

CHILTERN DISTRICT COUNCIL

MINUTES of the Meeting of the COUNCIL

held on **22 JULY 2014**

PRESENT: Councillor N L Brown - Chairman
" Mrs M Harker - Vice Chairman

Councillors: Miss P A Appleby
A K Bacon
S P Berry
R Burns-Green
Mrs J A Burton
M J Cunnane
Mrs I A Darby
A D Garnett
A J Garth
A S Hardie
G K Harris
P J Hudson
P M Jones
D J Lacey
P E C Martin
D G Meacock
D W Phillips
M Prince
D Spate
N M Rose
J J Rush
P N Shepherd
C H Spruytenburg
Mrs L M Smith
M R Smith
M Stannard
N Stewert
J F Warder
C J Wertheim

APOLOGIES FOR ABSENCE were received from Councillors M Z Bhatti, J L Gladwin, S A Patel, Mrs A Pirouet, J S Ryman, H A Trevette, M Vivis, A P Williams and F S Wilson

13 MINUTES

The Minutes of the meetings of Ordinary and Annual Council held on 13 May 2014 were approved as a correct record.

14 DECLARATIONS OF INTEREST

Councillor D Meacock declared a personal interest in (Planning Minutes – 15 May 2014) and in particular Minute 77 (Application CH/2014/0332/FA) as he lived opposite the property.

15 ANNOUNCEMENTS

(a) Chairman's Engagements

A list of Engagements carried out by the Chairman and Vice-Chairman of the Council between 14 May and 22 July 2014 had been circulated, with the addition of an event at Chalfont St Peter.

The Chairman encouraged members involvement in the forthcoming Chief Constable Annual Meeting on 30 July 2014 at 6.30pm.

It was noted that the Housing & Planning Overview Committee on 5 August had been cancelled and the next meeting was to be held on Wednesday 24 September rather than Tuesday 23 September.

(b) Chairman's Announcements

The Chairman had no announcements to make.

(c) Announcements from the Leader of the Cabinet

The Leader of the Cabinet had no announcements to make.

(d) Announcements from the Head of Paid Service

The Chief Executive had no announcements to make.

(e) Petitions

No petitions were submitted.

16 LONG SERVICE AWARD

A Long Service Award for 40 years service at Chiltern District Council was presented to Brian Horton, Planning Duty Officer in recognition of his commitment to the Council. The Chairman paid tribute to Brian's hard work over 40 years and provided a brief history of Brian's roles and commitment to Chiltern District Council.

17 PLANNING - 24 APRIL 2014

It was moved by Councillor D W Phillips, seconded by Councillor J A Burton and

RESOLVED –

That the Minutes and Resolutions of the Planning Committee held on 24 April 2014 be received.

18 JOINT APPOINTMENTS & IMPLEMENTATION - 1 MAY 2014

It was moved by Councillor M Smith, seconded by Councillor I Darby and

RESOLVED –

That the Minutes and the Resolutions of the Joint Appointments and Implementation Committee held on 1 May 2014 be received.

19 LICENSING & REGULATION - 1 MAY 2014

It was moved by Councillor J Burton, seconded by Councillor M Prince and

RESOLVED:

That the Minutes and Resolutions of the Licensing and Regulation Committee held on 1 May 2014

20 PLANNING - 15 MAY 2014

It was moved by Councillor D W Phillips, seconded by Councillor J A Burton and

RESOLVED –

That the Minutes and Resolutions of the Planning Committee held on 15 May 2014 be received.

21 JOINT APPOINTMENTS AND IMPLEMENTATION - 29 MAY 2014

It was moved by Councillor M Smith, seconded by Councillor I Darby and

RESOLVED –

That the Minutes and Resolutions of the Joint Appointments and Implementation Committee held on 29 May 2014 be received.

22 PERSONNEL - 3 JUNE 2014

It was moved by Councillor M Smith, seconded by Councillor M Stannard and

RESOLVED –

That the Minutes and Resolutions of the Personnel Committee held on 3 June 2014 be received.

