

**Publication
Date
5 July 2018**

CHILTERN DISTRICT COUNCIL

**MINUTES of the CABINET (CDC)
held on 26 JUNE 2018**

PRESENT Councillors I Darby - Leader
M Stannard - Deputy Leader
M Smith
E Walsh
F Wilson

APOLOGIES FOR ABSENCE were received from Councillor P Martin

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

98 MINUTES

The Minutes of the Cabinet meeting held 1 May 2018 were approved and signed by the Cabinet Leader as a correct record.

99 DECLARATIONS OF INTEREST

There were no declarations of interest.

100 28-DAY NOTICE

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 14 September 2018. It was noted that in addition to being discussed by the Services Overview Committee, the Chiltern Pools redevelopment procurement would also be discussed at the Resources Overview Committee.

RESOLVED:

That the Draft 28-Day Notice, to be published on 14 September 2018, be noted.

101 CURRENT ISSUES

The following updates on current issues were raised:

Councillor M Stannard -

Councillor Stannard reported that approval had been given to purchase a new microphone (AV) system. This had been ordered and would be delivered in due course.

Councillor P Martin -

Councillor Darby, on behalf of Councillor Martin thanked the Joint Planning team who had successfully combined the authorities planning system and data into a single system. This is a very important milestone for the continued improvement of the joint planning service. . The scale of the project and officer effort was recognised by the Cabinet.

Councillor L Walsh -

Councillor Walsh reminded those in attendance of the virtual community forum which was taking place following the Cabinet meeting (26 June) online from 7 to 9 p.m. Council and Police representatives would be available to take queries.

102 CABINET APPOINTMENTS

The Cabinet received a list of appointments made by Council and made by the Cabinet.

RESOLVED

that the appointments made by Council be noted and the appointments made by the Cabinet be agreed.

103 REFRESHED JOINT BUSINESS PLAN 2018-19

The Cabinet received a report which sought member approval for the refreshed Joint Business Plan 2018 – 2019. The Cabinet noted the improved

layout of the business plan from previous years. The Joint Business Plan would be presented to Full Council for final approval.

RECOMMENDED:

That the Joint Business Plan 2018 – 2019 be approved by the Council.

104 2017/18 END OF YEAR PERFORMANCE REPORT

The Cabinet received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for quarter 4 and end of year for 2017 – 18. The Cabinet noted the improved format of the Annual Report.

RESOLVED

that the performance reports and Annual Report be noted.

105 CAPITAL AND REPAIRS & RENEWALS OUTTURN REPORT 2017/18

The Cabinet received a report on the 2017/18 capital and repairs & renewals outturn position and requested the carry forward of unspent capital and repairs & renewals budgets. The Cabinet was advised that the majority of carry forward related to schemes which spanned over more than a one year period.

The additional budgeted capital expenditure in 2018/19 would be £1,175k, and the additional budgeted repairs and renewals expenditure in 2018/19 would be £417k.

RESOLVED:

- 1. That the 2017/18 capital and repairs & renewals outturn position be noted.**
- 2. That the proposed capital and repairs & renewals budgets be carried forward to 2018/19.**

106 TREASURY MANAGEMENT ANNUAL REPORT 2017/18

The Cabinet received a report on the Treasury Management performance of the Council for 2017/18 as required by the Code of Practice on Treasury Management. The weighted average interest rate earned on fixed rate investments in the year was 0.76% and tables could be seen within the report which showed the breakdown of investments at the end of the financial year.

RESOLVED

that the Treasury Management performance for 2017/18 as required by the Code of Practice on Treasury Management be noted.

107 WASTE CONTRACT - JOINT WORKING

The Cabinet received a report which sought approval for Chiltern District Council, South Bucks District Council and Wycombe District Council to work together to procure the delivery of waste collection, recycling and street cleansing services at the expiry of the current contracts with Serco and Biffa.

A formal decision was required by 3 September 2018 as to whether the current Serco contract should be extended by Chiltern and Wycombe Councils or whether a new waste contract should be procured. The Chiltern, South Bucks & Wycombe Joint Waste Collection Committee supported the recommendation to procure a three-way joint contract which sought to manage risks and optimise opportunities for greater joint working whilst ensuring continuity of service provision.

