

**Publication
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2017**

CHILTERN DISTRICT COUNCIL

MINUTES of the CABINET (CDC) held on 19 SEPTEMBER 2017

PRESENT Councillors I A Darby - Leader
M J Stannard - Deputy Leader
P E C Martin
E A Walsh
F S Wilson

APOLOGIES FOR ABSENCE were received from Councillor M R Smith

ALSO IN ATTENDANCE: Councillor P M Jones

21 MINUTES

The Minutes of the Cabinet meeting held on 27 June 2017 were agreed and signed by the Cabinet Leader as a correct record.

22 DECLARATIONS OF INTEREST

Councillors I Darby and M Stannard declared a personal interest in item 14 (Community Grant Aid Awards 2017/18). Councillor Darby was an independent examiner for Chalfont St Peter Youth Centre. Councillor Stannard was a member of Hawridge & Cholesbury Cricket Club.

23 28-DAY NOTICES

The Cabinet received the draft 28-Day Notices for the meetings of Cabinet on 12 December and the Chiltern and South Bucks Joint Committee on 5 October.

RESOLVED –

That the draft 28-Day Notices be noted.

24 CURRENT ISSUES

Chiltern & South Bucks Joint Local Plan

Councillor P Martin reported that the Government had published an open consultation called "Planning for the right homes in right places" on proposals to reform the planning system to increase the supply of new homes. The Council would assess the implications of the Government's proposals and work with neighbouring authorities whilst considering what approach to take.

Proposed Publication of Draft Report on Northern Extension of Slough by Slough Borough Council

Councillor Martin provided an update following the Joint Committee meeting held on 11 September.

Chiltern and South Bucks Lottery

Councillor L Walsh reported that a lottery had been set up to help support local charities. Tickets would be available from 24 October and could be purchased from local groups and the Council website. The first draw would take place on 25 November with prizes ranging from £25,000 to £250. All money raised from the lottery would be in addition to the Council's community grants scheme.

Chiltern Pools Project

Councillor M Stannard encouraged people to respond to the Council's consultation on the proposed land swap between Chiltern District Council and Amersham Town Council that would enable the proposed Chiltern Pools redevelopment to be built on part of King George V playing field. A public exhibition was taking place from 5 to 9pm on 19 and 20 September at King George V House that enabled residents to see the proposals and ask questions.

25 PERFORMANCE REPORT QUARTER 1 2017-18

The Cabinet received the performance report for quarter 1 of 2017-18 and noted in particular updates and actions taken regarding the five off target performance indicators.

It was noted that waste collection performance was also being reported to the Cabinet Members on a regular basis.

RESOLVED:

That the report be noted.

26 TREASURY MANAGEMENT - QUARTERLY REPORT QUARTER 1 2017/18

Members received a report detailing the treasury management function of the Council for April to June 2017. It was noted that the return on investment for the first quarter was 1% which was on target.

RESOLVED:

That the report be noted.

27 CREATION OF A COMMUNITY INTEREST COMPANY FOR CHESHAM

The Cabinet considered a report advising that a Community Interest Company for Chesham had been established, and the Council had been invited to become a Member Organisation. Members considered the implications associated with the proposed membership and were reassured that there was a low risk that membership would present a conflict of interest for the Council.

RESOLVED:

- 1. That, subject to the Director of Services being satisfied that membership of the Chesham Community Interest Company would not expose the Council to conflicts of interests with its own policies and wider partnership working, the Council accepts the invitation to become a Member Organisation of the Chesham Community Interest Company.**
- 2. That an authorised representative be appointed by Full Council to represent the Council on the Chesham Community Interest Company.**

28 DISCRETIONARY BUSINESS RATE RELIEF - SPRING BUDGET 2017

A revaluation of all business premises took effect from April 2017 and in the Spring 2017 Budget the Government announced funding to support those businesses adversely affected. The Council would receive £196,000 in the first year and additional funding for a further three years and were required to develop a scheme for distribution. The Cabinet were asked to agree the proposed Discretionary Business Rate Relief Scheme which was based on a standard scheme that had been developed across Buckinghamshire.

Members considered the eligibility criteria for businesses wishing to apply for the scheme and noted that 214 properties were thought to be eligible. Delegated authority to agree the final percentage award for the years 2017/18 and 2018/19 was sought to enable flexibility to maximise the funding available. An amount of funding would be retained that could be used on a case by case basis to support businesses not eligible for the scheme.

The Council was keen to support local businesses and would encourage applications by contacting all businesses in the district that may qualify. Members were interested to see how many applications would be received and requested an update on application levels at a future meeting.

