



Council

A G E N D A

All Members of Chiltern District Council

Your attendance is requested at a meeting of the Chiltern District Council to be held at **6.30 pm** on **Tuesday, 13 November 2018, Council Chamber - Council Offices**, when the business below is proposed to be transacted.

Item

- 1 Evacuation Procedures
- 2 Apologies for Absence
- 3 Minutes (*Pages 5 - 14*)

To approve the minutes of Full Council held on 24 July 2018.

- 4 Declarations of Interest
- 5 Announcements

To receive any announcements from:

- a) Chairman
- b) Cabinet Leader
- c) Head of Paid Service

There will be a presentation on dementia from the NHS Clinical Commissioning Group under item 13 of the agenda.

Chairman and Vice Chairman's Diary (Pages 15 - 16)

Leofwine Shield Presentation

To present the Leofwine Shield to Councillor Gordon Patrick, Chairman of Chalfont St Giles Parish Council on behalf of Chalfont St Giles village. The Shield is awarded annually to the Town or Parish Council in Chiltern District achieving the highest mark in the Best Kept Village Competition. Chalfont St Giles is the 2018 winner.

6 To receive and consider reports and recommendations of Committees of the Council, in date order of the meeting:

6.1 Review of the Council's Gambling Act 2005 Statement of Principles - Licensing Committee (10 July 2018) and Cabinet (16 October 2018) (*Pages 17 - 20*)

Appendix 1: Draft Statement of Principles (Pages 21 - 56)

6.2 Delegation arrangements in Planning Enforcement - Planning Committee (4 October 2018) and Cabinet (16 October 2018) (*Pages 57 - 60*)

Appendix: Revised Delegations - Planning Enforcement (Pages 61 - 64)

7 Cabinet Recommendations

To receive and consider the recommendations of the Cabinet for the meeting held on 16 October 2018 and to receive questions and answers on any of those recommendations in accordance with Rule 8 of the Procedural Rules.

7.1 Joint Housing Strategy (*Pages 65 - 68*)

Appendix 1: Joint Housing Strategy (Pages 69 - 128)

7.2 Proposal to Revise the Chilterns Crematorium Joint Committee Constitution - Chilterns Crematorium Joint Committee (26 September 2018) and Cabinet (16 October 2018) (*Pages 129 - 130*)

Appendix 1 (Pages 131 - 142)

8 Verbal Reports from the Leader, Cabinet Members or Chairman of a Committee

To receive and consider verbal update reports (if any) from the Members listed above, and to answer questions on any of those reports from any Member of the Council in accordance with Rule 9.1 of the Procedural Rules.

9 Questions with Notice (if any)

The Chairman of the Council; Cabinet Leader or a Cabinet Member; or Chairman of any Committee to receive a question on any matter in relation to which the Council has powers or duties or which affects the District. Questions must be given in writing to the proper officer 3 clear days before the meeting, or if it relates to urgent business by 4pm on the day of the meeting, in accordance with Rule 9.2 of the Council Procedure Rules.

10 Petitions (if any)

To receive petitions and/or deputations (if any) from members of the public including provisions allowing members to ask questions of clarification at the discretion of the Chairman and restrictions on deputations covering the same subject or by the same speakers.

11 Joint Arrangements and Outside Organisations (if any)

To receive reports about and receive questions and answers relating to any joint arrangements or external organisations.

12 Motions (if any)

Written notice of every motion, signed by at least 2 Members, must be delivered to the proper officer at least 7 clear days before the meeting

13 Presentation on Dementia from NHS Buckinghamshire Clinical Commissioning Group

To receive a presentation on dementia from Dr Sian Roberts, Mental Health and Learning Disability Clinical Director, NHS Buckinghamshire CCG.

14 Exclusion of the Public (if required)

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.

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



Bob Smith
Chief Executive
Chiltern District Council

Date of next meeting – Tuesday, 8 January 2019

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CHILTERN DISTRICT COUNCIL
MINUTES of the Meeting of the **CHILTERN DISTRICT COUNCIL**

held on **24 JULY 2018**

PRESENT: Councillor P Shepherd - Chairman of the Council
 G Harris - Vice-Chairman of the Council

Councillors:	D Bray	P Martin
	J Burton	V Martin
	J Cook	D Phillips
	E Culverhouse	N Rose
	I Darby	J Rush
	M Harker	M Smith
	P Hudson	D Varley
	C Jackson	E Walsh
	C Jones	J Waters
	R J Jones	C Wertheim

A minutes silence was observed in memory of former Councillor and Honorary Alderman Ian Gomm who passed away on 9 June 2018.

APOLOGIES FOR ABSENCE were received from Councillors A Bacon, M Flys, C Ford, A Garth, J Gladwin, M Harrold, P Jones, J MacBean, S Patel, C Rouse, M Shaw, L Smith, M Stannard, M Titterington, N Varley, H Wallace, F Wilson and N Southworth

The Chairman welcomed Anthony Stansfeld Police and Crime Commissioner, Francis Habgood (Chief Constable of Thames Valley Police) and LPA Commander Superintendent Neil Kentish to the meeting.

109 PRESENTATION FROM THE CHIEF CONSTABLE

The Police and Crime Commissioner (PCC), Anthony Stansfeld, gave a presentation to Council on the role and responsibilities of a PCC and an overview of crime in the Thames Valley area. A PCC's responsibilities included but were not limited to, holding the Chief Constable to account for policing, developing a Police & Crime Plan for the area, engaging with local communities and supporting services who support victims of crime and restorative justice. It was noted that, with a population of 2.3 million and comprising of 18 local authorities, the Thames Valley area has the largest non-metropolitan police force in the country.

In relation to recorded crime for the area, the PCC advised Members that Thames Valley saw recorded crime increase by 8.7% compared with 15%

nationally in 2017 – 2018, however overall crimes levels in Thames Valley remained low. It was noted that recorded violence and possession of weapons offences had increased by 12.5% and 12.8% respectively in the area, although these figures were significantly lower when compared with national increases.

Members were informed that Victims First, a service created by the office of the PCC, was a free service that provides emotional and practical support to victims and their families, as well as witnesses of crime. A number of specialist services were also available for victims of sexual violence and domestic abuse.

Chief Constable Francis Habgood QPM then gave a presentation to Members on policing operations and top priorities, as well as further information on recorded crime and trends for the Thames Valley area.

The Chief Constable informed Members of recent significant policing operations which included the royal wedding and the visit by the President of the United States, the latter of which involved the largest ever deployment of Thames Valley Police (TVP) officers. Members were advised of the top priorities for the area which included 101 and 999 call handling, burglary, domestic abuse, and harassment and social media.

The volume of 101 and 999 calls coming in had increased within the past year. Members were informed that 101 handling capacity had proved challenging due to a shortage of staff but officers were working hard to improve the answering time. At present, the average answering time of 101 calls is 2 minutes.

It was noted that the number of residential burglaries had recently decreased in the Chiltern area although this was still a top priority for officers. A 35% increase in residential burglary was largely owing to a single series and ongoing investigation to which the two offenders had been charged with 11 burglaries.

Officers were analysing what increases in crime were due to changes in recording crime. It was reported that there had been an increase in assaults on police officers which may have been due to officers recording abuses where previously they had not.

In relation to anti-social behaviour, officers were working with local shop owners to report any anti-social behaviour to may see – 'shop watch'. It was noted that the Public Spaces Protection Order (PSPO) recently approved by Members was helping officers to tackle anti-social behaviour around car parks. The Chief Constable thanked Members for their recent work around domestic abuse to support people at risk. Members were advised that this year there had been no unauthorised encampments in the Chiltern area. A recent protocol between TVP, Chiltern and South Bucks District Councils and Bucks

County Council approved by Members has proved useful in setting out clearly the responsibilities of each organisation when dealing with unauthorised encampments.

Following the presentation the Police and Crime Commissioner, Chief Constable and LPA Commander responded to Members' questions that had been submitted in advance.

Question 1 from Councillor Peter Jones (Ballinger, South Heath and Chartridge Ward): One of the most worrying problems for many of my residents, particularly the more elderly, is the constant nuisance of 'spam' and fraudulent emails (for those that have internet access), junk mail and particularly phone calls. Some of my residents tell me they are scared to pick up the phone as they fear it's going to be another call telling them their computer (which they don't have) is broken, or that they have won some money on a lottery they didn't enter. Or sometimes that they owe money for something they haven't bought. What more do you think that 'we' (police, council and public) can do to counter this menace?

In Councillor P Jones' absence, the Chairman asked the question on Councillors P Jones' behalf. Members were advised that an effective initial preventative measure was to install security software onto computers. It was noted that the cadets were working to help educate people in using computers and raising awareness of online fraudulent activity, as well as giving people the confidence to report this type of crime.

Question 2 from Councillor Des Bray (Chalfont St Giles and Jordans Ward): What actions are being taken to address the long response time in answering calls made to the non-emergency phone line?

Members noted that the volume of 101 and 999 calls had increased within the past year which had proved a challenge. Members were informed that TVP officers were in the process of recruiting call operators as there was a shortage in staff which has increased pressures on call operators. Pressures on operators were exacerbated during recent events when call volumes had increased, for example during the World Cup. The Chief Constable encouraged those with access to a computer to use the online reporting system so that telephone lines are freed up for those without computers or internet access. TVP were working to raise awareness regarding the nature of 101 calls, as some calls had been made enquiring about a service or information that could be accessed elsewhere.

The Chairman took questions 3, 4 and 5 together.

Question 3 from Councillor Liz Walsh (Amersham on the Hill Ward): The *Sunday Times* published on 17 June figures from a 'crime map' stating that

under 5% of all robberies and burglaries had been solved in the last 5 years. It was also stated on the BBC website on 19 June that 'Home Office figures suggest that only 9% of crimes end with suspects being charged or summonsed in England and Wales and that in the 12 months to March 2018, 443,000 crimes resulted in a charge or summons out of 4.6 million offences - the lowest detection rate since 2015. Data also shows police closed nearly half (48%) of all cases because no suspect could be identified.' Granted that these are national figures, nevertheless some of our residents might be alarmed. How can councillors explain to residents the facts behind these figures?

Question 4 from Councillor J Rush (Central Ward): South Bucks has one of the lowest solved crime rates in the country (4.4%) while Uttlesford in Essex has the best (26%). Why is South Bucks so bad? And why is the best, Uttlesford, still so poor, with 74 % unsolved?

Question 5 from Councillor Peter Martin (Little Chalfont Ward): We are hearing that nationally police resource is very stretched with a declining visible police presence on the street. Following a few incidents recently in Great Missenden, for example, a serious assault, a gang fight on the village green and drug dealing on the High Street how can we be reassured that residents have their interests protected especially in view of the significant increase in police precept this year.

Members were reassured that the Chiltern district was a very safe place to live and work, and Great Missenden in particular had some of the lowest levels of crime in the TVP area. It was noted that crime figures were continually analysed to assess priorities and performance against the national picture. In relation to residential burglaries, TVP officers were solving crime at higher rates than the national level. With regards to the national statistics published in the media, it was noted that the BBC statistics had been validated and these statistics took into account all types of crime. Members also noted that detection rates had dropped considerably. Members of the public were advised to be cautious of figures that were not validated but published by some media outlets.

Question 6 from Councillor Isobel Darby (Chalfont Common Ward): In the recent report in *The Times* newspaper regarding 10,000 police officers taking sick leave because of stress or anxiety, could you provide the figures for Thames Valley Police and specifically for Chiltern District? What impact has this had on policing in Chiltern District?

It was reported that internal and external support was offered to officers. TVP had some of the lowest levels of sick leave nationally, and the Chiltern and South Bucks local policing area (LPA) specifically had some of the lowest levels in the TVP as a whole. Attendance figures were regularly analysed to assess

what impact these might have on policing, and it was noted that long term sickness absence tended to skew overall figures.

The Chairman took questions 7 and 8 together.

Question 7 from Councillor Vanessa Martin (Great Missenden Ward): Police Community Support Officers (PCSOs) play an important role in neighbourhood policing in areas such as Chiltern District, as they are the “eyes and ears” on the ground. How many PCSOs currently operate in Chiltern District and are there plans to increase this resource to help improve outcomes for residents in terms of improving convictions for crimes?

Question 8 from Councillor Caroline Jones (Amersham Common Ward): While appreciating the work being done on anti-social behaviour in the area I would like to know what further are being taken to curb this and if there are plans to employ more PCSOs?

It was noted that there were 11 Police Community Support Officers (PCSOs) roles in total and although there had not been a reduction in PCSOs, there were currently PCSO vacancies. At present, there were no plans to increase the number of PCSOs due to financial constraints on the force. Neighbouring teams of PCSOs also support the Chiltern PCSOs, and help officers and the right organisations to problem solve any anti-social behaviour. Councillor C Jones thanked the Police and Crime Commissioner, Chief Constable and LPA Commander on behalf of residents for the recent increase in police presence in Amersham.

Question 9 from Councillor Emily Culverhouse (Hilltop and Townsend Ward): A recent newspaper report has stated that, ‘CCTV monitoring in the Wycombe district looks set to move to Milton Keynes following years of uncertainty’. Is this right and if so is there a timetable?

Members were informed that CCTV monitoring was planned to move to a centralised hub in Milton Keynes, and that the decision was due to be made within the coming weeks. The Chief Constable advised Members that due to technological advances, local CCTV monitoring was out of date and the new centralised system would allow for better coverage and use of cameras.

The Chairman took questions 10 and 11 together.

Question 10 from Councillor Jonathan Waters (Penn and Coleshill): In light of the disturbing increase in the number of knife and gun-related violent offences nationally, and in the Thames Valley region, what operational and preventative work is being carried out to prevent this type of crime?

Question 11 from Councillor Diana Varley (Little Missenden Ward): What level of threat is terrorism in the Chiltern area? For example, High Wycombe was at red for a while. What safety steps for the public are in place?

It was advised that preventative steps against this type of crime and the threat of terrorism were being taken, which included work being done in schools to educate young people. Targeted work was also being done relating to gang issues. Knife and gun crime and the threat of terrorism were reportedly very low in the area, however officers were not complacent and continually looked at intelligence.

A further question was asked by Councillor D Varley in relation to whether the closeness of certain towns to the M25 would impact levels of crime. It was advised that this was a possibility and that the TVP data analyst assesses and shares crime data across areas to spot cross border patterns specifically.

The Chairman thanked the Police and Crime Commissioner and the Chief Constable for their presentations.

110 MINUTES

The Minutes of the Ordinary and Annual Council meetings held on 15 May 2018 were approved as a correct record.

111 DECLARATIONS OF INTEREST

There were no declarations of interest.

112 ANNOUNCEMENTS

(a) Chairman's Engagements

A list of Engagements carried out by the Chairman and Vice-Chairman of the Council between 4 May 2018 and 13 July 2018 had been circulated.

(b) Chairman's Announcements

The Chairman had no announcements to make.

(c) Announcements from the Leader of the Cabinet

The Leader of the Cabinet encouraged Members to attend a social media workshop. Two workshops were due to be held on Wednesday 25 July at 6.30pm at Amersham, and Wednesday 5 September at 6pm at Capswood respectively.

(d) Announcements from the Head of Paid Service

The Chief Executive had no announcements to make.

(e) Petitions

No petitions were submitted.

113 TO RECEIVE AND CONSIDER REPORTS AND RECOMMENDATIONS OF COMMITTEES OF THE COUNCIL, IN DATE ORDER OF THE MEETING:**114 COUNCIL PROCEDURE RULES - GOVERNANCE & ELECTORAL ARRANGEMENTS COMMITTEE - 27 JUNE 2018**

Full Council were asked to agree proposed changes to the Council Procedure Rules following consideration by the Governance & Electoral Arrangements Committee meeting on 27 June 2018. The proposed changes would enable the current practice of minuting committee meetings to continue, and provide an exemption to Members with a medical need from having to stand when speaking at Full Council.

It was proposed by Councillor D Varley, seconded by Councillor J Wertheim and

RESOLVED:

That Council Procedure Rule 28.2 and 20.2, be amended as follows:

28.2 Application to Committees and Sub-Committees

(1) All of the Council rules of procedure apply to meetings of Full Council. Only Rules 4 to 8, 13, 14 (but not 14.4, 14.5 or 14.9), 16, 17(but not 17.3), 18 to 23 and 27.2 of these Procedural Rules apply to meetings of committees and sub-committees including the Overview Committees. Rule 9 also applies save that the quorum for any committee or sub-committee shall be determined by the relevant Terms of Reference set out in this Constitution.

20.2 Standing when speaking

When a Member speaks at Full Council he must stand and address the meeting through the Chairman, except where the Chairman has agreed prior to the meeting that a Member is not required to stand when they speak due to a disability which restricts their mobility. If more than one member stands, the Chairman will ask one to speak and the other must sit. Other members must remain seated whilst a member is speaking

unless they wish to make a point of order or a point of personal explanation.

115 CONTRACTS PROCEDURE RULES - AUDIT & STANDARDS COMMITTEE

Full Council were asked to agree a number of changes to the Contracts Procedure Rules detailed in Appendix A. It was noted that the Audit and Standards Committee had discussed the proposed changes in full at their meeting on 16 July 2018.

RESOLVED:

That the revised Contracts Procedure Rules contained in Appendix A be approved.

116 CABINET RECOMMENDATIONS

117 REFRESHED JOINT BUSINESS PLAN 2018-19

Full Council were asked to consider and approve the refreshed Joint Business Plan 2018 – 2019 contained in Appendix 1, following consideration of the plan by both Overview Committees and Cabinet. Members noted that the Business Plan replaced the former aims and objectives document, and would be reviewed each year to reflect the changing needs of Chiltern's local communities.

The Leader expressed thanks to the Performance and Policy Officer and Communications Team for their hard work in overhauling the layout, look and length of the Business Plan to make the plan clear and accessible.

RESOLVED:

That the refreshed Joint Business Plan be approved.

118 VERBAL REPORTS FROM THE LEADER, CABINET MEMBERS OR CHAIRMAN OF A COMMITTEE

Councillor P Martin – Portfolio Holder for Planning and Economic Development

Councillor P Martin confirmed that the National Planning Policy Framework had now been published and officers were in the process of reviewing the document.

Councillor L Walsh – Portfolio Holder for Healthy Communities

Councillor L Walsh informed Members that applications for the Community Grant Aid Scheme 2017/19 were due to be considered week beginning 30 July 2018.

119 QUESTIONS WITH NOTICE (IF ANY)

There were no questions.

120 PETITIONS (IF ANY)

No petitions were presented.

121 JOINT ARRANGEMENTS AND OUTSIDE ORGANISATIONS (IF ANY)

There were no reports.

122 MOTIONS (IF ANY)

No Motions had been received.

The meeting ended at 7.53 pm

CHAIRMAN'S DIARY	
14 JULY 2018 – 5 NOVEMBER 2018	
1 August	Amersham Community Association AGM
29 August	Meeting with Chiltern Voice
20 August	Walking Sports Festival, Chesham Leisure Centre
6 September	Bucks New University Graduation, High Wycombe
9 September	Heritage Day, Amersham
12 September	Topping out ceremony, Amersham Multi-storey Car Park
12 September	Action4Youth Big Night Out, Waterside Theatre, Aylesbury
20 September	Chesham Society Question Time panellist, Chesham
24 September	Topping out ceremony, Bierton Crematorium
29 September	Sounding the Retreat, Stowe School
14 October	Justice Service for the High Sheriff, All Saints Church, High Wycombe (attended by Vice Chairman)
27 October	SBDC Chairman's Charity Event, Afternoon in Champagne, Pinewood Studios

SUBJECT:	Gambling Act 2005 Licensing Statement of Principles – 2018 Revision
REPORT OF:	Director of Services – Steve Bambrick
RESPONSIBLE OFFICER	Head of Healthy Communities – Martin Holt
REPORT AUTHOR	Charlie Robinson, crobinson@chiltern.gov.uk, 01494 732056
WARD/S AFFECTED	All Wards

1. Purpose of Report

- 1.1 The purpose of this report is to inform Council of the final revised draft Gambling Act 2005 Statement of Principles a copy of which is attached to this report as Appendix 1 and to recommend its adoption to come into effect on 14 January 2019 following consideration by the Licensing Committee and Cabinet.
- 1.2 Council is also requested to consider whether the Council wishes to continue to have a resolution to not issue casino premises licences.

