



Cabinet

Tuesday, 20 August 2019 at 6.30 pm

**Council Chamber - King George V House, King George V Road,
Amersham, HP6 5AW**

A G E N D A

Item

- 1 Evacuation Procedure
- 2 Apologies for Absence
- 3 Minutes (*Pages 5 - 12*)

To approve the minutes of the Cabinet held on 9 July 2019.
- 4 Declarations of Interest
- 5 28-Day Notice (*Pages 13 - 14*)

Appendix (Pages 15 - 18)
- 6 Current Issues
- 7 Inter Authority Agreement for Bucks County Council Legal Services (*Pages 19 - 22*)
- 8 Chiltern Lifestyle Centre Scrutiny Sub-committee comments and recommendations (*Pages 23 - 42*)

9 Cabinet Reports from Policy Advisory Groups:

There have been no reports from Policy Advisory Groups.

10 Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

11 Chiltern Lifestyle Centre Business Case (*Pages 43 - 58*)

Reasons for restriction: Paragraph 3

Appendix 1 (Pages 59 - 60)

Appendix 2 (Pages 61 - 66)

Appendix 3 (Pages 67 - 68)

Appendix 4 (Pages 69 - 74)

12 Appointment of Leisure Operator (*Pages 75 - 82*)

Reasons for restriction: Paragraph 3

Appendix 1 (Pages 83 - 86)

Appendix 2 (Pages 87 - 88)

Appendix 3 (Pages 89 - 92)

Appendix 4 (Pages 93 - 98)

Appendix 5 (Pages 99 - 126)

Note: All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

Membership: Cabinet

Councillors: I Darby (Leader)
M Stannard (Deputy Leader)
C Jones
P Martin
J Rush
E Walsh
F Wilson

Date of next meeting – Special Cabinet, Tuesday 27 August 2019

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<p>Publication Date 25 July 2019</p>

CHILTERN DISTRICT COUNCIL

MINUTES of the CABINET held on 9 JULY 2019

PRESENT Councillors I Darby - Leader
C Jones - Deputy Leader
P Martin
J Rush
E Walsh

APOLOGIES FOR ABSENCE were received from Councillors M Stannard and F Wilson

ALSO IN ATTENDANCE: Councillor P Jones

1 MINUTES

The minutes of the Cabinet held on 23 April 2019 were approved and signed by the Chairman as a correct record.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 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 on 20 August 2019, at which the final business case for the Chiltern Lifestyle Centre and the appointment of the Leisure Operator would be considered.

RESOLVED –

That the 28-Day Notice / Forward Plan of executive decisions be noted.

4 CABINET APPOINTMENTS

The Cabinet received a list of appointments made by Council and confirmed the appointments made by the Cabinet. Further, the Leader reported that in

addition to Councillor J Waters having been appointed as the Council representative on the Thames Valley Police and Crime Panel, Councillor J Burton had been appointed as the substitute Council representative.

RESOLVED

That the appointments made by Council be noted and the following Cabinet appointments be confirmed (appointment details noted in the document appended to the agenda pack):

- a) Representation on Joint Committees**
- b) Outside Bodies**

5 CURRENT ISSUES

(i) Councillor P Martin -

Councillor P Martin reported that residents remained frustrated with the lack of co-operation from HS2 and its contractors and had continued to find it difficult to obtain answers to questions which affected their daily lives. Attempts had been made to arrange meetings with HS2 and its contractors to discuss issues.

(ii) Councillor J Rush -

Councillor J Rush announced that the Customer Account function of the Customer Relationship Management system had gone live on 25 June 2019 and initial feedback was positive. Residents can sign up to the service through the Council's website. Waste issues can now be reported through the account, and information could be shared with residents. Further functions will be added ahead of the commencement of Buckinghamshire Council in April 2020.

(iii) Councillor L Walsh -

Councillor L Walsh reported that the small community grants scheme had closed to applications on 9 July 2019 and would now be assessed. The Large

Projects Fund was open to applications; these would need to be submitted by midnight on the 4th August. This fund was available for projects which would be available to all of the community and could include the provision or improvement of the built and/or natural public realm.

6 END OF YEAR PERFORMANCE REPORT 2018/19

The Cabinet considered a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for the end of year 2018-19. The Annual Report for 2018/19 was also appended and could be viewed on page 51 of the reports pack. The report and appendices had been considered by both the Resources Overview and Services Overview Committees respectively.

The Cabinet noted the positive performance and congratulations were passed on to officers.

Following a query raised by a non-cabinet member, it was clarified that there had been some operational issues with waste collections which had resulted in a busy period for staff and longer than expected wait times for responses. The Leader apologised on behalf of the Council and it was confirmed that staffing was now at full capacity. It was noted that residents should also be encouraged to register for a customer account, where they were able to report issues such as a missed collection.

