

Chiltern District Council

Cabinet Decision

Notice is given that the following decisions have been taken by Cabinet on Tuesday, 16 October 2018

9 **Delegation arrangements in Planning Enforcement**

(a) DECISION:

Members considered a report proposing changes to the delegation arrangements on Planning Enforcement matters.

Members of the Cabinet endorsed the recommendation and **RESOLVED** to

RECOMMEND:

that Full Council approve the revised delegations as set out in the Appendix to the report.

(b) REASON FOR DECISION:

The recommended revised arrangements had been considered and supported by the Planning and Economic Development PAG and the Planning Committee and would provide the mechanism for the effective delivery of the Local Enforcement Plan.

(c) ALTERNATIVE OPTIONS CONSIDERED:

There are a variety of options for delegating decision-making for enforcement matters based on a combination of factors including the ability of officers to serve an extensive or a more restrictive range of notices. The proposed delegations were based on national best practice and sought to ensure that the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

10 **The Environmental Assessment of Plans and Programmes Regulations 2004 – delegated powers**

(a) DECISION:

Members of the Cabinet considered a report seeking delegated authority to determine the need for environmental assessment of neighbourhood plans.

RESOLVED:

that the statutory requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 in relation to neighbourhood planning be delegated to the Head of Planning and Economic Development.

(b) REASON FOR DECISION:

The Council is required to undertake environmental assessment of neighbourhood plans. The timing of neighbourhood plan production is in the hands of the neighbourhood plan groups and as such whilst the district councils have a duty to assist and to make decisions within timeframes as set within the regulations it is difficult to programme the need for an environmental determination decision into a Cabinet meeting timetables. Most other aspects of neighbourhood planning as defined in the Localism Act have been delegated already. Therefore it was considered practicable to include environmental assessment of plans in the scheme of delegation.

(c) ALTERNATIVE OPTIONS CONSIDERED:

No delegation – if powers are not delegated all environmental assessment determinations of neighbourhood plans would need to be determined by the Cabinet. This requirement will relate to all neighbourhood plans being proposed, any revisions to existing neighbourhood plans and could also be required should a neighbourhood plan examiner recommend modifications a neighbourhood plan prior to referendum which would alter its environmental impact. Due to the need to meet certain timeframes in the neighbourhood planning process this could mean the need for special Cabinets to be called to deal with the issue within the timeframe. Given the technical nature of the determination and the timeframes involved this is not seen as a practicable option.

Delegation to Portfolio Holders – delegation could be made to the relevant portfolio holder who would more likely be able to make a quick decision within a tight timeframe. However the determination is a technical decision based on the content of the proposed neighbourhood plan and as such it is not thought necessary to seek portfolio holder agreement.

Delegation to officers – as set out in the report this is a technical determination required in a set timeframe – the Council has to consult expert statutory bodies on the outcome of their determination meaning there remains a statutory overview of the Council's decision. Delegation to officers would allow the Council to meet their statutory duties to assist the neighbourhood planning process and the need to seek agreement of the consultation bodies would avoid any risk to the Council of

potentially allowing a plan to proceed that could have an environmental impact.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

11 **Community Infrastructure Levy**

(a) DECISION:

The Cabinet considered a report seeking agreement to consult on the preliminary draft charging schedule for Community Infrastructure Levy (CIL). Implementing CIL would enable the Council to receive funding from development to fund and/ or improve infrastructure and support growth within the District.

RESOLVED:

to consult on the Preliminary Draft Charging Schedule for Community Infrastructure Levy.

(b) REASON FOR DECISION:

The Council is in the process of producing a new Joint Local Plan 2036; CIL and associated Regulation 123 list will help to support delivery of the Local Plan 2036.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Do not introduce Community Infrastructure Levy - this is not recommended as it is important that infrastructure to support the sustainable growth of the District is provided in a timely way. CIL is the only mechanism which allows funding for infrastructure to be collected from sites of up to 10 homes. It is also a clear and consistent mechanism for collecting developer contributions which provide certainty to the development industry.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

12 **CDC Parking**

(a) DECISION:

Members considered a report with options to maximise the use of parking facilities across Chiltern to continue to meet the needs of the local towns and villages.

