

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 meeting held on 7 November 2017.

(5 - 16)

3. **Declarations of Interest**

To receive any declarations of interest.

A. LEADER'S REPORTS

4. **Executive Appointments**

To note the executive appointments made by the Chief Executive under delegated authority as attached. These have already been noted by Full Council.

(17 - 20)

5. **The Local Authority (Indemnities for Members and Officers) Order 2004**

(21 - 22)

6. **Draft Revenue Budget 2018/19**

(23 - 28)

Appendix A

(29 - 30)

Appendix B

(31 - 32)

Appendix C

(33 - 36)

B. REPORTS OF THE PORTFOLIO HOLDERS

7. **Healthy Communities**

(a) **Private Sector Leasing Scheme**

See item 14 for the private appendices

(37 - 44)

8. **Environment**
- (a) **Beaconsfield Common Land** (45 - 48)
- Appendix A: Beaconsfield Common Land* (49 - 50)
Appendix B: Scheme of Management (51 - 56)
Appendix C: Byelaws (57 - 60)
9. **Planning and Economic Development**
- (a) **Response to the Consultation on Revised Draft Airports National Policy Statement** (61 - 64)
10. **Any other business which the Leader decides is urgent**
- To consider any other business that the Leader deems urgent.
11. **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 3 Information relating to the financial or business affairs of any particular persons (including the authority holding that information).
12. **Approval of Consilio Business Plan** (65 - 70)
- Appendix A* (71 - 78)
13. **Planning and Economic Development**
- (a) **HS2 Work and Resourcing Report** (79 - 88)
Appendix - Report to Cabinet 25 April 2017 (89 - 106)
14. **Healthy Communities**
- (a) **Private Sector Leasing Scheme - Appendix 1** (107 - 108)
Private Sector Leasing Scheme - Appendix 2 (109 - 110)
See item 7a

The next meeting is due to take place on Wednesday, 7 February 2018

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.

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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

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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

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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 ”

- | | |
|-------------|--|
| 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

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Classification: OFFICIAL

- 1) To note the Executive appointments which have been made under delegated authority by the Chief Executive in consultation with the Leader of the Council as shown in bold below: (these have already been noted by Full Council on 15 November 2017)

<u>Joint Waste Collection Committee</u>	
South Bucks representatives: 1 x (Cabinet Member) Luisa Sullivan 1 x (Non-Cabinet Member) – Vacancy	
<u>Evreham Sports Centre Joint Management Committee</u>	
South Bucks representatives:	J. Jordan P. Kelly (Portfolio Holder) R. Sangster
Buckinghamshire County Representatives:	R. Bagge L. Sullivan
<u>The South Buckinghamshire Members Advisory Panel (8)</u> J. Read, B Gibbs* , M. Bradford, N. Naylor, T. Egleton, P. Kelly, L. Hazell and R. Bagge <i>*appointment made under delegated authority on 28 November 2017.</i>	

Outside Body	Representative[s]	Relevant Portfolio	Officer Contact
Buckinghamshire Advantage	Nick Naylor	Leader	Bob Smith
Buckinghamshire Thames Valley Local Enterprise Partnership	Nick Naylor	Leader	Bob Smith
Bucks Planning Group	John Read	Planning and Economic Development	Andrew Ashcroft (Interim)
Chiltern and South Bucks Strategic Partnership	Nick Naylor Paul Kelly Ralph Bagge Vacancy	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
District Council Network	Nick Naylor	Leader	Bob Smith

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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	John Read	Planning and Economic Development	Tracy Farrell
Local Government Association	Nick Naylor John Read (Deputy)	Leader	Bob Smith
L & Q Shires Neighbourhood Committee	Paul Kelly	Healthy Communities	Michael Veryard
Natural Environment Partnership	Luisa Sullivan	Environment	Chris Marchant
New Denham Minerals Liaison Group	Luisa Sullivan	Environment	Tracy Farrell
Padstones	Paul Kelly Wendy Matthews [Deputy]	Healthy Communities	Michael Veryard
Park Lodge Farm Liaison Committee	Luisa Sullivan	Environment	Tracy Farrell
Pinewood Community Liaison Group	Ralph Bagge Malcolm Bradford Wendy Matthews Luisa Sullivan	Leader	Bob Smith
South East England's Council	Ralph Bagge <i>on behalf of Leader</i>	Leader	Bob Smith

- 2) To note the appointments to Policy Advisory Groups made by the Leader of the Council in accordance with the Constitution as shown in bold below (as already noted by Full Council on 15 November 2017):

Policy Advisory Group	
<u>Healthy Communities PAG</u>	P Kelly (Portfolio Holder)
	D. Anthony
	P. Bastiman
	M. Bezzant
	W. Matthews
	D. Pepler
<u>Environment PAG</u>	L. Sullivan (Portfolio Holder)
	M. Bradford
	B. Harding
	L. Hazell

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	G. Hollis
	J. Lowen-Cooper
<u>Resources PAG</u>	B. Gibbs (Portfolio Holder)
	R. Bagge
	S. Chhokar
	D. Dhillon
	P. Hogan
	J. Jordan
<u>Planning and Economic Development PAG</u>	J. Read (Portfolio Holder)
	G. Hollis
	J. Jordan
	M. Lewis
	G. Sandy
	Vacancy
<u>Customer Services and Business Support PAG</u>	D. Smith (Portfolio Holder)
	M. Bezzant
	T. Egleton
	R. Reed
	D. Saunders
	Vacancy

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SUBJECT:	<i>The Local Authority (Indemnities for Members and Officers) Order 2004</i>
REPORT OF:	<i>Leader – Cllr Nick Naylor</i>
RESPONSIBLE OFFICER	<i>Director of Resources – Jim Burness</i>
REPORT AUTHOR	<i>Sue Markham – Principal Solicitor – sue.markham@southbucks.gov.uk – 01895 837326</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To extend the current indemnity provided for Members and Officers.

RECOMMENDATION TO COUNCIL

- That pursuant to the Local Authority (Indemnities for Members and Officers) Order 2004, the Council agrees to indemnify Members and officers against any personal liability incurred when carrying out their duties, except in the cases of fraud or criminal acts**

2. Reasons for Recommendations

To ensure that Council Members and officers are protected from any personal liability when carrying out their duties.

3. Content of Report

- Under the Local Authority (Indemnities for Members and Officers) Order 2004, authorities have power to indemnify Members and officers in circumstances, including where:
 - They are carrying out any function at the request, with the approval, or for the purposes, of the authority; and
 - They are carrying out any function at the request, or with the approval, of the authority but acting in capacities other than as Members or officers of the authority. An example of this would be where a Member or officer acts as a director of a company at the request of the authority and is, therefore, acting in the capacity of a director.
- When Bucks Advantage was formed in 2013, the Council resolved to indemnify Members and officers representing the Council on the company. Now that the Council has established a property company, Consilio Property Limited, and is likely to be involved in an increasing number of similar initiatives in the future, it is recommended that the indemnity is widened to give a general indemnity rather than seeking specific indemnities for particular activities.

4. Consultation

Not Applicable

5. Options

The option of considering separate requests for indemnities in relation to specific activities is not recommended. .

6. Corporate Implications

6.1. *Financial - There are no direct financial implications resulting from this report. If, however, the Council agrees to put in place the recommended indemnity, it will commit the Council to the payment of costs involved in the defence of proceedings against a Member or officer (limited to those which are reasonable and necessary).*

1.1. *Legal - Under The Local Authorities (Indemnities for Members and Officers) Order 2004 the Council is empowered to offer an indemnity for Members and officers as proposed in this report.*

2. Links to Council Policy Objectives

This recommendation supports the Policy Objective of Delivering cost- effective, customer-focused services by optimising the effectiveness of our resources and assets.

3. Next Step

Cabinet's recommendation will be considered by full Council.

Background Papers:	None
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SUBJECT:	DRAFT REVENUE BUDGET 2018/19
REPORT OF:	Leader of the Council
RESPONSIBLE OFFICER	Jim Burness – Director of Resources
REPORT AUTHOR	Jim Burness jim.burness@southbucks.gov.uk Tel: 01895 837217
WARD/S AFFECTED	All

1. Purpose of Report

1.1 To present the draft revenue expenditure budget for 2018/19.

RECOMMENDATIONS

1. The Cabinet considers the report and agrees that it forms the basis of the draft revenue budget for 2018/19, and is updated to reflect the outcomes of the Local Government Finance Settlement and related announcements.