RESOLVED

That the performance reports be noted.

7 TREASURY MANAGEMENT - ANNUAL REPORT 2018/19

The Cabinet received a report which detailed the Treasury Management performance of the Council for 2018/19 as required by the Code of Practice on Treasury Management. The report had been considered by the Resources Overview Committee.

RESOLVED

That the Treasury Management performance for 2018/19 be noted as required by the Code of Practice on Treasury Management.

8 CAPITAL AND R&R OUTTURN REPORT 2018/19

The Cabinet received a report which reported on the 2018/19 capital and repairs and renewals outturn position and requested the carry forward of unspent capital and repairs and renewals budgets. It was clarified that whilst there had been underspend on disabled facilities grants, claims were taking a period to get through the system and the allocated amount would be spent as there remained a great need in this area. The report had been considered by the Resources Overview Committee.

RESOLVED

1. That the 2018/19 capital and repairs and renewals outturn position be noted.
2. That the capital and repairs and renewals budgets to be carried forward to 2019/20 as noted in the report be agreed.

9 CHALFONT ST GILES NEIGHBOURHOOD PLAN CONSIDERATION OF REFERENDUM RESULT

The Cabinet considered a report which noted the result of the Chalfont St Giles Neighbourhood Plan Referendum held on 13 June 2019. The referendum result was in favour of the plan so the next stage would be for the Council to 'make' the plan, following which it would become part of the Development Plan for the Chalfont St Giles Parish area.

Cabinet commended Chalfont St Giles Parish Council for the time and effort they had put in to achieving this positive result and further thanked officers for their hard work.

RECOMMENDED TO COUNCIL

That Cabinet recommends to Council to make the Chalfont St Giles Neighbourhood Plan subject to any legal challenge being made.

10 REVIEW OF REMAINING RECYCLING CENTRES

The Cabinet considered a report which contained the results of a review of the remaining recycling centres in the district and addressed concerns that had been raised by the Services Overview Committee.

It was noted that recycling centres were introduced before the Council provided each household with a comprehensive domestic collection service. The benefits delivered by the recycling centres in terms of useful recycling and convenience for residents were now not proportionate to the costs of operating these facilities. The material collected from recycling centres was regularly contaminated with non-recyclable waste which ended up being sent for energy recovery. The Council wished to ensure it was in the best possible position to secure good value and sustainable market opportunities. It was deemed essential to release this specialised resource in order to support front line collection services to flatted communities, an area which had seen considerable growth since the start of the current contract.

The continued use of these facilities by businesses for the disposal of commercial waste needed to be addressed. On-going enforcement or a presence to police these facilities was not considered a viable option for the Joint Waste Team or its partners.

Retaining the three sites identified in the report for an interim period would allow further review and a communication programme to be produced to educate and inform local residents to support behavioural changes. Cabinet thanked the Portfolio Holder for Environment for her efforts in visiting sites and arriving at this interim solution with officers. Educating residents was identified as being key, as many residents had misinformed reasons for using recycling centres. Towns and Parishes would also be notified to ensure a consistent message was received by residents.

RESOLVED

To agree to close 5 of the 8 sites leaving the sites in Great Missenden, Prestwood and Little Chalfont subject to further review, with the eventual aim to close all subject to a further progress report to Cabinet in three months' time.

11 AGREEMENT TO SIGN THE MOTOR NEURONE DISEASE (MND) CHARTER

The Cabinet received a report which considered whether the Council should support and sign the Motor Neurone Disease (MND) Charter which recognised and respected the rights of people with MND. The report had been considered by the Services Overview Committee.

It was recognised that the Council was already actively finding ways to support those people with Motor Neurone Disease as well as those living with other disabilities. The Cabinet agreed that no one should be disadvantaged because of a disability and supported the signing of the MND Charter.

RESOLVED

That the Council supports and signs the Motor Neurone Disease (MND) Charter.

12 AFFORDABLE HOUSING CONTRIBUTIONS UPDATE

The Cabinet considered a report which provided an update on the receipt and expenditure of Section 106 Affordable Housing Contributions in accordance with the requirements of the Council's Affordable Housing Supplementary Planning Document. The report had been considered by the Services Overview Committee.

It was recognised that lack of housing was a local and national issue, with affordable housing in the area being of particular concern due to such high housing costs in the district. This also affected key worker housing, with many key workers being unable to work in the area because of a lack of affordable housing options.