RESOLVED:

2.1 a) That the 'over 4 hour' tariff at Albany Place car park in Chesham be increased from £3.60 to £4.00.

b) That the Off Street Parking Places Order be amended to allow coach parking in car parks where there is the capacity and need to do so and that the Head of Environment be authorised in consultation with the Portfolio Holder to make the changes where appropriate.

c) That the Off Street Parking Places Order be amended to enable electric vehicle charging points to be installed where evidence supports the requirement and that the Head of Environment be authorised in consultation with the Portfolio Holder to make the changes where appropriate.

d) That the list of designated disabled bays in the Order be removed to allow flexibility to amend the number of bays in the car parks.

e) That the cost of the 'Over 9 hour' tariff at Buryfield and Link Road car parks in Great Missenden be reduced from £7.00 to £6.00, if the car park usage does not increase once the Roald Dahl Museum re-opens.

f) That the cost of a season ticket at Buryfield, and Link Road car parks be reduced to maintain the current discount to daily charge ratio.

2.2 That subject to Cabinet agreeing the recommendations at 2.1 a), b), c), and d), the Head of Environment be authorised to publish the statutory Notice of proposed Amendment to the Off Street Parking Places Order.

2.3 That if no valid objections are received in response to publication of the Notice at 2.2, the Director of Services be authorised to make and publicise the Amendment Order.

2.4 That if valid objections are received in response to publication of the Notice at 2.2, the Director of Services be authorised to deal with any such objections after consultation with the Portfolio Holder and to make and publicise the necessary Amendment Order with or without modifications as considered appropriate.

2.5 That subject to Cabinet agreeing the recommendations at 2.1 e) and f), the Head of Environment in consultation with the Portfolio Holder be authorised to introduce the new charges (if and when required) and publish the variation notice to implement.

(b) REASON FOR DECISION:

To support sustainable transport, maximise the use of available parking space, and maintain safety on the car parks.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Options to maximise the use of parking facilities across the District to continue to meet parking needs were considered.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

13 **Joint Housing Strategy**

(a) DECISION:

The report sought authority to publish and implement the finalised version of the Chiltern and South Bucks District Councils Joint Housing Strategy (Affordable Housing and Homelessness) 2018 – 2021.

The Cabinet **RESOLVED** to

RECOMMEND:

- 1. that Full Council approve the final Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 document; and**
- 2. that the Head of Healthy Communities be authorised to make any final amendments to the document agreed by Members and to publish it in consultation with the Healthy Communities Portfolio Holder.**

(b) REASON FOR DECISION:

The current Housing and Homelessness Strategies for Chiltern District Council need to be reviewed and updated in view of the current housing situation across the district and new statutory requirements that have come into force.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Council has a specific statutory duty to publish a Homelessness Strategy. Therefore, if the Council does not proceed with preparing and authorising this Joint Housing Strategy document then it will still have to draft a Homelessness Strategy.

The Council could choose instead to continue to operate its own separate Housing strategy and policies. However, operationally, Chiltern District Council and South Bucks District Council are facing many of the same housing issues and there are efficiencies in the authorities taking a joint approach to addressing these issues. If the Council was to continue to operate a separate strategy, this would be out of step with

the shared housing service, and other strategy documents which have been published, including the Joint Private Sector Housing Strategy.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

14 **Bucks Home Choice Allocation Policy**

(a) DECISION:

Members of the Cabinet were asked to consider and comment on the proposed revisions to the Bucks Home Choice Allocations Policy ahead of the full consultation.

RESOLVED:

that the final version of the draft revised Bucks Home Choice Allocations Policy be agreed for consultation by the Head of Healthy Communities in consultation with the Healthy Communities Portfolio Holder and subject to the agreement of Aylesbury Vale District Council, South Bucks District Council and Wycombe District Council.

(b) REASON FOR DECISION:

For Members to consider and comment on the first draft of the revised Bucks Home Choice Allocations Policy, which has been reviewed and updated to take account of current legislation, guidance and case law.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Bucks Home Choice Allocations Policy could be left in its current form. However, this would create significant risks for Council:

- It would leave the Council vulnerable to legal challenge on some aspects of the policy which have not been formally updated to reflect changes brought forward by legislation, guidance, case law and ombudsman decisions.
- The current policy is no longer compatible with the Council's statutory homelessness duties following the implementation of the Homelessness Reduction Act 2017. Without the proposed revisions, the Council will face increasing challenges in meeting its statutory homelessness duties and preventing homelessness wherever possible (avoiding the need to provide costly temporary accommodation).