2. Officers are instructed to examine options to reduce the planned use of the General reserves in the draft 2018/19 budget, and include these in the final budget report in February.

2. Executive Summary

2.1 It is the responsibility of the Cabinet to prepare a revenue budget for approval by the Council which will form the basis of setting the council tax. This report describes the progress to date based on:

- The financial outturn for 2016/17 and information from the current year's budget monitoring.
- The draft 2018/19 base budget built up using assumptions described in the report and which has been subject to discussion in PAGs

2.2 The draft budget is set within the context of the Medium Term Financial Strategy (MTFS).

2.3 The overall PAG expenditure budget reflects a 1.3% reduction on the current year's budget. The provisionally planned use of General reserves is £221k, but the intention is to reduce this figure.

2.4 The key points from the 2018/19 Autumn Budget are contained in Appendix C.

3. Reason for Recommendations

- 3.1 Members need to consider the service expenditure part of the budget, and that the overall budget is consistent with the MTFS. The overall budget will be finalised in February, and that will then lead to the confirmation of the level of council tax.

4. 2016/17 Outturn & Current 2017/18 Position

- 4.1 The revenue budget outturn for 2016/17 is summarised in Appendix A. The key points to note from the outturn is that the overall expenditure funded from the council tax (Budget Requirement) was £261k more than the original budget. Of this £169k related to expenditure approved in year to be funded from reserves, covering:

- * Expenditure related to the Modernising Local Government work. £41k
- * Strategic property review £72k
- * HS2 related costs £56k

Investment income was £96k under budget, and all the remaining operational services budgets overall were £4k under budget.

- 4.2 At the end of the year, the Council's usable General Fund reserve stood at £2.039m. In addition, the Council has earmarked reserves of £6.628m including £648k for the Local Plan Development, and £250k for the costs of service transformation. Within the overall figure is £4.967m in respect of s106 funding for affordable housing.
- 4.3 In the current year the forecast outturn position is shown below:

Portfolio Breakdown	Latest Budget £	Estimated Outturn £	Variance (EO-LB) £
Healthy Community	1,762,119	1,875,119	113,000
Environment	2,741,377	2,747,377	6,000
Planning and Economic Development	1,890,401	1,731,086	-159,315
Resources	1,518,051	1,631,495	113,444
Customer and Business Support	0	26,832	26,832
Net Cost of Services	7,911,948	8,011,909	99,961
Interest & Investment Income	-200,000	-150,000	50,000
Notional Interest Payable	210,654	210,654	0
Borrowing Costs - Interest	132,500	132,500	0
Transfer from LDD Reserve	-267,500	-202,500	65,000
Transfer from Specific Reserves	-5,000	-5,000	0
Budget requirement	7,782,602	7,997,563	214,961

4.4 The forecast overspend essentially relates to two factors:

- Higher costs of temporary accommodation, £150k
- Delay in letting Capswood 1, £108k

Both these items were identified as financial risks in the February Budget report setting the current year's budget.

5. Draft Revenue Budget 2018/19

5.1 The budgets have been prepared in accordance with the following inflation assumptions:

- Salaries inflation of 1%
- Contracts inflation 3.3% (unless different rate specified within contract)
- Business rates 3.3%
- Gas 0%, Electricity 7% and Water 3.3%
- Insurance 2%
- Other 0%

5.2 Investment income has been budgeted to reduce to £150,000 to reflect lower available cash balances. This estimate will be finalised when the Treasury Management Strategy is considered by the Cabinet in February.

5.3 The draft budget based on the information presented to PAGs is summarised in the following table. The draft budget has a working assumption of a £5 increase in Council Tax and a Council Tax Base figure of 32,703 (which is a 0.7% increase on the council tax base for 2017/18).

	2018/19 £k
Environment	1,811
Healthy Communities	1,258
Resources	2,770
Customer Services & Business Support	1,224
Planning & Economic Development	932
Total PAG Budgets	7,995
Capital Charges etc	193
Borrowing costs	217
Investment Income	-150
Use of Earmarked Reserves	
- LDD	-386
- Transformation/Infrastructure	-107
Use of General Reserve	-221
Budget Requirement	7,541

- 5.4 The total net expenditure across the PAGs, £7,995k represents a 1% increase on the equivalent figure for 2017/18. Appendix B shows the breakdown of the total budget by expenditure/income headings. The detailed budgets for each Portfolio area are contained in the reports to the various PAGs.
- 5.5 The draft budget makes provision for a 1% increase in pay. 2018/19 will be the first year that the Local Pay Mechanism takes effect. The Councils will formulate a proposal on pay in January, with a view to making a final decision before April. The final budget will be updated in February to reflect developments.
- 5.6 The borrowing costs in the draft budget are based on the financing of three major projects:
- Consilio Business Plan
 - Development of the Gerrards Cross Former Police Station site
 - Temporary accommodation property leasing programme
- 5.7 When finalising the budget in February one of the issues to consider will be the level of reserves, general and earmarked, should be. The draft budget assumes £221k use of the General reserve, to support the budget, but this will be reviewed as part of finalising the budget. This use of reserves is less than what was anticipated in the MTFs. Factors still to be reflected in the budget include any allowance for increase in parking charges, and also any uplift in planning fees.

6. Budget and Finance Settlement 2018/19

- 6.1 From this year the Government has replaced the Autumn Statement with the Autumn Budget. Appendix C picks out the main points in the budget that impact on district councils. The main overall point to note is that on the overall issue of funding of local authorities, with the exception of announcements on business rates retention pilots, the Chancellor made no announcements on business rates retention reform or the Fair Funding Review.
- 6.2 The Local Government Finance Settlement is expected before Christmas. As the Council had taken up the Government's Four Year Funding offer in 2016, the main new information relevant to the Council's budget will be the level of New Homes Grant and the changes to the methodology that determine the grant.

7. Risks

- 7.1 The key financial risks to be aware of in the medium term and these are set out in the following table.

Risk	Response
<p>Uncertainty over impact of retention of business rates and the general level of future Government funding.</p>	<p>In the short term the Council's income from business rates is affected by the general state of the economy and by decisions of the VOA on valuation appeals. In the medium term any changes the Government may make to business rate retention could have material implications for the Council. Also the outcome of the Government's overall review of local authority funding ("Fair Funding Review") is likely to have a negative impact on finances. The MTFS makes an allowance for reduced resources which will be reviewed as more information emerges.</p>
<p>Growing mismatch between the local supply and demand of affordable housing increases pressure on temporary accommodation budgets.</p>	<p>Temporary accommodation budgets monitored, and options to provide temporary accommodation are explored including leasing arrangements with housing associations. Efforts made to identify sites for affordable housing developments. Funding made available via s106 agreements and other sources are effectively used. The issue Planning policies seek to narrow the supply and demand gap will be kept under review including issues of viability assessments.</p>
<p>Achievement of income targets assumed in the MTFS</p>	<p>An important part of the MTFS is income derived from the activities of the trading company (Consilio) set up by the Council. The Council needs to encourage the company to build up its property portfolio at a rate that will enable it to meet the targets in the MTFS.</p>

8. Corporate Implications

- 8.1 This report sets out an initial draft Net Revenue Expenditure Budget for 2018/19. The draft budget will be combined with the information from the Provisional Local Government Finance Settlement to produce a final draft revenue budget in February for the Cabinet to consider.

- 8.2 It is a legal requirement that the revenue budget is balanced, and has been scrutinised by Members. The final draft budget that will be considered by the Cabinet in February will be scrutinised by Overview & Scrutiny Committee at the beginning of February.
- 8.3 The strategic and financial risks facing the authority are set out in the report. The Medium Term Financial Strategy financial information will be updated as part of the report to Cabinet in February 2018.

9. Links to Council Policy Objectives

- 9.1 The budget is essential to achieving all of the Council's objectives and priorities.

10. Next Steps

- 10.1 Government announces provisional funding details for 2018/19 before Christmas, and confirms final funding at the end of January 2018.
- 10.2 Budget for final consideration by Cabinet in February prepared and consultation undertaken with Overview & Scrutiny Committee on 30th January 2018.
- 10.3 Cabinet, 7th February 2018, makes recommendations on revenue budget and council tax level to Council, 27th February 2018.

