

South Bucks District Council

Cabinet Decision

Notice is given that the following decisions have been taken by Cabinet on Tuesday, 7 November 2017

4 **Review of Homelessness Management**

(a) DECISION:

The Cabinet received a presentation by Councillor Philip Bastiman, Chairman of the Review of Homelessness Management Task and Finish Group, which set out the recommendations of the Task and Finish Group following the review of Homelessness Management.

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.

RESOLVED that

- 1) 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 be 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; and
- 3) the Council develops a Homeless Strategy Action Plan to manage and monitor the implementation of the recommendations of this report.

(b) REASON FOR DECISION:

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

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Cabinet could have decided not to consider the recommendations of the Task and Finish Group but were of the opinion that it was important to consider the recommendations of the Task and Finish Group and to respond to them in writing.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8a **Appointment to the Chiltern and South Bucks Joint Leisure Advisory Board**

(a) DECISION:

Cabinet considered item 17 of the Healthy Communities PAG minutes which asked Cabinet to consider the Portfolio Holders recommendation that an additional Member be appointed to join the Chiltern and South Bucks Joint Leisure Advisory Board. This was to ensure that there would be representation in relation to the Beacon Centre.

RESOLVED that an additional Member be appointed to join the Chiltern and South Bucks Joint Leisure Advisory Board.

(b) REASON FOR DECISION:

To ensure that there would be representation on the Board in relation to the Beacon Centre.

(c) ALTERNATIVE OPTIONS CONSIDERED:

To keep membership on the Chiltern and South Bucks Joint Leisure Advisory Board the same.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8b **Housing and Planning Act 2016: Impact on Housing Enforcement Policy**

(a) DECISION:

Cabinet received a report which advised Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options against private sector landlords and which 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. Furthermore, Cabinet were asked to comment on the draft amended housing enforcement policy and to give delegated authority to the Head of Healthy Communities to agree the final policy in consultation with the Portfolio Holder.

RESOLVED that

1. the new provisions of the Housing and Planning Act 2016 be noted;
2. authority be delegated to the Head of Healthy Communities to enforce the provisions of the Act and the Scheme of Delegations be amended accordingly;
3. the Head of Healthy Communities be authorised 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.

And further

RECOMMENDED to COUNCIL that the scheme of delegation in the Constitution be updated to reflect the fact that authority has been delegated to the Head of Healthy Communities to enforce the provisions of the Act.

(b) REASON FOR DECISION:

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 would 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 would enable amendments to be made in respect of the use of Banning Orders, once the regulations have been published.

(c) ALTERNATIVE OPTIONS CONSIDERED:

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 alternative options considered were:

1. 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
2. To not make any amendments to the existing enforcement policy and not make use of the new powers.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8c **Affordable Housing Action Plan**

(a) DECISION:

Cabinet received a report which asked Members to consider how the Council may seek to end the long term use of Bed and Breakfast and private rented nightly let accommodation.

As well as being considered by the Healthy Community PAG on 14 September 2017, this report was also considered by the Resources PAG on 26 September 2017.

RESOLVED that

1. having considered the theoretical business case for the acquisition of residential properties for use as affordable housing that a further report be presented for consideration; and
2. the Affordable Housing Action Plan as set out in appendix 1 in seeking to end the long term use of nightly let and Bed and Breakfast accommodation for homelessness be agreed.

(b) REASON FOR DECISION:

- 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

(c) ALTERNATIVE OPTIONS CONSIDERED:

- 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.
- 2) To prioritise the actions as identified in the Affordable Housing Action Plan

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

8d **Emergency Housing Units for Temporary Accommodation - Bath Road Depot
(Part II item)**

(a) DECISION:

Cabinet were asked to consider the interim development opportunity for temporary housing for use as emergency accommodation at Bath Road Depot.

As well as being considered by the Healthy Community PAG on 14 September 2017, this report was also considered by the Resources PAG on 26 September 2017.

RESOLVED 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 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 authority be delegated to the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources 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; and
6. authority be delegated to 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.

(b) REASON FOR DECISION:

- a. To support the Council's Medium Term Financial Strategy and reduce the cost of securing homeless accommodation by reducing the Council's use of nightly booked temporary accommodation owned by third parties
- 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.
- d. Appointment of the Project Manager and Contractor under the Scape agreement would enable a compliant appointment in accordance with the Council's procurement rules.
- e. The project plan is based on the assumptions that project approval is subject to delegated decision making.
- f. To reduce the management risks to the Council for the operation of the site it is recommended to appoint an experienced Provider to undertake the day to day management of the accommodation.

(c) ALTERNATIVE OPTIONS CONSIDERED:

- i. Continue to use nightly let accommodation as emergency accommodation.
- ii. To develop other initiatives to reduce the use of nightly let emergency accommodation.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

11a **Discretionary Business Rate Relief**

(a) DECISION:

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

RESOLVED that

- 1) the discretionary scheme set out in Appendix A be agreed;
- 2) authority be delegated 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; and
- 3) authority for all awards made in accordance with para 4.2a) of the report (all ratepayers matching agreed criteria 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 4.2b) of the report (Applications from ratepayers falling outside the criteria to be considered on a case by case basis and assesses on need and local impact) to be made in accordance with the Council's existing Discretionary Rate Relief Policy.