23 PLANNING - 5 JUNE 2014

It was moved by Councillor P Martin, seconded by Councillor D Spate and

RESOLVED –

That the Minutes and Resolutions of the Planning Committee held on 5 June 2014 be received.

24 COMMUNITY & ENVIRONMENT OVERVIEW - 10 JUNE 2014

It was moved by Councillor A Bacon, seconded by Councillor J Warder and

RESOLVED –

That the Minutes and Resolutions of the Community and Environment Committee held on 10 June 2014 be received.

25 STANDARDS - 12 JUNE 2014

It was moved by Councillor J Warder, seconded by Councillor Miss P Appleby and

RESOLVED –

That the Minutes and Resolutions of the Standards Committee held on 12 June 2014 be received.

26 PERFORMANCE & RESOURCES OVERVIEW - 25 JUNE 2014

This item was withdrawn.

27 CONSTITUTION REVIEW - 25 JUNE 2014 (RECONVENED ON 2 JULY 2014)

It was moved by Councillor N Rose, seconded by Councillor D W Phillips and

RESOLVED –

That the Minutes and Resolutions of the Constitution Review Committee held on 25 June and reconvened on 2 July 2014 be received.

During consideration of this item Councillor Jones pointed out the intention of good governance in respect of scrutiny was that an element of challenge remains on Cabinet decisions and that this had until now been assisted by the practice of having an opposition Chair or Vice Chair of Overview and Scrutiny Committees.

The Council considered the recommendations of the Constitution Review Committee as detailed in Minute 14 of the minutes of the reconvened meeting on 2 July 2014; and

RESOLVED –

1. Overview and Scrutiny

- i) That the number of Overview Committees be reduced from three to two;**
- ii) That the number of members on each Overview Committee be fifteen;**
- iii) That each Overview Committee meet six times per year; and**
- iv) That the Chairman and Vice- Chairman of the Overview Committee be elected by the members of the Committee**
- v) That the terms of reference for the Services Overview Committee attached at Appendix 1 be approved**
- vi) That the terms of reference for the new Resources Committee attached at Appendix 2 be approved**

2. Policy Advisory Groups (PAGs)

- vii) That five Policy Advisory Groups be established to align with the Cabinet Portfolios;**
- viii) That the number of members serving on each PAG be not less than 6 or more than 8;**
- ix) That membership of the PAGs be selected by the Cabinet Portfolio Holder;**
- x) That all meetings of the PAGs are held informally and are not public meetings, but any member of the Council can attend to observer if they wish to do so; and**
- xi) That the Chairman be nominated by the PAG**
- xii) That the consequential amendments to the Cabinet Procedure Rules attached at Appendix 3 be approved**

3. Council Meetings

- xiii) That the Constitution Review Committee at a future meeting consider suggestions as to how the Council meetings can be improved.**

4. Regulatory Committees

- xiv) That the Constitution Review and Boundaries and Electoral Arrangements Committees be merged into one Governance and Electoral Arrangements Committee with the terms of reference as attached at Appendix 4;**
- xv) That the merger of Homelessness and Appeals Committees to form one Appeals and Complaints Committee be approved with the terms of reference as attached as Appendix 5;**
- xvi) That the merger of Audit and Standards Committees to form one Audit and Standards Committee be approved with the terms of reference as attached at Appendix 6 ; and**
- xvii) That membership of the merged committees be drawn from the members elected to the Individual committees for the municipal year 2014/15 by election of the various groups**

5. Personnel Committee

- xviii) That Chiltern District Council retain a Personnel Committee to consider personnel issues specific to Chiltern and in respect of those employees that are not part of joint arrangements or under harmonised conditions with the amended terms of reference as attached at Appendix 7;**
- xix) That the membership of the Personnel Committee be reduced from nine to seven;**
- xx) That Council's human resources functions in respect of those employees subject to Joint Arrangements with South Bucks District Council be delegated to the Joint Arrangements and Implementation Committee (JAIC**
- xxi) That the membership of the CDC Personnel Committee form the membership of the Chiltern membership of the (JAIC);**
- xxii) That the membership of the JAIC be increased from five to seven members from each authority; and**
- xxiii) That the quorum of the JAIC be increased from two to three elected members from each authority**
- xxiv) That subject, to the agreement of South Bucks District Council the amended terms of reference for the JAIC attached at Appendix 8 be approved.**