Background Papers:	None
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APPENDIX A

SOUTH BUCKS DC REVENUE OUTTURN 2016/17

	Budget £'000	Outturn £'000	(Under)/ Over Spend £'000
Environment	2,907	2,808	-99
Healthy Communities	1,574	1,706	132
Resources	1,865	2,003	138
Sustainable Development	1,666	1,498	-168
Net Cost of Services	8,012	8,015	3
Interest & Investment Income	-430	-334	96
Notional Interest Payable	227	227	-
Transfer from LDD Reserve	-164	-20	144
Transfer from Revenue Reserves	-18	-	18
Transfer to Economic Development Reserve	50	50	-
Transfer to the Capital Reserve	557	557	-
Budget Requirement	8,234	8,495	261

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APPENDIX B

SUBJECTIVE BREAKDOWN OF DRAFT PAG BUDGETS

2016/17 ACTUALS		2017/18 BUDGET	2018/19 BUDGET	% Change
£		£	£	
3,808,894	Direct Employee Expenses	3,581,410	2,781,490	-22.3%
504,449	Indirect Employee Expenses	348,960	165,490	-52.6%
977,429	Premises Related Expenses	966,845	935,155	-3.3%
46,750	Transport Related Costs	42,550	31,660	-25.6%
3,125,708	Supplies & Services	1,301,919	1,214,455	-6.7%
2,738,658	Recharge from CDC	3,671,614	4,329,877	17.9%
3,997,422	Third Party Payments	3,942,760	4,040,028	2.5%
16,573,744	Transfer Payments	16,852,500	15,171,000	-10.0%
31,773,054	RUNNING EXPENSES	30,708,558	28,669,155	-6.6%
(5,990,230)	Fees & Charges and Other Income	(5,083,680)	(4,131,012)	-18.7%
(17,081,197)	Grant Income	(16,953,660)	(15,691,432)	-7.4%
(464,526)	Recharge to CDC	(685,910)	(777,939)	13.4%
(5,000)	Recharge to Chiltern Crem	(5,000)	(5,000)	0.0%
(120,860)	Recharge to Capital	(68,360)	(68,360)	0.0%
8,111,241	Net Running Expenses	7,911,948	7,995,412	1.1%
1,247,625	Depreciation	1,235,690	995,400	-19.4%
3,405,808	Support Recharges In	3,621,214	0	
917,455	Office Recharge	793,330	0	
(4,323,262)	Support Recharges Out	(4,414,544)	0	
8,111,242	Net Cost of Services	7,911,948	7,995,412	1.1%

Note; Support/Office Recharges are set at the final stage of the budget process. They have no impact on the overall net cost of services.

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APPENDIX C**AUTUMN BUDGET & LOCAL AUTHORITY FINANCE SETTLEMENT****AUTUMN BUDGET**

On the overall issue of funding of local authorities, with the exception of announcements on business rates retention pilots, the Chancellor made no announcements on business rates retention reform or the Fair Funding Review.

There were a number of announcements covering a range of service issues relevant to District Councils

Planning

The Government will consult on strengthening policy to be clear that allocated land should be taken out of a plan if there is no prospect of a planning application being made.

DCLG has begun the formal process of considering intervention in 15 areas where the local authority has failed to put an up-to-date plan in place. The Government will shortly activate powers that will enable it to direct local planning authorities to produce joint statutory plans and undertake an assessment of where they should be used.

The Government will consult on a new policy whereby local authorities will be expected to permission land outside their plan on the condition that a high proportion of the homes are offered for discounted sale for first-time buyers, or for affordable rent. This will exclude land in the Green Belt.

The Government will consult on introducing:

- minimum densities for housing development in city centres and around transport hubs, with greater support for the use of compulsory purchase powers for site assembly
- policy changes to support the conversion of empty space above high street shops
- policy changes to make it easier to convert retail and employment land into housing
- a permitted development right to allow commercial buildings to be demolished and replaced with homes

The Government will consult on:

- Strengthening the Housing Delivery Test. With tougher consequences where planned homes are not being built, by setting the threshold at which the presumption in favour of development applies at 75 per cent of housing delivery by 2020
- Expecting local authorities to bring forward 20 per cent of their housing supply as small sites. This will speed up the building of new homes and supports the government's wider ambition to increase competition in the house building market
- Speeding up the development process by removing the exemptions from the deemed discharge rules. This will get builders on site more quickly, ensuring that development is not held back by delays in discharging planning conditions.

The Government will set up a review panel to explain the significant gap between housing completions and the amount of land allocated or permissioned, and make recommendations for closing it.

The Government will develop a central register of residential planning permissions from local authorities to improve information on where permissions are held and progress towards them being built out.

The Government will consult on:

- Removing restriction of Section 106 pooling towards a single piece of infrastructure where the local authority has adopted CIL, in certain circumstances such as where the authority is in a low viability area or where significant development is planned on several large strategic sites.
- Speeding up the process of setting and revising CIL to make it easier to respond to changes to the market.
- Allowing authorities to set rates which better reflect the uplift in land values between a proposed and existing use.
- Changing indexation of CIL rates to house price inflation, rather than build costs. This will reduce the need for authorities to revise charging schedules. This will ensure CIL rates keep up with general housing price inflation and if prices fall, rates will fall too, avoiding viability issues
- Giving Combined Authorities and planning joint committees with statutory plan-making functions the option to levy a Strategic Infrastructure Tariff (SIT) in future.

Housing

The launch of the Homelessness Reduction Taskforce

£20 million of funding for schemes to support people at risk of homelessness to access and sustain tenancies in the private rented sector.

The Chancellor announced an additional £42 million for the Disabled Facilities Grant in 2017/18.

Welfare Reform (Universal Credit)

To support Housing Benefit and Universal Credit claimants living in areas where private rents have been rising fastest, the government will increase some Local Housing Allowance (LHA) rates by increasing Targeted Affordability Funding by £40 million in 2018-19 and £85 million in 2019-20. This will increase the housing benefit awards of approximately 140,000 claimants in 2018-19, by an average of £280, in areas where affordability pressures are greatest

The Government will provide more support to Universal Credit claimants:

- From January 2018 those who need it, and who have an underlying entitlement to Universal Credit, will be able to access up to a month's worth of Universal Credit within five days via an interest-free advance. The government will extend the period of recovery from six months to twelve months, making it easier for claimants to manage their finances. New claimants in December will be able to receive an advance of 50 per cent of their monthly entitlement at the beginning of their claim and a second advance to take it up to 100 per cent in the new year, before their first payment date
- From February 2018 the Government will remove the seven-day waiting period so that entitlement to Universal Credit starts on the first day of application
- From April 2018 those already on Housing Benefit will continue to receive their award for the first two weeks of their Universal Credit claim
- The Government will also make it easier for claimants to have the housing element of their award paid directly to their landlord

To support these changes the government will roll out Universal Credit more gradually between February 2018 and April 2018, and roll-out to all jobcentres will be complete in December 2018.

Universal Credit also offers new opportunities to support people in low-paid work to progress in the labour market. The Budget allocates £8 million to trial innovative approaches to help individuals on Universal Credit to earn more.

Business Rates

Bringing forward to 1 April 2018 the planned switch in indexation from RPI to the main measure of inflation (currently CPI).

Continuing the £1,000 business rate discount for public houses with a rateable value of up to £100,000, subject to state aid limits for businesses with multiple properties, for one year from 1 April 2018.

Legislating retrospectively to address the so-called "staircase tax" (this refers to the Supreme Court judgement on the Mazars case which concerned valuation of non-contiguous areas within buildings). Affected businesses will be able to ask the Valuation Office Agency (VOA) to recalculate valuations so that bills are based on previous practice backdated to April 2010 – including those who lost Small Business Rate Relief as a result of the Court judgement. The government will publish draft legislation shortly.

Increasing the frequency with which the VOA revalues non-domestic properties by moving to revaluations every three years following the next revaluation, currently due in 2022. To enable this, ratepayers will be required to provide regular information to the VOA on who is responsible for business rates and property characteristics including use and rent. The government will consult on the implementation of these changes in the spring.

Local government will be fully compensated for the loss of income as a result of these measures.

Council Tax

The Government is keen to encourage owners of empty homes to bring their properties back into use. To help achieve this, local authorities will be able to increase the council tax premium from 50 per cent to 100 per cent.