At the invitation of the Leader, Councillor P Jones addressed the meeting and suggested that the Council may wish to consider setting up a Members task and finish group alongside South Bucks and Wycombe Councils during the procurement stage to assist with ensuring the best outcome for the three Councils.

RESOLVED

- 1. To note the report.**
- 2. To agree the longer term strategy to procure a three way single joint contract for Chiltern District Council, South Bucks District Council and Wycombe District Council.**

3. To enter into an Inter District Authority Agreement (IDAA) reflecting the Heads of Terms at Appendix 1.
4. To delegate authority to the Head of Environment in consultation with the Head of Legal and Democratic Services and the relevant Portfolio Holder to approve the detailed terms of the IDAA.

108 CHANGE TO THE MEMBERSHIP SIZE OF THE LEISURE NEEDS MEMBER WORKING GROUP

The Cabinet received a report which sought approval to increase the size of the membership of the Leisure Needs Member Working Group. The Group had provided useful input to the Chiltern Pools redevelopment project. It was believed that additional members could bring further specialist skills and provide valuable input to meetings.

RESOLVED

that the Membership of the Leisure Needs Member Working Group be increased from 6 to 8 Members.

109 REDEVELOPMENT OF THE CHILTERN POOLS AND ADJACENT COMMUNITY FACILITIES

The Cabinet received a report on the evolving design, cost plan and business case to re-provide a combined community and leisure facility in Amersham serving the whole of the Chiltern District, and to seek agreement to develop and submit a planning application for the King George V Road / Chiltern Avenue site. This would enable the project team to progress the RIBA Stage 3 developed design phase, also working up the cost plan and business case to a further level of detail, whilst commissioning surveys required to inform the planning application. The detailed report and appendices, which included the evolving business case could be seen on pages 111 - 172 of the reports pack.

The progress made to date was summarised by the Head of Healthy Communities, this covered the time from the initial findings of the 2015 structural survey to current concept design stage.

Amersham Town Council had provided strong support to the project by agreeing with the Council and Fields in Trust to swap land on the King George V playing field and increase the protection for a number of open spaces within

Amersham. Public consultations had found strong local support for a redevelopment of Chiltern Pools, and for the bringing together of leisure and community facilities.

The facility mix would enable all identified needs to be addressed with the Health and Fitness Centre sufficiently sized to accommodate over 4,400 members.

Two business plan options had been developed (i) Base business plan with current membership rates projected forward to 2022 and (ii) Base business plan with an increase in pricing reflecting the investment in to the centre. Both options allowed for the required loan funding to be repaid over a 45 year period.

The base business plan was anticipated to generate £1.2m benefit to the Council providing a £32m borrowing capacity, leaving a funding gap of circa £2 million; assuming the Council would invest the current £200k subsidy for its leisure management contract in the new development.

Applying a pricing structure that recognises the investment in the facilities, (option 1 in the Business Plan Update *appendix 2*) would increase the financial return to the Council, and was anticipated to generate £1.475m/annum, giving the Council a borrowing capacity of circa £38 million over 45 years.

It was expected that a 'do nothing' scenario would see the management fee paid by the Council to the operator increasing from 200k to an average of 700k per annum from 2021-2031. The increase required to address future operational and maintenance costs resulting from an aging centre. These costs would not address the improvements in quality required at the centre to continue to attract customers.

The current centre was responsible for the majority of the Council's Co2 emissions and as such this was recognised as an inefficient use of energy. The new centre would be built using higher sustainability principles and have reduced operational costs.

The report had been presented to the Council's Services Overview and Resources Overview Committees where Members concerns were noted. The Resources Overview Committee identified a number of risks. The minutes of that meeting can be viewed here

<https://isa.chiltern.gov.uk/democracy/ieListDocuments.aspx?CId=403&MId=3722&Ver=4> (pages 2-6).