6. Number of Meetings

- xxv) That Full Council continues to meet six time per year;**
- xxvi) That Overview Committees continues to meet six times per year;**
- xxvii) That Cabinet continues to meet six times per year;**
- xxviii) That the Planning Committee continues to meet on a three weekly cycle; and**
- xxix) That other scheduled committees meet on a quarterly basis, half yearly or as and when required.**

- 7. That the Chief Executive be granted delegated authority to make any consequential amendments of the above recommendations to the Constitution as required.**

28 PLANNING - 26 JUNE 2014

It was moved by Councillor D W Phillips, seconded by Councillor J A Burton and

RESOLVED –

That the Minutes and Resolutions of the Planning Committee held on 26 June 2014 be received.

29 AUDIT - 1 JULY 2014

It was moved by Councillor D Phillips, seconded by Councillor A Bacon and

RESOLVED –

That the Minutes and Resolutions of the Audit Committee held on 1 July 2014 be received.

30 PLANNING - 17 JULY 2014

This item is deferred until the next meeting of full Council.

31 CABINET MINUTES

It was moved by Councillor I Darby, seconded by Councillor M Stannard and

RESOLVED –

That the Minutes and Resolutions of the Cabinet held on 1 July 2014 be received and the recommendations contained in Minute 137 be adopted.

Councillor Meacock referred to the minutes of the meeting of Cabinet held on 1 July 2014 Minute No. 141 in relation to the Green House Gas (GHG) Report and questioned whether the project had incurred a cost to the Council. The Cabinet Leader agreed to respond to Councillor Meacock once information had been obtained from the relevant officer.

It was moved by Councillor I Darby, seconded by Councillor P Martin and

When presenting the minutes of the Cabinet meeting held on 15 July 2014, the Cabinet Leader referred to Minute No. 4 in relation to the Submission of Delivery Development Plan Document and reminded Members that they had approved the submission of this Document for examination in public at their last meeting. Subsequently the Planning Inspectorate wrote to all Councils who were about to submit plans for examination and advised them to take legal advice following certain high court judgments and Inspector's decisions relating to the soundness of submitted plans. Accordingly officers had sought Counsel's advice which had been thoroughly considered by the cross party Local Plan PAG and by Cabinet. The Cabinet Leader confirmed that Cabinet remained satisfied that the DDPD should be submitted for examination and that Council can reconfirm its previous decision that the DDPD was sound, subject to the actions set out in recommendation 5. These actions will ensure the Council was in the best position going forward to demonstrate the soundness of the DDPD. Recommendations 6 and 7 deal with how this work will be carried forward which included the preparation of a new local plan, incorporating a review of the green belt and this was expected to take some time.

In response to a question from Councillor Jones, the Cabinet Leader clarified that where possible, the preservation of the Green Belt would remain a high priority in the Green Belt review.

That the Minutes and Resolutions of the Cabinet held on 15 July 2014 be received and the recommendations contained in Minute 4 be adopted.

32 CABINET REPORTS

a) Councillor Martin – Environment

Councillor Martin reported that waste calendars were to be uploaded to the website soon. He also reported that the Green Waste subscription had commenced and the Crematorium application at Bierton had been approved.

b) Councillor Stannard – Budget

Councillor Stannard reported that the same budget process as previous years was planned for 2014 / 15 and a series of meetings had been scheduled with officers and members to consider the budget for 2015/16 and a thorough review of the capital programme including a robust justification for the inclusions in the Capital Programme

c) Councillor Rose – HS2

Councillor Rose reported that, the focus of work on the HS2 proposals had now moved on to mitigation and a recent meeting had been held with HS2 to continue discussions on a way forward. The procedure for compensation schemes had commenced. Members were advised that Hillingdon Borough Council and HS2 Action Alliance's action had been successful and would now be heard by the Aarhus Convention Committee. The House of Lords had established a Select Committee to look at the economic case for HS2 and this was likely to meet during September 2014 and to report findings in February 2015.