SUBJECT:	<i>Proposal to Deliver A Private Sector Leasing Scheme</i>
REPORT OF:	<i>Councillor Paul Kelly</i>
RESPONSIBLE OFFICER	<i>Martin Holt – Head of Healthy Communities</i>
REPORT AUTHOR	<i>Michael Veryard – Housing Manager (01494) 732200 mveryard@chiltern.gov.uk</i>
WARD/S AFFECTED	<i>All</i>

1. Purpose of Report

To seek approval to enter into an Agreement with Paradigm Housing to deliver a Private Sector Leasing Scheme

RECOMMENDATIONS

- 1. That the Council agrees to the implementation of a Private Sector Leasing Scheme by Paradigm Housing to deliver temporary accommodation to meet the Council's statutory homelessness duties.**
- 2. That delegated authority is given to the Head of Healthy Communities in consultation with the Portfolio Holder to enter into an Agreement with Paradigm Housing for the delivery of the Private Sector Leasing Scheme.**
- 3. Note that Management Team has agreed an exemption from the Chiltern District Council and South Bucks District Council Contract Procedure Rules for the Agreement between the Council and Paradigm Housing for the delivery of the Private Sector Leasing Scheme.**
- 4. That a further report is brought to Members in 12 months to update them on the progress of the scheme and its impact on the delivery of the Council's statutory homelessness duties.**

2. Executive Summary

Over the last three years, South Bucks District Council has faced rising demand for homelessness assistance and temporary accommodation. This has resulted in an increasing reliance on costly B&B and Nightly-Booked accommodation to meet the Council's legal responsibilities. In addition to the rising costs, the Council also faces the risk of legal challenge if homeless families are placed in B&B for over 6 weeks. It is proposed that the Council enters into a Service Level Agreement with Paradigm Housing to deliver a Private Sector Leasehold Scheme that will provide an alternative supply of temporary accommodation that will be directly let and managed by Paradigm.

3. Reasons for Recommendations

To provide an alternative source of temporary accommodation for South Bucks District Council in order to meet the demand from homeless households.

4. Content of Report

4.1 Part 7 (Homelessness) of the Housing Act 1996 places a legal duty on South Bucks District Council to secure emergency interim and temporary accommodation for homeless households in a range of circumstances. The Council currently meets this duty by using a range of accommodation options. As at 31st October 2017, the breakdown of temporary accommodation placements secured by the Council was as follows:

Bed and Breakfast (Shared Facilities)	=	27
Nightly booked (Self-contained)	=	20
Former Police Houses (Gerrards Cross)	=	8
Other Registered Provider Housing	=	10

4.2 The Council's current reliance on B&B (Bed and Breakfast) and other Nightly-Booked accommodation to meet its legal homelessness duties has had a significant impact on the Council's budget. The cost to the Council over recent years has been as follows:

Net Cost of Temporary Accommodation (SBDC)			
2014/15	2015/16	2016/17	2017/18 (Estimate)
£66,596	£139,890	£460,383	£487,000

4.3 Alongside this, B&B and other nightly booked accommodation can have a detrimental impact on the welfare of the household concerned, especially when the household is sharing facilities with others or having to relocate away from family, support, schools and employment. In particular, there is clear statutory guidance that B&B is not deemed suitable temporary accommodation for families with or expecting children. Councils who accommodate families in B&B for longer than 6 weeks face censure and fines from the Local Government Ombudsman.

4.4 The Chiltern District Council and South Bucks District Council Temporary Accommodation Framework document includes a commitment to explore alternative options to secure temporary accommodation. This aims to reduce the need for the Council to use B&B and other nightly booked accommodation and therefore reduce the impact on the Council's budget.

4.5 As indicated in Paragraph 4.4, the Council is currently exploring a number a number of options to deliver additional temporary accommodation and affordable housing. Many of these are summarised in the Affordable Housing Action Plan that has been the subject of a separate report to Members and include:

- (i) Working with a registered provider to operate a Private Sector Leasing Scheme to deliver additional temporary accommodation

- (ii) Supporting registered providers to acquire properties that can be let to Council nominees and fully discharge the Council's homelessness duties
- (iii) Using modular and off-site construction models to deliver additional temporary accommodation (on Council owned land and other sites)
- (iv) Maximising delivery of affordable housing on sites within South Bucks
- (v) Increasing the options for preventing homeless and avoiding the need to provide temporary accommodation (including the newly launched Bucks Resilience Service)

This report is bringing forward a proposal to deliver a Private Sector Leasing Scheme in accordance with (i) above.

4.6 The Council has been working with Paradigm Housing to develop and implement a PSLS (Private Sector Leasing scheme) to deliver a supply of temporary accommodation. Paradigm Housing is an established PSLS provider that has been delivering schemes for a number of years in partnership with a range of Councils across North and West London and the Home Counties and currently works with over 600 landlords. PSLS works as follows:

- (i) Paradigm will lease the property from the owner (typically on a lease of 3 to 5 years) and pay the owner a regular leasehold fee
- (ii) The Council will nominate a household which requires temporary accommodation
- (iii) Paradigm will let the property to the Council nominee and this will meet the Council's legal temporary accommodation duty
- (iv) Paradigm will enter into a tenancy agreement with the nominee and charge a rent that is no higher than the relevant LHA (Local Housing Allowance) rate (LHA sets the maximum level of Housing Benefit that is payable on a tenancy)
- (v) The Council will pay a weekly management fee to Paradigm while the property is occupied by the nominee
- (vi) Every time a nominee moves on, steps (ii) to (v) are repeated.

4.7 A PSLS will provide supply of temporary accommodation that the Council can use instead of having to utilise B&B and nightly booked housing. The structure of charges that will be made to the Council by Paradigm for delivering a scheme are summarised in **Appendix 1**. These charges reflect that Paradigm:

- will have to pay a regular leasehold fee to the property owner regardless of void periods or rental income,
- is charging rents that are below market value (no higher than LHA rates),
- is taking on the all the risks associated with rent arrears and tenancy management and
- has to meet its own costs for delivering tenancy management etc.

4.8 A PSLS will not of itself directly reduce or resolve the demand for homelessness assistance or temporary accommodation. However, it will mean that the Council is better placed to manage the cost and quality of the temporary accommodation that it procures to meet its statutory homelessness duties.

5. Consultation

Not applicable

6. Options

6.1 Do not proceed with Private Sector Leasing Scheme

6.1.1 If the Council chooses not to proceed, then it will continue to have to rely primarily on B&B and Nightly –Booked accommodation to meet its statutory homelessness duties for the immediate future. This will mean that the Council continues to incur significant costs in securing temporary accommodation and will continue to face the risk of legal challenge due to utilising B&B accommodation for families with children.

6.1.2 The Council is also exploring other options to secure alternative temporary accommodation and minimise costs. However, as PSLS involves working with existing properties and owners, it will be able to deliver sooner than other schemes that are currently being explored (including new build provision).

6.2 Enter into Agreement with Paradigm to deliver Private Sector Leasing Scheme

6.2.1 There are a range of Private Sector Leasing Schemes operated across the country by different providers. Paradigm Housing has the benefit of being an experienced PSLS provider with a strong local housing management presence and established links with the Council. This means that Paradigm is in a position to implement a PSLS within a short timescale if the Council agrees to proceed. As soon as Paradigm starts to procure properties for the scheme and to secure leases, the Council will immediately be able to start moving on existing clients from B&B and Nightly-Booked accommodation.

7. Corporate Implications

7.1 Financial

7.1.1 Although the Council would pay charges to Paradigm to deliver a PSLS, the costs involved should be significantly lower than those associated with using B&B and Nightly-Booked accommodation. **Appendix 2** sets down a comparison of the current costs being incurred by SBDC and the potential costs associated with the PSLS by looking at:

- (i) a general cost comparison breakdown based on the size of temporary accommodation required by the household and
- (ii) an example of the potential savings that would arise if the households in B&B and Nightly-Booked accommodation as at 31/10/17 were instead being accommodated by the PSLS.

7.1.2 The tables in **Appendix 2** are intended to give an indication of how temporary accommodation costs could be reduced if SBDC was to support Paradigm in establishing a Private Sector Leasing Scheme. It is difficult to give a definitive figure for the level of cost reduction as the number and type of households in temporary accommodation is continually changing. Many of the households in the example who were in accommodation as at 31/10/17 will move on before 6 months. However, it is likely that they will be replaced

immediately by similar homeless households in need of temporary accommodation. Therefore, it is reasonable to use the position at 31/10/17 to provide an example of potential costs reduction. Overall, this example indicates a potential cost reduction of £2,915.75.00 per household over a 6 month period.