At the invitation of the Leader, Councillors D Phillips, J Gladwin and P Jones addressed the meeting. Councillor Phillips and Councillor Gladwin reiterated the concerns raised by the Resources Overview Committee and spoke of the caution required when looking to enter in to a 45 year agreement. The Members highlighted that many of the high cost elements of the redevelopment produced marginal returns, such as the sports hall and squash court. With health and fitness being the main profit generator, Councillor Phillips spoke of the risk in the membership number being forecast at 4400. There was also concern that BCC would not provide any funding toward the library facilities.

Councillor P Jones added concerns that squash courts were not in high demand and that projected membership was well in excess of the current level. Councillor P Jones added that the provision of affordable housing was also needed to be seen in more detail and was a key part of the scheme.

The Cabinet was advised that the squash facility would provide a flexible space which can be used for other activities. Should the squash facility not be in demand then the space could be used for additional health and fitness facilities. The sports hall, whilst not providing significant income would provide opportunities for much wider participation as identified in the needs survey.

The Head of Healthy Communities also advised that similar developments in other Districts had seen their provisionally set membership figures surpassed very quickly and initial demand had often been underestimated. It was further clarified that County Council officers had also been engaged with the project and were keen to support the library facility.

The Cabinet recognised the time and work put into the scheme to date and spoke of having confidence that the facility was viable and would deliver the Council an income stream. The need to improve the district's physical and mental wellbeing was also highlighted. The Portfolio Holder for Support Services spoke of transferring the membership and financial risks to the future Operator. Opportunities would be explored for the other two centres in the District to take any steps necessary to withstand the competition from the Chiltern Pools redevelopment.

RESOLVED

- 1. That the current version of the design proposals and business plan to re-provide a combined community and leisure facility in Amersham be noted.**
- 2. That the facility mix incorporated in the current design proposals and detailed in Appendix 1 be agreed.**
- 3. That the decision be delegated to the Director of Services to submit a detailed planning application for the proposed leisure and community centre.**
- 4. That authority be delegated to the Director of Services, to undertake a feasibility study of the development opportunities offered by the release of the existing leisure and community sites (the existing site) and subject to an outline business case, to submit a planning application for that site at the appropriate time.**
- 5. That authority be delegated to the Head of Environment and Head of Legal to carry out due diligence to identify and take steps to address any legal constraints for the proposed leisure and community centre project.**
- 6. That the Head of Healthy Communities be authorised, in consultation with the Support Services Portfolio Holder to draw down up to £500,000 of funding from the Council reserves to enable an outline business case of the existing leisure and community sites (the existing site) to be determined.**
- 7. That the Director of Services be authorised to agree the maintenance arrangements for the land to be transferred to Amersham Town Council.**
- 8. That the Director of Services be authorised to agree the provision of replacement outdoor leisure facilities to be managed and owned by Amersham Town Council following the transfer of the section of King George V Playing Fields to be developed to the District Council.**
- 9. That the Chiltern Life Centre is to be built to high sustainability standards.**

10. That the contractual arrangements to operate the leisure centres and contractor responsible for developing the Chiltern Life Centre be appointed simultaneously.

110 CHILTERN & SOUTH BUCKS PLAYING PITCH STRATEGY

The Cabinet received a report which informed Members of the completion of the draft Chiltern and South Bucks Council Playing Pitch Strategy highlighting its key findings and recommendations. The Cabinet was asked to approve the draft strategy for public consultation with Town and Parish Councils, sports clubs and other agencies. The finalised strategy will inform the emerging Local Plan.

The Sport England sports facility calculator was used to ascertain the required number of sports specific playing pitches and this took into account predicted changes to the population and other wider demographics. The current demand shortfall and future demand shortfall could be seen on pages 175 – 176 of the reports pack.

It was explained that following consultation the strategy would be presented to key stakeholders including Town and Parish Councils, sports clubs and local community groups so that they were aware of its key findings and recommendations. The strategy would then return to Cabinet for approval alongside the Open Spaces Strategy in October 2018.

A number of schools in the District were keen to develop 3G pitches and these additional pitches would reduce the need for turf pitches as identified in the report.