RECOMMENDATIONS TO COUNCIL

- 1. That Council adopts the draft Statement of Principles for publication at least 4 weeks prior to coming into effect for the period 14 January 2019 to 13 January 2022.**
- 2. That Council resolves, with effect from 14 January 2019, not to issue casino premises licences, in accordance with Section 166 of the 2005 Act.**

2. Reasons for Recommendations

- 2.1 The recommendation is in line with the legal requirements for the correct process for the required review and adoption of the Statement of Principles.
- 2.2 Council is also required under section 166 of the Gambling Act 2005 to make a decision whether to continue to have a resolution to not issue casino premises licences.

3. Content of Report

- 3.1 The Council has a statutory requirement to review its adopted Statement of Principles every 3 years. The Licensing Committee agreed the draft reviewed document prior to a

consultation being completed, and the result of the consultation was reported to the Licensing Committee on 10 July 2018. The Committee considered the responses received and some minor amendments proposed by Officers. These together with further amendments were agreed by members, as were the recommendations stated in the report. A copy of the final draft Statement of Principles recommended to Cabinet and Council for adoption by the Licensing Committee is attached to this report in Appendix 1.

- 3.2 Following the Licensing Committee's approval of the final draft Statement of Principles a further report was presented to Cabinet on 16 October 2018 to request that it also consider the draft Statement of Principles, as this is a shared function under the local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended) . Cabinet having considered the draft Statement of Principles supported the recommendation to Council to adopt the draft Statement of Principles.
- 3.3 Under Section 166 of the 2005 Act the Council may resolve not to issue casino premises licences. If passed, the resolution lasts for 3 years or less if subsequently revoked by a further resolution. If a resolution is passed it has to be published in the Statement of Principles.
- 3.4 In considering whether to pass a resolution Members may take into account any principle or matter as well as the licensing objectives. Although the DCMS has declared the location of the seventeen permitted casinos and no further licences can be issued at this time, there is a possibility that this number could be increased in the future.
- 3.5 The draft Statement of Principles approved and recommended for adoption by the Licensing Committee and Cabinet again includes a resolution not to resolve to issue casino premises licences.

4. Options

- 4.1 Members can adopt 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 and Cabinet.

5. Corporate Implications

5.1 Legal and Financial

The revision of the Statement of Principles is a statutory function and must be undertaken every 3 years. The costs in carrying out the revision, including the consultation process, will be covered by the Gambling Act 2005 fees. There will be no income generated by the revision of the existing Statement of Principles.

6. Links to Council Policy Objectives

6.1 The licensing of gambling premises and the adoption of a Statement of Principles in respect of this activity contributes towards the Council's Corporate Plan Key Theme 2 of working towards safe and healthier local communities. Properly controlling and regulating gambling activities will assist in ensuring that levels of crime and disorder remain low and appropriate well run gambling premises can contribute towards the local economy.

<http://www.chiltern.gov.uk/Aims-and-Objectives>

7. Next Steps

The next steps will be as stated in the recommendation.

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



CHILTERN District Council

Healthy Communities Division

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES

This Statement of Principles will remain in force from
14th January 2019 until 13th January 2022

FOREWORD

The Gambling Act 2005 ('the Act') requires Chiltern District Council ('the Council') to carry out its functions under the legislation whilst having regard to the three principal licensing objectives.

The Act requires the Council to prepare a Statement of Principle that sets out its position in relation to its duties under the Act and to guide its work during the implementation period.

In developing a Statement of Principle that will deliver the licensing objectives locally, consultation has taken place in accordance with the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

The initial Statement, was formally adopted by Full Council on 12th December 2006, and has been reviewed every three year since. Subsequent reviews and adoptions are detailed in Appendix C. Following adoption the Statement is published on the Council's website and takes effect one month from the date of publication.

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1. INTRODUCTION

1.1 The Gambling Act 2005 (the Act) introduced a new regime for regulating gambling and betting throughout the United Kingdom from 1 September 2007. Section 349 of the Act imposes a statutory duty upon licensing authorities to publish a Statement of the Principles which they propose to apply when exercising their functions under the Act.

1.2 Licensable activities

Chiltern District Council has a duty under the Act to license premises where gambling is to take place, and to license certain other activities. 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery. In particular, the licensing authority is responsible for:

- a) the licensing of premises where gambling activities are to take place by issuing *Premises Licences*;
- b) Issue *Provisional Statements*;
- c) regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- d) issuing *Club Machine Permits to Commercial Clubs*;
- e) granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*;
- f) receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- g) issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- h) registering *small society lotteries* below prescribed thresholds;
- i) issuing *Prize Gaming Permits*;
- j) receiving and endorsing *Temporary Use Notices*;
- k) receiving *Occasional Use Notices*;
- l) providing information to the Gambling Commission regarding details of licences issued; and
- m) maintaining registers of the permits and licences that are issued under these functions.

1.3 The Gambling Commission are responsible for the regulation of gambling and betting except for National Lottery and spread betting through the licensing the operators and individuals involved in providing gambling and betting facilities. .

1.4 This policy provides information and guidance to applicants, responsible authorities and interested parties on the general approach that Chiltern DC

will take in terms of licensing.

- 1.5 In accordance with the statutory procedures, a review of this policy will take place every 3 years, to take into account information collated over a period of time, coupled with the outcomes of initiatives relating to gambling at central and local government level. The Policy may also be subject to minor amendments from time to time, for example, when there are changes to relevant legislation; when this is necessary, changes will be authorised by the Head of Healthy Communities, in consultation with the Chairman of the Licensing Committee.
- 1.6 In preparing this statement Chiltern DC has consulted with and considered the views of a wide range of people and organisations including:
- a) Chief Officer for Thames Valley Police;
 - b) One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - c) One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

A full list of consultees is attached in Appendix A

- 1.7 The council's statement of principles is intended to be reasonably consistent with the three licensing objectives set out in the Act. These objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
 - Ensuring that gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 1.8 The Licensing Authority recognises that the best means of promoting the licensing objectives is through the co-operation and partnership of all the responsible authorities, local businesses and residents.
- 1.9 Declaration
- 1.9.1 In producing this Statement, Chiltern DC declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the statement.

2. STATEMENT OF PRINCIPLES

2.1 Nothing in this Statement of Principles will:

- a) Undermine the right of any person to apply under the Act for a variety of permissions and have the application considered on its own merits; or
- b) Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

The starting point in determining applications will be to grant the application with only mandatory and default conditions, so long as this can be achieved in a manner which is:

- a) in accordance with any relevant code of practice issued by the Gambling Commission;
- b) in accordance with any relevant guidance issued by the Gambling Commission;
- c) reasonably consistent with the licensing objectives; and
- d) in accordance with the licensing authority's Statement of Principle.

2.2 Licensing authorities are however, able to exclude default conditions and also attach others, where it is believed to be appropriate.

2.3 It is appreciated that as per the Gambling Commission's Guidance for local authorities *"moral or ethical objections to gambling are not a valid reason to reject applications for premises licences"* and in addition to this unmet demand is not a criterion for a licensing authority.

2.4 In carrying out its licensing functions, the licensing authority will have regard to any guidance and codes of practice issued by the Gambling Commission from time to time and there will be strong, clearly expressed and defensible reasons for departing from the guidance.

2.5 The licensing authority will not seek to use the Act to resolve matters more readily dealt with under other legislation.

2.6 The overriding principle is that all applications and the circumstances prevailing at each premises will be considered on its own individual merits. When applying these principles, the licensing authority will consider, in the light of relevant representations, whether exceptions should be made in any particular case.

2.7 This licensing authority also notes Gambling Commission guidance on ensuring that betting operators provide substantive facilities for betting on

licensed premises before gaming machines are made available for use. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licences.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information on products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

3. OBJECTIVES

3.1 The Gambling Act 2005 requires that licensing authorities must have regard to the following licensing objectives as set out in the Act:

- a) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- b) Ensuring that gambling is conducted in a fair and open way;
- c) Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.2 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

3.2.1 The Gambling Commission will take a leading role in preventing gambling from being a source of crime. Anyone applying to the Council for a premises licence will have to hold an operating licence from the Commission before a licence can be issued. Therefore the licensing authority will not be concerned with the suitability of an applicant. However, where concerns about an applicant's suitability do arise, the licensing authority will bring those concerns to the attention of the Commission.

3.2.2 In considering applications, the licensing authority will pay attention to the proposed location of gambling premises in terms of this licensing objective and in appropriate cases, will consider whether it is necessary to prevent particular premises becoming a source of crime or disorder.

3.2.3 Issues of disorder should only be dealt with under the Act if the disorder amounts to activity which is more serious and disruptive than mere nuisance and it can be shown that gambling is the source of that disorder. Chiltern DC will work closely with Thames Valley Police when concerns are raised of this nature and factors such as whether police assistance was required and how threatening the behaviour was to those who could see it will be considered by the Council.

3.3 Ensuring that gambling is conducted in a fair and open way

3.3.1 The Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to betting tracks.

3.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.4.1 The Gambling Commission's Guidance to licensing authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children) and the Gambling Commission has stated: "The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling". Therefore, the licensing authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

3.4.2 When determining an application to grant a premises licence or review a premises licence, regard will be taken to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits. Therefore, if an applicant can effectively demonstrate how they intend overcome concerns relating to the licensing objectives, this will also be taken into account.

3.4.3 Although there is no clear definition, it will assume that for regulatory purposes "vulnerable persons" includes people:

- a) who gamble more than they want to;
- b) people who gamble beyond their means; and
- c) people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.

4. RESPONSIBLE AUTHORITIES

4.1 Responsible authorities are public bodies that must be notified of applications and who are entitled to make representations to the licensing authority if they are relevant to the licensing objectives.

4.2 These are:

- a) The Gambling Commission;
- b) Thames Valley Police;
- c) Buckingham Fire and Rescue Service;
- d) The local planning authority;
- e) An authority which has functions in relation to pollution to the environment or harm to human health;
- f) Anybody, designated in writing by the Licensing Authority as competent to advise about the protection of children from harm;
- g) HM Revenue and Customs;
- h) A licensing authority in whose area the premises is wholly or partly situated.

4.3 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- a) the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.4 Therefore, in accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Buckinghamshire Safeguarding Children Board at Buckinghamshire County Council for this purpose.

4.5 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.chiltern.gov.uk

5. INTERESTED PARTIES

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as a person who:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;

- b) has business interests that might be affected by the authorised activities or;
 - c) represents persons as above.
- 5.2 In determining whether someone lives sufficiently close to a particular premises as to likely to be affected by the authorised activities, or has business interests likely to be affected, the Council may take account of:
- a) the size of the premises;
 - b) the nature of the premises;
 - c) the nature of the authorised activities and operating hours being proposed;
 - d) the distance of the premises from the person making the representation;
 - e) the characteristics of the complainant;
 - f) the potential impact of the premises, including on those not in the immediate locality.
- 5.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- a) the size of the premises;
 - b) the catchment area of the premises; and
 - c) whether the person making the representation has business interests in the catchment area that might be affected.
- 5.4 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
- a) Each case will be decided upon its merits. The licensing authority will not apply a rigid rule to its decision making and it will consider the Gambling Commission's Guidance to Licensing Authorities.
 - b) Interested parties will include trade associations and trade unions, and residents' and tenants' associations, providing that they can show they represent someone who can be classed as an interested person in their own right.
 - c) Interested parties can also be persons who are democratically elected as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered to be interested parties. An elected member of the Council must comply with the Council's code of conduct and if they have a

specific interest or there is an issue of bias, they must declare this and seek advice on whether they are able to appear before a licensing panel.

- d) Other than these however, the licensing authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

6. REPRESENTATIONS

- 6.1 Any responsible authority or interested party (or person representing them) can make representations about a licence application to the licensing authority.
- 6.2 Representations must be relevant to the individual application and to one or more of the licensing objectives (as defined in Section 3 of this Statement of Principles). Representations must also be made within prescribed timescales and be in writing. Anonymous representations cannot be taken into consideration. In relation to whether to grant a Premises Licence, the authority cannot consider representations which relate to the need or unmet demand for gambling premises, nor concerns which relate to general nuisance, which should be addressed by other legislation.
- 6.3 All representations will be considered on their own merits but the authority may, in certain circumstances, consider a representation to be either frivolous or vexatious. This will generally be a matter of fact given the circumstances of each individual case and full reasons will be given where representations are rejected.
- 6.4 Where valid representations are made, the details of the person making the representation will be made available to the applicant for the purposes of mediation. Should the representation result in a formal hearing before the Licensing Sub-Committee, the details of the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed.

7. Public Register

Section 156 of the Act requires licensing authorities to maintain a register of the premises licences that it has issued. The register must be made available, at any reasonable time, to the public who may request copies of

the entries. The Council achieves this requirement through the use of an online register which is accessible via the Council's website.

8. PREMISES LICENCES

- 8.0.1 An application for a premises licence can only be made by a person or company who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.0.2 Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all of the licensing objectives in the form of a written Operating Schedule. The applicant may ask the authority for advice as to the scope of information to be provided.
- 8.0.3 The level of detail to be provided will be advised by the authority and will be proportional to the scale and nature of the application made.

8.1 Local Risk Assessments

- 8.1.1 From 6 April 2016, it is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), for licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in this policy.
- 8.1.2 The LCCP goes on to say licensees must review (and update as necessary) their local risk assessments:
- To take account of significant changes in local circumstance, including those identified in this policy;
 - When there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - When applying for a variation of a premises licence; and
 - In any case, undertake a local risk assessment when applying for a new premises licence.
- 8.1.3 The Council will expect the local risk assessment to consider as a minimum:

- The demographics of the area in relation to all groups that could be deemed as vulnerable or more susceptible to problem gambling;
- Whether the premises is in an area subject to high levels of crime and/or disorder;
- The location of services for children such as schools, playgrounds, toy shops, leisure centres and other areas where children will gather.
- Significant presence of young children, both residents and visitors;
- Nearby homeless hostels;
- Nearby gambling, alcohol, drug or mental health support facility.

8.2 Local Area Profile

8.2.1 Each locality has its own character and challenges. In order to assist applicants, where there is an issue in a local area which impacts on how the applicant should complete their risk assessment, the Council has published a local area profile. This profile can be obtained from: www.chiltern.gov.uk/gambling

8.2.2 The local area profile should be given careful consideration when making an application. Applicants may be asked to attend a meeting with licensing officers to discuss the profiles, appropriate measures to mitigate risk in the area and how they might be relevant to their application. The local area profile will be presented to any subsequent licensing sub-committee when they determine an application that has received representations.

8.2.3 The Council recognises that it cannot insist on applicants using the local area profile when completing their risk assessments. However, an applicant who decides to disregard the profile may face additional representations and the expense of a hearing as a result.

8.3 Duplication with other regulatory regimes

8.3.1 This licensing authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

8.4 Conditions

8.4.1 Any conditions attached to licences will be proportionate and will be:

- a) relevant to the need to make the proposed building suitable as a gambling facility;
- b) directly related to the premises and the type of licence applied for;
- c) fairly and reasonably related to the scale and type of premises; and
- d) reasonable in all other respects.

8.4.2 Decisions upon individual conditions will be made on a case by case basis. Although there will be a number of control measures this licensing authority will consider utilising should there be a perceived need, such as the use of door supervisor's, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

8.4.3 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- a) any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- b) conditions relating to gaming machine categories, numbers, or method of operation;
- c) conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- d) conditions in relation to stakes, fees, winning or prizes.

8.5 Door Supervisors

8.5.1 Consideration should be given whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though that in-house staff at casinos or bingo premises need not be licensed by the Security Industry Authority (SIA) although this would be preferable in helping meet the licensing objectives. Where operators and the licensing authority consider that supervision of entrances and machines is appropriate in particular cases, it will be decided whether these need to be SIA licensed on a case by case basis.

8.6 Multiple Premises Licenses

- 8.6.1 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 8.6.2 In considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes, entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- 8.6.3 The licensing authority will consider, amongst others, the factors outlined in the Gambling Commission guidance when deciding upon the extent of separation of licensable premises. In particular, due regard will be given to the specific requirements relating to entrances and exits to particular types of licensable premises.
- 8.6.4 It should also be noted that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use. If the construction is not yet complete, or if they need alteration, or if the applicant does not yet have the right to occupy them, then an application for a provisional statement should be made instead.
- 8.6.5 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, applications will be determined on their merits, applying a two stage consideration process:
- a) Whether the premises ought to be permitted to be used for gambling;
 - b) Whether appropriate conditions can be applied to the situation

whereby the premises are not yet in the condition in which they ought to be before gambling can take place.

- 8.6.6 Applicants should note that the licensing authority is entitled to decide whether it is appropriate to grant a licence subject to conditions, but is not obliged to grant such a licence.

8.7 Adult Gaming Centres

- 8.7.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives, for example:

- a) Proof of Age schemes;
- b) CCTV;
- c) Supervision of entrances / machine areas;
- d) Physical separation of areas;
- e) Location of entry;
- f) Notices / signage;
- g) Specific opening hours;
- h) Self-exclusion schemes on recommendation of police or families;
- i) Provision of information leaflets / helpline numbers for organisations such as GamCare.

8.8 (Licensed) Family Entertainment Centres

- 8.8.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

- 8.8.2 This licensing authority may consider measures to meet the licensing objectives such as:

- a) CCTV;
- b) Supervision of entrances / machine areas;
- c) Physical separation of areas;
- d) Location of entry;
- e) Notices / signage;
- f) Specific opening hours;

- g) Self-exclusion schemes on recommendation of police or families;
- h) Provision of information leaflets / helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities;
- i) Measures / training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

8.8.3 This licensing authority will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

8.9 Casinos

8.9.1 Currently there are no casinos operating within the District. Section 166 of the Gambling Act 2005, enables a licensing authority to **resolve not to issue casino licences**. A resolution was passed by Full Council on 13/11/2018 with effect from 14/01/2019 not to issue casino premises licences and therefore the Council will not accept applications for casino premises licences within the Chiltern District.

8.10 Bingo premises

8.10.1 The Gambling Commission's Guidance states:

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- a) all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- b) only adults are admitted to the area where the machines are located;
- c) access to the area where the machines are located is supervised;
- d) the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- e) at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

All current and future guidance provided by the Gambling Commission will also be taken into consideration when considering such applications.

8.11 Betting premises

8.11.1 This licensing authority will, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

8.11.2 The authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

8.12 Tracks

8.12.1 Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

8.12.2 Applicants will be expected to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

8.12.3 The licensing authority may consider measures to meet the licensing objectives such as:

- a) Plans of designated areas;
- b) Proof of age schemes;
- c) CCTV;
- d) Supervision of entrances / machine areas;
- e) Physical separation of areas;

- f) Location of entry;
- g) Notices/signage;
- h) Specific opening hours;
- i) Self-exclusion schemes on recommendation of police or families;
- j) Provision of information leaflets / helpline numbers for organisations such as GamCare. Also information on other diversionary leisure activities.

This list is not mandatory nor exhaustive and is merely indicative of example measures.

8.12.4 *Gaming machines* - Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

8.12.5 *Betting machines* – Account will be taken of the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

8.12.6 *Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that “...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.”

8.12.7 *Applications and plans* –Although the precise location of where betting facilities are provided is not required to be shown on track plans, applicants should provide sufficient information so that the licensing authority can satisfy itself that the plan indicates the main areas where betting might take place. In particular, betting rings must be indicated on the plan

8.12.8 In circumstances where a perimeter is not defined, for example in point-to-point racing where an entry fee is levied, temporary structures restricting access to the premises can be used.

8.12.9 This licensing authority also notes that in the Commission’s view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the

track operator and the off-course betting operator running a self-contained unit on the premises.

