

South Bucks District Council

Cabinet Decision

Notice is given that the following decisions have been taken by Cabinet on Wednesday, 28 June 2017

5 Cabinet Appointments

(a) DECISION:

The Cabinet received a list of Cabinet appointments to be confirmed by Cabinet.

RESOLVED that

- a) the following Cabinet appointments be confirmed:

Representation on Joint Committees and other bodies:

Joint Waste Collection Committee

South Bucks representatives: 1 x (Cabinet Member) Luisa Sullivan
1 x (Non-Cabinet Member – cannot be a Member of O+S) - Vacant

Evreham Sports Centre Joint Management Committee

South Bucks representatives:	J. Jordan
	R. Sangster
	P. Kelly (Portfolio Holder)
Buckinghamshire County	Require Confirmation from Bucks County Council
Representatives:	Require Confirmation from Bucks County Council

The South Buckinghamshire Members Advisory Panel

R. Bagge, M. Bradford, N. Naylor, T. Egleton, P. Kelly, L. Hazell and A. Walters

Representation on Outside Bodies:

Outside Body	Representative[s]	Relevant Portfolio Holder	Officer Contact
Buckinghamshire Thames Valley Local Enterprise Partnership	Ralph Bagge	Leader	Bob Smith
Bucks Planning Group	Nick Naylor	Sustainable Development	Peter Beckford
Chiltern and South Bucks Strategic Partnership	Ralph Bagge Paul Kelly Nick Naylor Vacant	Leader	Rachel Prance
Colne Valley Park Community Interest Company	Luisa Sullivan	Environment	Chris Marchant
Country Parks and Green Spaces Liaison Group	Luisa Sullivan	Environment	Chris Marchant
Evreham Youth Centre Mgt Committee	Paul Kelly	Healthy Communities	Martin Holt
Groundwork South Trust Ltd	Luisa Sullivan	Environment	Simon Gray
Healthy Communities Partnership	Paul Kelly	Healthy Communities	Martin Holt
Heathrow Airport Consultative Committee	Nick Naylor	Sustainable Development	Tracy Farrell
Local Government Association	Ralph Bagge Nick Naylor [Deputy]	Leader	Bob Smith
L & Q Shires Neighbourhood Committee	Paul Kelly	Healthy Communities	Michael Veryard
Natural Environment Partnership	Luisa Sullivan	Environment	Chris Marchant
New Denham Minerals Liaison Group	Luisa Sullivan	Environment	Tracy Farrell
Padstones	Paul Kelly Wendy Matthews [Deputy]	Healthy Communities	Michael Veryard
Park Lodge Farm Liaison Committee	Luisa Sullivan	Environment	Tracy Farrell
Pinewood Community Liaison Group	Ralph Bagge Malcolm Bradford Wendy Matthews Luisa Sullivan	Leader	Bob Smith
Thames Valley Police and Crime Panel	Trevor Egleton	Healthy Communities	Anita Cacchioli

- b) and that delegated authority be given to the Chief Executive, in consultation with the Leader of the Council, to make any changes to Cabinet appointments.

(b) REASON FOR DECISION:

To confirm Cabinet appointments.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Cabinet considered the various Cabinet appointments.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

6 Superfast Broadband Extension Funding

(a) DECISION:

The Cabinet received a report which asked Members to consider the allocation of £50,000 with equal match funding provided by Broad Band Delivery (BDUK), part of the Department of Media, Culture and Sport, to extend fibre infrastructure further. This would deliver access to superfast broadband to an estimated 100 more premises in the district than could be achieved without a contribution to the Connected Counties programme covering Buckinghamshire and Hertfordshire.

Having considered the report presented, the Cabinet were of the opinion that more detail on the proposal was required and thus agreed to defer consideration of the recommendation until the next meeting.

RESOLVED that consideration of the recommendation be DEFERRED until the next meeting of Cabinet so that more detail can be provided on the proposal.

(b) REASON FOR DECISION:

Not applicable.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Not applicable.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8a Food and Health and Safety Business Plans

(a) DECISION:

The Cabinet received a report inviting comments on the following draft plans prior to them being submitted to Council for adoption:

- Joint Food and Health and Safety Business Plan
- Food Policy
- Health and Safety Enforcement Policy

Following a discussion during which the Cabinet indicated its support for the draft plans, Cabinet **RECOMMENDED** to Council that the following be approved subject to approval by Chiltern District Council;

- Joint Food and Health and Safety Business Plan;
- Food Policy; and
- Health and Safety Enforcement Policy.