(b) REASON FOR DECISION:

To implement a new scheme that would be of benefit to local businesses. The provision of an effective Discretionary Business Rate Relief scheme supports the Council's aim of promoting a thriving economy.

(c) ALTERNATIVE OPTIONS CONSIDERED:

To not the implement the new scheme.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

11b **Application for Discretionary Rate Relief (part II item)**

(a) DECISION:

To consider an application for Discretionary Rate Relief.

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

(b) REASON FOR DECISION:

The Council has previously supported the applicant by providing Discretionary Rate Relief and if / when charitable status was granted to the organisation this would be replaced with Mandatory Rate Relief.

(c) ALTERNATIVE OPTIONS CONSIDERED:

To not award Discretionary Rate Relief.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

11c **Capswood Offices (part II item)**

(a) DECISION:

To provide an update for Members on vacating Capswood1 and letting the space, and to request the release of allocated funds for the refurbishment of the ground floor.

RESOLVED that

- 1) the progress made be noted; and
- 2) 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.

(b) REASON FOR DECISION:

To facilitate the letting of the ground floor of Capswood1.

(c) ALTERNATIVE OPTIONS CONSIDERED:

1. Delay removal of the server room plant and the refurbishment of the ground floor until a suitable tenant has been found.
2. Proceed with the refurbishment in order to facilitate finding a tenant.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

12a **Brownfield Land Register**

(a) DECISION:

Cabinet received a report which advised members on new statutory requirements for the Council to prepare and publish a Brownfield Land Register for South Bucks District.

Part 1 of the Register listed all brownfield sites in a local authority area that were considered suitable for residential development. Publication of Part 1 of the Register, being an executive function, required approval from the Cabinet. The Government required all Local Authorities to publish Part 1 by 31 December 2017. Cabinet noted that having considered the advice of the PAG, the Portfolio Holder had agreed that the proposed consultation on a draft Brownfield Land Register for South Bucks District be approved.

Part 2 of the Register contained a list of sites which by being on the Register were automatically granted planning permission in principle for housing development. As this was a Council function it was proposed that the decision to enter a site onto Part 2 of the Register be delegated to the Planning Committee.

Having considered the recommendations in the report, it was

RESOLVED that the publication of the Register and any future updates be delegated to the Head of Sustainable Development in consultation with the Portfolio Holder.

AND RECOMMENDED to Council that

- 1) the decision to enter land in Part 2 of the Brownfield Land Register be delegated to the Planning Committee and dealt with under the Scheme of Officer Delegations in the same way as planning applications; and
- 2) 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.

(b) REASON FOR DECISION:

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.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Production of a Brownfield Land Register was a statutory requirement and the timetable for final publication of the document was 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 was no other option available.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

12b **HS2 Update Report and Appointment of Landscape Consultants**

(a) DECISION:

Cabinet received a report which set out an update on the project to date and also the need to appoint landscape consultants on the forthcoming Schedule 17 approval applications during the construction phase.

RESOLVED that

- 1) the current position be noted;
- 2) 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 be approved; and
- 3) the Council acts as the commissioning authority for any additional Projects from the work of the Colne Valley Regional Park Panel and authority be delegated to the Chief Executive in consultation with the Head of Legal Services to commission any projects.

(b) REASON FOR DECISION:

To bring Members up to date with the work undertaken on the project and the forward planning for the project and to enable the Council to act as commissioning authority.

(c) ALTERNATIVE OPTIONS CONSIDERED:

To not move forward with the appointment of the landscape consultants and to not delegate authority to the Council to act as the commissioning authority for any additional Projects from the Colne Valley Regional Park Panel's work.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

16a **Stoke Park**

(a) DECISION:

The purpose of this report is to seek Cabinet agreement for a new revised lease for Stoke Park for a longer term including the transfer of 50 acres of freehold land to the Council.

RESOLVED that

- 1) the current three leases granted for Stoke Park be replaced with a new lease for 350 years on the terms detailed within this report;
- 2) the Council accepts the freehold title of 50 acres of land currently owned by the tenant to be included within the new lease; and
- 3) authority be delegated to the Head of Environment in consultation with the Resources Portfolio Holder to conclude this matter and any minor changes.

(b) REASON FOR DECISION:

Granting a new lease updated to current standards to replace the existing three leases together with the amended clauses would help to ensure the Council's interest is protected.

(c) ALTERNATIVE OPTIONS CONSIDERED:

To not progress with a new lease and leave all the documents as they are.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None.

Date Published:	08 November 2017	Call in Deadline Midnight on	15 November 2017
Date to be implemented: 16 November 2017			