

Declarations of Interest

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

A G E N D A

(Pages)

1. **Apologies for Absence**
To receive any apologies for absence.
2. **Minutes**
To confirm the minutes of the meetings held on 28 June 2017 and 11 September 2017 **(7 - 22)**
3. **Declarations of Interests**
4. **Review of Homelessness Management**
To receive a presentation by Councillor Philip Bastiman on the recommendations of the Homelessness Management Task and Finish Group. **(23 - 24)**
See item 15 for private appendix
Appendix: Review of Homelessness Management **(25 - 42)**
5. **Cabinet Appointments**
A. LEADER'S REPORTS
To note any cabinet appointments made under delegated authority. This refers to appointments that cover executive functions.
6. **Forward Plan of Executive Decisions**
To receive the 28 Day Notice
Appendix 1 - Cabinet 28 Day Notice **(43 - 48)**
Appendix 2 - Joint Committee 28 Day Notice **(49 - 52)**
7. **Performance Management Quarterly Report Quarter 1 2017-18** **(53 - 54)**
Appendix A: Priority PI's Q1 2017 - 2018 **(55 - 58)**
Appendix B: Quarterly Report Q1 2017-18 **(59 - 62)**

B. REPORTS OF THE PORTFOLIO HOLDERS

8. **Healthy Communities**

To note the minutes of the meeting of the PAG held on 14 September 2017 and consider the Portfolio Holder's recommendations on the following: **(63 - 66)**

(a) **Appointment to the Chiltern and South Bucks Joint Leisure Advisory Board**

Item 17 of the Healthy Communities PAG minutes - to consider the Portfolio Holders recommendation that an additional Member be appointed to join the Chiltern and South Bucks Joint Leisure Advisory Board.

(b) **Housing and Planning Act 2016: Impact on Housing Enforcement Policy** **(67 - 70)**

Appendix 1: Joint Housing Enforcement Policy August 2017 **(71 - 96)**

(c) **Affordable Housing Action Plan**

This report was also considered by the Resources PAG on 26 September 2017 (see Resources PAG minutes (item 11) for recommendation) **(97 - 102)**

Appendix 1: Affordable Housing Action Plan **(103 - 106)**

Appendix 2: NPV - Property Acquisition **(107 - 108)**

(d) **Emergency Housing Units for Temporary Accommodation - Bath Road Depot (Part II item)**

This report was also considered by the Resources PAG on 26 September 2017 (see Resources PAG minutes (item 11) for recommendation)

See item 15 for part II report and appendix

9. **Repairs to the Beacon Centre roof** **(109 - 110)**

10. **Environment**

The meeting that was due to be held on 12 September 2017 was cancelled due to a lack of business.

11. **Resources**

To note the minutes of the meeting of the PAG held on 26 September 2017 and consider the Portfolio Holder's recommendations on the following: **(111 - 116)**

- (a) **Discretionary Business Rate Relief** (117 - 120)
Appendix A: South Bucks Discretionary Business Rates Scheme Policy 2017 (121 - 138)
- (b) **Application for Discretionary Rate Relief (part II item)**
 See item 16 for part II report and appendix
- (c) **Capswood Offices (part II item)**
 See item 16 for part II report

12. **Planning and Economic Development**

To note the minutes of the meeting of the PAG held on 7 September 2017 and consider the Portfolio Holder's recommendations on the following: (139 - 142)

- (a) **Brownfield Land Register** (143 - 146)
- (b) **HS2 Update Report and Appointment of Landscape Consultants** (147 - 154)
Appendix 1: South Bucks District Council Context Report (155 - 190)

13. **Any other business which the Leader decides is urgent**

To consider any other business that the Leader deems urgent.

14. **Exclusion of Public**

The Leader to move the following resolution:-

"that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act "

- Paragraph 1 Information relating to any individual
- Paragraph 2 Information which is likely to reveal the identity of any individual.
- Paragraph 3 Information relating to the financial or business affairs of any particular persons (including the authority holding that information).
- Paragraph 4 Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.
- Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

15. **Healthy Communities (part II)**

- (a) **Housing Options and Allocations Service - IT Provision** (191 - 192)
- (b) **Emergency Housing Units for Temporary Accommodation - Bath Road Depot**
- This report was also considered by the Resources PAG on 26 September 2017 - See agenda item 8 and 11 for the minutes and recommendations. (193 - 202)
- Appendix* (203 - 206)
- (c) **Review of Homelessness Management Private Appendix** (207 - 240)

16. **Resources (part II)**

- (a) **Stoke Park** (241 - 248)
- Appendix A* (249 - 250)
Appendix B (251 - 256)
Appendix C (257 - 262)
Appendix D (263 - 264)
- (b) **Application for Discretionary Rate Relief**
- See agenda item 11 for the minutes and recommendations. (265 - 268)
- Appendix 1* (269 - 292)
- (c) **Capswood Offices**
- See agenda item 11 for the minutes and recommendations. (293 - 296)

The next meeting is due to take place on Wednesday, 13 December 2017

CABINET (SBDC)

Meeting - 28 June 2017

Present: Mr Bagge, Mr Naylor, Mr Egleton and Mrs Sullivan

Apologies for absence: Mr Kelly

1. MINUTES

The minutes of the meeting of the Cabinet held on 25 April 2017 were received.

2. DECLARATIONS OF INTEREST

None.

3. FORWARD PLAN OF EXECUTIVE DECISIONS

The Cabinet received a copy of the working draft 28 day Notice and Forward Plan prepared in accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 setting out the key (and non-key) decisions the Cabinet was intending to make at public and private meetings.

The Cabinet also received a copy of the 28 day Notice setting out the key (and non-key) decisions the Chiltern and South Bucks Joint Committee were intending to make at public and private meetings.

RESOLVED that the 28 day Notices and Forward Plan be noted.

4. CABINET APPOINTMENTS

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

<u>Evreham Sports Centre Joint Management Committee</u>	
South Bucks representatives:	J. Jordan R. Sangster P. Kelly (Portfolio Holder)
Buckinghamshire County Representatives:	Require Confirmation from Bucks County Council Require Confirmation from Bucks County Council
<u>The South Buckinghamshire Members Advisory Panel</u>	
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	Healthy Communities	Michael Veryard

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Outside Body	Representative[s]	Relevant Portfolio Holder	Officer Contact
	Wendy Matthews [Deputy]		
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

5. **SUPERFAST BROADBAND EXTENSION FUNDING**

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.

6. **ANNUAL PERFORMANCE REPORT 2016/17**

The Cabinet received the annual performance report which outlined the performance of Council services against performance indicators and service objectives during the year 2016-17.

The Cabinet were pleased to note that the amount of long term sickness, whilst still an issue, was continuing to decrease. The Cabinet discussed the continuing issue of temporary accommodation.

RESOLVED that the report be noted.

7. **HEALTHY COMMUNITIES**

The Cabinet received the minutes of the Healthy Communities PAG held on 13 June 2017.

RESOLVED that the minutes be noted.

The following were the subject of a recommendation from the Portfolio Holder:

8. **FOOD AND HEALTH AND SAFETY BUSINESS PLANS**

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

The Cabinet were advised that the Overview and Scrutiny Committee had endorsed the draft plan and policies at its meeting on 22 June 2017.

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.

9. **JOINT HOUSING STRATEGY**

The Cabinet were asked to consider and comment on the attached draft Joint Housing Strategy.

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.

The joint Member Housing Workshop on 3rd February 2016 highlighted a range of issues to be taken forward in the development of a joint strategy. The Joint Private Sector Housing Strategy and Joint Temporary Accommodation Framework have already been agreed by the Councils. The Joint Housing Strategy (Affordable Housing and Homelessness) would complete the picture and sit alongside these documents to provide the overall strategic framework for the Council's housing service.

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)

10. **CORPORATE ENFORCEMENT POLICY**

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.

The Regulator's Code is based on 6 broad principles and the Cabinet noted what was expected of the regulator in each of the 6 cases. The Cabinet also noted how the local authority would respond to non-compliance, one of the key actions required to ensure compliance with the Code.

The Cabinet were advised that the Overview and Scrutiny Committee had endorsed the draft policy at its meeting on 22 June 2017.

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.

11. **AFFORDABLE WARMTH STRATEGY**

The Cabinet received a report attaching a draft of the updated Buckinghamshire Affordable Warmth Strategy.

In 2009, the partnership produced a county-wide Affordable Warmth Strategy, which identified the geographical areas and communities most at risk of fuel poverty, the range of help and assistance available and set out an action plan to target the key causes of fuel poverty. In view of the many changes that have been made since 2009 an exercise had been carried out to update the Strategy to provide a clear direction and focus to the Council and its partners in targeting actions towards those residents most at risk of fuel poverty.

The National Energy Foundation was undertaking a six week consultation with key stakeholders, seeking comments on the strategy and the action plan. Stakeholders include the Citizens Advice Bureau, AgeUK, Children's Centres, Community Practice Workers, Clinical Commissioning Groups, voluntary and community groups such as Carers Bucks and Older People's Action Groups, and social landlords including Paradigm Housing and London and Quadrant.

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.

12. **REVIEW OF AFFORDABLE HOUSING PAYMENTS**

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.

In the discussion which followed, the Cabinet indicated its support for the proposals which would ensure that the Council could continue to secure a supply of additional affordable housing and would be making the best use of all funding allocations that were using the Affordable Housing Contributions (commuted sums).

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.

Note: Councillor Sullivan entered the meeting at 6.15pm.

13. **FUNDING REQUEST FROM POP GOES THE CHOIR**

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

Following the advice of the PAG, who were not in support of the application, the Portfolio Holder had recommended to Cabinet that Pop Goes the Choir be provided with an amount of £1000 and that Pop Goes the Choir be advised to apply for other funding routes like Heart of Bucks and The Heathrow Community schemes/Lottery for the remaining amount.

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However, having considered the request for funding, the Cabinet were not in support of providing any funding as Members 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.

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.

14. PUBLIC SPACES PROTECTION ORDER

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.

Using the new PSPO powers to replace current powers for dog fouling would enable standardised fines of £100 to be introduced and make it 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. 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.

Having noted the costs of setting up a PSPO of an estimated £3K and considered the benefits, the Cabinet indicated its support for the proposal and accordingly

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.

15. REPLACEMENT OF THEATRE FLOOR AT BEACON CENTRE

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

The theatre at the Beacon Leisure Centre was currently used as a multi-functional space used for theatre hire, event hire and a range of keep fit aerobic activities. Over many years the bleacher style seating has caused point loading damage to the floor area to such an extent that it was 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.

The Cabinet were advised that a semi-sprung floor would be 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. Quotes to replace the floor ranged between £21,980 and £32,772. The cost to replace the bleacher seating would be between £30,556 for 162 seats and £53,793 for 208 seats.

The Cabinet noted that increasing hire charges and providing bleacher seating and a semi-sprung floor would allow GLL to expand their offer to customers and increase throughput and operating revenue. In deciding to replace the bleacher seating, officers would be required to retender the works to enable the appropriate floor to be installed to meet the requirements of the seating type. The quotes in Appendix 1 were for flooring without bleacher seating being installed.

In the discussion which followed, the Cabinet stressed the importance of ensuring that the chosen bleacher seating would be suitable for the semi-sprung flooring. With regards to the marketing of the venue, the Cabinet noted the need for theatre groups to support the use of the venue.

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.

16. ENVIRONMENT

The Cabinet received the minutes of the Environment Policy Advisory Group held on 19 June 2017.

RESOLVED that the minutes be noted.

17. RESOURCES

The Cabinet received the minutes of the Resources Advisory Group held on 15 June 2017.

RESOLVED that the minutes be noted.

The following were the subject of a recommendation from the Portfolio Holder.

18. ESTABLISHMENT OF PROPERTY DEVELOPMENT AND MANAGEMENT COMPANY

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 were advised that there was a robust business case, set out in appendix A 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 e.g. increasing housing supply and / or new commercial property.

The Business Case did not envisage that the Company would repay the Council loans. Instead the Council would continue to receive an interest return. The Council therefore would need to amend its Minimum Revenue Provision (MRP) policy to ensure that it did not have to set aside revenue each year to cover these loans. The amended Minimum Revenue Provision Policy was set out in appendix C.

The Company would be a private limited company, with SBDC as the sole corporate shareholder. The proposed Articles of Association were detailed in Appendix B. The primary aim of the company would be to develop and manage property in order to deliver a financial return to the Council.

South Bucks District Council (as Shareholder) would appoint (and dismiss) the Company Directors, whose role it would be to oversee the operation of the Company, ensuring it delivers its aim, whilst complying with all the legal and financial duties imposed on companies. As the requirements of Company Directors under the Companies Act could conflict with Members roles as elected members and representatives of their communities, it was proposed that the Chief Executive and the Director of Services be appointed as Company Directors. The Cabinet were advised the Members would oversee the company via the Shareholder role and that a strong Shareholder Agreement would facilitate effective Member oversight.

As it was intended for the Company to operate commercially in a competitive environment, it would be necessary for South Bucks District Council to implement a number of specific delegations in order to ensure quick decisions were able to be taken when appropriate.

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.

19. BATH ROAD DEPOT

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. A site location map was attached as appendix A which detailed plots A and B as potential acquisitions.

In order to facilitate the redevelopment of the former depot site for an alternative use the Cabinet were advised that it would be necessary to appropriate the land for another purpose. The Local Government Act 1972 requires a formal decision to be taken but prior statutory consultation was not necessary for the present site. Land may be appropriated for another purpose if the Council is satisfied that it is no longer required for the purpose for which it is

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currently held. The depot site was no longer in use as a depot. The Council was able to appropriate the land for planning purposes as defined in the Town and Country Planning Act 1990 provided it was satisfied that such appropriation would contribute to the promotion or improvement of the economic, social or environmental well-being of the area.

In the discussion which followed, the Cabinet welcomed the proposal as it maximised development opportunity and accordingly

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.

20. STOKE POGES MEMORIAL GARDENS 4 MONTHS BRIDGING CONTRACT

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

The report informed Cabinet that the grounds maintenance contracts for both Councils were coming to an end and that a new all-encompassing contract for the Council's services jointly with Chiltern District Council would be to the Council's advantage, to which Cabinet agreed. The Cabinet noted that the Stoke Poges Memorial Gardens contract was to be made co-terminus with the other contracts.

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.

21. BAD DEBT WRITE OFFS

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.

The Cabinet were asked to agree to write off the B&B debts set out in the report as they were not recoverable so were required to be written off. In the discussion which followed, Cabinet agreed with the concerns raised by the PAG that there was a lack of robustness in dealing with cases and that there was a real need to monitor the cases much more closely and be proactive to avoid arrears building up. The Cabinet were advised that an internal audit had been scheduled for July 2017 to review the overall B&B charging and payments procedure and to identify if further process improvements could be made.

The Cabinet were also asked to support the proposal to make the current Temporary Housing Options Advisor a permanent post. Cabinet were advised that 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.

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.

22. SUSTAINABLE DEVELOPMENT

The Cabinet noted that the meeting of the Sustainable Development PAG which was due to be held on 15 June 2017 was cancelled due to lack of business.

23. ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT

None.

24. EXCLUSION OF PUBLIC

“that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act ”

- | | |
|-------------|---|
| Paragraph 1 | Information relating to any individual |
| Paragraph 2 | Information which is likely to reveal the identity of any individual. |
| Paragraph 3 | Information relating to the financial or business affairs of any particular persons (including the authority holding that information). |

- Paragraph 4 Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.
- Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

25. **ACADEMY REDEVELOPMENT TENDER**

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.

In the discussion which followed the need to explore the provisions in the Countryside Act 1968 was noted, as was the need to investigate whether a designation under the Act would be helpful for the site. Members agreed that going forward the project should be referred to as the Academy Country Park. The Cabinet thanked the Director of Resources for the comprehensive report which had been produced and all the work he had done in moving this important project forward.

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.

26. **HEALTHY COMMUNITIES - PART II**

(a) Public Spaces Protection Order - Appendix 1

The appendix was considered in connection with minute 14.

27. **RESOURCES - PART II**

(a) Bath Road Depot

The report was considered in connection with minute 19.

(b) Stoke Poges Memorial Gardens 4 Months Bridging Contract

The report was considered in connection with minute 20.

(c) Bad Debt Write Offs

The report was considered in connection with minute 21.

The meeting terminated at 7.07 pm

CABINET (SBDC)

Meeting - 11 September 2017

Present: R Bagge, N Naylor and L Sullivan

Apologies for absence: T Egleton and P Kelly

28. DECLARATIONS OF INTEREST

There were no declarations of interest.

29. EXCLUSION OF PUBLIC

“that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act ”

Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

30. PROPOSED PUBLICATION OF DRAFT REPORT ON NORTHERN EXTENSION OF SLOUGH BY SLOUGH BOROUGH COUNCIL

Cabinet received a report which informed members about Slough Borough Council’s intention to publish a draft report commissioned through consultant, Atkins, setting out details of their proposed northern extension of Slough within South Bucks District and consider what action should be taken in response.

Approval for this item to be considered in private by the Cabinet on 11 September 2017 was received from Councillor Malcolm Bradford (Chairman of South Bucks District Council Overview and Scrutiny Committee) who agreed that the item was urgent and could not reasonably be deferred.

It was noted that the report had also been considered by the Chiltern and South Bucks Joint Committee on 11 September 2017.

Cabinet expressed considerable concern about Slough Borough Council’s intention to publish the draft Atkins report in its current form. It was considered that in doing so Slough Borough Council was acting outside of its relevant statutory powers, due process and the Duty to Cooperate and as if they were the Local Planning Authority and Highway Authority for South Bucks District.

Members acknowledged that Slough Borough Council can lawfully promote or support development of land outside its administrative boundary where this is in the interest of its own borough and to commission and assemble an evidence base to support this. However, it was noted that the form and content of the draft Atkins document is far removed from a

collation of evidence demonstrating the in-principle acceptability of a Northern Extension or informing the wording of policy.

As a result Members were concerned that Slough Borough Council were not acting in the public interest by publishing the draft report and could cause confusion and mislead the public, organisations, landowners and developers including potentially falsely encouraging the incurring of costs and investment. They also noted that South Bucks and Chiltern District Councils and Bucks County Councils, are being forced to respond to Slough Borough Council's actions outside of due process which is deflecting resources away from local plan preparation.

It was noted that the Planning Policy Manager had raised these concerns with his counterpart at Slough Borough Council and submitted detailed comments on the draft report. Bucks County Council had also submitted comments in their statutory role for strategic planning on highways, transport, flooding, education and minerals and waste matters. Slough Borough Council had also been asked to identify which statutory powers they relied on in commissioning the draft report and how in its current form, the report was a rational exercise or any such power in view of the confusion it will give rise to. It was noted that in response Slough Borough Council stated that having taken legal advice there was nothing to prevent them producing the Atkins report in its current form and that they intended to make it public at some stage after a forthcoming Duty to Cooperate meeting on 12 September 2017.

The Planning Policy Manager updated Cabinet on discussions with his counterpart at Slough Borough Council regarding a statement summarising the Councils' concerns about the draft Atkins report and subject to agreement could accompany any future publication.

The Cabinet stressed the importance of ensuring that residents are kept informed of the Councils' position on this matter.

Having carefully considered the options for action set out in the committee report and having regard to the importance of both protecting the interests of its inhabitants and the Duty to Cooperate process, that in order, if possible, to avoid litigation on this matter, the Cabinet **RESOLVED**

- 1) to seek a written undertaking that Slough Borough Council will not publish the draft Atkins report in its current form until it has been appropriately amended by adding a Cover Note in a prominent position at the front of all copies of the document after its covering page.
- 2) that the Head of Legal and Democratic Services in consultation with the Head of Sustainable Development and the respective Portfolio Holders for Sustainable Development be authorised to take legal proceedings under section 222 of the Local Government Act 1972 in relation to Slough Borough Council's actions to promote a Northern Extension to Slough in South Bucks District if considered expedient to promote or protect the interests of the inhabitants of the Councils' area.
- 3) that it was to be considered expedient under 2 above if Slough Borough Council fail to agree the Councils' requirements regarding publication of the draft Atkins report.
- 4) that the costs of any legal proceedings are shared in the same way as the costs of the Joint Local Plan.

The meeting terminated at 7.19 pm

SUBJECT:	Review of Homelessness Management
REPORT OF:	O &S Task and Finish Group Chairman
RESPONSIBLE OFFICER	Jim Burness – Director of Resources
REPORT AUTHOR	Clare Gray, Scrutiny Officer
WARD/S AFFECTED	All

1. Purpose of Report

The Overview and Scrutiny Committee agreed that a Task and Finish Group should be set up to look at the review of homelessness management following a Cabinet report which agreed to write off two temporary accommodation debts over £10,000. The Inquiry reviewed the function of assessing clients for temporary accommodation and the subsequent management of placements. Evidence was gathered from the Portfolio Holders for Resources and Healthy Communities and officers from Healthy Communities, Finance and Revenue and Benefits. The findings and recommendations are included in the powerpoint presentation attached to this report.

RECOMMENDATIONS

1. **That Cabinet responds in writing to the Chairman of the Overview & Scrutiny Committee to each of the recommendations made by the Task and Finish Group by the end of November, and the response is made available to all members of the Council.**
2. **Where recommendations are not to be implemented that a detailed written explanation be given to Overview and Scrutiny by the Cabinet on the reasons why.**
3. **The Council develops a Homeless Strategy Action Plan to manage and monitor the implementation of the recommendations of this report.**

2. Executive Summary

The outcomes of the Task & Finish Group are set out in Appendix 1.

3. Reasons for Recommendations

The Task and Finish Group have put forward these recommendations as a result of their Inquiry.

4. Content of Report

Recommendations have been set out in the report under the following headings :-

- Assessment
- Placement
- Interaction between Housing and Finance Services

- Interaction with Housing Benefit
- Management of Homelessness
- Processes
- Debts
- Budget and Performance Monitoring
- Next steps – Supply of affordable housing and temporary accommodation

There are exempt appendices to the report which detailed operational information, an overview of some specific homelessness cases and debt information.

5. Consultation

Not applicable

6. Corporate Implications

The Cabinet will be asked to respond to these recommendations and this response may include financial and legal implications.

8. Links to Council Policy Objectives

The recommendations within the report comply with the Joint Business Plan and the three headline objectives :-

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

Key Objectives available here:

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

<http://www.southbucks.gov.uk/prioritiesandperformance>

9. Next Step

Cabinet will be asked to respond to the Overview and Scrutiny recommendations and whether they agree or disagree with them with an action plan about how to take this forward. Lead Officers will be required to provide written response updates for the Overview & Scrutiny Committee, and the Portfolio Holders and relevant lead officers will be invited to the Overview and Scrutiny Committee to follow up on progress after six months.

Background Papers:	Any background papers have already been included as links within the powerpoint presentation. There are confidential agendas for the meetings held on 10 August, 15 August, 31 August and 7 September 2017. The Assurance Review of Temporary Accommodation is available via this link:- http://sbdc-spider2.southbucks.gov.uk/democracy/ieListDocuments.aspx?CId=117&MId=2612&Ver=4
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Review of Homelessness Management Report to Council

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Message from the T &F Chairman

“ On behalf of the Task and Finish Group, I would like to pass on our sincere thanks and appreciation to all the Councillors and Officers who gave up their valuable time to talk to us and provide evidence to allow us to gain a deeper insight into the management of homelessness. I would like to extend my personal thanks to the Members of the Task and Finish Group and Clare Gray for taking the time to address these important issues.

The Task and Finish Group recognises the work that has been undertaken already to make changes to the homelessness process and was impressed by the dedication shown by all those working within Housing, Finance and Revenue and Benefits and look forward to seeing further progress.

Whilst recognising there is no simple solution to homelessness, the Task and Finish Group hopes that this report will help to improve current ways of working”.

Philip Bastiman, Chairman of the Task and Finish Group



Members of the Inquiry Group

- Cllr Philip Bastiman (Chairman)
- Cllr Dev Dhillon
- Cllr Patrick Hogan
- Cllr Mrs Marlene Lewis
- Cllr John Read

The Task and Finish Group was supported by Bob Smith, Chief Executive, Jim Burness Director of Resources and Clare Gray, Scrutiny Officer.

Task and Finish Scope

The Inquiry was set up to review the function of assessing clients for temporary accommodation and the subsequent management of placements, including the interaction with the Benefits Service and Finance specifically looking at:-

- Process for homelessness assessment
- Process for actual placement and obligations on the client
- Process for housing benefit
- Management of placements
- Process between Housing and Finance for receiving client contributions

Out of scope – the Strategy and demand for temporary or affordable housing

Methodology

Evidence gathering meetings were held between 10 August and 7 September 2017 with the following people/teams:

- Martin Holt Head of Healthy Communities
- Michael Veryard Housing Manager
- Di Craft Senior Housing Options Officer
- Neil Berry, Service Development Manager, Revenue & Benefits
- Jean Cheeseman, Benefits, Perf and Policy Officer (R&B)
- Nicola Ellis Head of Customer Services
- Rodney Fincham Head of Finance
- Sue Watson Finance Manager
- Chris Harris, Internal Audit, TIAA
- Cabinet Members Trevor Egleton/Paul Kelly

Desk top research to provide national context alongside examples of homelessness process from other authorities

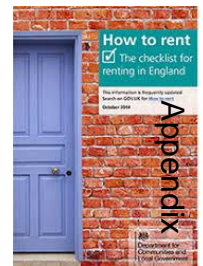
Recommendations - Assessment

- 1) Whilst Members recognised the need for thorough checks there was a concern about the length of time for assessment and recommended that officers consider:-
 - That more robust procedures be introduced on the completion of application forms including quicker checks/provision of evidence to identify if people are intentionally homeless/not homeless. The onus to be put on the client to provide this information (e.g certain checks/evidence (such as Experian/fraud checks) before housing is allocated to determine whether the Council can refuse applicants who do not meet the key criteria.
 - That applicants are thoroughly scrutinised and officers establish clear proof of homelessness. Where applicants are unable to supply the correct documentation immediately, officers may place them in overnight accommodation only until the correct documents have been supplied.
 - Target times be implemented on the length of assessments and performance monitoring on a monthly basis

- 2) That more formalised processes be put in place to assess more complex cases such as domestic violence cases, out of district cases and cases where there is no duty to house. The policy on out of district cases be reviewed to show whether a case is valid and in particular whether an applicant could be redirected back to their home authority or moved to another part of their home district and be at less risk of harm. e.g someone who lives in Amersham could potentially move to Chesham or Chalfont St Giles and still be safe within Chiltern District.

Recommendations - Placement

- 1) That when the client is placed that they sign a 'charter' which outlines the obligation of the client and of the Council, including payment of the flat rate charge by the client (This charter/agreement can apply to any provider of temporary accommodation as clients may be moved – internal audit have highlighted this as a current issue for declaration forms)
- 2) That a leaflet be produced (similar to that of “How to rent”) for the client stating their obligations
<https://www.gov.uk/government/publications/how-to-rent>
- 3) That the placement letter be revised to include a separately headed section making it clearer of the client’s obligation to contribute towards costs and the consequences of meeting those obligations
- 4) That consideration be given to whether spot checks should be undertaken to ensure that clients are living at the temporary accommodation and that they are asked to complete a daily register
- 5) Whether elements of the L&Q ‘keep it tenancy’ approach to debt management could be implemented, which officers described as speedier and more robust



Recommendations – Housing and Finance

- 1) The Housing Service should be clearly accountable for the end to end process in the management of homelessness.
- 2) To implement a Service Level Agreement which outlines the responsibilities and performance targets of the Finance and Housing Benefits areas supporting the housing service, and particularly following up any arrears or failure to claim benefits
- 3) That consideration be given to charging the client straight away before the Housing Benefit is calculated so that the client does not get into arrears and gets into the routine of payment e.g. Clients could pay the £5 per night non benefit component on a weekly basis from day one.
- 4) That a risk assessment is undertaken to identify those who are not likely to pay, with investigations at an early stage into non-payment history with ongoing case management monitoring
- 5) Invoices are currently sent monthly and consideration should be given to invoices being sent weekly, particular at the start of the process to invoice the client straight away or where clients have a history of non payment of rent, unpaid debts or not receiving housing benefit.

Recommendations – Housing Benefit

- 1) Housing Benefit forms should be completed in first 24 hours before a placement is made.
- 2) That consideration is given to charging the full rent or similar measures where clients do not complete their housing benefit form.
- 3) That there is clear communication when there has been any client changes in Housing Benefit, or in the client's placement, and that this is covered in the Service Level Agreement, with triggers put in place under the new process to flag any changes which should be escalated to colleagues e.g. where benefits are removed and should subsequently be reinstated.
- 4) Processes and checks are put in place to ensure that housing benefits are correctly recorded in the Council's systems.

Recommendation - Management

- 1) To investigate the cost/benefits of purchasing a rent management system to ensure regular bills/statements were issued in a timely manner. It is essential that this system integrates with other Council systems and meets the requirements of the new Act (reference was made to the system run by Hammersmith and Fulham). If it is not cost effective to purchase a rent management system that other alternatives be investigated for managing debt such as a Database (e.g concerns over spreadsheet errors due to the large amount of information within the document) and also whether it would be cost effective for another organisation to manage rents on our behalf.
- 2) Further consideration be given to whether software systems being used e.g Locata are being fully utilised and that processes are automated as much as possible.
- 3) That strategic and operational risks should be consolidated with clear information on mitigating actions being presented to the Cabinet Member on a regular basis.
- 4) The internal audit report highlighted the need for guidance to be developed in relation to the eviction of SBDC clients with rent arrears to ensure that accommodation costs do not continue to escalate with little prospect of recovering contributions from clients. This is an area which should be addressed urgently and also be closely and regularly monitored.

Recommendation - Processes

- 1) As it is not currently clear to Members that processes have been documented in writing nor are consistent (where relevant) across the shared service that the following governance actions are recommended:-
 - That standard end-to-end operating procedures/checklists/templates be drafted for officers when dealing with individual cases and their reviews to ensure that a consistent approach is being adopted
 - That controls are identified, documented, communicated, monitored and any exceptions are escalated to senior management and the cabinet member
 - That these procedures and checklists are regularly updated to embed any learning from new training/good practice identified
 - That internal training be undertaken, supported by written materials, so that officers are clear how the end-to-end processes operate in South Bucks Council which is supplemented by independent external training providers e.g. a third party may provide training on legislation (as they do now) but SBDC should have a clearly defined process that follows the legislation and train officers on the 'South Bucks way' of applying that legislation.
 - To challenge processes to ensure that the Council complies with legislation but does not provide services beyond their duty.
 - That the checklists are monitored by their supervisors.
 - That vulnerable clients are signposted to relevant organisations for support e.g. for Domestic Violence cases to be referred to an Independent Domestic Violence Advocacy Service/ DASH.

Recommendation - Debts

- 1) Members were surprised by the levels of outstanding amounts due from current and previous clients that are still being pursued and at risk of non payment. Collecting these amounts must be a high priority for the relevant departments.
- 2) That historic debt with a zero or very low probability of recovery (before the flat rate charge) be written off to start afresh with the new process
- 3) That a report showing the current debt position be circulated to Relevant PAGs and Overview & Scrutiny Committee and included in the minutes to Council so that members are aware of the potential for future write offs.
- 4) That the Cabinet Member be given early warning of any accrued debt so that this could be escalated as a matter of urgency. A monthly report showing the aged debtor list may assist with this process.
- 5) That the monthly meetings between the Heads of Service continue to review sundry debt and escalate debts over a pre-agreed period e.g. after 60 or 90 days a case automatically be escalated to the cabinet member together with an action plan to deal with it.
- 6) That the Debt Recovery Project for Council Tax (based in R&B Team, SBDC) be used for debt recovery for Homelessness arrears. Thereby, encouraging clients to address their debts sooner or ensuring that robust action is taken as a matter of urgency.

Recommendation – Budget/performance monitoring

- 1) More performance indicators to be added to Covalent as follows:-
 - High costs of temporary/nightly accommodation compared to average cost
 - Length of assessments monitored on a monthly basis. If targets have not been met after a give period e.g. 2 or 3 months are escalated to senior management/cabinet member.
 - No of clients applying in a specific time period & whether they have been accepted for housing
 - % of applicants with a local connection or out of district
 - % of applicants receiving housing benefit
 - % of applicants where a number of agencies are involved
 - No of clients who were in arrears
 - Length of time in temporary accommodation
- 2) With regard to the performance monitoring, there should be a dashboard with clear trigger points for escalation and this should be linked into clear accountability for each area in relation to the Service Level Agreement and Individual Performance Reviews.
- 3) That the dashboard indicators should be reported to the Cabinet Members and PAGs including benchmarking information from other similar authorities
- 4) That there should be clear budgetary information on the real costs of homelessness presented to the Healthy Communities and Resources PAGs to ensure that the policies and procedures adopted are fit for purpose e.g flat rate charge
- 5) Overview and Scrutiny Committee to agree upon which of the additional performance measures are reported to it at each meeting.
- 6) Members asked for the real costs of homelessness be presented to the Healthy Communities PAG giving clear information on the whole picture, including hidden costs, staff costs and the costs of accommodation to the Council above the flat rate charge.

Recommendation – Homelessness Provision

Although out of scope, the homelessness provision is a critical part of the solution to many of the issues address in this report.

- 1) The lack of temporary accommodation and long term housing solutions be addressed so that homeless households can be moved on from B&B as quickly as possible to ensure there are no blockages in the system.
- 2) The O&S Committee will look at the supply of temporary accommodation and whether the Council has adequate resources, IT and controls to meet the new legislation. (A Strategy document is being submitted to the Healthy Communities PAG outlining how Section 106 payments agree delegations for the purchase of affordable housing and will also include how capital could be used to acquire properties outside the District.)
- 2) Working closely with CDC to learn lessons from the use of Paradigm accommodation and in particular Tom Scott House and the private sector.
- 3) Develop processes and controls to address the new legislation expanding the duty of the council to provide advice on housing and investigates the costs and benefits of automating the advice process where possible that may be accessible online.

Recommendations – Next steps

NEXT STEPS

- 1) That Cabinet responds in writing to each of the recommendations made by the Task and Finish Group
- 2) Where recommendations are not to be implemented that a detailed written explanation be given to Overview and Scrutiny by the Cabinet on the reasons why.
- 3) The Council develops a Homeless Strategy Action Plan to manage and monitor the implementation of the recommendations of this report.

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South Bucks District Council

SOUTH BUCKS DISTRICT COUNCIL 28 DAY NOTICE

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

This notice, published in accordance with Regulation 9 and Regulation 5 of the above Regulations, sets out the key decisions (and non-key decisions) that the Council's Cabinet intends to make at public or private meetings to be held within the next 28 days and beyond.

A further notice - [called the Agenda](#) – setting out the items to be considered (public and private) will be available no less than 5 working days before the meeting.