RESOLVED

- 1. That the report be noted.**
- 2. That the following allocations of Affordable Housing Contributions be agreed:**
 - (i) Strategic Funding Agreement with Paradigm Housing (Various sites) = £1,000,000**
 - (ii) Other affordable housing schemes approved on a scheme by scheme basis = £674,045.70**

13 APPROPRIATION OF OPEN PUBLIC SPACE FOR A PLANNING PURPOSE

The Cabinet received a report which detailed the responses to the public consultation on the marked site at King George V Playing Fields and the site to the rear of the electricity substation on Chiltern Avenue, as shaded green on the appended plan (appendix 2), to appropriate the land from designated open space to a planning purpose, subject to the grant of planning permission.

Following the Planning Committee's recommendation to Full Council that the revised application for the Chiltern Lifestyle Centre be approved, it would be necessary to appropriate the land to a planning purpose to enable the development to proceed.

The consultation closed on 7 June 2019. Seventeen written responses had been received and could be seen summarised in the report, sixteen responses objected to the appropriation of land, whilst one was in favour. Comments received amongst objections noted issues with a net loss of green space and loss of play and skate facilities; a loss of flumes; the land swap not being like for like; the size and mass of the proposed centre and its subsequent impact on the street scene and town as well as concerns that the new facility should only replace the existing building.

This report and the objections received had been considered by the Leisure Needs Members Working Group where it was felt that many of the concerns repeated previous comments considered by the Planning Committee or by the Cabinet at previous stages in the development of the project proposals. The working group summarised that the appropriation of the open public space for a planning purpose had arisen as a result of the assessment of suitable sites and the community request to protect existing facilities during construction and the need to protect the historic barns. The planning application had addressed the size, massing and location of the development on the site, whilst the business case had considered the needs of the community in delivering a co-located modern library, community, nursery and leisure facilities. The additional leisure and play facilities supported the overall business case which aimed to deliver a scheme at no additional cost to the tax payer. The existing facilities were not fit for purpose and the redevelopment of these facilities would enable the additional parking required as well as supporting the enabling development to deliver the project. All play facilities were to be relocated on the King George V Playing Fields and this was not

considered a net loss of facilities by the Town Council but an enhancement which they welcomed.

Further, the working group noted that Fields in Trust and Amersham Town Council supported the proposals and there had been wide community support to the proposals as demonstrated through the various rounds of consultation and responses to the planning application. In relation to concerns expressed over the loss of library space, officers advised that the library service requested the size of facility in the proposed building to meet their needs with study space, meeting rooms, toilets and kitchen facilities incorporated within the building.

Cabinet noted that community and stakeholder views raised throughout the development of the project plan to date had been listened to and plans amended accordingly throughout the process.

RESOLVED

To agree that the land marked on the appended plan (appendix 2) be appropriated from open space to a planning purpose to enable the redevelopment of the Chiltern Pools, Community Hall and Nursery subject to planning permission.

14 MINUTES OF JOINT EXECUTIVE COMMITTEES

RESOLVED

That the following notes from Joint Executive Committees be noted:

- 1. Chiltern and South Bucks Joint Committee 1 June 2019**

15 CABINET REPORTS FROM POLICY ADVISORY GROUPS:

There had not been any reports from Policy Advisory Groups to note.

The meeting ended at 5.17 pm

SUBJECT:	<i>28 Day Notice</i>
RELEVANT MEMBER:	<i>Cabinet Portfolio Holder for Support Services (Deputy Leader)</i>
RESPONSIBLE OFFICER:	<i>Joanna Swift, Head of Legal & Democratic Services</i>
REPORT AUTHOR:	<i>Leslie Ashton, 01895 837227, leslie.ashton@chilternandsouthbucks.gov.uk</i>
WARD/S AFFECTED:	<i>All</i>

1. Report

The Access to Information Regulations 2012 place a requirement on Councils to publish a notice 28 days before every executive or joint executive meeting detailing all Key Decisions and Private Reports to be considered. The [28 Day Notices](#) for Cabinet and the Cabinet's joint executive committees are published on the Council's website.

RECOMMENDATION:

Cabinet is asked to note the 28 Day Notice of executive decisions to be taken.

Background Papers:	None
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CHILTERN

District Council

28 DAY NOTICE

LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION (ENGLAND) REGULATIONS 2012)

This is a Notice of an intention to make a Key Decision on behalf of the Local authority (Regulation 9) and an intention to meet in private to consider those items marked as 'Private Reports' (Regulation 5).