8.12.10 The Commission considers that track premises licence holders should accept some accountability for promoting socially responsible gambling on their premises and that the level of responsibility should be commensurate with the volume and intensity of gambling that occurs on their premises.

8.13 Travelling Fairs

8.13.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

8.13.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

8.13.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

8.14 Provisional Statements

8.14.1 This licensing authority notes the Guidance for the Gambling Commission which states that “it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

8.14.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority’s opinion reflect a change in the operator’s

circumstances.

8.14.3 This authority has noted the Gambling Commission's Guidance that "a licensing authority should not take into account irrelevant matters.... One example of which would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

9. PERMITS / TEMPORARY & OCCASIONAL USE NOTICE

9.1 Unlicensed Family Entertainment Centre (FEC) gaming machine permits

9.1.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.

9.1.2 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission.

9.1.3 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Applicants will be expected to demonstrate:

- a) full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- b) that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; as demonstrated by producing an Enhanced Criminal Record Bureau check; and
- c) that staff are trained to have a full understanding of the maximum stakes and prizes.

9.1.4 A licensing authority cannot attach conditions to this type of permit although it will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children

causing perceived problems on / around the premises.

9.2 (Alcohol) Licensed premises gaming machine permits

9.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D and as such, the premises merely need to notify the licensing authority. If the person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence will also need to apply under S 282 (2), notifying the licensing authority of their intention to make the gaming machines available for use and paying the prescribed fee. If the alcohol licence ceases to have effect because it is suspended then the gaming machines cannot be used. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- a) provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- b) gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- c) the premises are mainly used for gaming; or
- d) an offence under the Gambling Act has been committed on the premises.

9.2.2 If an applicant wishes to have more than 2 machines, then they need to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 9.2.3 Some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Such an application would be considered and dealt with as an Adult Gaming Centre premises licence.
- 9.2.4 In such circumstances, the licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 9.2.5 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

9.3 Prize Gaming Permits

- 9.3.1 Applicants for these permits should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- a) that they understand the limits to stakes and prizes that are set out in Regulations;
 - b) that the gaming offered is within the law; and
 - c) clear policies that outline the steps taken to protect children from harm.
- 9.3.2 In determining an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 9.3.3 Permit holders must comply with the following conditions specified in the Act:
- a) the limits on participation fees, as set out in regulations, must be complied with;
 - b) all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - c) the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - d) participation in the gaming must not entitle the player to take part in any other gambling.

9.4 Club Gaming and Club Machines Permits

9.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in regulations. Members Clubs and Miner's welfare institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

9.4.2 Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

9.4.3 Licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

9.4.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. However, there is no opportunity for objections to be made by the Commission or the police, and the grounds on which an application may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or

- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."
- 9.4.5 No child may use a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

9.5 Temporary Use Notices

- 9.5.1 These allow the use of premises for gambling where there is no premises licence but a person or company holding an operating licence wishes to use the premises temporarily for providing facilities for gambling. Currently this is restricted to the provision of facilities for equal chance gaming where the gaming is intended to produce a single winner, in essence, poker tournaments. The same set of premises may not be the subject of a temporary use notice for more than 21 days in any 12-month period. There are also a number of other statutory limits in relation to these notices. Notice must be given to the authority and other bodies, who may object to the grant of the notice having had regard to the licensing objectives. The definition of "a set of premises" will be a question of fact in the particular circumstances of each notice. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the authority will need to consider, amongst other things, the ownership/occupation and control of the premises. The authority will take a strict view where it appears that the effect of notices appears to permit regular gambling at a particular place.

9.6 Occasional Use Notices:

- 9.6.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

9.7 Small Society Lotteries

- 9.7.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- a) submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
 - b) submission of incomplete or incorrect returns
 - c) breaches of the limits for small society lotteries

9.7.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- a) by, or on behalf of, a charity or for charitable purposes
- b) to enable participation in, or support of, sporting, athletic or cultural activities.

10. EXCHANGE OF INFORMATION

10.1 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. Section 350 of the Act allows licensing authorities to exchange information with other persons listed in Schedule 6 (1) for use in the exercise of functions under the Act. The licensing authority will also have regard to any Guidance issued by the Gambling Commission to licensing authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

10.2 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so. This authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

10.3 In keeping with the Hampton principles and the Regulators Compliance Code, we seek to avoid the risk of duplication or over-regulation and maximise the efficient use of our resources. To accomplish this, we recognise the need to share information about our inspections and compliance activities regularly. Communication with other agencies will be by the most effective means, whether this be electronic or paper.

9.4 The Council has various policies relating to 'information governance', which will be considered when deciding what information to share and the process of doing so.

11. ENFORCEMENT

- 11.1 The licensing authority has an established enforcement policy, based upon the principles of consistency, targeting, transparency, accountability and proportionality set out in the Regulatory Compliance Code and which also takes into account the Attorney-General's Guidelines to Crown Prosecutors for bringing prosecutions.
- 11.2 The main enforcement and compliance role of the licensing authority is to ensure compliance with the premises licences and other permissions which it authorises. This will involve a targeted approach at those high risk premises that require greater attention, whilst operating a lighter touch in respect of low-risk premises
- 11.3 This Statement proposes that a graduated response is taken where offences against gambling legislation are found or where licence conditions have been contravened. An isolated administrative offence, may be dealt with purely by way of written warning whilst more serious offences which have either been committed over a period of time or which have a significant impact upon the licensing objectives, may result in a referral for prosecution.
- 11.4 The licensing authority will seek to work actively with the Police, the Gambling Commission and other responsible authorities in enforcing gambling legislation.
- 11.5 The licensing authority will continue to be a partner in the local licensing liaison group, and will keep itself informed of developments as regards best practice in its consideration of the regulatory functions of local authorities.

12. COMPLAINTS AGAINST LICENSED PREMISES

- 12.1 The licensing authority will investigate relevant complaints against licensed premises of any description. In the first instance, complainants should raise the complaint directly with the licence holder or business concerned. All complaints will be investigated and enforcement action taken in accordance with the licensing authority's Enforcement Policy and Complaints Procedure. It is recognised that another agency may be the more appropriate body to investigate the complaint. In such circumstances, the licensing authority will maintain liaison with that agency.
- 12.2 Where necessary, the licensing authority will initially arrange a meeting with the licence holder to address, clarify and try to resolve the issues of concern.

- 12.3 This process will not override the right of any interested party or responsible authority to request a review of a licence by the Licensing Committee at any stage following the grant of a premises licence or if the particular concerns are not addressed in a way that fulfils the licensing objectives.

13. REVIEWS

- 13.1 The authority will carry out a review of a Premises Licence where it has received a formal, valid application for review in accordance with the Act from either an interested party or a responsible authority and which relates to one or more of the licensing objectives. Due consideration will be given to all relevant representations and guidance issued by the Gambling Commission. Decisions as to whether requests for review are irrelevant, frivolous or vexatious will be made by Council Officers in consultation with the Chair of the Licensing and Regulation Committee, who will also decide on whether such requests should be referred to the Licensing Committee or Sub-Committee. Where an application for review is rejected, the person making that application will be given written reasons for the rejection. There is no right of appeal against a determination that such an application is not admissible.
- 13.2 A premises licence may also be reviewed by the Licensing Authority of its own volition.
- 13.3 In determining what action, if any, should be taken following a review, the licensing authority will have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

14. APPEALS

- 14.1 Any party aggrieved by a decision of the Licensing Sub Committee and with standing to appeal (as specified within the Act) may appeal against the decision to the local Magistrates Court. An appeal has to be started by the giving of a notice of appeal by the appellant to the justices' chief executive for the magistrates' court within a period of 21 days from the day on which the appellant was notified by the licensing authority of the decision appealed against. This will be either Wycombe and Beaconsfield or Central Buckinghamshire Magistrates' Court (Aylesbury) depending upon the location of the premises
- 14.2 The licensing authority will always be a respondent to the appeal, but in cases where a favourable decision has been made for an applicant against the representations of a responsible authority or an interested party, the holder of the premises licence or club premises certificate will also be entitled to act as a respondent.

14.3 On determining an appeal, the court may:

- a) dismiss the appeal;
- b) substitute for the decision appealed against any other decision which could have been made by the licensing authority; or
- c) remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

14.4 The court may make such order as to costs as it thinks fit, but will be required to bear in mind guidance and legislation about the awarding of costs against a public body.

15. DELEGATION AND DECISION MAKING

15.1 One of the major principles underlying the Gambling Act 2005 is that the licensing functions contained within the Act should be delegated to an appropriate level so as to ensure speedy, efficient and cost effective service delivery.

15.2 The Authority is committed to the principle of delegating its powers to ensure that these objectives are met and has arranged for its licensing functions to be discharged in accordance with the Guidance issued by the Secretary of State, the Council's Constitution and procedures laid down for good governance. The scheme of delegation can be found in the Council's constitution, which is available on the website.

**APPENDIX A
LIST OF CONSULTEES**

The Chief Officer of Police for the Council's area
Bodies representing the interests of persons carrying on gambling businesses within Chiltern District
Bodies representing the interests of persons who are likely to be affected by the exercise of the authority's function under this Act
The local Planning Authority
The local Health and Safety Authority
The Authority responsible for Control of Pollution
Bucks Fire and Rescue
Buckinghamshire Safeguarding Children Board
Local Primary Care Trusts
Bodies dealing with mental health issues
Citizens Advice Bureau
GamCare
Gamblers Anonymous
Bodies representing businesses and residents in the area
Parish Councils within the District
Other Councils, including Wycombe DC, South Bucks DC, Aylesbury Vale DC, Milton Keynes Council, Dacorum Borough Council, Three Rivers District Council and Buckinghamshire County Council
Wycombe and Beaconsfield Magistrates Court
Central Buckinghamshire Magistrates' Court (Aylesbury)

Note: - This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by the policy.

Copies of the draft Gambling Statement of Principles were also placed in the public libraries of the Chiltern District Council area as well as being available at the Council Offices and on the Council's website.

APPENDIX B
TABLES OF PERMITTED ACTIVITIES / LOCATIONS

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A) or any number C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D (except B3A)				
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**	No limit C or D machines		
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or	No limit C or D machines		

				B4**			
Family entertainment centre (with premises licence)						No limit on Category C or D machines	
Family entertainment centre (with permit)							No limit on Category D machines
Clubs or miners' welfare institutes with permits						Maximum of 3 machines in categories B3A or B4 to D*	
Qualifying alcohol licensed premises						1 or 2 machines of Category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C or D machines as specified on permit	
Travelling fair							No limit on Category D machines
	A	B1	B2	B3	B4	C	D

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming

Classification: OFFICIAL

machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only, but not B3A machines.

Category of machine	Maximum Stake	Maximum Prize
A	No category A gaming machines are currently permitted	
B1	£5	£10,000 or £20,000 if linked to other B1 machines
B2	£100 (in multiples of £10)	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	Various 10p to £1	£5 to £50 (max relates to non-money prizes only)

APPENDIX C**Statement of Principles Log**

Date	Action
12 th December 2006	First Statement of Licensing Principles approved for publishing by Council
1 st January 2007	Statement of Principles came into effect
8 th December 2009	Statement reviewed and approved for publishing by Council
1 st January 2010	Reviewed Statement came into effect
13 th November 2012	Statement reviewed and approved for publishing by Council
1 st January 2013	Reviewed Statement came into effect
14 th January 2014	Statement Amended following changes to Gaming Machine Categories
15 th December 2015	Statement reviewed and approved for publishing by Council
14 th January 2016	Reviewed Statement came into effect
13 th November 2018	Draft and TBC- Statement reviewed and approved for publishing by Council
14 th January 2019	Draft and TBC-

SUBJECT	Delegation Arrangements on Planning Enforcement
REPORT OF	Cllr Peter Martin, Portfolio Holder for Planning and Economic Development
RESPONSIBLE OFFICER	Steve Bambrick
REPORT AUTHOR	Joanna Swift
WARD/S AFFECTED	All wards

1. Purpose of Report

To recommend changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan. Full Council are asked to agree the revised delegations following consideration by the Planning Committee meeting on 4 October 2018 and Cabinet on 16 October 2018.

RECOMMENDATION TO COUNCIL

That the revised delegations as set out in the Appendix to the report be approved.

2. Reasons for Recommendations

The recommended revised arrangements will provide the mechanism for the effective delivery of the Local Enforcement Plan.

3. Content of Report

- 3.1. The Local Enforcement Plan was approved at Cabinet on 1st May 2018.
- 3.2. The Plan brings about significant changes to the processes that will be followed in receiving and assessing information about alleged breaches of planning control.
- 3.3. The current delegated arrangements give officers authority to serve requisitions for information about ownership of land and Planning Contravention Notices. In cases of urgency the Head of Legal and Democratic Services has power in consultation with the Head of Planning and Economic Development and Chairman of the Planning Committee to serve a range of enforcement notices and apply for injunctions. The Head of Planning and Economic Development also has power to take direct action to remove offending development with the action taken being reported to the next meeting of the Planning Committee. Apart from these delegations the current arrangements require all enforcement action to be authorised by the Planning Committee.
- 3.4. In order to ensure the efficient operation of the recently approved Local Enforcement Plan it is considered the current arrangements require review. In

particular, the requirement for the planning committee to authorise the service of enforcement notices adds time and operational costs to the wider process.

Current work on assessing the backlog of enforcement activity indicates that there will be a significant increase in the service of notices in the coming months. Plainly, this pipeline of work will stretch the current arrangements even further.

- 3.5. The new arrangements proposed would give delegated authority to the Head of Planning and Economic Development on all enforcement matters with a requirement for consultation with the Head of Legal and Democratic Services on the service of notices and instigation of legal proceedings. The decision to serve a Stop Notice, Temporary Stop Notice or to apply for an injunction would be made in consultation with the Chairman of Planning Committee (or in his absence the Vice – Chairman). Any direct action taken would continue to be reported to the next Planning Committee as required under the current delegations. A service level agreement would be prepared between the Planning service and the Legal service. This agreement would identify the timescales for undertaking consultation and providing legal advice. This is intended to ensure legal issues are properly considered when issuing notices and instituting proceedings but allow more streamlined decision - making particularly on the serving of enforcement notices. This revised process would also address many of the current issues and complaints about the enforcement service which focus on the time taken for notices to be served where necessary.
- 3.6 Whilst the proposed revised delegations are directly to officers, it is acknowledged that members of the Planning Committee and local members will continue to expect a degree of engagement in the wider process. It is on this basis that senior officers will ensure that they raise issues with ward members as would be appropriate to the proposed notice or action concerned.
- 3.7 A similar report is being submitted to the Cabinet and Planning Committee at South Bucks seeking views on the proposed new arrangements.

4. Consultation

The contents of this report have been discussed with the Portfolio Holder and Chairman of the Planning Committee.

5. Options (if any)

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 are based on national best practice and seek to ensure the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

6. Corporate Implications

- 6.1 Financial – There are no direct financial implications from this report.
- 6.2 Legal – Enforcing breaches of planning and advertisement control is a statutory power which requires investigation of factual and legal issues to determine whether a breach has taken place, as well as a decision as to

whether it is expedient to take action having regard to relevant planning policy considerations.

- 6.3 Whilst the report does not have any direct implications on any other corporate matters, it has the potential to send out very strong signals about the Council's willingness to take positive and proportionate enforcement action where necessary.

7. Links to Council Policy Objectives

The proposal supports the objectives of conserving the environment and promoting sustainability as well as delivering cost-effective, customer-focused services

8. Next Steps

Pending Full Council approval, the Constitution will be updated accordingly.

Background Papers:	None other than referred to in this report
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CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
Head of Planning and Economic Development	<p>Authority to decide whether it is expedient to take enforcement action and to prepare, issue, serve, amend or withdraw, or, in case of injunctions, apply for:</p> <ul style="list-style-type: none"> (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the Town and Country Planning Act 1990; and (vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990. 	<p>In consultation with the Head of Legal & Democratic Services and in respect of Stop Notices, Temporary Stop Notices and Injunctions after consultation with the Chairman of Planning Committee (or in his/her absence the Vice- Chairman).</p>	C206	
	<p>Take any necessary follow up action including the administration of a simple caution and instituting prosecution proceedings for non-compliance with any enforcement action.</p>	<p>Any prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services</p>	C207	
	<p>Serving notice requiring contravening work to be pulled down, removed or altered or taking other direct action in respect of a breach of planning control.</p>	<p>Any action taken shall be reported to the next meeting of the Planning Committee</p>	C208	
	<p>Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local</p>		C209	

CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Government (Miscellaneous Provisions) Act 1976.			
	Making minor amendments to conditions, reasons for refusal and enforcement notices where this does not affect the substance of the Committee's decision.		C206	
	Exercising powers to control the display of advertisements in breach of the Town and Country Planning (Control of Advertisements) Regulations 1992 and fly-posting under Sections 224 and 225 of the Town & Country Planning Act 1990, including the institution of prosecution proceedings as necessary.	Prosecution proceedings to be instituted in consultation with the Head of Legal & Democratic Services.	C210	
	Deferring enforcement action pending an appeal against a refusal of planning permission		C211	
Head of Legal & Democratic Services				
	Prepare, issue and serve, or, in case of injunctions, apply for: (i) Enforcement Notices, including Listed Building Enforcement Notices; (ii) Stop Notices including Temporary Stop Notices; (iii) Injunctions restraining breaches of Planning Control; (iv) Notices under Section 215 of the Town and Country Planning Act 1990 Act relating to untidy land; (v) Breach of Condition Notices under Section 187A of the	Following Planning Committee approval to take action and in consultation with the Head of Planning & Economic Development except in cases of emergency when action may be taken in consultation with the Head of Planning & Economic Development and the Chairman of Planning Committee (or in his/her absence the Vice-Chairman). Urgent action shall be reported to the next meeting of	C454	

CDC Constitution PART 7 Section B Scheme of Delegations to Officers

Officer	Delegation	Limits on Delegation	Council Delegation Number	Executive Delegation Number
	Town and Country Planning Act 1990; and (vi) Planning Contravention Notices under Section 171 C of the Town and Country Planning Act 1990.	the Planning Committee		
	Serve requisitions for information as to interests in land under Section 330 of the Town and Country Planning Act 1990, or Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.		C455	
	In circumstances where further Enforcement Notices were being issued to withdraw any Enforcement or Stop Notice (but without prejudice to the power to serve another as circumstances warrant).	In consultation with the Head of Planning & Economic Development	C456	
	Deferring enforcement action pending an appeal against a refusal of planning permission.	In consultation with the Head of Planning & Economic Development.	C457	
	Institute legal action in respect of failure to respond to a requisition for information as to interests in land, or to a Planning Contravention Notice under Section 171 C and D of the Town and County Planning Act 1990.	In consultation with the Head of Planning & Economic Development	C458	
	Institute prosecution proceedings for breach of Town and Country Planning (Control of Advertisements) Regulations 1992 or for fly-posting contrary to Section 224 of the Town and Country Planning Act 1990	In consultation with the Head of Planning & Economic Development	C459	

SUBJECT:	<i>Chiltern District Council and South Bucks District Council Joint Housing Strategy 2018 - 2021</i>
REPORT OF:	<i>Cabinet Portfolio: Healthy Communities</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities – Martin Holt</i>
REPORT AUTHOR	<i>Housing Manager – Michael Veryard – 01494 732200 (mveryard@chiltern.gov.uk)</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

This report seeks authority to publish and implement the finalised version of the Chiltern District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 following consideration by the Services Overview Committee and Cabinet.

RECOMMENDATIONS TO COUNCIL

- 1. That Full Council approve the final Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 document.**
- 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.**

2. Reasons for Recommendations

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

3. Content of Report

3.1 The Chiltern District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021 provides an overview of the work and duties of both authorities in:

- responding to affordable housing need and
- meeting statutory homelessness duties.

The strategy will sit alongside the Joint Private Sector Housing Strategy that was formally adopted in 2017.

3.2 The draft Joint Housing Strategy was first reported to Members last year. The Councils did not proceed to full consultation at that time because the Homelessness Reduction Bill was published soon after and local authorities were advised that they may be subject to new

requirements relating to Homelessness Strategies. A new Code of Guidance on Homelessness was subsequently issued in February 2018 and the Homelessness Reduction Act came into force from April 2018.