- 7.1.3 Paradigm has advised that it can look to procure up to 40 properties via the PSLS to provide temporary accommodation for the Council. Based on paragraph 7.1.2 above, this would deliver cost reductions to the Council of up to £116,630.00 (40 x £2,915.75) over a 6 month period.
- 7.1.4 The actual level of cost reductions may be affected by a number of factors including:
- (i) The Council may be subject to additional fees (see Appendix 1) due to re-lets, voids or the Benefits Cap. However, measures will be in place to minimise the risk of this (see below).
 - (ii) The cost comparison in Appendix 2 is based on the assumption that the Council currently receives the weekly charge of £175.00 in full from the applicant household. However, in some cases that Council is unable to secure full payment and the debt is ultimately written off. Therefore, the reduced cost in these type of cases will potentially be higher as the Council will not have to undertake any charging or debt recovery arrangements under PSLS.
 - (iii) The cost comparison is also based on the current Housing Benefit regulations whereby the Council directly administers and makes HB payments and is subsidised in turn by DWP (Department of Works and Pensions) for the payments made. HB payments made on a PSLS tenancy are not fully subsidised by the DWP. Currently, the HB subsidy on a tenancy let via a PSLS is capped at 90% of the Local Housing Allowance rate. In effect, this means that if the Council is paying full HB then it will have to meet a cost equivalent to the unsubsidised 10% of Local Housing Allowance rate. However, as Universal Credit is rolled out from 2018 this impact will start to reduce as a higher proportion of clients receive their housing benefit costs direct from DWP within their Universal Credit payments.
 - (iv) In addition to the direct cost reductions on temporary accommodation, there will also be associated reductions in officer time and costs. Officers across the Housing, Finance and Revenues and Benefits currently undertake a range of tasks in making temporary accommodation placements, monitoring placements, setting and managing charges and chasing up outstanding payments. Under PSLS, much of this work will be taken on by Paradigm instead (e.g. Council Officers will no longer have to set up collect charges)
- 7.1.5 The re-iterate the point in 7.1.4 (iv) above, a key element of the PSLS is that the Council will have no responsibility for administering payments from tenants and for managing and pursuing debts. This is a significant difference to the current arrangements for B&B and Nightly Booked accommodation where the Council directly charges the applicant and then has to manage any subsequent debt issues (and bear the cost of any write offs). This will not be the case with the PSLS where Paradigm will be responsible for managing the tenancy, administering the rent payments and dealing with (and bearing the cost of) any debts that arise. No debts will fall to the Council. The cost to the Council will be the charges payable to Paradigm as summarised in Appendix 1.

7.1.6 It is proposed that the Council's costs to Paradigm for operating the PSLS will be met from the existing temporary accommodation budget as the scheme is securing alternative provision to Bed and Breakfast and Nightly-Booked accommodation.

7.2 Legal

7.2.1 The proposed PSLS will directly support the Council to fulfil its statutory homelessness duties. It will also reduce the risk of the Council facing legal or Ombudsman challenge due to using inappropriate Bed and Breakfast accommodation.

7.2.2 The Council will have no direct legal interest in the ownership or letting of the properties. The leasehold agreement will be between Paradigm and the owner of the property. The tenancy agreement will be between Paradigm and the household. A Service Level Agreement will be in place between the Council and Paradigm setting down the terms of the PSLS and the respective duties and responsibilities of the two parties.

7.2.3 Section A6 of the Chiltern District Council and South Bucks District Council Contract Procedure Rules makes provision for exemptions to be made to one or more of the rules within the procedure. The rules require that any exemption must be approved by Management Team and shall be reported to the next appropriate Cabinet meeting for information. Paragraph 17 summarises possible reasons for an exemption including:

- **Urgency** – Do not have sufficient time to comply with all of the rules
- **No genuine competition** – Only one organisation or individual can reasonably supply
- **Advantageous Terms** – An organisation offers terms that are significantly better than the industry norm and is unlikely to repeat these terms.

7.2.4 Management Team has approved an exemption being made to the Contract Procedure Rules in the event that the Council proceeds with entering into an Agreement with Paradigm Housing for the delivery of a Private Sector Leasing Scheme. It is considered that an exemption to the Contract Procedure Rules can be made in respect of this proposal because:

- (i) Paradigm Housing is an established PSLS provider with a significant stock and housing management presence across the Chiltern and South Bucks districts (including offices in Chesham and Wooburn Green). This means that Paradigm is better placed than other providers to deliver a local and responsive service that works effectively with the Council and local property owners.
- (ii) Currently, there are no other registered providers operating a PSLS locally in Chiltern and South Bucks or across Buckinghamshire as a whole.
- (iii) The pool of Registered Providers who operate PSLS is limited. Further afield, there are other Registered Providers who are delivering PSLS in and round London. However, none of these have any existing housing stock and PSLS in Buckinghamshire. Officers have reviewed other PSLS models whereby the Council might notionally be charged a lower management fee than that proposed by Paradigm. However, in these models, the benefit of a lower fee is outweighed by the fact that the Council retains responsibility for charging the tenant, collecting rent payments and taking on the risk of rent arrears etc. Overall, it is considered that the

- Paradigm PSLs provides better value because Paradigm takes on all the risks associated with managing the tenancies and rent accounts and dealing with arrears.
- (iv) In view of the current pressures on temporary accommodation and the associated costs there is an urgent need to establish a PSLs as soon as possible in order to provide a practical alternative to Bed and Breakfast and nightly booked accommodation.

7.3 Risks

- 7.3.1 Although the weekly Management Fee is a set amount, there is the risk that the Council will face additional costs if any of the other payments listed in **Appendix 1** are triggered. However, the Council will seek to avoid incurring **void costs** by ensuring that measures are in place for the early identification of a new tenant prior to the existing occupier leaving. In addition, the current joint Temporary Accommodation Framework Agreement makes provision for temporary accommodation in South Bucks DC to be made available to Chiltern DC (and vice versa) if the host Council is unable to nominate an applicant, which further reduces the risk of the Council incurring long term void costs.
- 7.3.2 For the other potential trigger payments:
- **Re-let fees** – Although the Council may incur a re-let fee, this will be offset by the benefit of being able to accommodate another homeless household in the property concerned (with the associated cost saving etc.)
 - **Benefit Cap** – The Council will have to pay the Housing Benefit shortfall associated with any household subject to the Benefits Cap. However, although there is a risk that some larger households in PSLs will be subject to the Cap, a placement in the PSLs is still likely to be cheaper to the Council compared to placing the household in B&B or in Nightly-Booked accommodation. Officers will monitor the impact of the Benefits Cap on the PSLs scheme.
- 7.3.3 Ongoing welfare reforms and the phased introduction of Universal Credit may impact on the ability of applicants to meet rent payments. However, this will apply to any temporary accommodation provision and charges. As landlord, Paradigm will have direct responsibility for rent collection and for tackling rent arrears. The Council will not be responsible for this. It will work with Paradigm to monitor welfare reforms and ensure that tenants receive the appropriate advice and support to minimise the risk of arrears. If there are any major welfare reforms that directly impact on the viability of the scheme, the Council will review these with Paradigm and agree the way forward. The Service Level Agreement will make provision for ongoing joint reviews of the scheme.
- 7.3.4 It is possible that Paradigm will not be able to locate a sufficient number of local property owners who want to participate in the scheme. We will monitor implementation with Paradigm and review progress. As the Council will only incur costs once a property is procured or let, a failure to secure sufficient properties will not result in the Council incurring a direct cost, but will mean that a larger number of households remain in B&B or nightly booked accommodation.
- 7.3.5 The Council's commitment to pay charges to Paradigm will only come into effect for each property as and when it is procured and let by Paradigm. This commitment will apply for the period of the lease that Paradigm holds with the property owner which will typically be

3 to 5 years. The Agreement between the Council and Paradigm will include trigger points for the Council to review the scheme with Paradigm after a certain number of properties have been procured. At each trigger point, the Council will decide whether or not to instruct Paradigm to procure additional PSLS properties. This will ensure that the Council can ensure that no further properties are procured as and when it feels that the scheme has reached the maximum level of units required for the Council's needs.. The Agreement will also include a general break clause that will give both parties the option of terminating the Agreement if they wish to do so.

7.3.6 The forthcoming Homelessness Reduction Act (being implemented from April 2018) may impact on demand for the PSLS. However, in the short to medium term the Council is likely to face a continuing demand for temporary accommodation. There may be scope to work with Paradigm to utilise the PSLS to help the Council to meet some of its new homelessness prevention and relief duties.

8. Links to Council Policy Objectives

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

9. Next Step

The Council will enter into an Agreement with Paradigm Housing to implement a Private Sector Leasing Scheme in South Bucks.