The proposed revisions will mean that the policy will be more robust in responding to any challenges and fit for purpose in meeting the current legislative housing

requirements.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

15 **Gambling Act 2005 Statement of Principles - 2018 Revision**

(a) DECISION:

The Cabinet were asked to consider the final revised draft Gambling Act 2005 Statement of Principles, and to recommend the Statement of Principles to Full Council for adoption.

RECOMMENDED to Full Council:

to adopt the draft Statement of Principles at the Council meeting on Tuesday 13 November 2018 for publication at least 4 weeks prior to coming into effect for the period 14 January 2019 to 13 January 2022.

(b) REASON FOR DECISION:

The recommendation is in line with the legal requirements for the correct process for the required review and adoption of the Statement of Principles.

The adoption of the revised Statement of Principles is a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended), and therefore Cabinet must be asked to consider the draft Statement of Principles and to recommend to Full Council that it be adopted.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Members can recommend adoption of the draft Statement of Principles with or without modification having duly considered the information provided in this report and the matters already considered by the Licensing Committee.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

16 **Chiltern and South Bucks Open Space Strategy**

(a) DECISION:

The Cabinet were asked to adopt the Chiltern and South Bucks Open Spaces Strategy. The Strategy would help to inform the Joint Local Plan and help improve access and the quality of open space provision within the District.

RESOLVED:

that the proposed Chiltern and South Bucks Open Space Strategy be approved, and its findings utilised to support the implementation of the Chiltern and South Bucks Joint Local Plan.

(b) REASON FOR DECISION:

As well as helping inform the new Local Plan, the strategy is a key document in helping improve access and the quality of open space provision, contributing directly to improving the health and wellbeing of residents.

An up to date audit of Chiltern's existing open space will provide a valuable resource to Parish Councils, Town Councils and local community groups, helping them attract external funding by providing an independent robust evidence base of existing shortfalls in provision.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The option not to approve the strategy was considered.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

17 **Chiltern and South Bucks Playing Pitch Strategy**

(a) DECISION:

The Cabinet were asked to consider approving the proposed 2018-2036 Chiltern and South Bucks Playing Pitch Strategy. The Strategy would help to inform the Joint Local Plan, and to improve the quality and access to local playing pitches.

RESOLVED:

that the proposed 2018-2036 Chiltern and South Bucks Playing Pitch Strategy be approved and submitted to Sport England for external accreditation.

(b) REASON FOR DECISION:

The strategy would help to inform the newly emerging Local Plan by providing a comprehensive evidence base to withstand public scrutiny.

The strategy would provide a joined-up approach with clear localised priorities to develop sustainable facilities that support increased participation.

The strategy would provide a robust evidence source to support local sports clubs, Town and Parish Councils and other community groups to access external funding.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The option to not approve the strategy was considered.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

18 **Community Grant Awards 2018**

(a) DECISION:

The Cabinet were asked to consider agreeing the funding of grant awards for the Council's 2018/2019 Community Grant Aid Scheme.

RESOLVED:

that the allocation of funding awards from the 2018/19 Community Grant Aid Scheme as detailed in Appendix 1 to the report be agreed.

(b) REASON FOR DECISION:

Chiltern's active voluntary sector ensures that the Community Grant Aid scheme always attracts a high volume of applications. Therefore, to fairly prioritise applications only projects that directly support the Council's key objectives, namely, improving community safety, promoting healthy communities, promoting cohesive communities, conserving the environment and promoting sustainability are considered for funding.

(c) ALTERNATIVE OPTIONS CONSIDERED:

- Not to accept the report's recommendations, and propose alternative options of grant awards to community groups.
- To endorse the report's recommendations in accordance to the evaluation process agreed by Cabinet.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

Councillor I Darby declared a personal and prejudicial interest. Nature of interest – Councillor Darby had a professional relationship with the Chalfont St Peter Youth Centre and Milton’s Cottage and did not take part in the consideration of this item and left the room for the duration of the item.

Councillor P Martin declared a personal interest. Nature of interest – Councillor Martin was part of the Great Missenden and Prestwood Revitalisation Group.

19 **Service Level Agreement with Chiltern Citizens Advice Bureau**

(a) DECISION:

The Cabinet were asked to consider awarding funding to the Chiltern Citizens Advice Service (CAB) for the period 1 April 2019 to 31 March 2022.

