

CABINET (SBDC)

Meeting - 13 December 2017

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

Apologies for absence: P Kelly

61. MINUTES

The minutes of the meeting of Cabinet held on 7 November 2017 were agreed and signed by the Cabinet Leader as a correct record.

62. DECLARATIONS OF INTERESTS

Beaconsfield Common Land (agenda item 8) - Councillor Gibbs and Councillor Sullivan declared a personal interest in this item as Members of Bucks County Council.

63. EXECUTIVE APPOINTMENTS

The Cabinet noted the executive appointments made by the Chief Executive under delegated authority that were attached. These had already been noted by Full Council with the addition of Councillor Gibbs who was appointed to the South Buckinghamshire Members Advisory Panel under delegated authority on 28 November 2017.

64. THE LOCAL AUTHORITY (INDEMNITIES FOR MEMBERS AND OFFICERS) ORDER 2004

The Cabinet considered a report which proposed to extend the current indemnity provided for Members and officers.

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 had established a property company, Consilio Property Limited, and could potentially be involved in a number of similar initiatives in the future, it was recommended that the indemnity be widened to give a general indemnity rather than seeking specific indemnities for particular activities. The Cabinet noted that this would need to be a decision for Full Council.

In addition to the recommendation set out in the report, the Cabinet were also asked to consider giving authorisation to the Head of Legal and Democratic Services to finalise the wording of the indemnity in consultation with the Director of Resources and the Leader of the Council.

Having considered the recommendations being proposed and the need to ensure that Council Members and officers would be protected from any personal liability when carrying out their duties, the Cabinet accordingly

RECOMMENDED to Full Council that

- 1) 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) the Head of Legal and Democratic Services be authorised to finalise the wording of the indemnity in consultation with the Director of Resources and the Leader of the Council.

65. DRAFT REVENUE BUDGET 2018/19

The Cabinet were presented with the draft revenue expenditure budget for 2018/19. It was the responsibility of the Cabinet to prepare a revenue budget for approval by Full Council which would form the basis of setting the council tax.

The report detailed 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.

Members noted that the draft budget had been set within the context of the Medium Term Financial Strategy and had a working assumption of a £5 increase in Council Tax in 2018/19.

The Cabinet were advised that the overall PAG expenditure budget reflected a 1.3% reduction on the current year's budget. The provisionally planned use of General reserves is £221k, but the intention would be to reduce this figure in the final budget. The key points from the 2018/19 Autumn Budget were contained in Appendix C.

The Cabinet noted that the draft budget makes provision for a 1% increase in pay. 2018/19 would be the first year that the Local Pay Mechanism takes effect. The Councils would formulate a proposal on pay in January for discussion at the Joint Personnel Committee, with a view to making a final decision before April. The final budget would be updated in February to reflect developments.

The key financial risks set out in paragraph 7 of the report and the corporate implications set out in paragraph 8 were noted by the Cabinet.

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In the discussion which followed, it was noted that due to the Council's financing of major projects, the Council's Medium Term Financial Strategy was predicting a decline in the Council's investment income, and the Council would incur financing costs on these projects in 2018/19.

Having considered the recommendations in the report, the Cabinet accordingly

RESOLVED that

- 1) it be agreed that the report is to form 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; and
- 2) Officers be 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.

66. **HEALTHY COMMUNITIES**

67. **PRIVATE SECTOR LEASING SCHEME**

The Cabinet received a report which sought approval to enter into an Agreement with Paradigm Housing to deliver a Private Sector Leasing Scheme.

Over the last three years, South Bucks District Council had faced rising demand for homelessness assistance and temporary accommodation. This had 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 faced the risk of legal challenge if homeless families were placed in B&B for over 6 weeks. It was therefore being proposed that the Council enters into a Service Level Agreement with Paradigm Housing to deliver a Private Sector Leasehold Scheme that would provide an alternative supply of temporary accommodation that would be directly let and managed by Paradigm.

Following the advice of the Healthy Communities PAG, the Portfolio Holder was also recommending to Cabinet that if the recommendations were to be agreed that regular updates on the delivery of the scheme be provided at PAG meetings.

In response to a question, the Cabinet were advised that the Council's commitment to pay charges to Paradigm would only come into effect for each property as and when it is procured and let by Paradigm and that this commitment would apply for the period of the lease that Paradigm holds with the property owner which would typically be 3 to 5 years. The Cabinet were assured that the agreement between the Council and Paradigm would include trigger points for the Council to review the scheme with Paradigm after a certain number of properties had been procured. At each trigger point, the Council would decide whether or not to instruct Paradigm to procure additional PSLS properties.

Having recognised the need to provide an alternative source of temporary accommodation for South Bucks District Council in order to meet the demand from homeless households, the Cabinet accordingly

RESOLVED that

- 1) the implementation of a Private Sector Leasing Scheme by Paradigm Housing to deliver temporary accommodation to meet the Council's statutory homelessness duties be agreed;
- 2) delegated authority be 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) it be noted 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; and
- 4) a further report be 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. In addition to this report, regular updates to be provided at PAG meetings.