LEADER - COUNCILLOR NAYLOR					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Farnham Park Playing Fields Strategy To consider options for the future facilities provided at the Farnham Park Playing Fields.	South Bucks Members Advisory Panel: 22.11.2017	Cabinet: 13.12.2017	N	Jim Burness Email: Jim.Burness@southbucks.gov.uk
Y	Consilio Business Plan To provide the Business Plan for Consilio Property Ltd for approval		Cabinet 13.12.2017	Y (para 3)	Jim Burness Email: Jim.Burness@southbucks.gov.uk
Y	Portfolio Budgets 18/19 To consider the draft portfolio budgets for 18/19	EPAG: 21 Nov HCPAG: 30 Nov RPAG: 7 Dec P&EDPAG:23 Nov CS&BSPAG: TBC	Cabinet: 13.12.2017	N	Rodney Fincham Email: Rodney.Fincham@southbucks.gov.uk
Y	Broad Band Investment To consider a report on broad band investment.		Cabinet: 07.02.2018	N	Steve Bambrick Email: sbambrick@southbucks.gov.uk
N	Service Plan Summaries 2018-19 To receive the service plan summaries for 2018-19	Overview & Scrutiny: 30.01.2018	Cabinet: 07.02.2018	N	Aniqah Sultan ASultan@chiltern.gov.uk

LEADER - COUNCILLOR NAYLOR

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Appendix1 Lead Officer
N	Performance Report Quarter 2 2017-18 To receive the Performance Report for Quarter 2 2017-18	Overview & Scrutiny: 30.01.2018	Cabinet: 07.02.2018	N	Aniqah Sultan ASultan@chiltern.gov.uk

PLANNING AND ECONOMIC DEVELOPMENT PAG – COUNCILLOR J READ

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Hs2 Update Report Report will provide upto date position on the HS2 project including current position on Service Level Agreement, Forward Plan Work and Resourcing.	Sustainable Development PAG: 23.11.2017	Cabinet 13.12.2017	Y (para 3)	Ifath Nawaz Email: INawaz@chiltern.gov.uk
Y	Memorandum of Understanding with Heathrow Airport Ltd South Bucks District Council to enter into an agreement with Heathrow in order for identified impacts to be mitigated.	Sustainable Development PAG: 23.11.2017	Cabinet 07.02.2018	Y (para 3)	Jane Griffin Email: Jane.Griffin@SouthBucks.gov.uk

HEALTHY COMMUNITIES PAG – COUNCILLOR KELLY

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Changes to HMO Licensing To review the implications of changes to legislative requirements	Healthy Communities PAG: 30.11.2017	Cabinet: 07.02.2018	N	Louise Quinn Email: LQuinn@chiltern.gov.uk
N	Green House Gas Report To update members as to the progress to determine the Green House Gas I am not sure arrangements in Chiltern and South Bucks	Healthy Communities PAG: 30.11.2017	Portoflio Holder for Healthy Communities 30.11.2017	N	Ben Coakley Email: bcoakley@chiltern.gov.uk

HEALTHY COMMUNITIES PAG – COUNCILLOR KELLY

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Appendix1 Lead Officer
Y	Joint Housing Strategy To approve the Joint Housing Strategy following the consultation period.	Overview & Scrutiny: 30.01.2018	Cabinet: 07.02.2018 Council: 27.02.2018	N	Michael Veryard Email: mveryard@chiltern.gov.uk
Y	Authority to Progress Affordable Housing Schemes: to identify the various schemes to deliver affordable housing	Healthy Communities PAG: 30.11.2017	Cabinet: 07.02.2018	N	Martin Holt Email: Martin.holt@southbucks.gov.uk
N	Sustainability and Carbon Reduction Strategy : To approve the updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities for consultation.	Healthy Communities PAG: 30.11.2017	Portoflio Holder for Healthy Communities 30.11.2017	N	Ben Coakley Email: bcoakley@chiltern.gov.uk
Y	Sustainability and Carbon Reduction Strategy : To approve the updated joint strategy for South Bucks DC and Chiltern DC, building on existing activities and opportunities.	Overview & Scrutiny: 30.01.2018	Cabinet: 07.02.2018 Council: 27.02.2018	N	Ben Coakley Email: bcoakley@chiltern.gov.uk
N	Annual Report on the performance of the Leisure Provider To report on performance of the Leisure Provider	Healthy Communities PAG: 30.11.2017	For information	N	Paul Nanji Email: PNanji@chiltern.gov.uk
N	Homelessness Reduction Act 2017 Presentation To brief and update members on the provisions on the new Act and impact on the authority.	Healthy Communities PAG: 30.11.2017	For information	N	Michael Veryard Email: mveryard@chiltern.gov.uk
Y	Bath Road Depot To update members of progress of Bath Road Depot	Healthy Communities PAG: 30.11.2017 Resources PAG: 07.12.2017	Cabinet: 07.02.2018	Y (para 3)	Martin Holt Email: Martin.holt@southbucks.gov.uk

ENVIRONMENT PAG – COUNCILLOR SULLIVAN

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
N	Littleworth Common Ownership update To ask Members to consider obtaining the ownership of Littleworth Common	Environment PAG: 21.11.2017 Resources: 07.12.2017	Cabinet: 07.02.2018	N	Simon Gray Email: simon.gray@southbucks.gov.uk

RESOURCES PAG – COUNCILLOR GIBBS

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer
Y	Car Park Charges Gerrards Cross To review and agree new car parking charges for Gerrards Cross Car Park	Resources: 07.12.2017	Cabinet: 07.02.2018	N	Julie Rushton JRushton @chiltern.gov.uk
N	Annual Car Park Review To receive the annual report on the car parking operation	Resources: 07.12.2017	Cabinet: 07.02.2018	N	Julie Rushton JRushton @chiltern.gov.uk
Y	Car Park Management Strategy To approve SBDC's strategy for all car park matters from supply and demand to car park enforcement following the consultation	Resources: 07.12.2017 Overview and Scrutiny Committee: 30.01.2018	Cabinet: 07.02.2018 Council: 27.02.2018	N	Julie Rushton JRushton @chiltern.gov.uk

CUSTOMER SERVICES AND BUSINESS SUPPORT PAG – COUNCILLOR SMITH

Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation ³	Decision Maker & Date ⁴	Private report (Y/N) and reason private ⁵	Lead Officer

1. Key Decision

The Regulations explains a “key decision” as an executive decision which is likely:-

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are significant having regard to the relevant authority's budget for the service or function to which the decision relates; or

(b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant authority.

With regard to (a) a key is a decision which has income or expenditure effect of £50,000 or more but excludes contracts for and expenditure on repairs, maintenance and improvements works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

2. Report Title and Summary

A summary and title of a report is listed in this column. Reports that will be considered at a meeting will be available 5 working days before the meeting at <http://www.sbdc-spider2.southbucks.gov.uk/democracy/uuCoverPage.aspx?bcr=1>

3. Consultation – How and When

This column shows the process of consultation, which takes place prior to Cabinet.

To support the role of the Portfolio Holders, Policy Advisory Groups (PAGs) have been set up to provide advice and guidance. A report is submitted to the PAG for its consideration, following which the minutes of the PAG are submitted to Cabinet. Cabinet considers the advice of the Portfolio Holder and the PAG when making a decision. The dates of PAGs are shown on the following notice. Whilst meetings of the PAGs are not open to the public the agenda papers and reports (except those subject to prohibition or restriction) are published on the Council's website.

4. Decision Maker & Date

This column shows by whom the Decision will be taken and the date the Decision is due to be taken.

5. Private Report and Reason Private

Members of the public are welcome to attend meetings of the Cabinet, however the public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1, subject to the qualifications and interpretations in Parts 2 and 3, of Schedule 12A to the Local Government Act 1972 (as amended)

The relevant paragraphs are listed in the table below:

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

Making Representation

If you wish to make representations about why a meeting should not take place in private then submit your representations at least 10 clear working days before the meeting to Democratic and Electoral Services, South Bucks District Council, Capswood, Oxford Road, Uxbridge, UB9 4LH - email democraticservices@southbucks.gov.uk so that they can be included in this further notice along with a statement of response to the representations as required under Regulation 5.

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28-DAY NOTICE – FORWARD PLAN**Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012**

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

A further Notice (the 'Agenda') will be published no less than 5 working-days before the date of the Cabinet meeting and will be available at: [Chiltern District Council](#) & [South Bucks District Council](#)

CHILTERN & SOUTH BUCKS JOINT COMMITTEE (JC)

Meeting: 7 November 2017 (CDC)					
Key Decision (Y/N) ¹	Report Title & Summary ²	Consultation How/When ³	Decision Maker & Date	Private Report (Y/N) and Reason Private ⁴	Contact Officer and Telephone Number
No	Chiltern & South Bucks Joint Committee Programme Update: An update report on joint working		JC 7 Nov 17	No	Jim Burness jburness@chiltern.gov.uk Jim.burness@southbucks.gov.uk
No	Chiltern & South Bucks Partnership Annual Report: A report on the activities of the Partnership of the last year		JC 7 Nov 17	No	Jim Burness jburness@chiltern.gov.uk Jim.burness@southbucks.gov.uk
Yes	Update on the Local Plan: to receive an update on the duty to cooperate position statement, Green Belt options to be recommended forward, and the timetable (Local Development Scheme)		JC 7 Nov 17	No	Graham Winwright gwinwright@chiltern.gov.uk graham.winwright@southbucks.gov.uk

- 1 The Chiltern & South Bucks Joint Committee membership comprises of the following Cabinet Members from each authority:

Chiltern District Council: I Darby; M Smith; M Stannard; L Walsh; P E C Martin; F Wilson

South Bucks District Council: L Sullivan; T Egleton; R Bagge; N Naylor; P Kelly

A Key Decision is defined as:

- a) Decisions likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the Decision relates; or
- b) To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the Council

Each of the constituent local authorities provides the following definition of a Key Decision, as detailed in the Constitution.

Chiltern District Council

A 'Key' Decision is any decision taken in relation to a function that is the responsibility of the Cabinet and which is likely to:

- result in expenditure (or the making of savings) over £50,000 and / or
 - have a significant impact on the community in two (or more) district wards.
- and
- relates to the development and approval of the Budget; or
 - relates to the development, approval and review of the Policy Framework, or
 - is otherwise outside the Budget and Policy Framework.

South Bucks District Council

With regards to a) a Key Decision being defined as a decision which has income or expenditure effect of £50k or more but excludes contracts for and expenditure on repairs, maintenance and improvements works within budget provision and approved policy where the contract or expenditure has either been properly and specifically approved by or on behalf of the Cabinet or by an Officer acting under delegated powers, save where Contract Standing Orders require the Cabinet itself to authorise acceptance of a tender and such acceptance has not previously been authorised or delegated by the Cabinet.

- 2 Each item considered will have a report; appendices will be included (as appropriate). Regulation 9(1g) allows that other documents relevant to the item may be submitted to the decision-maker. Subject to prohibition or restriction on their disclosure, this information will be published on the Council website – [Chiltern District Council & South Bucks District Council](#) – usually 5 working-days before the date of the meeting. Paper copies may be requested (charges will apply) using the contact details below.
- 3 This column shows the process of consultation, which takes place prior to Joint Committee. Further information on each of the Councils' Committees can be found at: [Chiltern District Council](#) & [South Bucks District Council](#)

- 4 The public can be excluded for an item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act 1972. The relevant paragraph numbers and descriptions are as follows:

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

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

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

Contact:

Democratic Services, Chiltern District Council, King George V House, King George V Road, Amersham, HP6 5AW; email: chiefexecs@chiltern.gov.uk; tel: 01494 732143

Democratic Services, South Bucks District Council, Capswood, Oxford Road, Denham, UB9 4LH; email: democratic.services@southbucks.gov.uk; tel: 01895 837200

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REPORT SUBJECT:	<i>South Bucks District Council Performance Report Q1 2017-18</i>
REPORT OF:	<i>Leader of the Council – Councillor Nick Naylor</i>
RESPONSIBLE OFFICER	<i>Chief Executive – Bob Smith</i>
REPORT AUTHOR	<i>Rachel Prance (01494 732 903), Ani Sultan (01494 586 800)</i>
WARD(S) AFFECTED	<i>Report applies to whole district</i>

1. Purpose of Report

This report outlines the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 1 of 2017-18.

RECOMMENDATION

Cabinet is asked to note the performance reports.

2. Executive Summary

Overview of **Quarter 1 2017-18** performance indicators (PIs) against targets across the Council:

Portfolio	No of PIs	PI on target □	PI slightly below target □	PI off target □	Unknown / Data only ?	Not reported this quarter/not used
Leader's	5	3	0	1	1	0
Resources	11	8	1	0	0	2
Healthy communities	12	5	1	0	2	4
Sustainable development	18	14	0	0	0	4
Environment	2	1	0	1	0	0
Total PIs	48	31	2	2	3	10

3. Reasons for Recommendations

3.1. This report details factual performance against pre-agreed targets.

3.2. Management Team, Cabinet and Overview & Scrutiny Committee receive regular updates detailing progress towards service plan objectives, performance targets and strategic risks, in line with our Performance and Improvement Framework.

3.3. Two detailed performance tables accompany this report:

- **Appendix A – Priority PIs Quarter 1 2017-18**
- **Appendix B – Corporate PIs Quarter 1 2017-18**

4. Key points to note:

4.1. Of the 3 unknown PIs: these are provided for information only, with both falling under the Community, Health and Housing Portfolio, and require information from third parties prior to updating; two PIs are no longer in use and will be removed from the appendix going forward; two PIs have not been reported for some time due to vacancy in the Enforcement Manager post, but will be restarted from Quarter 2, 2017-18 onwards.

4.2. Of the two off-target PIs, one was a priority PIs:

Overview and Scrutiny 16 October 2017, Cabinet 7 November 2017

- 4.2.1. **Leaders:** The PI relating to long term sickness absence was over the target of 5, at 5.72. All long-term absence is being managed by Personnel, alongside occupational health.
- 4.2.2. **Sustainable Development:** The priority PIs are on target for this portfolio, with performance above the target set.
- 4.2.3. **Resources:** all PIs in this portfolio are above target, excepting the Corporate PI JtBS2, percentage of calls to ICT helpdesk resolves within agreed timescales (by period), which is slightly under the target of 95% at 92.60%, but up from quarter 4 2016-17 (88.5%).
- 4.2.4. **Healthy Communities:** SbEH2, percentage of food premises that are broadly compliant is slightly under the target of 91% at 86.93%. The rest of the portfolio is on-target.
- 4.2.5. **Environment:** SbWR1 – household refuse collection, number of containers missed per month has missed the target of 100 containers, at 163. Some collections have been incorrectly coded during this time period, with staff coding general complaints as misses. Staff will be retrained and this will be corrected for the next quarter.

5. Consultation

Not applicable.

6. Options

Not applicable.

7. Corporate Implications

- 7.1 Financial - Performance Management assists in identifying value for money.
- 7.2 Legal – None specific to this report.
- 7.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability – reports on aspects of performance in these areas.

8. Links to Council Policy Objectives

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council’s objectives, listed below:

- Objective 1 - Efficient and effective customer focused services
- Objective 2 - Safe, healthy and cohesive communities
- Objective 3 - Conserve the environment and promote sustainability

9. Next Step

Once approved, this report and appendices will be published on the website.

Background Papers:	N/A
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Appendix A - Priority PIs 2017-18 - SBDC

Code	Description	Annual Target 16/17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2016/17 (YTD)	Latest Note
Leader's portfolio																	
JtHR1	Working days lost due to sickness absence	12	8.1	9.66	9.8										☑	10	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>268 working days lost for June + 502 working days lost for April + May = 770 days.</p> <p>$770 / 314.78$ (average FTE figure) = 2.45 / 3 x 12 = 9.80 average working days lost to sickness absence (cumulative).</p>
JtHR14	Working days lost due to short term sickness absence (upto 20 working days)	New PI	5.11	4.62	4.08										☑	5	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>79 working days lost for June + 241 working days lost for April + May = 320 days.</p> <p>$320 / 314.78$ (average FTE figure) = 1.02 / 3 x 12 = 4.08 average working days lost to short term sickness absence (cumulative).</p>

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Code	Description	Annual Target 16/17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2016/17 (YTD)	Latest Note
JtHR15	Working days lost due to long term sickness absence (more than 20 working days)	New PI	3	5.04	5.72											5	<p>These figures are taken from iTrent, which holds absence data. Absence figures are now reported on as joint figures rather than split between Councils.</p> <p>These figures relate to 9 employees.</p> <p>189 working days lost for June + 261 working days lost for April + May = 450 days.</p> <p>450 / 314.78 (average FTE figure) = 1.43 / 3 x 12 = 5.72 average working days lost to long term sickness absence (cumulative).</p>
Resources																	
SbRB1	Speed of processing - new HB/CTB claims (cumulative)	19	16.6	16.3	16.98											19	On target.
SbRB2	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	8	7.4	7	7.43											8	On target.
SbRB3	Percentage of Council Tax collected (cumulative)	98.00%	11.50%	21.00%	30.20%											98%	On target.
SbRB4	Percentage of non-domestic rates collected (cumulative)	98.80%	11.70%	21.50%	30.50%											98.80%	On target.
Healthy Communities			95.65%	0.9167													
SbCmSf2	Percentage reduction in violent offences against a person, year on year (quarterly)	Data Only													Data Only		Figures currently unavailable as waiting for third party data.

Code	Description	Annual Target 16/17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2016/17 (YTD)	Latest Note
SbHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	0	11	8	5										<input checked="" type="checkbox"/>	18	Number has reduced from previous months as Housing service has secured increased level of self-contained temporary accommodation to provide alternative options. As at 13 July, the number had reduced further to 3 households of which 2 were being accommodated for a reasonable period (as required by law) following a decision of intentional homelessness.
SbHS8	Number of households living in temporary accommodation (snapshot at the end of the month)	30	71	66	64										<input checked="" type="checkbox"/>	68	The number of households remains high due to the level of homelessness applications and limited availability of suitable affordable long term accommodation that households can move on to. However, the month to month figures have remained broadly consistent with no significant upturn since the start of 2017.
Sustainable Development																	
SbSD35	2017 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2016 (cumulative monthly)	50.00%	N/A	N/A	N/A											50.00%	The measure for this ended 30/09/2016 - will close this indicator down and replace if appropriate.
SbSD36	2017 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2016 (cumulative monthly)	65.00%	N/A	N/A	N/A											65.00%	The measure for this ended 30/09/2016 - will close this indicator down and replace if appropriate.
SbSD37 (P)	2018 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2017 (cumulative monthly)	60%	95.65%	91.67	92%										<input checked="" type="checkbox"/>	0.6	This is a measure of our performance on major applications for the two year period 1/10/15 - 30/9/17 and is this is therefore 20 months through the 24 month period (22/2)

Appendix A

Code	Description	Annual Target 16/17	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2016/17 (YTD)	Latest Note
SbSD38 (P)	2018 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2017 (cumulative monthly)	70.00%	96.62%	96.48%	96.37%											70.00%	This is a measure of our performance on non-major applications for the two year period 1/10/15 - 30/9/17 and is this is therefore 21 months through the 24 month period (2121/2201)
SbSD39 (P)	2018 Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2017 (cumulative monthly)	9.99%	0.00%	0.00%	0.00%											9.99%	This calculation is based on the number of major appeals lost between 1/4/15 - 31/12/17 on major applications decided between 1/4/15 - 31/3/17 (0/35) Please note denominator is now fixed as we have reached 31/3/17.
Page 58 SbSD40 (P)	2018 Non-Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2017 (cumulative monthly)	9.99%	0.88%	0.92%	1.08%											9.99%	This calculation is based on the number of non-major appeals lost between 1/4/15 - 31/12/17 on non-major applications decided between 1/4/15 - 31/3/17 (28/2599). Please note, the denominator is fixed now at 2599 as we have reached 31/3/17.

Appendix B - SBDC Quarterly Corporate Performance Indicator Report - Q1 2017-18

Note: Excludes Priority Performance Indicators - see Appendix A

KEY		❌ This PI is below target ✅ This PI is on target ● Not reported this quarter														Target 2017/18 (YTD)	Latest notes
PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light		
Leader's Portfolio																	
SbCP1 (C)	Number of unique visitors to the main website (by period)	data only	27359	31799	42615										data only	n/a	Data only.
SbHR2 (C)	Voluntary leavers as a % of workforce (extrapolated for the year)	16%			3.03%										✅	16%	1 leaver in quarter one, extrapolated this estimates 4 leavers for the year / 132 average headcount * 100 = 3.03%. This information is taken from reports run on iTrent.
Resources																	
JtBS1 (C)	Availability of ICT systems to staff from 8am to 6pm (by period)	99.50%			99.95%										✅	99.50%	On target
JtBS2 (C)	Percentage of calls to ICT helpdesk resolved within agreed timescales (by period)	95%			92.60%										🟡	95%	Although slightly off-target, JtBS2 has increased from quarter 4 2016-17 from 88.5% to 92.6%
SbBS3 (C)	Percentage of responses to FOI requests sent within 20 working days (by month)	90%	71%	94%	93%										✅	90%	This PI is always reported approx 2 months in arrears as the figures are not available until then.
SbCS1 (C)	Number of complaints received (cumulative, quarterly)	80			38										✅	80	On target
SbLD2 (C)	Percentage of canvass forms returned	90%						annual PI							●	94%	Reported annually.
SbLD3 (C)	Standard searches carried out within 5 working days (cumulative)	100%	100%	100%	100%										✅	100%	On target
JtLD1 (C)	Client satisfaction with the shared service. Percentage satisfied or very satisfied.	96%			6 monthly					6 monthly					●	98%	Not reported until September
Healthy communities																	
SbCL1a (C)	Customer satisfaction rating at the Beacon Centre.	82%						annual PI							●	83%	Reported annually.
SbCL1b (C)	Customer satisfaction rating at the Evreham Centre.	78%						annual PI							●	80%	Reported annually.

Appendix B

KEY <input checked="" type="checkbox"/> This PI is below target <input checked="" type="checkbox"/> This PI is on target ● Not reported this quarter																	
PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes
JtLI3 (C)	Percentage of customers satisfied with the licensing service received (annual)	89%						annual PI							●	89%	Reported annually.
JtLI5 (C)	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative)	97%			99.60%										☑	97%	On target
SbCmSf 1 (C)	Percentage reduction in burglaries from dwelling, rolling year on year (quarterly)	data only													n/a	data only	Awaiting third party data.
Page 60 SbEH2	Percentage of food premises (risk rating A to C) that are broadly compliant (snapshot quarterly)	90%			86.93%										⚠	91%	The percentage of food businesses broadly compliant of risk rating A-C is a snapshot in time. Over time, some businesses will improve whilst others may decline; the intention is always to improve business ratings. However, sometimes there are those businesses that either can't or won't improve and there is little we can do to improve the rating other than to take enforcement action. The figure also includes new businesses which have not had a previous intervention and so would not have benefitted from officer advice or guidance. This is being addressed as part of service improvement.
	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	22 (5.5)			12										☑	22	On target
SbHS3i (C)	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of period)	10			21										☑	22	On target

KEY	☒ This PI is below target				☑ This PI is on target													
PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light	Target 2017/18 (YTD)	Latest notes	
SbHS4 (C)	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	15						annual PI							n/a	15	Reported annually.	
Sustainable development																		
JtBC1 (C)	Applications checked within 10 working days (cumulative)	92%	100%	99.20%	94.60%										☑	92%	On target	
JtBC4 (C)	Customer satisfaction with the building control service. (cumulative)	92%	87.50%	84.60%	92.90%										☑	92%	On target	
SbSD7 (C)	Percentage of planning applicants who are satisfied or very satisfied with the planning service	80%	84.70%	89.30%	91.90%										☑	80%	On target	
SbSD8 (C)	Planning appeals allowed.	35%	0.00%	14.30%	29.40%										☑	35%	On target	
SbSD10 (C)	Processing of planning applications: minor applications (cumulative)	90%	92.31%	91.80%	92%										☑	85%	On target	
SbSD11 (C)	Processing of planning applications: other applications (cumulative)	90%	96.00%	95.51%	95.41%										☑	85%	On target	
SbSD12 (C)	Percentage of new enforcement allegations where an initial site visit is undertaken within 20 days (the timescales set out in the Enforcement Policy and Procedure) (snapshot)	70%													n/a	80%	This will be reported by the Enforcement Manager from Quarter 2	
SbSD33 (C)	Percentage of new enforcement cases where an initial site visit for a high-priority case is undertaken within the timescale (3 working days) set out in the enforcement and monitoring policy (Cumulative, monthly)	98%													n/a	98%	This will be reported by the Enforcement Manager from Quarter 2	

Appendix B

KEY		<input checked="" type="checkbox"/> This PI is below target	<input checked="" type="checkbox"/> This PI is on target										● Not reported this quarter					Target 2017/18 (YTD)	Latest notes
PI code	Name	2016/17 Target	Apr-17	May-17	Jun-17	Jul-17	Aug-17	Sep-17	Oct-17	Nov-17	Dec-17	Jan-18	Feb-18	Mar-18	Traffic Light				
SbSD41 (C)	2019 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)	60%	100.00%	88.89%	90%										<input checked="" type="checkbox"/>	60%	On target		
SbSD42 (C)	2019 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2018 (cumulative monthly)	70%	96.63%	96.27%	96.04%										<input checked="" type="checkbox"/>	70%	On target		
SbSD43 (C)	2019 Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	9.99%	0.00%	0.00%	0%										<input checked="" type="checkbox"/>	9.99%	On target		
SbSD44 (C)	2019 Non-Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2018 (cumulative monthly)	9.99%	0.42%	0.46%	0.67%										<input checked="" type="checkbox"/>	9.99%	On target		
Environment																			
SbWR1 (C)	Household refuse collections, number of containers missed per month (calculated by P&C team on weekly basis)	100	100	89	163										<input checked="" type="checkbox"/>	100	Reporting method has changed due to incorrect coding of complaints, resulting in higher miss numbers as opposed to being categorised as general complaints. Additionally a key member of staff has been on leave at the Biffa Depot, and there have been vehicle breakdowns. Will continue to monitor, trend should decrease.		
SbWR3 (C)	Percentage of household waste sent for reuse, recycling and composting (cumulative)	53%	53.39%	53.84%	58.78%										<input checked="" type="checkbox"/>	55%	On target		

HEALTHY COMMUNITIES POLICY ADVISORY GROUP (SBDC)**Meeting - 14 September 2017**

Present: P Kelly (Chairman)
Dr W Matthews, D Pepler and D Anthony

16. APOLOGIES FOR ABSENCE

There were no apologies for absence.

17. MINUTES

The minutes of the previous meeting held 13 June 2017 were agreed as an accurate record.

Having considered the advice of the PAG in relation to item 15 on the previous minutes the Portfolio Holder **AGREED** to **RECOMMEND** to Cabinet that an additional Member be appointed to join the Chiltern and South Bucks Joint Leisure Advisory Board.

18. REPORTS FROM MEMBERS

The PAG received a written update from Cllr Matthews on the Buckinghamshire Health and Adult Social Care Select Committee which could be seen attached to the agenda pack. Cllr Matthews advised that a paper was being produced setting out the Committees recommendations following its recent inquiry into Adult Social Care.

19. HEALTHY COMMUNITIES UPDATE REPORT

The Head of Healthy communities presented the update report which could be seen attached to the agenda pack. The PAG received and noted the report.

20. NEW CIVIL PENALTIES IN RELATION TO HOUSING ENFORCEMENT

The Housing Manager presented the report which advised Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options against private sector landlords; sought delegated authority for the Head of Healthy Communities to enforce the provisions of the Act and ask that the Scheme of Delegation be amended accordingly; sought Members comments on the draft amended housing enforcement policy and sought delegated authority for the Head of Healthy Communities to agree the final policy with the Portfolio Holder.

Following a discussion by the PAG, the Portfolio Holder **AGREED** to **RECOMMEND** to Cabinet that:

1. That the new provisions of the Housing and Planning Act 2016 be noted.
2. That Cabinet agree to give delegated authority to the Head of Healthy Communities to enforce the provisions of the Act and the Scheme of Delegations be amended accordingly.
3. That Cabinet authorise the Head of Healthy Communities to agree the final Housing Enforcement Policy in consultation with the Portfolio Holder, having regard to members' comments and the regulations in respect of Banning Orders, once published.

21. AFFORDABLE HOUSING ACTION PLAN

The Housing Manager presented the report which was set out to consider how the Council may seek to end the long term use of B and B and private rented nightly let accommodation. The PAG were advised that the impact of homelessness on the Council's budget was unsustainable and a range of solutions were being explored to increase the overall supply of affordable housing for both emergency and longer term affordable housing. The solutions being explored were outlined in the report attached to the agenda pack.

The Housing Manager advised the PAG that the recent National Audit report recognised the national increase in the number of homelessness coming out of private rented accommodation which then proved a challenge when moving people on from B & B / self-contained accommodation. The Bucks Homechoice waiting period for a two bedroom property was 23 months. The significant welfare reform was also identified as potentially having a negative impact.

The PAG was advised that Project Groups had been established for a number of the schemes and work was ongoing with Planning Policy to ensure affordable housing forms part of Local Plan discussions. During the discussion that ensued members were advised that Government had provided a clear steer to accommodate people as close as possible to their links so any move out of area would likely be to adjoining authorities.

A Member questioned the use of Wyeth Laboratories in Taplow which was a business premises but was now residential but was thought to fall between authority boundaries (Slough and South Bucks). The Housing Manager advised that he would look into this and report back to the PAG.

Following a discussion by the PAG, the Portfolio Holder **AGREED to RECOMMEND** to Cabinet that:

1. Cabinet considers the theoretical business case for the acquisition of residential properties for use as affordable housing and seeks a further report.
2. Cabinet comment on the Affordable Housing Action Plan in seeking to end the long term use of nightly let and B & B accommodation for homelessness.

22. ANY OTHER BUSINESS

There was no other business at this point.

23. EXEMPT INFORMATION

"That under Section 100(A)(4) of the Local Government Act 1972 following item of business is not for publication to the press or public on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act."

Paragraph 3 Information relating to the financial or business affairs of any particular persons (including the authority holding that information).

24. COMMUNITY GRANTS UPDATE

The PAG received a report which provided an update on the delivery of the community grants in partnership with Heart of Bucks. The Portfolio Holder advised the PAG that there were funds unused from this financial year. The PAG were in agreement that if worthy causes were to come forward the remaining funds would be used.

The Portfolio Holder advised that the main reason for application refusals was the application form having not been completed correctly. There will be advice provided on form completion moving forward.

Having considered the advice of the PAG, taking into account that the use of remaining funds unused from this financial year would be explored, the Portfolio Holder **APPROVED** that Heart of Bucks continues to deliver the grants programme until 2019/20 with match funding.

25. EMERGENCY HOUSING UNITS FOR TEMPORARY ACCOMMODATION - BATH ROAD DEPOT

The PAG received a report inviting comments on a number of recommendations that were to be made to Cabinet in respect of an interim development opportunity for temporary housing for use as emergency accommodation at the Bath Road Depot. Detailed information was available to the PAG in the report provided.

It was explained that the temporary units would be built off site and be delivered to site fully fitted ready for occupation and had a lifespan of 60 years. During discussion, it was explained to members that the plans were for 12 units based on pre-application advice due to the land being in the Green Belt and therefore subject to certain policy restrictions. It was to be assessed whether each unit required two parking spaces due to the proximity to the closely linked retail park and good transport links. The planning permission would be temporary for 5 years due to the site being of employment use.

The £2.7m figure was an estimated cost used for the purpose of the report. It was clarified that costs could not be confirmed at this stage. Members queried the management fee, subject to negotiation of 50% rental contribution and the PAG was advised that it would be the housing association who would manage the risks of tenants' not paying, damage to the property and dealing with daily issues that arise. The PAG asked that this level of management fee be looked at carefully before committing.

Note: Cllr Matthews left the meeting at 6.45 p.m.

Having considered the advice of the PAG, and taking the above comments into account the Portfolio Holder **AGREED to RECOMMEND** to Cabinet that:

1. Proposals to design, build and install temporary accommodation units at Bath Road Depot for a period of 5 years be agreed.
2. Subject to contract, the Council purchases 801 Bath Road, Taplow and adjacent land, using money available from the approved capital programme and the Head of Environment in consultation with the Head of Legal and Democratic Services and the Portfolio Holder for Resources to be authorised to finalise the terms and conclude the purchase.
3. It be noted that Management Team has agreed an exception to the Contract Procedure Rules to appoint a Project Manager or other consultants through the Scape framework to undertake a feasibility study to design, build and install the temporary

accommodation units at Bath Road Depot.

4. Subject to planning consent and the final business plan it be delegated to the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources the authority to proceed with the development of temporary units for use as emergency accommodation on the Bath Road depot site including authority for the Head of Environment in consultation with the Head of Legal and Democratic Services to negotiate and conclude any necessary agreements to allow the development to proceed through to completion.
5. The appointment of a Registered Provider to manage the emergency accommodation provided on the Bath Road site and any adjacent land for a period of up to 5 years on terms to be agreed by the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources be authorised.
6. The Director of Services in consultation with the Portfolio Holder for Healthy Communities be authorised to draw down up to £2.7m of s106 funding to enable the Bath Road temporary housing project to progress.

26. **GYPSY AND TRAVELLER SITES AND CAB SUPPORT**

The PAG received a report which was provided to ensure that Members were aware of the ongoing issues on the former Bucks County Council owned Gypsy and Traveller sites and the actions being taken in response to these issues. Following the sites transfer to private ownership, SBDC had to refer the housing benefit claims to the Valuation Office Agency Rent Officer for a determination. As a result of this many residents had a significant shortfall between their Housing Benefit award and the cost of their pitch fees.

The Council had utilised Discretionary Housing Payments for some residents to make up the shortfall between the Housing Benefit award and the rent/pitch fee. A proportion of these payments was being met from the DCLG's Flexible Homelessness Support Grant.

The Citizens Advice Bureau (CAB), supported by the Council commenced a project at the beginning of August 2017 to provide one-to-one support to residents to find a long term solution. An internal steering group had been set up and the PAG would be kept informed of happenings.

Following discussion, the PAG **NOTED** the position regarding the Gypsy and Traveller sites formerly owned by Bucks County Council and the actions being taken to mitigate the risk of residents becoming homeless.

The meeting terminated at 7.15 pm

SUBJECT:	<i>Housing and Planning Act 2016: Impact on Housing Enforcement Policy</i>
REPORT OF:	<i>Portfolio for Healthy Communities – Cllr Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Martin Holt, Head of Healthy Communities</i>
REPORT AUTHOR	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The purpose of the report is to:-

- Advise Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options against private sector landlords
- Seek delegated authority for the Head of Healthy Communities to enforce the provisions of the Act and ask that the Scheme of Delegation be amended accordingly
- Seek Members comments on the draft amended housing enforcement policy.
- Seek delegated authority for the Head of Healthy Communities to agree the final policy in consultation with the Portfolio Holder.

RECOMMENDATIONS

- 1. That the new provisions of the Housing and Planning Act 2016 be noted.**
- 2. That Cabinet agree to give delegated authority to the Head of Healthy Communities to enforce the provisions of the Act and the Scheme of Delegations be amended accordingly.**
- 3. That Cabinet authorise the Head of Healthy Communities to agree the final Housing Enforcement Policy in consultation with the Portfolio Holder, having regard to members' comments and the regulations in respect of Banning Orders, once published.**

2. Reasons for Recommendations

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local authorities in dealing with poor landlords.

Statutory guidance on the new powers requires that councils develop their own policies for applying the new powers and duties. Further regulations are awaited in respect of Banning Orders.

The draft amended joint housing enforcement policy in Appendix 1 will provide a robust framework for the authority to implement the new powers as required. Delegated authority to

the Head of Healthy Communities to agree the final version will enable amendments to be made in respect of the use of Banning Orders, once the regulations have been published.

3. Content of Report

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local housing authorities in dealing with landlords who fail to comply with statutory requirements.

The new provisions include:

- Power to apply to the First Tier Tribunal for a banning order where a landlord has been convicted of specified offences. A banning order will ban a landlord from letting or managing property for a period of at least 12 months.
- Power to issue a financial penalty of up to £30,000 as an alternative to prosecution in respect of certain specified offences.
- Extension of powers to apply to the First Tier Tribunal for a Rent Repayment Order where a landlord has committed specified offences and housing benefit has been paid in respect of the property
- Establishment of a 'database of rogue landlords' by the government, to which local authorities may add details of local landlords who have been convicted of specified offences or been issued with at least two civil penalties
- Requirement to consider additional factors when determining whether a landlord is a 'fit and proper person' to hold a licence.

The above powers and requirements are now in force, with the exception of banning orders, which are expected to come into force in October 2017.

The new enforcement tools are designed not only to act as a punishment to the offender and deter others, but also to remove any financial benefit the offender may have obtained as a result of committing the offence.

Statutory guidance has been issued in respect of the use of financial penalties and rent repayment orders. The guidance states that local authorities are expected to develop and document their own policies on:

- the circumstances in which it will issue a financial penalty as an alternative to prosecution,
- the circumstances in which it will apply for a rent repayment order and
- its approach in determining the appropriate level of penalty and/or the amount of rent to reclaim

and should decide which options to pursue on a case by case basis.

A financial penalty can only be considered where the authority has evidence to demonstrate "beyond reasonable doubt" that certain offences have been committed.

In setting the level of a financial penalty, the Council must have regard to a number of factors including the severity of the offence, the culpability of the offender and the level of harm caused. The maximum penalty is expected to be reserved for only the very worst offences.

The landlord has a right of appeal against a financial penalty and recovery of any charge would be via a court order. Consequently, the issue of a financial penalty as an alternative to prosecution will have cost implications to the Council, will not necessarily result in a guaranteed income or off set the full costs of the housing standards service.

The Council currently has a joint housing enforcement policy with Chiltern District Council which sets out the councils' policies in using formal enforcement action to address hazards in housing. A draft amended policy is contained in Appendix X. Sections 1.2, 3.5, 3.8, 3.9 and Appendix 3 (highlighted) have been inserted/amended to take into account the new powers.

It is anticipated that the majority of residential landlords will comply with the requirements of the Housing Act 2004 and that enforcement action and penalties will only be required in a minority of cases.

4. Consultation

Statutory consultation is not required. The Government prepared two Regulatory Impact Assessments in relation to these Regulations. Informal consultation with other Bucks Authorities has taken place to ensure consistency of enforcement approach.

5. Options

The authority must have regard to the Statutory Guidance when using the new powers but has a discretion in determining the circumstances in which the various penalties can be applied, including the level of any financial penalty.

The options are:

1. To amend the housing enforcement policy to give robust guidance to be applied on a case by case basis, in accordance with the guidance
2. To amend the housing enforcement policy to include detailed and explicit circumstances when the powers will be used and a scale of financial penalty to be applied
3. To not make any amendments the existing enforcement policy and not make use of the new powers.

Option 1 is recommended as the other options are likely to restrict the Council's options in dealing with a non-compliant landlord and/or leave the authority open to challenge.

7. Corporate Implications

Financial	Revenue received from any civil penalty may be used for any purpose by the Council. However, there are likely to be staff resource/cost implications in preparing for and attending First Tier Tribunal hearings and debt recovery proceedings.
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Legal	The Council has a duty to implement the regulations, and must have regard to the Statutory Guidance in doing so.
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8. Links to Council Policy Objectives

The strategy contributes to the 'Working towards safe and healthier local communities' aim of the Joint Business Plan 2014-19.

9. Next Steps

If agreed, officers will prepare and implement the final Housing Enforcement Policy and will publicise via letting agents, the Council's website and directly to landlords.

Background Papers:	None
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CHILTERN
District Council



SOUTH BUCKS
District Council

Stronger in partnership

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**Chiltern District Council
South Bucks District Council**

Joint Housing Enforcement Policy

**Adopted March 2017
Revised: August 2017**

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Appendix

1. Summary of Enforcement Powers

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1.0 Introduction

1.1 Objectives

Chiltern District Council and South Bucks District Council are two sovereign authorities with separate budgets and separate decision making processes. The two authorities have operated a shared housing service since April 2014 and have implemented a joint Private Sector Housing Strategy.

This document sets out Chiltern District Council and South Bucks District Council policy in using enforcement action to address health and safety hazards in housing.

This policy is written in the context of Chiltern and South Bucks Private Sector Housing Strategy which aims to ensure that

- private sector housing meets basic standards of fitness and is maintained in good repair
- the private rented sector within the district provides good quality, well-managed, safe accommodation.

One of the tools identified to achieve these objectives is through the use of enforcement action.

Enforcement officers, by necessity, have considerable discretion in decision making and initiating enforcement action. This policy applies to all dealings, formal and informal, between officers and landlords and owners of residential property – all of which contribute to securing compliance with the law. It provides policy standards to aid professional judgements and decision making and ensure both consistent and effective enforcement.

References to 'the Council' shall mean Chiltern District Council or South Bucks District Council, depending upon the administrative area in which the property subject to enforcement action is located.