RESOLVED:

- 1. To undertake public consultation on the draft South Bucks and Chiltern Playing Pitch Strategy.**
- 2. That following the public consultation programme that the Playing Pitch Strategy document be updated accordingly before seeking Cabinet approval to formally adopt the strategy in October 2018.**

111 JOINT FOOD AND HEALTH AND SAFETY BUSINESS PLANS

The Cabinet received a report which sought approval for the adoption of the joint Food and Health and Safety Service Plan and Food and Health and Safety Enforcement Policies for the year 2018/19.

The Food Standards Agency's (FSA) Code of Practice and the Health and Safety Executive (HSE) require local authorities to produce and publish an annual service plan that demonstrates how the authorities are working to deliver its food safety and health and safety services. The Office for Product Safety and Standards also requires local authorities to produce and publish their enforcement policies and to ensure that they comply with the Regulator's Code.

It was clarified that online suppliers (distant sellers) were required to be registered and inspected the same way which other food businesses were.

RESOLVED

- 1. To approve the joint Food and Health and Safety Service Plan.**
- 2. To approve the Food and Health and Safety Enforcement Policies.**

112 PEST AND DOG CONTROL FRAMEWORK

The Cabinet received a report which sought approval to continue with the joint arrangements with the other Buckinghamshire authorities for dog control, stray dog collection and kennelling and pest control and to tender for a new Framework Agreement to commence in June 2019.

The present Framework Agreement is due to end on 31 October 2018. Based on the previous procurement exercise; Wycombe District Council managed the procurement of the framework whilst Chiltern and South Bucks District Councils provided the legal support. This meant that the procurement was cost neutral and within approved budgets. The same arrangements will be in place for this procurement too. Services could be drawn from the Framework as required by each Council.

RESOLVED

- 1. To call off a new Service Level Agreement under the existing terms and conditions for services comprising dog control, stray dog collection and kennelling and rehoming and pest control from the existing Framework Agreement between Chiltern DC, Aylesbury Vale DC, Wycombe DC and South Bucks DC for the period until 31 May 2019.**
- 2. To approve the development of a new joint Buckinghamshire Framework Agreement between Chiltern DC, Aylesbury Vale DC, Wycombe DC and South Bucks DC for services comprising dog control, stray dog collection, kennelling and rehoming and pest control to commence from 1st June 2019.**
- 3. To enter into an Inter District Authority Agreement (IAA) reflecting the Heads of Terms at Appendix 1. To note the principles of the apportionment of procurement costs within existing budgets and agree that if additional funds are required in excess of £10,000, then further approval is sought from Members.**
- 4. That delegated authority be given to the Head of Healthy Communities in consultation with the Head of Legal and Democratic Services and the relevant Portfolio Holder to approve the detailed terms of the IAA.**
- 5. To tender for a four year Framework Agreement to commence from 1st June 2019 with the ability to call off Service Level Agreements for dog control, stray dog collection, kennelling and rehoming and pest control services.**
- 6. That the Head of Healthy Communities be authorised to draw up tender documents for the agreed services to commence from 1st June 2019.**
- 7. That the Head of Healthy Communities, in consultation with the Portfolio Holder for Healthy Communities, be authorised to accept the tender that represents best value and to call off specific Service Level Agreements for dog control, stray dog collection, kennelling and rehoming and pest control services.**

8. That the Head of Healthy Communities, in consultation with the Portfolio Holder for Healthy Communities be authorised to call off additional Service Level Agreements for dog control, stray dog collection, kennelling and rehoming and pest control services within the period of the Framework Agreement on receipt of good performance.

113 CROWD FUNDING

The Cabinet received a report which explored the option of introducing crowd funding as an additional mechanism to increase funding to local community groups.

There would be set up costs, predicted to be £10,000 which would be shared between Chiltern District Council, South Bucks District Council and Heart of Bucks. Crowdfunder charged a 5% fee from the project owner on a successful fundraising project.

The Cabinet was advised that in other areas of the country where similar schemes were active positive community cohesion had been seen and in Plymouth the project had made a 650% return on investment. Crowd funding provided opportunities for both large and small schemes with the largest scheme raising over £100,000. The target was to fund small to medium sized projects which had clear support from the community and Cabinet commended the scheme.