(b) REASON FOR DECISION:

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

(c) ALTERNATIVE OPTIONS CONSIDERED:

Regulations require local authorities to produce and publish an annual service plan that demonstrates how the authorities are working to deliver its food safety and health and safety services.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8b **Joint Housing Strategy**

(a) DECISION:

The Cabinet were asked to consider the attached draft Joint Housing Strategy. The Cabinet were advised that the draft strategy would be amended to reflect Cabinet's comments and would then be subject to a six week consultation period. Following consultation officers would collate responses and suggest any further amendments to the draft policy before submission to Cabinet for further consideration and then onto Council for adoption.

RESOLVED that

1. the draft Joint Housing Strategy (Affordable Housing and Homelessness) attached to the report be approved for consultation;
2. the Head of Healthy Communities be authorised to amend the draft to reflect Cabinet's comments; and
3. a 6 week consultation be undertaken (as required by the Policy and Budgetary Framework procedure rules)

(b) REASON FOR DECISION:

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

(c) ALTERNATIVE OPTIONS CONSIDERED:

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

The option to operate the Council's own separate Housing strategy and policies was considered. However, the Cabinet were of the opinion that it was more efficient to take a joint approach to addressing these issues as operationally Chiltern District Council and South Bucks District Council were facing many of the same housing issues. Furthermore if the Council was to continue to operate a separate strategy, this would be out of step with the single shared housing service and would also be out of step with the other documents which have been adopted since the joint Member Housing workshop, namely the Joint Private Sector Housing Strategy 2017-2021 and the Joint Temporary Accommodation Framework.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8c **Corporate Enforcement Policy**

(a) DECISION:

The Regulators' Code, which came into statutory effect on 6 April 2014, requires the Council to have an enforcement policy explaining how it responds to regulatory non-compliance. With the majority of services now being shared across both Chiltern and South Bucks District Councils, the Cabinet received a report explaining that the opportunity had been taken to review the enforcement policies and draft a joint Corporate Enforcement Policy setting out the guiding principles of how regulatory services would engage with those they regulate.

Following a discussion during which the Cabinet indicated its support for the draft policy, Cabinet **RECOMMENDED** to Council that the draft Joint Corporate Enforcement Policy for regulatory compliance and enforcement services be approved subject to Chiltern District Council also approving the policy.

(b) REASON FOR DECISION:

The Regulators' Code came into statutory effect on 6 April 2014. A key action

required to comply with the Code is to have an enforcement policy explaining how the local authority responds to regulatory non-compliance. With the majority of services now being shared across both Chiltern and South Bucks District Councils it is appropriate at this time to review the enforcement policies and to publish a joint Corporate Enforcement Policy that sets out the guiding principles of how regulatory services will engage with those they regulate.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Regulators' Code requires the Council to have an enforcement policy explaining how the local authority responds to regulatory non-compliance.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8d **Affordable Warmth Strategy**

(a) DECISION:

The Cabinet received a report attaching a draft of the updated Buckinghamshire Affordable Warmth Strategy on which the National Energy Foundation was undertaking a 6 week consultation on with key stakeholders.

The Cabinet welcomed the updated Strategy and accordingly

RESOLVED that the Head of Healthy Communities, in consultation with the Portfolio Holder for Healthy Communities, be authorised to adopt the final updated Buckinghamshire Affordable Warmth Strategy.

(b) REASON FOR DECISION:

The current Affordable Warmth Strategy was now out of date. The updated version would provide a clear direction and focus to the Council and its partners in targeting actions towards those residents who were most at risk of fuel poverty. The delegation of authority to the Head of Healthy Communities would allow for amendments to be made to the strategy following consultation and following consideration by the other Buckinghamshire authorities.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The various themes and actions proposed in the Strategy were considered. The Cabinet were of the opinion that giving delegated authority to the Head of Healthy Communities, in consultation with the Portfolio Holder, to adopt the final strategy following the consultation period would allow for amendments to be made to the strategy following the consultation and following consideration by the other

Buckinghamshire authorities.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8e **Review of Affordable Housing Payments**

(a) DECISION:

In 2011 the Cabinet approved the following 4 schemes to deliver affordable housing units through the use of commuted sums:

- a) The **Acquisition** programme delivered by L&Q, to buy back ex-social housing
- b) The provision of **Your Choice Equity Loans** delivered by Catalyst Housing.
- c) **Downsizing** – The ‘incentive to move’ scheme of approved funding.
- d) **Incentive to Purchase** –ceased in July 2016 due to limited take-up.