RESOLVED:

- 1. that aid be granted to the Chiltern Citizens Advice Service with funding of £135,000/annum for the period 1 April 2019 to 31 March 2022.**
- 2. that authority be delegated to the Head of Healthy Communities to agree the terms of the Service Level Agreement with the Chilterns Citizens Advice Service, in consultation with the Portfolio Holder.**

(b) REASON FOR DECISION:

The work of the CAB contributes directly to the delivery of the Council’s Housing and Homelessness duties strategies. As a key partner in reducing the risk of homelessness, the CAB dealt with nearly 300 enquiries during 2017/18 from clients who were specifically facing homelessness or the threat of it.

The CAB assists the Council’s delivery of council tax collection through the support and debt advice it provides to residents on council tax and housing benefit issues.

(c) ALTERNATIVE OPTIONS CONSIDERED:

- To award funding for the period 1 April 2019 to 31 March 2022 in line with the Buckinghamshire Compact or award funding on an annual basis
- To continue to fund CAB with and award of £125,000/annum
- To increase funding to the CAB to £135,000

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

20 **Review of CCTV Provision in the Chiltern District**

(a) DECISION:

Members were asked to consider the implications of the review of CCTV provision within the Chiltern District, and to consider future CCTV monitoring arrangements and potential costs.

RESOLVED:

1. that the recommendations of the CCTV review be noted, and that public area CCTV coverage continue to be provided in the recommended locations detailed in Appendix 2 of this report;

2. that the recommended locations for the decommissioning of cameras at Appendix 3 be given further consideration by the Members of the Healthy Communities PAG at a special meeting of the PAG;

3. to continue to participate in the CCTV Thames Valley Police (TVP) hub model and seek to achieve the economies of scale to enable re-investment in the existing CCTV network;

4. that the final decision on the CCTV TVP hub model business plan be delegated to the Head of Healthy Communities and Head of Environment in consultation with the Portfolio Holders for Healthy Communities and Environment; and

5. that up to £80,000 in the Capital budget 2019/20 be allocated for the provision of mobile CCTV and for the capital costs arising from the relation of the CCTV hub.

(b) REASON FOR DECISION:

To ensure effective monitoring of the Council's CCTV network in accordance with the Information Commissioner Office guidance.

(c) ALTERNATIVE OPTIONS CONSIDERED:

- To discontinue the CCTV network
- To reduce the CCTV network and monitor via TVP Hub
- To consider alternative approaches to monitoring the CCTV network

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

21 **Update on the Chiltern Pools replacement project**

(a) DECISION:

The Cabinet considered a report on the Chiltern Pools redevelopment project.

RESOLVED:

- 1. That the decision of the Director of Services to appoint a main contractor for the construction of the new centre under the Southern Construction Framework be noted.**
- 2. For the purposes of a project working title, to name the community and leisure development the 'Chiltern Lifestyle Centre'.**
- 3. To agree that Chiltern District Council would be responsible for the installation of all play facilities as part of the main construction contract.**
- 4. To note that the replacement costs of the play equipment will be met by Chiltern District Council as part of the development costs of the Chiltern Lifestyle Centre.**
- 5. To agree that Chiltern District Council would be responsible for the management and maintenance of all play facilities on its land.**
- 6. To note that Amersham Town Council will be responsible for the management and maintenance of all play facilities on its land.**
- 7. That authority be delegated to the Head of Healthy Communities, in consultation with the Portfolio Holder for Support Services, to agree with Amersham Town Council the design and construction of any play areas or development facilities to be located on the Town Council's land, including the provision of play equipment, soakaways and surface water drainage systems and works access arrangements through the land swap contract.**
- 8. Should any management and maintenance responsibilities fall upon Chiltern District Council as a result of any agreement with Amersham Town Council because it is necessary to facilitate the location of play equipment and facilities development, it is agreed those responsibilities shall be passed on to the leisure centre operator.**
- 9. To agree to make budgetary provision for the Pre-Construction Services Agreement (PCSA) fee from the leisure reserve.**

10. That the Head of Healthy Communities, in consultation with the Portfolio Holder for Support Services, be authorised to draw down up to £250,000 of capital funding to enable the project to progress to the next key decision stage which is the Stage 4a refinement of the design prior to Cabinet approval to proceed.