1.2 Background

The Council is granted extensive enforcement powers in several Acts of Parliament to secure improvements in houses in disrepair. The main powers are summarised in Appendix 1.

Where a breach of the legislation is identified, the following options may be available to the council to ensure that the law is complied with:

- **Informal action** – this includes verbal advice given by Officers and advisory letters.
- **Formal Action** – this includes a range of responses including the service of statutory notices, orders and carrying out of emergency works. Most notices served under Housing legislation require the recipient of the notice to carry out specified works within given time limits.

Some breaches of the legislation are criminal offences. Failure to comply with a formal notice or order is also a criminal offence. Where an offence has been committed, the following options may be available to the local authority:

- **Formal caution** - A formal caution is where an offender is given written details of the offence and s/he signs to say that s/he admits the offence. It is not a form of sentence. A record of the caution is kept at the Council for a period of three years and it may subsequently influence a decision to instigate proceedings if the offender breaks the law

in the future. It may also be cited if the Council takes legal action for a subsequent offence.

- **Prosecution** – In some cases, breaching the legislation is a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.
- **Financial Penalty** - *A financial penalty is available as an alternative to prosecution for certain offences under the Housing Act 2004. Financial penalties may also be given for breaches of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.*
- **Banning Order:** *The Council may apply for a Banning Order under the Housing and Planning Act 2016 for the most serious and prolific offenders. Banning Orders are scheduled to come into force in October 2017.*
- **Rent Repayment Order:** *The Council can apply to the First-tier Tribunal for an order requiring the landlord to repay to the Council any rent paid in housing benefits.*
- **Database of Rogue Landlords:** *In some circumstances, the Council may record details of landlords who have committed offences on a national database of 'Rogue Landlords'*

Paragraphs 3.2 to 3.10 below set down the factors to be considered by officers in deciding the most appropriate enforcement options.

1.3 Comments and Complaints

If you have any comments or questions in relation to this policy, please contact:

Senior Housing Standards Officer
Chiltern and South Bucks Housing
King George V Road
Amersham
Bucks
HP6 5AW
Telephone: 01494 732013
Email: housing@chiltern.gov.uk

The Council has a corporate complaints procedure in cases where disputes arising from this policy cannot be resolved.

2.0 Enforcement Principles

This service has adopted the central and local government Enforcement Concordat. We will also follow the Hampton principles as the basis for good enforcement.

Openness

We will provide information and advice in plain language and as far as possible, avoid jargon.

We will be open about how we do our work and in particular how we set our charges for enforcement. We will always discuss general issues, specific failures or problems with anyone who has been enforced against.

We will seek to make sure that people understand what is expected from them as well as knowing what they can expect from us.

Where notices have been served and are on a Public Register, this will be available for viewing free of charge.

Helpfulness

Our staff will provide a courteous and efficient service. All staff who visit properties will identify themselves by name and carry identification cards.

We will always provide a contact point and telephone number for further dealings with Officers.

Interpretation services will be made available for both office and on-site visits where people do not have English as their first language.

Landlords and owners of residential property will be encouraged to seek advice/information; information will be freely available in the form of leaflets and pages on the council's website. When appropriate, training courses/seminars will be provided for landlords on specific issues.

Proportionality

All enforcement actions and advice must be proportional to the risks posed to the public and the seriousness of any breach of legislation.

When considering enforcement action, consideration will be given to the cost of measures required to reduce the risk weighed against the benefit to be gained by reducing the risk.

In addition, there will be a staged approach to enforcement action with increasing degrees of enforcement if landlords and owners of residential property fail to respond to previous requirements.

Consistency and Fairness

Officers will carry out their duties in a fair and consistent way. To this end, we have developed and put in place procedures for the range of enforcement activities we carry out and make sure that Officers follow such procedures.

Although Officers have to use judgement in individual cases, we will make sure that procedures wherever possible are the same and people are treated equitably.

3.0 Enforcement Decisions

In deciding whether to take action and if so, the most appropriate course of action, each case will be considered individually having regard to the circumstances of the case and a range of relevant factors. In making enforcement decisions, officers must have regard to the following guidelines.

- Housing Health and Safety Rating System Enforcement Guidance published by the ODPM in February 2006
- The Neighbourhood Renewal Assessment process and associated guidance published by the ODPM in 2004
- Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Guidance outlined in section 3.2 to 3.8 below.
- Any other subsequent national legislation and guidance

All enforcement decisions will be fully documented.

Before taking any action in respect of a tenanted property the tenant will normally be expected to contact their landlord about the problems first, though this will not be required in the following circumstances:

- Where the matter appears to present an imminent risk to the health and safety of the occupants.
- Where there is a history of harassment, threatened eviction or poor management practice.
- Where it is not considered reasonable, or the tenant is otherwise unable to contact his/her landlord

Where there is a shared or complimentary enforcement role, consultation will be carried out with the appropriate agency. Specifically, before serving a notice to address a Fire Hazard, consultation will be carried out with the Bucks Fire and Rescue Service. Where there is a problem with the gas installation in a property, the Health and Safety Executive (HSE) will be notified. Where dangerous conditions exist, the Building Control section will be notified. Contraventions of the furniture regulations will be notified to Trading Standards at Bucks County Council.

3.1 Authorisation and Delegation

Housing enforcement decisions are delegated to Head of Healthy Communities and in turn to authorised Officers of the Healthy Communities division, under the Council's Scheme of Delegation to Officers.

The decision to prosecute or administer a formal caution is determined, in consultation with the Legal Services Manager.

Demolition Orders, Clearance Areas and Compulsory Purchase Orders will normally only be served/declared following a decision by the Council's Cabinet.

The Council has developed procedures for the authorisation of officers undertaking housing work. Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. Authorised officers will also have sufficient training and understanding of this enforcement policy in order to ensure a consistent approach to service delivery.

Officers who undertake criminal investigations will be conversant with and adhere to the provisions of the Police and Criminal Evidence Act, 1984 (PACE) and the Criminal Procedure and Investigations Act, 1996 (CPIA), Regulation of Investigatory Powers Act 2000 (RIPA).

3.2 Informal Action

Informal action, that is verbal advice, requests or warnings, or letters and inspection reports can be used when

- the breach is not of a serious nature
- past experience has shown that such action will be effective
- there is not a significant risk to the safety or health of the occupant (or the public)
- informal action will be more effective and/or quicker than formal action
- there is confidence in the Manager/owner

Informal action will in most cases be commenced first before serving statutory notices or orders

It is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away.

The service of a Hazard Awareness Notice, while strictly a form of formal action, may be considered appropriate in the above circumstances.

3.3 Formal Action

The range of formal action is that set out in section 5 of the Housing Act 2004, plus other formal notice options such as Overcrowding Notices, Remedial Notices under the Smoke Regulations or Abatement Notices under the Environmental Protection Act 1990. Paragraph 3.7 sets out additional requirements in respect of Demolition Orders and Clearance.

The most appropriate course of action will be determined having regard to the relevant legislation, enforcement guidance and a 'neighbourhood renewal assessment', if appropriate. The service of a Hazard Awareness Notice may only be considered appropriate, however, in the circumstances described under 'Informal Action'.

Notices and other formal action will normally only be taken when

- there is a duty to take formal action (eg there are Category 1 hazards), or
- there is a significant contravention of legislation, or

- there is a lack of confidence in the manager/owner to respond to an informal approach, or
- non compliance could be potentially serious to public health, safety or well being of individuals, or
- there is a history of non-compliance, or
- standards are poor (for example there are multiple Category 2 hazards) and the manager/owner has little awareness of statutory requirements,

3.4 Works In Default

Works in Default may be undertaken where an Improvement Notice, a Demolition Order or an Abatement Notice has not been complied with.

The decision whether to undertake Works in Default will include consideration of:

- The risk to public health, safety or wellbeing of individuals.
- Whether reasonable progress has been made by the owner with regard to the works.
- The ability of the owner to arrange for the works to be done.
- The time which has elapsed for compliance with the notice.
- The history of the owner with regard to compliance with notices.
- Whether default work may afford greater benefit than prosecution, ie the defects will be remedied.

In exceptional circumstances, the Council will consider carrying out works in default in addition to prosecution.

3.5 Formal Caution, Prosecution and Financial Penalties

The decision to offer a formal caution, take a prosecution or issue a financial penalty is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

Prosecution

The decision to prosecute will be taken only in respect of one or more of the following:

- Where the alleged offence involves a flagrant breach of the law such that public health, safety or the wellbeing of individuals is or has been put at risk.
- Where the alleged offence involves a failure to correct an identified serious potential risk and the person responsible has been given a reasonable opportunity to comply

- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- Where alternative remedies such as civil penalties or carrying out works in default are deemed insufficient or inappropriate having regard to the circumstances of the case
- Where there is a history of similar offences relating to risk of public health, safety or the wellbeing of individuals.

Where such circumstances have been identified, all relevant evidence and information must be considered to enable a consistent, fair and objective decision to be made.

It is necessary to establish that there is relevant, admissible, credible and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of a conviction: a bare prima facie case is not enough.

There must also be a positive decision that it is in the public's interest to prosecute. The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which should be considered, including relevant public interest criteria. The factors to consider include:

- The seriousness of the alleged offence;
- The previous history of the party concerned;
- The ability of any important witnesses and their willingness to co-operate;
- The willingness of the party to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case, ie whether it might establish legal precedent;
- Whether other action might be appropriate eg financial penalty
- Any explanation offered by the individual or company.

Formal Caution

In addition to the above considerations, there are certain conditions that must exist before a formal caution can be administered, namely

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
- the offender must admit the offence;
- the offender must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, the Council will not consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

Financial Penalties

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 give a power for the authority to impose a financial penalty where a landlord has failed to comply with a Remedial Notice. The Council's agreed Statement of Principles in respect of imposing financial penalties under these regulations is contained in Appendix 2.

The Housing and Planning Act 2016 enabled local authorities to impose a civil penalty as an alternative to prosecution for the following offences:

- Failure to comply with an Improvement Notice
- Offences in relation to licensing of Houses in Multiple Occupation or licensing under Part 3 of the Act
- Contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation

A financial penalty will only be considered in the circumstances set out above in respect of decisions to prosecute and where there is sufficient evidence to demonstrate beyond reasonable doubt that the offence has been committed.

Factors to be considered in deciding whether to issue a civil penalty **instead of** a prosecution are:

- the nature and seriousness of the offence ie the scale and scope of the offence and the potential for harm

- the culpability of the offender eg the attitude and history of the landlord

- the circumstances of the tenant and the actual harm caused

- Impact on the wider community

- whether a civil penalty is likely to act as a greater punishment or deterrent to the individual

- whether the offender has admitted the offence

- whether a Rent Repayment Order is to be sought

- whether a Banning Order is to be sought

The presumption will be in favour of prosecution for the most serious offences.

Decisions to prosecute, offer a formal caution or issue a financial penalty will be taken in consultation with the Head of Legal Services.

Level of Financial Penalty

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.

Appendix 3 sets out the Statement of Principles in determining the level of a financial penalty.

3.6 Banning Orders

A power for a local authority to apply to the First Tier Tribunal for a Banning Order for any person who has been convicted of a Banning Order Offence is not currently in force but is expected to be introduced during 2017. Once in force, this policy will set out the circumstances in which the local authority will consider applying for a Banning Order.

3.7 Demolition, Compulsory Purchase and Clearance

A Neighbourhood Renewal Assessment is required in accordance with guidance contained in Government Circulars. Detailed consideration of a range of factors should to be undertaken in partnership with other departments and agencies to ensure that it was the most satisfactory method of dealing with a property or an area, with ultimately the decision being made by the Council's Cabinet. Any of these courses of action would be regarded as a last resort.

3.8 Rent Repayment Orders

The local authority has a duty to consider whether to apply to the First-tier Tribunal for a Rent Repayment Order where it becomes aware that a landlord has committed one of the following offences in relation to a property within its area:

- *Failure to comply with an Improvement Notice*
- *Failure to comply with a Prohibition Order*
- *Failure to licence a licensable HMO or other house*
- *Failure to comply with a banning order*
- *Violence in securing entry under the Criminal Law Act 1977*
- *Illegal eviction or harassment*

The Council will have regard to the following factors in considering whether to apply for a Rent Repayment Order:

- *The level of Housing Benefit which has been paid since the offence was committed, or the amount of housing costs included in any Universal Credit claim*
- *Whether the landlord has been convicted of the offence (or is there likely to be a prosecution taken)*
- *is there sufficient evidence to demonstrate beyond reasonable doubt that an offence has been committed*
- *whether a financial penalty has been issued for the offence*

The amount to be reclaimed may be adjusted to reflect the circumstances of the case having regard to the following factors:

- *the seriousness of the offence*
- *the conduct of the landlord*

- *other financial resources available to the landlord*

The decision to seek a Rent Repayment Order will be undertaken in consultation with the Head of Legal Services.

3.9 Rogue Landlord Database

The Council has discretion to include details of any landlord who has been convicted of a banning order offence or has received at least two financial penalties on the database of rogue landlords.

The Council will seek to include landlords on the database in all cases except where the following matters apply:

- *there were mitigating circumstances when the offence was committed eg personal circumstances, financial hardship*
- *The landlord has undertaken training or shown considerable improvement in management of the property since the offence(s)*

3.10 Enforcement against owner-occupiers

Enforcement decisions will be made in full consultation with the owner and having regard to owner's eligibility for a grant or loan.

Formal action will not be limited to the service of Hazard Awareness Notices. The service of statutory notices and orders and the carrying out of emergency works will be considered where the condition of an owner-occupied property is such that:-

- It is a danger or a serious health risk to the occupier or members of the public, **or**
- It is having a deleterious effect on adjoining properties

4.0 Enforcement Procedures

4.1 Inspections

Inspections and enforcement action will be targeted primarily on those activities giving rise to the most serious risks or where hazards are least controlled.

The prioritisation of inspections will be based on the risk assessment for Houses in Multiple Occupation, or following a complaint.

We will, wherever possible, seek to arrange routine visits and inspections at times to suit those concerned.

We will arrange routine inspections through landlords and their agents, but in the case of complaints will typically visit the complainant in the first instance to assess the facts of the case.

4.2 Actions

We will confirm our advice, findings and conclusions (as the case may be) at the earliest opportunity, will do so in a clear and simple manner and will accommodate at least one meeting to discuss these matters if requested, other than in urgent cases.

If we require remedial action this will be put in writing and we will explain why it is necessary and when it must be done.

We will make sure that legal requirements are clearly distinguished from best practice advice.

We will confirm any decision to undertake formal action, work-in-default or prosecution in writing.

Officers serving statutory notices will be prepared to discuss the specified works with individuals/company representatives and will consider the availability and suitability of any alternative solutions.

Where a formal notice is served, the method of appealing against the notice (ie if the recipient felt that the notice is excessive in its requirements) will be provided in writing at the same time.

4.3 Timescales for Completion of Works

We will take account of relevant factors when determining what deadlines to set for the commencement and completion of work. Relevant factors may include: the nature of the works; any ill effects that are likely to result if the work is delayed; the duration of the problem and the point at which it has been reported to us; any prior knowledge on the landlord or agent's part; and the nature of any attempts to remedy the problem. We will also seek to be sympathetic to financial and other practical constraints that may affect landlords' and agents' ability to act, whilst recognising that these do not limit obligations or legal duties to achieve appropriate standards.

We will consider properly made requests for the extension of deadlines where unforeseen problems have delayed works, but not simply to accommodate lack of sufficiently early action.

4.4 Charges for Enforcement Action

A charge will be made for the cost of administrative and other expenses involved in serving Improvement Notices and Prohibition Orders.

The charge is £100 for the first notice/order and £50 for additional notices where served concurrently, with a maximum charge of £300 per property. Where more than one person is served with a notice/order the charge will be recovered from the main recipient, usually the person who is primarily responsible for the management of the property.

The charge will be waived where the notice is complied with within the timescales set out on the notice or where the notice is served and works arranged by the Council with the agreement of the property owner (eg as an alternative to a grant or loan).

Where there is an appeal against the Notice, or the notice is suspended, the charge is also suspended, until the appeal is resolved or the suspension is ended. There is no separate right of appeal against the demand. In cases of hardship the Head of Healthy Communities has discretion to reduce charges for enforcement action.

Where works are Emergency Remedial Works or works arranged by the local authority in default of a statutory notice served under the Housing Acts or other public health legislation, the expenses to be recovered are as follows:

- The actual cost to the local authority of undertaking the works in default
- The costs of serving the relevant notices at the rate set out above
- All other administrative costs reasonably incurred in relation to arranging the works. These costs will be calculated having regard to actual time spent and the hourly rate (including overheads) of the Healthy Communities department.
- Interest at base rate plus 2%.

5.0 Monitoring and Review

Actions taken under this policy will be monitored annually as part of the overall monitoring of the Private Sector Housing Strategy outcomes.

This policy, including the charges, will be reviewed on an annual basis.

Appendix 1: Summary of Housing Legislation

Legislation	Summary of Powers
Protection from Eviction Act 1977	
Section 1	<p>This section creates the offences of unlawful eviction and harassment of a residential occupier. Chiltern District Council is a prosecuting authority for the purposes of this section and it is Housing Officers who investigate claims of unlawful eviction and harassment. The Council can prosecute landlords, agents or others who contravene this section.</p>
Environmental Protection Act 1990	
Section 80	<p>Section 79 of this Act lists what are statutory nuisances. As far as the legislation enforced by the Housing Section is concerned, a statutory nuisance is any house in such a state as to be prejudicial to health or a nuisance.</p> <p>Prejudicial to health is defined as injurious or likely to cause injury to health. This typically includes properties that are damp or have mould growth, as dampness and mould growth can have an affect on people's health.</p> <p>A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. Examples of nuisances include a hole in the roof of one property allowing rain to penetrate through and affect the neighbouring property or slates falling off a roof onto the footpath and thus endangering passers by.</p> <p>Once the Council is satisfied that a statutory nuisance exists or is likely to occur, it is under a duty to take action to deal with it. This means that Officers have to serve a notice requiring the abatement of the statutory nuisance within certain time limits or preventing the occurrence of a statutory nuisance. In the case where a house is let, this is generally served on the landlord of the property.</p> <p>If such a notice is served and not complied with, the Council is able to carry out the necessary work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice if he does not have a reasonable excuse for not keeping to it.</p>
Housing Act 1985	
Section 17	<p>Power to make a Compulsory Purchase Order</p> <p>The legal powers are contained in s17 Housing Act 1985 and s93 Local Government and Housing Act 1989.</p> <p>A compulsory purchase order may be served upon the owner of land or property by the Council to acquire the land for the public good, usually at a valuation set by the district valuer.</p>
Section 265	<p>Power to make a Demolition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Demolition Order is one of the actions that can be taken.</p> <p>A demolition order requires the property to be vacated within a specific time and</p>

Housing Enforcement Policy: Appendices

		subsequently demolished. It is a criminal offence to allow the property to be occupied after the demolition order has come into effect. If the person upon whom the order has been served does not demolish the building, the Council can demolish it instead and recharge the person accordingly.
Section 289		<p>Declaration of clearance area</p> <p>A clearance area is an area that is to be cleared of all buildings. The Council shall declare an area to be a clearance area if each of the residential building contains a Category 1 hazard and the other buildings in the area are dangerous or harmful to health and safety. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases occupiers of properties are compensated accordingly.</p>
Housing Act 2004		
Sections 11 and 12		<p>Power to serve an Improvement Notice</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of an Improvement Notice is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>An Improvement Notice under this section requires the recipient of the notice (usually the owner but not in all cases) to carry out certain works within a specified time scale. If the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice, or issue a financial penalty.</p> <p>An Improvement Notice can be suspended, varied or revoked.</p>
Sections 20 and 21		<p>Power to Serve a Prohibition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Prohibition Order is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Prohibition Order under this section requires the recipient of the notice (usually the owner but not in all cases) to cease or limit the use of a property or part of the property for residential purposes. Prohibition Orders may also relate to the use of the premises by a specified number of people. Not keeping to an Order is a criminal offence and the Council is able to prosecute the person who received the notice, if he has intentionally failed to keep to it.</p> <p>An Prohibition Order can be suspended, varied or revoked</p>
Sections 28 and 29		<p>Power to Serve a Hazard Awareness Notice</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Hazard Awareness Notice is one of the</p>

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	<p>actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Hazard Awareness Notice advises the person on whom it is served (usually the owner, but not in all cases) of the existence and the nature of the hazards identified, and the works considered to be required to address the hazard. The notice is advisory only - it does not require the recipient to take any action.</p>
Section 40	<p>Power to take Emergency Remedial Action</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Remedial Action.</p> <p>This means that the Council can arrange for works to be undertaken to remove the risk of harm. Within 7 days of starting the work, they must serve a notice under section 41 of the Act on the person having control of the house explaining the action taken. The Council have powers to recover expenses incurred in taking emergency remedial action.</p>
Section 43	<p>Powers to make an Emergency Prohibition Order</p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Prohibition Order.</p> <p>This prohibits the use of the premises or part of the premises for residential use, with immediate effect. The Council must serve a notice on the person having control of the property on the day (or as soon as possible) that the Emergency Prohibition Order is made.</p>
Section 64	<p>Licensing of HMOs and other houses</p> <p>The local authority must licence Houses in Multiple Occupation which meet a specified description (currently those of three or more storeys with five or more occupiers forming two or more households). They also have a discretion to introduce licensing schemes for other HMOs or other houses to address specific local issues.</p> <p>It is an offence to fail to licence a licensable HMO or house, for which the local authority may prosecute or issue a financial penalty.</p>
Section 73	<p>Power to apply to the FtT for a Rent Repayment Order</p> <p>Where a licensable HMO is not licensed, the Council can apply to the First-tier Tribunal for an order requiring the landlord of the HMO to repay any housing benefit paid in respect of the HMO.</p> <p>The Housing and Planning Act 2016 extended the power to apply for a Rent Repayment Order where a landlord has committed one of the following offences (it is not necessary that they have been convicted):</p>

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	<ul style="list-style-type: none"> - Illegal eviction or harassment - failure to comply with an Improvement Notice - Failure to comply with a Prohibition Order - Control or management of an unlicensed HMO or house - Failure to comply with a Banning Order - Violence for securing entry under the Criminal Law Act 1977 <p>The local authority has a duty to consider applying where it becomes aware that a landlord has been convicted of a relevant offence.</p>
Section 102	<p>Interim Management Orders</p> <p>Where an HMO which is required to be licensed is not licensed and there is no reasonable prospect of it becoming licensed or action is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, the local authority may make an Interim Management Order (IMO).</p> <p>An IMO can last for up to 12 months and enables the local authority to take steps to secure the proper management of an HMO, or to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity.</p> <p>An IMO gives the council rights to collect rents and carry out works to the property.</p> <p>An IMO may also be made in respect of any other dwelling, but only with the authority of the Residential Property Tribunal.</p>
Section 113	<p>Final Management Orders</p> <p>A local authority can serve a Final Management Order following an Interim Management Order, where, on expiry of the IMO, the HMO is required to be licensed and there is still no reasonable prospect of it becoming licensed or the Order is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, on a long term basis.</p> <p>A Final Management order can last for up to five years.</p>
Section 139	<p>Overcrowding Notices</p> <p>Where the Council considers that excessive numbers of people are (or are likely to be) accommodated in a non-licensable HMO, they may serve an Overcrowding Notice on the owner or a person having control of the house.</p> <p>It is a criminal offence to breach an overcrowding notice, for which the Council may prosecute or issue a financial penalty.</p>
Section 234	<p>HMO Management Regulations</p> <p>Managers of HMOs are required to comply with the HMO Management Regulations which specify duties to keep the property and facilities within it safe, clean and in good repair.</p> <p>It is a criminal offence to breach the management regulations for which the local authority may prosecute or issue a financial penalty.</p>

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The Smoke and Carbon Monoxide Alarm Regulations 2015	
Regulation 5	<p>Remedial Notice</p> <p>Where the Council has reasonable grounds to believe that a landlord is in breach of his/her duties under these regulations, they must serve a Remedial Notice on the landlord giving him/her 28 days in which to carry out the actions specified in the notice.</p>
Regulation. 7	<p>Duty to arrange remedial action</p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, it must arrange to undertake the actions in the Notice.</p>
Regulation 8	<p>Power to issue Penalty Charge Notice</p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, they may require the landlord to pay a penalty charge.</p>
Housing and Planning Act 2016	
Sections 14-27	<p>Power to apply for a Banning Order (Not yet in force)</p> <p>The local authority may apply to the First tier Tribunal for a banning order in respect of any person or corporate body who has been convicted of a banning order offence.</p> <p>The effect of a Banning Order is to ban that person/company from being involved in letting and/or management of property or being involved in any company which carries out those activities.</p>
Sections 28-29	<p>Database of Rogue Landlords and Agents</p> <p>The government must establish a database of rogue landlords and give access to local authorities.</p> <p>A local authority will be given powers to maintain the database and must include details of any landlord who has received a banning order.</p> <p>They may include landlords who have been convicted of banning order offences, or who has received at least two financial penalties in 12 months for banning order offences, but authorities must first give notice to the landlord which may be appealed.</p>

Appendix 2: Statement of Principles: Smoke and Carbon Monoxide Regs 2015

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

Regulation 13: Statement of Principles in relation to Requirement to Pay a Penalty Charge

Background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 confer a statutory duty on landlords of residential premises to ensure that:

(i) A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation:

(ii) A carbon monoxide detector is equipped in any room of the premises on which there is a room used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance:

(iii) Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Where a local authority has reasonable grounds to believe that a landlord is in breach of one or more of these duties, they must serve a remedial notice on the landlord giving him/her 28 days in which to carry out remedial actions specified in the notice.

Where a local housing authority is satisfied, on the balance of probabilities, that landlord has failed to comply with a Remedial Notice, the local authority must arrange to undertake the remedial actions in the Notice, and they may also require a landlord to pay a Penalty Charge.

The local authority may determine the amount of the penalty charge, but it must not exceed £5000.

The purpose of this Statement of Principles is to set out the principles the authority will follow in determining a penalty charge.

Principles in Relation to Decision to Impose a Penalty Charge

A penalty charge will be imposed in the following cases

- The landlord is unable to demonstrate that he/she has attempted to make contact with the tenant by text, email or letter to arrange to carry out the remedial actions
- The landlord is unable to demonstrate that the tenant has refused access to allow alarms to be installed or to be checked
- The landlord has not made any representations in relation to service of the Remedial Notice, or representations were made but dismissed

Principles in Relation to Amount of Penalty Charge

Where a penalty charge is considered appropriate, the amount of charge will be the maximum £5000.

The principles followed in determining this amount are:

- The actions required to comply with the regulations are not expensive or onerous for a landlord
- The landlord was made aware of the need to comply by the service of the Remedial Notice and had an opportunity to make representations if he/she did not agree with it, therefore any breach is considered to be deliberate or reckless.
- Failure to comply potentially could lead to death or serious injury of an occupant
- The penalty charge should act as a sufficient deterrent to non-compliance

Dated: 3 September 2016

Appendix 3: Statement of Principles: Determining the amount of a Financial Penalty

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.

Determining the Offence Category

Culpability

Low or No Culpability: Offence has been committed with limited or no fault on behalf of the landlord or agent eg. Obstruction by tenant to allow contractor access for repairs, damage caused by tenant negligence.

Negligent: Failure of the landlord or agent to take reasonable care to put in place or enforce proper systems to avoid committing an offence Eg. Failure to instruct or follow up contractors, failure to liaise adequately with tenant, failure to make adequate financial arrangements to cover the costs of repairs

Reckless: Actual foresight of or wilful blindness to risk of offending, but risks taken nevertheless by the landlord or agent Eg Failure to comply with strict liability offence HMO Management Regulations,

Deliberate: Intentional breach by landlord or flagrant disregard for the law Eg Failure to comply with an Improvement Notice without 'reasonable excuse'

Level of Harm

Extreme and Severe Harm Outcomes: The housing defect giving rise to the offence poses an imminent danger with a potential risk of death or severe injury or illness eg electrocution, carbon monoxide poisoning, serious fire safety risk.

Serious Harm Outcomes: The housing defect giving rise to the offence poses a significant risk of harm to the occupants where the potential outcomes are serious illness or injury eg mild heart attack, fractures, diarrhoea, vomiting, chronic stress.

Moderate Harm: The housing defect giving rise to the offence poses a risk of harm to the occupiers which are significant enough to warrant medical attention eg moderate cuts, severe bruising, persistent coughs and colds.

A higher degree of harm may be assessed where there are multiple victims (for example in a house in multiple occupation) or the victim is particularly vulnerable.

Adjustments for Aggravating or Mitigating Factors**Aggravating Factors**

- History of similar offences
- High level of financial gain
- Attempt to conceal or dispose of evidence
- Hostility or contempt for the victim

Mitigating Factors

- First offence
- Genuine remorse
- Relevant personal circumstances at time of the offence eg illness, bereavement
- Ready co-operation with authority

Financial Circumstances of the Offender

In view of the high property and rental values in the Chiltern and South Bucks Districts, claims of hardship will only be considered where the landlord provides compelling evidence. Landlords who are unable to afford to operate a safe rental property and comply with the law will usually have the option to sell.

Admission of Guilt

A reduction of up to a third may be applied to the fine where the offender admits guilt during an interview.

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SUBJECT:	<i>Affordable Housing Action Plan</i>
REPORT OF:	<i>Cllr Paul Kelly Healthy Communities portfolio</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities</i>
REPORT AUTHOR	<i>Martin Holt martin.holt@southbucks.gov.uk 01494 732055</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To consider how the Council may seek to end the long term use of B+B and private rented nightly let accommodation.

RECOMMENDATION

- 1 That Cabinet considers the theoretical business case for the acquisition of residential properties for use as affordable housing and seeks a further report.**
- 2 That Cabinet comment on the Affordable Housing Action Plan in seeking to end the long term use of nightly let and B+B accommodation for homelessness.**

2. Reasons for Recommendation

- a. To support the Council's Medium Term Financial Strategy and reduce the cost of homeless accommodation.
- b. To enable the Council to discharge its duty to accommodate those who are determined as homeless and in priority need.
- c. The provision of emergency accommodation in the district would reduce the health inequality risks associated with the placement of families out of the district.

3. Content of Report

Affordable Housing Contributions

- 3.1 Cabinet at its meeting 28th June 2017 approved the continuation of the three schemes to deliver affordable housing units through the use of currently committed 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.
- 3.2 Cabinet noted from a table in the report that of the £8,877,438 received £3,650,778 remained uncommitted.
- 3.4 Council at its meeting 19th July 2017 requested that a report be presented to the Healthy Communities PAG on how the £3.6M available from the Affordable Housing Contributions (commuted sums) would be allocated for affordable housing.
- 3.5 The report below sets out the action plan to maximise the opportunities that arise through initiatives to provide affordable rented properties or temporary accommodation to support homelessness services, by working in partnership with Registered Providers, other public bodies and or developers. Appendix 1 details the

schemes that are being progressed and the element of Commuted Sums that may be required.

Long term use of B+B and Nightly Let Private Rented Accommodation

- 3.6 Whilst the Council provides advice, assistance and support to prevent households becoming homeless, it has seen increasing demand for homelessness accommodation, resulting from the increased numbers of persons with complex needs applying as homeless together with a lack of supply of affordable housing for people to move to.
- 3.7 Government requirements backed by decisions of the Local Government Ombudsman has resulted in the Council seeking alternatives to placing families in B+B for periods longer than 6 weeks. The Ombudsman has awarded compensation to households with children placed in B+B accommodation for long periods.
- 3.8 The numbers of affordable housing advertised through Bucks Home Choice is averaging 2 properties per week with consequently long waiting periods for those on the housing register. The properties have been let via BHC and broken down as follows
- 1 bedroom = 18 (Average wait = 15 months)
 - 2 bedroom = 15 (Average Wait = 23 months)
 - 3 bedroom = 6 (Average Wait = 17 months)
 - 4 bedroom = None
- 3.9 These factors have led to officers having to increase the use of nightly booked self-contained accommodation for a longer period which is considerably more expensive than B+B accommodation.
- 3.10 The Council has also changed the manner in which the cost of accommodation is shown enabling the cost of homelessness to be clearly identified.

SBDC TEMP ACCOMODATION B&B COSTS	2012/13	2013/14	2014/15	2015/16	2016/17
	ACTUALS	ACTUALS	ACTUALS	ACTUALS	ACTUALS
	£	£	£	£	£
Expenditure on B&B placements	67,574	166,026	176,091	463,995	919,777*
Income from Housing Benefit & B&B charges to clients	-61,873	-181,605	-193,698	-502,233	-810,791
Cost of B&B debt written off (client charges not collectable)	0	0	15,000	35,000	59,926
Loss of HB Subsidy for B&B & STL Cases	21,926	79,259	69,203	143,128	291,470
Net Cost to SBDC	27,627	63,680	66,596	139,890	460,383

*Up until 17/18 the total cost of B&B is split between Homelessness and the cost of Housing Benefit. The process was amended from 6 Feb 17 in order to show this total cost within the homelessness cost centre

- 3.11 The impact of homelessness on the Council's budget is clearly unsustainable and a range of solutions are being explored to increase the overall supply of affordable housing for both emergency and longer term affordable housing. These include;

Scheme	Action
Leasing private sector accommodation through a Registered Provider – Paradigm Housing is modelling a business proposal to provide up to 50 private sector leased properties for use as affordable housing. The areas in which properties may be sought include; Slough, Hillingdon, South Bucks and Wycombe. These properties may be available for both emergency housing and to discharge the Councils homelessness duty.	Report to PAG outlining the business case detailing the impact this initiative could make on reducing the current demand for nightly let and B+B accommodation
Officers are consulting with Buckinghamshire Housing Association on a similar proposal.	A further report will be presented to PAG in relation to this scheme.
Developing affordable housing through the acquisition of land e.g. Gerrards Cross Police Station. The planning process will require 40% (approximately 12 units) to be affordable housing or a Commuted Sum payable.	This project is being managed through the Project Board
Development of Council owned land to deliver affordable housing utilising modular and off-site construction or traditional building methods. The proposal in relation to the Bath Road Depot seeks to use £2.7M of S106 funding to deliver 12 units on site. This approach could be considered on other Council owned sites to deliver short term or longer term lettings as affordable housing.	This project is being managed through the Project Board
Enabling housing associations to deliver increasing numbers of affordable housing for rent through development of the acquisition of property – development opportunities by housing associations in Taplow, Burnham, are being realised with 102 flats (38 x 1 bed, 64 x 2 bed) properties being delivered in 2018/19	These properties will be allocated to eligible persons on the Bucks Home Choice system
Supporting the acquisition of properties by L+Q to purchase and repair properties to be let as affordable rented properties, currently averaging 3 properties per annum.	Funding for the project is already agreed as part of the L+Q Buy Back or Acquisition scheme detailed in para 3.1
Utilising existing housing association stock for homelessness households. Currently SBDC utilises 21 L+Q and Paradigm properties as emergency accommodation in addition to the 8 ex-police houses the council now owns.	L+Q are not legally obliged to provide this accommodation and could withdraw the use of the properties in WDC and its own stock in providing homelessness accommodation.
Reviewing the use of private rented accommodation by homelessness households in return for a rental guarantee.	Investigations are ongoing to assess the viability of this product in South Bucks
The acquisition of properties by the Council for use as affordable housing managed on behalf of the Council by a Registered Provider – Officers have previously brought reports to the PAG in relation to the acquisition of property and whilst unsuccessful in the case of Grand Union House, an alternative approach such as buying individual flats and	The theoretical case in para 3.12 below details how this could be used to offset the cost of nightly let accommodation. A phased approach to acquisition would be required to enable the

houses may be considered. Both Capital and S106 funding may be used to support this project. Such properties would be available for use as emergency housing and to discharge the Councils homelessness duty.	council to prevent an oversupply of properties.
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Theoretical Business case - Acquisition of housing for rent

3.12 There are currently 50 properties advertised for sale in the, Slough, Langley or South Bucks District offering 1, 2, 3 bed accommodation with prices ranging from £145,000 to £350,000.

3.13 The outline business case demonstrates that if 20 properties, at an estimated value £6M were purchased, for use as affordable housing and used to provide an alternative to nightly let and B+B accommodation approximately £339,000 cost would be avoided from the homelessness budget. The NPV calculations are detailed in Appendix 2

	Case
Purchase price (including stamp duty)	£6,280,000
Avoided Emergency Housing Costs over 30 years	-£16,128,066
Total profit over 30 years	-£8,788,424
Total NPV over 30 years	-£2,757,424
Avoided Emergency Housing Costs /annum	£339,000

3.14 With the 20 properties being used to accommodate households in emergency housing need, it is estimated that £16Million would be avoided in Emergency Housing Costs and a return on investment of £8.7Million over 30 years could be achieved.

3.15 The business case based on no rental increase, 50% management costs and a loan rate of 2.37% considered to be the worst case scenario.

3.16 The stamp duty of £280,000 is to be confirmed and would be funded from capital

3.17 Assumptions made in developing the indicative business case are:

- Acquisition of properties is £6M excluding VAT and stamp duty estimated at £200k
- Inflation is 3% a year and this is also the discount rate used
- The financing cost is based on borrowing from the Public Works Loan Board, on an annuity basis, over 30 years
- Rents are not increased in line with inflation
- The rental income estimates are based on the 80% of LHA rate for the district
- Rental occupancy is 11 out of 12 months

- Management fee of 50%/property/annum is charged reflecting the higher risk associated with affordable housing
- The calculation assumes the recovery of the £6Million purchase costs over the period of the business case, but as a freehold purchase, the asset may increase in value over time
- The financial model is only an estimate and a detailed business case will be required

Sensitivity analysis of the Financial Model

3.18 The level of income will be directly influenced by the model of renting the properties and in particular the level of income required by the third party that delivers the housing management. The income will also be impacted by the ability to increase rents above the LHA rate, so a figure of 80% of LHA has been used to minimise the impact of benefit reductions. A conservative estimate of 50% management costs has been factored in to manage the properties and client group. The purchase price averaging £300,000 includes approximately £40,000/property for repairs and maintenance on purchase.