RESOLVED:

- 1. That the Discretionary Business Rate Relief Scheme, set out in Appendix A, be agreed.**
- 2. That authority be delegated to the Head of Customer Services in consultation with the Portfolio Holder for Customer Services to agree the final percentage award for the financial years 2017/18 and 2018/19, and any future changes having regard to Government guidance, the Council's financial position and any other considerations.**
- 3. That authority for all awards made in accordance with paragraph 4.2 a) of the report be delegated to the Head of Customer Services and all awards under paragraph 4.2 b) of the report be made in accordance the Council's existing Discretionary Rate Relief Policy.**

29 BROWNFIELD LAND REGISTER

The Council was required to prepare and publish a Brownfield Land Register. Part 1 of the Register listed all brownfield sites in a local authority area that were considered suitable for residential development. Publication of Part 1 of the Register, being an executive function, required approval from the Cabinet. The Government required all Local Authorities to publish Part 1 by 31 December 2017. As such, the Cabinet were asked to approve the draft Register for public consultation. During the discussion it was agreed that all Members be sent a copy of the draft Register prior to public consultation.

Part 2 of the Register contained a list of sites which by being on the Register were automatically granted planning permission in principle for housing development. As this was a Council function it was proposed that the decision to enter a site onto Part 2 of the Register be delegated to the Planning Committee.

Councillor P Jones on being invited to speak sought clarification on the procedure for advising ward Members and local residents that a site was proposed to be added to Part 2 of the Register. It was also suggested that there should be a mechanism for informing local Members and residents.

It was noted that the regulations set out the consultation requirements for adding sites to Part 2, and that it was intended that proposed entries in Part 2 of the Register would be handled in the same way as planning applications. This included the consultation process so that a proposed entry in Part 2 of the Register could also be "called in" by any Chiltern District Councillor for consideration by the Planning Committee, unless there was a reason why it shouldn't go to Planning Committee due to the Scheme of Delegation.

During the discussion it was suggested that proposed entries in Part 2 of the Register also be included in the weekly list of planning applications that was sent to all Members.

RESOLVED:

- 1. That the proposed consultation on a draft Brownfield Land Register for Chiltern District be approved, subject to all Members of the Council receiving a copy of the draft Brownfield Land Register.**

- 2. That authority be delegated to the Head of Sustainable Development, in consultation with the Portfolio Holder for Sustainable Development, to publish the Brownfield Land Register and make any future updates to it.**

AND RECOMMENDED:

- 3. That the decision to enter land in Part 2 of the Brownfield Land Register be delegated to the Planning Committee; be dealt with under the Scheme of Officer Delegations in the same way as planning applications, including being subject to a Chiltern District Member referring a proposed entry in Part 2 of the Register to the Planning Committee for consideration where appropriate.**
- 4. That the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations.**

30 CHILTERN CAR PARKING STRATEGY

The Cabinet received the draft Car Parking Strategy setting out the Council's off street parking aims, objectives and car park operations. The annual parking report was linked to the Strategy and provided detailed information on car park provision, prices, fines and appeals. The Cabinet was requested to approve the Strategy for consultation.

During the discussion Members were reassured that the consultation would be made available on the Council's website. The consultation would involve the County Council as the highway authority, Thames Valley Police and Parish and Town Councils. The results of which would be reported back to the Cabinet.

It was also suggested that the Strategy include a paragraph setting out the purpose of the document and clarifying that it related to the short to medium term.

RESOLVED:

- 1. That the draft five year Car Park Strategy be approved for consultation.**
- 2. That following the consultation a revised Car Park Strategy and Action Plan be developed and reported back to the Cabinet.**

31 NEW CIVIL PENALTIES IN RELATION TO HOUSING ENFORCEMENT

The Cabinet received a report detailing the implications of the Housing and Planning Act 2016 which gave the Council new powers in relation to enforcement options and penalties against private landlords. Members were asked to agree that the Head of Healthy Communities be given delegated authority to enforce the provisions of the Act and agree the proposed changes to the final Housing Enforcement Policy to include reference to the new powers.

During the discussion it was noted that Government guidance included reference to factors, such as offence severity and remorse, that should be taken into account in the use of penalties. These would be also be referred to in the Strategy document.

The new powers could potentially be applied to housing associations, although usually issues were resolved prior to a prosecution being pursued.

RESOLVED:

- 1. That the new provisions of the Housing and Planning Act 2016 be noted.**
- 2. That authority be delegated to the Head of Healthy Communities to enforce the provisions of the Housing and Planning Act 2016 and that the Scheme of Delegations be amended accordingly.**
- 3. That the Head of Healthy Communities be authorised to agree the final Housing Enforcement Policy, in consultation with the Portfolio Holder, having regard to Members' comments and the regulations in respect of Banning Orders, once published.**

32 COMMUNITY GRANT AID AWARDS 2017/18

The Council operates a Community Grant Aid Scheme to support local voluntary organisations to improve services and facilities for local residents. This year's Scheme attracted 33 applications requesting a total of £49,000. The grant budget was £33,000 so an assessment criteria was used to allocate available funding in line with the Council's objectives.

During the discussion it was recognised that there were a number of different factors that could be taken into account in the assessment of applications for grant funding. Examples included the effect that applications had on individual people; the number of beneficiaries (already provided by the applicant); and, a weighting according to local support.

The level of funding that may be provided from other sources was also a consideration. It was noted that this was monitored and information on the sources and levels of other funding could be provided. It was acknowledged however that care needed to be taken to avoid making the assessment process too complex.