(b) REASON FOR DECISION:

To inform Members on the current project outcomes to manage the proposed redevelopment of the Chiltern Pools

To note the decision by the Director of Services to appoint a main contractor for the Pre-Construction Services Agreement (PCSA) under the Southern Construction Framework

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Cabinet considered options relating to play facilities and the project budget.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

22 **Leisure Operator Contract**

(a) DECISION:

The report sought approval on the next steps to be taken in respect of the current contract with the existing leisure operator for the Council's three current leisure centres, which comes to an end on 31 March 2020.

RESOLVED:

- 1. To agree to commence the procurement of a Leisure Operator contract to commence in April 2020.**
- 2. That authority be delegated to the Head of Healthy Communities, 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 Leisure Operator tender.**
- 3. That authority be delegated to the Head of Healthy Communities in consultation with the Portfolio Holder to finalise the specification of the services to be delivered.**

4. **That authority be delegated to the Head of Healthy Communities 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.**
5. **To approve the release of earmarked funds set aside in the Leisure Reserve to fund the activity set out in (6) below. The amount to be delegated to the Head of Healthy Communities and Head of Finance in consultation with the relevant Portfolio Holder.**
6. **That authority be delegated to the Head of Healthy Communities to procure sufficient professional and technical resources to enter into initial discussions and to prepare for and support the procurement project.**

(b) REASON FOR DECISION:

The current contract with the existing leisure operator for the Council's three current leisure centres comes to an end 31 March 2020. A new contract will have to be place as there is no legal scope to extend the current contract further.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Council is required to procure a leisure operator to manage the leisure contract from 1 April 2020 or decide to operate the centres itself. The latter option is not recommended as the Council does not have the capacity to run the services in-house and the potential financial risk could be significant.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

23 **Revisions to the Constitution of the Chilterns Crematorium Joint Committee**

(a) DECISION:

Members considered proposed revisions to the constitution of the Chilterns Crematorium Joint Committee.

RESOLVED:

1. **that the revised constitution is agreed and adopted, subject to the agreement of the other constituent authorities;**
2. **that authority is delegated to the Head of Legal and Democratic Services to make any necessary minor amendments prior to final adoption; and**

To RECOMMEND to Council:

3. that any consequential changes be made to the Council's Constitution.

(b) REASON FOR DECISION:

The Chilterns Crematorium Joint Committee was established to operate and administer the crematorium built in Amersham. Now that the new crematorium at Bierton is under construction and is planned to open in spring 2019, it is necessary to ensure that the Joint Committee's powers are extended to include Bierton (and any other crematoria that the Councils may develop in the future.)

The opportunity has also been taken to incorporate provisions in relation to disposal of assets and sharing of surpluses on dissolution, which are not addressed in the current version of the constitution.

(c) ALTERNATIVE OPTIONS CONSIDERED:

It is essential that the Joint Committee has the necessary authority to operate and administer the new crematorium at Bierton, as well as the existing one at Amersham, so there is no alternative option to revising the constitution.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

28 **HS2 Update Report**

(a) DECISION:

The Cabinet received an update on the HS2 project. The report sought delegation for decisions and requests for non-material changes to schedule 17 approvals, due to the tight timescales in which to turnaround applications.

RESOLVED:

- i. That the report and progress made on the project be noted.**
- ii. the functions for the determination of any submissions pursuant to Schedule 17 of the HS2 Act be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team leader under Regulation 3 of the**

Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly;

- iii. the functions for the determination of any submission pursuant to conditions attached to any Schedule 17 approval that have been imposed by the Local Planning Authority be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team Leader and/or a Principal Planning Officer under Regulation 3 of the Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly; and**
- iv. the functions for the determination of any request for non-material changes to approvals under paragraph 21 of Part 3 of Schedule 17 of the HS2 Act be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team Leader and/or a Principal Planning Officer under Regulation 3 of the Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly.**

(b) REASON FOR DECISION:

The recommendations set out are to bring Members up to date on work undertaken on the project and the up to date position on the Service Level Agreement and the Funding Agreement to cover the resources being expended on the project.

The recommendations in so far as they relate to amendments to the Scheme of Delegations would help to ensure that decisions relating to Schedule 17 of the HS2 Act and conditions attached to those decisions and requests for non-material changes to approvals are issued expeditiously and in line with obligations on the Council associated with its role as a Qualifying Authority.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The various delegation options for non-material changes to approvals were considered.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

Date Published:	13 Nov 18	Call in Deadline: (Midnight on)	20 Nov 18
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Date to be implemented: 21 Nov 18

*recommendations to Full Council are not subject the call in procedure