Background Papers:	It is a legal requirement that we make available any background papers relied on to prepare the report and should be listed at the end of the report (copies of Part 1 background papers for executive decisions must be provided to Democratic Services)
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SUBJECT:	Beaconsfield Common Land Update
REPORT OF:	Environment Portfolio Holder Cllr Luisa Sullivan
RESPONSIBLE OFFICER	Head of Environment Chris Marchant
REPORT AUTHOR	Landscape Officer Simon Gray
WARD/S AFFECTED	Beaconsfield

1. Purpose of Report

This report is to update Members about the Common Land and Waste of the Manor land in Beaconsfield Old Town and the responsibilities/ limitations of the Council following detailed consideration by Environment PAG.

RECOMMENDATIONS that

1. **The Council changes its approach regarding the maintenance of the Beaconsfield Old Town Common Land by limiting its involvement only to ensuring that the land remains free from encroachment and no longer undertakes maintenance of areas of the Common Land that are owned by Bucks County Council and Hall Barn Estates.**
2. **That the Council no longer undertakes works on the Waste of the Manor**
3. **The Council communicates this change of approach to the landowners, Town Council and general public**
4. **Authority to agree the wording of any appropriate signage on the Common Land is delegated to the Head of Environment in consultation with the Portfolio Holder for Environment.**

2. Reasons for Recommendations

Following clarification of the Council's legal responsibilities for maintenance of the Common Land and Waste of the Manor a review of the management situation in Beaconsfield Old Town has been undertaken in view of insurance liabilities and budgetary pressures.

3. Content of Report

The Common Land has been subject to a Scheme of Management (under the Commons Act 1899) by Beaconsfield Urban District Council since 1911. A new Scheme of Management 1984 was made by SBDC under Commons Scheme Regulations 1982.

The common land, shown in Appendix A, is owned by Hall Barn Estates (HBE) and Bucks County Council (BCC). A clearer plan has been prepared at the request of the PAG and has

been attached as appendix A. Copy of the Scheme is attached at Appendix B, with Byelaws (made in accordance with the Scheme and introduced in 1998) at Appendix C.

The land owners have historically called on SBDC to deal with all issues on the common land, and on the adjacent Waste of the Manor land.

Following recent unsuccessful proposals to alter parking arrangements on the common land, and a need to limit Council expenditure, a review of the council's legal responsibilities was carried out. This identified certain responsibilities in the Scheme that the Council should no longer carry out on common land and the Waste of the Manor. In particular the review highlighted the difference in legal effect between wording in the scheme i.e. 'may' or 'shall' undertake and clarified when the Council had a duty or obligation to undertake functions, as opposed to a discretion or power to do so.

1. Common land Responsibilities

In previous years SBDC carried out tarmac and associated works such as white line painting to regulate parking on the Common land. However current legal advice states "The Council's duty is to keep the land free from encroachment i.e. to preserve open access for recreational purposes and not to permit any trespass or partial enclosure. There is no duty to maintain the surfacing as the Council do not own the land."

Also "There is no obligation to physically maintain the land in terms of surface repairs." (Paragraph 8 in the Scheme states "The Council shall have power to repair the existing paths and roads...other than highways..." but this does not impose an obligation on the Council to do so.)

Therefore officers have written to the two land owners (BCC and HBE) to inform them of that SBDC does not have a duty to undertake surfacing works and repairs etc. on the common Land and that its functions are limited to that specified in the Scheme of Management, as above. As land owners BCC and HBE are responsible for the maintenance/ surfacing/ cleaning of their land and have liability for its condition and maintenance.

With regard to legal responsibility for accidents on the land (e.g. for people tripping etc.) this falls to whoever is in control and occupation of the land in questions, which will be the landowner. It is considered that complaints therefore ought to be directed first to BCC. They should confirm whether they have responsibility either as Highways Authority or land owner. If they don't have responsibility they can direct the complaint to HBE as the relevant owner with responsibility.

The legal review also concluded that items placed on the Common Land without land owner permission should be removed by the landowners. The landowners are mistaken in thinking they have no right to remove unwanted items from their land as SBDC's powers to remove offending items are limited.

2. 'Waste of the Manor' Responsibilities

In recent years SBDC has also carried out surfacing works etc. on the 'Waste of the Manor' (the pavements) for the benefit of local residents and to ensure the pavements were in good repair (taking the view that the Council should do what it can to prevent accidents) as the owners were not doing this. However in this age of austerity it is increasing difficult to justify the

expenditure, with no way of raising revenue to fund this. It is therefore considered that the council should no longer undertake works on land that it does not have a legal interest in.

Legal advice confirms that "SBDC has no duty or responsibility in respect of the land outside the registered Scheme described as "waste of the manor" as it is not registered common. It belongs to Hall Barn Estates and is their responsibility, unless it is highway land."

Accordingly officers have informed the owners (BCC and HBE) of its intention to cease all involvement with the land not covered by the common land Status. It is the responsibility of the owner to clarify whether they are responsible for the maintenance of this land (Buckinghamshire County Council as Highways Authority is under a statutory duty to maintain adopted highway (s41 Highways Act) unless it can prove that someone else is responsible.)

In response HBE is arguing that SBDC 'has always' managed all the land and should continue to do so. However, despite the risk of legal challenge it is considered that the Council should resisted this having regard to limited resources and the legal advice received.

The matter of the ownership of the Waste of the Manor in London End was raised with the registered owners, HBE, in December 2015 but to date the estate has done nothing to acknowledge ownership of, or responsibility for, the land. Meanwhile the tarmac surfacing especially on the south side has deteriorated significantly and there is a risk that accidents will occur on the uneven surface for which BCC/ HBE should take full responsibility.

4. Consultation

Hall Barn Estates and BCC have been made aware of the Council's intentions to limit its responsibilities. HBE is disputing this and to date no response from BCC has been received.

5. Options

- Option 1. Do nothing and continue to suffer expenditure and insurance risks on land that is not the responsibility of the Council.
- Option 2. Limit the Council's involvement as set out above and insist that the land owners acknowledge their responsibilities. This is the preferred option but there could be a risk of legal challenge.

7. Corporate Implications

Financial - A saving to the Council as works would no longer be Council responsibility.

Legal – Comments included in the report above.

8. Links to Council Policy Objectives

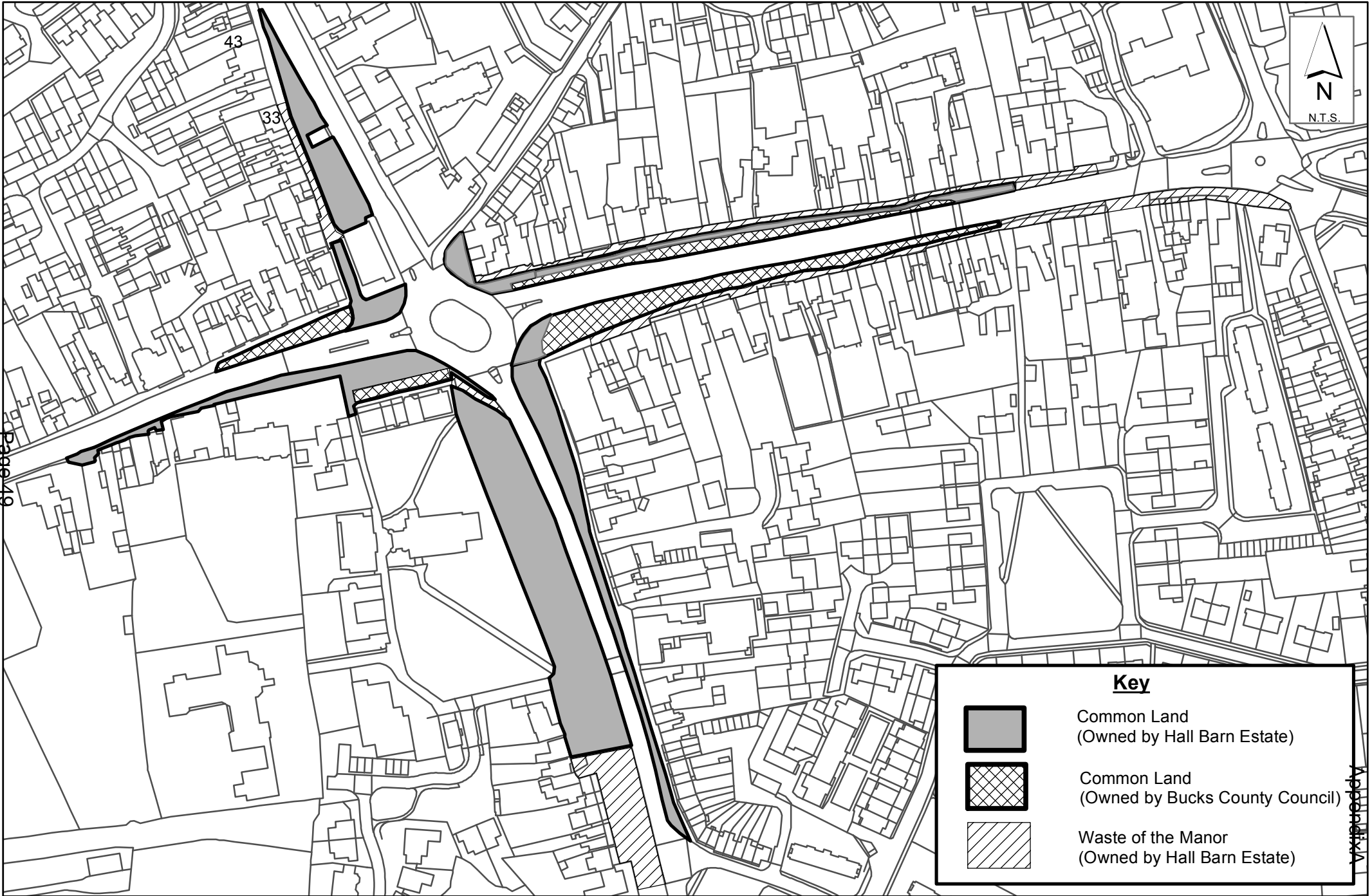
This matter relates to the following council objectives -