In response to concerns from members, Councillor Rose clarified that the emphasis was changing from outright opposition to mitigation to achieve the best possible position for the community in respect of the potential impact of HS2, but the overall position of the Council was still opposition to the proposal for HS2 through Chiltern district.

33 QUESTIONS

In accordance with Rule 9.2 of the Procedure Rules the following Question was submitted by Councillor D Lacey to the Leader of the Cabinet:

“If, following the 2015 election, the Conservatives no longer hold control of this Council, will Chiltern and South Bucks District Councils' continue with their programme to develop shared services?”

The Cabinet Leader responded that if the Conservatives were no longer the majority group following the 2015 election then the decision would not be hers to make but it was anticipated that the administration of the Council would still progress with the shared services programme based on the evidence of the success of work on the project to date.

34 JOINT ARRANGEMENTS AND OUTSIDE ORGANISATIONS

There were no reports.

35 MOTIONS (IF ANY)

No Motions had been received.

36 SHARED SERVICES BUSINESS CASE FOR COMMUNITY SERVICES

At a meeting on 16 July 2014, the Chiltern and South Bucks Joint Committee considered the Business Case for a joint community service. The Business Case was attached as Private Appendix 1. The Joint Committee endorsed all of the recommendations in the report subject to the high level plan referred to in recommendation 5 being amended to remove reference to the Open Space Strategies.

As such, full Council were invited to formally adopt the recommendations. It was moved by Councillor N M Rose, seconded by Councillor M Smith and

RESOLVED –

1. That the case for a joint community service is proven and that both Councils should proceed to establish a joint community service.
2. That subject to consultation with staff and a formal agreement between the Councils, the services of staff in Chiltern District Council's Community Services be put at the disposal of South Bucks District Council under Section 113 of the Local Government Act 1972 so they can work across the two local authority areas.
3. That the Chief Executive in consultation with the Cabinet Leader and the Head of Legal and Democratic Services be authorised to finalise the terms of any legal documentation required to give effect to recommendation 2 above.

37 PLANNING POLICY SHARED SERVICE REVIEW

At a meeting on 16 July 2014, the Chiltern and South Bucks Joint Committee considered the Business case (attached as Private Appendix 1) for a joint planning policy service and whilst requesting the Working Group to review the cost sharing arrangements together with the potential savings in the light of the additional information given at the meeting agreed that the Business Case had been proven. The Joint Committee further agreed that the joint Planning Service to be implemented should be as described in Section 4 of the report that was one manager with two teams, one located at Capswood and the other located at King George V House. With regard to preparing a joint new Local Plan for the two authorities, the Joint Committee felt that this was a matter for both authorities to discuss at a future date.

As such, full Council were invited to formally adopt the recommendations. It was moved by Councillor N M Rose, seconded by Councillor M Smith and

RESOLVED –

1. That the case for a joint planning policy service is proven and that both Councils should proceed to establish a joint planning policy service.
2. That subject to consultation with staff and a formal agreement between the Councils, the services of staff in South Bucks District Council's Planning Policy Services be put at the disposal of Chiltern District Council under Section 113 of the Local Government Act 1972 so they can work across the two local authority areas.

3. That the Chief Executive in consultation with the Cabinet Leader and the Head of Leal and Democratic Services be authorised to finalise the terms of any legal documentation required to give effect to recommendation 2 above.
4. That the decision of the Joint Committee to request the Working Group to review the cost sharing arrangements together with the potential savings be noted and authority be delegated to the Chief Executive, in consultation with the Leader and relevant Cabinet Portfolio Holder at each Council, to make any adjustments to the business case in the light of the report back from the Working Group.

The meeting ended at 7.21pm