The Cabinet received a report providing an update on the delivery of each scheme and expenditure as at 30 April 2017 from the commuted sums allocation. The Cabinet noted from a table in the report that of the £8, 877,438 received £3,650.778 remained uncommitted. The report went on to propose that the uncommitted sum be allocated for opportunities that arise in working in partnership with Registered Providers, other public bodies and or developer to deliver affordable rented properties on site or to purchase temporary accommodation to support homelessness service.

RESOLVED that

1. the Acquisition, Equity Loan and Downsizing schemes within the current allocated funding levels continue to operate; and
2. the £3.6M available from the Affordable Housing Contributions (commuted sums) be allocated for opportunities that arise by working in partnership with Registered Providers, other public bodies and or developers to provide grant funding to deliver affordable rented properties on-site or to purchase temporary accommodation to support homelessness services.

(b) REASON FOR DECISION:

To ensure the Council can continue to secure a supply of additional affordable housing and can ensure that it is making the best use of all funding allocations that are using the Affordable Housing Contributions (commuted sums).

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Cabinet were of the opinion that the recommendations in the report were the

best options for securing a supply of additional affordable housing and ensuring that the Council would be making the best use of all funding allocations.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8f **Funding Request from Pop Goes the Choir**

(a) DECISION:

To consider a request for funding from Pop Goes the Choir (PTGC) for £2,500 to perform at a Christmas market in France.

Having considered the request for funding, the Cabinet accordingly

RESOLVED that the application from Pop Goes the Choir be refused and that Pop Goes the Choir be advised to apply for other funding routes like Heart of Bucks and The Heathrow Community schemes/Lottery.

(b) REASON FOR DECISION:

The Cabinet were of the view that the application was linked to a Twinning event that did not support the local area and considered that this would set a precedent if supported. The Cabinet advised that other funding streams should be considered.

(c) ALTERNATIVE OPTIONS CONSIDERED:

- Advise the group to apply to the Heart of bucks managed fund
- Approve funding of £2,500 towards the project
- Approve funding of £2,173, which with the other grant funding received should allow PGTC to meet their project costs of £5,908.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8g **Public Spaces Protection Order**

(a) DECISION:

The Cabinet received a report containing a proposal to introduce Public Spaces Protection Orders (PSPOs) for South Bucks. PSPOs are one of a number of new powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014.

RESOLVED that

1. the current designated dog fouling areas be retained and further consultation be undertaken in relation to the introduction of Public Spaces Protection Order (PSPO).
2. consultation be undertaken on the introduction of a district wide PSPO to include the following dog control measures across the whole district under which the following actions would mean an offence is committed:
 - a- If a person in charge of a dog fails to clean up its faeces.
 - b- To fail to put a dog on a lead when directed to do so by an authorised officer.
 - c- To allow a dog into enclosed children's playgrounds.
3. the proposed Fixed Penalty Notice (FPN) fine be agreed at £100.
4. authority be delegated to the Head of Healthy Communities, in conjunction with the Head of Legal and Democratic Services, to publish appropriate PSPOs as a result of evidence being obtained and to make amendments to PSPOs as necessary.

(b) REASON FOR DECISION:

Using the new Public Spaces Protection Orders (PSPOs) powers to replace current powers for dog fouling would mean standardised fines of £100 could be introduced. Dog control measures would be made easier to understand as they would apply across the whole district. At present the offence of dog fouling is restricted to certain areas and controls are not in place to address other antisocial issues relating to responsible dog ownership. Introducing a PSPO would allow new dog control measures e.g. failing to put a dog on a lead when directed to do so by an authorised officer and allowing a dog into enclosed children's playgrounds or sports fields.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Cabinet considered the option to not continue with the introduction of the PSPO restricting enforcement in relation to dog fouling to the existing designated areas.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8h **Replacement of Theatre Floor at Beacon Centre**

(a) DECISION:

The Cabinet considered the options detailed in the report for replacement of the Beacon Centre theatre floor and seating.