It was added that the Chiltern and South Bucks Lottery referred to under current issues (Minute 24 refers) was separate to community grants, and would provide funding to local organisations in addition to the community grants. 10p from each lottery ticket would also be used to support the grants fund.

RESOLVED:

That the allocation of awards from the 2017/18 Community Grant Aid Scheme, as detailed in Appendix 1, be agreed.

33 AFFORDABLE WARMTH STRATEGY

The Cabinet received the draft Buckinghamshire Affordable Warmth Strategy which provided information on energy efficiency, fuel poverty, and an overview of assistance available. The Strategy had been updated to reflect changes to the definition of fuel poverty and revisions to the schemes and organisations providing financial assistance. The action plan focused on key areas including helping people to maximise income, assistance on identifying cheaper energy tariffs, and helping hard to reach groups.

RESOVED:

- 1. That the draft Affordable Warmth Strategy be noted.**
- 2. That in consultation with the Portfolio Holder for Healthy Communities authority be delegated to the Head of Healthy Communities to adopt the final updated Buckinghamshire Affordable Warmth Strategy.**

34 ANNUAL REPORT ON THE PERFORMANCE OF THE LEISURE PROVIDER

The Cabinet received a report providing key information about the Council's leisure contact performance. It was noted that the overall leisure surplus had increased to £2M which would be reinvested back into the leisure service. The repairs and renewals and planned preventative fund had also been used for leisure centre infrastructure improvements. Quest accreditation had also been obtained, and community development work had continued to help deliver projects.

The Services Overview Committee had received a presentation at the meeting held on 5 September regarding the leisure centre performance. At the meeting it was noted that the leisure contractor (GLL) were responsive to issues that had been raised.

Members welcomed the report, and noted that work was being carried out to address issues associated with the age of the Chiltern Pools facility.

RESOVED:

That the 2016 leisure contract performance be noted.

35 UPDATE ON HEATHROW EXPANSION AND CHANGES TO AIRSPACE

The Cabinet received a report providing information on the proposed changes to airspace arising from the Government's preferred scheme for meeting the additional runway capacity in the south east of England at Heathrow airport. It was noted that there had been an extension to the consultation in light of further evidence regarding increased air traffic. The Council was looking at

links between this and other infrastructure proposals, including HS2, to ensure that there was a joined up approach.

RESOLVED:

That the update on Heathrow expansion and changes to airspace be noted.

36 EXEMPTION TO CONTRACTS PROCEDURE RULES - INSTRUCTING COUNSEL

On 12 July 2017 Management Team had agreed an exemption from the requirement to obtain competitive tenders so that the Councils could instruct Mr Bird QC to provide advice on the Draft Local Plan process and related matters. The Cabinet were requested to note that this exemption had been authorised by Management Team as required by the joint Contracts Procedure Rules.

RESOLVED:

That it be noted that Management Team had agreed an exemption to the Joint Contracts Procedure Rules to permit Council (Mr Simon Bird QC) to be instructed to advise and advocate on behalf of both Councils regarding the issues arising and process related to the adoption of the draft Joint Local Plan 2014-2036.

37 MINUTES OF JOINT EXECUTIVE COMMITTEES

RESOLVED:

That the Minutes of the Chiltern and South Bucks Joint Committee meeting held on 24 July 2017 be noted.

38 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.

39 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)

RESOLVED:

That the Notes of the Healthy Communities Policy Advisory Group meeting held on 20 June 2017 and Customer Services Policy Advisory Group meeting held on 4 July 2017 be noted.

40 HS2 REPORT ON AONB GROUP WORK AND APPOINTMENT OF LANDSCAPE CONSULTANTS

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 that set out the work of the Area of Outstanding Natural Beauty (AONB) Review Group that had been set up in 2016 following the Council's petitioning efforts in the House of Commons Select Committee. The Group developed design principles that could be added to HS2 works and identified additional enhancements that aimed to integrate the HS2 scheme into the AONB and the report set out the approach taken regarding this.

Members were also asked to note, in accordance with the joint Contract Procedure Rules, that Management Team had approved an exemption to the joint Contract Procedure Rules and appointed Land Use Consultants to provide landscape advice on the Schedule 17 applications, submitted by HS2 Ltd, and other HS2 matters.

Delegated authority was also sought for any further approvals to the additional projects and detailed design principles and commissioning of any additional projects from the AONB Review Group to be given to the Chief Executive.

RESOLVED:

- 1. That the report be noted.**
- 2. That the approach of the Council as contributing member of the AONB Review Group on the list of Additional Projects and the Detailed Design Principles be noted.**
- 3. That it be noted that Management Team has approved an exemption to the Council Procedure Rules and that Land Use Consultants have been appointed to provide landscape advice on Schedule 17 applications and other related HS2 matters for the duration of the planning aspect of the construction phase.**
- 4. That authority be delegated to the Chief Executive, in consultation with the Leader and Head of Legal and Democratic Services, to approve any further Additional Projects and Detailed Design Principles.**
- 5. That authority be to the Chief Executive, in consultation with the Head of Legal and Democratic Services, to commission any Additional Projects from the AONB Review Group.**

The meeting ended at 1.20 pm.