

CABINET (SBDC)

Meeting - 7 November 2017

Present: N Naylor, J Read, B Gibbs, P Kelly, D Smith and L Sullivan

31. MINUTES

The minutes of the meetings of the Cabinet held on 28 June 2017 and 11 September 2017 were agreed and signed by the Cabinet Leader as a correct record.

32. DECLARATIONS OF INTERESTS

There were no declarations of interest.

33. REVIEW OF HOMELESSNESS MANAGEMENT

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.

In the discussion which followed, the reasons behind the recommendation that more robust procedures should be introduced on the completion of application forms, including quicker checks/provision of evidence to identify if people are intentionally homeless and why the onus should be on the client to provide this information (page 32 of the agenda pack) was explained.

With regards to the recommendation regarding the production of a leaflet for the client stating their obligations (page 37 of the agenda pack), the importance of ensuring that the leaflet was in plain English was stressed.

The advantages of sending a weekly invoice to clients was recognised by the Cabinet. However, it was agreed that consideration would need to be given as to whether this would be practicable, especially for the first days/weeks when housing benefit had yet to be received.

The need to support clients with debt management was discussed particularly in relation to the L&Q 'keep it tenancy approach.

The necessity for effective budget and performance monitoring with clear levels of accountability and trigger points for escalation was acknowledged by Cabinet.

The Cabinet stressed the importance of the monthly meetings which had been set up to monitor the management of homelessness and debt recovery.

It was noted that consideration would need to be made as to how the Council's Customer Services Strategy and the new Homelessness Reduction Act 2016 would impact on the Homelessness Strategy Action Plan.

The Cabinet thanked Cllr Bastiman, Members of the Task and Finish Group and all the officers involved for the quality of the work produced and for taking the time to address the important issues raised in the review.

Having considered the recommendations of the Review of Homelessness Management Task and Finish Group, it was accordingly

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.

34. CABINET APPOINTMENTS

There were none to note.

35. FORWARD PLAN OF EXECUTIVE DECISIONS

The Cabinet received a copy of the 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 were advised of the following updates to the 28 Day Notice since publication of the Cabinet agenda:

- There would be a report on the delivery of a Private Sector Leasing Scheme going to the Cabinet on 13th December 2017.
- The Farnham Park Playing Fields Strategy report would now be going to the Cabinet on 7th February 2018.
- A report on car parking charges would be going to Cabinet on 7th February 2018.

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.

36. **PERFORMANCE MANAGEMENT QUARTERLY REPORT QUARTER 1 2017-18**

Cabinet received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 1 of 2017-18.

Members noted from the report that of the total 48 PIs, 2 were seen to be off-target (1 of these were a priority PI) with further detail of these within the two detailed performance tables accompanying the report:

- Appendix A – Priority indicators Q1 2017-18
- Appendix B – Quarterly corporate performance indicators Q1 2017-18

With regards to long term sickness absence being over target, the Cabinet were advised that the long term sickness absence figure would improve as two of the employees who were off on long term sick had now retired on ill health grounds.

The Cabinet noted that with regards to household refuse collection, the number of containers missed per month was over target due to some collections being incorrectly coded. The Cabinet were assured that staff would be retrained on coding before the next quarter.

The Cabinet noted that the target for the use of Bed and Breakfast had been revised to reflect the reality. Cabinet were advised that whilst Bed and Breakfast accommodation was being used less, officers have had to increase the use of nightly booked self-contained accommodation as an alternative to Bed and Breakfast, which was considerably more expensive than Bed and Breakfast.

RESOLVED that the report be noted.

37. **HEALTHY COMMUNITIES**

The Cabinet received the minutes of the Healthy Communities PAG held on 14 September 2017.

RESOLVED that the minutes be noted.

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

38. **APPOINTMENT TO THE CHILTERN AND SOUTH BUCKS JOINT LEISURE ADVISORY BOARD**

The 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.

39. **HOUSING AND PLANNING ACT 2016: IMPACT ON HOUSING ENFORCEMENT POLICY**

The 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.

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. Furthermore, giving 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.

Having considered the recommendations set out in the report, the Cabinet accordingly

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.

40. **AFFORDABLE HOUSING ACTION PLAN**

The 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.

The report set 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 detailed the schemes that were being progressed and the element of Commuted Sums that might be required.

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.

Having considered the recommendations in the report, the Cabinet accordingly

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 & Breakfast accommodation for homelessness be agreed.

41. **EMERGENCY HOUSING UNITS FOR TEMPORARY ACCOMMODATION - BATH ROAD DEPOT (PART II ITEM)**

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

The Cabinet were advised that the proposals set out in the report would 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. They would also enable the Council to discharge its duty to accommodate those who are determined as homeless and in priority need. Furthermore, the provision of emergency accommodation in the District would reduce the health inequality risks associated with the placement of families out of the District.