- 3.3 The draft Joint Housing Strategy was revised and updated to reflect the new Homelessness Code of Guidance and Act and other updated information. The revised version was approved for consultation by the Healthy Communities Portfolio Holders and further amendments have been made following consultation (see Section 4 below). The draft strategy has also been updated to reflect the recent developments at national Policy level including the newly revised National Planning Policy Framework, Rough Sleeper Strategy and Housing Green Paper (A new deal for social housing).
- 3.4 The final version of the draft Joint Housing Strategy is in Appendix 1. Following the consultation and final amendments, it is now proposed that the Joint Housing Strategy is published and implemented.

4. Consultation

- 4.1 A 6 week consultation period on the draft strategy ran from 26th June 2018 to 6th August 2018 via the Council websites. All Members were directly notified of the consultation by e-mail (dated 26th June 2018). Direct notifications were also sent to all Town and Parish Councils and key external partner agencies inviting them to submit comments.
- 4.2 There were 8 responses to the consultation. The draft strategy has been amended to reflect the consultation feedback. The main amendments are:
- Update of the position regarding the emerging Joint Local Plan
 - Inclusion of references to Neighbourhood Plans in connection with working with Town and Parish Council
 - Increased emphasis on working jointly with Registered Providers on matters such as homelessness prevention, supporting downsizing etc.
 - Reference to making representations to Government as and when appropriate on the resources that are required to meet national expectations and regulatory requirements.
 - Update and expansion of the statistics in Appendix A.

5. Options (if any)

- 5.1 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.
- 5.2 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 single shared housing service and other strategy documents which have been published including the Joint Private Sector Housing Strategy.

6. Corporate Implications

- 6.1 **Financial** – The Strategy highlights the potential resources available to support service delivery, but it does not propose any formal funding allocations or additional spending. Individual schemes or funding proposals to meet strategic objectives will be brought forward for consideration on a scheme by scheme basis.
- 6.2 **Legal** – The Council has a range of statutory housing responsibilities and legal duties and this strategy provides a clear framework for the activities required to meet these duties and responsibilities.

7. Links to Council Policy Objectives

This report relates to the following Aims and Objectives:

- Working towards safe and healthier local communities
- Striving to conserve the environment and promote sustainability

8. Next Step

Following approval by Full Council the finalised Joint Housing Strategy will be published and implemented.

Background Papers:	None other than the legislation, policies and guidance referred to in the report
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CHILTERN DISTRICT COUNCIL

AND

SOUTH BUCKS DISTRICT COUNCIL

JOINT HOUSING STRATEGY
(AFFORDABLE HOUSING AND
HOMELESSNESS)

2018-2021

CHILTERN DISTRICT COUNCIL AND SOUTH BUCKS DISTRICT COUNCIL**JOINT HOUSING STRATEGY 2018-2021****(AFFORDABLE HOUSING AND HOMELESSNESS)**

This Strategy should be read in conjunction with the Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy

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45	A3 – Delivery of Additional Affordable Housing
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1. INTRODUCTION

- 1.1 Chiltern District Council and South Bucks District Council have a range of statutory and legal housing duties including:
- Assessing current and future need for affordable housing and supporting the delivery of affordable housing to meet local needs
 - Securing that advice and information is available to prevent and reduce homelessness
 - Assessing applications for homelessness assistance and providing advice and support (including the provision of emergency and long term accommodation where appropriate)
 - Operating an allocations scheme to allocate social housing vacancies
 - Tackling poor housing conditions
 - Licensing HMOs (Houses in Multiple Occupation)
 - Supporting households to improve and maintain their homes and install adaptations when necessary
- 1.2 Since April 2014, the Councils have operated a single shared housing service to deliver many of these duties across the two districts. This service is facing significant challenges as it moves forward. The Chiltern and South Bucks districts have some of the highest housing costs in the country (outside London) for buying and renting. This is placing increasing pressure on the Shared Housing Service as more people seek help from the Councils because they cannot afford to secure housing in the private sector. In particular, there is a high demand for homelessness assistance in both districts with a large number of households in temporary accommodation (including bed and breakfast). There is also the increased risk of more landlords letting poor quality accommodation to exploit a market where low income households have no other housing options available to them.
- 1.3 Alongside this, opportunities to secure additional new affordable housing across both districts are being restricted by limited site availability, high land values and some private developers challenging the viability of delivering any affordable housing on site. Government subsidy for affordable rented housing is very limited and many

Registered Providers (the traditional providers of affordable housing for rent and sale) have reviewed their business plans and are re-assessing what type of housing they develop and who they house. Many Registered Providers will no longer develop affordable homes for rent without significant support and incentives from local authorities and some are now refusing to re-house clients perceived to be "high risk". Meanwhile, welfare reforms continue to progress with increasing restrictions on the level of benefits available to support low income and workless households to meet their housing costs.

- 1.4 This Joint Strategy Document sets down how Chiltern District Council and South Bucks District Council are addressing these challenges as both authorities move forward. It should be read in conjunction with the Chiltern District Council and South Bucks District Council Joint Private Sector Housing Strategy which addresses the Council's work around monitoring and enforcing standards in the private sector (including HMO licensing) and in delivering financial assistance including Disabled Facilities Grants.

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2. BACKGROUND TO JOINT HOUSING STRATEGY

2.1 Chiltern District Council and South Bucks District Council share three headline aims:

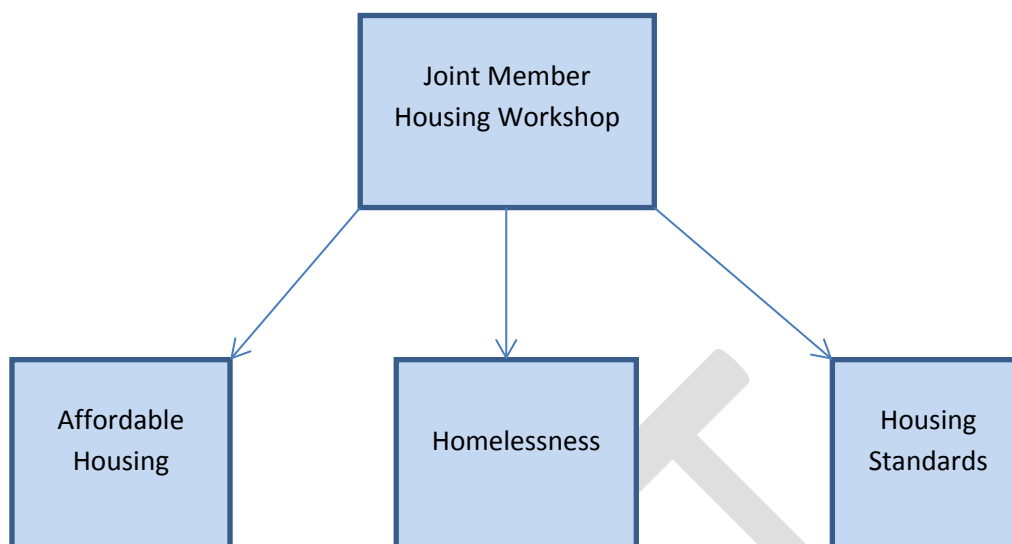
1. Delivering cost-effective, customer-focused services
2. Working towards safe and healthier local communities
3. Striving to conserve the environment and promote sustainability

2.2 The Joint Business Plan 2017-2020 (Stronger in Partnership) sets a number of actions for the Housing service to deliver in order to deliver the shared Aims 2 and 3 of the two Councils:

Aim 2 – We will work towards safe and healthier local communities	
<p>Objective: Promote Healthier Communities</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> -Monitor effectiveness of Bucks Home Choice policy -Design and implement a robust Housing Strategy -Develop a joint housing and homelessness strategy to best meet statutory responsibilities and maximise affordable housing provision.
<p>Objective: Promote local communities</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> -Work with partners to deliver Disabled Facilities Grants through the Better Care Fund
Aim 3 – We will strive to conserve the environment and promote sustainability	
<p>Objective: Conserve the Environment</p>	<p>Actions (Housing)</p> <ul style="list-style-type: none"> - Develop a joint Local Plan and manage development through the terms set out in it (<i>Housing service will support the development of the Plan in respect of the policies relating to affordable housing</i>) - Improve energy efficiency in dwellings – address fuel poverty and affordable warmth through partnership actions

<p>Objective: Promote sustainability</p>	<p>Actions (Housing):</p> <ul style="list-style-type: none"> - Work with landowners/prospective developers to secure high quality proposals for development opportunity sites -Maintain focused monitoring of homelessness trends and provide feedback to Members and Management Team -Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness -Facilitate the provision of new affordable housing commensurate with Development Plan projections -Replenish the stock of social and affordable rented property through a targeted programme of acquisition to enable re-letting -Use the Council's property assets for affordable housing where consistent with the Development Plan and supported by local communities - Encourage towns and parishes to come forward with proposals for affordable housing and facilitate their implementation -Use maximum leverage on S106 monies to provide for the needs of local families
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- 2.3 This Joint Housing (Affordable Housing and Homelessness) Strategy Document and the joint Private Sector Housing Strategy set down the activities being undertaken across both Councils to deliver the housing requirements of the shared Joint Business Plan.
- 2.4 The development of this Strategy has its origins in the joint Housing Member Workshop held at South Bucks District Council on Wednesday 3rd February 2016 and attended by over 30 Members from both authorities. The workshop comprised briefings and discussions looking at three key areas of the Housing service:



- 2.5 The workshop produced a wide range of issues and ideas to be taken forward in developing a Chiltern District Council and South Bucks District Council Joint Housing Strategy. Some specific points were directly incorporated into the Joint Business Plan (see above).
- 2.6 Following on from the workshop, the issues and ideas raised for the Housing Standards service area have informed the development of the **Joint Private Sector Housing Strategy 2017-2021** which was formally adopted by both Councils in 2017.
- 2.7 For the other two areas of the service covered at the workshop, Affordable Housing and Homelessness, the development of a formal Joint Strategy was held back while officers considered the implications for the Councils of the Housing and Planning Act 2016 and subsequently the Homelessness Reduction Bill. However, a number of tasks and initiatives have moved forward in the meantime in response to the issues and tasks highlighted in the Workshop and Business Plan. These include:
- Affordable Housing Members Working Group established in Chiltern District Council
 - Joint Temporary Accommodation Framework agreed and put in place
 - Reviews of Council-owned sites undertaken by both Councils
 - Acquisition of Gerrard's Cross Police Station site by South Buck DC and leasing of former police house to Bucks HA as for use as temporary homelessness accommodation
 - Development of modular temporary housing scheme at Bath Road Depot site to provide temporary homelessness accommodation
 - Development of Emerging Joint Local Plan
 - Joint working between Housing and Revenues Teams and key partner agencies to manage impact of welfare reforms on local residents

- Funding support for specific affordable housing developments
- Implementation of a Private rented sector housing leasing scheme with Paradigm Housing
- Agreement to acquire properties in South Bucks subject to business case for the delivery of affordable housing

2.8 After the Homelessness Reduction Bill received Royal Assent on 27th April 2017, a draft Joint Housing Strategy was reported to the Cabinets at Chiltern District Council (27th June 2017) and South Bucks District Council (28th June 2017) with the intention of being issued for wider consultation. However, the Councils did not proceed to full consultation at that time because the advice accompanying the new Homelessness Reduction Act 2017 highlighted that local authorities may be subject to new requirements relating to their Homelessness Strategies. Consequently, the draft strategy has been revised and updated to reflect the homelessness strategy requirements set down in the new Code of Guidance on Homelessness (MHCLG February 2018) and other developments since the original draft.

2.9 This new draft now also incorporates the revised and updated version of the Joint Temporary Housing Framework.

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3. HOUSING SERVICE – THE FIVE MAIN CHALLENGES FOR 2018-2021

At the time of drafting this strategy document, the key affordable housing and homelessness issues facing the Council Housing Service as it moves into the 2018-2021 period can be grouped into five main challenges.

- 3A. Homelessness Reduction Act
- 3B. Housing White Paper and National Strategy and Policy
- 3C. Temporary Accommodation for Homeless Households
- 3D. Affordable Housing Supply
- 3E. Other issues impacting on affordability

A brief summary of the each challenge is given below in order to provide some broader context for the Action Plans that follow:

3A. Homelessness Reduction Act

3A.1 The Homelessness Reduction Act was implemented from 3rd April 2018. The Act made significant changes to the Council's statutory homelessness duties within Part 7 of the Housing Act as follows:

- Councils has a duty to provide advice and assistance within 56 days of a household being threatened with homelessness (this was previously 28 days)
- Councils has formal legal duties to prevent and relieve homelessness for all eligible households (regardless of questions of priority need and intentionality)
- Advice services must in particular meet the needs of people released from prison, care leavers, former Armed Forces members, domestic abuse victims, people leaving hospital, those suffering from a mental illness and anyone else identified as particularly at risk of homelessness
- Other public agencies have a statutory duty to refer homeless clients to the Council (from October 2018)

3A.2 It is anticipated that the new Act will see a 26% increase in the homelessness caseload for local authorities (DCLG – New Burdens Funding Assessment – October 2017). Chiltern DC and South Bucks DC need to ensure that the shared housing service has sufficient capacity to meet the new statutory requirements set down in the Act and that its policies and procedures are revised to meet the Act's requirements. Alongside this, they will need to be pro-active in developing more affordable housing options and more support for households in order to prevent or relieve homelessness as much as possible.

3B. Housing White Paper and Nation Strategy and Policy

- 3B.1 The Government's Housing White Paper "Fixing Our Broken Housing Market" was published in February 2017 and has been followed up in 2018 by the publication of the revised National Planning Policy Framework (July 2018). The revised NPPF and the move to a standardised methodology approach to housing needs assessment both impact specifically on the Emerging Chiltern and South Bucks District Council Local Plan (2014-2036). They also impact on the Council's strategic role in supporting new affordable housing delivery with the new NPPF Affordable Housing definition encompassing a wider range of potential affordable housing models including both affordable and social rent, build to rent, discounted market sale and other home ownership. Together with the NPPF requirement that 10% of major residential developments should affordable home ownership, this presents a challenge for Chiltern and South Bucks where high local market costs mean that any form of discounted home ownership or shared ownership will normally be too expensive for households who are homeless or seeking rehousing via the Bucks Home Choice scheme.
- 3B.2 Alongside this, the Government has also putting forward major housing policy announcements in the national Rough Sleeping Strategy (August 2018) and the Housing Green Paper "A New Deal For Social Housing" (August 2018) which both have implications for the Council and its key partners. The Councils needs to consider the impact these and other policy announcements on service delivery and respond accordingly. This includes making representations to Government as and when appropriate on the resources that are required to meet national expectations and regulatory requirements.

3C. Temporary Accommodation

- 3C.1 Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Chiltern District Council and South Bucks District Councils are both facing significant pressures on temporary accommodation provision caused by the demand for homelessness assistance and the lack of alternative affordable housing options in both the social and private housing sectors (see statistics in Appendix 1). This has impacts on the welfare of clients and is a major financial cost to both Councils. Alongside this, Statutory Instrument 2003/3326 places a duty on Councils that a household with (or expecting) children should not be placed in bed and breakfast accommodation unless no other accommodation is available and, in any event, the period in B&B should not exceed 6 weeks. The Council is at risk of legal challenge if it breaches this requirement.

3C.2 Against this backdrop, the new Homelessness Reduction Act could potentially see an increase in the number of households that the Councils have to place in temporary accommodation. Going forward, the Councils need to develop more temporary accommodation options in order to reduce the need to utilise bed and breakfast accommodation and minimise the cost. It also needs to ensure wherever possible that it can prevent or relieve homelessness in order to prevent the need for clients to be placed in temporary accommodation. The revised and updated Temporary Accommodation Framework is in Appendix B.

3D. Affordable Housing Supply

3D.1 To date, additional affordable housing properties in Chiltern and South Bucks have been delivered by:

- Planning system (Section 106 agreements requiring that a new development includes a proportion of affordable housing)
- Registered Provider new development programmes
- Street property purchases and equity loans partially funded by commuted sums

3D.2 For the Council's housing service, the key demand is for affordable rented housing. Most households who approach the Council for homelessness assistance or for re-housing via Bucks Home Choice will be unable to afford the cost of shared ownership (i.e. part-buy/part-rent) or other discounted home ownership products.

3D.3 The delivery of additional housing properties in Chiltern and South Bucks has been limited in recent years (see Appendix A) by a range of factors including:

- high land and property values,
- limited development opportunities due to green belt/AONB restrictions,
- viability challenges (whereby developers challenge Section 106 affordable housing requirements by citing that the scheme will be unviable as a result) and
- changes in the Registered Provider sector.

3D.4 On the last point, the combination of limited Government grant funding for rented housing, rent reductions (affecting income streams) and continued welfare reforms means that all Registered Providers are continually reviewing their Business plans and making significant decisions on their future direction and development strategies. In recent years, some Providers shifted their focus onto developing discounted home ownership properties rather than rented housing. There are indications that they are moving back towards delivering more rented housing again following Government

funding announcements which sought to deliver a higher level of affordable rented and social rented housing. However, Registered Providers continue to be heavily reliant on private finance rather than public subsidy and they need to ensure that they are generating sufficient income to cover loans and other costs. This means that many providers have to charge higher rents in order to service loans and some are also becoming more risk averse with regard to who they re-house. They are applying stricter allocation criteria and refusing some nominees on the grounds of affordability, anti-social behaviour or previous poor tenancy history etc.

- 3D.5 The lack of additional affordable housing delivery has significant knock-on effects with homeless households facing longer periods in temporary accommodation (and the consequent cost to the Council) and others facing long periods waiting on the Bucks Home Choice scheme.
- 3D.6 There is also the demand for accommodation for people with care and support needs. This includes older people, people with diagnosed mental health conditions (children and adults), people with disabilities (children and adults) and looked after children and care leavers. These people have a range of care and accommodation needs which are set down in the Buckinghamshire Health and Social Care Market Position Statement (Housing Accommodation Solutions) 2018 – 2022 (published by Bucks Clinical Commissioning Group and Bucks County Council). This will include people with care and support needs who need affordable housing either from within the existing social housing stock or through new provision.

3E. Other Issues Impacting on Affordability

- 3E.1 The problems caused by the restricted amount of additional affordable housing delivery (see above) are exacerbated by the lack of alternative affordable housing options in Chiltern and South Bucks. High private sector rent levels and the continued welfare reforms mean that many low income households simply cannot afford to rent privately within the two districts. The Local Housing Allowance (the cap on Housing Benefit payable on a private sector tenancy) is £400 to £500 below the average market rent for a family home and this gap is likely to grow as LHA rates remain frozen. Some larger families are also impacted by the household Benefit Cap (£20,000 per annum for a family).
- 3E.2 Further impacts will arise from the roll out of UC (Universal Credit) across Chiltern and South Bucks districts from 2018. There will be an increase over time in the proportion of households that receive assistance with their housing costs via UC rather than Housing Benefit. Experience to date in other parts of the country has found that private landlords can be reluctant to let properties to persons claiming UC. It is possible that some of the changes made to UC in late 2017/early 2018 (including changes to the Alternative Payment Arrangement to allow more direct payments to

landlords) may help to mitigate this perceived risk amongst landlords, but the position is uncertain and may make it even harder for low income households to secure private rented housing.

- 3E.3 The outcome of this is that many landlords in Chiltern and South Bucks are unwilling to consider letting tenancies to households on low or even average incomes. This will become even more challenging with the roll-out of Universal Credit across both districts during 2018
- 3E.4 In addition, across Buckinghamshire as a whole we are seeing an increasing number of homeless households being placed in private rented tenancies by other local authorities (predominantly London boroughs) who are making incentive payments direct to landlords. Currently, this is predominantly taking place in other districts within Buckinghamshire with only a small number of recorded placements in Chiltern or South Bucks. However, this will be a growing challenge as other local authorities increasingly use "out-of-borough" accommodation to meet their housing duties. This will directly impact on the private rented market and on landlord expectations on what level of support and payments they will require from us in return for providing a tenancy for a client.
- 3E.5 The ability of the Councils to secure alternative housing for clients in the private rented sector and elsewhere has become even more important in light of the new Homelessness Reduction Act. As stated above, the Act places a clear duty on the Councils to take steps to prevent or relieve homelessness and to secure alternative housing options for clients who are seeking assistance. Without these alternative options being available, the Councils will struggle to fulfil this duty. The outcome of this will be more households having to be placed in temporary accommodation if the Council is unable to source any alternative housing options.

