

South Bucks District Council

Cabinet Decision

Notice is given that the following decisions have been taken by Cabinet on Wednesday, 17 October 2018

5.1 Performance Report Quarter 1 2018-19

(a) DECISION:

Cabinet received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 1 of 2018-19.

RESOLVED that Cabinet note the performance reports.

(b) REASON FOR DECISION:

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

(c) ALTERNATIVE OPTIONS CONSIDERED:

Not applicable

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

6.1 Delegation Arrangements in Planning Enforcement

(a) DECISION:

Cabinet received a report which recommended changes to the delegation arrangements on Planning Enforcement matters to take account of the recent approval of the Local Enforcement Plan.

RECOMMENDED to Council that the revised delegations as set out in the Appendix to the report be agreed.

(b) REASON FOR DECISION:

The recommended revised arrangements had been considered and supported by the Planning and Economic Development PAG and the Planning Committee and would provide the mechanism for the effective delivery of the Local Enforcement Plan.

(c) ALTERNATIVE OPTIONS CONSIDERED:

There were a variety of options for delegating decision-making for enforcement matters based on a combination of factors including the ability of officers to serve an extensive or a more restricted range of notices. The proposed delegations are based on national best practice and seek to ensure that the Council can deliver the recently introduced Local Enforcement Plan in an effective and timely manner.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

6.2 **The Environmental Assessment of Plans and Programmes Regulations 2004 - delegated powers**

(a) DECISION:

Cabinet received a report which sought delegated authority to determine the need for environmental assessment of plans, specifically neighbourhood plans.

RESOLVED that the statutory requirements of the Environmental Assessment of Plans and Programmes Regulations 2004 in relation to neighbourhood planning be delegated to the Head of Planning and Economic Development in consultation with the Portfolio Holder for Planning and Economic Development in respect of determinations under Regulation 9.

(b) REASON FOR DECISION:

The Council was required to undertake environmental assessments of neighbourhood plans. The timing of neighbourhood plan production is in the hands of the neighbourhood plan groups and as such whilst the District Councils have a duty to assist and to make decisions within timeframes as set out in the regulations it is difficult to programme the need for an environmental determination decision into a Cabinet meeting timetable. Most

other aspects of neighbourhood planning as defined in the Localism Act have been delegated already. Therefore it is logical and practicable to include environmental assessment of plans in the Scheme of Delegation.

(c) ALTERNATIVE OPTIONS CONSIDERED:

If powers were not delegated all environmental assessment determinations of neighbourhood plans would need to be determined by Cabinet and due to the need to meet certain timeframes in the neighbourhood planning process this could mean the need for Special Cabinets to be called to deal with the issue within the timeframe and this is not a practicable option.

Delegation to officers, in consultation with the Portfolio Holder, would allow the Council to meet their statutory duties to assist the neighbourhood planning process and the need to seek agreement of the consultation bodies would avoid any risk to the Council of potentially allowing a plan to proceed that could have an environmental impact.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

6.3 Community Infrastructure Levy (CIL)

(a) DECISION:

Cabinet received a report which sought the agreement of Cabinet to consult on the Community Infrastructure Levy Preliminary Draft Charging Schedule with the aim to consult later this year.

RESOLVED that the consultation on the Community Infrastructure Levy Preliminary Draft Charging Schedule be agreed and final wording of the draft Schedule be delegated to the Head of Planning and Economic Development in consultation with the Portfolio Holder.

(b) REASON FOR DECISION:

The District Councils are in the process of producing a new combined Local plan 2036. It was therefore prudent to introduce the Community Infrastructure Levy (CIL) at the current time so that it could be demonstrated how the CIL and associated Regulation 123 list would support delivery of the Local Plan 2036. The CIL was a tool for local authorities to help deliver infrastructure to support a new development. The Regulation 123 list was a list of infrastructure

that would be, or may be, wholly or partly funded by CIL.

(c) ALTERNATIVE OPTIONS CONSIDERED:

There was an option not to introduce the Community Infrastructure Levy but this was not recommended as it was important that infrastructure to support the sustainable growth of the Districts was provided in a timely way. CIL was the only mechanism which allowed funding for infrastructure to be collected from sites of up to 10 homes and was a clear and consistent mechanism for collecting developer contributions which provided certainty to the development industry.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

6.4 Heathrow Airport Update

(a) DECISION:

Cabinet received the report which provided an update on the expansion proposals of Heathrow Airport Ltd (HAL) which set out the Council's support for expansion and the mitigations and opportunities the Council was seeking from HAL.