3.19 **Risks** – the risks associated with the proposal include;

- Rent levels may be impacted by changes to the market due to economic volatility and may increase or decrease
- Income streams could be affected by tenants failing to meet rent payments and getting into arrears resulting in a shortfall in rental income and additional costs being incurred by legal fees associated with possession action.
- Maintenance costs may increase or decrease over time depending on the costs at that time and the levels of disrepair by tenants.
- Unacceptable behaviour may lead to a higher risk of eviction and management costs
- Council may be unable to find a housing association partner or other provider willing to take on the management of the properties.

3.20 This together with the savings from the Bath Road Depot project would reduce the current homelessness costs to £15,000/annum

2016/17	£
Net Homeless Cost to SBDC	£460,000
Income from interest	£0
Total	£460,000
2017/18	
Interest	£150,000
Lease income	£125,000
Total	£15,000

- 3.21 With the range of possible schemes that may be available in 2018/19, it is proposed to further consider the development of the Council acquisition scheme following a better understanding of the available supply of properties through the Paradigm Leasing scheme and the impact of that proposal on the budget.

4. Consultation

Not Applicable

5. Options

- 5.1 To consider the range of possible actions as identified in the Affordable Housing Action Plan to reduce the impact on the medium term financial strategy.
- 5.2 To prioritise the actions as identified in the Affordable Housing Action Plan

6. Corporate Implications

- 6.1 Financial – £3.6M is available from the Affordable Housing Contributions (commuted sums) to provide grant funding to deliver affordable rented properties on-site or to purchase temporary accommodation to support homelessness services. The current net cost of Homelessness 2017/18 is forecast to be £487,000 against a budget of £250,000. Reducing the cost of homelessness is a key priority for the Council.
- 6.2 Legal – The provision of temporary housing takes in to account the current housing needs and supports the delivery of the Councils affordable housing objectives. The Cabinet decision 28th June 2017 extended the delegations to agree expenditure on the provision of temporary housing to support homelessness services.

6 Links to Council Policy Objectives

Delivering cost- effective, customer- focused services.
Working towards safe and healthier local communities.

7 Next Steps

A project group will be established to progress the project and provide update reports to the PAG as part of the Healthy Communities regular update report.

Background Papers:	None other than those referred to in the report
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Appendix 1

South Bucks District Council

Affordable Housing Action Plan

This plan summarises the actions being taken by the Council in connection with the delivery of affordable housing

	Proposal	Scheme	Update	s106 Resource Implications	Other Resource Implications	Responsibility
A1	Assess potential for SBDC to acquire and assemble sites for affordable housing	Gerrards Cross Police Station currently has 8 ex-police houses being used for affordable housing.	The Council purchased the site and development proposals are being submitted in line with planning policy which aims to deliver 40% (12) affordable housing on site	No s106 resource implications	Allocation of funding from the capital programme subject to final business plan	Head of Environment
		<ul style="list-style-type: none"> • Bath Road Depot • Neville Court Burnham, • Bolds Court Stoke Poges, • Field @ Beacon Centre 	Bath Road Depot Temporary Housing Project proposed delivery of up to 12 temporary housing units	Up to £1.4M (plus £300,000 contingency) to be allocated from S106 for Bath Road Depot site £1.3M could be allocated to developing 10/12 units on an alternative site	Allocation of funding from the capital programme subject to business plan for the additional sites	Head of Healthy Communities

	Proposal	Scheme	Update	s106 Resource Implications	Other Resource Implications	Responsibility
		<ul style="list-style-type: none"> Acquisition of land and property adjoining Bath Road Depot 	Negotiations ongoing to acquire the land and property. The conversion of the dwelling would enable 2 self contained flats to be provided		£1,010,000 allocated in capital programme subject to final business plan	Head of Environment
		Acquisition of properties in the district or in a neighbouring settlement for use as long term affordable housing managed by a Registered Provider.	Business case being developed to acquire properties in district and in neighbouring authorities. Average purchase and refurbishment price £300,000	S106 funding can be used to purchase properties in district. £1.3M could be allocated to acquiring 4 or 5 properties in the district	Allocation of £6M from the capital programme subject to final business plan	Head of Environment/ Head of Healthy Communities
A2	Acquisition of properties by a Registered Provider for use as affordable housing	S106 payments enable the purchase of properties through a Registered Provider for use as affordable housing.	L+Q currently delivering the buy back 3 scheme delivering an average of 3 houses per annum	Currently £320,000 is allocated to the Buy Back 3 scheme delivering a grant of 80,000/property.		Head of Healthy Communities

	Proposal	Scheme	Update	s106 Resource Implications	Other Resource Implications	Responsibility
			Bucks Housing Association are modelling a business proposal to provide up to 10 properties for use as affordable housing	Estimate of £655,000 will be required for this scheme		Head of Healthy Communities
A3	Leasing private sector accommodation through a Registered Provider	Paradigm Housing modelling a business proposal to provide up to 50 private sector leased properties for use as affordable housing. Properties to be sought in Slough, Hillingdon, South Bucks and Wycombe	Business plan available October 2017	Nil	Emergency Housing Costs Avoided	Head of Healthy Communities
		Buckinghamshire Housing Association modelling a business proposal to provide private sector leased properties for use as affordable housing				Head of Healthy Communities
A4	Develop a Private Rent deposit scheme				Rental guarantee TBA	Head of Healthy Communities

	Proposal	Scheme	Update	s106 Resource Implications	Other Resource Implications	Responsibility
A5	Discuss with London and Quadrant (L+Q) to bring forward potential opportunities for additional affordable housing development on L+Q owned sites in South Bucks	Ongoing discussions with L+Q over bringing forward garage and green space sites for development. Sheltered Housing redevelopment programme may deliver affordable housing units				Head of Healthy Communities

Financial Business Case **worst case - 50% management cost, loan rate increased to 3.23%, zero increase in rental income over 30 years**

Property Acquisition Including the cost saving arising from lower use of B&B

Year			Capital Expenditure (Excluding VAT) A	R&M Inflationary rise 3.00% B1	30 Year New PWLB Loan Interest 2.37% B2	lease Income Inflationary rise 0.00% C	Avoided B&B Cost 3.00% C2	Total Cashflow D = A+B1+B2+C	Net Present Value (NPV) Discount Rate 3.00% D Discounted	Repayment Construction Capital / Depreciation E	Annual (Profit) / Loss F = B1+B2+C+E	Return Investment
			£	£	£	£	£	£	£	£	£	
0	2017/18	Purchase	6,280,000	0	0	0		6,280,000	6,280,000		0	0.0%
1	2018/19	Letting income from Apr 18		0	148,836	-92,435	-339,000	-282,599	-274,368	209,333	-73,266	1.2%
2	2019/20			28,000	145,375	-92,435	-349,170	-268,230	-252,833	209,333	-58,897	0.9%
3	2020/21			28,840	141,832	-92,435	-359,645	-281,408	-257,528	209,333	-72,075	1.1%
4	2021/22			29,705	138,205	-92,435	-370,434	-294,959	-262,067	209,333	-85,626	1.4%
5	2022/23			30,596	134,492	-92,435	-381,547	-308,894	-266,455	209,333	-99,561	1.6%
6	2023/24			31,514	130,691	-92,435	-392,994	-323,223	-270,695	209,333	-113,890	1.8%
7	2024/25			32,460	126,800	-92,435	-404,784	-337,959	-274,791	209,333	-128,625	2.0%
8	2025/26			33,433	122,817	-92,435	-416,927	-353,112	-278,750	209,333	-143,778	2.3%
9	2026/27			34,436	118,740	-92,435	-429,435	-368,694	-282,573	209,333	-159,361	2.5%
10	2027/28			35,470	114,565	-92,435	-442,318	-384,718	-286,267	209,333	-175,385	2.8%
11	2028/29			36,534	110,292	-92,435	-455,588	-401,197	-289,833	209,333	-191,864	3.1%
12	2029/30			37,630	105,918	-92,435	-469,255	-418,143	-293,277	209,333	-208,810	3.3%
13	2030/31			38,759	101,440	-92,435	-483,333	-435,570	-296,602	209,333	-226,236	3.6%
14	2031/32			39,921	96,856	-92,435	-497,833	-453,491	-299,811	209,333	-244,158	3.9%
15	2032/33			41,119	92,163	-92,435	-512,768	-471,921	-302,908	209,333	-262,588	4.2%
16	2033/34			42,353	87,359	-92,435	-528,151	-490,875	-305,897	209,333	-281,542	4.5%
17	2034/35			43,623	82,441	-92,435	-543,995	-510,367	-308,780	209,333	-301,034	4.8%
18	2035/36			44,932	77,406	-92,435	-560,315	-530,413	-311,561	209,333	-321,079	5.1%
19	2036/37			46,280	72,252	-92,435	-577,125	-551,028	-314,244	209,333	-341,695	5.4%
20	2037/38			47,668	66,976	-92,435	-594,439	-572,229	-316,829	209,333	-362,896	5.8%
21	2038/39			49,098	61,575	-92,435	-612,272	-594,033	-319,322	209,333	-384,700	6.1%
22	2039/40			50,571	56,046	-92,435	-630,640	-616,458	-321,725	209,333	-407,124	6.5%
23	2040/41			52,088	50,386	-92,435	-649,559	-639,520	-324,039	209,333	-430,186	6.9%
24	2041/42			53,651	44,592	-92,435	-669,046	-663,238	-326,269	209,333	-453,905	7.2%
25	2042/43			55,260	38,661	-92,435	-689,117	-687,631	-328,417	209,333	-478,298	7.6%
26	2043/44			56,918	32,589	-92,435	-709,791	-712,719	-330,484	209,333	-503,386	8.0%
27	2044/45			58,626	26,373	-92,435	-731,084	-738,521	-332,474	209,333	-529,188	8.4%
28	2045/46			60,385	20,009	-92,435	-753,017	-765,058	-334,389	209,333	-555,725	8.8%
29	2046/47			62,196	13,495	-92,435	-775,607	-792,352	-336,231	209,333	-583,018	9.3%
30	2047/48			64,062	6,827	-92,435	-798,876	-820,422	-338,003	209,333	-611,089	9.7%
			6,280,000	1,266,128	2,566,010	-2,773,056	-16,128,066	-8,788,984	-2,757,424	6,280,000	-8,788,984	

Negative is good

Negative is good

It is beneficial to proceed if:

- The Total NPV over the 30 years is negative (i.e. income exceeds expenditure)
- The Annual Return on Investment is reasonable.

Notes:

Capital Expend	Purchase price	6,000,000	
	Plus SDLT	280,000	Estimate to be confirmed
	Legal fees etc.	0	
	Total Purchase Price	6,280,000	VAT not chargeable

Loan Repayment Annuity			
Opening Balance	Loan Repayment	Principal + Interest	Closing Balance
£	£	£	£
			0
6,280,000	-146,031	-294,867	6,133,969
6,133,969	-149,492	-294,867	5,984,477
5,984,477	-153,035	-294,867	5,831,442
5,831,442	-156,662	-294,867	5,674,780
5,674,780	-160,375	-294,867	5,514,406
5,514,406	-164,176	-294,867	5,350,230
5,350,230	-168,067	-294,867	5,182,163
5,182,163	-172,050	-294,867	5,010,114
5,010,114	-176,127	-294,867	4,833,986
4,833,986	-180,302	-294,867	4,653,685
4,653,685	-184,575	-294,867	4,469,110
4,469,110	-188,949	-294,867	4,280,161
4,280,161	-193,427	-294,867	4,086,734
4,086,734	-198,011	-294,867	3,888,722
3,888,722	-202,704	-294,867	3,686,018
3,686,018	-207,508	-294,867	3,478,510
3,478,510	-212,426	-294,867	3,266,083
3,266,083	-217,461	-294,867	3,048,623
3,048,623	-222,615	-294,867	2,826,008
2,826,008	-227,891	-294,867	2,598,117
2,598,117	-233,292	-294,867	2,364,826
2,364,826	-238,821	-294,867	2,126,005
2,126,005	-244,481	-294,867	1,881,524
1,881,524	-250,275	-294,867	1,631,250
1,631,250	-256,206	-294,867	1,375,043
1,375,043	-262,278	-294,867	1,112,765
1,112,765	-268,494	-294,867	844,270
844,270	-274,858	-294,867	569,412
569,412	-281,372	-294,867	288,040
288,040	-288,040	-294,867	0

Rental Income No Properties		Rent / Month	Max Rent	Occupancy say 11 out of 12 mths	Mgt Fee 50%	Net lease	repairs	Ground Rent	Service Charge	Total
0	Studio flats	657	0	0.92	50%	0		200	750	0
0	1 bed flat	657	0	0.92	50%	0		250	800	0
20	2 bed flat	840	201,677	0.92	50%	92,435	200	300	900	28,000
0	3 bed flat	1,062	0	0.92	50%	0		350	1,000	0
Total income		<u>201,677</u>				<u>92,435</u>				<u>28,000</u>

Avoided B&B Costs based on
12 cases saving £372 a week for 52 weeks.

	Nightly let Rent per night	Nightly let Rent per month £	Nightly let Rent per year £	HB allowance per year £	client homelessness contribution per year £	Homelessness cost per year £	Homelessness cost per week £
1 bed flat	60.00	1,680	21,900	7,300	1,300	13,300	256
2 bed flat	70.00	1,960	25,550	7,300	1,300	16,950	326
3 bed house	100.00	2,800	36,500	7,300	1,300	27,900	537
							373

Current cost to Homelessness budget		
	numbers of Nightly let	Homelessness total cost per year £ nightly let
1 bed flat	0	-
2 bed flat	20	339,000
3 bed house	0	-
		339,000

combined avoidance costs with Bath road

total avoidance	-557,000
lease income	-135,889
annual profit	-288,053

SUBJECT:	<i>Repairs to the Beacon Centre roof</i>
REPORT OF:	<i>Officer Management Team</i>
RESPONSIBLE OFFICER	<i>Head of Healthy Communities</i>
REPORT AUTHOR	<i>Martin Holt martin.holt@southbucks.gov.uk 01494 732055</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

This report is to inform Cabinet of the decision by the Chief Executive to use delegated powers to undertake essential repairs to the Beacon Centre roof.

RECOMMENDATION

That Cabinet note the exercise of urgency' powers under the Scheme of Officer Delegations and application of an exemption under the Contract Procedure Rules to enable urgent works to be carried out to the roof of the Beacon Centre

2. Reasons for Recommendation

To report urgent action taken by officers under the Scheme of Delegations and Contract Procedure Rules to enable repairs to the roof of the Beacon Centre during a period of contractor availability, in order to prevent damage to newly installed equipment undertaken as part of the lift refurbishment and to mitigate the imminent risk of failure of a rusting water tank positioned above the plant room.

3. Content of Report

3.1 On 21 June 2017, Management Team considered and agreed a request to exercise urgency powers under the Scheme of Officer Delegations and an exemption on the grounds of urgency under paragraph 16 of the Contract Procedure Rules to authorise works to the roof of the Beacon Centre.

3.2 During programmed repairs and upgrade to the lift it became apparent that the roof over the lift shaft had been leaking into the shaft for some time and possibly contributed to defects in the lift operation. As the repairs and upgrade to the lift was nearing completion to prevent further damage to the newly installed equipment a repair to the roof was required. Repairs to the roof over the plant room were also required to prevent an imminent risk of failure of a rusting tank.

3.3 Advice from the Council's consultant engineer confirmed that all repairs were of an urgent nature requiring scaffold access. A quotation for the works was obtained from Midland Felt Roofing in the sum of £11,500 plus VAT) together with confirmation that the work could be completed prior to the school repair period, when many contractors are unavailable.

3.4 Had the Council followed the Contract Procedure Rules to obtain at least two quotes this would have limited contractor availability until late September exposing the centre equipment, and personnel, to risk.

4. Consultation

Not Applicable.

5. Options

As set out above.

7. Corporate Implications

7.1 Financial – the expenditure of £11,500 is within the current planned capital budget for the Beacon centre.

7.2 Legal – the Council is liable for the structural condition of the building.

8. Links to Council Policy Objectives

Delivering cost- effective, customer- focused services.

9. Next Steps

The roof has now been repaired.

Background Papers:	None other than those referred to in the report
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RESOURCES POLICY ADVISORY GROUP (SBDC)**Meeting - 26 September 2017**

Present: T Egleton (Chairman)
D Dhillon, B Gibbs and P Hogan

Also Present: D Smith

Apologies for absence: S Chhokar and R Sangster

10. MINUTES

The minutes of the meeting of the Policy Advisory Group (PAG) held on 15 June 2017 were received.

11. DISCRETIONARY BUSINESS RATE RELIEF

Following the announcement in the Spring Budget 2017 of central government funds for Discretionary Business Rate Relief, the Committee were advised that each local authority had to design its own scheme for distributing the funds. The proposed scheme in consultation with other Buckinghamshire local authorities, focussed on small and local businesses with exclusions for certain types of business. The proposed target was to assist local businesses with not more than 2 premises and a rateable value under £200,000. It was estimated that about 165 businesses would benefit. It was anticipated that the percentage tax relief would be about 35% but depending on the applications received it may be possible to increase the award later in the year as the Council wants to use as much as possible of the Government funding. Councillors asked if there would be a further meeting to discuss the percentage when the study was complete but it was advised that there was a requirement for Council's to proceed in a timely fashion or it could result in negative publicity. It was agreed that a note could be circulated to Members if necessary.

It was asked why the scheme had been set for those small businesses with not more than 2 premises and it was advised that this mirrored the current small business rate relief scheme. It was noted that the scheme would be consistent across the 4 districts.

Having considered the advice of the PAG, the Portfolio Holder **RESOLVED** to **RECOMMEND** to Cabinet:

1. That the discretionary scheme set out in Appendix A be agreed.
2. To delegate authority to the Head of Customer Services in consultation with the Portfolio Holder to agree the final percentage award for the

financial years 2017/18 and 2018/19, and future changes with regard to Government guidance, the Council's financial position and other such considerations as they may think fit.

3. That authority for all awards made in accordance with para 4.2 a) (all ratepayers matching agreed criteria (outlined below) to qualify for an award equivalent to a percentage of the increase they have faced (% to be agreed, based on affordability) be delegated to the Head of Customer Services. All awards under 4.2 b) (Applications from ratepayers falling outside the criteria to be considered on a case by case basis and assesses on need and local impact.) will be made in accordance with the Council's existing Discretionary Rate Relief Policy.

12. AFFORDABLE HOUSING ACTION PLAN

The Affordable Housing Action Plan set out several recommended actions in line with those already in place in a number of other District Councils. There were still uncommitted funds received under the affordable housing section 106 agreements that needed to be allocated.

There were currently pressures from the Ombudsman to reduce the numbers in Bed & Breakfast emergency accommodation for more than 6 weeks and there could be substantial fines if a reduction was not achieved. Currently the affordable housing stock is limited with an average of 2 properties per week being advertised through Bucks Home Choice, the Councils choice based letting system, resulting in a 2 year waiting list for a 2 bedroom property in the district.

The need to borrow for the acquisition of residential properties was noted but it would avoid the emergency housing costs which have risen significantly in recent years. The properties would be managed by a housing association but the Council would retain the capital value of the property.

Members discussed why there was an increase in homelessness. It was in line with the national trends, the supply of suitable accommodation to rent had decreased and there was the effect of changes in the housing benefits system which reduced amounts paid. It was advised that there was a Member Task & Finish group looking at the issue of homelessness in detail and it would be reporting to Overview & Scrutiny Committee in October.

It was asked why there had been some Bed & Breakfast debts written off and it was advised that this referred to only a few old cases, one of which was being investigated as a potential fraud. It was advised that this had resulted in procedures being tightened up and new actions put into place. The Task and Finish group would report to Overview & Scrutiny Committee more fully on this matter.

Members of the PAG agreed that it was important to consider the many options and to reduce temporary accommodation costs.

Having considered the advice of the PAG, the Portfolio Holder AGREED to RECOMMEND to Cabinet that

1. Cabinet considers the theoretical business case for the acquisition of residential properties for use as affordable housing and seeks a further report.
2. Cabinet comment on the Affordable Housing Action Plan in seeking to end the long term use of nightly let and B&B accommodation for homelessness.

13. **GERRARDS CROSS STATION ROAD MULTISTOREY CAR PARK PROJECT UPDATE**

Members noted the updated report and that following the planning consultations and reviewing the comments received the decision had been made to withdraw the planning application for the current scheme. There was still a need for additional parking capacity at Gerrards Cross as identified by the surveys. The options to take the project forward would now be reviewed and reported back to Members. There would be further meetings with stakeholders including the Town Council, Chiltern Railways and Network Rail to discuss the way forward.

RESOLVED

That the report be noted.

14. **TREASURY MANAGEMENT REPORT - QUARTER 1 2017 - 18**

The average return on fixed rate investments in the quarter was 0.63%. It was noted that the Council was maintaining a reasonable cash position.

RESOLVED:

That the report be noted.

15. **ANY OTHER BUSINESS**

An email had been received from Councillor Ray Sangster who had been unable to attend, posing the following questions:

1. Requesting information on the amount lost on the homeless account as discussed above. This information had been circulated to all members of the PAG in advance of the meeting.

Resources Policy Advisory Group (SBDC) - 26 September 2017

2. Measures to address the situation in the future. It was reported that the task and finish group had investigated and agreed suggested changes to future processes and an action plan. It would be discussed at the next Overview & Scrutiny meeting (16 October 2017) and the recommendations would be considered at the following Cabinet meeting (25 October 2017). All members of the Council would have access to the report and be able to attend the O&S Committee meeting.
3. How much has SBDC spent on the Gerrards Cross car park project to date?

It was advised that the costs incurred would be circulated when available.

16. EXEMPT INFORMATION

"That under Section 100(A)(4) of the Local Government Act 1972 following item of business is not for publication to the press or public on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act."

(para 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

17. APPLICATION FOR DISCRETIONARY RATE RELIEF

The Chairman requested that the following item be considered next and the Committee agreed.

Councillor P Hogan left the room at 6.14 pm whilst this item was considered as he declared a prejudicial interest in this item, as he was a Director of the Bekonscot Foundation.

It was explained to the meeting that Bekonscot was a "not for profit" organisation that was currently applying for charitable status. Unfortunately, there had been a delay in achieving that status which would automatically qualify for an 80% mandatory relief. The Members were asked to consider an interim decision to award Discretionary Rate Relief up until 31 March 2018 to the same value as the mandatory relief. It was noted that the Council had always supported the Foundation in the past and agreed to

Having considered the advice of the PAG, the Portfolio Holder AGREED to RECOMMEND to Cabinet

That the Discretionary Rate Relief be awarded to 31 March 2018 pending an update on the company gaining charitable status.

18. CAPSWOOD OFFICES

It was advised that a tenant had been found for Capswood 1 on the First Floor. The ground floor may also be taken. There was therefore a request for funds to be released for a refurbishment of the floor from allocated capital project for this work. It was hoped that they could occupy the space quite quickly but it was advised that they were giving notice at their present premises and wouldn't be able to move in until February. There was also concern regarding the impact on parking at Capswood, but there was reassurance that they would only use the basement parking and no material impact was anticipated.

Having considered the advice of the PAG, the Portfolio Holder AGREED to RECOMMEND to Cabinet

1. That the progress made be noted and
2. That the allocated capital expenditure of £115,000 for the refurbishment of the ground floor of Capswood 1 be released and the ground floor be let as soon as possible with authority delegated to Head of Environment in consultation with the Portfolio Holder to agree terms.

19. EMERGENCY HOUSING UNITS FOR TEMPORARY ACCOMMODATION - BATH ROAD DEPOT

The PAG considered the interim development opportunity for temporary housing for use as emergency accommodation at Bath Road Depot. It was currently vacant but had planning permission for employment use. It was proposed to use units of modular construction for a 5 year period. If at the end of this the planning permission was not extended then they can be relocated to another site. The Project Manager and Contractor could be appointed under the Scape agreement to comply with procurement rules to avoid costly delays. Consultations would be made with the Parish Councils.

Members fully supported the scheme in the context of being part of an approach to dealing with the homelessness issue referred to in the report earlier in the agenda. Members considered that the project would be even more worthwhile if more than a 2 storey building could be accommodated on the site. It was advised that it was uncertain whether development in the Green Belt would allow building greater than 2 storeys but the matter would be raised with Planning. The site was considered suitable as a sustainable location for housing, with shops and buses, close proximity to the train station and walking distance to Burnham Town Centre.

It was noted that a project group had been set up to expedite the matter. It was advised that this comprised the Director of Services and the Portfolio Holders for Healthy Communities and Resources, with the assistance of Legal and Finance Officers.

The PAG agreed to support the proposal and looked forward to a further report once the figures were available.

Having considered the advice of the PAG, the Portfolio Holder AGREED to RECOMMEND to Cabinet

- 1 To agree the proposals to design, build and install temporary accommodation units at Bath Road Depot for a period of 5 years.
- 2 That, subject to contract, the Council purchases 801 Bath Road, Taplow and adjacent land, using money available from the approved capital programme and the Head of Environment in consultation with the Head of Legal and Democratic Services and the Portfolio Holder for Resources be authorised to finalise the terms and conclude the purchase.
- 3 To note that Management Team has agreed an exception to the Contract Procedure Rules to appoint a Project Manager or other consultants through the Scape framework to undertake a feasibility study to design, build and install the temporary accommodation units at Bath Road Depot.
- 4 Subject to planning consent and the final business plan to delegate to the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources the authority to proceed with the development of temporary units for use as emergency accommodation on the Bath Road Depot site including authority for the Head of Environment in consultation with the Head of Legal and Democratic Services to negotiate and conclude any necessary agreements to allow the development to proceed through to completion..
- 5 To authorise the appointment of a Registered Provider to manage the emergency accommodation provided on the Bath Road site and any adjacent land for a period of up to 5 years on terms to be agreed by to the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources.
- 6 To authorise the Director of Services in consultation with the Portfolio Holder for Healthy Communities to draw down up to £2.7m of s106 funding to enable the Bath Road temporary housing project to progress.

The meeting terminated at 7.50 pm

SUBJECT:	<i>Discretionary Business Rate Relief – Spring Budget 2017</i>
REPORT OF:	<i>Councillor Barbara Gibbs, Resources Portfolio</i>
RESPONSIBLE OFFICER	<i>Nicola Ellis – Head of Customer Services</i>
REPORT AUTHOR	<i>Neil Berry – Service Development Manager</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To agree a proposed scheme for awarding Discretionary Business Rate Relief following announcement of central government funding in the Spring 2017 budget.

RECOMMENDATIONS to Cabinet that

1. **The discretionary scheme set out in Appendix A is agreed.**
2. **Authority to be delegated to the Head of Customer Services in consultation with the relevant portfolio holder to agree the final % award for the financial years 2017/18 and 2018/19, and future changes having regard to Government guidance, the Council's financial position and other such considerations as they may think fit.**
3. **Authority for all awards made in accordance with para 4.2 a) of this report be delegated to the Head of Customer Services. All awards under para 4.2b) will be made in accordance the Council's existing Discretionary Rate Relief Policy**

2. Executive Summary

2.1 The Government announced a new scheme of discretionary relief for businesses in the spring budget. The Department for Communities and Local Government has made it clear that it is for each local authority to design its own scheme.

2.2 A standard scheme throughout Buckinghamshire has been designed, with some flexibility for local variations.

3. Reasons for Recommendations

3.1 Cabinet approval is needed to implement this new scheme that will be of benefit to local businesses

4. Background and Issues

- 4.1 The Discretionary Business Rate Scheme is aimed at supporting those businesses facing a large increase in their business rates as a result of the revaluation which came into effect in April 2017. The Government has allocated funding over the 4 years of the scheme, however believes local authorities are best placed to judge the criteria for relief and the amount awarded. It is suggested that the South Bucks scheme is aimed at supporting local businesses.
- 4.2 A two-pronged approach is recommended to support local businesses for the first two years:
- a) All ratepayers matching agreed criteria (outlined below) to qualify for an award equivalent to a percentage of the increase they have faced (% to be agreed, based on affordability)
 - b) Applications from ratepayers falling outside the criteria to be considered on a case by case basis and assesses on need and local impact.
- 4.3 As Central Government funding in years 3 and 4 is significantly less than earlier years it is difficult to imagine meaningful awards being applied to a wide group of ratepayers. In view of this, a case by case approach is recommended with special consideration being given to the benefits to the district.
- 4.4 A summary of the suggested eligibility criteria is set out below:
- a) Relief is aimed at local businesses
 - b) The business must see an increase in business rates between 2016 and 2017 as a result of the revaluation. This increase must be a minimum of £500 per annum
 - c) Awards will be made as a percentage of the increase in rates
 - d) The scheme will normally apply to businesses with a rateable value below £200,000
 - e) Awards in year 2 will be a proportion of year 1 relief
 - f) The following types of occupiers / properties will not qualify for relief:
 - Unoccupied properties
 - Ratepayers who occupy more than 2 properties
 - Government buildings
 - Betting and gambling premises
 - Financial institutions including cash machines / ATMs
 - Pawnbrokers and pay day lenders
 - Sex shops
 - Education establishments
 - NHS premises
 - Premises occupied by a precepting authority (legislative restriction)
 - Ratepayers already in receipt of mandatory / discretionary relief
- 4.5 The full scheme for approval is set out in Appendix A

5. Consultation

- 5.1 There is a requirement to consult with the County Council and major preceptors on the proposed scheme and their support has been confirmed through the Bucks Finance Officers Group.

6. Corporate Implications

- 6.1 Financial – Each local authority already currently administers discretionary relief under section 47 of the Local Government Finance Act 1988. Authorities will be provided with specific funds to support businesses in their area for this new scheme.

- 6.2 The funding allocation announced by central government for South Bucks is as follows, and shows a significant tapering of funding especially in years 3 & 4.

2017/18	2018/19	2019/20	2020/21
£164,000	£80,000	£33,000	£5,000

If Government funding levels are exceeded any over-spending will be funded by 40% SBDC, 10% Bucks CC and 50% Central Government.

7. Links to Council Policy Objectives

- 7.1 The provision of an effective Discretionary Business Rate Relief scheme supports the Councils aim of promoting a thriving economy.

Background Papers:	None
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Policy for the granting of the Discretionary Business Rates Relief

Version Control

<i>Version</i>	<i>Version date</i>	<i>Revised by</i>	<i>Description</i>
1	July 2017	LM	Policy
2	July 2017	LM	Revisions
3	August 2017	DA	Sign off
4	August 2017	LM	Revisions NB

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1.0 Purpose of the Policy

- 1.1 The purpose of this policy is to determine the level of Discretionary Business Rates Relief to be granted to certain defined ratepayers within the Council's area.
- 1.2 The Local Government Finance Act 1988 and subsequent legislation requires the Council to grant discretionary relief for premises occupied by Charities and similar organisations that own or occupy them wholly or mainly for charitable purposes. Likewise, certain premises situated within a rural settlement area will be eligible for relief. Powers have also been granted under the Localism Act 2011, which allow for the granting of discretionary rate relief to any premises where the Council feels the granting of such relief would be of benefit to the local community.
- 1.3 In addition to the above, Central Government is keen that in certain cases, assistance should be provided to businesses who have had increases in their rate liability due to the revaluation of premises in April 2017. In these cases, and where the Council meets Central Government guidelines, grants are available under section 31 of the Local Government Act 2003.
- 1.4 Whilst the Council is obliged to grant relief to premises, which fall within the mandatory category, the Council also has powers to grant discretionary relief and reductions to ratepayers, subject to certain criteria being met.
- 1.5 This document outlines the following areas:
- Details of the criteria for receiving an award under the Discretionary Business Rates Relief Scheme;
 - The Council's general policy for granting of all types of Discretionary Reliefs;
 - Guidance on granting and administering the reliefs;
 - European Union requirements including provisions for State Aid; and
 - The Council's Scheme of Delegation.
- 1.6 This document covers all aspects of the new Discretionary Business Rates Relief scheme which is available from 1st April 2017. Where businesses apply for relief they will be granted (or not granted) relief in line with the following policy.

2.0 Discretionary Relief – Legislative Background

Introduction

- 2.1 The original purpose of discretionary relief was to provide assistance where the property does not qualify for mandatory relief, or to ‘top’ up cases where ratepayers already receive mandatory relief.
- 2.2 Over recent years, and particularly since 2011, the discretionary relief provisions have been amended to allow authorities the flexibility to provide more assistance to businesses and organisations.
- 2.3 The range of bodies, which are eligible for discretionary rate relief, is wide and has been developed by both the Council and Central Government to address certain issues with business rates.
- 2.4 Unlike mandatory relief, ratepayers are obliged to make a written application to the Council. The Council will expect all businesses to make applications in such a format as is required (which may vary from time to time) and for the business to provide such information, evidence, certificates etc. as required in order to determine whether relief should be awarded.
- 2.5 The Council is obliged to consider carefully every application on its merits, taking into account the contribution that the organisation makes to the amenities within the authority’s area. There is no statutory appeal process or Tribunal against any decision made by the Council, although as with any decision of a public authority, decisions can be reviewed by Judicial Review. The authority will however, upon request, review decisions made. Details of the internal review process are given within this policy.
- 2.6 The granting of discretionary relief falls broadly into the following categories:
- a. Discretionary Relief – Charities who already receive mandatory relief;
 - b. Discretionary Relief – Premises occupied by organisations not established or conducted for profit whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts **or** premises occupied by organisations not established or conducted for profit and wholly or mainly used for purposes recreation;
 - c. Discretionary Relief – Granted under the Localism Act 2011 provisions;
 - d. Local Newspaper Relief (from 1st April 2017 for a period of two years);
 - e. Local Public House Relief (from April 2017 for a one year period);
 - f. Supporting Small Businesses Relief (from 1st April 2017 for a period of five years or until business pay their full rate charge or their transitional rate charge (calculated in accordance with the Non-Domestic Rating (Chargeable Amounts) (England) Regulations 2016); and
 - g. Discretionary Business Rates Relief Scheme (from 1st April 2017 for a period of up to four years).
- 2.7 This policy document purely covers the granting of awards under the Discretionary Business Rates Relief Scheme (g. above) which covers a period from 1st April 2017 for up to four years. The decision to grant or not to grant discretionary relief is a matter purely for the Council.

The Council's general approach to granting Discretionary Relief

- 2.8 In deciding which organisations should receive discretionary rate relief, the Council has considered the following factors and priorities:
- a. That any award should support business, organisations and groups that help to retain services in the Council's area and not compete directly with existing businesses in an unfair manner;
 - b. It should help and encourage business, organisations, groups and communities to become self-reliant;
 - c. Awarding discretionary relief should not distort competition or significantly change the provision of services within the Council's area;
 - d. Local organisations will be given priority over national organisations. Where requested, the organisation will need to supply the Council with clear evidence of **all** financial affairs including, and most importantly, the amounts of monies raised, used and invested locally. This will be essential where the organisation is national in nature;
 - e. To enable appropriate organisations to start, develop or continue their activities, which deliver outcomes to the community and that also relate to the priorities of the Council, which, without granting discretionary relief they would be unable to do;
 - f. To assist the Council in delivering services which could not be provided otherwise;
 - g. To assist the Council to meet its core values and priorities; and
 - h. To ensure that the financial impact of awarding discretionary business rate relief is justified in terms of the local outcomes achieved by the organisation receiving it.
- 2.9 Where any reduction or remission is granted to a ratepayer under S49 Local Government Finance Act 1988 where hardship is proven to the Council, then there will be no requirement to grant Discretionary Rate Relief for that amount.
- 2.10 In certain cases, the order in which relief is granted is specified. Mandatory relief shall be granted in all cases where the criteria is met irrespective of whether discretionary relief can be granted or not.

The Council's approach to granting Government led Discretionary Relief schemes

- 2.11 Over the past few years, a number of schemes have been led by Central Government but without specific legislative changes. These are administered under S47 of the Local Government Finance Act 1988 and guidance is often provided. The Council is keen to support such initiatives especially where they are designed to help local businesses and will look to maximise both the reliefs given as well as maximising any grants receivable. However, the Council reserves the right to vary its approach where thought appropriate.
- 2.12 In the case of the Discretionary Business Rate Relief scheme, Central Government is keen that individual Councils develop their own scheme to meet local needs. Government has allocated funds to

the Council using a particular methodology, but it has been keen to point out that this should have **no** bearing on the actual scheme adopted by the Council.

3.0 Effect on the Council's Finances

- 3.1 The granting of discretionary relief will, in the main, potentially involve a cost to the Council. Since the change to the funding for Non-Domestic Rating in April 2013, the effect of the relief is complex.
- 3.2 Any amounts granted prior to 1st April 2013 and continuing since that date will be included in the Council's baseline within the Business Rates Retention Scheme. Any amounts granted for similar cases after 1st April 2013, the costs of the relief will be borne in accordance with the Business Rates Retention Scheme share namely 50% borne by Central Government, 40% by the Council and 10% by Buckinghamshire County Council. This also applies where mandatory relief is granted.
- 3.3 In March 2017, Central Government announced that it would make available a discretionary fund of £300 million over four years from 2017-18 to support those businesses that face the steepest increases in their business rates bills as a result of the revaluation. Government determined that Councils would be best placed to determine how this fund should be targeted and administered to support those businesses and locations within their area that are in the greatest need.
- 3.4 Where Central Government leads an initiative such as the Discretionary Business Rates Relief Scheme, grants are often made available. This is not automatic and Central Government will look to the Council to adopt any recommended criteria when granting in these areas to ensure that any grant is paid
- 3.5 Every authority within England is to be provided with a share of the fund to support their local businesses. This is to be administered through billing authorities' discretionary relief powers under section 47 of the Local Government Act 1988. The full effects of the financial allocation are shown below.
- 3.6 The allocation of monies to authorities and the methodology of the funding award is completely separate to the scheme itself and Government believes that local authorities are best placed to judge the particular circumstances of local ratepayers and direct the funding where it is most needed to support local economies.
- 3.7 The funding is not provided equally over the four-year period but in the following approximate proportions:
- Year 1 (2017/18) 58%
- Year 2 (2018/19) 28%
- Year 3 (2019/20) 12%
- Year 4 (2020/21) 2%
- 3.8 Councils will be compensated for any relief granted under section 31 of the Local Government Act 2003. The Government has decided that the relief cannot be 'vired' from one year to the next.