4. FUNDING

The table below gives an overview of some of the funding streams available to the Councils in responding to the challenges highlighted in Section 3 and in taking forward the actions set down in Section 5

FUNDING	CHILTERN DC	SOUTH BUCKS DC
Housing Revenue Budgets	Details in Annual Budget Book	Details in Annual Budget Book
Discretionary Housing Payments (DHP) <ul style="list-style-type: none"> - DHP is available to alleviate financial hardship where a tenant needs additional help to meet rent payments - 	Annual allocation managed by Revenues and Benefits Team	Annual allocation managed by Revenues and Benefits Team
Capital Funding <ul style="list-style-type: none"> - Section 106 Affordable Housing Contributions - Affordable Housing Capital Reserves - Agreement to borrow from the Public Works Loan Board 	Ongoing	Ongoing
MHCLG Flexible Homelessness Support Grant The grant is intended for use by authorities to support a full range of homelessness prevention and support services.	2017/18 = £95,226.02 2018/19 = £109,566.78 2019/20 = £121,905 (No announcement of grant availability 2020/21)	2017/18 = £113,007.38 2018/19 = £130,025.97 2019/20 = £181,783 (No announcement of grant availability in 2020/21)
MHCLG New Burdens Funding – Support to Implement Homelessness Reduction Act 2017 Funding to support authorities to implement the requirement of the new Act	2017/18 = £16,359 2018/19 = £14,985 2019/20 = £15,840	2017/18 = £16,692 2018/19 = £15,233 2019/20 = £16,102

<p>Community Housing Fund In 2016/17 and 2017/18 the Councils received funding to support local communities to develop their capacity and skills in order to be able to lead and deliver new housing schemes for local people. From 2018/19 Homes England operates the fund centrally and invites applications from community groups and others for:</p> <ul style="list-style-type: none"> - revenue funding for capacity building and predevelopment costs, including revenue grants to local authorities to support community groups and -capital bids for associated infrastructure costs which will support community housing development 	<p>2016/17 = £14,596</p> <p>2017/18 = £14,596</p> <p>From 2018/19, this fund is being administered by Homes England</p>	<p>2016/17 = £12,834</p> <p>2017/18 = £12,834</p>
<p>MHCLG Homelessness Prevention Trailblazer</p>	<p>MHCLG awarded £625,998 to support a Trailblazer project in Bucks following the successful County-wide bid led by AVDC. The County-wide "Building Resilience" scheme is being delivered from 2017 to 2019 by Connection Support who will work with statutory agencies (including CDC and SBDC) to deliver early intervention support to prevent homelessness.</p>	

5. HOUSING SERVICE ACTION PLANS 2017-2021

This section contains a series of Action Plans setting down the objectives and associated actions for the Councils in respect of:

- Affordable Housing Delivery
- Homelessness

Each of these two areas has been sub-divided into separate Action Plans for Chiltern District Council and South Bucks District Council. A number of the objectives and actions are common to both districts and in these situations we will explore opportunities for shared working across the two districts to deliver the outcomes that we are seeking.

The objectives and actions within the Plans have been drawn from a range of sources including:

- The outcomes and recommendations of the joint Member Housing Workshop held on 3rd February 2016
- Chiltern District Council and South Bucks District Council Joint Business Plan 2016-2020
- The Chiltern District Council and South Bucks District Council joint Temporary Accommodation Framework document
- Chiltern District Council AHMWG (Affordable Housing Members Working Group) Action Plan
- South Bucks District Council Affordable Housing Action Plan (approved by Cabinet)
- Recommendations of South Bucks District Council Homelessness Task and Finish Group
- Homelessness Reduction Act 2017 and Homelessness Code of Guidance
- Housing White Paper (Fixing our Broken Housing Market) – (Feb 2017)
- National Planning Policy Framework (July 2018)
- Rough Sleeping Strategy (MHCLG - August 2018)
- A New Deal For Social Housing - Green Paper (MGLHG – August 2018)
- Market Position Statement – Housing and Accommodation Needs for People with Care and Support Needs (Bucks CCG and Bucks CC – August 2018)

These Action Plans are specifically referring to objectives and actions for the Council's Housing Service. Some of these objectives and actions will overlap with other services (e.g. Planning, Estates, Finance, Revenues and Benefits etc.) and the Housing Service will work jointly with the services concerned in taking these forward.

To assist in distinguishing the Plans, the numbered actions in the Chiltern District Council Plans are prefaced with the letter C (e.g. C1) and the numbered actions in the South Bucks District Council Plans are prefaced with the letter S (e.g. S1)

CHILTERN DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
C1	Ensure that CDC works corporately to maximise affordable housing delivery	AHMWG (Affordable Housing Member Working Group meeting bi-monthly since July 2016	AHMWG to continue to meet bi-monthly	AHMWG meetings and minutes
C2	Support development of the Chiltern and South Bucks Local Plan addresses affordable housing requirements	Development of Emerging Chiltern and South Bucks Local Plan is ongoing and next step is the publication of the Draft Local Plan for consultation prior to submission for an examination. This will set down the Council’s corporate position on affordable housing delivery via the planning system. The Council is awaiting the outcome of the Government’s consultation on a standard methodology for councils to work out housing Objectively Assessed Need (OAN). Chiltern and South Bucks will be affected by the transitional arrangements to the new OAN Methodology subject to the outcome of the consultation.	<ul style="list-style-type: none"> -Housing service to continue to support development of Local Plan -Local Plan to fully address district affordable housing requirements -Secure agreement of cross-district delivery of affordable housing in accordance with Bucks Memorandum of Understanding 	Reports to Joint Planning Policy Member Reference Group

<p>C3</p>	<p>Work with Paradigm Housing to maximise affordable housing delivery on PHG-owned sites and other opportunities</p>	<p>Principles of Co-operation Agreement being put in place between CDC and PHG and grant funding support for some developments on scheme by scheme basis.</p> <p>The Estates Renewal Assessment workshop undertaken with Paradigm identified and review PHG owned sites.</p>	<p>-Implement Principles of Co-operation Agreement</p> <p>-Joint assessment (by CDC and PHG) of opportunities on sites identified by Estates Renewal workshop (including adjacent CDC and PHG owned sites)</p>	<p>AHMWG</p> <p>PAG</p>
<p>C4</p>	<p>Work with Registered Providers to maximise affordable housing delivery</p>	<p>Grant funding support for some developments on scheme by scheme basis</p>	<p>-Assess if Principles of Co-operation Agreement with PHG could be applied to other Registered Providers</p> <p>- Positively encourage and support RPs to bring forward schemes for consideration including opportunities to deliver affordable housing within wider regeneration projects.</p>	<p>AHMWG</p> <p>PAG</p>
<p>C5</p>	<p>Review CDC-owned sites to identify and take forward affordable housing opportunities</p>	<p>Sites reviewed during 2016/17 by AHMWG. Those sites assessed as presenting opportunities are being progressed.</p>	<p>Continue to review sites and bring forward opportunities</p>	<p>AHMWG</p> <p>PAG</p>

C6	Make best use of capital funds from commuted sums and reserves to derive the maximum return from supporting affordable housing delivery (e.g. site assembly, match funding etc.)	Capital funds being allocated on a scheme by scheme basis in accordance with the terms of the Affordable Housing SPD (Supplementary Planning Document)	Continue to identify opportunities for funding and allocate funds as appropriate Identify and review ways to secure other forms of subsidy to support affordable housing delivery.	Quarterly monitoring reports to PAG AHMWG
C7	Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing	No specific opportunities identified to date.	Liaise with other public sector bodies to review opportunities from land/property in their ownership (by April 2019)	AHMWG PAG
C8	Explore options for Council to lease land and/or property to other agencies (while retaining ownership and receiving an income)	No models identified to date,	Keep under review	AHMWG PAG
C9	Undertake or support a targeted programme of acquisitions and lettings to replenish the stock of social and affordable rented property	Most recent programme of acquisitions was undertaken by Paradigm in 2014.	Keep under review in joint working with Registered Providers (see C3 and C4)	AHMWG PAG

<p>C10</p>	<p>Work with Town and Parishes to promote and support affordable housing schemes targeted at local people</p>	<p>Officers have promoted affordable housing to Town and Parish Councils. National Community-Led Housing Adviser gave a full presentation on the options and support available on 9/10/17. Interest has been limited to date.</p>	<p>Continue to promote opportunities via Town and Parish Council Forum and work with individual councils that want to bring forward schemes and proposals.</p> <p>Target support at Towns and Parishes whose emerging neighbourhood plan policies include meeting identified local affordable housing needs.</p>	<p>AHMWG PAG</p>
<p>C11</p>	<p>Assess opportunities to return empty homes back into use as affordable housing</p>	<p>Council Tax empty property database reviewed by Capacity Grid in 2017. Most long term empty homes present no opportunities (e.g. second homes, beyond repair or are subject to legal processes to resolve ownership)</p>	<p>Review options for targeted work on long term empty homes after Capacity Grid completes review of Council Tax database in 2018.</p> <p>Monitor availability of national funding to support empty homes work and support bids for funding as appropriate.</p>	<p>AHMWG PAG</p>
<p>C12</p>	<p>Assess possibilities of additional/expansion of current Park Home sites</p>	<p>No action to date. Expansion opportunities limited as Park Home Sites are in the Green Belt and would require very special circumstances to justify planning permissions.</p>	<p>Review position by April 2019</p>	<p>AHMWG PAG</p>

C13	Support provision of housing and accommodation solutions for people with care and support needs	Supported development of CCG/Bucks CC Market Position Statement	Identify opportunities to deliver solutions for people with care and support needs within both existing and new housing provisions	AHMWG PAG
C14	Support existing social housing tenants to downsize from family housing	Bucks Home Choice policy prioritises downsizers	<p>Work with RPs to assess extent of under-occupation in social housing tenancies</p> <p>Identify schemes and method that will actively encourage and support under-occupiers to downsize into existing or new social housing</p>	AHMWG PAG
C15	Ensure that CDC and its partners meet the requirements arising from the Housing Green Paper “A New Deal for Social Housing”	Green Paper published in August 2018	<p>Respond to consultation on Green Paper (by 6/11/18)</p> <p>Respond to final policies arising from Green Paper and work with partners to ensure that they are meeting policy requirements</p>	PAG

SOUTH BUCKS DISTRICT COUNCIL – AFFORDABLE HOUSING DELIVERY – ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
S1	Ensure that SBDC works corporately to maximise affordable housing delivery	<p>Affordable housing delivery is embedded in Joint Business Plan 2017-2020</p> <p>Cross departmental Project Groups for specific schemes (e.g. Gerrards Cross Police Station re-development, Bath Road development etc.) ensuring corporate approach to delivery.</p>	<p>-Continued cross-departmental working on new schemes and initiatives</p> <p>-Ensure Joint Business Plan updates continue to reflect affordable housing needs</p>	PAG Updates
S2	Support development of the Chiltern and South Bucks Local Plan addresses affordable housing requirements	<p>Development of Emerging Chiltern and South Bucks Local Plan is ongoing and next step is the publication of the Draft Local Plan for consultation prior to submission for an examination. This will set down the Council’s corporate position on affordable housing delivery via the planning system. The Council is awaiting the outcome of the Government’s consultation on a standard methodology for councils to work out housing Objectively Assessed Need (OAN). Chiltern and South Bucks will be affected by the transitional arrangements to the new OAN Methodology subject to the outcome of the consultation.</p>	<p>-Housing service to continue to support development of Local Plan</p> <p>-Local Plan to fully address district affordable housing requirements</p> <p>-Secure agreement of cross-district delivery of affordable housing in accordance with Bucks Memorandum of Understanding</p>	Reports to Joint Planning Policy Member Reference Group

<p>S3</p>	<p>Work with L&Q (London and Quadrant) to maximise affordable housing delivery on L&Q owned sites and other opportunities</p>	<p>Grant funding support for some developments on scheme by scheme basis.</p> <p>Ongoing discussions on bringing forward garage and green space sites for development.</p> <p>The Estates Renewal Assessment workshop undertaken with L&Q identified and review PHG owned sites.</p>	<p>-Joint assessment (by SBDC and L&Q) of opportunities on sites identified by Estates Renewal workshop (including adjacent SBDC and PHG owned sites)</p> <p>-Work with L&Q to maximise affordable housing opportunities arising from sheltered housing redevelopment programme</p>	<p>PAG Updates</p> <p>Quarterly liaison meetings between SBDC and L&Q</p>
<p>S4</p>	<p>Work with Registered Providers to maximise affordable housing delivery</p>	<p>Grant funding support for some developments on scheme by scheme basis</p>	<p>-Assess and support schemes on site by site basis</p> <p>- Positively encourage and support RPs to bring forward schemes for consideration including opportunities to deliver affordable housing within wider regeneration projects.</p>	<p>PAG updates</p>
<p>S5</p>	<p>Review SBDC-owned sites to identify and take forward affordable housing opportunities</p>	<p>Sites reviewed in conjunction with Savills during 2016/17.</p> <p>Modular temporary accommodation scheme being developed SBDC-owned former Depot site off Bath Road.</p>	<p>Continue to review sites and bring forward opportunities.</p>	<p>PAG updates</p>

<p>S6</p>	<p>Make best use of capital funds from commuted sums and reserves to derive the maximum return from supporting affordable housing delivery (e.g. site assembly, match funding etc.)</p>	<p>Capital funds being allocated on a scheme by scheme basis in accordance with the terms of the Affordable Housing SPD (Supplementary Planning Document)</p>	<p>Continue to identify opportunities for funding and allocate funds as appropriate</p> <p>Identify and review ways to secure other forms of subsidy to support affordable housing delivery.</p>	<p>Quarterly monitoring reports to PAG</p>
<p>S7</p>	<p>Assess potential for SBDC to acquire and assemble sites for affordable housing</p>	<p>SBDC acquired former-Gerrards Cross Police Station site in April 2017 and has used 8 houses on site to deliver temporary homeless accommodation (via leasing arrangement with Bucks HA) pending site re-development. Re-development now being brought forward for new housing scheme including policy compliant 40% affordable housing.</p> <p>Other potential site acquisitions considered on a scheme by scheme basis</p>	<p>-Redevelopment of Gerrards Cross Police Station site to include 14 affordable homes for rent.</p> <p>-Continue to assess other site acquisition possibilities on scheme by scheme basis (including options to assemble sites in partnership with RPs (see S3 and S4) and acquisition of properties which can help unlock potential sites)</p> <p>-Identify options for Housing Company (Consilio) to support affordable housing delivery</p>	<p>PAG updates</p>
<p>S8</p>	<p>Work with other public sector bodies who have land and property in Chiltern/South Bucks to explore opportunities to deliver affordable housing</p>	<p>No specific opportunities identified to date.</p>	<p>Liaise with other public sector bodies to review opportunities from land/property in their ownership (by April 2019)</p>	<p>PAG updates</p>

<p>S9</p>	<p>Explore options for Council to lease land and/or property to other agencies (while retaining ownership and receiving an income)</p>	<p>SBDC leasing 8 houses (ex-Gerrards Cross Police Houses) to Bucks Housing Association to let as temporary accommodation for homeless households.</p> <p>SBDC is developing options for applying leasing model to other schemes (e.g. proposed temporary accommodation development on Bath Road)</p>	<p>-Agree standardised leasing models that could be applied to different scenarios (e.g. new build, acquisitions, existing SBDC-owned properties etc.)</p> <p>-Assess options to applying leasing models on scheme by scheme basis and implement when appropriate.</p>	<p>PAG updates</p>
<p>S10</p>	<p>Undertake or support a targeted programme of acquisitions and lettings to replenish the stock of social and affordable rented property</p>	<p>SBDC supporting L&Q to acquire properties and let them to SBDC nominees (averaging 3 purchases per annum)</p> <p>SBDC bringing forward proposals to explore options to acquire properties and lease/rent them out (including acquisition of 3 properties by Bucks HA for temporary accommodation)</p>	<p>-Review L&Q purchase programme and confirm if programme should continue (subject to SBDC-funding being available)</p> <p>-Finalise options appraisal and business cases for SBDC to undertake direct acquisitions and implement scheme if agreed.</p>	<p>PAG updates</p>
<p>S11</p>	<p>Work with Town and Parishes to promote and support affordable housing schemes targeted at local people</p>	<p>Officers have promoted affordable housing to Town and Parish Councils. National Community-Led Housing Adviser gave a full presentation on the options and support available on 9/10/17. Interest has been limited to date.</p>	<p>-Continue to promote opportunities via Town and Parish Council Forum and work with individual councils that want to bring forward schemes and proposals (Target support at Towns and Parishes whose emerging neighbourhood plan policies include meeting identified local affordable housing needs)</p>	<p>PAG updates</p>

<p>S12</p>	<p>Assess opportunities to return empty homes back into use as affordable housing</p>	<p>Council Tax empty property database reviewed by Capacity Grid in 2017. Most long term empty homes present no opportunities (e.g. second homes, beyond repair or are subject to legal processes to resolve ownership)</p>	<p>Review options for targeted work on long term empty homes after Capacity Grid completes review of Council Tax database in 2018.</p> <p>Monitor availability of national funding to support empty homes work and support bids for funding as appropriate.</p>	<p>PAG updates</p>
<p>S13</p>	<p>Support provision of housing and accommodation solutions for people with care and support needs</p>	<p>Supported development of CCG/Bucks CC Market Position Statement</p>	<p>Identify opportunities to deliver solutions for people with care and support needs within both existing and new housing provisions</p>	<p>AHMWG PAG</p>
<p>S14</p>	<p>Support existing social housing tenants to downsize from family housing</p>	<p>Bucks Home Choice policy prioritises downsizers</p> <p>SBDC has operated incentive schemes to encourage downsizing (funded from commuted sums) but take up has been limited.</p>	<p>Work with RPs to assess extent of under-occupation in social housing tenancies</p> <p>Identify schemes and method that will actively encourage and support under-occupiers to downsize into existing or new social housing</p>	<p>AHMWG PAG</p>
<p>S15</p>	<p>Ensure that SBDC and its partners meet the requirements arising from the Housing Green Paper "A New Deal for Social Housing"</p>	<p>Green Paper published in August 2018</p>	<p>Respond to consultation on Green Paper (by 6/11/18)</p> <p>Respond to final policies arising from Green Paper and work with partners to ensure that they are meeting policy requirements</p>	<p>PAG</p>

CHILTERN DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	OBJECTIVE	Status at August 2018	Actions	Monitoring
C1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the BHC Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme.</p> <p>Allocations Policy being reviewed in light of latest legal judgements and the requirements of the Homelessness Reduction Act 2017.</p>	<p>-Complete review of BHC Allocations and agree proposed amendments</p> <p>-Secure approval to adopt revised policy across the four district councils</p> <p>-Implement revised policy and monitor impact</p>	<p>BHC Management Board and Practitioners Group</p> <p>PAG Updates</p>
C2	Optimise current temporary accommodation provision through Temporary Accommodation Framework	<p>Joint CDC/SBDC Temporary Accommodation Framework agreed in 2017</p>	<p>Revised and updated Temporary Accommodation Framework incorporated into Strategy document</p>	<p>PAG Updates</p>
C3	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	<p>New homelessness procedures in place and being kept under review alongside training for all staff and partner agencies and implementation of new upgraded IT system.</p>	<p>-Complete and implement new procedures</p> <p>-Monthly monitoring of implementation against requirements of HR Act and procedures amended as required</p>	<p>PAG Updates</p> <p>Homelessness Pls</p>