A further Notice (the 'Agenda') will be published no less than 5 working-days before the date of the Cabinet meeting and will be available at www.chiltern.gov.uk/democracy

Key Decision (Y/N) ¹	Report Title & Summary ²	Date Decision to be taken	Decision to be taken by	Consultation ³	Private Report ⁴	Lead Officer ⁵
Leader (Councillor Isobel Darby)						
N	Performance Report - Q1 2019/20 Performance Report - Q1 2019/20	15 October 2019	Cabinet	Resources Overview Committee 25 Sep 2019 Services Overview Committee 19 Sep 2019	Open	Aniqah Sultan Aniqah.Sultan@chilternandsouthbucks.gov.uk
Support Services (Councillor Mike Stannard)						
N	Treasury Management Quarterly Report Quarter 1 2019/20 To report on Treasury Management for Quarter 1	15 October 2019	Cabinet		Open	Jim Burness jim.burness@chilternandsouthbucks.gov.uk
Customer Services (Councillor Jonathan Rush)						
No items for consideration						

Planning and Economic Development (Councillor Peter Martin)

Y	<p>Approval of Terms of Reference for the Chiltern and South Bucks Gypsy and Traveller Accommodation Provision Member Working Group</p> <p>The Member Working Group will consider ways to meet the need for new pitches for the travelling community, including the provision of general advice on existing Gypsy and Traveller sites and the delivery of new pitches. This work will assist with the evidence for the Local Plan 2036 but will not make specific recommendations on any individual planning applications. The report will seek agreement on terms of reference for this Member Working Group.</p>	15 October 2019	Cabinet	Planning & Economic Development Policy Advisory Group 11 Sep 2019	Open	Helen Harding helen.harding@chilternandsouthbucks.gov.uk
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Environment (Councillor Caroline Jones)

Y	<p>Extension to Council owned cemetery</p> <p>To consider a report on extension options to the cemetery at Great Missenden cemetery.</p>	15 October 2019	Cabinet	Environment Policy Advisory Group 17 Sep 2019	Open	Simon Gray Simon.Gray@chilternandsouthbucks.gov.uk
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Healthy Communities (Councillor Liz Walsh)

Y	<p>Community Grants</p> <p>To agree funding grant awards for the Council's 2019/2020 Community Grant Aid Scheme.</p>	15 October 2019	Cabinet	Services Overview Committee 19 Sep 2019	Open	Martin Holt martin.holt@chilternandsouthbucks.gov.uk
Y	<p>Food and Health and Safety Service Plan</p> <p>To consider and approve the Joint food Safety and Health and Safety Service Plans for 2019/20</p>	15 October 2019	Cabinet	Healthy Communities Policy Advisory Group 16 Sep 2019	Open	Ian Snudden ian.snudden@chilternandsouthbucks.gov.uk

Y	Large Projects Fund To consider a report on the options for allocation of the Large Projects Fund.	15 October 2019	Cabinet	Services Overview Committee 19 Sep 2019	Open	Martin Holt martin.holt@chilternandsouthbucks.gov.uk
Y	Public Spaces Protection Orders For Cabinet to approve the Public Spaces Protection Orders for alcohol restrictions in areas of Chiltern DC	15 October 2019	Cabinet	Healthy Communities Policy Advisory Group 16 Sep 2019	Open	Ian Snudden ian.snudden@chilternandsouthbucks.gov.uk
Y	Proposed Options for the St Johns Ambulance site To consider proposed options for the St Johns Ambulance site in Amersham.	15 October 2019	Cabinet	Services Overview Committee 19 Sep 2019	Open	Martin Holt martin.holt@chilternandsouthbucks.gov.uk
Unitary Transition (Councillor Fred Wilson)						
No items for consideration						

- 1 The Council's Constitution defines a 'Key' Decision as any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:-
 - result in expenditure (or the making of savings) over £50,000 and / or
 - have a significant impact on the community in two (or more) district wards.
 and
 - relates to the development and approval of the Budget; or
 - relates to the development, approval and review of the Policy Framework, or
 - is otherwise outside the Budget and Policy Framework.
 As a matter of good practice, this Notice also includes other items – in addition to Key Decisions – that are to be considered by the Cabinet. This additional information is provided to inform local residents of all matters being considered.
- 2 Each item considered will have a report; appendices will be included (as appropriate). Regulation 9(1g) allows that other documents relevant to the item may be submitted to the decision-maker. Subject to prohibition or restriction on their disclosure, this information will be published on the Council website usually 5 working-days before the date of the meeting. Paper copies may be requested (charges will apply) using the contact details below.
- 3 In order to support the work of the Cabinet and to enhance decision-making, reports are often presented to other meetings for comment before going to the Cabinet. As such, this Notice also includes information on which meeting (if any) will also consider the report, and on what date.
- 4 The public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972. The relevant paragraph numbers and descriptions are as follows:

Paragraph 1	Information relating to any individual
Paragraph 2	Information which is likely to reveal the identity of an individual
Paragraph 3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Paragraph 4	Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority
Paragraph 5	Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings
Paragraph 6	Information which reveals that the authority proposes: (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
Paragraph 7	Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime

Part II of Schedule 12A of the Local Government Act 1972 requires that information falling into paragraphs 1-7 above is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Nothing in the Regulations authorises or requires a local authority to disclose to the public or make available for public inspection any document or part of a document if, in the opinion of the proper officer, that document or part of a document contains or may contain confidential information.