68. ENVIRONMENT

69. BEACONSFIELD COMMON LAND

The Cabinet received a report which updated Members about the Council's legal responsibilities for the Common Land and Waste of the Manor land in Beaconsfield Old Town following detailed consideration by Environment PAG.

The Cabinet noted that 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 was prepared at the request of the PAG and was attached as appendix A. Copy of the Scheme was attached at Appendix B, with Byelaws (made in accordance with the Scheme and introduced in 1998) at Appendix C.

The Cabinet were advised that the land owners have historically called on South Bucks District Council 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 and exposure to insurance risks, 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.

With regards to recommendation 4 and the use of signage, the importance of ensuring that the signage would be appropriate and in keeping with the Conservation area was stressed.

Having considered the Council's legal responsibilities, the Cabinet accordingly

RESOLVED 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) 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; and
- 4) authority to agree the wording of any appropriate signage, taking into account the conservation area status, on the Common Land be delegated to the Head of Environment in consultation with the Portfolio Holder for Environment.

70. PLANNING AND ECONOMIC DEVELOPMENT

71. RESPONSE TO THE CONSULTATION ON REVISED DRAFT AIRPORTS NATIONAL POLICY STATEMENT

Following the publication by the Government of a revised draft Airports National Policy Statement, the Cabinet received a report which examined the changes and proposed issues to be included in the response.

The Cabinet noted that 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 70,000 consultations responses had been analysed and changes were proposed. In addition, since the previous consultation the government had updated its passenger demand forecasts and published the 2017 Air Quality Plan. The revised NPS was currently out to consultation, which would close on 19th December 2017. The revised NPS would be debated by Parliament in the spring and it was anticipated that the final decision would be taken in late spring.

The Cabinet were advised that once the NPS was approved as government policy this would form the planning policy for the Development Consent Order (effectively the planning application) which would be submitted by Heathrow Airport Ltd directly to the Planning Inspectorate and the examination that follows would be restricted to only assessing the extent the proposals meet the NPS. It was likely that the DCO would be submitted in 2019. In addition, Heathrow Airport Ltd would be going out to consultation on their initial scheme proposals early in the New Year.

Having considered the recommendation in the report , the Cabinet accordingly

RESOLVED that authority to respond to the consultation on the revised draft Airports National Policy Statement be delegated to the Director of Services in consultation with the Portfolio Holder.

72. ANY OTHER BUSINESS WHICH THE LEADER DECIDES IS URGENT

None.

73. 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 3 Information relating to the financial or business affairs of any particular persons (including the authority holding that information).

74. APPROVAL OF CONSILIO BUSINESS PLAN

The Cabinet received a report which sought approval for the business plan produced by Consilio Property Limited.

On 19 July 2017, the Council agreed to the establishment of a local authority trading company to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011 to facilitate income generation. Consilio Property Limited was subsequently registered on 15 September 2017. South Bucks District Council, as shareholder, was required to approve the Consilio Business Plan before Consilio could start trading.

In the discussion which followed, the Cabinet whilst in support of the Business Plan and recognising that it essentially dealt with the needs of the company in its initial period of operation, were of the opinion that a statement regarding contingency arrangements around material delays in securing dedicated professional resource and professional advisers should be added to the “Other Matters” section of the Business Plan.

Having considered the Consilio Business Plan, attached as Appendix A, the Cabinet accordingly

RESOLVED that

- 1) the Consilio Business Plan, as detailed in Appendix A, be approved with the addition of the statement in the “Other Matters” section of the Business Plan regarding contingency arrangements around material delays in securing dedicated professional resource and professional advisers; and
- 2) authority be delegated to the Director of Resources to agree minor changes to the Consilio Business Plan in consultation with the Leader of the Council.

75. PLANNING AND ECONOMIC DEVELOPMENT

76. HS2 WORK AND RESOURCING REPORT

The Cabinet received a report which provided Members with an update on the work for the HS2 project and the resource forecast for this work. This covered the following areas:

- Colne Valley Regional Park Panel and the delivery of projects

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- Hillingdon Outdoor Activities Centre (HOAC) Relocation
- Hex Depot
- Environmental and Noise works
- Other works including the project management of the work on behalf of both Councils
- Local Authority update on resources implications.

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

RESOLVED that

- 1) the current position regarding the Service Level Agreement and Funding Agreement between the Council and HS2 be noted; and
- 2) the existing budget for the project be retained for the duration of the project, and that £37,534 from the existing budget be rolled over to the end of the next calendar year to cover any project team costs not recovered from HS2. No new or additional funding was being sought.

77. HEALTHY COMMUNITIES

78. PRIVATE SECTOR LEASING SCHEME - APPENDICES

These appendices were considered in relation to item 67.

The meeting terminated at 7.09 pm