<p>C4</p>	<p>Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation</p>	<p>As part of the implementation of the new HR Act (see C3) officers are reviewing the measures available to prevent homelessness and identifying what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - CDC Homelessness Prevention Fund (within Housing budget) and Discretionary Housing Payments (administered by Benefits team) - MHCLG Flexible Homelessness Support Grant and New Burdens Funding 	<p>-Utilise Locata Toolkit (developed by Andy Gale) and other good practice to inform development of prevention and relief measures</p> <p>-Complete review of available measures and agree toolkit of prevention and relief measures available to officers and partners in working with clients.</p> <p>-Review CDC website and ensure updated, appropriate and realistic homelessness information and advice is available at first point of contact</p>	<p>PAG Updates</p>
<p>C5</p>	<p>Work with Registered Providers to secure:</p> <p>-additional temporary accommodation and</p> <p>- more private rented tenancy options.</p>	<p>CDC works with Registered Providers to maximise the use of temporary self-contained accommodation within their existing housing stock (including the 20-unit Tom Scott House owned by Paradigm Housing). CDC will continue to look at more temporary accommodation opportunities with Paradigm and other providers.</p>	<p>-Agreement between CDC and Paradigm to commence Private Sector Leasing Scheme to deliver temporary accommodation (minimum of 10 units initially)</p> <p>-Review existing temporary accommodation agreement between CDC and Paradigm</p> <p>- Work with RPs to continue to explore other TA options</p>	<p>CDC/Paradigm monitoring meetings</p> <p>PAG Updates</p>

<p>C6</p>	<p>Working with the private rental sector to secure:</p> <ul style="list-style-type: none"> - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness 	<p>CDC has secured an increased supply of self-contained nightly-booked accommodation to provide alternative options to B & B. However, the ability to secure private rented tenancies for clients remains challenging due to high local rent levels and welfare benefits restrictions.</p>	<p>-As part of HR Act implementation, officers are reviewing ways to assist more clients to secure private rented accommodation (linked to C3 and C4 above) including looking at options such as:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs <p>-Any new models can potentially be funded from the resources highlighted in C4 above.</p>	<p>PAG Updates</p>
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<p>C7</p>	<p>Look for opportunities to develop additional temporary accommodation on CDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)</p>	<p>No opportunities have been identified as yet. Any potential scheme will be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>	<p>Potential schemes to be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation</p>	<p>PAG Updates AHMWG Corporate Asset Management Group</p>
<p>C8</p>	<p>Explore options to work with South Bucks District Council and other statutory partners to secure additional temporary accommodation provision</p>	<p>Temporary Accommodation Framework makes provision for temporary accommodation provision in CDC to be utilised by SBDC and vice versa (subject to local demands within the host district)</p>	<p>CDC will continue to assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.</p>	<p>PAG Updates AHMWG</p>

<p>C9</p>	<p>Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness</p>	<p>CDC operates a joint forum between the Housing and Revenues Team and Paradigm Housing to share information, monitor tenants affected by Housing Benefit changes and target intervention as required.</p>	<p>CDC will continue to support clients to mitigate seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - providing appropriate advice and assistance, - utilising DHP (Discretionary Housing Payments) and other funding (see C4) to support clients as appropriate, and - signposting and referring clients to partner agencies to deliver welfare benefits and debt advice (see C10) 	<p>Quarterly Housing/Revenues meetings</p> <p>PAG Updates</p>
<p>C10</p>	<p>Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness</p>	<p>CDC has Service Level Agreements in place with certain partner agencies (CAB, Housing Interaction Trust, Connection Rough Sleeper Outreach etc.)</p> <p>Partner agencies attended HR Act event on 02/04/18. Database of partner agencies, services and referral routes is being compiled. SLA being reviewed and revised as required</p>	<p>-Work with Registered Providers to ensure early referrals are made to support service to avoid tenants becoming homeless.</p> <p>-Opportunities for further funding of specific services and schemes by CDC to be considered based on needs of district</p>	<p>PAG Updates</p> <p>One to one working with partner agencies (including monitoring against SLA requirements)</p>

<p>C11</p>	<p>Work with the Connection Support Resilience Service to ensure that early intervention is targeted as effectively as possible in the District.</p>	<p>Connection Support Resilience Service operating since June 2017 funded from MCHLG Homelessness Trailblazer programme. Service delivers early one-to-one intervention with clients to prevent homelessness.</p> <p>CDC part of service Steering Group and monitoring delivery</p>	<p>-Continue to monitor service and ensure referrals being made from Chiltern area (both self-referrals and agency referrals, including CDC). Implement changes as required to maximise intervention and prevention</p> <p>-Work with Bucks CC and other DCs to plan exit strategy for end of MCHLG 2 year funding.</p>	<p>PAG Updates</p> <p>Resilience Service Steering Group</p>
<p>C12</p>	<p>Provide targeted support to resolve or prevent rough sleeping</p>	<p>CDC part-funds the countywide Rough Sleeper Outreach Service which provides one-to-one support to identified rough sleepers</p>	<p>Respond to requirements of MHCLG Rough Sleeping Strategy in including:</p> <ul style="list-style-type: none"> - Developing annual Rough Sleeper Action Plan - Updating Homelessness Strategy in 2019 as "Homelessness and Rough Sleeping Strategy" 	<p>PAG Updates</p>

SOUTH BUCKS DISTRICT COUNCIL – HOMELESSNESS - ACTION PLAN

	<u>OBJECTIVE</u>	<u>Status at August 2018</u>	<u>Actions</u>	<u>Monitoring</u>
S1	Monitor effectiveness of Bucks Home Choice policy and ensure social housing stock is being used as effectively as possible	<p>CDC/SBDC leads both the BHC Management Board and the Practitioner Group which regularly reviews the operation of the Bucks Home Choice scheme.</p> <p>Allocations Policy being reviewed in light of latest legal judgements and the requirements of the Homelessness Reduction Act 2017.</p>	<p>-Complete review of BHC Allocations and agree proposed amendments</p> <p>-Secure approval to adopt revised policy across the four district councils</p> <p>-Implement revised policy and monitor impact</p>	<p>BHC Management Board and Practitioners Group</p> <p>PAG Updates</p>
S2	Optimise current temporary accommodation provision through Temporary Accommodation Framework	<p>Joint CDC/SBDC Temporary Accommodation Framework agreed in 2017</p>	<p>Revised and updated Temporary Accommodation Framework incorporated into Strategy document</p>	<p>PAG Updates</p>
S3	Ensure all necessary procedures and documentation in place to implement the provisions of the Homelessness Reduction Act 2017	<p>Full review of homelessness procedures is underway alongside training for all staff and partner agencies and implementation of new upgraded IT system.</p>	<p>-Complete and implement new procedures</p> <p>-Monthly monitoring of implementation against requirements of HR Act and procedures amended as required</p>	<p>PAG Updates</p> <p>Homelessness PIs</p>

<p>S4</p>	<p>Prevent or relieve homelessness wherever possible to minimise the demand for temporary accommodation</p>	<p>As part of preparation for new HR Act (see S3) officers are reviewing the measures available to prevent homelessness and identifying what could be done to increase successful preventions. This will include assessing how we can make best use of the financial resources available to support this, including:</p> <ul style="list-style-type: none"> - SBDC Homelessness Prevention Fund (within Housing revenue budget) and Discretionary Housing Payments (administered by the Revenues and Benefits team) - MHCLG Flexible Homelessness Support Grant and New Burdens Funding 	<ul style="list-style-type: none"> -Utilise Locata Toolkit (developed by Andy Gale) and other good practice to inform development of prevention and relief measures -Complete review of available measures and agree toolkit of prevention and relief measures available to officers and partners in working with clients. -Review SBDC website and ensure updated, appropriate and realistic homelessness information and advice is available at first point of contact 	<p>PAG Updates</p>
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<p>S5</p>	<p>Work with Registered Providers to secure:</p> <ul style="list-style-type: none"> -additional temporary accommodation and - more private rented tenancy options. 	<p>SBDC works with Registered Providers to both use existing RP housing stock and utilise leasehold arrangements to secure additional self-contained temporary accommodation. This has included 8 former police houses in Gerrards Cross being leased to an RP to let as temporary accommodation and another RP making former student accommodation available as TA on a short term basis.</p>	<ul style="list-style-type: none"> - Implement Agreement between SBDC and Paradigm to commence Private Sector Leasing Scheme to deliver temporary accommodation (minimum of 30 units initially) - Implement more TA leasehold arrangements based on Gerrards Cross Police Houses model - Identify replacement TA provision for Gerrards Cross Police Houses FOR when the accommodation is de-commissioned - Work with RPs to continue to explore other TA options 	<p>Monitoring meetings with RP partners</p> <p>PAG Updates</p>
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<p>S6</p>	<p>Working with the private rental sector to secure:</p> <ul style="list-style-type: none"> - temporary accommodation and - private rented tenancies for clients to prevent or relieve homelessness 	<p>SBDC has secured an increased supply of self-contained nightly-booked accommodation to provide alternative options to B & B. However, the ability to secure private rented tenancies for clients remains challenging due to high local rent levels and welfare benefits restrictions.</p>	<p>-As part of HR Act implementation, officers are reviewing ways to assist more clients to secure private rented accommodation (linked to S3 and S4 above) including looking at options such as:</p> <ul style="list-style-type: none"> - payments/guarantees to help meet the cost of deposits and rent in advance - funding the shortfall between rent levels and benefit levels - rent guarantees - incentive payments to landlords - use of Credit Union to support clients to meet up front tenancy costs <p>-Any new models can potentially be funded from the resources highlighted in S4 above.</p>	<p>PAG Updates</p>
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<p>S7</p>	<p>Look for opportunities to develop additional temporary accommodation on SBDC-owned land (including possible low cost development using off-site construction, pre-fab, mobile homes etc.)</p>	<p>SBDC currently owns and leases former former-Police Houses at Gerrards Cross to RP to let as temporary accommodation (see S5 above)</p> <p>SBDC bringing forward planning application to develop temporary accommodation on former depot site on Bath Road, Taplow, using off-site modular construction.</p>	<ul style="list-style-type: none"> -Develop TA scheme on former depot site in Bath Road (subject to planning permission) -Continue to explore potential schemes using SBDC-owned land or properties (or site acquisition) -Develop standard model to allow proposals to be assessed on an “invest to save” basis looking at an initial investment generating subsequent savings through reduced B&B costs and the possibility of some level of ongoing income generated by the accommodation 	<p>PAG Updates</p>
<p>S8</p>	<p>Explore options to work with Chiltern District Council and other statutory partners to secure additional temporary accommodation provision</p>	<p>Temporary Accommodation Framework makes provision for temporary accommodation provision in SBDC to be utilised by CDC and vice versa (subject to local demands within the host district)</p>	<p>SBDC will continue to assess opportunities for the shared housing service to deliver joint provision that can support both authorities. It will also consider any opportunities that arise for joint working with other partners (including Wycombe District Council and Aylesbury Vale District Council) to deliver additional temporary accommodation provision.</p>	<p>PAG Updates</p>

<p>S9</p>	<p>Support those residents affected by Housing Benefit reforms in order to limit the impact on homelessness</p>	<p>SBDC operates a joint forum between the Housing and Revenues Team to share information, monitor tenants affected by Housing Benefit changes and target intervention as required.</p>	<p>SBDC will continue to support clients to mitigate seek to mitigate the impact of Housing Benefit changes by:</p> <ul style="list-style-type: none"> - providing appropriate advice and assistance, - utilising DHP (Discretionary Housing Payments) and other funding (see C4) to support clients as appropriate, - signposting and referring clients to partner agencies to deliver welfare benefits and debt advice (see S10), and - secure attendance of L&Q at Housing and Revenues Team review meetings. 	<p>Quarterly Housing/Revenues meetings</p> <p>PAG Updates</p>
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<p>S10</p>	<p>Work in partnership with other agencies to secure suitable advice and support to prevent and relieve homelessness</p>	<p>SBDC has Service Level Agreements in place with certain partner agencies (CAB, Connection Rough Sleeper Outreach, Padstones etc.)</p> <p>Partner agencies attended HR Act event on 02/04/18. Database of partner agencies, services and referral routes is being compiled. SLA being reviewed and revised as required</p>	<p>-Work with Registered Providers to ensure early referrals are made to support service to avoid tenants becoming homeless.</p> <p>-Opportunities for further funding of specific services and schemes by SBDC to be considered based on needs of district</p>	<p>PAG Updates</p> <p>One to one working with partner agencies (including monitoring against SLA requirements)</p>
<p>S11</p>	<p>Work with the Connection Support Resilience Service to ensure that early intervention is targeted as effectively as possible in the District.</p>	<p>Connection Support Resilience Service operating since June 2017 funded from MCHLG Homelessness Trailblazer programme. Service delivers early one-to-one intervention with clients to prevent homelessness.</p> <p>SBDC is part of service Steering Group and monitoring delivery</p>	<p>-Continue to monitor service and ensure referrals being made from Chiltern area (both self-referrals and agency referrals, including SBDC). Implement changes as required to maximise intervention and prevention -Work with Bucks CC and other DCs to plan exit strategy for end of MCHLG 2 year funding.</p>	<p>PAG Updates</p> <p>Resilience Service Steering Group</p>
<p>S12</p>	<p>Provide targeted support to resolve or prevent rough sleeping</p>	<p>SBDC part-funds the countywide Rough Sleeper Outreach Service which provides one-to-one support to identified rough sleepers</p>	<p>Respond to requirements of MHCLG Rough Sleeping Strategy in including:</p> <ul style="list-style-type: none"> - Developing annual Rough Sleeper Action Plan - Updating Homelessness Strategy in 2019 as "Homelessness and Rough Sleeping Strategy" 	<p>PAG Updates</p>

APPENDIX A**BACKGROUND STATISTICS****A1. - SOCIAL HOUSING LETTINGS**

Social housing tenancies are allocated via the Bucks Home Choice scheme (for more details please go to www.buckshomechoice.gov.uk)

Number of households seeking a social housing tenancy:

As at 20th August 2018, the number of applicants registered for re-housing on the Bucks Home Choice scheme were as follows:

Property size required	Number of Applicants	
	CDC	SBDC
1 bedroom	311	266
2 bedrooms	54	84
3 bedrooms	100	73
4 bedrooms	4	6
Not known	11	8
Total	469	437

Availability of social housing tenancies (Summary of lettings in 2017/18):

Chiltern District Council – Lettings via Bucks Home Choice 1/4/17 to 31/03/18		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	37	15 months
Studio	3	7 months
1 bedroom general needs	78	9 months
2 bedroom flat/maisonette	68	7 months
2 bedroom house	37	15 months
3 bedroom flat/maisonette	7	8 months
3 bedroom house	22	31 months
4 bedroom or more	0	No lettings
TOTAL LETTINGS	252	

South Bucks District Council – Lettings via Bucks Home Choice 1/04/17 to 31/03/18		
Property Type	Number of lettings	Average time spent on Housing Register for applicant offered tenancy
Sheltered	25	8 months
Studio	4	8 months
1 bedroom general needs	55	18 months
2 bedroom flat/maisonette	48	20 months
2 bedroom house	18	22 months
3 bedroom flat/maisonette	3	20 months
3 bedroom house	20	22 months
4 bedroom or more	0	0
TOTAL LETTINGS	173	

Total Lettings via Bucks Home Choice in previous years		
Year	Chiltern DC	South Bucks DC
2016/17	264	119
2015/16	234	133
2014/15	269	186

Headlines:

- The level of lettings in CDC and SBDC is dependent on turnover in the existing social housing stock (i.e. re-lets) and the provision of additional properties (via new building or buying existing dwellings)
- The average time spent on the Housing Register is broad indicator based on the overall lettings during the year. The Bucks Home Choice scheme prioritises applicants for vacancies based on a combination of factors taking account of housing need, time spent on the Register and the type of property required. Therefore, some households will wait considerably longer than the average waiting time before they have any opportunity to secure a tenancy.
- The availability of larger family-sized housing (i.e. 3 or more bedrooms) across both districts is particularly limited in comparison with demand. This has a particular impact on the ability of both Councils to secure long term accommodation for households who are homeless or threatened with homelessness (with a consequent knock-on effect on the length of time that larger families have to spend in temporary accommodation).

A.2 - HOMELESSNESS**(a) Total Number of Homelessness Applications for Assistance**

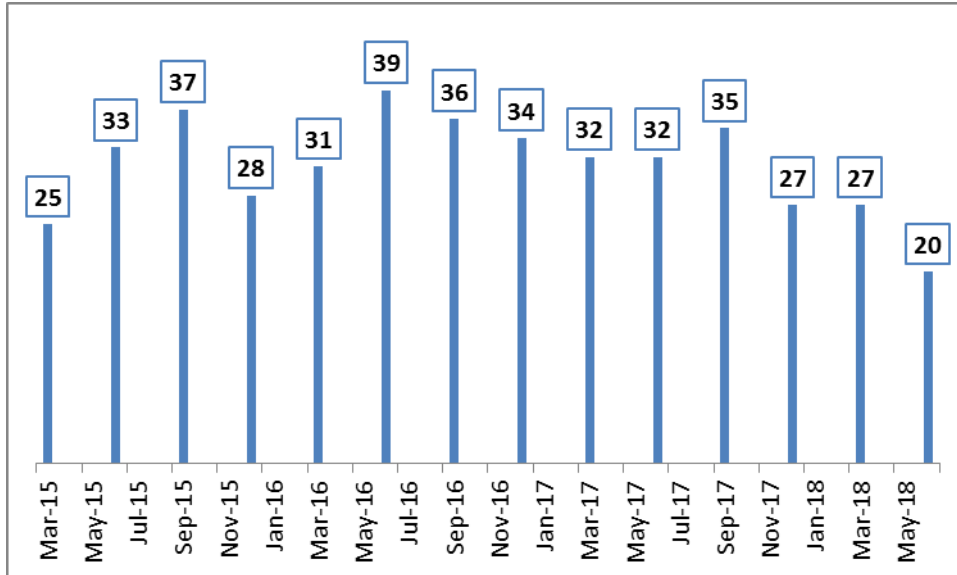
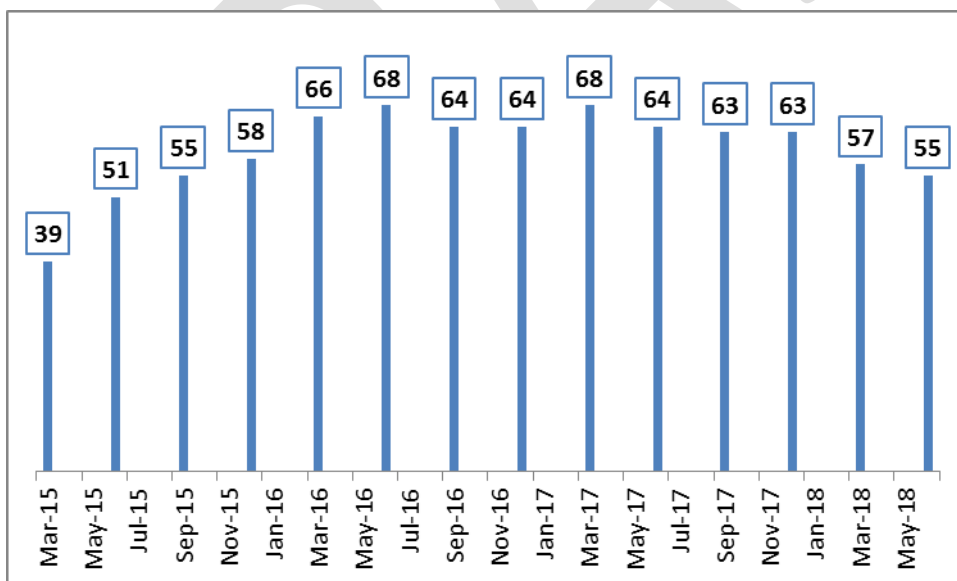
	Year									
	2013/14		2014/15		2015/16		2016/17		2017/18	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SBDC
Total number of homeless applications for assistance	56	59	87	75	95	88	80	102	90	102

(This table shows the number of homelessness applications where the Council issued decisions during the year concerned. These were determined prior to the introduction of the new duties in the Homelessness Reduction Act from 3rd April 2018.)