Should you wish to make any representations in relation to any of the items being considered in private, you can do so – in writing – using the contact details below. Any representations received, together with any response from the Council, will be published on the Notice (the 'Agenda') issued no less than 5 working-days before the meeting. This will be available on the Council website

- 5 The lead officer is usually the report author, and their contact details are provided in this column. The officer's email address is a standard format: first name.surname@chilternandsouthbucks.gov.uk e.g. Bob Smith = bob.smith@chilternandsouthbucks.gov.uk

Democratic Services, Chiltern District Council, King George V House, King George V Road, Amersham, HP6 5AW; democraticservices@chilternandsouthbucks.gov.uk; 01494 732143

SUBJECT	Inter Authority Agreement for Bucks County Council Legal Services
RELEVANT MEMBER	Portfolio Holder for Support Services - Cllr Mike Stannard
RESPONSIBLE OFFICER	Head of Legal & Democratic Services
REPORT AUTHOR	Joanna Swift, 01494 732761 joanna.swift@chilternandsouthbucks.gov.uk
WARD/S AFFECTED	None

1. Purpose of Report

This report seeks authority for the Chiltern and South Bucks joint Legal Service to carry out legal work for Buckinghamshire County Council from 1 October 2019 to 31 March 2020 together with Wycombe District Council.

RECOMMENDATIONS:

1. **That Chiltern District Council enter into an Inter Authority Agreement with South Bucks District Council and Wycombe District Council for the provision of legal services to Buckinghamshire County Council from 1 October 2019 to 31 March 2020.**
2. **That the Head of Legal & Democratic Services be authorised to agree the final terms and conditions of the IAA.**

2. Reasons for Recommendations

To facilitate the re-establishment of an in-house legal service for Buckinghamshire County Council following termination of their external legal services contract with HB Public Law on 30 September 2019 and minimise redundancies across all organisations during the transition to a unitary council.

3. Content of Report

3.1. Buckinghamshire County Council (BCC) has outsourced their legal service provision to HB Public Law (HBPL) under an agreement which will come to an end on 30 September 2019. In the light of the move to unitary status, BCC agreed to pause a decision on the future provision of its Legal Services, to allow for discussions with District Council colleagues about the potential to introduce joint arrangements for provision of legal services, being mindful of the need to minimise redundancies across all organisations during the transition to a unitary council.

3.2. The Head of Democratic, Legal and Policy Services at Wycombe District Council identified spare capacity to lead on the recruitment of legal staff for BCC, as well as

the management and charging arrangements for employment, contracts, planning and litigation lawyers. Capacity to provide professional supervision of BCC property and regeneration lawyers was identified by the Council's Head of Legal and Democratic Services, together with some capacity to undertake property work if required.

3.3. Joint arrangements have significant potential to reduce both administrative and service costs as well as according with the duty to secure best value under section 3(1) of the Local Government Act 1999. BCC have therefore agreed to enter into an Inter Authority Agreement with Chiltern, South Bucks and Wycombe District Councils for delivery of legal services from 1 October 2019 until vesting day.

3.4. The IAA will set out details of the services to be provided to BCC. For Chiltern and South Bucks joint legal services this will involve allocating legal instructions in respect of BCC property and regeneration work, providing professional supervision for the 4 BCC property lawyers recruited by Wycombe District Council, time recording and charging for supervisory work, charging for any property and regeneration work carried out by South Bucks and Chiltern legal staff, time recording and raising monthly invoices. All time spent by staff providing legal services to BCC will be charged on an hourly rate basis and invoiced a month in arrears.

4. Consultation

Not Applicable

5. Options (if any)

The Council could decide not to participate in the joint provision of legal services to BCC but this could increase the risk of redundancies arising in future and be detrimental to re-establishing BCC's in-house legal service.

6. Corporate Implications

6.1 Financial – The time spent by Chiltern and South Bucks staff on legal work for BCC will be recorded and BCC will be billed on a monthly basis.

6.2 Legal - Under section 1 of the Local Authority (Goods and Services) Act 1970 local authorities have power to enter into agreements to provide professional and technical services to other public bodies. This allows the District Councils to provide legal services to BCC and gives a wide discretion to include appropriate terms in relation to payment and other relevant matters.

7. Links to Council Policy Objectives

There are no specific links to the Council's Key objectives but the proposed IAA supports joint working between the Districts and BCC during the transition to the new unitary council.

8. Next Steps

The IAA will be finalised in readiness for the provision of legal services to BCC to start on 1 October.