RESOLVED

To establish a project to deliver a crowd funding initiative in Chiltern in partnership with Heart of Bucks and South Bucks District Council to enable improved opportunities for the community, to be funded from resources within the existing community project budget.

114 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)

115 CABINET REPORTS FROM POLICY ADVISORY GROUPS:

RESOLVED:

That the confidential Notes from the Policy Advisory Groups (PAGs) be noted

- **Planning and Economic Development PAG 16 April 2018**
- **Environment PAG 17 April 2018**
- **Healthy Communities PAG 19 April 2018**

116 WASTE CONTRACT OPTIONS APPRAISAL

The Cabinet received a report which informed Members of the options for the delivery of waste collection, recycling and street cleansing services at the expiry of the current contracts with Serco and Biffa and set out the risks and legal constraints applying to the various options available.

Wycombe District Council's Cabinet had supported the recommendations at their meeting on 4 June 2018 and the Cabinet at South Bucks District Council would consider the recommendations on 27 June 2018.

The Cabinet was advised that the requirements for commissioning external resources to support the procurement had been reviewed. As such, the decision of the Chiltern, South Bucks & Wycombe Joint Waste Collection Committee at its April meeting, that an initial budget of up to £200,000 be approved to fund the resources would require amending to 'up to £300,000' split in proportion to the number of households in each district as per recommendation 2(ii).

RESOLVED

1.
 - (i) To agree a contract extension with Serco until the end of October 2021 to align the termination date with the South Bucks/Biffa contract, provided that such extension is compliant with the Public Contract Regulations 2015, and to commence the procurement of a single joint three-way contract to commence in November 2021. However, if the said negotiations are unsuccessful, to commence the procurement of a single joint three-way contract with a staggered commencement of March 2020 in Chiltern and Wycombe and November 2021 in South Bucks.
 - (ii) To delegate authority to the Head of Environment, in consultation with the Head of Legal and Democratic Services, Head of Finance and the relevant Portfolio Holder, to take the steps necessary to progress the option selected under Recommendation (i) above.
 - (iii) To delegate authority to the Head of Environment in consultation with the Portfolio Holder to finalise the specification of the services to be delivered.
 - (iv) To delegate authority to the Head of Environment in consultation with the Head of Legal and Democratic Services and the relevant Portfolio Holder to determine the procurement method under the Public Contract Regulations 2015.
 - (v) To approve the release of earmarked funds set aside in the Waste Reserve to fund the activity set out in 2 (i) below. The amount not to exceed the total reserve of £281,000 and to be delegated to the Head of Environment and Head of Finance in consultation with the relevant Portfolio Holder.
 - (vi) That the initial budget approved by the Chiltern, South Bucks & Wycombe Joint Waste Collection Committee be increased to up to £300,000 to fund the resources referred to in 2(i) in the proportions set out in 2(ii) below.
2. To note the decisions of the Chiltern, South Bucks & Wycombe Joint Waste Collection Committee:

- (i) That authority be delegated to the Head of Environment to procure sufficient professional and technical resources to enter into initial discussions and to prepare for and support the procurement project/s;**
- (ii) That an initial budget of up to £200,000 be approved to fund the resources referred to in (i) above, to be funded by the Authorities in proportion to the number of households in each district (CDC - 28.12%; SBDC - 20.46%; WDC - 51.42%), with sums to be released in accordance with each Council's internal approval process.**

117 PROPERTY ACQUISITION IN AMERSHAM

The Cabinet received a report on acquiring property in Amersham to provide affordable emergency housing units. The site was a strategic site that would enable future development options. The Cabinet recognised the importance of acquiring this property at a time when the Council faces emergency housing pressures.

RESOLVED

- 1. To acquire the site referred to in the report up to the maximum value referred to (plus seller's legal fees and stamp duty), subject to contract, to be funded from the Affordable Housing Reserve.**
- 2. To authorise the Head of Healthy Communities to agree the terms of the acquisition of the site subject to consultation with the Head of Environment, Head of Legal and Democratic Services and the Portfolio Holders for Healthy Communities and Support Services.**

The meeting ended at 6.23 pm