RESOLVED

- 1) that Bleacher seating on a Semi Sprung Floor be installed to enable the Beacon Centre to be used for theatre style events and meetings.
- 2) that tenders for the installation of Bleacher seating on a Semi Sprung Floor be sought and the Head of Healthy Communities be authorised to agree final costs in consultation with the Portfolio Holder for Healthy Communities.
- 3) to recommend that GLL raise the hire charges for Theatre events to enable reinvestment in to lighting and other equipment need.
- 4) that the marketing of the centre be improved to encourage wider community use of the theatre/events space.

(b) REASON FOR DECISION:

Over many years the bleacher style seating at Beacon Leisure Centre's theatre has caused point loading damage to the floor area to such an extent that it is no longer repairable and requires replacement. Specialist advisors advised that the repaired floor was at significant risk of failing when a full load was applied to the bleacher seating. The bleacher seating also became bowed in its central area and for health and safety risk reasons deemed unsafe to use. A semi sprung floor was required to safely provide high impact aerobic exercises. Specialist suppliers of seating have advised that bleacher seating would be compatible with a semi sprung floor providing the floor was designed to withstand the weight and point loading of the seats.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Option 1: Replace floor and continue use of flat seats at no cost to SBDC.

Option 2: Replace bleacher seating and install a new floor. Seating unit to be selected first, flooring to be designed around the chosen seating option.

Option 3: Replace floor and hirer or GLL provides temporary arena seating which prevents other use of the theatre for the period of hire. This would cost an additional £3,150 for the seats and insurance and a hire cost of the theatre at £3,349, resulting in a weekly cost of hire £6,499.50. This option will also impact other users of the theatre leading to potential class cancellations. This would appear to be uneconomic but may still be an option for hirers to consider.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

10a **Establishment of Property Development and Management Company**

(a) DECISION:

The Cabinet were presented with a report seeking approval for the business case for setting up a local authority trading company, focusing on Property Development and Management and agreement to the setting up of this company.

The Cabinet supported the recommendations in the report and accordingly

RESOLVED that

- 1) the business case, as detailed in Appendix A, for setting up a local authority trading company, focusing on Property Development and Management be approved.
- 2) the establishment of a local authority trading company to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011 to facilitate income generation based on the Articles of Association detailed in Appendix B be approved. The Director of Resources to have the delegated authority to agree the final version of these.
- 3) the Chief Executive and the Director of Services be appointed as Company Directors.
- 4) the following SBDC delegations be approved:
 - The Director of Resources to have the authority to make secured loans to the trading company, up to the limits in the approved Company Business Plan.
 - The Director of Resources to have the authority to make unsecured working capital loans to the trading company, up to the limits in the approved Company Business Plan.
 - The Director of Resources to have the authority, following consultation with the Leader, to use any sums specifically set aside in the Council's Capital programme to purchase assets on receipt of a viable outline business case.
- 5) the matters set out in this report relating to the issue of affordable housing be noted, and that authority be delegated to the Director of Resources, in consultation with the Leader, to establish suitable arrangements to address those points.
- 6) authority be delegated to the Director of Resources to undertake any further actions to give effect to the contents of this report, in consultation with the Leader.

And further

RECOMMENDED to Council to adopt a new Minimum Revenue Provision (MRP) policy as detailed in Appendix C.

(b) REASON FOR DECISION:

There is a robust business case for the establishment of a local authority trading company to develop and manage property in order to deliver a financial return to the Council. The company would also deliver wider beneficial impacts eg increasing housing supply and / or new commercial property.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Council could undertake developments without setting up a trading company. However any such development could not be done for a purely commercial purpose, as things done for a commercial purpose even under the Localism Act 2011 must be done through a company. Even with the company set up, there might well be developments that the Council would wish to undertake outside the company for service delivery or financial reasons.

The Council could restrict itself to developments that do not result in private assured short hold tenancies (and thus not require a company to manage these). However this could restrict returns, and could result in South Bucks District Council houses having to be managed via a Housing Revenue Account and being subject to right to buy.

The Council could look to enter into a joint arrangement with a private development partner. A private partner would share the risk and reward of developments. However as the initial opportunities were on Council owned land and were already progressing there would be limited benefit from engaging with a partner at this stage. However this would not rule out working with a partner on future opportunities if there was a good reason for doing so.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

10b **Bath Road Depot**

(a) DECISION:

The Cabinet received a report which discussed long term development opportunity at Bath Road Depot and set out possible options to acquire adjacent land plots.