Background Papers:	None other than referred to in this report
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CHILTERN
District Council

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King George V
House
Chiltern District
Council
Buckinghamshire
Learning Trust

Chiltern Lifestyle Centre Scrutiny Sub-Committee

Report to Cabinet
20 August 2019

Item 8

Main contents page

Message from the Sub-Committee Chairman

Members of the Sub-Committee

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Message from the Sub-Committee Chairman



On behalf of the members of Chiltern Lifestyle Centre Scrutiny Sub-Committee, I would like to thank the Councillors and Officers who have been involved in the project, and who have contributed to the sub-committee's work.

The existing Chiltern Pools centre is no longer fit for purpose, and it is clear that the Council has thoroughly explored appropriate potential options for the future of leisure provision in the district.

The Chiltern Lifestyle Centre proposal is the best possible solution. It has the potential to revolutionise the leisure facilities available to residents in the Chiltern District. The benefits of this project extend across other facilities in the District with upgrade works to Chalfont St Peter and Chesham leisure centres built-in as an integral part of the project.

As well as improving our leisure provision, it will also improve our finances. The business case supporting this project is strong, and will mean providing leisure facilities for local residents is an income stream not a drain on taxpayers' cash.

The development of the Chiltern Lifestyle Centre is to be commended and supported – this is a project that will improve our area's physical and financial wellbeing.

Nick Varley

Chairman of the Chiltern Lifestyle Centre Scrutiny Sub-Committee

Members of the Sub-Committee

Membership was drawn from Members of the Resources and Services Overview Committees.

- Cllr Nick Varley (Chairman)
- Cllr J Burton
- Cllr C Ford
- Cllr J Gladwin
- Cllr P Jones
- Cllr V Martin
- Cllr D Phillips
- Cllr N Rose
- Cllr C Rouse
- Cllr L Smith

The Sub-Committee was supported by Bob Smith, Chief Executive; Steve Bambrick, Director of Services; Jim Burness, Director of Resources; Martin Holt, Head of Healthy Communities and Rodney Fincham, Head of Finance.

Scope

The Sub-Committee was set up to scrutinise the key stages of the developing final business case and associated Cabinet reports for the proposed redevelopment of the Chiltern Lifestyle Centre, including but not limited to, the future leisure facility provision within the district, the outcome of the operator and main contractor procurements, enabling development and energy efficiency measures in order to provide the Cabinet with recommendations prior to related decisions being made. This report details the comments and recommendations of the Sub-Committee for Cabinet to consider alongside the full business case at its meeting on 20 August 2019.

It should be noted that material planning considerations were taken in to account by the Planning Committee rather than this sub-committee. Planning conditions would be discharged in accordance with planning regulations.

Methodology

Sub-Committee meetings were held between 18 February 2019 and 7 August 2019 and considered the following:

- The business case in its draft stages.
- Progress updates throughout the various stages of the project.
- Responses to in depth queries raised during meetings.
- Refurbishment options for the Chiltern Pools.
- A review of the Chalfont and Chesham Leisure Centres.
- King George V Playing Fields appropriation.
- The Final Business Case.
- The appointment of the Leisure Operator.
- The appointment of the main contractor.



Background – Local Context

- The project commenced to develop proposals to replace the aging Chiltern Pools, Youth Club/Nursery building and Community Hall with a multi-purpose building back in 2016 when an informed public consultation was undertaken to understand the public appetite to develop a new replacement community/leisure facility and identify any gaps in provision.
- Chiltern Pools was built in 1965 and further extended in the early 1990's to incorporate the flumes, diving pool and climb. The facility is well used with approximately 400,000 annual visits but is showing its age not only aesthetically but also through key parts of the facility failing and being in need of urgent repair/replacement.
- The Options Appraisal and Feasibility Study determined a viable business case which could deliver a good return on the investment required enabling the facility to be delivered at no additional cost to the Council tax payer.

Local Context (continued)

- The Council explored a range of options including refurbishment of the existing Chiltern Pools before progressing the proposal to develop the Chiltern Lifestyle Centre. The envisaged final fixed project cost of the Chiltern Lifestyle Centre is circa £36m. A procurement project has been undertaken to appoint a leisure operator and constructor. As part of this, leisure operators were required to evidence how they would invest in the existing centres at Chalfont St Peter and Chesham to mitigate possible customer loss.
- Refurbishment of the existing Chiltern Pools was explored at length and was not deemed viable and there is a clear business case and need to invest in new community and leisure facilities in Amersham for the benefit of the whole district.
- Planning permission was granted by the Planning Committee on 10 June 2019 and approved by Full Council on 23 July 2019. The proposed centre had been designed to high quality standards that will reduce the ongoing management costs that arise from operating older centres.
- The range of facilities will enable the local population to access facilities designed to create increased opportunities for; physical activity, social interaction and community activities. The proposed new centre has been identified by officers from the Chiltern CCG, Public Health and Adult Social Care as a catalyst to enable the community to lead healthier lifestyles.