(b) Accepted Homelessness Applications & Reasons

Out of the total number of applications in Table (a) above the following applications were accepted as being subject to the Council's main housing duty to secure accommodation.

Homeless Cases Accepted as Duty to Secure Accommodation										
Reason for Homelessness	Year									
	2013/14		2014/15		2015/16		2016/17		2017/18	
	CDC	SBDC	CDC	SBDC	CDC	SBDC	CDC	SB	CDC	SB
Parents/Family not willing to accommodate	3	25	24	19	21	30	14	27	21	30
End of Tenancy by Landlord	10	14	21	17	22	15	17	18	14	18
Domestic Violence	2	4	7	3	7	6	8	8	8	9
Other Violence/Harassment	1	0	0	1	7	3	0	3	4	5
Rent/Mortgage Arrears	5	0	4	0	1	2	6	2	3	1
Other	3	1	3	7	5	11	5	9	10	11
Total	24	44	59	47	63	67	50	67	60	74

(c) Number of Homeless Households in Temporary Accommodation**Chiltern DC - Quarterly Snapshot of Number of Households in TA****South Bucks DC - Quarterly Snapshot of Number of Households in TA****Headlines:**

- Both Chiltern and South Bucks saw a significant increase in applications for homelessness assistance in 2013/14. The annual rate of increase has subsequently differed between the two districts. South Bucks showing a continued annual upturn until levelling off in in 2017/18 while the position in Chiltern has been more erratic year on year.

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- The main reasons for homelessness across both districts in recent years have been exclusion by family or friends or the ending of a tenancy by a landlord.
- The ongoing demand for temporary accommodation has been considerable higher in South Bucks compared to Chiltern. This is primarily because South Bucks has seen a higher level of homelessness applications and a lower level of turnover in its social housing stock. This means that many homeless households have to spend longer periods in temporary accommodation due to the limited availability of affordable accommodation to move on to.

Future Demand for Homelessness Services

The MHCLG (formerly DCLG) has estimated that the new Homelessness Reduction Act 2017 could see a 26% increase in the homelessness caseload for local authorities (DCLG – New Burdens Funding Assessment – October 2017). If this increase is applied to the 2017/18 caseload levels, this will result in anticipated levels as follows:

Council	Caseload per annum (Total homelessness cases)		Demand for Temporary Accommodation	
	Current level (2017/18)	Estimated demand (2018/19)	Current demand (Average number in TA during 2017/18)	Estimated demand (2018/19)
Chiltern DC	102	129	34 units	42 units
South Bucks DC	90	114	65 units	82 units

(The above estimates are based on a 26% upturn on the average number of TA placements at any one time during 2017. However, other factors including homelessness prevention levels under the new Act's provisions and new affordable housing developments will impact on this figure).

Rough Sleepers

Chiltern DC and South Bucks DC have generally recorded low levels of rough sleeping within the districts. The figures from the last 4 annual rough sleeper counts/estimates are:

	2014	2015	2016	2017
Chiltern	3	1	1	1
South Bucks	0	0	4	1

However, these are snapshot figures collected once a year as part of the national rough sleeper estimate. There is evidence to suggest that there are regular reported instances of rough sleeping in the two districts. The Rough Sleeper Outreach Service operated by

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Connection Support received 53 reports of rough sleepers in Chiltern or South Bucks during the 12 month period from July 2017 to June 2018 and the service subsequently verified 10 of these.

The Councils will be reviewing the extent of rough sleeping across the districts and the support services that are in place as part of the response to the Government's Rough Sleeping Strategy.

A3 - DELIVERY OF ADDITIONAL AFFORDABLE HOUSING

Number of additional affordable homes (rented or shared ownership) delivered since 2011/12

The table below summarises the number of additional affordable homes delivered by Registered Providers in Chiltern and South Bucks since 2011/12:

YEAR	DISTRICT							
	CHILTERN				SOUTH BUCKS			
	New Build Rent	New Build S/Owners	Purchases	Other	New Build Rent	New Build S/Owners	Purchases	Other (Equity Loan)
2011/12	26	3	0	0	15	0	9	9
2012/13	57	35	0	0	7	17	4	8
2013/14	6	0	8	0	12	3	4	3
2014/15	34	0	7	0	6	0	10	0
2015/16	18	4	0	0	0	0	2	3
2016/17	26	9	0	0	4	0	5	2
2017/18	56	24	0	0	21	7	1	0

Headlines:

- The level of new build rented affordable housing has fluctuated from year to year and has been particularly limited in South Bucks in recent years. This is due to a range of factors including (i) limited development opportunities coupled with high land values, (ii) changes in the funding arrangements for Registered Providers and (iii) increasing numbers of housing developers challenging the viability of delivering affordable housing on site and instead paying an affordable housing contribution (or no contribution)
- The purchase of existing properties by registered providers has contributed to delivering additional affordable homes across both districts. However, this has declined in recent years due to rising house prices and the increasing levels of subsidy required to make such schemes viable.

APPENDIX B**Chiltern District Council****and****South Bucks District Council****TEMPORARY ACCOMMODATION FRAMEWORK****CONTENTS**

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Chiltern District Council**and****South Bucks District Council****TEMPORARY ACCOMMODATION FRAMEWORK 2018/19****1. Purpose**

- 1.1 The purpose of this framework is to:
- 1.1.1 Ensure that each Council fulfils its statutory duties under Part 7 of the Housing Act 1996 to secure temporary accommodation and
 - 1.1.2 Provide a clear and transparent framework for each Council for securing and allocating temporary accommodation

2. Background

- 2.1 Part 7 (Homelessness) of the Housing Act 1996 places a statutory duty on the Council to secure that temporary accommodation is available to homeless households in a range of circumstances. Details of the relevant statutory duties and related guidance are summarised in **Appendix B1**.
- 2.2 The Council must secure sufficient temporary accommodation to meet its statutory duty. This accommodation must be utilised and allocated correctly.
- 2.3 The Supreme Court in the case of *Nzolameso v Westminster City Council* (2015) (UKSC 22, (2015) HLR 22) advised that each local authority should have a clear statement on how it procures and allocates temporary accommodation.
- 2.4 In light of the above, this framework has been drafted to provide a clear statement to Members, officers, clients and partner agencies on how the Council secures and allocates temporary accommodation.
- 2.5 Chiltern District Council and South Bucks District Council operate a shared housing service which includes a shared housing options and homelessness service. Therefore, this Framework has been drafted as a joint document to be shared by both Councils. Any reference to "the Council" in this Framework document should be taken to mean both Chiltern District Council and South Bucks District Council and their respective duties.

3. Principles of the Framework

The Council will:

3.1 Secure temporary accommodation in compliance with its statutory duties under Part 7 of the Housing Act 1996

3.2 Secure self-contained temporary accommodation wherever possible and only secure B&B (Bed and Breakfast) accommodation when no other suitable self-contained temporary accommodation is available

3.3 Minimise the length of time that any household with family commitments has to spend in B&B accommodation

3.4 Secure temporary accommodation within the district whenever possible

3.5 Ensure that temporary accommodation meets appropriate standards of suitability and fitness

3.6 Minimise the cost of temporary accommodation provision to the Council and maximise income to offset costs where possible

4. Temporary Accommodation – Current Provision

4.1 Appendix B1 lists the temporary accommodation that is currently utilised by Chiltern District and South Bucks District Council.

5. Temporary Accommodation – Current and Future Demand

5.1 Appendix A2 in this Strategy document (Pages 39 to 41) shows the demand for temporary accommodation in Chiltern District Council and South Bucks District Council since 1st April 2014 and the projections for future demand following the implementation of the Homelessness Reduction Act 2017 from 3rd April 2018. It is estimated that the Councils will need to ensure that the following levels of temporary accommodation are available at any one time during 2018/19:

Chiltern DC	=	Maximum of 42 units
South Bucks DC	=	Maximum of 82 units

6. Use of Bed and Breakfast Accommodation

6.1 The Council recognises that B&B (Bed and Breakfast) is not suitable as temporary accommodation for households with family commitments (i.e. households who have or are expecting dependent children). Where possible, it will avoid placing such a household in B&B. However, the high demand for temporary accommodation means that there will be occasions when the Council has no option other than to secure B&B in order to meet its statutory duty.

6.2 When the Council has to place a household with family commitments in B&B, it will take full account of the provisions in Statutory Instrument 2003/3326 that the period in B&B should not exceed 6 weeks. The Council will seek to move the household on to alternative self-contained accommodation as soon as possible. These households will be prioritised for a move from B&B as and when suitable self-contained temporary accommodation becomes available for occupation. The process for this is summarised in Appendix B3.

7. Location of Accommodation

7.1 The Council will aim to secure temporary accommodation within its district. However, the high demand for temporary accommodation means that it may be necessary for the Council to secure accommodation that is located in another district. In this event, the Council will aim to minimise the distance between the district and the location of the temporary accommodation.

8. Allocation of Temporary Accommodation

8.1 Self-contained temporary accommodation will normally be allocated on the day that it becomes available and using the process summarised in Appendix D

8.2 When self-contained temporary accommodation becomes available, existing households with family commitments in B&B will be prioritised over households who have not yet been placed in temporary accommodation.

8.3 If no self-contained temporary accommodation is available for a household on the date that the household becomes homeless then the Council will secure bed and breakfast accommodation (see 6.1 above) subject to availability. If no bed and breakfast accommodation is available on the date concerned then the Council may have to utilise hotel accommodation on a short term basis until bed and breakfast or other alternative temporary accommodation becomes available.

8.4 The Council will make every effort to secure temporary accommodation that is a suitable size, type and location for the household concerned. In doing so, the Council will have regard to the relevant statutory requirements and guidance (see Appendix B1). However, this must be balanced against the demands on the Council's service for homelessness assistance and the pressures on temporary accommodation. The Council's primary focus

is to secure accommodation that meets its duties under Part 7 of the Housing Act 1996 even if the household concerned considers that it may not be suitable.

8.5 A household may request a review of the suitability of the temporary accommodation secured by the Council if a review is permitted under Part 7 of the Housing Act 1996.

8.6 In exceptional circumstances, the Council may depart from the allocation process set down in this Framework. This may arise because of reasons such as:

- safeguarding issues,
- personal safety concerns,
- medical issues,
- household size, or
- the household has been deemed intentionally homeless and/or has a review or appeal pending into the Council's decision.

Any exceptional allocation will be subject to the agreement of the Senior Housing Options Officer (or the Housing Manager in the absence of the Senior Housing Options Officer).

9. Chiltern District Council and South Bucks District Council – Cross District Provision

9.1 Chiltern District Council and South Bucks District Council operate a shared housing service. Each Council retains its own separate statutory responsibility to fulfil its duties under Part 7 of the Housing Act 1996.

9.2 There may be occasions where one of the Councils (Chiltern District Council or South Bucks District Council) has available capacity within its temporary accommodation while the other authority is facing significant pressures to secure sufficient accommodation. In this situation, the Council with available capacity may make its temporary accommodation available to the other authority to utilise in order to fulfil its Part 7 duties (i.e. Chiltern DC would make its temporary accommodation available to be utilised by South Bucks DC or vice versa).

9.3 The provisions in paragraph 9.2 would be subject to:

- consideration of current and future temporary accommodation demands for both Councils,
- confirmation that the Council which makes the temporary accommodation available will not suffer any detriment to its service delivery or budget as a result, and
- the placement being reviewed on a weekly basis and ending as and when the temporary accommodation is again required by the Council which has made it available.

10. Charging for Temporary Accommodation

10.1 The Council reserves the right to require a household to pay a reasonable charge in respect of the temporary accommodation that has been secured for them. In making any charge, the Council will have regard to the statutory requirement that the temporary accommodation must be affordable to the household concerned.

11. Maintaining and Increasing the Supply of Temporary Accommodation

11.1 The Council will explore the following options over the next 12 months to help maintain and increase the supply of temporary accommodation to meet the current and future needs highlighted in Section 5.

11.1.1 Prevent Homelessness wherever possible to minimise the demand for temporary accommodation

The Council continues to review its housing options service to ensure that all available options are explored to help prevent or relieve homelessness before a client becomes homeless. The Homelessness Reduction Act 2017 has placed increased emphasis on this.

11.1.2 Optimise current temporary accommodation provision

The Council will ensure that it makes the best use of the available temporary accommodation by making appropriate allocations, minimising the time spent by households in B&B and ensuring that households are moved on in a timely and efficient manner to longer term accommodation when possible.

11.1.3 Secure temporary accommodation from Registered Provider stock

The Council will continue to work with Registered Providers to maximise the use of temporary self-contained accommodation from within their existing housing stock and through other initiative and schemes (e.g. new build, private sector leasing etc.)

11.1.4 Explore options for new developments to incorporate new temporary accommodation provision.

The Council will monitor development opportunities on its own land and elsewhere

11.1.5 Explore options for working with the private rental sector to secure temporary accommodation

The Council will review its work with private landlords and letting agents and assess opportunities for partnership working to deliver temporary accommodation and tenancies to help prevent or relieve homelessness.

11.1.6 Explore options for Chiltern District Council and South Bucks District Council to work jointly to secure additional temporary accommodation provision

The Council will assess opportunities for the shared housing service to deliver joint provision that can support both authorities.

11.1.7 Explore options to work with other statutory partners to deliver additional temporary accommodation

The Council will assess opportunities for joint working with other partners including Wycombe District Council and Aylesbury Vale District Council to deliver additional temporary accommodation provision.

12. Review of Framework Document

12.1 This document will be reviewed annually

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APPENDIX B1**DUTY TO SECURE TEMPORARY ACCOMMODATION****1. SUMMARY OF STATUTORY DUTIES AND POWERS**

1.1 Under **Part 7 (Homelessness) of the Housing Act 1996** the Council has a statutory duty to secure that accommodation is available to homeless persons who meet certain criteria and requirements set down in the Act and associated Statutory Instruments and guidance.

1.2 The specific statutory duties set down in Part 7 are broadly summarised below:

(i) *Section 188 – Interim duty to accommodate in case of apparent priority need*

When the Council receives an application for assistance under Part 7 then the Council will have a duty to secure temporary accommodation while it assesses the application if it considers that the applicant is homeless and may be in priority need (in accordance with the priority need categories set down in Section 189 of the Act)

(ii) *Section 190 – Duties to persons becoming homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need, but is homeless intentionally, then it will have a duty to secure that accommodation is available for a period to give the applicant a reasonable opportunity to find other housing.

(iii) *Section 193 – Duty to persons with priority need who are not homeless intentionally*

When the Council has assessed an application and determined that the applicant is homeless and in priority need and not homeless intentionally (and the initial Homelessness Relief Duty has come to an end), then it will have a duty to secure that accommodation for occupation by the applicant. There is no time limit on this duty. Section 193 sets down the specific circumstances in which this duty can come to an end.

(iv) *Section 199A – Accommodation pending the outcome of a referral to another local authority*

In some cases when the Council has assessed that the conditions are met for a referral to another local housing authority and applicant is homeless and in priority need, the Council will have a duty to secure that accommodation is available pending the outcome of the referral.

1.3 In respect of (i) to (1v) above, Section 208(1) of the Act states that so far as reasonably practicable the Council shall secure that suitable accommodation is available for occupation within its district.

1.4 In addition to the statutory duties summarised above, the Council also has the **power to secure accommodation pending a review or appeal**. Under Sections 188 and 204 of the Act, the Council has the power to secure accommodation for an

applicant pending the outcome of a review or appeal on the Council's decision on a homelessness application. This is a power and not a duty and the Council will assess requests for accommodation in these circumstances on a case by case basis. In assessing whether or not to exercise its power to secure accommodation, the Council will have regard to the applicant's circumstances and the relevant guidance and case law.

- 1.5 Under Section 192 (3) of the Act, the Council also has ***the power to secure accommodation for an applicant who is homeless, not homeless intentionally and is not in priority need***. Again, this is a power and not a duty. In considering whether or not to use this power, the Council must take into account the demands on local housing and the need to secure accommodation for homeless households who are subject to the statutory duties summarised in (i) to (v) above. The current demands on housing stock in Chiltern and South Bucks and the ongoing demands from homeless households who are subject to statutory accommodation duties means that the Councils are highly unlikely to exercise the power under Section 193(2) of the Act. However, any requests will be assessed on a case by case basis.

2. GUIDANCE ON EXERCISING STATUTORY DUTIES

- 2.1 When exercising a statutory duty in accordance with (i) to (v) above, the Councils will have full regard to the relevant law, statutory instruments and guidance in assessing whether or not the accommodation concerned is suitable. This includes:

- a) **Homelessness Code of Guidance for Local Authorities (February 2018)**
- b) **SI 1996/3204 Homelessness (Suitability of Accommodation) Order 1996**

This requires that the accommodation must be affordable.

- c) **SI 2003/3326 Homelessness (Suitability of Accommodation)(England) Order 2003**

This highlights that B&B accommodation is not to be regarded as suitable accommodation for an applicant with family commitments and should only be used (i) where no other accommodation is available and (ii) for no more than 6 weeks in total.

- d) **SI 2012/2601 Homelessness (Suitability of Accommodation)(England) Order 2012**

This highlights a range of factors that the Council must take into account including:

- distance from district (if placed out of area)
- significance of disruption to employment, caring responsibilities or education

- proximity and accessibility of medical facilities
- proximity and accessibility of local services, amenities and transport

e) **S. 11 of the Children Act 2004**

This requires that where the applicant's household includes children, then the Council's decision on suitability must identify the needs of the children (individually and collectively) and have regard to the need to safeguard and promote the children's needs. However, it is not required that the children's welfare should be given paramount or even primary consideration by the Council in making the decision on the suitability of accommodation.

f) **Equality Act 2010**

This requires that the Council assesses whether or not the applicant has a disability (or another relevant protected characteristic) and, if so, the extent of the disability and whether or not this impacts on suitability of the accommodation.

- 2.2 Overall, the Councils will always aim to minimise disruption to the applicant's household and have full regard to the relevant law and guidance when securing temporary accommodation. However, this will always need to be balanced against the overall demands on the housing and homelessness service and the availability of accommodation. This means that it may not always be possible to avoid disruption to the household concerned. The Council's primary focus will be to ensure that it secures accommodation for the applicant in accordance with its statutory duties under Part 7 of the Housing Act 1996.

END

APPENDIX B2**TEMPORARY ACCOMMODATION – CURRENT PROVISION**

This Appendix lists the temporary accommodation that is currently secured by each Council to fulfil its duties under Part 7 of the Housing Act 1996.

CHILTERN DISTRICT COUNCIL

CDC - Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Tom Scott House, Pearce Road, Chesham	12 x 1 br flats 8 x bedsits	Scheme owned and managed by Paradigm Housing
Other Registered Provider accommodation	No fixed number	Properties in general needs stock utilised as temporary accommodation as and when required
Nightly booked self-contained accommodation	No fixed number	Properties secured from private provider and subject to a nightly rate. The main providers are located in Slough, High Wycombe, Hemel Hempstead and Chiltern.
Private Sector Leasing Scheme	Minimum of 10 units	Properties to be leased by Paradigm Housing and let to CDC nominees to meet temporary accommodation duty.

CDC - Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Nightly booked non-self contained accommodation (e.g. Bed and Breakfast)	No fixed number	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead.
Hotels	No fixed number	Hotel rooms are booked when no other options are available. (Normally emergency out-of-hours placements placements).

SOUTH BUCKS DISTRICT COUNCIL

SBDC Current Provision – Self Contained Accommodation (No facilities shared with other households)		
Accommodation	Number of Units	Details
Oxford Road, Gerrards Cross (Former Police Houses)	8 x Houses	Properties leased by Bucks Housing Association from SBDC (Due to be decommissioned in December 2018)
Private Sector Leasing Scheme	Minimum of 30 units	Properties to be leased by Paradigm Housing and let to SBDC nominees to meet temporary accommodation duty.
Other Registered Provider properties	No fixed number	Properties in general needs stock owned by other Registered Providers (e.g. L&Q, Bucks HA) and made available to SBDC to use as temporary accommodation on an interim basis.
Nightly booked self-contained accommodation	No fixed number	Properties secured from private provider and subject to a nightly rate. The main providers are located in Slough, High Wycombe, Hemel Hempstead and Chiltern.