The Cabinet noted that the appointment of the Project Manager and Contractor under the Scape agreement would enable a compliant appointment in accordance with the Council's procurement rules. To reduce the management risks to the Council for the operation of the site it was being recommended that an experienced Provider be appointed to undertake the day to day management of the 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. 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.

42. REPAIRS TO THE BEACON CENTRE ROOF

The Cabinet received a report which informed Members of the decision by the Chief Executive on 21 June 2017 to use delegated powers to undertake essential repairs to the Beacon Centre roof.

Urgent action was 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.

The Cabinet noted that advice from the Council's consultant engineer confirmed that all repairs were of an urgent nature requiring scaffold access. 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.

RESOLVED that 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 be noted.

43. ENVIRONMENT

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

44. 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:

45. DISCRETIONARY BUSINESS RATE RELIEF

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

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The Cabinet were advised that 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. A standard scheme throughout Buckinghamshire has been designed, with some flexibility for local variations. Cabinet approval was needed to implement this new scheme that would be of benefit to local businesses.

Having considered the discretionary scheme set out in appendix A and the recommendations set out in the report, the Cabinet accordingly

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.

46. **APPLICATION FOR DISCRETIONARY RATE RELIEF (PART II ITEM)**

To consider an application for Discretionary Rate Relief from Bekonscot Ltd.

The Cabinet were advised 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.

Having noted that the Council had previously supported Bekonscot by providing Discretionary Rate Relief and if / when charitable status was granted to the organisation this would be replaced with Mandatory Rate Relief, the Cabinet accordingly

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

47. **CAPSWOOD OFFICES (PART II ITEM)**

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.

The Cabinet noted the update on vacating capswood 1 and the letting of the space. In order to facilitate the letting of the ground floor of Capswood1, the Cabinet were asked to approve the release of allocated capital expenditure of £115,000 for the refurbishment of the ground

floor of Capswood 1 with authority delegated to Head of Environment in consultation with the Portfolio Holder to agree terms.

The Cabinet having stressed the importance of ensuring that the ground floor be let as soon as possible, accordingly

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.

48. 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:

49. BROWNFIELD LAND REGISTER

The 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.

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

The 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.

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. Buckinghamshire 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.

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 was unlikely to be any cost to the Council. The work was 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.

It was noted that the Council had been a member of Colne Valley Regional Park Panel (CVRPP) 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 the Cabinet 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 the Council was best placed to assume this role.

After considering the recommendations set out in the report, the Cabinet accordingly

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.

51. **ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT**

None.

52. **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 ”

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|-------------|--|
| 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. |

53. **HEALTHY COMMUNITIES (PART II)**

54. **HOUSING OPTIONS AND ALLOCATIONS SERVICE - IT PROVISION**

The Cabinet received a report which asked Members to note an exemption that had been made to the Joint Contract Procedure Rules with regards to IT provision for Housing Options and Allocations Service.

The joint Chiltern District Council and South Bucks District Council Contracts Procedure Rules makes provision for an exemption to the rules. The rules require that any exemption must be approved by Management Team and shall be reported to the next appropriate Cabinet meeting for information.

Management Team approved an exemption being made to the Contract Procedure Rules in accordance with Section A6 (Paragraphs 15 to 19) of the Rules in order for South Bucks District Council (in partnership with the other District Councils) to proceed with entering into an Agreement with Locata (Housing Services) Ltd to continue to deliver the housing register, allocations and homelessness software requirements from January 2018.

RESOLVED that the exemption to the Joint Contract Procedure Rules that has been approved by Management Team be noted.

55. **EMERGENCY HOUSING UNITS FOR TEMPORARY ACCOMMODATION - BATH ROAD DEPOT**

The report was considered in connection with minute 41.

56. **REVIEW OF HOMELESSNESS MANAGEMENT PRIVATE APPENDIX**

The report was considered in connection with minute 33.

57. **RESOURCES (PART II)**

58. **STOKE PARK**

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.

The Council is the freeholder of the majority of land that forms the Stoke Park estate which is leased under three separate agreements to Stoke Park Ltd. The tenant has instigated discussions that would result in a new single updated lease being granted to Stoke Park Ltd in exchange for the current outdated lease conditions being updated as set out in the report.

The Cabinet were advised that 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 would be protected.

Having considered the recommendations in the report, the Cabinet accordingly

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.

59. **APPLICATION FOR DISCRETIONARY RATE RELIEF**

The report was considered in connection with minute 46.

60. **CAPSWOOD OFFICES**

The report was considered in connection with minute 47.

The meeting terminated at 5.26 pm