Our Recommendations to Cabinet

Final Business Case

1. That the final business case and proposals for the Chiltern Lifestyle Centre Project be agreed.
2. That Cabinet agrees to utilise the £33m in the capital programme for the construction of this project and allocate £500,000 from reserves to the project to cover the contingency sum.
3. To authorise the Head of Healthy Communities, in consultation with the Portfolio Holder and Director of Services, to conclude the delivery agreement between BAM and the Council for the final construction phase
4. That the Head of Finance be authorised to negotiate and conclude any necessary arrangements to allow the development to proceed through to completion.
5. That the loss in revenue income arising from the discontinuation of the Library car park from October 2019 be noted.
6. To note and agree the re-phasing of the pre-construction costs of this project from £1,750,000 to £2,421,381 to avoid future costs arising from a delay to the build programme.

Our Recommendations to Cabinet

Appointment of Leisure Operator

1. That Cabinet agrees that the leisure operator contract for the operation of the Chiltern Lifestyle Centre, Chesham and Chalfont Leisure centres and interim operation of the Chiltern Pools can be awarded to the most economically advantageous tender.
2. That Cabinet recommends to Council that a sum to be agreed be added to the capital programme to enable capital investment in the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres to be made by the leisure operator.
3. That Cabinet agrees to enter in to leases with the leisure operator to occupy the Chiltern Lifestyle Centre, Chesham and Chalfont leisure centres and the Chiltern Pools.
4. That delegated authority be given to the Head of Healthy Communities to agree the final terms of the leisure operator contract and leases.

Risks, Concerns and Assurances

The Sub-Committee raised concerns and were provided with assurances at each of the meetings as noted below.

Risks/Concerns	Assurances given by Officers
<p>The estimated annual usage which represented a significant leap in existing annual users to the proposed centre appeared optimistic as did the estimated number of fitness classes per day and the estimated increase to membership by year 3. Is this a realistic figure?</p>	<p>Bidders for the leisure operator contract carried out their own extensive research into the expected number of visitors and were confident of reaching targets. Once the contract was signed the leisure operator would be committed to delivering the agreed financial return to the Council for the duration of the contract.</p>
<p>The Council may need to terminate the contract with the leisure operator during the contract term due to a breach by the operator.</p>	<p>If it were necessary for the Council to terminate the contract, the operator would be liable to make annual payments to the Council representing the price differential between the contractual amount and the replacement provider appointed by the Council.</p>

Risks, Concerns and Assurances (2)

Risks/Concerns	Assurances given by Officers
<p>There is a worst case scenario that the operator could enter liquidation which would place the Council in a very difficult position.</p>	<p>Should the operator enter in to liquidation then either an insurance backed bond or parent company guarantee would be activated under the contract.</p>
<p>Procurement from year 16 could present a significant challenge to the Council. At that time, the proposed Lifestyle Centre may not be such an attractive proposition to leisure operators.</p>	<p>There is the option for the contract to be extended for a further 5 years through to year 20. At the point of re-tender, a drop in the agreed costs would still be likely to cover the loan payments and provide an income to the Council. In addition any net income surplus could be invested in a Chiltern Lifestyle Centre lifecycle fund to enable the future maintenance requirements, beyond the proposed 15 year operator contract period, to be met.</p>

Risks, Concerns and Assurances (3)

Risks/Concerns	Assurances given by Officers
<p>There is significant concern that Chesham and Chalfont Leisure Centres will suffer from a loss of customer base. This could lead to the centres not being financially viable to operate and ultimately these communities could lose their leisure facilities.</p>	<p>To mitigate the potential loss of customer base at these two centres operators were asked to put forward plans to refurbish facilities, including energy improvements and retain/attract new customers. The bids received include some excellent plans and improvements to these centres.</p>
<p>There had been initial discussion of enabling development on the site, this is now not included in proposals.</p>	<p>The business case is not reliant on enabling proposals to redevelop the current Chiltern Pools site. The site value has been conservatively estimated at £2.4m. Development proposals could be considered in the future.</p>

Risks, Concerns and Assurances (4)

Risks/Concerns	Assurances given by Officers
<p>The proposed Lifestyle Centre would have a significant environmental impact on the area surrounding the new centre. These concerns included the negative effect that the increased number of visitors would have on residents living around the centre, the loss of a quarter of King George V playing field, and the overall size of the design.</p>	<p>An economic impact study on the town centre had been conducted as part of the planning process and the proposed centre would act as a catalyst to support the local High Street economy and create new employment opportunities. The proposed Lifestyle Centre is highly energy efficient; one of only two 'A' rated designed sports centres in the UK reduces the risk of future regulatory changes to the energy market and enables replacement facilities for the benefit of the community. The centre would result in significant savings on the Council's CO2 emissions.</p>