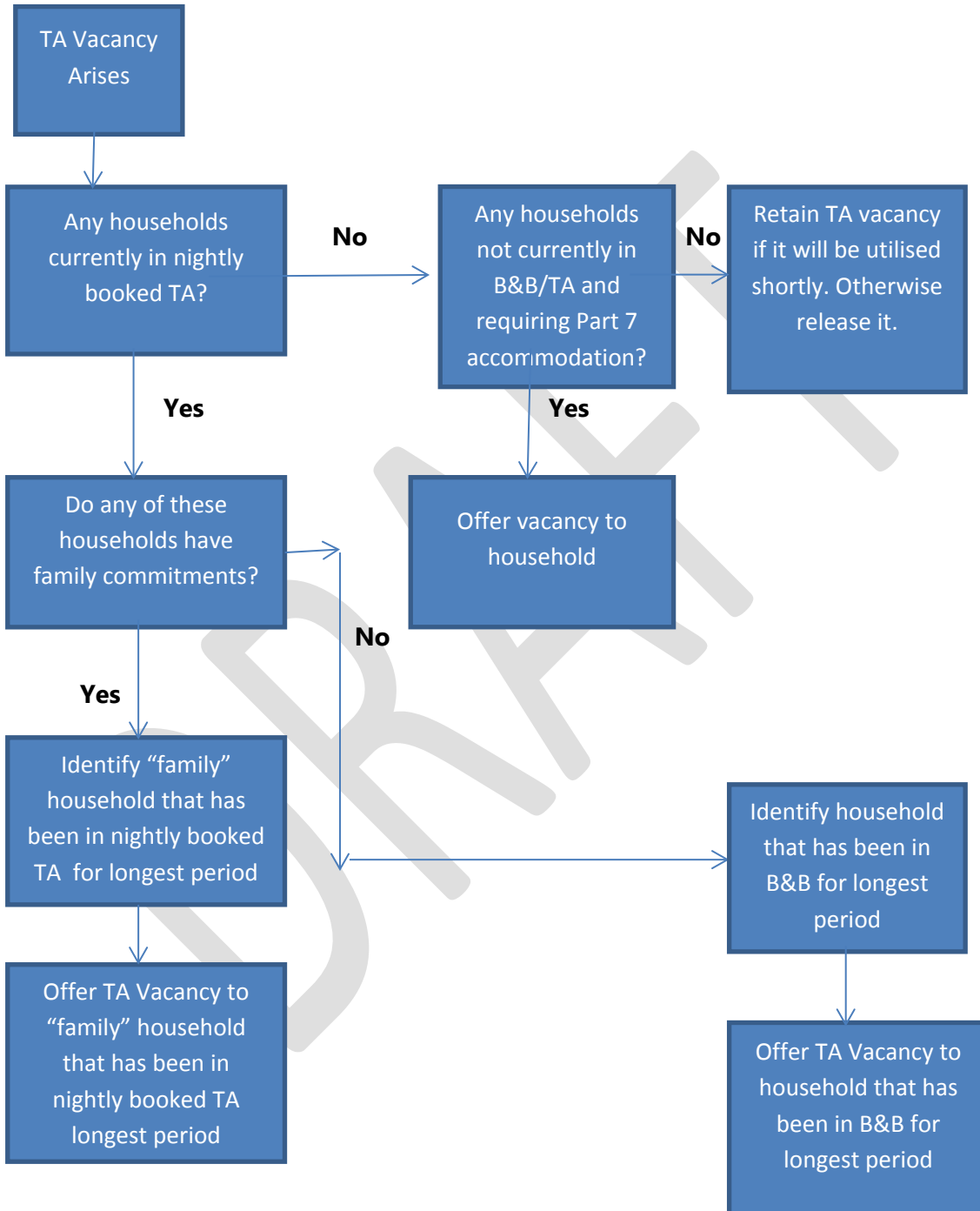
SBDC Current Provision – Non-Self Contained Accommodation (Facilities shared with other households)		
Accommodation	Number of Units	Details
Nightly booked non-self contained accommodation (e.g. Bed and Breakfast)	No fixed number (18 x placements as at 26/02/16)	Rooms are booked as and when required and charged on a nightly rate. The main providers are located in Slough, High Wycombe and Hemel Hempstead.
Hotels	No fixed number	Hotel rooms are booked when no other options are available. (Normally emergency out-of-hours placements placements)
SBDC – Pipeline Provision - Temporary Accommodation Schemes being developed as at August 2018		
Accommodation	Number of Units	Details
Development of former Depot Site on Bath Road, Burnham	12 units	Development of temporary emergency accommodation using off-site manufacturing. Due for completion in 2018/19.

Acquisitions	3 units	Programme of 3 acquisitions by Bucks Housing Association for use as temporary accommodation (supported with SBDC funding)
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APPENDIX B3

PROCESS FOR ALLOCATING SELF-CONTAINED TEMPORARY ACCOMMODATION (NOT NIGHTLY BOOKED)



Note – In some cases the Council will have to place a household in accommodation located outside of the district (see Paragraph 7.1 of the Temporary Accommodation Framework).

SUBJECT	Proposal to Revise the Chilterns Crematorium Joint Committee Constitution
RELEVANT MEMBER	Cllr Mike Smith
RESPONSIBLE OFFICER	Clerk to the Chilterns Crematorium Joint Committee – Bob Smith
REPORT AUTHOR	Sue Markham – Principal Solicitor smarkham@chiltern.gov.uk
WARD/S AFFECTED	Not ward specific

1. Purpose of Report

The Chilterns Crematorium Joint Committee proposed revisions to the constitution of the Joint Committee attached at Appendix 1 to the report to enable it to manage and operate more than one crematorium, update legal references, and incorporate additional provisions relating to assets. The Cabinet agreed the revised constitution at their meeting on 16 October 2018. Full Council is therefore asked to agree the following recommendation.

RECOMMENDATION:

Subject to the agreement of the Cabinets of each of the constituent authorities, that Full Council agree any consequential changes be made to the Council's Constitution.

2. Reasons for Recommendations

- 2.1. 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.)
- 2.2. 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.
- 2.3. The Chilterns Crematorium Joint Committee considered the draft revised Constitution, attached as Appendix 1, at its meeting on 18 September and recommended that the Cabinets of each constituent authority agree to adopt the revised constitution.

3. Content of Report

- 3.1. The revised Constitution is attached as **Appendix 1**.
- 3.2. The proposed changes reflect the extension of the JC's powers to enable it to manage and operate more than one crematorium, update legislative references

where necessary and incorporate additional provisions to deal with the treatment of assets on withdrawal or dissolution.

4. Options

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.

7. Corporate Implications

Reports must include specific comments addressing the following implications:

- 7.1 Financial – the financial arrangements that currently apply will be extended to include the new crematorium
- 7.2 Legal – the scope and powers of the Joint Committee need to be extended to ensure that decisions taken in respect of the new (and any future crematorium) are lawful.

8. Links to Council Policy Objectives

Joint working to provide sufficient crematorium services within the Council’s contributes to the first headline objective - Delivering cost- effective, customer-focused services.

9. Next Steps

Once approved by the Cabinets of each of the constituent authorities the revised constitution will be brought into operation before the new crematorium at Bierton is opened.

Background Papers:	None other than those referred to in this report.
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Dated.....2018

**CONSTITUTION OF
THE AYLESBURY VALE, CHILTERN AND
WYCOMBE DISTRICTS
CREMATORIA JOINT COMMITTEE**

Classification: OFFICIAL

(Arrangements for the Discharge of Functions) (England) Regulations 2012 (as amended) and all other powers in that behalf to enter into this Supplemental Agreement to vary the terms of the Joint Committee and the extent of the functions delegated to it.

NOW THIS DEED WITNESSETH as follows:-

- (1) **1. IN CONSIDERATION** of all the statutory powers vested in the Participating Councils in this behalf it is hereby **AGREED AND DECLARED** that as from the date of this Supplemental Agreement the Constitution and Terms of Reference of the Joint Committee shall operate and be regulated by the Articles and Schedule hereof.

THE ARTICLES

1. Title of Joint Committee

With effect from the date of this Supplemental Agreement, the Joint Committee shall be known as the Aylesbury Vale, Chiltern and Wycombe Districts Crematoria Joint Committee.

2. Membership and Terms of Reference

The Membership and Terms of Reference of the Joint Committee shall be in accordance with the provisions set out in the Schedule hereto.

3. Term of Office

The term of office of any member of the Joint Committee shall commence on the date of their appointment to the Joint Committee by the Executive or Cabinet of which they are a member to the date that they cease to hold office as a member of the Executive or Cabinet that appointed them.

4. Casual Vacancies

As soon as is practicable after a casual vacancy arises the Executive or Cabinet of the relevant participating Council shall appoint a replacement who shall hold office for the remainder of the term of office of the member replaced.

5. Substitutes

Classification: OFFICIAL

Any member who is unable to attend a meeting of the Joint Committee for any reason may appoint another member of the Executive or Cabinet of which he is a member as a substitute member provided notification of appointment is given to the Clerk or Deputy Clerk in writing (including by electronic means) before four o'clock on the date of the meeting in question and thereon the substitute member shall be entitled to attend that meeting only and (subject to the requirements relating to the declaration of interests contained in the Code of Conduct of the Council of which he is a member) shall be entitled to speak and vote on all items of business.

6. Powers of Joint Committee

The Joint Committee shall exercise all the functions and powers of the participating Councils in relation to the provision and maintenance of the crematoria pursuant to the Cremation Acts 1902 and 1952 other than the power to levy a precept, borrow money, acquire or dispose of land or employ staff.

7. Lead Authority

(1) Chiltern District Council has lead authority responsibility in that it shall:-

- (i) Acquire and hold land and buildings at the direction and for the use of the Joint Committee;
- (ii) Insure and keep insured the crematoria and any additions and extensions thereto in full re-instatement value with an insurer of good repute
- (iii) Put and keep in place such other insurances including public and employers liability insurance covering such insured risks, levels of cover and excesses as Chiltern District Council acting reasonably consider prudent ;
- (iv) Appoint, employ and remunerate staff at the direction and for the use of the Joint Committee, including the following Office Holders :-
 - (a) The Clerk;
 - (b) The Treasurer;

- (c) The Deputy Clerk; and
 - (d) The Deputy Treasurer.
 - (v) Provide legal, financial, personnel, technical and administrative support to the Joint Committee and without prejudice to the generality of the foregoing, provide or secure the provision of banking accountancy and audit facilities for the Joint Committee in accordance with best practice for the public sector;
 - (vi) At the direction and for the use of the Joint Committee enter into contracts and agreements for works goods and services; and
 - (vii) Compile and publish any statistics or local or national performance indicators as Chiltern District Council may be required by law to compile or publish in connection with the operation of the crematoria.
- (2) For the avoidance of doubt the insurance employment and other necessary and incidental costs and expenses directly or indirectly incurred by Chiltern District Council in the performance of the lead authority responsibilities shall be treated as an expense of the business and met out of the gross revenues of the crematoria.
- (3) Where Chiltern District Council enters into agreements or contracts for works goods and services at the direction and for the use of the Joint Committee it shall utilise and comply with its own procurement and audit procedures, including its adopted Contract and Financial Procedure Rules, subject only to any reference therein requiring officers to report to or obtain the approval or consent of the Council or the Executive being construed as if it were a reference to the Joint Committee.

7. Minutes and Annual Report

The Joint Committee shall meet on not fewer than two occasions in any Council year and as soon as is practicable thereafter a copy of the minutes of the meeting shall be given to the Executive or Cabinet of each of the

participating Councils. The Joint Committee shall also prepare and send an Annual Report on the discharge of its functions and powers to the Executive or Cabinet of each of the participating Councils as soon as practicable after the end of each financial year such report to include a copy of the final accounts for that year.

8. Procedural Rules

Meetings of the Joint Committee shall be conducted according to the rules of debate applicable for the time being to meetings of ordinary committees of Chiltern District Council as the same are set out in its Council Procedure Rules but subject to such minor modifications or amendments as are desirable or appropriate to facilitate the proper conduct of the business of the Joint Committee.

9. Members Codes of Conduct

In the conduct of the business of the Joint Committee Members shall comply with the Code of Conduct for Elected and Co-opted Members adopted by the participating Council of which they are a Member.

10. Access to Information

Notwithstanding the provisions of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, or any statutory modification or re-enactment thereof, the rights of the public to agendas, reports, background papers, meetings and the minutes of meetings of the Joint Committee shall be not less than that prescribed for meetings of Principal Councils by Sections 100A to E of the Local Government Act 1972 (as amended).

11. Scheme of Delegation to Officers

Pursuant to Section 101(5) of the Local Government Act 1972 the Joint Committee may from time to time make and publish a Scheme of Delegation to Officers to facilitate the efficient and effective management of the Crematorium. For the avoidance of doubt and subject only to any express limitation to the contrary in any Scheme of Delegation to Officers for the time being in force, Office Holders and the Crematorium Manager shall be deemed

to have delegated authority to carry out such duties and responsibilities as are set out in their contracts of employment.

12 Capital Expenditure

Wherever possible, capital expenditure will be defrayed out of revenue. Any such expenditure in excess of £250,000 in any financial year will require the consent of the Executive or Cabinet of each of the Participating Councils. If it is impractical to defray capital expenditure out of revenue, the Executive or Cabinets of each of the Participating Councils will hold a joint meeting to consider the options for funding the capital expenditure proposed.

13 Surpluses and Losses

(1) Net surpluses may be retained by the Joint Committee to finance capital expenditure, redeem debt or maintain prudent contingency and/or repair and renewal funds. Any net surplus not so applied can be returned to the Participating Councils at the end of the financial year, following a decision of the Joint Committee when setting its budget, and shall take into account the advice of the Treasurer.

(2) Net losses (after expenditure of all available contingency and or repair and renewal funds) in any financial year shall be borne by the Participating Councils in the proportion which the number of cremations from the area of each participating Council bears to the total number of cremations from all the participating Councils in that year.

14 Withdrawal and Dissolution

(1) Any of the participating Councils may withdraw from the Joint Committee on giving to the other participating Councils not less than 12 months prior notice in writing, such notice to expire on 31 March in any year;

(2) The Joint Committee may be dissolved by any two of the participating Councils giving not less than 12 months prior notice in writing to the other participating Council, such notice to expire on 31 March in any financial year.

15 Financial Adjustment on Withdrawal or Dissolution

- (1) Should any of the Participating Councils withdraw from the new Joint Committee, the following provisions shall apply:-
- a. The Joint Committee will pay to a withdrawing Council its share of unapplied net surpluses for the year of withdrawal or the withdrawing Council will pay to the Joint Committee the agreed proportion of net losses as at the date of withdrawal (as the case may be).
 - b. Subject to sub-paragraph (a) above the withdrawing Council will have no liability for future losses or entitlement to share in future surpluses.
 - c. If the withdrawing Council is Chiltern District Council it will cease to act as lead authority and all staff employed at the direction of the Joint Committee in connection with the operation of the Chilterns Crematorium will transfer to one of the remaining participating Councils on their then current terms and conditions of employment including Pension Rights (the transferee Council to be determined by agreement between the remaining participating Councils and in default of agreement by Arbitration in accordance with Article 16 hereof).
 - d. Unless otherwise agreed, if the withdrawing Council is Chiltern District Council and provided one of the remaining participating Councils has taken a transfer of staff in accordance with sub-clause (c) above, Chiltern District Council will continue to hold any land or buildings acquired for the purposes of the provision of Crematorium services, for the use of the joint Committee subject to the remaining Participating Councils indemnifying it against all costs losses, expenses, actions, claims and/or demands arising out of or in connection with the use of such land in connection with such services.
 - e. The remaining participating Councils will be entitled to share in future net surpluses or contribute to future net losses as set out in Article 13 above.
- (2) On any disposal of assets, any surplus after deduction of disposal costs and any other outstanding liabilities relating to the asset in question

shall be divided between current and past Participating Councils in the same ratio as would have applied had the Joint Committee incurred a net loss in the financial year of the said disposal but adjusted to reflect the period during which each Participating Council was a member of the Joint Committee whilst the asset was held on the Joint Committee's behalf.

- (3) Should the Joint Committee be dissolved:
- a. The assets held by the Lead Authority on behalf of the Joint Committee will be disposed of and any surplus after deduction of disposal costs and any other outstanding liabilities relating to the asset in question together with any accrued and retained surpluses from previous years held by the Lead Authority on behalf of the Joint Committee will be and distributed as set out in (2) above; and
 - b. the Participating Councils or the remaining Participating Councils (as the case may be) will be entitled to their respective share of the net surpluses as shown in the final accounts for the year of dissolution or will contribute the agreed proportion of net losses (including redundancy costs) for that year (as the case may be);

16 Arbitration

All disputes or differences between the Participating Councils concerning the interpretation or application of these Articles that cannot be resolved by mutual agreement shall be referred to an independent Arbitrator appointed by the parties or in default of agreement by the President for the time being of the Law Society. The Arbitration will be conducted in accordance with the Arbitration Act 1996 and the arbitrator will act as an expert whose award shall be binding on the parties.

17 Variations

Any variations to these Articles or the Terms of Reference set out in the Schedule shall be agreed by the Executive or Cabinet of each of the Participating Councils and be recorded in writing.

Classification: OFFICIAL

IN WITNESS whereof the Participating Councils have caused this Agreement to be executed as a Deed the day and year first before written

The Schedule

(Terms of Reference)

THE AYLESBURY VALE, CHILTERN AND WYCOMBE DISTRICTS CREMATORIA JOINT COMMITTEE

General

A joint committee established by Aylesbury Vale District Council, Chiltern District Council and Wycombe District Council ("the Participating Councils") to jointly manage the crematoria situate within their joint administrative area boundaries.

Membership, Chairmanship and Quorum

Number of Members	Six – two from each of the participating Councils
Substitute Members Permitted	Yes - but must be a member of the same Executive/Cabinet as the Substituted Member
Political Balance Rules apply	No
Appointments/Removals from Office	By a resolution of the Executive/Cabinet of the participating Councils
Term of Appointment	From the date of appointment to the date that they cease to hold office as a member of the Executive/Cabinet.
Casual Vacancies	To be filled by the Appointing Council's Executive/Cabinet (or by a member or committee of the Executive/Cabinet as each participating Council's executive arrangements may provide) for the remainder of the term of office of the member replaced
Restrictions on Membership	Appointees must be a member of the Executive/Cabinet of the participating Councils.

Classification: OFFICIAL

Classification: OFFICIAL

Restrictions on Chairmanship/Vice-Chairmanship	None
Quorum	Three, one from each authority
Number of ordinary meetings per Council Year	Minimum of two
Extraordinary Meetings	The Chairman of the Joint Committee may call an extraordinary meeting at any time

Terms of Reference

Pursuant to the Cremation Act 1902 as amended by the Cremation Act 1952, Section 101(5) and 102(1) of the Local Government Act 1972, Section 9EB of the Local Government Act 2000 and Regulations 9 and 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 (as amended) and all other powers in this behalf, to exercise all the functions duties and powers of the participating Councils in connection with the provision and maintenance of crematoria, other than the power to appoint and remunerate staff, levy or issue a precept, borrow money or hold land.

Delegations

The matters referred to in the Terms of Reference are fully delegated subject to the terms, restrictions and reservations set out in the Constitution of the Joint Committee.

The Common Seal of Aylesbury Vale

District Council was hereunto affixed
in the presence of

Chairman of the Council

Head of Legal Services

Classification: OFFICIAL

The Common Seal of Chiltern

District Council was hereunto affixed
in the presence of

Director of Resources

The Common Seal of Wycombe

District Council was hereunto affixed
in the presence of:

Chairman

District Solicitor