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

9. Next Step

Formal notification would be made to Hall Barn Estates (HBE) and Bucks County Council (BCC) to inform them of SBDC's position and responsibilities, and that they should accept responsibility for their land.




Background Papers:	None
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33

Page 19

Key

	Common Land (Owned by Hall Barn Estate)
	Common Land (Owned by Bucks County Council)
	Waste of the Manor (Owned by Hall Barn Estate)

Common Land - Beaconsfield Old Town

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SOUTH BUCKS DISTRICT COUNCIL

COMMONS ACT 1899

(The Commons (Schemes) Regulations 1982)

FORM OF SCHEME

1. The pieces of land with ponds, streams, paths and roads thereon commonly known as Long Bottom (CL36); Council Hall (CL37); Davenies Barn (CL38); Candlemas Lane (CL39); Aylesbury End - West Side (CL40 and CL262); Windsor End - East Side (CL41); Windsor End - West Side (CL41); Wycombe End - North Side (CL262); Wycombe End - South Side (CL262); London End - North Side (CL262); and London End - South Side (CL262) and (CL41) situate in the Parish of Beaconsfield in the County of Buckingham and hereinafter referred to as "the Common" as shown on a plan sealed by, and deposited at the offices of the South Bucks District Council of Council Offices, Windsor Road, Slough in the Royal County of Berkshire hereinafter called "the Council" and thereon edged green and red being a common within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.
2. The Council from time to time may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the Common, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the Common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and, may place seats upon and light the Common, and otherwise improve the Common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the Common or interfere with free access to any part thereof, and shall not erect upon the Common any shelter, pavilion, drinking fountain or other

building without the consent of the person or persons entitled to the soil of the Common and of the Secretary of State for the Environment. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall if necessary, hold the same enquiries as are directed by the Commons Act 1876(a) to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

3. The Council shall maintain the Common free from all encroachments and shall not permit any trespass on or partial enclosure thereof or of any part thereof.

4. The inhabitants of the neighbourhood shall have a right of free access to every part of the Common and a privilege of playing games and of enjoying other kinds of recreation thereon, subject to any byelaws made by the Council under this Scheme.

5. The Council may, with the consent of the person or persons entitled to the soil of the Common, and of the Secretary of State, (a) temporarily set apart and fence such portion or portions of the Common as it may consider expedient for the parking of motor and other vehicles, and (b) may make such charges for the use of such part as it may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwellinghouse as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as, are directed by the Commons Act 1876 to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts 1845 to 1882 shall be acceded to or not.

6. The Council may, for the prevention of nuisances and the preservation of order on the Common, and subject to the provisions of Section 10 of the Commons Act 1899, make, revoke or alter byelaws for any of the following purposes, namely:-

- (a) prohibiting any person without lawful authority from digging or taking turf, sods, gravel, sand, clay or other substance on or from the Common, and from

- cutting, felling defacing or injuring any gorse, heather, timber or other tree, shrub, brushwood or other plant growing on the Common;
- (b) regulating the place and mode of digging and taking turf, sods, gravel, sand, clay or other substance and cutting, felling and taking trees or underwood on or from the Common in exercise of any right of common or other right over the Common;
- (c) prohibiting the injury, defacement removal or displacement of seats, drinking fountains, fences, noticeboards or any structures or works erected or maintained by the Council on the Common;
- (d) prohibiting any person without lawful authority from killing molesting or intentionally disturbing any animal, bird or fish or engaging in hunting, shooting or fishing or the setting of traps or nets or the laying of snares;
- (e) regulating or controlling the driving, drawing or placing upon the Common or any part thereof without lawful authority of any motor vehicle, motor cycle, carriage, cart, caravan, truck or other vehicle (including any aircraft), except in the case of an accident or other sufficient cause PROVIDED that nothing shall prejudice the property or rights of the Lord of the Manor or the lawful right of his tenants and servants to park a motor vehicle on that part of the Common situated at the Old Town of Beaconsfield, identified and registered as CL40, 41 and 262, provided that the motor vehicles shall be used and enjoyed in connection with their own personal use and not in connection with any trade or business;
- (f) prohibiting:-
- (i) the flying of any model aircraft
 - (ii) the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
 - (iii) the flying of any glider or aircraft in such a manner as to be likely to cause undue

- interference with the enjoyment of the Common by persons lawfully on it;
- (g) prohibiting or, except in the case of a fair or market lawfully held, regulating the placing on the Common of any show, exhibition, swing, roundabout or other like thing but without prejudice to any property and rights of the Lord of the Manor;
 - (h) regulating games to be played and other means of recreation to be exercised on the Common;
 - (i) regulating assemblies of persons on the Common;
 - (j) regulating the use of any portion of the Common temporarily enclosed or set apart under this Scheme for any purpose;
 - (k) prohibiting or regulating the riding, driving, exercising or breaking in of horses without lawful authority on any part of the Common;
 - (l) prohibiting any person without lawful authority from turning out or permitting to remain on the Common any cattle, sheep or other animals;
 - (m) prohibiting any person from bathing in any pond or stream on the Common save in accordance with the byelaws;
 - (n) prohibiting camping or the lighting of any fire;
 - (o) prohibiting or regulating any act or thing which may injure or disfigure the Common, or interfere with the use thereof by the public for the purposes of exercise and recreation;
 - (p) authorising any Officer of the Council, after due warning, to remove from the Common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme;
 - (q) prohibiting any person on the Common from selling or offering or exposing for sale or letting to hire or offer or exposing for letting to hire, any commodity or article unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege such as the holding of a lawful market or fair on the Common;

THE COMMON &
COUNCIL was
a Resolution
held on 16th

(r) prohibiting the fixing of bills, placards or notices on trees, fences, erections or noticeboards on the Common;

(s) prohibiting the hindrance or obstruction of an Officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

7. Copies of all byelaws made under this Scheme shall be displayed on noticeboards placed on such parts of the Common as the Council think fit.

8. The Council shall have power to repair and maintain the existing paths and roads on the Common, other than highways repairable by the inhabitants at large and to set out, construct and maintain or authorize the construction and maintenance of such new paths and roads on the Common as appear to the Council to be necessary or expedient.

9. Nothing in this Scheme or any byelaw made under it shall prejudice or affect any property or right of the person entitled as Lord of the Manor or otherwise to the soil of the Common, or of any person claiming under him, which is lawfully exercisable in, over, under or on the soil or surface of the Common and this shall also include any rights in connection with game, or with mines, minerals or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the Common or the lawful use of any highway or thoroughfare on the Common, or affect any power or obligation to repair any such highway or thoroughfare.

10. Printed copies of this Scheme shall be available for sale at the Offices of the Council for such reasonable price as the Council may determine.

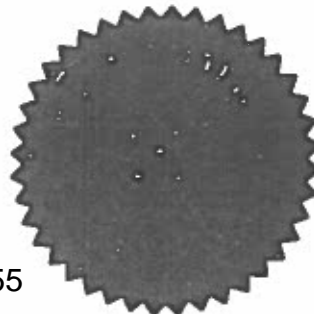
11. The Commons Scheme made by the Beaconsfield Urban District Council on Tuesday 28th November, 1911 is hereby revoked.