Risks, Concerns and Assurances (5)

Risks/Concerns	Assurances given by Officers
<p>Contamination risks could be identified during construction which could result in significant construction cost increases which the Council would be responsible for.</p>	<p>Surveys of the area had been undertaken and it was not anticipated that there would be any contamination of land. The forecast project costs includes a client contingency of £900,000 for project risks such as library fit out, asbestos removal on demolition of existing facilities, unforeseen ordinance and archaeological remains and any unavoidable delays not covered by the builders late delivery charges that subsequently impact on the operator contract.</p>
<p>The quantity of asbestos is unknown, this could give rise to additional costs.</p>	<p>Asbestos could only be quantified following the demolition asbestos survey. There is a risk that a potential cost of £100k to £300k could be incurred. However, this would have needed to have been paid whatever option was pursued for the future of the site.</p>

Risks, Concerns and Assurances (6)

Risks/Concerns	Assurances given by Officers
<p>Can Cabinet be satisfied that the consultation was widespread and gives a realistic picture of what the public want?</p>	<p>Several consultation events have taken place with stakeholders and interested parties including local residents amongst a range of other organisations. A total of 4,855 replies were received to the initial three rounds of public consultations and these events took place across the district at town centres, supermarkets, tube stations, schools and community centres. Further consultation was undertaken relating to the planning application and appropriation of land for a planning purpose bringing the total of responses to 5,340, with over 70% in support of the proposals.</p>
<p>Is there certainty that the interest rate from the Public Works Loan Board is fixed?</p>	<p>Yes, once taken out the interest rate from the Public Works Loan Board is fixed for the duration of the loan.</p>

Risks, Concerns and Assurances (7)

Risks/Concerns	Assurances given by Officers
<p>The project may not be supported by the Shadow Executive of the new Buckinghamshire Council meaning the work and funds committed to the project to date will have been futile. The business case must be accurate and as detailed as possible.</p>	<p>This concern is acknowledged and does present a risk. The Shadow Executive will be provided with all of the relevant information and details of the project to date should Cabinet approve the business case, in order to make an informed decision.</p>
<p>A recent internal audit noted a small amount of contracts across the Council had not been entered in to under a seal. It must be ensured any contracts now being entered into are sealed as these had a longer claims period and were an added level of assurance for the Council.</p>	<p>Acknowledged, all contracts will be entered into under a seal.</p>

Risks, Concerns and Assurances (8)

Risks/Concerns	Assurances
<p>The cost of build of the car park has been included in the business case but the potential income from the car park has not. This should be included in the report presented to the Shadow Executive.</p>	<p>The income generated by the car park could be used to help offset the cost of the car park. This could be factored in to the business case to be presented.</p>
<p>The Council remains responsible for structural repairs to the proposed Lifestyle Centre, this could prove costly should a significant structural issue arise.</p>	<p>As a new build, the proposed lifestyle centre will benefit from new build guarantees and as a high quality build, no significant structural issues are expected during the first 15 years at least. An amount of £100k per annum has been included in the business case per year to cover potential repairs.</p>
<p>The Council could earn interest on the loan deposit, currently around 1% per annum. This has not been factored in to the business case.</p>	<p>This could be added in to the business case presented to the shadow executive.</p>

Conclusion

In reaching its recommendations (slides 9-10), the sub-committee has noted that the final business case presented is viable and after the initial years of development will return a valuable source of income to the Buckinghamshire Council at no additional cost to the taxpayer. The planned facilities provide a significant improvement on the existing Chiltern Pools facilities and provide a unique offer which local residents will benefit from.

The sub-committee have recognised throughout that this is a significantly large project which will require the Council to borrow large sums of money, however the business case presented makes financial sense and the proposed Lifestyle Centre will be a key driver in working towards healthier communities, which people of all ages can utilise. Improvements to the Chesham and Chalfont centres are welcomed and will benefit even more of our residents and avoid significant loss of customers to the proposed Lifestyle Centre.

The benefit to the environment was also recognised and the proposed Lifestyle Centre, along with the improvements to the centres at Chesham and Chalfont will significantly reduce the Council's Co2 emissions.

The sub-committee recommends that Cabinet agree the recommendations noted and urge the Shadow Executive to support and approve the project.

Links to documents

- [Terms of reference of the Sub-Committee](#)
- [Agendas and Minutes of meetings](#)
- [Timeline of Project to date](#)
- Planning Committee reports
 - [14 February 2019](#)
 - [10 June 2019](#)



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