- 3.9 A key criteria of reimbursement will be that all Billing Authorities will consult with major precepting authorities when formulating their schemes.
- 3.10 The financial effects to the Council of the Discretionary Business Rates Relief Scheme are shown in the following table

Amount of discretionary fund awarded (£000s) - South Bucks District Council			
2017-18	2018-19	2019-20	2020-21
164	80	33	5

- 3.11 The above is to be awarded up to the maximum level set by Central Government. It is possible for the Council to grant more relief than that allocated by grant. However, once the maximum grant level has been reached, any additional amount granted is borne 40% by the Council, 10% by the County Council and 50% by Central Government.

4.0 Discretionary Relief – EU State Aid requirements

- 4.1 European Union competition rules generally prohibit Government subsidies to businesses. Relief from taxes, including non-domestic rates, can constitute state aid. The Council must bear this in mind when granting discretionary rate relief.
- 4.2 Rate relief for charities and non-profit making bodies is not generally considered to be state aid, because the recipients are not in market competition with other businesses. However, where other bodies receive relief and are engaged in commercial activities or if they are displacing an economic operator or if they have a commercial partner, rate relief could constitute state aid.
- 4.3 Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)¹. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three-year period (consisting of the current financial year and the two previous financial years).
- 4.4 Where the relief to any one business is greater than the De Minimis level, then permission will need to be obtained from the European Commission. In such cases the matter will be referred to the Department for Communities and Local Government (DCLG) for advice and then referred back to the Council for consideration. It will be for the ratepayer to provide confirmation as to whether the State Aid provisions apply to them.
- 4.5 In all cases, where discretionary relief is to be granted or where liability is to be reduced, when making an application, ratepayers will be required to provide the Council with sufficient information to determine whether these provisions are applicable in their case.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

5.0 Administration of Discretionary Relief – General approach

- 5.1 The following section outlines the procedures followed by officers in granting, amending or cancelling discretionary relief and reduction. This is essentially laid down by legislation²

Applications and Evidence

- 5.2 All reliefs must be applied for. Application forms are produced by the Council both in hard copy and electronic format.. The Council will specify how applications are to be received and this may vary from time to time.
- 5.3 Organisations are required to provide a completed application form plus any such evidence, documents, accounts, financial statements etc. necessary to allow the Council to make a decision. Where insufficient information is provided, then no relief will be granted. In some cases, it may be necessary for officers to visit premises and we would expect organisations claiming relief to facilitate this where necessary.
- 5.4 Applications should initially be made to the Revenues and Benefits Service and will be determined in accordance with this policy.
- 5.5 **The Council will provide this service and guidance free of charge. Ratepayers are encouraged to approach the Council direct and not pay for such services through third parties.**

Granting of relief

- 5.6 In all cases, the Council will notify the ratepayer of decisions made.
- 5.7 Where an application is successful, then the following will be notified to them in writing:
- The amount of relief granted and the date from which it has been granted;
 - If relief has been granted for a specified period, the date on which it will end;
 - The new chargeable amount;
 - The details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
 - A requirement that the applicant should notify the Council of any change in circumstances that may affect entitlement to relief.
- 5.8 Where relief is not granted then the following information is provided, again in writing:
- An explanation of the decision within the context of the Council's statutory duty; and
 - An explanation of the appeal rights (see below).

²The Non-Domestic Rating (Discretionary Relief) Regulations 1989

- 5.9 Discretionary relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made. In such cases, the Council *may* backdate its decision.
- 5.10 A decision to award discretionary relief and how much relief is given is normally only applicable to the financial year for which the application is made. However, the Council reserves the right to grant relief for any other period as appropriate. In relation to the Discretionary Business Rate Relief scheme, awards will, in the main be granted from 1st April 2017.
- 5.11 A fresh application for discretionary relief will be necessary for each financial year **or** at such time-period as the Council determines.

Variation of a decision

- 5.12 Variations in any decision will be notified to ratepayers as soon as practicable and will take effect as follows:
- Where the amount is to be increased due to a change in rate charge or a change in the Council's decision which increases the award – this will apply from the date determined by the Council as appropriate;
 - Where the amount is to increase for any other reason it will take effect at the expiry of a financial year, and so that at least one year's notice is given;
 - Where the amount is to be reduced due to a reduction in the rate charge or liability including any reduction in rateable value, awarding of another relief or exemption this will apply from the date of the decrease in rate charge; and
 - Where the amount is to be reduced for any other reason, it will take effect at the expiry of a financial year, and so that at least one year's notice is given.
- 5.13 A decision may be revoked at any time however, a one year period of notice will be given and the change will take effect at the expiry of a financial year.

6.0 Scheme of Delegation

Granting, Varying, Reviewing and Revocation of Relief

- 6.1 All powers in relation to reliefs are given under the Local Government Finance Act 1988, the Local Government and Rating Act 1997, the Local Government Act 2003 and the Localism Act 2011. However section 223 of the Local Government Act 1992 allows for delegation of decisions by the Council to Cabinet, Committees, Sub-Committees or Officers.
- 6.2 The Council's scheme of delegation allows for the Head of Customer Services to agree awards of Discretionary Rate Relief up to £2,500 and up to £5,000 in consultation with the relevant portfolio holder. Under this policy, the authority to grant awards of Discretionary Business Rates Relief (except those covered in paragraph 8.6) is delegated to the Head of Customer Services. Awards under paragraph 8.6 will use existing delegations.
- 6.3 Applications that are refused will, on request, be reconsidered if additional supporting information is provided or the refusal is subsequently considered to be based on a misinterpretation of the application.

Reviews

- 6.4 The policy for granting relief will be reviewed annually or sooner where there is a substantial change to the legislation or funding rules. If any significant changes are required to this policy the revised policy will be brought to Cabinet. Minor technical changes are delegated to the Head of Customer Services in consultation with the relevant portfolio holder having regard to Government guidance, the Council's financial position and such other considerations as they may think fit.

Appeals

- 6.5 Where the Council receives an appeal from the ratepayer regarding the granting, non-granting or the amount of any discretionary relief, the case will be reviewed by the Head of Customer Services. Where a decision is revised then the ratepayer shall be informed, likewise if the original decision is upheld.
- 6.6 Where the ratepayer continues to be aggrieved by the decision, the case will be referred to the section 151 Officer for review in conjunction with the relevant portfolio holder as appropriate.
- 6.7 Ultimately the formal appeal process for the ratepayer is Judicial Review although the Council will endeavour to explain any decision fully and openly with the ratepayer.

7.0 Consultation

- 7.1 The Council has consulted with the major preceptors in relation to this scheme and has taken their comments into account when determining the eligibility criteria. This is an essential part of the Discretionary Business Rates Relief Scheme and is in line with the grant determination issued by the Department of Communities and Local Government (DCLG) No.31/3071.
- 7.2 The grant determination states that a condition of the fund is that consultation is undertaken with 'relevant authorities'. Relevant authorities for the purposes of this scheme means:
- a. Any major precepting authority; and
 - b. Any combined authority.
- 7.3 In the case of the Council only the major precepting authorities have been consulted namely:
- a. Buckinghamshire County Council;
 - b. The Thames Valley Police and Crime Commissioner; and
 - c. The Buckinghamshire Fire and Rescue Service.

8.0 Decisions by the Council under this scheme

- 8.1 Decisions by the Council are made directly in line with the Scheme of Delegation as outlined within section 6 of this policy. Any decision to award relief under this scheme will follow the core principles of the Council's discretionary relief policy as defined by section 2.8.
- 8.2 It should be noted that, whilst the funding from Central Government for Discretionary Business Rate Relief Scheme is limited, the decision of the Council whether to award any relief under this scheme **cannot not take account** of the level of any funding.

Discretionary Business Rate Relief Scheme- the Council's policy for granting discretionary relief.

Applications for relief under this scheme

- 8.3 The Council is keen to identify ratepayers who may qualify for the relief and as such, will look to encourage certain ratepayers to apply. The Council will look to simplify the application process wherever possible, but it will expect any ratepayers to provide such information as is required by the Council to support their application.
- 8.4 The Council has decided that relief under the scheme will be awarded using the following criteria:
- a. The scheme is designed **solely** to assist ratepayers who have suffered significant increases in rate liability due to the revaluation and the subsequent increase to their Rateable Value;
 - b. Relief will not be awarded where mandatory relief is granted and in line with legislative requirements, no relief can be granted to any precepting authority (*excepted hereditaments*);
 - c. In assessing any potential entitlement to an award under this scheme, the Council will compare the following:
 - i. The rate liability of the ratepayer at 31st March 2017 for the 2016/17 financial year after any reliefs and reductions; and
 - ii. The rate liability of the ratepayer at 1st April 2017 for the 2017/18 financial year taking into account any transitional relief or discretionary relief granted under any other provision;
 - d. Relief will be awarded where the calculation in c. gives rise to an increase in rates payable of over £500 and where the hereditament has a rateable value at 1st April 2017 of less than £200,000;
 - e. Relief will only be given to premises which are liable for occupied rates. **No relief within this scheme will be granted for unoccupied premises** or where the premises becomes re-occupied;
 - f. Relief will only be granted to ratepayers who were in occupation at 31st March 2017 and in occupation on 1st April 2017. Relief will cease at any point the hereditament becomes unoccupied and will not be re-granted;
 - g. Ratepayers (including previous ratepayers) taking up occupation after the 1st April 2017 will **not** be eligible for relief on the basis that new ratepayers would not have suffered from increases due to a revaluation;

- h. Relief will be targeted to local businesses and not those business that are national or multi-national in nature. Local businesses are, for the purposes of this scheme, those which have premises wholly in the Council's area;
- i. Relief will not be awarded where the ratepayer occupies more than two hereditaments;
- j. Further relief will **not** be awarded where the hereditament has an increase in Rateable Value after the 1st April 2017 which increases the rate charge above the 1st April 2017 value;
- k. Relief shall not be awarded where the hereditaments are used (either partly or fully) for any of the following:
 - i. Where occupied by a Government Department or agency of a Government Department including the Ministry of Defence; or
 - ii. Where occupied by any utility Company providing any of the following services:
 - Gas;
 - Electricity;
 - Telephone or Telephonic Communication;
 - Television (including Satellite or Cable);
 - Broadband; or
 - Water or Sewerage services; or
 - iii. Where occupied by any financial institution including (but not limited to) banks, building societies, ATMs and Cash points; or
 - iv. Where occupied by any pay day lender, cheque cashing, pawn brokers or business of a similar nature; or
 - v. Where occupied by any business promoting or undertaking gambling, betting or similar (excluding the sale of National Lottery or Local Lottery tickets at the discretion of the Council); or
 - vi. Where occupied by any business or ratepayer as a sex shop, sex cinema and sexual entertainment venue (this would include, but not limited to, premises that require a licence under schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009); or
 - vii. Where occupied by any educational establishments including prescribed educational establishments as defined by the Council Tax (Discounts Disregards) Order 1992 as amended;
- l. Where a ratepayer is in receipt of any award under this policy, the authority will **not** consider any application for relief under Section 44A of the Local Government Finance Act 1988 for the same hereditament.

Amount of Relief

8.5 The amount of relief is tapered and will be calculated as follows:

2017/18

An award shall be granted where the ratepayer meets the criteria in 8.4 above and where the increase defined within paragraph 8.4c is greater than £500. A percentage award will be determined by the Council (the relevant percentage)³

2018/19

The award for 2018/19 will be calculated as the 2017/18 award x 50% (for clarity this will be half of the relief awarded in 2017/18)

2019/20 & 2020/21

The awards for any of the two years 2019/20 or 2020/21 shall be granted on an individual case by case basis.

8.6 In exceptional circumstances, the authority shall consider applications on a case by case basis where the ratepayer falls outside of the criteria detailed in paragraph 8.4 but where the ratepayer can demonstrate that they are experiencing severe financial difficulties due to the revaluation on 1st April 2017.

Variation and amendment of relief under the scheme

8.7 As with all reliefs, the amount of relief awarded under the Discretionary Businesses Rates relief scheme will be recalculated in the event of a change of circumstances. In effect, relief is calculated on a daily basis in line with the ratepayer's liability on that day. This will include, for example, a backdated change to the rateable value of the hereditament. This change of circumstances could arise during the year in question or during a later year.

8.8 The Non-Domestic Rating (Discretionary Relief) Regulations 1989 (S.I. 1989/1059) requires the Council to provide ratepayers with at least one year's notice in writing before any decision to revoke or vary a decision so as to increase the amount the ratepayer has to pay takes effect. Such a revocation or variation of a decision can only take effect at the end of a financial year. But within these regulations, the Council may still make decisions which are conditional upon eligibility criteria or rules for calculating relief which allow the amount of relief to be amended within the year to reflect changing circumstances.

³ The authority to decide the relevant percentage has been delegated to the Head of Customer Services in consultation with the relevant portfolio holder for the financial years 2017/18 & 2018/19 having had regard to Government guidance, the Council's financial position and such other considerations as they may think fit.

9.0 Reporting changes in circumstances

- 9.1 Where any award is granted to a ratepayer, the Council will require **any** changes in circumstances which may affect the relief to be reported as soon as possible and in any event not more than 21 days from the happening of the event. This will be important where the change would result in the amount of the award being reduced or cancelled e.g. where the premises comes unoccupied or is used for a purpose other than that determined by the Council as eligible for relief.
- 9.2 Where a change of circumstances is reported, the relief will, if appropriate be revised or cancelled. Where any award is to be reduced, the Council will look to recover the amount from the date the change of circumstances occurred.
- 9.3 Where a change in circumstances is not reported and it is subsequently identified that it would have reduced the relief awarded, the Council reserve the right to remove any award completely.

10.0 Fraud

- 10.1 Where a ratepayer falsely applies for any relief, or where the ratepayer provides false information, makes false representation, or deliberately withholds information in order to gain relief, prosecutions will be considered under the Fraud Act 2006.

SUSTAINABLE DEVELOPMENT POLICY ADVISORY GROUP (SBDC)

Meeting - 7 September 2017

Present: N Naylor (Chairman)
J Jordan

Apologies for absence: G Hollis, M Lewis and G Sandy

68. MINUTES

The minutes of the meeting held on 9 March 2017 were confirmed.

69. DECLARATIONS OF INTEREST

There were no declarations of interest.

70. REPORT FROM MEMBERS

There were no updates from Members.

71. CURRENT ISSUES

To be discussed in the following minutes.

72. REVISED BUILDING CONTROL CHARGES

The PAG received a report which set out proposals to revise Building Control Charges by simplifying the scheme and increasing some of the charges. It was explained to the meeting that the fee structure was designed to cover the costs of the service but any extra income would be invested into the service. It was intended to save costs by reducing the need to issue invoices and process cheques. Recent investments in the service included the use of Ipads and a Building Control App should result in a reduction in the use of paper. The service was also developing partners across district boundaries to keep a consistent flow of work and develop the business.

Having considered the advice of the PAG, the Portfolio Holder **RESOLVED** that the revised Building Control Charges Scheme attached at Appendix 1 be approved.

73. BROWNFIELD LAND REGISTER

The PAG received a report that advised members on new statutory requirements for the Council to prepare and publish a Brownfield Land Register for South Bucks District and which sought agreement from the Portfolio Holder to carry out consultation on a draft Register. The PAG noted that further authority would be sought from Cabinet and Full Council to approve the final Register.

There was a requirement for the Register to be published by 31 December 2017. It was noted that much of this information was already in the public domain as many sites were already included in the Housing and Economic Land Availability Assessment. It was asked in what format it would be published and it was advised that this was also prescribed by government and would be in the form of an Excel spreadsheet on the website, with hard copies in both Council's Receptions.

Having considered the advice of the PAG, the Portfolio Holder **RESOLVED** that the proposed consultation on a draft Brownfield Land Register for South Bucks District be approved.

And further

Having considered the advice of the PAG, the Portfolio Holder **AGREED** to **RECOMMEND** to Cabinet that

- 1) Cabinet delegates publication of the Register and any future updates to the Head of Sustainable Development in consultation with the Portfolio Holder;
- 2) Cabinet recommends to Full Council that the decision to enter land in Part 2 of the Register is delegated to the Planning Committee and dealt with under the Scheme of Officer Delegations in the same way as planning applications; and
- 3) the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations.

74. **HS2 UPDATE REPORT AND APPOINTMENT OF LANDSCAPE CONSULTANTS**

There was an update of the progress on the project to date and the forward planning for the project. It was noted that whilst the Act of Parliament granted deemed planning permission for the HS2 project, there were still certain approvals that had to be secured from the planning authorities under Schedule 17 of the Act. Buckingham County Council was to lead the local Traffic Liaison Group, responsible for traffic management schemes. The County Council were also dealing with all matters related to waste and excavated material.

The Main Works Contractors (MWC) had been appointed in July 2017 and were designing the railway scheme over the next 18 months and were responsible for obtaining the necessary Schedule 17 approvals from the local planning authorities. The statutory time obligations and lack of local expertise had led to a recommendation that the Council commission Land Use Consultants (LUC) to provide landscape advice on Schedule 17 matters. LUC has acted as landscape consultant previously for the Bucks authorities in the HS2 project and was currently working with

Sustainable Development Policy Advisory Group (SBDC) - 7 September 2017

the Chilterns AONB Group, and therefore has considerable knowledge and experience of the project and the Buckinghamshire area.

Under the Service Level Agreement (SLA), HS2 Ltd had agreed to fund the work of consultants but has capped its rate of pay as part of its cost limitations. LUC has agreed to undertake the work within the fees rates offered by HS2 and therefore there is unlikely to be any cost to the Council. The work is likely to continue for a period of 6 years and involve about 150 applications across both authorities. An exemption to the usual contract procedure rules had therefore been requested from the Management Team, due to the urgency, specialist knowledge requirement and historical involvement of LUC.

The meeting also discussed the Colne Valley Regional Park Panel (CVRPP). It was noted that SBDC had been a member since the group was created to mitigate the effects of the HS2 development and was currently the commissioning authority for the Additional Mitigation Projects Plan phase which would be completed by March 2018. Agreement was sought from this Policy Advisory Group to continue to act as commissioning authority on the Additional Mitigation Projects should the panel request the Council to do so to ensure that the work is carried out properly throughout the construction phase. It was agreed that SBDC were best placed to assume this role.

RESOLVED

That the current position be noted and:

Having considered the advice of the PAG, the Portfolio Holder **AGREED** to **RECOMMEND** to Cabinet

1. To approve the appointment of Land Use Consultants to provide landscape advice on Schedule 17 applications and other related HS2 matters for the duration of the planning aspect of the construction phase and;
2. To approve Delegated Authority to the Council to act as the commissioning authority for any additional Projects from the Colne Valley Regional Park Panel's work to the Chief Executive in consultation with the Head of Legal Services.

75. ANY OTHER BUSINESS

None

The meeting terminated at 6.18 pm

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SUBJECT:	<i>Brownfield Land Register</i>
REPORT OF:	<i>Cllr John Read– Planning and Economic Development Portfolio</i>
RESPONSIBLE OFFICER	<i>Peter Beckford, Head of Sustainable Development</i>
REPORT AUTHOR	<i>Phillip Gill – 01494 732951 – phillip.gill@southbucks.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

1.1. To advise members on new statutory requirements for the Council to prepare and publish a Brownfield Land Register for South Bucks District and seek agreement from the Portfolio Holder to carry out consultation on a draft Register. Further authority is sought from Cabinet and Full Council to approve the final Register.

RECOMMENDATIONS

- 1 That the Portfolio Holder approves the proposed consultation on a draft Brownfield Land Register for South Bucks District; and**
- 2 That Cabinet delegates publication of the Register and any future updates to the Head of Sustainable Development in consultation with the Portfolio Holder; and**
- 3 That Cabinet recommends to Full Council that the decision to enter land in Part 2 of the Register is delegated to the Planning Committee and dealt with under the Scheme of Officer Delegations in the same way as planning applications; and**
- 4 That the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations**

2. Reasons for Recommendations

2.1. The recommendations enable the Council to discharge its new statutory functions in respect of Brownfield Land Registers and ensure that a Register can be prepared and consulted on in a timescale that will allow the government's stipulated publication date of 31 December 2017 to be achieved.

3. Content of Report

3.1 New Regulations require each local authority to prepare and maintain a Register of brownfield land that is suitable for residential development. The register must be available for public inspection and published on the Council's website. The regulations set out the specific form that the Register should take and impose a deadline of 31 December 2017 for the Register to

be published. Local authorities are expected to carry out consultation on a draft Register before it is published in its final form and must carry out consultation where they propose to enter any brownfield land into Part 2 of the Register.

- 3.2 The Brownfield Land Register must be divided into 2 parts which have different functions. Part 1 of the Register lists all brownfield sites in a local authority area that are considered to be appropriate for residential development, based on whether residential development is suitable, available and achievable, and taking into account the development plan and national policy. Part 2 of the Register is a subset of Part 1 and contains a list of sites which, by being on the Register, are automatically granted planning permission in principle for housing development.
- 3.3 Brownfield Land Registers will sit alongside Local Plan site allocations and form an additional part of the Local Plan evidence base. They will share a lot of information with the Housing and Economic Land Availability Assessment (HELAA). This means that most of the sites and data to be included will already be in the public domain.
- 3.4 Planning permission in principle is a new planning designation. It settles the fundamental principles of development (use, location, amount of development) for a brownfield site giving developers and applicants more certainty. However, a developer cannot proceed with development until they have also obtained technical details consent. This will assess the detailed design, ensure appropriate mitigation of impacts and that any contributions to essential infrastructure are secured. Both the permission in principle (no fee payable) and the technical details consent (fee payable) stages must be determined in accordance with the local development plan, the National Planning Policy Framework and other material considerations.
- 3.5 Planning permission in principle will work alongside, not replace, existing routes for obtaining planning permission. It can only be granted for housing-led developments (i.e. the majority of the proposed floorspace must be housing). It is similar to, although not the same as, the existing outline planning permission route which will remain in place. Planning permission in principle is intended to be an easier and cheaper mechanism for providing early certainty on in-principle matters.
- 3.6 Entering a site onto Part 2 of the Register represents a grant of planning permission and this function is reserved to Full Council rather than Cabinet for approval. It is proposed that the decision to enter land into Part 2 of the Register is delegated to the Planning Committee and is subject to the same delegations to officers as apply to planning applications. Cabinet is therefore recommended to make this proposal to Full Council on 15 November.
- 3.7 Approval is sought to undertake a public consultation on the draft Register. This is a non-key decision and can be agreed by the Portfolio Holder. The form of the Register and the sites to be included are currently under development, but the criteria for inclusion of land are prescribed by the Regulations, as is the format of the Register itself. The draft register will be submitted to Cabinet on 25 October and they will be asked to delegate the publication of the

final Register, together with any future updates, to the Head of Sustainable Development in consultation with the Portfolio Holder.

4. Consultation

- 4.1. Details of consultation on the draft Brownfield Land Register are still under development but it is intended that the following will be included:
- contacting landowners of sites proposed for inclusion (sites of which the Council is already aware via the HELAA)
 - consulting with people registered on the joint Local Plan database
 - consulting with parish councils and neighbourhood plan groups
 - publicising the draft Register on the Council's website
- 4.2. It is intended that consultation will commence in late September allowing a period of six weeks for parish councils and neighbourhood plan groups and three weeks for other stakeholders, as prescribed in the Regulations.

5. Options

- 5.1. Production of a Brownfield Land Register is a statutory requirement and the timetable for final publication of the document is similarly imposed on local authorities. Regulations and guidance relating to production of the Registers set out in some detail the process for including any individual site on the Register. Therefore there is no other option available.

6. Corporate Implications

6.1 Financial

The DCLG have advised by letter to the Chief Planning Officer dated 31 March 2017 that local planning authorities will receive new burdens grant payments to fulfil the new requirements. They advised that "Each local authority responsible for making planning decisions will receive a new burdens grant payment of £14,645 for 2016/17. Local planning authorities will receive further grant payments for 2017/18, 2018/19 and 2019/20; the amount of funding from 2016/17 onwards will be kept under review."

6.2 Legal

The Council has a duty to publish a Brownfield Land Register by 31 December 2017 under the provisions of the Town and Country Planning (Brownfield Land Register) Regulations 2017 which set out the criteria for inclusion of land and the format of the register itself. The decision to enter land into Part 2 of the Register which grants the new designation of "planning permission in principle" is reserved as a Council function alongside Council's other Town and Country Planning Act functions.

6.3 ICT

Details of sites on the Register will be held on corporate ICT systems and some minor changes to the Uniform database and to related Development Management procedures are likely to be required.

7. Links to Council Policy Objectives

7.1. Brownfield Land Registers support in particular Key Themes 1 and 2 of the Council. These are "Thriving Economy" – the Register will encourage and facilitate development which will have a positive effect on the local economy – and "Sustainable Environment" – by focussing on brownfield sites the Register will encourage the development of these which will in turn reduce development pressure in less sustainable, greenfield locations. By so doing the Register will assist compliance with the Council's headline objective of "Striving to conserve the environment and promote sustainability."

8. Next Steps

8.1. A report to 25 October Cabinet will seek:

- 1) a recommendation to Full Council (15 November) that the decision to enter land in Part 2 of the Register is delegated to the Planning Committee and dealt with in the same way as planning applications ; and
- 2) delegation to the Head of Sustainable Development to approve publication of the Register and any future updates of these documents in consultation with the Portfolio Holder

8.2. The full Register will be published in December 2017.

Background Papers:	None other than those referred to in this report
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SUBJECT:	<i>HS2 Update Report and Appointment of Landscape Consultants</i>
REPORT OF:	<i>Councillor John Read, Planning and Economic Development Portfolio</i>
RESPONSIBLE OFFICER	<i>Bob Smith, Chief Executive</i>
REPORT AUTHOR	<i>Ifath Nawaz, Project Manager/Solicitor HS2 ifath.nawaz@southbucks.gov.uk Ben Robinson, Principal Planner HS2 ben.robinson@southbucks.gov.uk Imran Nawaz, Project Co-ordinator, HS2 imran.nawaz@southbucks.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

The report sets out an update on the project to date and also sets out the need to appoint landscape consultants on the forthcoming Schedule 17 approval applications during the construction phase and Members are asked note the appointment of consultants for this purpose.

RECOMMENDATIONS

That Cabinet:

1. **Note the current position;**
2. **Approve the appointment of Land Use Consultants to provide landscape advice on Schedule 17 applications and other related HS2 matters for the duration of the planning aspect of the construction phase; and**
3. **Approve Delegated Authority to the Council to act as the commissioning authority for any Additional Projects from the Colne Valley Regional Park Panel's work to the Chief Executive in consultation with the Head of Legal Services.**

2. Reasons for Recommendations

The recommendations are to bring Members up to date with the work undertaken on the project and the forward planning for the project.

3. Content of Report

3.1 Members will recall in the last report that we reported the Bill had secured royal assent and become an Act of parliament on 23rd February 2017. Section 20 of the Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 for the works, but certain approvals need to be obtained from the relevant planning authorities under Schedule 17 of the Act.

3.2 The principal works which are granted permission are set out in Schedule 1 of the Act and these have to be constructed in the location and to the levels relevant to each scheduled work shown

on the deposited plans and section. It should also be noted that the scheduled work can deviate vertically downwards from the levels shown to any extent and may deviate upwards up to 3 metres.

3.3 Buckinghamshire County Council ('the County Council') will have an approval role in controlling the impact of construction of new accesses and roads. The County Council as the highways authority leads on the local Traffic Liaison Group meetings which deal with the Local Traffic Management Plans, site specific traffic management schemes and other monitoring. The County Council is also dealing with all matters related to waste and excavated material management.

4. SBDC Context Report

4.1 The South Bucks District Council HS2 Planning Context Report, Appendix 1, was received in August from HS2 and sets out an overview of the HS2 works that are going to take place within the District and also includes a programme for making requests for approval under Schedule 17.

4.2 This sets out in more detail the works that will take place in the District which will comprise:-

- Works to construct the Colne Valley Viaduct as it enters the District at its north boundary with the London Borough of Hillingdon at River Colne
- Construction of approach tracks and highway works associated Heathrow Express Depot in proximity to Iver and Langley
- Preparatory and Temporary Works

4.3 The project will involve the following stages going forward:

- Advance works, including site investigations, site surveys, preliminary mitigation works, preliminary enabling works;
- Diverting utilities;
- Civil engineering works, including establishment of construction compounds and temporary construction accesses;
- Site preparation and enabling works including demolition, site clearance, main earthworks and structural works;
- Railway installation works, including infrastructure installation, connections to utilities and changes to existing rail network;
- Site restoration and
- System testing and commissioning

4.4 The Main Works Contractors (MWC) have been appointed in July 2017 and HS2 have said that the MWC are working to a 12-18 months brief on designing the railway and securing the necessary approvals and that is why the Schedule 17 Requests Programme for the District commences in 2017 through to 2019 when the bulk of the 40 or so applications for the District are expected to be received and progressed.

- 4.5 The Council has received a 3-month Forward Plan setting out anticipated work for that period of Schedule 17 applications to allow the Council to ensure it plans and has in place the resources needed for the ongoing work. The Council's team also has to include the work for the Colne Valley Regional Park Panel, Planning Forum and various sub groups that continue to meet and work on the project. Additionally the Bucks authorities officers meet collectively every month to share information and good practices to ensure there is a co-ordinated approach and response to the applications, assurances and undertakings and issues that arise.

5. Appointment of Landscape Consultants for Schedule 17 applications work

- 5.1 As stated above, HS2 Ltd have provided a provisional forward plan of the forthcoming Schedule 17 consent approval applications that South Bucks and Chiltern District Councils will receive during 2017. Having discussed the incoming workload, and the processes required to deal with applications in line with the statutory time obligations, our Principal Planning Officer has recommended appointment of a landscape consultant who will act as a consultant to the Councils in regards to pre-applications submissions and on the Schedule 17 consents as the Council does not have in-house expertise
- 5.2 The requirement of a landscape consultant was highlighted at very early pre-application discussions with HS2 Ltd in regards to the ventshafts, where the Council felt a landscape consultant's expertise would prove to be beneficial, which would assist in meeting with the time constraints considering the human resource constraint of the project team.
- 5.3 The landscape consultant which the Council recommends is Land Use Consultants (LUC) who was commissioned to produce the 'A Landscape -led approach to HS2 in Buckinghamshire and the Colne Valley - LUC 2015' and worked closely with the Bucks authorities in producing the enhanced mitigation requests for the districts. LUC is also the consultant who is currently working with the Chilterns AONB Group on its further mitigation proposals and therefore is already heavily involved in the county on the HS2 work. The Council is of the opinion, that LUC therefore are best placed to undertake this role on short notice, having built up considerable experience and knowledge of the HS2 project within the Buckinghamshire area over the last few years.
- 5.4 Having discussed the prospect with HS2 Ltd, they have agreed to fund the work LUC undertakes as landscape consultant to South Bucks District Council and Chiltern District Council under the forthcoming Service Level Agreement, with the caveat that LUC fees are in line with the cost limitations as set out for consultants in the SLA. LUC have agreed to the fees rates offered by HS2.
- 5.5 The work is considered to be necessary for the period of construction of the approved scheme for a period of around 6 years commencing this year, and both Councils are expecting a total of approximately 150 Schedule 17 approval applications over the duration of the construction period, representing pre-apps, full applications, bringing into use applications but excluding

variations and repeat applications. Not all the Schedule 17 applications will require landscape input, but we do anticipate that a very significant number will so there is significant work involved over the duration of the construction period.

5.6 HS2 Ltd agreed that the work LUC undertakes on the AONB Review Group would be funded separately under the AONB Review Group MoU and that all work undertaken in respect of Schedule 17 applications would be funded through the SLA.

5.7 Due to very tight time constraints, the Councils have only envisaged approaching LUC and no other firms, particularly because LUC has built up a considerable amount of experience on a complex national infrastructure project specifically within the county, further HS2 Ltd have also agreed to fund all work done by LUC as landscape consultant, as HS2 Ltd have confidence in their expertise. LUC have agreed to the capped rates that HS2 is prepared to pay under the SLA.

5.8 The Council undertook an assessment and full interview process in the appointment of LUC when the AONB Review Group sent tenders for consultants to deliver the objectives as a Review Group, and having invited five firms to tender, two were shortlisted for interviews of which LUC were the most successful, scoring the highest and being accepted and promoted by Chiltern and Aylesbury Vale District Councils, the Chilterns Conservation Board and HS2 Ltd.

5.9 In addition, the Council has undertaken the following short assessment criteria check, and have scored respectfully.

5.10 The following assessment criteria are being used:

Conflict of interest	NA
Cost	Funded via HS2
Experience and knowledge in this field and these circumstances	Very good
Approach to landscaping and mitigation	Very good
Approach to time and cost estimating	Very good
Demonstrate sufficient committed resource to deliver project on time	Very good
Experience of successful external consultation to inform final project outcomes	Very good

5.11 An exemption for the contract procedure rules to appoint LUC on the above basis was requested to the Management Team on the following grounds:

1. The forthcoming Schedule 17 consent approval applications pre-application discussions have already commenced and there is an urgent need to involve landscape consultants with their expertise at this early stage in the process
2. There is a general lack of experts available to undertake this work under short time constraints with sufficient knowledge and experience on this complex national infrastructure project within the area.
3. Due to LUC's historical involvement with the project on a Bucks wide basis.

- 5.12 Due to the reasons provided above, a report was taken to MT on 5th July 2017 to approve the appointment of the LUC as landscape consultants to Chiltern District Council and South Bucks District Council pertaining to Schedule 17 consent approval applications, in accordance with Section A6 Exemptions, paragraphs 15-18 of the Joint Contracts Procedure Rules October 2015 on CCC of July 2017.
- 5.13 Members are requested to note this.

6. SBDC Commissioning Authority for Colne Valley Regional Park Panel (CVRPP)

- 6.1 Members will be aware of the work being undertaken by the Panel which was reported to Members on 9th March 2017. As the Additional Mitigation Projects are finalised, there will be the need for the Panel to appoint a commissioning authority or authorities to appoint, manage and monitor the work as it is undertaken. Delegated authority is therefore sought for SBDC to act as the commission authority as a management body to oversee the implementation of the identified Additional Mitigation Projects by the contractor as would be agreed by the Panel. This is especially important considering the lifespan of the Panel is only until March 2018 after which there will be a requirement for a body to undertake responsibility for ensuring the work is carried out properly throughout the construction phase. SBDC is the commissioning authority for the consultants carrying out the work on the Additional Mitigation Projects and has been a member of the Panel since its inception in 2016 and has remained an informed and integral member, which HS2 agree are best placed to assume this role. Any costs related to undertaking this role will be covered by HS2 and there will therefore be a nil cost to the Council.

7. Service Level Agreement

- 7.1 The Service Level Agreement (SLA) which will govern the contractual relationship between the Council and HS2 is still being negotiated after HS2 changed its position on the rates it was prepared to pay local authorities. Since 2015, negotiations on the SLA have been undertaken on a route wide basis until a draft in principle was agreed and then in September 2016, the negotiations moved to local level. HS2 asked all the authorities to submit their rates and upon receiving these, decided in July 2017 that it would adopt a route wide approach which was unacceptable. This led to further high level meetings with local authorities requiring their actual costs be fully met and that they were not prepared to agree rates which did not secure this. The Council has submitted its rates and made clear that it must recover all costs associated with work relating to the project.
- 7.2 The Council threatened to issue legal proceedings for unpaid invoices, which resulted in the payment of outstanding invoices up to April 2017. The project continues to remain in budget as reported to Members in the March 2017 report to PAG with ongoing recovery of costs from HS2.

7.3 The Council's HS2 Project Team continues to work hard to secure a SLA which meets the Council's resources requirements and allows the Council to fulfil its obligations as a Qualifying Authority.

8. Consultation

Report to Management Team on 5th July 2017.

9. Options

The report sets out the options considered by your officers in the appointment of the Consultants in paragraph 6.

10. Corporate Implications

10.1 Financial – as set out in main report Paragraphs 5 and 6.

10.2 Legal – as set out in main report Paragraphs 5.11, 5.12 and 6.

10.3 Sustainability- HS2 represents one of a number of major schemes that are most challenging in environmental terms to affect the South Bucks District and has major implications for all those working, visiting or living in the area. The scheme would have major implications on the sustainability of the District. The continuation of the Council's HS2 Project Team should provide important continuity and retention of the knowledge and skills base that the Councils have.

10.4 Risks – The main risks for the Authority at this stage in the process continue as follows:

- That the Council incurs costs which HS2 does not repay as it refuses to recognise the costs as being necessary.
- That uncertainty created by the failure to finalise the SLA, leads to team members leaving the Project and putting at risk the Council's ability to perform as a Qualifying Authority.

10. Links to Council Policy Objectives

The Council is committed to conserving the environment and promoting sustainability and supports a strategic approach to ensuring the best mitigation is secured for the District as the scheme moves to implementation and construction stage.

Key Objectives

Conserve the environment

- Protect the Green Belt through the planning process and the Local plan
- Work to minimise the impact of HS2 on our local community and environment

-
- Conserve our valuable Heritage including the AONB and Conservation Areas

11. Next Step

The HS2 team will continue to work on the project utilising the context report that has been published and the Council will be able to utilise the landscape consultant's expertise in determination of Schedule 17 approval applications, especially with complex landscape application matters.