THE COMMON SEAL of the SOUTH BUCKS DISTRICT
COUNCIL was hereunto affixed in pursuance of
Resolution and at a meeting of the Council
held on 16th October, 1984

P. J. G. J. G.

Chairman

A. P. Henrys.
Secretary



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SOUTH BUCKS DISTRICT COUNCILByelaws under a scheme approved under the Commons Act 1899

COMMONS ACT 1899

BYELAWS MADE BY THE SOUTH BUCKS DISTRICT COUNCIL UNDER THE COMMONS ACT 1899, WITH RESPECT TO COMMON LAND

1. In these byelaws the expression "the council" means the South Bucks District Council; the expression "the commons" means the pieces of land, with the ponds, streams, paths and roads thereon commonly known as Long Bottom (CL36), Council Hall (CL37), Davenies Barn (CL38), Candlemas Lane (CL39); Aylesbury End - West Side (CL40 and CL262), Windsor End - East Side (CL41); Windsor End - West Side (CL41), Wycombe End - North Side (CL262), Wycombe End - South Side (CL262), London End - North Side (CL262) and London End - South Side (CL262 and CL41) situate in the Parish of Beaconsfield in the county of Buckinghamshire and referred to as the commons in the scheme for the regulation and management of such commons made by the Council under the Commons Act 1899, on the 16th day of October 1984, and the expression "the scheme" means the scheme for the regulation and management of the commons hereinbefore referred to.
2. No person shall on the commons remove or displace any soil or plant.
3. No person shall without reasonable excuse remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any implement provided for use in the laying out or maintenance of the commons.
4. a) No person shall without lawful excuse or authority on the commons kill, molest or intentionally disturb any animal, bird or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.
b) This byelaw shall not prohibit any fishing which may be authorised by the Council.
5. i) No person shall on the commons sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire such commodity or article.
ii) No person shall without the consent of the Council erect a tent or use any vehicle, including a

caravan, or any other structure for the purpose of camping on the commons except on any area which may be set apart and indicated by notice as a place where camping is permitted.

6. No person shall on the commons, except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building or other structure:

Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure, upon such occasion and for such purpose as are specified in the application.

7. No person shall on the commons, except in the case of accident or other sufficient cause, take off, fly or land any glider, manned or unmanned weighing in total more than 4 kilogrammes or any other aircraft manned or unmanned weighing in total more than 4 kilogrammes.

8. No person shall light a fire on the land, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

9. No person shall, to the danger or annoyance of any other person on the commons, throw or discharge any missile.

10. No person shall, except in pursuance of a lawful agreement with the Council, turn out or permit any animal to graze on the land.

11. Where the Council set apart any such part of the commons as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position on the commons, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person on the commons may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the commons - a person shall not in any space elsewhere on the commons play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.

12. No person shall, except in the exercise of any lawful right or privilege, ride or break in a horse on the commons.
13. No person shall on the commons:
- intentionally obstruct any officer of the Council in the proper execution of his duties;
 - intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - intentionally obstruct any other person in the proper use of the common, or behave so as to give reasonable grounds for annoyance to other persons on the common.

PENALTIES

14. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding ~~one hundred pounds~~ LEVEL 2 ON THE STANDARD SCALE.
15. An officer of the council may, after due warning, remove from the commons any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of the foregoing byelaws.

The Statutes of the Council was
heretofore affixed in the presence of

Chairman. *Rosalind K. Wingrove*

Deputy District Secretary. *G. J. Blair*

6TH JULY 1988.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 9TH day of DECEMBER 1988.

Signed by authority of the Secretary of State

C. L. Scoble

C. L. SCOBLE

JB3ABT
An Assistant Under-Secretary of State

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SUBJECT:	Response to the Consultation on Revised Draft Airports National Policy Statement
REPORT OF:	Leader Cllr. Nick Naylor /Cllr John Read Portfolio Holder
RESPONSIBLE OFFICER	Steve Bambrick, Director of Services
REPORT AUTHOR	Jane Griffin, 01895 837315, jane.griffin@southbucks.gov.uk
WARD/S AFFECTED	All

1. Purpose of Report

The government has published a revised draft Airports National Policy Statement. This report examines the changes and proposes issues to be included in the response.

RECOMMENDATIONS

Cabinet delegates the response on this consultation to the Director of Services in consultation with the Portfolio Holder.

2. Content of Report

Earlier this year the Government published a Draft National Policy Statement (NPS) for consultation together with a separate consultation on reforming UK airspace policy. The consultation document was supported by numerous background documents. This consultation closed on 25th May. The response of South Bucks District Council is [here](#). The 70,000 consultations responses have now being analysed and changes are proposed. In addition since the previous consultation the government has updated its passenger demand forecasts and published the 2017 Air Quality Plan. The revised NPS is currently out to consultation (since 24th October) which will close on 19th December 2017. The revised NPS will be debated by Parliament in the spring and it is anticipated that the final decision will be taken in late spring.

Once the NPS is approved as government policy this will form the planning policy for the Development Consent Order (effectively the planning application) which will be submitted by Heathrow Airport Ltd directly to the Planning Inspectorate and the examination that follows will be restricted to only assessing the extent the proposals meet the NPS. It is likely that the DCO will be submitted in 2019.

In addition Heathrow Airport Ltd will be going out to consultation on their initial scheme proposals early in the New Year.

3. Consultation document

The main changes to the NPS are as follows:

- Changes resulting from analysis of the 2017 Air Quality Plan and the updates to the passenger demand forecasts
- Changes as a result of either a change in government policy since the previous consultation document or following consideration of the responses submitted as part of the previous consultation
- Drafting changes in order to clarify intention.

The changes made to chapter 5 are made to reflect the updated position to meet legal limits for nitrogen dioxide as quickly as possible.

The updates to passenger forecasts show that nationally aviation demand is expected to be higher than previously forecast for the years up to 2030. Much of this additional demand is concentrated in London and the South East. Without expansion London airports would be even more constrained than previously forecast, operating at full capacity by the mid-2030's.

Greater demand for short haul trips to Western Europe has increased the passenger numbers forecast for Gatwick. Higher demand also means an expanded Heathrow will fill up sooner than previously forecast. However, the rationale for Heathrow North West Runway is that :

- Greater international connectivity delivered by Heathrow
- Greater passenger benefits
- Greater wider economic impacts in terms of a boost to air freight and trade
- Geographic location, freight capability and domestic connectivity

The overall conclusions of the Appraisal of Sustainability show that (provided any scheme remains within the parameters and boundaries in this policy), whilst there will be inevitable harm caused by a new Northwest Runway at Heathrow Airport in relation to some topics, the need for such a scheme, the obligation to mitigate such harm as far as possible, and the benefits that such a scheme will deliver, outweigh such harm. However, this is subject to the assessment of the effects of the preferred scheme, identification of suitable mitigation, and measures to secure and deliver the relevant mitigation.

The Government expects any applicant to carry out a further and more detailed study, and to secure appropriate mitigation measures, ahead of seeking development consent.

4. Impacts on South Bucks

The main impacts of airport expansion identified that we continue to work with Heathrow Airport Ltd on are:

- Noise
- Air quality
- Community impacts
- Land take
- Off Airport parking pressures
- Additional traffic generation and by implication air quality impacts on Burnham Beeches SAC (identified as an impact in the AofS)
- Surface access including Western Rail to Heathrow and need for improved public transport from the District to Heathrow
- Construction impacts including construction camps and the need for temporary accommodation for workers
- Burnham Beeches and the Habitat Regulations

In terms of this consultation however the main response will be on air quality issues in terms of our existing and proposed AQMAs and particularly in relation to Burnham Beeches. The Appraisal of Sustainability Habit Regulations Assessment states for Burnham Beeches that

Likely Significant Effects could not be discounted in the HRSA as a result of the scheme's surface access. Sections of the SAC are located within approximately 200 m of the A355, which may experience greater traffic flows as a result of the scheme. The SAC is identified as vulnerable to nitrogen deposition with levels currently exceeding the site-relevant critical load.

5. Corporate Implications

Reports must include specific comments addressing the following implications;

3.1 *Financial - none*

3.2 *Legal - none*

3.3 *Sustainability - some benefits for public transport users.*

6. Links to Council Policy Objectives

The Councils will continue to use the objective of striving to conserve the environment and promote sustainability in their negotiations with the airport.

7. Next Step

N/A

Background Papers:	https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/654126/revise-draft-airports-nps-print-version.pdf
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