RESOLVED that

- 1) the Head of Environment [in consultation with the Portfolio Holder] be authorised to enter into discussions with the owners of the land identified in the report and to agree the terms of option agreements to purchase the land in due course;
And that
- 2a) the Head of Environment be authorised to appoint external consultants to carry out relevant surveys and initial design proposals; and
- 2b) approval be given for up to £28,000 of the existing approved capital budget to be used for this purpose, including the expenditure incurred to date.
- 3a) the Cabinet is satisfied that the Bath Road Depot site is no longer required for the purpose for which it is currently held; and

3b) in the light of 3a) above, the site be appropriated under section 122 of the Local Government Act 1972 for planning purposes as defined in the Town and Country Planning Act 1990 (as amended)

And further

RECOMMENDED to Council to make additional provision in the capital budget of £1,010,000 for the proposed acquisition of the land referred to in the report.

(b) REASON FOR DECISION:

The Bath Road depot site along with two adjacent plots combined maximise development opportunities.

(c) ALTERNATIVE OPTIONS CONSIDERED:

There were no other options considered.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

10c **Stoke Poges Memorial Gardens 4 Months Bridging Contract**

(a) DECISION:

Cabinet received a report on the future provision of grounds maintenance services for both Chiltern District Council and South Bucks District Council.

RESOLVED that

- 1) the exemption to the Contract Procedure Rules approved by the Management Team as set out in the report be noted; and
- 2) authority be delegated to the Head of Environment, in consultation with the Portfolio Holder for Resources, to carry out the procurement and award the tender in accordance with Contract Procedure Rules.

(b) REASON FOR DECISION:

To provide a more efficient and effective service to the staff and customers of both council's at a reduced cost as recommended and agreed as part of the recent service review to form a joint team serving Chiltern District Council and South Bucks District Council.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Contract Procedure Rules require exemptions to be reported to Cabinet for noting.

Suitable delegations need to be put in place for the procurement of the new joint contract.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

10d **Bad Debt Write Offs**

(a) DECISION:

The Cabinet received a report which set out a recommendation to write off of the non-recoverable debts detailed in the report and a request to make the current Temporary Housing Options Advisor a permanent post.

RESOLVED that

- 1) the write-off of the B&B debts referred to in the report be authorised; and
- 2) the request to make the current temporary Housing Options Advisor post a permanent post on the establishment be supported.

(b) REASON FOR DECISION:

The debts as detailed in the report were not recoverable so they need to be written off.

Given the volume of B&B cases and the challenging nature of some of these cases, it was likely that this additional support would need to continue for the foreseeable future and as such there was a need to make the current temporary Housing Options Advisor post a permanent post.

(c) ALTERNATIVE OPTIONS CONSIDERED:

There were no further options available other than to write off the debts as they were not recoverable.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

14 **Academy Redevelopment Tender**

(a) DECISION:

The Cabinet received a report which sought agreement to the approval of the preferred partner for the redevelopment of the Academy site as a public open space leisure facility. The report also sets out the risks and issues for the project and the next stages in the redevelopment timetable.

RESOLVED

- 1) that PCS Parkwood be appointed preferred partner for the redevelopment of the Academy site.
- 2) that the final scheme design and decision to progress to submit a planning application, be delegated to the Director of Resources in consultation with the Leader and the Chairman of the South Buckinghamshire Panel.
- 3) that a budget for pre-construction costs of £200,000 be approved and funded from the overall income generated by the project.
- 4) to commit £80k from the Capital Programme budget for client monitoring costs, to be procured under the SCAPE framework.

(b) REASON FOR DECISION:

The tenderers were asked to submit design ideas to meet the specification. A final design now needs to be agreed with the preferred bidder for consultation purposes with local residents and relevant bodies, prior to the submission of a planning application.

The Council would incur pre-construction costs leading up to the start of the works which would ultimately be funded from the income that will be received from the redevelopment. The Council would also incur costs for the monitoring of the composition and quantity of material being brought on to the site, and provision for this has been made in the capital programme.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The alternative to undertaking the redevelopment would be to leave the site in its current state where it would be simply an informal open space with a public right of way.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

Date Published:	03 July 2017	Call in Deadline Midnight on	10 July 2017
Date to be implemented : 11 July 2017			