Background Papers:	1. South Bucks District Council Context Report
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South Bucks District Context Report

Document no.: PH1-HS2-TP-REP-000-000013

Revision	Author	Checked by	Approved by	Date approved	Reason for revision
P01	John Woodhouse	Matt Dormer			

SECURITY CLASSIFICATION: DOUBLE CLICK TO ENTER CLASSIFICATION

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HS2 Planning Context Report

Prepared for South Bucks District

July 2017

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Preface

Purpose

This Planning Context Report provides an overview of HS2 works that will take place within South Bucks District (the District) and a programme for making requests for approval under Schedule 17 to the High Speed Rail (London - West Midlands) Act 2017 (“the HS2 Act”).

The report has been prepared in fulfilment of the requirements of paragraph 16 (1) (a) of Schedule 17 to the Act, which states:

A planning authority need not consider a request for approval under Part 1 [of Schedule 17 to the Act] unless:

a) the nominated undertaker has deposited with the authority a document setting out its proposed programme with respect to the making of requests under that Part to the authority,

This document accordingly sets out the proposed programme for making requests under Schedule 17 to the HS2 Act. This document also meets the requirement of paragraph 9.2 of the High Speed Rail (London – West Midlands) Planning Memorandum (the “Planning Memorandum”), which states that the ‘...report is to include an indication of the location of the scheduled and non-scheduled works to which requests for approval are expected to relate.’

Status

This document is deposited for information only. It does not require the approval of the planning authority.

Structure

This document contains three sections:

Section 1: Introduction to HS2

Describes in outline the HS2 project, summarises the planning regime and outlines obligations with respect to mitigation of environmental impacts.

Section 2: HS2 in South Bucks District

Outlines the proposals within the District, and describes the permanent, preparatory and temporary works.

Section 3: Landscape and Restoration

Outlines landscape and restoration works proposed after construction.

Section 4: Programme for Requests for Approval under Schedule 17

Sets out the programme for submission of requests for approval.

Section 5: Planning Context Report Plans – Construction and Operation

Illustrates the location of permanent and temporary works in the District.

Other Relevant Documents

To understand the full background to the HS2 proposals and to the planning regime under which requests for approval are to be made, reference should be made to the following documents:

- The HS2 Act;
- The HS2 Environmental Statement ; and
- The High Speed Rail (London – West Midlands) Environmental Minimum Requirements (“the EMRs”).

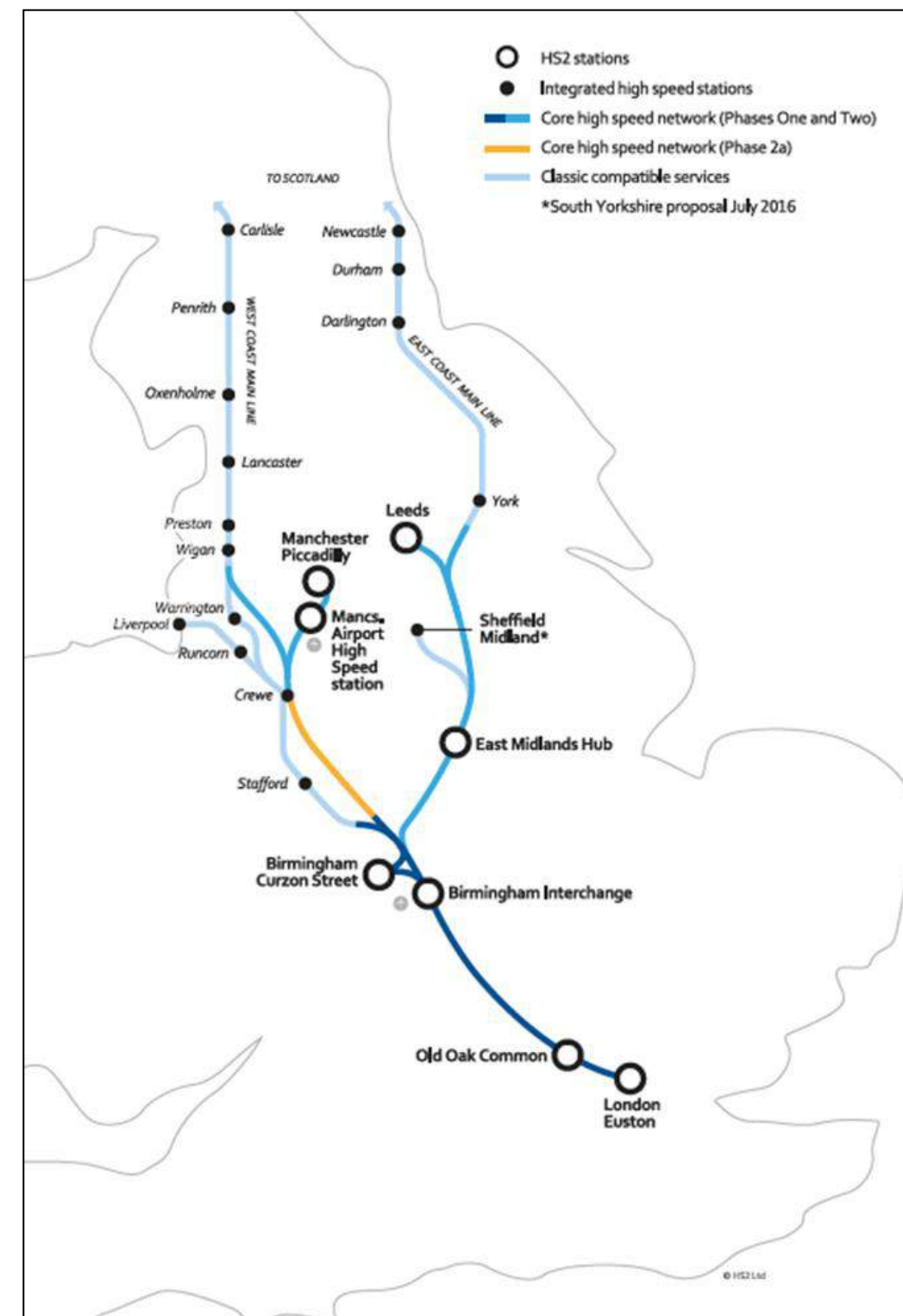
Annex 1 signposts these and other relevant documents.

1 Introduction to HS2

The HS2 Project

- 1.1 HS2 is the Government's proposal for a new, high speed north-south railway. The proposal is being taken forward in two phases: Phase One will connect London with Birmingham and the West Midlands and Phase Two will extend the route to Manchester, Leeds and beyond.
- 1.2 On 23rd February 2017 Royal Assent was granted for Phase One of HS2, which comprises of a new high speed railway between London and the West Midlands with stations at London Euston, Old Oak Common, Birmingham Interchange, and Birmingham Curzon Street. Figure 1 illustrates the Phase One route between London – West Midlands and Phase Two proposals.

Figure 1: HS2 route map



Control of Environmental Impacts

- 1.3 The environmental impacts of the construction, maintenance and operation of HS2 will be controlled in three ways:
- Controls within the HS2 Act such as approvals for designs and construction arrangements;
 - Policies, commitments and undertakings entered into outside of the HS2 Act, including the EMRs; and
 - Existing legislation, unless explicitly or implicitly dis-applied or modified by the HS2 Act.

1.4 These controls are summarised below.

Environmental Statement

- 1.5 The HS2 Phase One Environmental Statement (ES) was published in November 2013. It has been supplemented by a number of additional volumes as further information has become available, and in light of proposed changes to the project¹.
- 1.6 The ES identifies the likely significant effects that will arise from the construction and operation of HS2 and identifies the range of mitigation measures that could be used to reduce or eliminate these effects. The assessment is based on a number of assumptions about design and construction practices.
- 1.7 As the project is taken forward to detailed design and construction there may be changes to assumed construction methods and design, subject to the requirements of the Act, the EMRs, and any approvals required from consent granting bodies, and in response to the requirements of any relevant Undertakings or Assurances.

Controls in the Act

The Planning Regime

- 1.8 Section 20 to the HS2 Act grants deemed planning permission under Part 3 of the Town and Country Planning Act 1990 ("the TCPA") for the works authorised by the HS2 Act. This permission is subject to the requirement that certain approvals need to be obtained from the relevant planning authorities under the planning regime established by Schedule 17 to the Act. The conditions in Schedule 17 are enforceable by the planning authority in accordance with the TCPA.

¹ An Environment Statement has been published with the Additional Provision tabled by the Promoter in September 2014. In addition, Supplementary Environmental Statements and Additional Provision Environmental Statements were published and tabled by the Promoter in July 2015, September 2015, October 2015 and December 2015.

- 1.9 The principal works authorised by the HS2 Act are described in Schedule 1 (the "scheduled works"). The descriptions in Schedule 1 to the HS2 Act set out the type of work and their location, for example:

Work No.1/1 – A railway (23.48 kilometres in length) partly in tunnel, commencing at a point 235 metres east of the junction of North Gower Street with Drummond Street passing north-westwards and terminating beneath a point 80 metres north-west of the bridge carrying Ickenham Road over the Marylebone to Aylesbury Railway. Work No. 1/1 includes shafts at Coburg Street, Mornington Street, Granby terrace, Parkway, Adelaide Road, Alexandra Place, Canterbury Works and Greenpark Way, a station at Old Oak Common and a Crossover Box at Victoria Road.

- 1.10 The scheduled works must be constructed in the locations and to the levels relevant to each scheduled work shown on the deposited plans and sections (the 'Limits of Deviation'). The scheduled works may deviate vertically downwards from the levels shown to any extent, and may deviate upwards up to 3 metres subject to the upper limits defined for certain works such as stations, depots or shafts.
- 1.11 Section 2 to the HS2 Act authorises, within the Act limits, the construction and maintenance of a wide range of other development for the purposes of or in connection with the scheduled works, or otherwise for Phase One purposes. Section 2 also authorises, within the Act limits, the carrying out and maintenance of landscaping and other works to mitigate adverse effects of the construction, maintenance or operation of the works and to carry out and maintain works for the benefit or protection of land affected by the works.
- 1.13 Such ancillary works may be constructed within Act limits as defined on the deposited plans. The HS2 Act only grants deemed planning permission for the construction of works which are not scheduled works if they are within the scope of the ES that accompanies the HS2 Act.
- 1.14 Schedule 2 to the Act authorises further works, including surveys and investigation of land, support of buildings, works to trees, discharge of water, and temporary works to certain waterways.
- 1.15 Schedule 17 to the Act defines the detailed planning regime which will apply to the planning authority affected by works to construct and operate HS2.
- 1.16 The planning regime under Schedule 17 is different to that of the TCPA. It differs from the TCPA process in how it defines the matters that require approval and the grounds that the planning authorities can have regard to in determining requests for approval. The grounds for the imposition of conditions and/or the refusal of Schedule 17 submissions are limited in comparison to the TCPA process. This is because the works already have deemed planning permission through the Act and there are other complementary controls imposed through the HS2 Act and EMRs.

1.17 Schedule 17 requires the nominated undertaker to submit the following details to planning authorities, for approval or agreement:

- Plans and specifications of certain works;
- Matters ancillary to development (“construction arrangements”);
- Road Transport (lorry routes);
- Bringing into use; and
- Site restoration schemes.

1.18 Planning authorities who have given the Secretary of State undertakings, as set out in the Planning Memorandum, with respect to the handling of planning matters under Schedule 17, have become ‘qualifying authorities’. The main provisions of the Planning Memorandum are summarised in Section 1.51 below.

1.19 The District has become a qualifying authority.

1.20 In relation to qualifying authorities, the operations or works for which plans and specifications will be submitted for approval are identified in Table 1.

Table 1: Operations or works requiring approval of plans and specifications

PLANS AND SPECIFICATIONS	
BUILDING WORKS (paragraph 2 of Schedule 17)	The erection, construction or alteration of any building, other than a temporary building.
OTHER CONSTRUCTION WORKS (paragraph 3 of Schedule 17)	Road vehicle parks; Earthworks; Sight, noise or dust screens; Transformers, telecommunication masts or pedestrian accesses to railway lines; Fences or walls, and Lighting equipment.
WASTE AND SPOIL DISPOSAL AND EXCAVATION (Paragraph 7 of Schedule 17)	Disposal of waste or spoil. Excavations of bulk materials from borrow pits.

1.21 In relation to qualifying authorities, development must be carried out in accordance with matters ancillary to development (construction arrangements) approved by the relevant planning authority (paragraph 4 of Schedule 17).

1.22 Schedule 17 enables the Secretary of State to make a class approval for construction arrangements, except in relation to construction camps (paragraph 5 of Schedule 17). A class approval was made by the Secretary of State on 24th March 2017, following consultation with the planning authorities affected, for the following generic construction arrangement matters: handling of re-usable spoil and topsoil; storage sites; site screening; artificial lighting; suppression of dust; road mud control measures. The approval of construction camps is not included in the class approval.

1.23 Where lorry movements exceed 24 per day whether to or from a construction site, the lorry route must be approved (paragraph 6 of Schedule 17) by the relevant qualifying authority.

1.24 The relevant qualifying authority approves a bringing into use request for approval (paragraph 9 of Schedule 17), for most scheduled works, apart from any which are below ground, and maintenance depots. The purpose of bringing into use requests is to ensure that appropriate mitigation has been incorporated, and no such work can be brought into use without such approval.

1.25 A site restoration scheme will be submitted for agreement with the relevant planning authority in accordance with paragraph 12 of Schedule 17.

1.26 The planning authority must have regard to statutory guidance issued by the Secretary of State in accordance with paragraph 26 of Schedule 17 to the HS2 Act.

Other Consents in the Act

1.27 In addition to the planning regime described above, Schedules 4 and 33 to the HS2 Act contain provisions setting out the protections to be provided for various bodies with statutory responsibilities likely to be affected by the works.

Schedule 4 – Accesses to highways affecting traffic

1.28 To control the impact of constructing new or altering existing accesses onto the local road network, local highway authorities have an approval role. For the opening of an access onto, or the alteration of, a road at a place shown on the deposited plans the works must be carried out in accordance with plans and specifications approved by the highway authority. In addition the local highway authority may require the access to be moved elsewhere within the Act limits where that is reasonably capable of being done. If an access is required at a location other than that shown on the deposited plans, the consent of the highway authority is required, subject to its approval of plans and specifications.

Schedule 4 – Stopping up, diversion and interference with the highway

1.29 During construction the temporary closure, diversion or interference with highways will be required. In order to address local impacts the Act provides for highway authority input. Where a

highway is specified within the Act, the nominated undertaker must consult the highway authority about the exercising of the powers before doing so. Where the powers are to be exercised in relation to a highway not specified within the Act the nominated undertaker must obtain the consent of the highway authority.

Schedule 33 – Highways

- 1.30 Part 1 of Schedule 33 requires the nominated undertaker in exercising the powers in the Act in relation to highways to have regard to the potential disruption of traffic and to seek to minimise such disruption so far as reasonably practicable, and gives highway authorities rights of approval over various matters concerning details of the works affecting highways.
- 1.31 Additional controls are contained in Schedule 4. Where the nominated undertaker constructs a new or alters an existing highway, the construction or alteration must be completed to the reasonable satisfaction of the highway authority, who shall certify that fact in writing to the nominated undertaker.
- 1.32 Where the nominated undertaker constructs or realigns a highway that is constituted or comprises a carriageway, it must be carried out in accordance with plans, sections and specifications approved by the highway authority.

Schedule 33 – Water

- 1.33 The construction of HS2 will have impacts on inland waterways and land drainage, flood defences, water resources and fisheries. In order to address these impacts the Act includes a range of controls for the relevant authorities.
- 1.34 The impacts on inland waterways are addressed in Part 4 of Schedule 33, this gives the Canal and River Trust the power to approve plans and specifications for works affecting waterways for which it is responsible.
- 1.35 Part 5 of Schedule 33 states that before beginning to construct any “specified work” (in the main, those affecting drainage, flood storage and flood defence, the flow or purity of water and conservation of water resources), the nominated undertaker will submit plans, including method statements, for the works to the Environment Agency or local drainage authorities (i.e. lead local flood authorities, or internal drainage boards) for approval. Works will be constructed in accordance with the approved plans.
- 1.36 The Environment Agency or local drainage authorities may, amongst other matters, make conditions requiring the nominated undertaker at its own expense to construct such protective works as are reasonably necessary to safeguard any drainage work against damage or to ensure its efficiency for flood defence purposes is not impaired during the construction of the specified works.
- 1.37 These provisions have effect instead of the normal consenting regime which would apply, for example, under the Land and Drainage Act 1991, or the Environmental Permitting Regulations 2010.

Schedule 33 - Other Controls

- 1.38 Schedule 33 – Protective provisions also include the requirement for consultations and agreements from statutory utilities undertakers.

Schedule 18 – Listed Buildings

- 1.39 The HS2 Act disappplies the normal controls requiring conservation area consent and listed building consent under the Planning (Listed Building and Conservation Areas) Act 1990, for the demolition, alteration or extension of listed buildings and unlisted buildings. The disapplication applies to the extent specified in Schedule 18 to the Act.
- 1.40 In recognition of the removal of the requirement for listed building consent, heritage agreements have been entered into between the nominated undertaker, Historic England and relevant local authorities. These agreements require approvals to detailed method statements in relation to the works subject to the disapplication of the normal listed building controls.

Environmental Minimum Requirements

- 1.41 There are a variety of control mechanisms and mitigation strategies outside of the HS2 Act. These are captured in the EMRs.
- 1.42 The EMRs are a suite of documents that have been developed in consultation with local authorities and other relevant stakeholders. The nominated undertaker is contractually bound to comply with the controls set out in the EMRs, through the Development Agreement with the Secretary of State.
- 1.43 The controls contained in the EMRs, along with powers contained in the HS2 Act and the Undertakings given by the Secretary of State, will ensure that impacts which have been assessed in the ES will not be exceeded, unless any new impact or impacts in excess of those assessed in the ES:
- results from a change in circumstances which was not likely at the time of the ES² ;
 - would not be likely to be environmentally significant³ ;
 - results from a change or extension to the project, where that change or extension does not itself require environmental impact assessment (EIA) under either (i) article 4(1) of and paragraph 24 of Annex 1 to the EIA Directive⁴ ; or (ii) article 4(2) of and paragraph 13 of Annex 2 to the EIA Directive⁵; or
 - would be considered as part of a separate consent process (and therefore further EIA if required).
- 1.44 In addition to general principles, the EMRs comprise:
- a number of specific requirements, including that the nominated undertaker will use reasonable endeavours to adopt mitigation measures that will further reduce any adverse environmental impacts caused by HS2, insofar as these mitigation measures do not add unreasonable costs to the project or unreasonable delays to the construction programme;
 - the undertakings and assurances given to Parliament and petitioners by the Secretary of State during the passage of the High Speed Rail (London – West Midlands) Bill (the Bill); and
 - the Code of Construction Practice, Planning Memorandum, Heritage Memorandum, and Environmental Memorandum.

² i.e. a situation that could not reasonably have been anticipated at the time of the ES.

³ This covers all effects (both positive and adverse) where those effects are simply of no environmental significance.

⁴ 2011 consolidated EIA Directive (2011/92/EU).

⁵ Broadly, this would not allow those changes or extensions to the project which would give rise to adverse environmental effects within the EIA.

Undertakings and Assurances

- 1.45 During the passage of the Bill through Parliament, the Secretary of State entered into a range of undertakings and assurances. The HS2 Act Register of Undertakings and Assurances contains all the undertakings and assurances given to petitioners and to Parliament before and during the passage of the Bill. The register forms part of the EMRs and as a result the nominated undertaker is contractually bound to deliver them.

Code of Construction Practice

- 1.46 The Code of Construction Practice (CoCP) is Annex 1 of the EMRs. It sets out specific details and working practices in relation to site preparation (including site investigation and remediation, where appropriate), demolition, material delivery, excavated material disposal, waste removal and all related engineering and construction activities.
- 1.47 The CoCP sets out the measures that nominated undertaker and contractors are required to implement in order to limit disturbance from construction activities, as far as reasonably practicable:
- General requirements related to community relations, hours of work, pollution incident control and security, etc;
 - Agriculture, forestry and soils;
 - Air quality;
 - Cultural heritage;
 - Ecology;
 - Ground settlement;
 - Land quality;
 - Landscape and visual;
 - Noise and vibration;
 - Traffic and transport; and
 - Water resources and flood risk.
- 1.48 Local Environmental Management Plans (LEMPs) will be prepared for each local authority area.
- 1.49 The LEMPs will include a number of specific measures by topic, as relevant to each local authority area. The LEMPs will build on the general environmental requirements contained in the CoCP and will set out how the project will adapt and deliver the required environmental and community protection measures within each relevant local authority area.

- 1.50 The nominated undertaker and/or its contractors will engage with the local communities, local authorities and other stakeholders in order to develop the LEMPs.

Planning Memorandum

- 1.51 The Planning Memorandum is Annex 2 of the EMRs. It sets out in detail the responsibilities and requirements in relation to planning matters for those authorities that choose to become qualifying authorities. It also sets out requirements for the nominated undertaker in the implementation of Schedule 17 of the HS2 Act.

Heritage Memorandum

- 1.52 The Heritage Memorandum is Annex 3 of the EMRs. It provides a framework for the nominated undertaker, Historic England, local authorities and other stakeholders to work together to ensure that the design and construction of Phase One is carried out with proper regard to the historic environment.

Environmental Memorandum

- 1.53 The Environmental Memorandum is Annex 4 of the EMRs. It provides a framework for the nominated undertaker and representatives of the National Environment Forum to work together to ensure that the design and construction of the HS2 Phase One is carried out with due regard for environmental considerations.

Planning Forum

- 1.54 The HS2 Phase One Planning Forum was established to help co-ordinate and secure the expeditious implementation of the planning provisions in the Act. The primary objectives and functions of the Planning Forum are:
- To prepare notes on related matters, which will set out standards and practices to be followed by those implementing the planning regime.
 - To consider common design items for certain structures associated with the railway (such as bridges, acoustic barriers or retaining walls).
- 1.55 The Planning Forum has a number of sub-groups:
- Highways Subgroup.
 - Environmental Health Subgroup;
 - Heritage Subgroup; and
 - Flood Risk and Drainage Subgroup.

Environmental Management System

- 1.56 As part of the sustainability policy, the nominated undertaker will develop an environmental management system (EMS) in accordance with *BS EN ISO 14001*. The EMS provides the process by which environmental management, both within its organisation and in relation to its

operations, is undertaken to ensure the relevant findings of the ES are addressed through the construction phase.

- 1.57 The nominated undertaker will require each of its main contractors to have an EMS certified to *BS EN ISO 14001*. Their EMS will include roles and responsibilities, together with appropriate control measures and monitoring systems to be employed during planning and constructing the works for all relevant topic areas. Where the lead contractor is a joint venture, the EMS will be certified to cover the activities of the joint venture.

Management of Construction Traffic

- 1.58 The HS2 Routewide Traffic Management Plan (RTMP) describes the principles and objectives for the management of transport, highways and traffic during the delivery of the works. It codifies the discussions held with the highway authorities along the HS2 Phase One route via the Highway Subgroup to the Planning Forum and takes into account the best practice used during the delivery of similar large construction projects.
- 1.59 The RTMP document will be supplemented with a series of Local Traffic Management Plans (LTMPs) along the route. LTMPs will set out the full range of local controls, significant works programmes for highways and other appropriate matters.
- 1.60 Regular local Traffic Liaison Group (TLG) meetings have been established with local highway authorities so that matters such as LTMPs and site specific traffic management schemes can be reviewed prior to submission or approval and the implementation of schemes reviewed and other monitoring reported, along with other matters of interest discussed and co-ordinated.

Excavated Material & Waste Management

- 1.61 Measures to reduce potential impacts from waste management are described in section 15 of the CoCP. An integrated design approach has been developed to use excavated material to satisfy the fill material requirements wherever reasonably practicable. This approach will reduce the need for imported materials and reduce the amount of excavated material requiring off-site disposal. This includes reuse of all topsoil and agricultural subsoil as close to the point of excavation as practicable.
- 1.62 All waste generated from the design, construction and operation will be managed in accordance with the waste hierarchy. This places waste prevention as the preferred option at the top, followed by reuse, recycling and other recovery, with landfill disposal at the bottom as the last resort. Information Paper E3 provides further detail.

Management of Noise and Vibration

- 1.63 The nominated undertaker will obtain consents under Section 61 to the Control of Pollution Act 1974, which will include noise limits and vibration limits where relevant and site specific management and mitigation requirements for noise and vibration, both on and off site.

- 1.64 In relation to the control of construction noise and vibration, Information E23 provides further detail. Information Papers E20, E21 and E22 provide further detail on operational noise from the railway.
- 1.65 Noise and vibration monitoring will be carried out at different times during the lifetime of the railway. Where noise and vibration performance deviates from expected conditions, actions will be taken as described in Information Paper F4.

Existing Legislation and Other Safeguards

- 1.66 Unless a piece of existing legislation is expressly or impliedly dis-applied or modified by the HS2 Act, it will continue to apply. For example, environmental permits in relation to discharges will still be required and the Control of Pollution Act 1974 (COPA) will continue to apply.

Oversite Development

- 1.67 The HS2 Act does not grant approval for any oversite development. Consent for any such development will be applied for and determined through normal planning processes. However, the HS2 Act does authorise works to enable future oversite development, for example the construction of additional foundations or deck structures.
- 1.68 The HS2 Act also puts in place requirements in respect of the environmental assessment of oversite development. It defines the circumstance where the planning application for such development proposed to replace a building demolished or substantially demolished for HS2 must be accompanied by an environmental impact assessment.

Safety and Security

- 1.69 HS2 will create a railway designed, built and operated with world-class health, safety and security standards. All HS2 infrastructure will be designed in accordance with appropriate standards and policies for public safety. The following are some key design principles that will be applied:
 - Adoption of hostile vehicle mitigation and blast resilient glazing and facades where appropriate;
 - Application of Crime Prevention Through Environmental Design principles across all of the HS2 network but with particular emphasis on all publicly accessible spaces;
 - Selection of vandal-resistant materials and designs;
 - Appropriate use of surveillance systems and lighting;
 - Integration of natural way-finding into designs to configure spaces that are easy to navigate and use of signage that is clean and unambiguous.

2 HS2 in South Bucks District

Introduction

- 2.1 The HS2 works take place in two different locations within South Bucks District, as described below.
- Works to construct the Colne Valley Viaduct as it enters the District at its north east boundary with the London Borough of Hillingdon at the River Colne. The route then continues north westwards for approximately 1.3km, partly on the Colne Valley Viaduct and partly on the Colne Valley Viaduct North Embankment, where it crosses Shire Lane and enters Three Rivers District.
 - The construction of the approach tracks and highway works associated with the Heathrow Express Depot in proximity to Iver and Langley railway stations, to the North of the Great Western Main Line.
- 2.2 Section 5 of this report illustrates the location of works in the Borough. This section describes the permanent, preparatory and temporary works in the District.
- 2.3 As the project is taken forward to detailed design and construction there may be changes to assumed construction methods and design, subject to the requirements of the Act, the EMRs, and any approvals required from consent granting bodies, and in response to the requirements of any relevant Undertakings or Assurances.

Permanent Works

Colne Valley viaduct and Colne Valley viaduct north embankment

- 2.4 The route enters South Bucks District on the Colne Valley Viaduct at the point where it crosses the River Colne in the north east of the District. Approximately 1.16km of the viaduct lies within the District, with the rail level being between 12-15 metres above ground/water level. Running north-westwards from the River Colne, the viaduct crosses the A412 Denham Way/North Orbital Road, then joins the Colne Valley viaduct north embankment just to the south of Shire Lane. The route then leaves the District as it crosses Shire Lane. Part of the embankment falls within the District and will be up to 12 metres high adjacent to the viaduct, gradually decreasing in height as it continues westwards to enter the Tilehouse Lane cutting.
- 2.5 In addition to the Colne Valley Viaduct there will be a number of other key permanent and/or mitigation works in the District including:
- localised realignment of the River Colne where the viaduct crosses the watercourse. As a part of the realignment, some floodplain compensation will be required to the south of the crossing point in proximity to the old Denham Laboratories site (now under development).
 - a number of balancing ponds for railway drainage, located to the west and east of the Colne Valley viaduct, north of the River Colne up to Bridleway DEN/3. The ponds will be located at

approximately 200m intervals to discharge surface water runoff into the River Colne and its tributaries.

- the provision of an access to the east of the Colne Valley viaduct to provide an additional access to Denham Waterski Club.
 - the reinstatement of existing planting along the viaduct from the crossing of the River Colne up to the boundary of A412 Denham Way/North Orbital Road.
 - realignment of Bridleway DEN/3 around the southern end of the Colne Valley north embankment.
 - noise fence barriers, or equivalent noise reduction measures, throughout the west side of the 1.3km route in South Bucks District between the River Colne and Shire Lane, along the north approach embankment past Shire lane and then continuing along the base of the cutting northwards into Three Rivers District;
 - noise fence barriers, or equivalent noise reduction measures on the east side of the viaduct running northwards from the River Colne crossing, then reducing to a trackside barrier to the northern end of the viaduct.
- 2.6 Once the Colne Valley viaduct north embankment crosses Shire Lane, the route will leave the District and enters Three Rivers District.

Heathrow Express Works

- 2.7 Main works will also be undertaken in the south of the District near Iver and Langley stations. This work is required in order to relocate the Heathrow Express depot currently at Old Oak Common.
- 2.8 The work will consist of the construction of new railway tracks and a junction approximately 800m to the west of Iver railway station and to the south of the Mansion Lane traveller site. The new railway tracks will be to the north of the Great Western Mainline and consist of a shallow cutting, approximately 2m deep and 600m long which continues east until the boundary with Slough Borough.
- 2.9 A section of Hollow Hill Lane will be realigned by up to approximately 25m to the west of its existing alignment and lowered by approximately 4m. A new road underbridge will be constructed across the realigned Hollow Hill Lane upon which the new Heathrow Express depot trackwork will be constructed. The underbridge will be constrained in height by the need to connect the new depot to the existing GWML at its current level. Hollow Hill Lane will require lowering to ensure adequate overhead clearance for road vehicles and realignment to meet current road safety standards. The majority of these highway works will take place in Slough Borough, however at the northern end of the realignment, some of these works will encroach into the District.

Preparatory and Temporary Works

2.10 Building and preparing the railway for operation will comprise the following general stages:

- advance works, including: site investigations; site surveys; preliminary mitigation works; preliminary enabling works;
- diverting utilities;
- civil engineering works, including: establishment of construction compounds and temporary construction accesses;
- site preparation and enabling works including demolition, site clearance; main earthworks and structural works;
- railway installation works, including: infrastructure installation; connections to utilities; and changes to the existing rail network;
- site restoration; and
- system testing and commissioning.

Primary Utility Works

2.11 Within the District there are limited major utility works, consisting of lowering and protection of utility assets in Hollow Hill Lane.

Worksites and Compounds

2.12 Construction of the HS2 route will require engineering works along the entire length of the route, and within land adjacent to the route. This will comprise two broad types of activity:

- civil engineering works, such as earthworks, tunnelling and construction and erection of bridges and viaducts; and/or
- railway installation works, such as laying ballast or slabs and tracks, and/or installing power supply and communications features.

2.13 Construction of the route will be subdivided into sections, each of which will be managed from compounds. The compounds will act as the main interface between the construction work sites and the public highway, as well as performing certain other functions. Compounds will either be main compounds or satellite compounds, which are generally smaller. Some compounds will be used for civil engineering works and others for railway installation works, and in some cases for both. In addition, there will also be smaller site compounds for some utilities works.

Table 2: Compound name and construction activity

Compound Name	Principal Construction Activity
Colne Valley viaduct laydown	Construction of Colne Valley Viaduct and Colne Valley viaduct north

Compound Name	Principal Construction Activity
satellite compound	embankment.
(A portion of) Colne Valley viaduct north embankment satellite compound	Civil engineering works associated with the Colne Valley viaduct north embankment.
Colne Valley viaduct north launch satellite compound	Construction of Colne Valley Viaduct and Colne Valley viaduct north embankment.
Hollow Hill Lane main compound	Central project management office and logistics handling. Coordination and management of the earthworks to the east and west of Hollow Hill Lane, including excavation of the floodplain storage area, construction of the embankment and cutting upon which the HEx depot east connection trackwork will be installed. Land levelling and raising in the area where the depot maintenance shed and sidings will be constructed.
Heathrow Express Depot east connection satellite compound	Connection of the depot approach lines to the GWML Alteration and installation of overhead line equipment. Removal of Iver goods loop line.

Roadheads and Material Transfer Areas

2.14 The following road heads will be used for the storage and loading and unloading of bulk earthworks material which is moved to and from the site on public highways. No roadheads are identified in the District.

2.15 Additional temporary stockpile sites may be required during work on particular elements of the route and will be adjacent to the works within the existing area of land required for construction.

Demolition Works

2.16 Demolition works identified within the District are:

- The concrete batching plant adjacent to Thorney Lane.
- Three outbuildings associated with Weybeards Cottages to the East of the A412 in Denham.

Archaeology

- 2.17 HS2 Ltd has sought to design the railway and to approach the task of construction in ways that reduce the impact on archaeological remains, as far as is reasonably practicable.
- 2.18 In accordance with the requirements of Heritage Memorandum and Code of Construction Practice, the nominated undertaker will develop an integrated investigation programme to deliver all archaeological works identified in the ES and as developed during the detailed design process. The programme will set out the key stages of investigation, for example:
- detailed desk-based assessment (where appropriate to inform location specific mitigation);
 - field evaluation (where appropriate to inform location specific mitigation); and
 - location specific mitigation (for example preservation in situ or archaeological excavation).
- 2.19 The investigation programme will be developed in light of, and in conjunction with, the overall construction programme and will be reviewed and updated, as necessary. The programme will aim to undertake as much of the work as possible in advance of any construction activities.

Geotechnical Investigations

- 2.20 Geological investigations and intrusive site investigations (involving boreholes and trial pits) will be undertaken where necessary, to inform the detailed design.

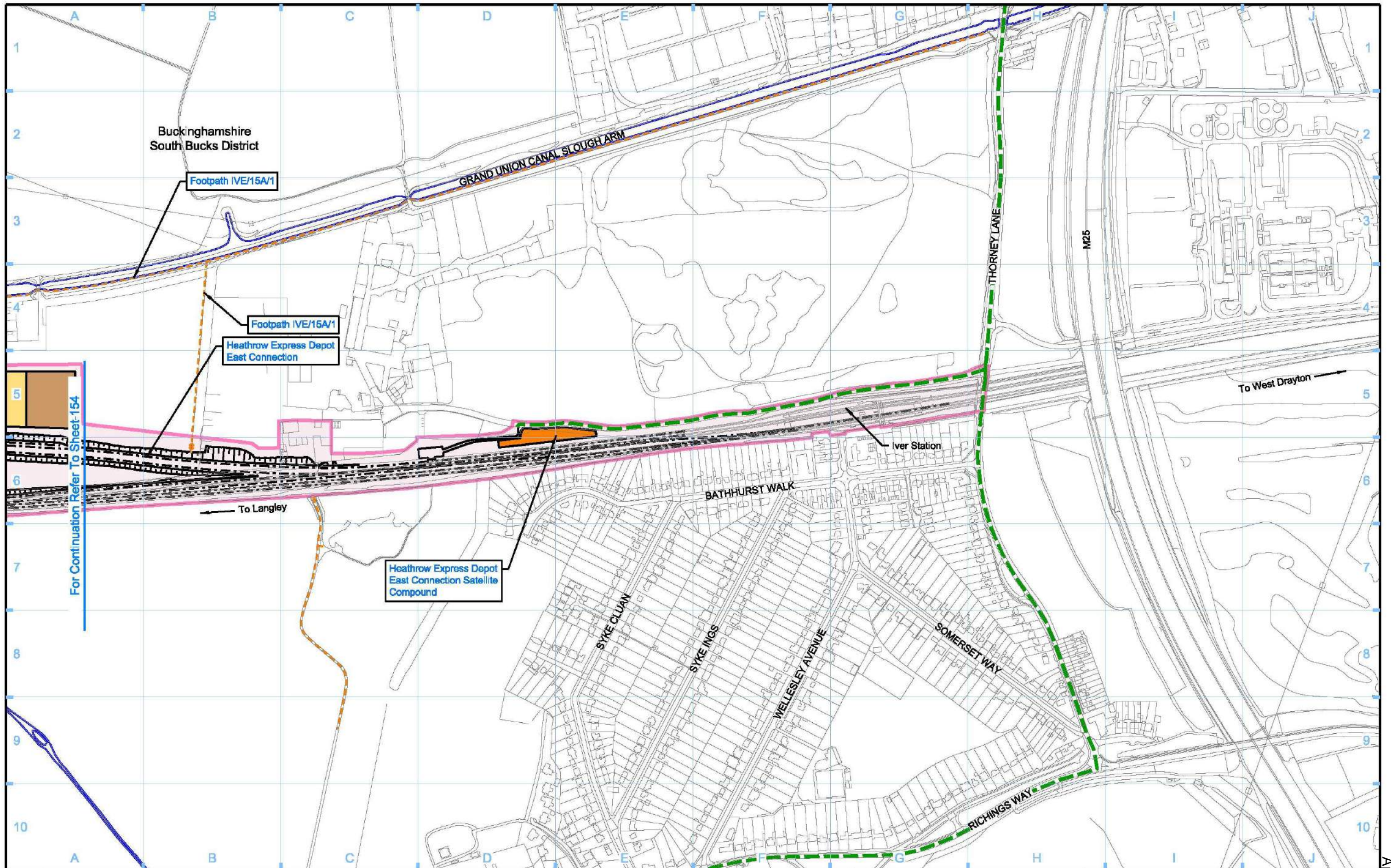
3 Landscape and Restoration

- 3.1 Different landscape types will be incorporated into HS2 works at various stages of the project. Some early landscape works may be proposed – for example new planting to compensate for the loss of prior habitat or to help integrate HS2 into the surrounding landscape. Planting and landscape techniques will be used for different purposes – for example to visually screen the railway, new structures or to reduce railway noise. Where possible, screen planting will be incorporated into the design along new embankments or cuttings in order to provide a combination of landscape integration, visual screening, and or ecological habitat connectivity.
- 3.2 New areas of woodland will be created along the route. This includes woodland to compensate for the loss of habitat and new planting to help integrate HS2 into the surrounding landscape. Certain areas of grassland will be created specifically to compensate for habitat loss resulting from the scheme.
- 3.3 Upon completion of construction works, land that is not required for operation of the railway will be restored. At this early stage of the design of the project, the presumption is that land would be restored as far as possible to its pre-existing condition. This will include reinstatement of field boundaries and hedgerows where possible. Hedgerows will be used to replace existing hedgerows removed during construction, to mitigate the impacts on wildlife or to create new visual screens. Any new planting, grassland and habitat creation will be maintained to ensure they become established and are properly maintained.

