevelopment; and,
 - (b) agree the terms of new leases to commence when the new facility is available for occupation.
5. To delegate the decision to the Director of Services to agree final transitional arrangements with the Community Centre, and Buckinghamshire County Council as necessary to allow the development to proceed.
6. To delegate authority to the Director of Services, in consultation with the Portfolio Holder for Support Services, the selection, through an appropriate Framework, of
 - (a) a Project Manager and Quantity Surveyor to manage the project through the key decision points to develop a replacement facility; and
 - (b) the architectural and professional services required by the project design team.
7. That authority be delegated to the Director of Services, in consultation with the Head of Legal and Democratic Services, to undertake a procurement process to select the lead construction company for the project, subject to final agreement by Cabinet.
8. That the Head of Healthy Communities, in consultation with the Portfolio Holder for Support Services, be authorised to draw down up to £1,500,000 of funding to enable the project to progress to the next key decision stage which is the Stage 2 Refinement of the design prior to Cabinet approval to proceed to the full design brief to the point of planning application. The first £1,000,000 to be taken from the earmarked leisure fund.

9. **That authority be delegated to the Director of Services to appoint an Internal Project Manager to support the delivery of the next stage of the project, to be funded from the earmarked leisure fund.**

13 **CORPORATE ENFORCEMENT POLICY**

Since the Regulator's Code came into effect the Council was required to have an enforcement policy and have mechanisms in place to engage with those organisations that it regulated in the review of its policies and service standards. Following consultation with internal and external bodies the Cabinet was therefore asked to agree the proposed policy.

RECOMMENDED –

That the draft Corporate Enforcement Policy be approved for regulatory compliance and enforcement services by Full Council on 13 July 2017.

14 **PUBLIC SPACES PROTECTION ORDER**

The Cabinet considered a report regarding the introduction of Public Spaces Protection Orders (PSPOs), a new power designed to reduce anti-social behaviour (ASB). It was proposed that the current designated dog fouling areas be kept as they were whilst further consultation took place towards introduction of a new PSPO. It was also proposed that the current Designated Public Place Orders (DPPOs) on alcohol restrictions be replaced by the introduction of one new PSPO, which will also include restrictions on people and highways and vehicle misuse in a number of car parks.

The report was considered by the Services Overview Committee and Healthy Communities Policy Advisory Group. It was recommended that the PSPO covers all car parks to avoid ASB displacement.

The police had requested the PSPO to help address nuisance from ASB and further evidence on the roll out of the PSPO to include all car parks would be collated following the consultation. Other measures could also be used to help reduce ASB, for example, by building in measures, such as barriers, CCTV and controls on vehicle speed during the design of public spaces e.g. public car parks, which the police had also recommended.

It was suggested that the implications of applying dog control measures across the whole district needed to be looked at, for example, to take into account equality issues and the potential need for spaces where owners could walk their pets.

RESOLVED –

- 1. That the current designated dog fouling areas are kept as they currently are for now while further consultation takes place towards the introduction of a new Public Spaces Protection Order (PSPO).**

- 2. That further evidence be gathered to support the introduction of a PSPO, including the following dog control measures across the whole district, whereby the following actions mean an offence is committed:**
 - A) If a person in charge of a dog fails to clean up its faeces.**
 - B) To fail to put a dog on a lead when directed to do so by an authorised officer.**
 - C) To allow a dog into enclosed children's playgrounds.**

- 3. To agree implementation of a new PSPO to include alcohol restrictions which provide Police with powers to require any person to stop drinking and surrender alcohol if they are causing or likely to cause anti-social behaviour (ASB) in the following areas:**
 - A) Chesham Cemetery**
 - B) Chesham Town Centre High Street and Meades Water Garden**
 - C) Amersham-on-the-Hill and Old Amersham**
 - D) Seer Green**
 - E) Land at Roundwood Road and Station Forecourt, Amersham**

4. To agree that the new PSPO will include restrictions, as detailed in the report, on people and misuse of highways and vehicles in the following car parks, and that the introduction of the PSPO restrictions to all car parks in the district be subject to consultation:
 - A) Multi-Storey Carpark on King George V Road, Amersham
 - B) Library Carpark on King George V Road, Amersham
 - C) Chiltern Pools Carpark on Chiltern Avenue, Amersham
 - D) Sycamore Road Carpark, Rickmansworth Road, Amersham
 - E) Watermeadow Carpark, Weylands Ct, Germain Street, Chesham
 - F) Staryard Carpark, Chesham
 - G) Link Road & Buryfields Carpark, Link Road, Great Missenden
 - H) Co-op Carpark, High Street, Prestwood
5. To set the Fixed Penalty Notice (FPN) fine at £100.
6. That authority be delegated to the Head of Healthy Communities in conjunction with the Head of Legal and Democratic Services to publish appropriate PSPOs as a result of evidence being obtained and that if any amendments to any PSPOs are necessary that these be made in consultation with the Portfolio Holder for Healthy Communities.

15 FOOD AND HEALTH & SAFETY SERVICE PLAN 2017-2018 AND ENFORCEMENT POLICY

The Cabinet considered a report seeking approval for the adoption of the joint Food and Health and Safety Service Plan for the year 2017/18 and the Food and Health and Safety Enforcement Policies.

RESOLVED –

1. That the joint Food and Health and Safety Service Plan be approved.
2. That the Food and Health and Safety Enforcement Policies be approved.

16 HOME ENERGY CONSERVATION ACT PROGRESS REPORT

Members received the progress report on the Home Energy Conservation Act setting out measures required to improve home energy efficiency. A copy of the progress report would be published on the Council's website to meeting statutory timescales.

In response to a question it was advised that gas providers did have a programme to help deliver gas supply to remote communities.

RESOLVED –

That the progress report be noted.

17 CABINET APPOINTMENTS

The Cabinet received a list of appointments to outside bodies, and

RESOLVED –

That the appointments made by Council be noted, and the appointments made by the Cabinet be agreed.

18 MINUTES OF JOINT EXECUTIVE COMMITTEES

The Cabinet received the Minutes of the Chiltern & Wycombe Joint Waste Collection Committee held on 10 April 2017 and the Chilterns Crematorium Joint Committee held on 15 February 2017.

RESOLVED –

That the Minutes of the Joint Executive Committees be noted.

19 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.

20 CABINET REPORTS FROM POLICY ADVISORY GROUPS

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

The Cabinet received the Notes of the Customer Services Policy Advisory Group meeting held on 29 March 2017 and the Sustainable Development Policy Advisory Group meeting held on 15 February 2017.

RESOLVED –

That the Notes of the Policy Advisory Group meetings be noted.

The meeting ended at 6.08 pm