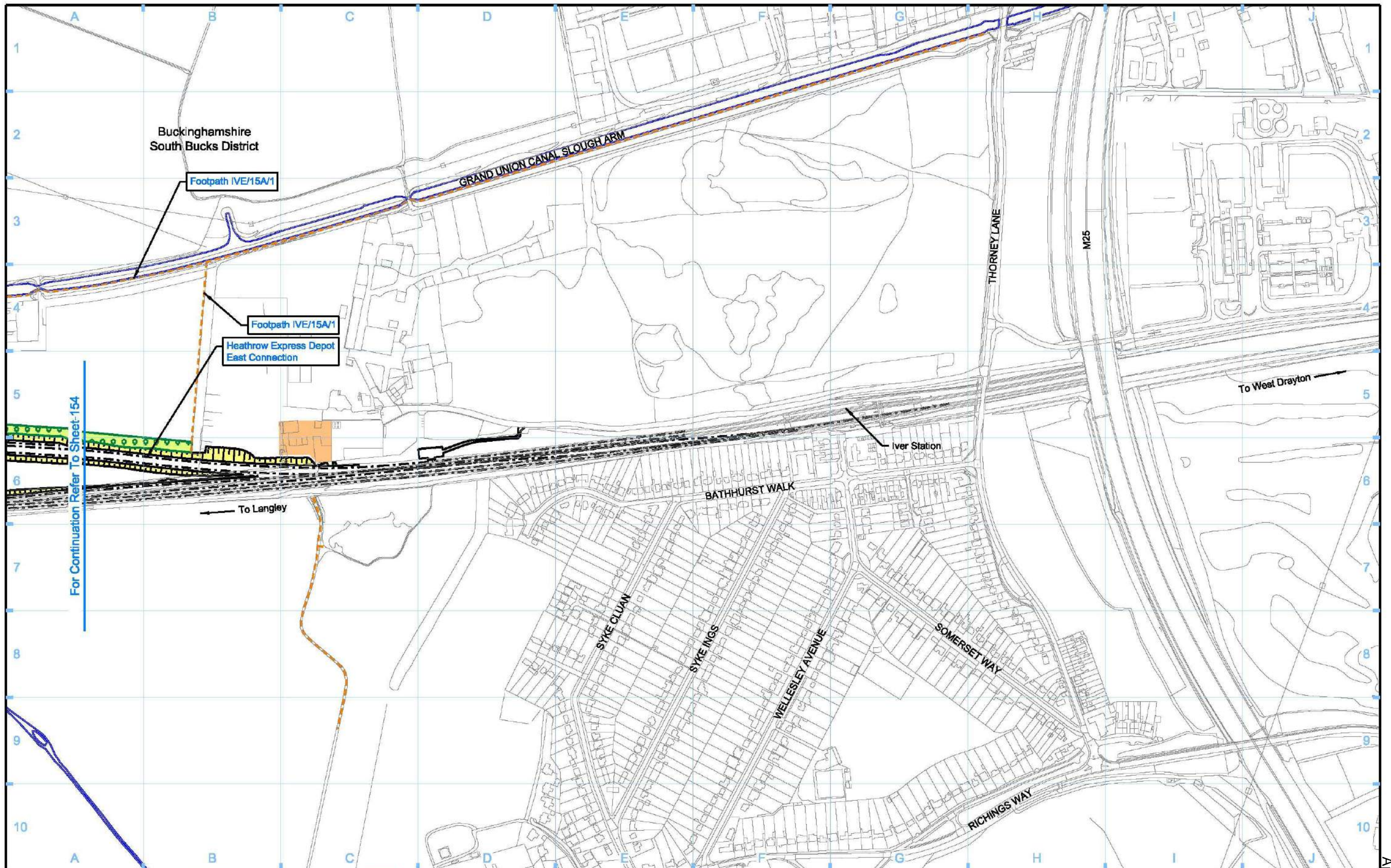
4 Schedule 17 Requests for Approval – Programme

Requests for Approval	2017 quarters				2018 quarters				2019 quarters				2020 quarters				2021 quarters				2022 quarters				2023 quarters				2024 quarters				2025 quarters				2026 quarters			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4
Little Hallings Wood Early Mitigation Planting																																								
Denham Water-ski Access Earthworks																																								
Colne Valley Viaduct and Mitigation																																								
River Colne Diversion and Compensation																																								
Colne Valley Viaduct Balancing Ponds and Drainage adjacent to A412																																								
Construction of cutting and embankment east of Hollow Hill Lane					Programme to be advised																																			
Realignment of Hollow Hill Lane					Programme to be advised																																			
Bringing into Use																																								
Class Approval																																								

5 Planning Context Report Plans – Construction and Operation



Legend 				Map Number S17-CP-155 Map Name Construction Phase Sch 17 Planning Context Report Plan Planning Authority Area South Bucks District	 HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after a translation, amendment or abbreviation or if it is issued in part or issued incomplete in any way. Registered in England Registration number 06701886 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA. © Crown copyright and database rights 2017. Ordnance Survey Licence Number 100049190. Scale of A3: 1:5,000 0 50 100 150 200 250 Metres Doc Number: C221-HS2-TP-DPL-010-511550 P00.0 Date:
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Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Electricity substation
	Land drainage area
	Ecological mitigation pond
	Balancing pond
	Replacement floodplain storage
	Woodland habitat creation
	Wetland habitat creation
	Grassland habitat creation
	Landscape mitigation planting (scrub / woodland)
	Grassed areas
	Sustainable placement
	Public realm/Replacement community facility
	Engineering earthworks
	Landscape earthworks
	Rail alignment formation
	Returned to suitable development use
	County boundary
	Borough / District boundary
	Planning authority boundary
	Watercourse diversion
	Existing watercourse
	Ditches - new
	Hedgerow habitat creation
	UT Main utility works
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Tunnels external extent
	Rail alignment
	HS2 Access road
	Noise fence barrier
	Chainage (e.g. 10+000)

Map Number: **S17-OP-155**

Map Name: **Operational Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District**

hs2

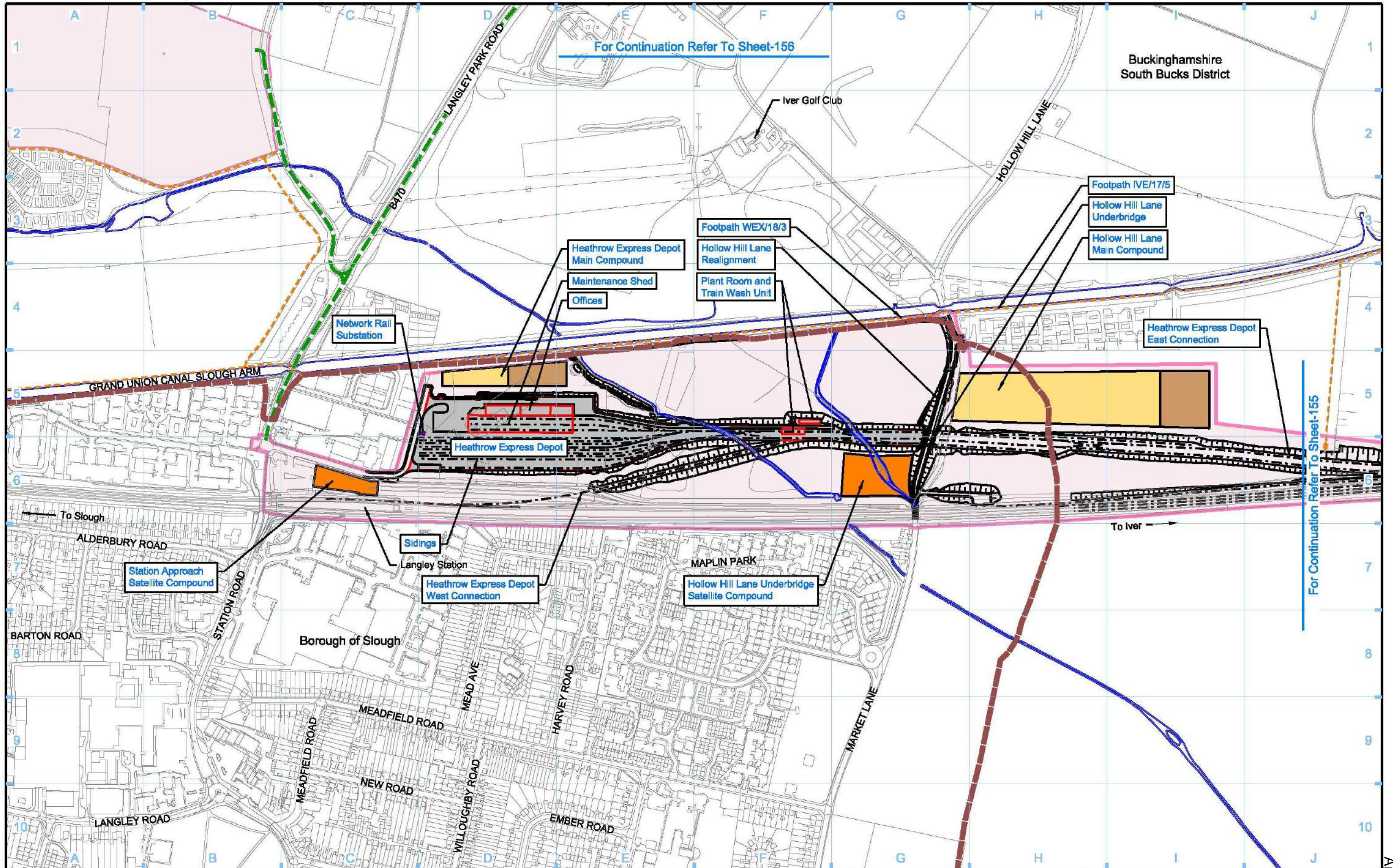
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Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Main construction compound
	Satellite construction compound
	Temporary material stockpile
	Rail alignment formation
	Landscape earthworks
	Engineering earthworks
	County boundary
	Borough / District boundary
	Land potentially required during construction
	Temporary replacement community facility
	Planning authority boundary
	Existing watercourse
	Tunnels external extent
	Construction traffic route
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Temporary PRoW diversion / realignment
	Temporary highway diversion / realignment
	UT - Main utility works
	Chainage (e.g. 10+000)
	Rail alignment

Map Number: **S17-CP-154**

Map Name: **Construction Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **Borough of Slough / South Bucks District**

hs2

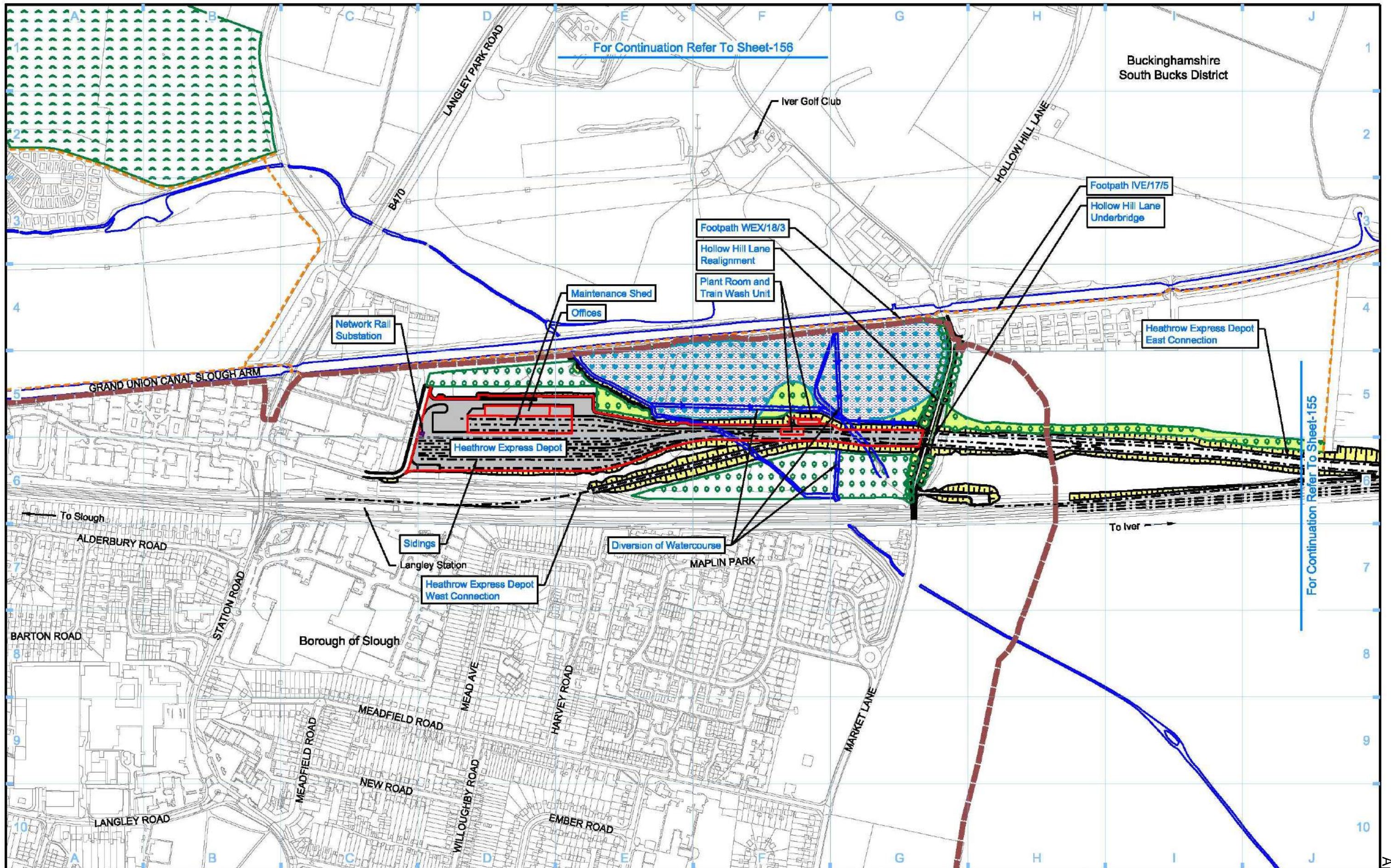
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For Continuation Refer To Sheet-156

Buckinghamshire
South Bucks District

For Continuation Refer To Sheet-155

Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Electricity substation
	Land drainage area
	Ecological mitigation pond
	Balancing pond
	Replacement floodplain storage
	Woodland habitat creation
	Wetland habitat creation
	Grassland habitat creation
	Landscape mitigation planting (scrub / woodland)
	Grassed areas
	Sustainable placement
	Public realm/Replacement community facility
	Engineering earthworks
	Landscape earthworks
	Rail alignment formation
	Returned to suitable development use
	County boundary
	Borough / District boundary
	Planning authority boundary
	Watercourse diversion
	Existing watercourse
	Ditches - new
	Hedgerow habitat creation
	Main utility works
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Tunnels external extent
	Rail alignment
	HS2 Access road
	Noise fence barrier
	Chainage (e.g. 10+000)

Map Number: **S17-OP-154**

Map Name: **Operational Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **Borough of Slough / South Bucks District**

hs2

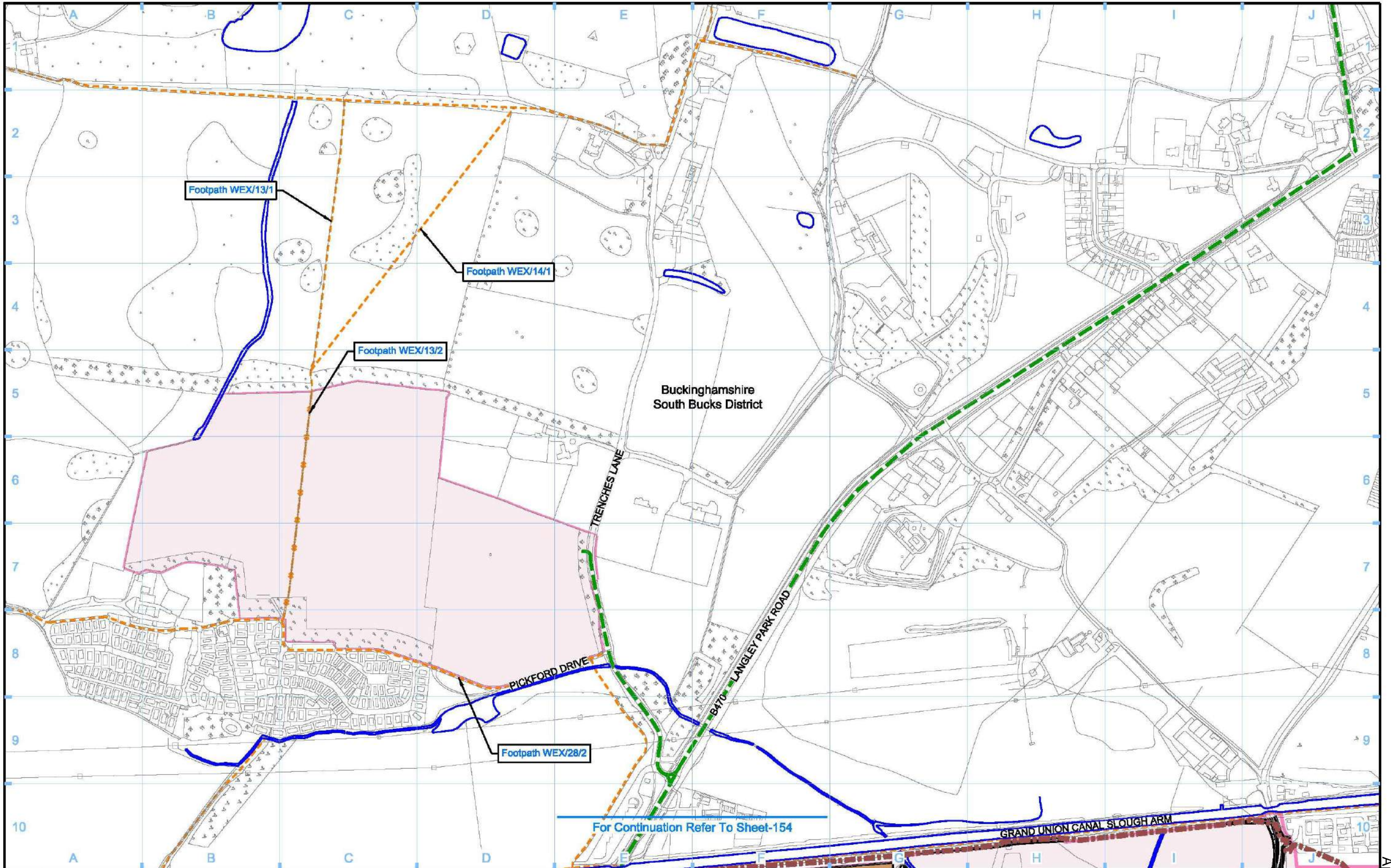
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Doc Number: C221-HS2-TP-DPL-010-551540 P00.0 Date:



Legend			
	Depot, station, headhouse or portal building		Temporary replacement community facility
	Tunnel portal		Planning authority boundary
	Main construction compound		Existing watercourse
	Satellite construction compound		Tunnels external extent
	Temporary material stockpile		Construction traffic route
	Rail alignment formation		Existing public right of way (PRoW)
	Landscape earthworks		Temporary highway diversion / realignment
	Engineering earthworks		Main utility works
	County boundary		Chainage (e.g. 10+000)
	Borough / District boundary		Rail alignment
	Land potentially required during construction		

Map Number: **S17-CP-156**

Map Name: **Construction Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District**

hs2

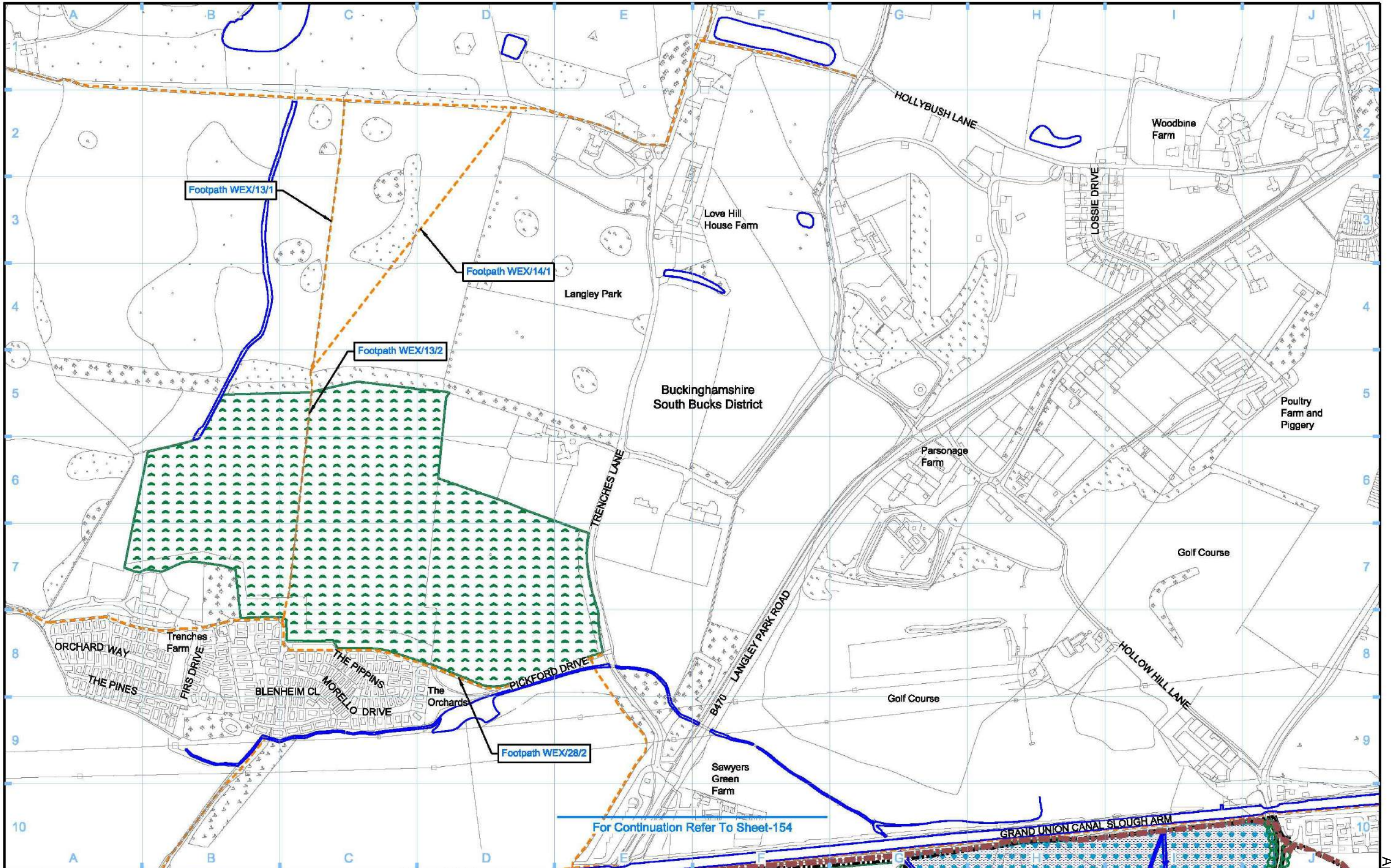
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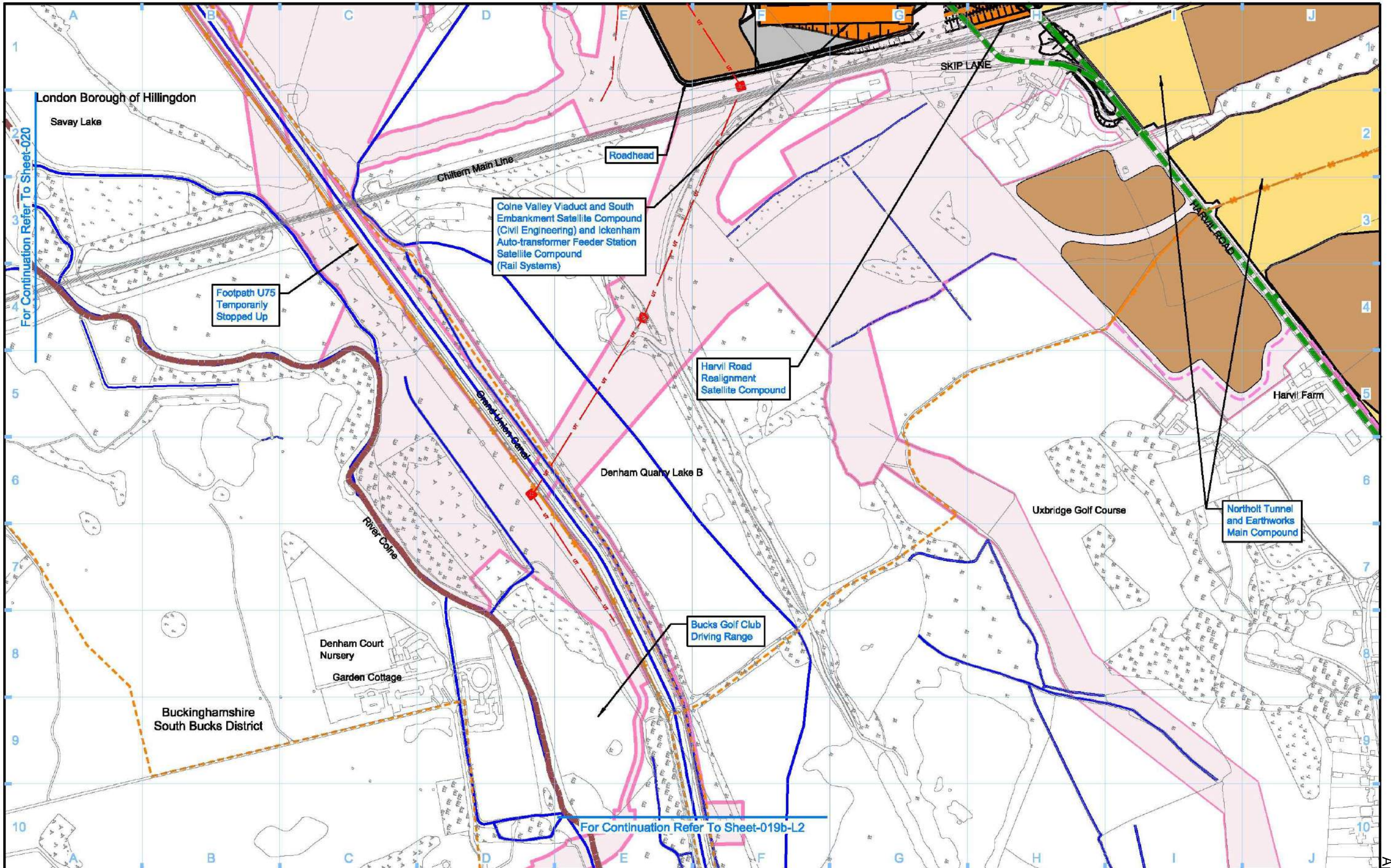
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Doc Number: C221-HS2-TP-DPL-010-511560 P00.0 Date:



Legend <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Electricity substation Land drainage area Ecological mitigation pond Balancing pond 		<ul style="list-style-type: none"> Replacement floodplain storage Woodland habitat creation Wetland habitat creation Grassland habitat creation Landscape mitigation planting (scrub / woodland) Grassed areas Sustainable placement 		<ul style="list-style-type: none"> Public realm/Replacement community facility Engineering earthworks Landscape earthworks Rail alignment formation Returned to suitable development use County boundary Borough / District boundary 		<ul style="list-style-type: none"> Planning authority boundary Watercourse diversion Existing watercourse Ditches - new Hedgerow habitat creation Main utility works Existing public right of way (PRoW) New, diverted or realigned PRoW 		<ul style="list-style-type: none"> Stopped-up PRoW Tunnels external extent Rail alignment HS2 Access road Noise fence barrier Chainage (e.g. 10+000) 		Map Number S17-OP-156 Map Name Operational Phase Sch 17 Planning Context Report Plan Planning Authority Area South Bucks District		<p>HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after a translation, amendment or abbreviation or if it is issued in part or issued incomplete in any way.</p> <p>Registered in England Registration number 06701886 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA.</p> <p>Scale of A3: 1:5,000</p> <p>© Crown copyright and database rights 2017. Ordnance Survey Licence Number 100049190</p> <p>Doc Number: C221-HS2-TP-DPL-010-551560 P00.0 Date:</p>	
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Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Main construction compound
	Satellite construction compound
	Temporary material stockpile
	Rail alignment formation
	Landscape earthworks
	Engineering earthworks
	County boundary
	Borough / District boundary
	Land potentially required during construction
	Temporary replacement community facility
	Planning authority boundary
	Existing watercourse
	Tunnels external extent
	Construction traffic route
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Temporary PRoW diversion / realignment
	Temporary highway diversion / realignment
	UT - Main utility works
	Chainage (e.g. 10+000)
	Rail alignment

Map Number: **S17-CP-019b-L1**

Map Name: **Construction Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District / London Borough of Hillingdon**

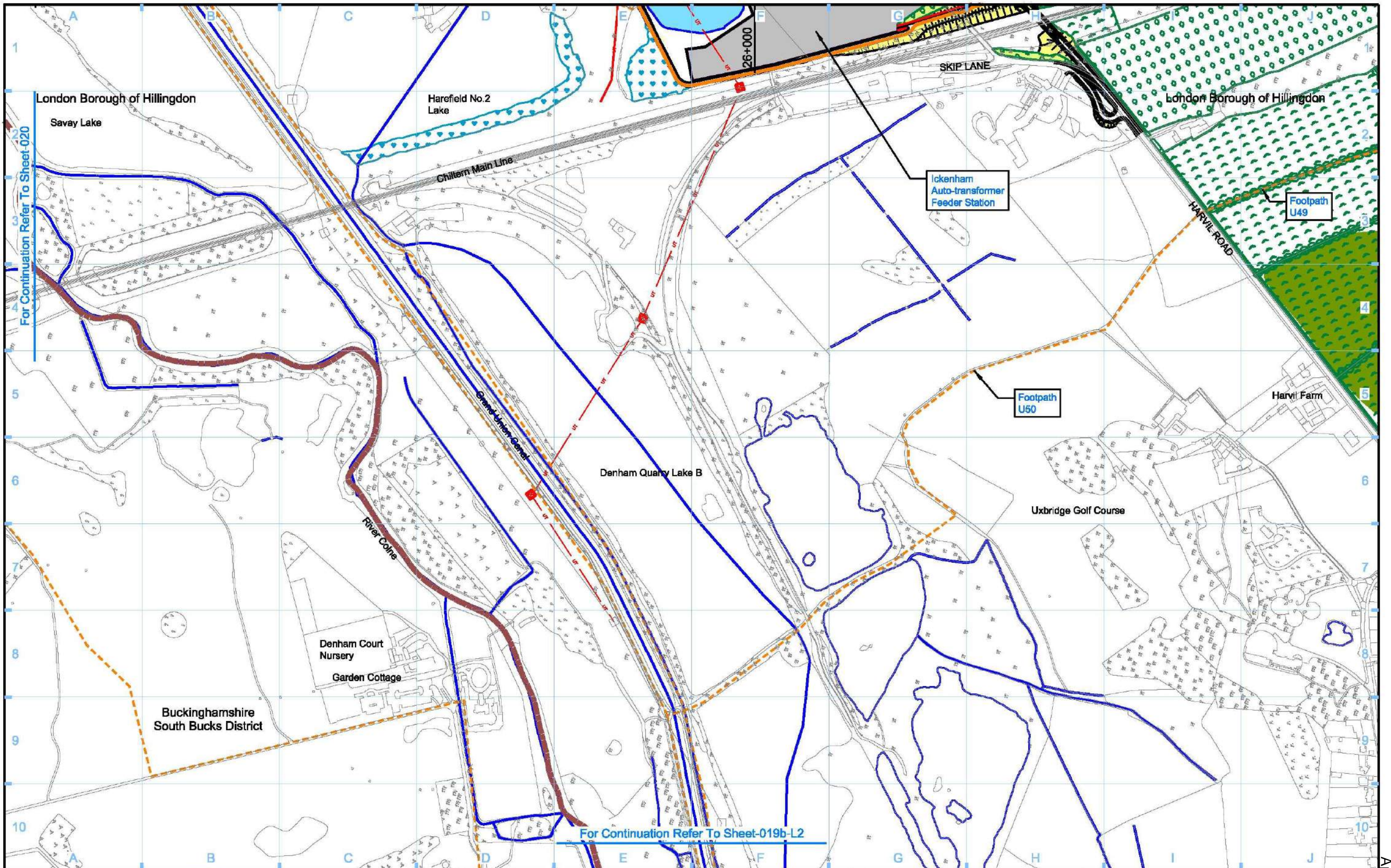
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Doc Number: C222-HS2-TP-DPL-020-050703 P00.1 Date:



Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Electricity substation
	Land drainage area
	Ecological mitigation pond
	Balancing pond
	Replacement floodplain storage
	Woodland habitat creation
	Wetland habitat creation
	Grassland habitat creation
	Landscape mitigation planting (scrub / woodland)
	Grassed areas
	Sustainable placement
	Public realm/Replacement community facility
	Engineering earthworks
	Landscape earthworks
	Rail alignment formation
	Returned to suitable development use
	County boundary
	Borough / District boundary
	Planning authority boundary
	Watercourse diversion
	Existing watercourse
	Ditches - new
	Hedgerow habitat creation
	Main utility works
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Tunnels external extent
	Rail alignment
	HS2 Access road
	Noise fence barrier
	Chainage (e.g. 10+000)

Map Number: **S17-OP-019b-L1**

Map Name: **Operational Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District / London Borough of Hillingdon**

hs2

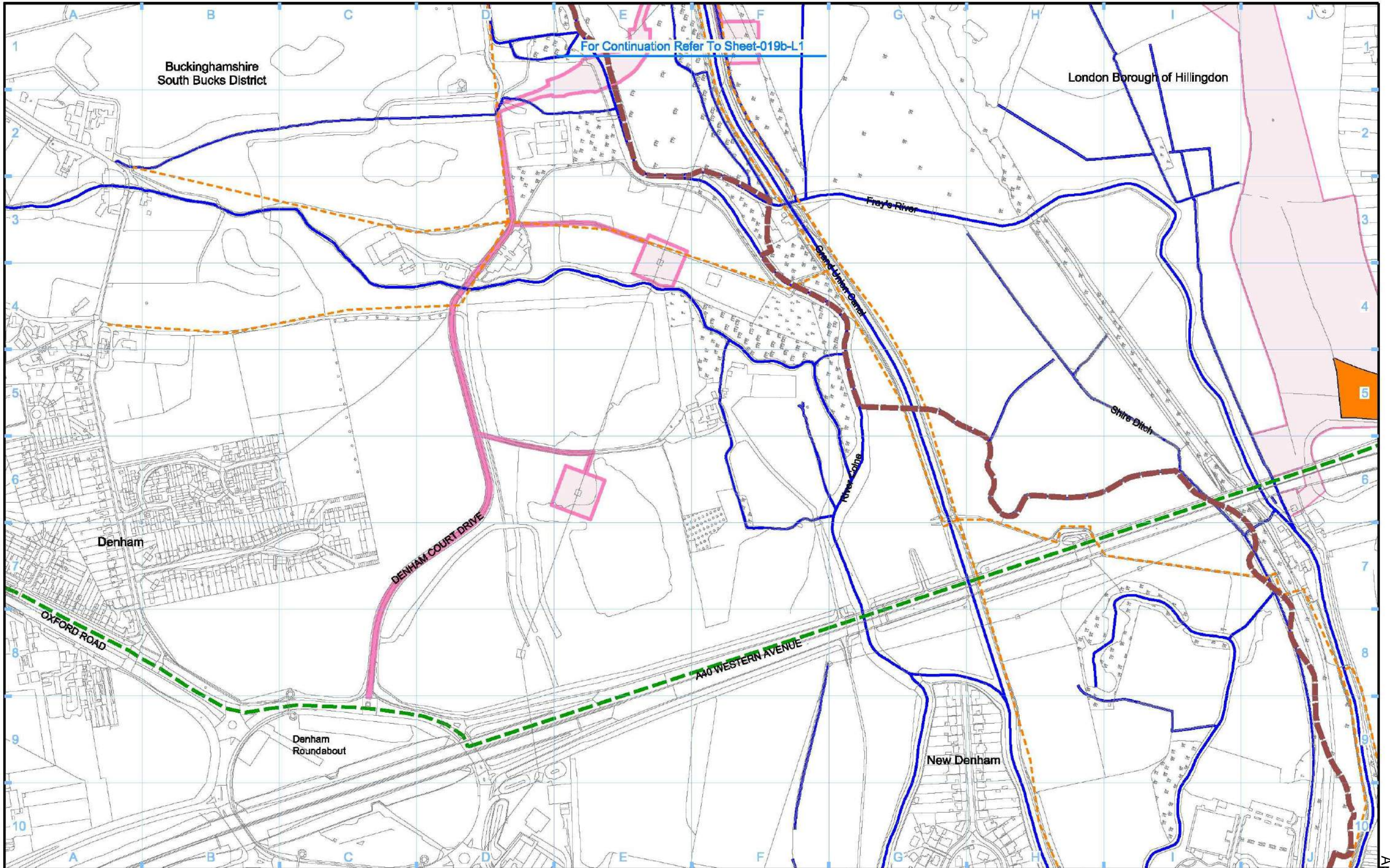
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Buckinghamshire
South Bucks District

London Borough of Hillingdon

Denham

Denham
Roundabout

New Denham

Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Main construction compound
	Satellite construction compound
	Temporary material stockpile
	Rail alignment formation
	Landscape earthworks
	Engineering earthworks
	County boundary
	Borough / District boundary
	Land potentially required during construction
	Temporary replacement community facility
	Planning authority boundary
	Existing watercourse
	Tunnels external extent
	Construction traffic route
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Temporary PRoW diversion / realignment
	Temporary highway diversion / realignment
	UT - Main utility works

	Chainage (e.g. 10+000)
	Rail alignment

Map Number: **S17-CP-019b-L2**

Map Name: **Construction Phase
Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District /
London Borough of Hillingdon**

hs2

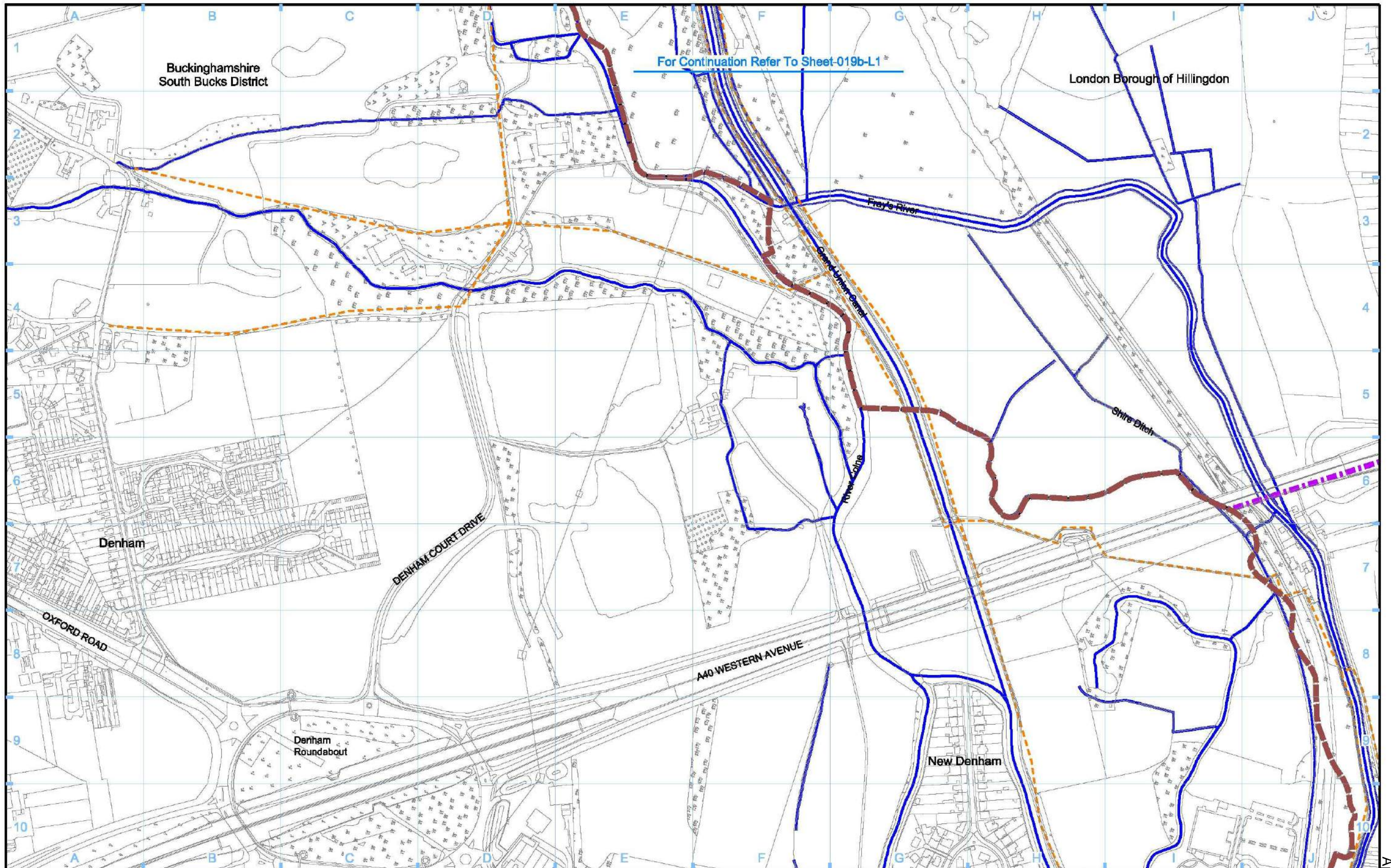
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Doc Number: C222-HS2-TP-DPL-020-050709 P00.0 Date:



Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Electricity substation
	Land drainage area
	Ecological mitigation pond
	Balancing pond
	Replacement floodplain storage
	Woodland habitat creation
	Wetland habitat creation
	Grassland habitat creation
	Landscape mitigation planting (scrub / woodland)
	Grassed areas
	Sustainable placement
	Public realm/Replacement community facility
	Engineering earthworks
	Landscape earthworks
	Rail alignment formation
	Returned to suitable development use
	County boundary
	Borough / District boundary
	Planning authority boundary
	Watercourse diversion
	Existing watercourse
	Ditches - new
	Hedgerow habitat creation
	Main utility works
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Stopped-up PRoW
	Tunnels external extent
	Rail alignment
	HS2 Access road
	Noise fence barrier
	Chainage (e.g. 10+000)

Map Number: **S17-OP-019b-L2**

Map Name: **Operational Phase Sch 17 Planning Context Report Plan**

Planning Authority Area: **South Bucks District / London Borough of Hillingdon**

hs2

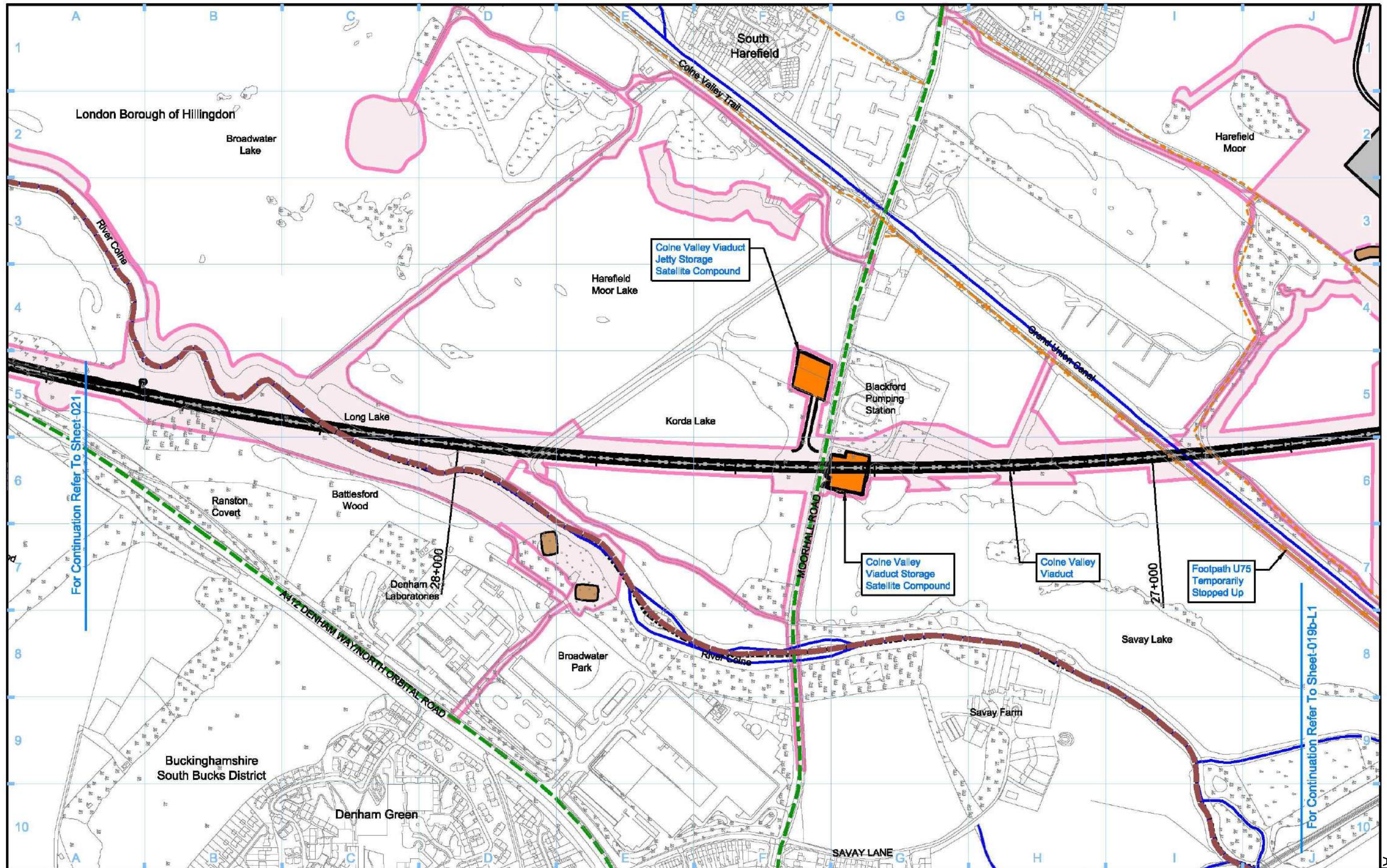
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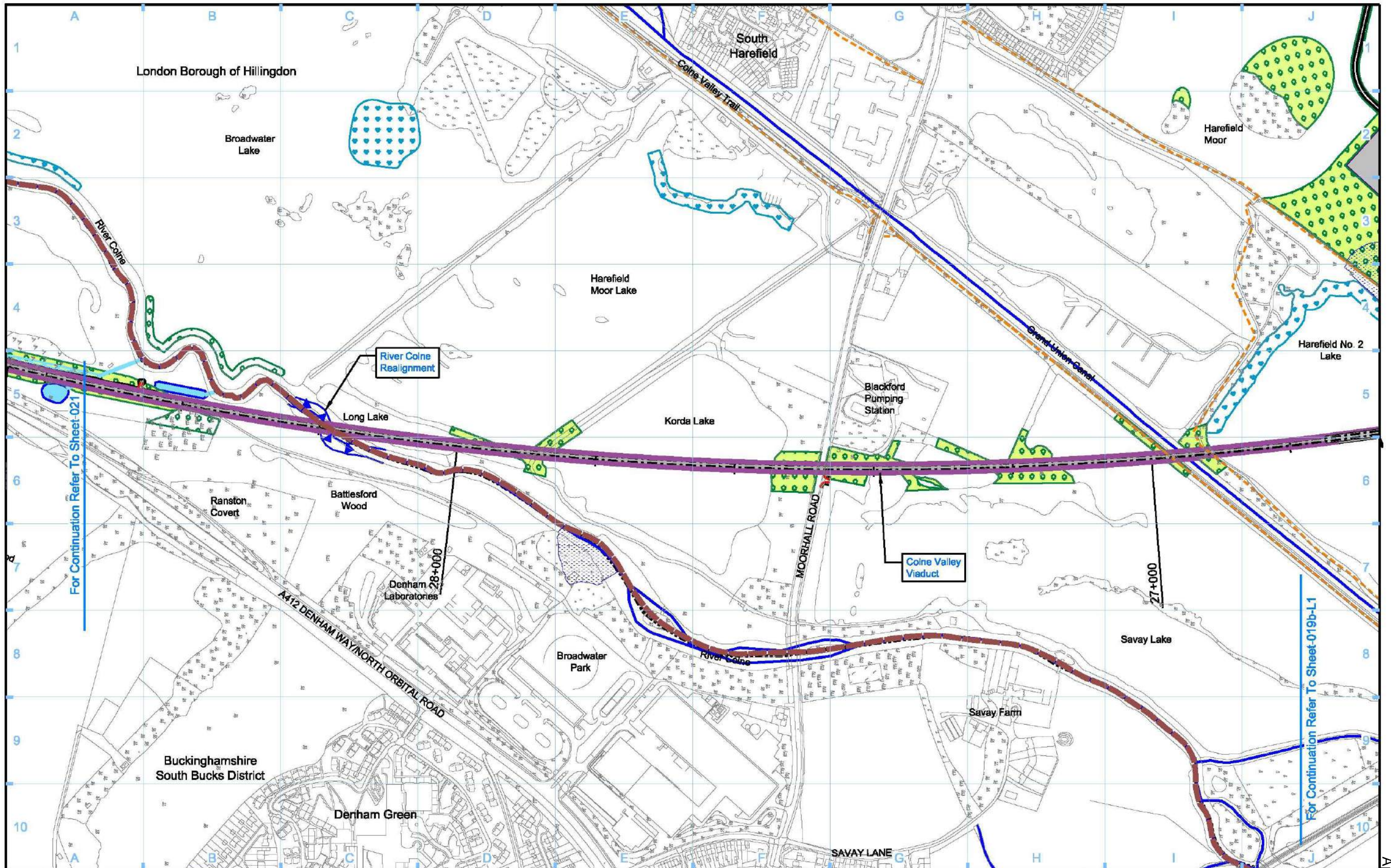
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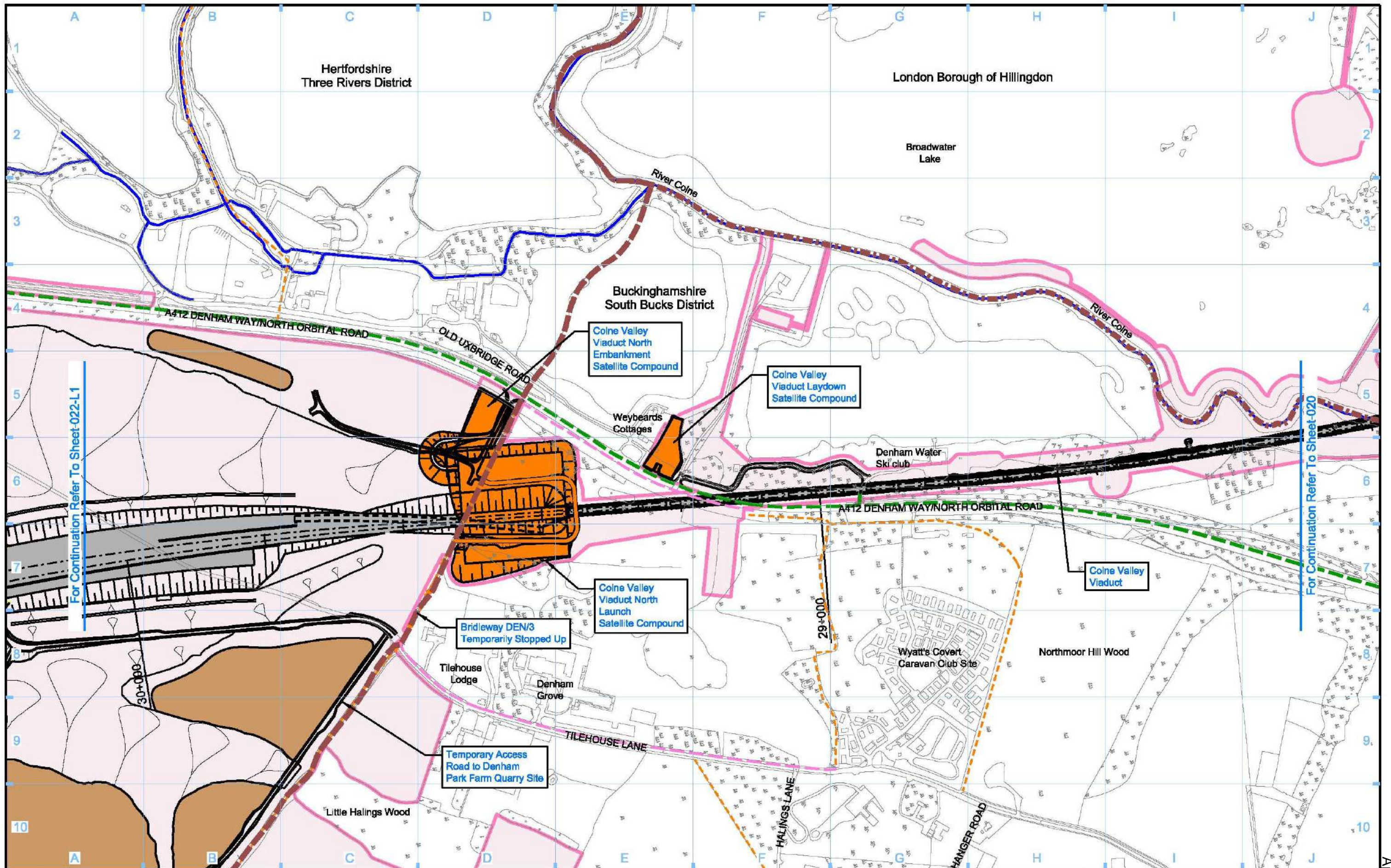
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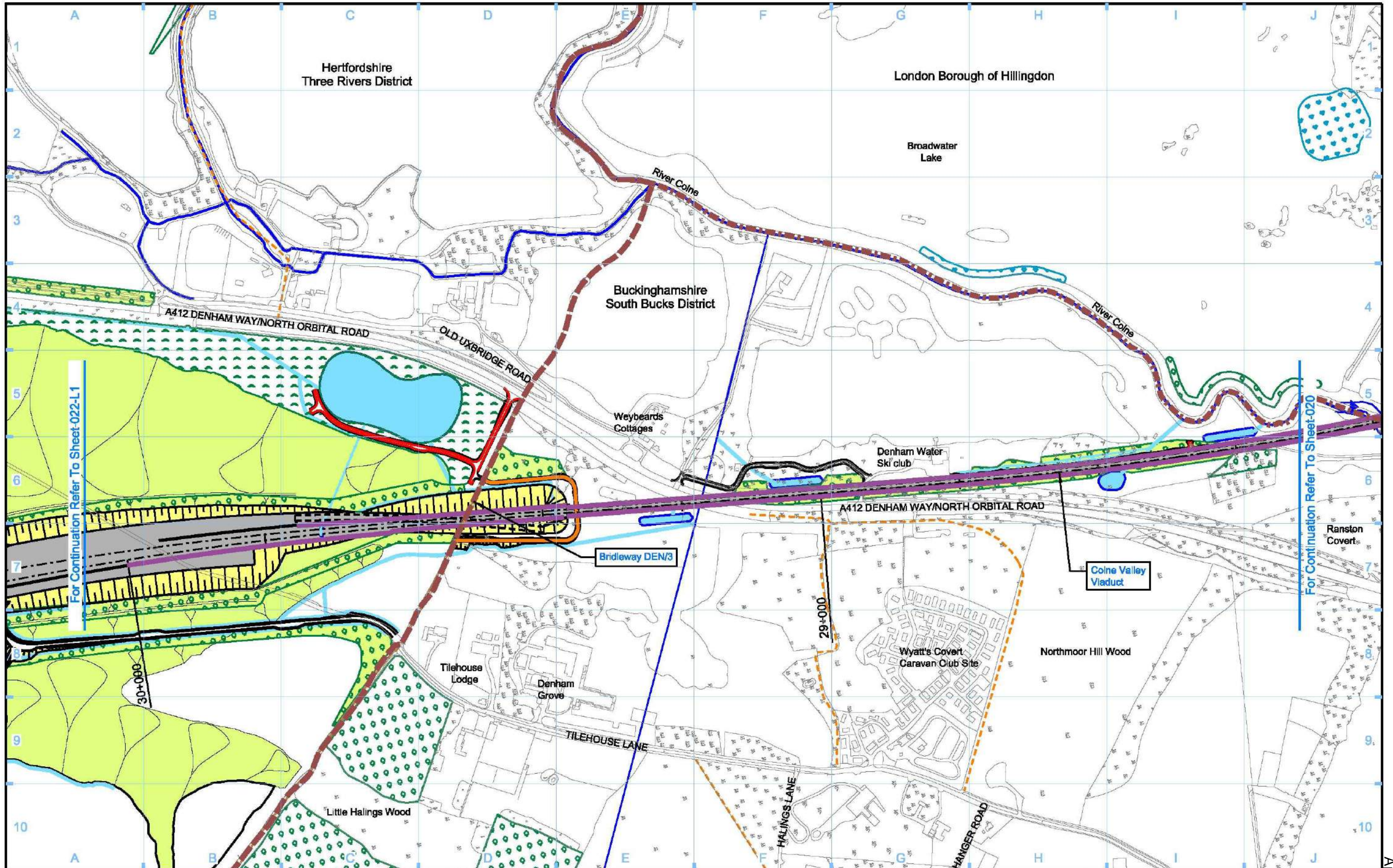
Legend <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Main construction compound Satellite construction compound Temporary material stockpile Rail alignment formation Landscape earthworks Engineering earthworks County boundary Borough / District boundary Land potentially required during construction Temporary replacement community facility Planning authority boundary Existing watercourse Tunnels external extent Construction traffic route Existing public right of way (PRoW) New, diverted or realigned PRoW Stopped-up PRoW Temporary PRoW diversion / realignment Temporary highway diversion / realignment Main utility works Chainage (e.g. 10+000) Rail alignment 		Map Number S17-CP-020 Map Name Construction Phase Sch 17 Planning Context Report Plan Planning Authority Area South Bucks District / London Borough of Hillingdon	 <small>HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if it is issued in part or issued incomplete in any way.</small> <small>Registered in England Registration number 05761685 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA.</small> Scale of A3: 1:5,000 <small>© Crown copyright and database rights 2017 Ordnance Survey Licence Number 100049190</small> Doc Number: C222-HS2-TP-DPL-020-050704 P00.1 Date:
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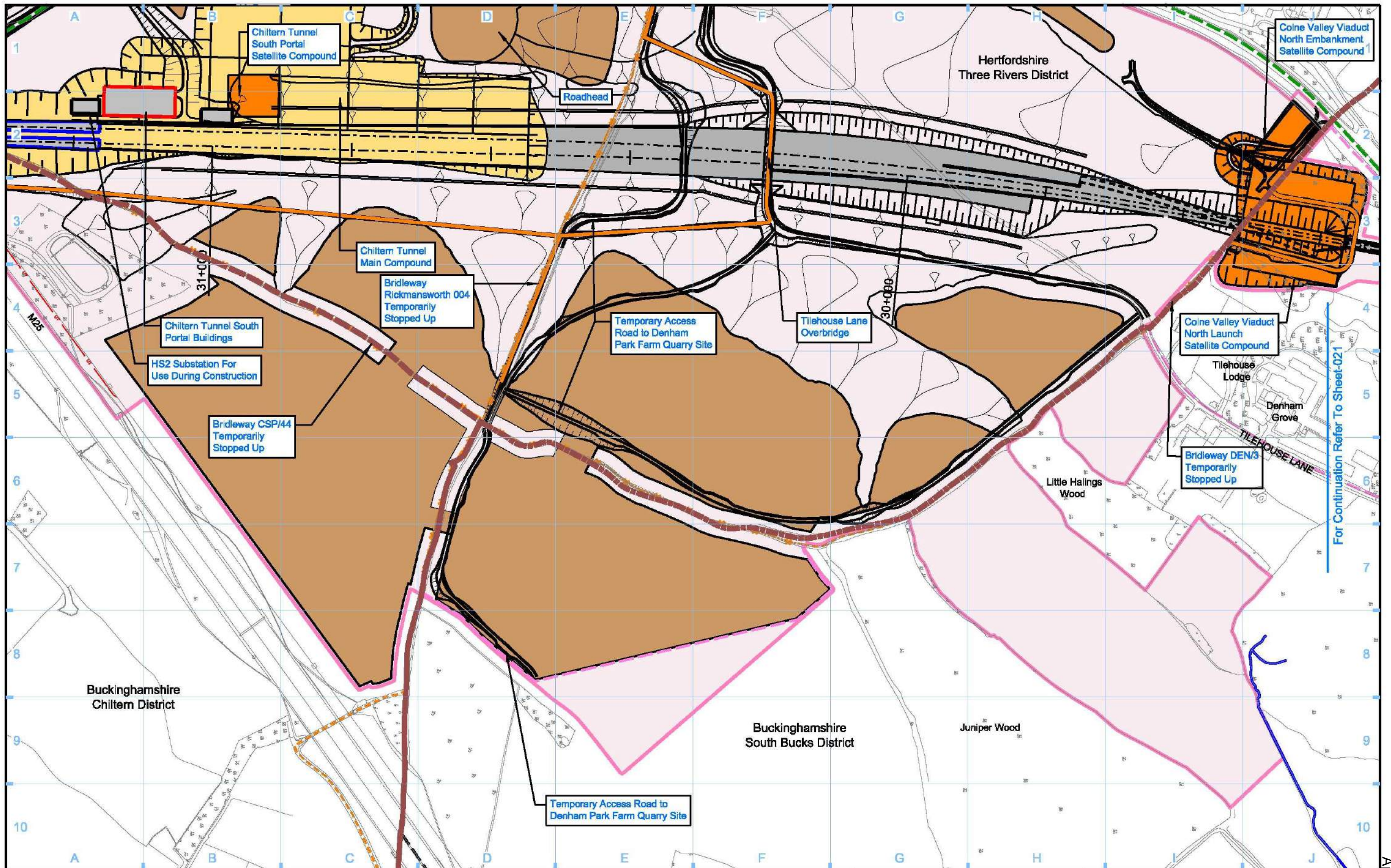
Legend <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Electricity substation Land drainage area Ecological mitigation pond Balancing pond Replacement floodplain storage Woodland habitat creation Wetland habitat creation Grassland habitat creation Landscape mitigation planting (scrub / woodland) Grassed areas Sustainable placement Public realm/Replacement community facility Engineering earthworks Landscape earthworks Rail alignment formation Returned to suitable development use County boundary Borough / District boundary Planning authority boundary Watercourse diversion Existing watercourse Ditches - new Hedgerow habitat creation Main utility works Existing public right of way (PRoW) New, diverted or realigned PRoW Stopped-up PRoW Tunnels external extent Rail alignment HS2 Access road Noise fence barrier Chainage (e.g. 10+000) 		Map Number S17-OP-020 Map Name Operational Phase Sch 17 Planning Context Report Plan Planning Authority Area South Bucks District / London Borough of Hillingdon	 HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after a format, amendment or abbreviation or if it is issued in part or issued incomplete in any way. Registered in England Registration number 05781885 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA. Scale of A3: 1:5,000 © Crown copyright and database rights 2017 Ordnance Survey Licence Number 100049190 Doc Number: C222-HS2-TP-DPL-020-080704 P00.1 Date:
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Legend <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Main construction compound Satellite construction compound Temporary material stockpile Rail alignment formation Landscape earthworks Engineering earthworks County boundary Borough / District boundary Land potentially required during construction 		<ul style="list-style-type: none"> Temporary replacement community facility Planning authority boundary Existing watercourse Tunnels external extent Construction traffic route Existing public right of way (PRoW) 		<ul style="list-style-type: none"> New, diverted or realigned PRoW Stopped-up PRoW Temporary PRoW diversion / realignment Temporary highway diversion / realignment Main utility works 		<ul style="list-style-type: none"> Chainage (e.g. 10+000) Rail alignment 		<p>Map Number: S17-CP-021</p> <p>Map Name: Construction Phase Sch 17 Planning Context Report Plan</p> <p>Planning Authority Area: Three Rivers District / London Borough of Hillingdon / South Bucks District</p>		<p>hs2</p> <p>HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after alteration, amendment or abbreviation or if it is issued in part or issued incomplete in any way.</p> <p>Registered in England Registration number 06761666 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA.</p> <p>Scale of A3: 1:5,000</p> <p>0 50 100 150 200 250 Meters</p> <p>© Crown copyright and database rights 2017. Ordnance Survey Licence Number 100049190</p> <p>Doc Number: C222-HS2-TP-DPL-020-050705 P00.1 Date:</p>	
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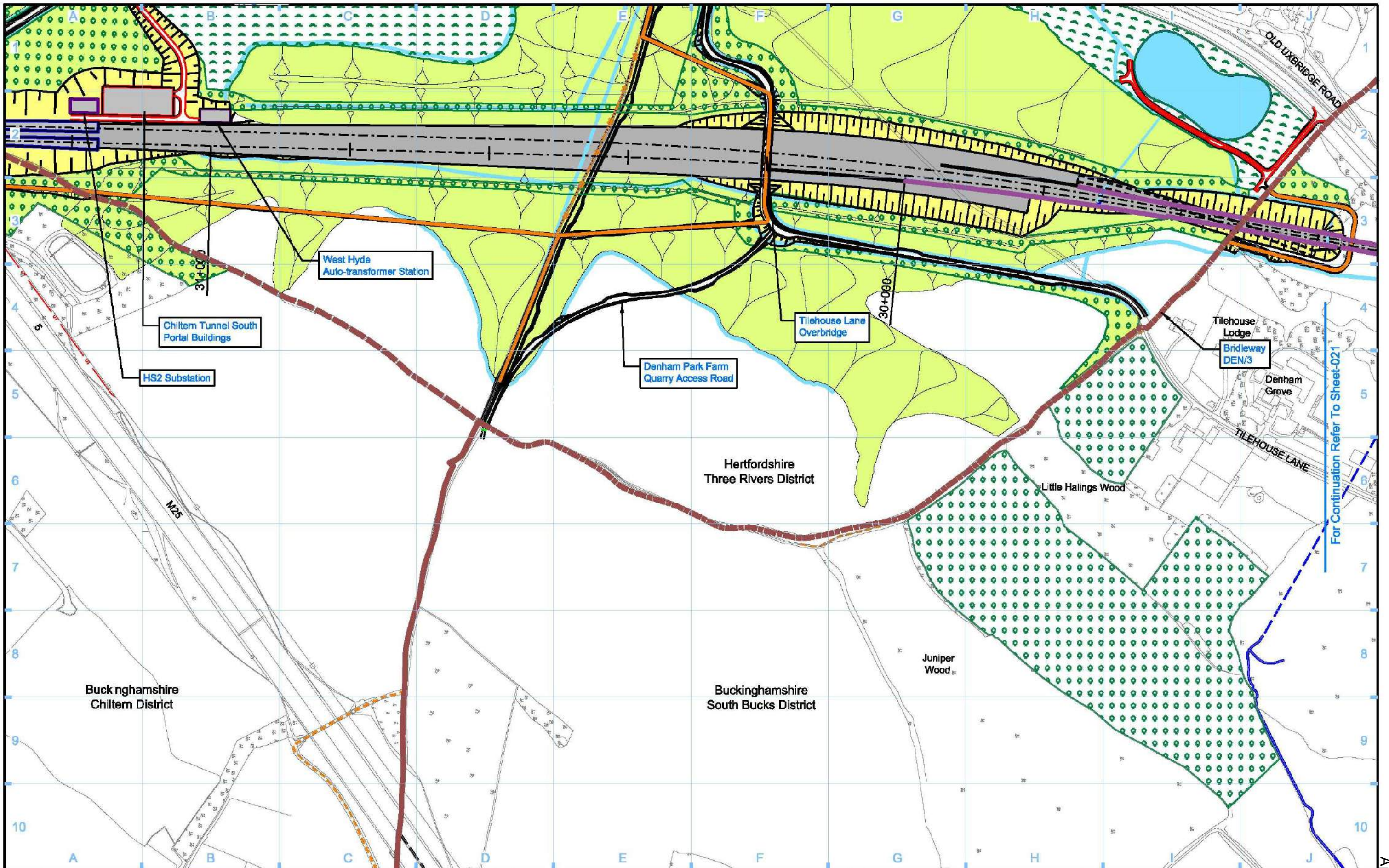


<p>Legend</p> <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Electricity substation Land drainage area Ecological mitigation pond Balancing pond 		<ul style="list-style-type: none"> Replacement floodplain storage Woodland habitat creation Wetland habitat creation Grassland habitat creation Landscape mitigation planting (scrub / woodland) Grassed areas Sustainable placement 		<ul style="list-style-type: none"> Public realm/Replacement community facility Engineering earthworks Landscape earthworks Rail alignment formation Returned to suitable development use County boundary Borough / District boundary 		<ul style="list-style-type: none"> Planning authority boundary Watercourse diversion Existing watercourse Ditches - new Hedgerow habitat creation Main utility works Existing public right of way (PRoW) New, diverted or realigned PRoW 		<ul style="list-style-type: none"> Stopped-up PRoW Tunnels external extent Rail alignment HS2 Access road Noise fence barrier Chainage (e.g. 10+000) 		<p>Map Number: S17-OP-021</p> <p>Map Name: Operational Phase Sch 17 Planning Context Report Plan</p> <p>Planning Authority Area: Three Rivers District / London Borough of Hillingdon / South Bucks District</p>		<p>hs2</p> <p>Registered in England Registration number 06701886 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA.</p> <p>Scale of A3: 1:5,000</p> <p>0 50 100 150 200 250 Meters</p> <p>© Crown copyright and database rights 2017. Ordnance Survey Licence Number 100049190</p> <p>Doc Number: C222-HS2-TP-DPL-020-080705 P00.1 Date:</p>	
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For Continuation Refer To Sheet-021

Legend <ul style="list-style-type: none"> Depot, station, headhouse or portal building Tunnel portal Main construction compound Satellite construction compound Temporary material stockpile Rail alignment formation Landscape earthworks Engineering earthworks County boundary Borough / District boundary Land potentially required during construction Temporary replacement community facility Planning authority boundary Existing watercourse Tunnels external extent Construction traffic route Existing public right of way (PRoW) New, diverted or realigned PRoW Stopped-up PRoW Temporary PRoW diversion / realignment Temporary highway diversion / realignment UT - Main utility works 		<ul style="list-style-type: none"> Chainage (e.g. 10+000) Rail alignment 	<p>Map Number: S17-CP-022-L1</p> <p>Map Name: Construction Phase Sch 17 Planning Context Report Plan</p> <p>Planning Authority Area: Three Rivers District / Chiltern District / South Bucks District</p>	<p>hs2</p> <p>HS2 Ltd accept no responsibility for any circumstances, which arise from the reproduction of this map after a translation, amendment or abbreviation or if it is issued in part or issued incomplete in any way.</p> <p>Registered in England Registration number 06701886 Registered office 2 Snow Hill, Queensway, Birmingham, B4 6QA</p> <p>Scale of A3: 1:5,000</p> <p>© Crown copyright and database rights 2017 Ordnance Survey Licence Number 100049190</p> <p>Doc Number: C222-HS2-TP-DPL-020-050708 P00.1 Date:</p>
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Legend	
	Depot, station, headhouse or portal building
	Tunnel portal
	Electricity substation
	Land drainage area
	Ecological mitigation pond
	Balancing pond
	Replacement floodplain storage
	Woodland habitat creation
	Wetland habitat creation
	Grassland habitat creation
	Landscape mitigation planting (scrub / woodland)
	Grassed areas
	Sustainable placement
	Public realm/Replacement community facility
	Engineering earthworks
	Landscape earthworks
	Rail alignment formation
	Returned to suitable development use
	County boundary
	Borough / District boundary
	Planning authority boundary
	Watercourse diversion
	Existing watercourse
	Ditches - new
	Hedgerow habitat creation
	Main utility works
	Existing public right of way (PRoW)
	New, diverted or realigned PRoW
	Tunnels external extent
	Rail alignment
	HS2 Access road
	Noise fence barrier
	Stopped-up PRoW
	Chainage (e.g. 10+000)

Map Number
S17-OP-022-L1

Map Name
Operational Phase
Sch 17 Planning Context Report Plan

Planning Authority Area
Three Rivers District /
Chiltern District / South Bucks District

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Annex 1 – Signposting

Document	Link
High Speed Rail (London – West Midlands) Act 2017	http://www.legislation.gov.uk/ukpga/2017/7/contents/enacted
Schedule 17 Fee Regulations	http://www.legislation.gov.uk/uksi/2017/223/contents/made
Schedule 17 Appeal Regulations	http://www.legislation.gov.uk/uksi/2017/227/contents/made
High Speed Rail (London – West Midlands) Environmental Minimum Requirements	https://www.gov.uk/government/publications/environmental-minimum-requirements
	https://www.gov.uk/government/publications/high-speed-rail-london-west-midlands-bill-register-of-undertakings-and-assurances
Schedule 17 Statutory Guidance	https://www.gov.uk/government/publications/high-speed-rail-london-to-west-midlands-act-2017-schedule-17-statutory-guidance
Phase One Information Papers	https://www.gov.uk/government/collections/high-speed-rail-london-west-midlands-bill#information-papers
Phase One – Planning Forum Notes	https://www.gov.uk/government/publications/planning-forum-notes
Phase One Environmental Statement	https://www.gov.uk/government/collections/hs2-phase-one-environmental-statement-documents
	https://www.gov.uk/government/collections/additional-provision-september-2014
	https://www.gov.uk/government/collections/supplementary-environmental-statement-and-additional-provision-2-july-2015
	https://www.gov.uk/government/collections/supplementary-environmental-statement-2-and-additional-provision-3-september-2015
	https://www.gov.uk/government/collections/supplementary-environmental-statement-3-and-additional-provision-4-october-2015
	https://www.gov.uk/government/collections/supplementary-environmental-statement-4-and-additional-provision-5-december-2015

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