RESOLVED

1. that the Government's position in regards to the Heathrow Airport Limited (HAL) expansion proposals, the Council's position towards this and the areas the Council was seeking mitigation and opportunities from HAL, be noted
2. noting the above, South Bucks District Council wishes to move its position from neutral to support for the HAL expansion proposals
3. that the Council invite HAL to continue to actively work with officers at all levels to ensure that the potential benefits to the District are realised.

(b) REASON FOR DECISION:

The National Policy Statement had been designated and therefore South Bucks District Council needed to consider what the next steps were in terms of securing maximum gains and mitigation for the District and communities. The Leader and Chief Executive, together with senior technical staff at the Council continue to work with HAL to ensure Council objectives were secured.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Not applicable.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

7.1 **Joint Housing Strategy**

(a) DECISION:

Cabinet received a report which sought authority to publish and implement the finalised version of the Chiltern District Council and South Bucks District Council Joint Housing Strategy (Affordable Housing and Homelessness) 2018-2021.

RECOMMENDED to Council

1. that the final Joint Housing Strategy (Affordable Housing and Homelessness) 2018 – 2021 be approved
2. that the Head of Healthy Communities be authorised to make any final amendments to the document agreed by Members and to publish it in consultation with the Healthy Communities Portfolio Holder

(b) REASON FOR DECISION:

The current Housing and Homelessness Strategies for Chiltern District Council and South Bucks District Council need to be reviewed and updated in view of the current housing situation across the two Districts and new statutory requirements that have come into force.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Council has a specific statutory duty to publish a Homelessness Strategy. Therefore, if the Council does not proceed with preparing and authorising this Joint Housing Strategy then it would still have to draft a Homelessness Strategy. The Council could choose to continue to operate its own separate Housing Strategy and policies but this would mean that the Councils would not benefit from efficiencies in taking a joint approach to addressing current housing issues.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

7.2 **Chiltern and South Bucks Playing Pitch Strategy**

(a) DECISION:

Cabinet received a report on the proposed Chiltern and South Bucks Playing Pitch Strategy which would help to improve the quality and access to sports local playing pitches and directly contribute to improving the health and wellbeing of residents.

RESOLVED that the proposed 2018-2036 Chiltern and South Bucks Playing Pitch Strategy for submission to Sport England for external accreditation be approved.

(b) REASON FOR DECISION:

Having this Strategy would help inform the newly emerging Local Plan by providing a comprehensive evidence base to withstand public scrutiny, provide a joined-up approach to develop sustainable facilities that supported increased participation and provide a robust evidence source to support local community groups and Town and Parish Councils to access external funding.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Whilst there was no statutory requirement for the Council to have a Playing Pitch Strategy, the Strategy was an important reference document as part of other statutory and community planning processes. Having a shared, strategic approach to playing pitches, including comprehensive planning policies would help improve the health and wellbeing of residents, social inclusion and community cohesion.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

7.3 **Chiltern and South Bucks Open Space Strategy**

(a) DECISION:

Cabinet received a report on the draft Chiltern and South Bucks Open Space Strategy which detailed the Strategy's key findings and recommendations in relation to the quality and supply of open spaces/parks across the District.

RESOLVED that the South Bucks and Chiltern Open Space Strategy be approved and that its findings be utilised to support the implementation of the new Chiltern and South Bucks Local Plan.

(b) REASON FOR DECISION:

The South Bucks and Chiltern Open Space Strategy was a key document in helping inform the new Local Plan and help local community groups and Town and Parish Councils to attract inward investment by providing robust evidence of existing shortfalls in provision. Improving access and the quality of open space provision would contribute directly to improving the health and wellbeing of residents.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Whilst there was no statutory requirement for the Council to have an Open Space Strategy, the Strategy was an important reference document as part of other statutory and community planning processes. Comprehensive planning policies for open space were fundamental to social inclusion, community cohesion, health and well-being. A shared, strategic approach to open space maximises its potential to contribute to a more inclusive and sustainable future at local, regional and national level.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

7.4 **Gambling Act 2005 - Statement of Principles Review**

(a) DECISION:

Cabinet received a report on the final revised draft Gambling Act 2005 Statement of Principles. The function of the Statement was to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. It aimed to make clear the Council's expectations of gambling operators who have premises in the local area and allowed operators to respond to locally specific requirements and adjust their own policies and procedures as required.

RECOMMENDED to Council that the draft Statement of Principles be adopted for publication at least 4 weeks prior to coming into effect for the period 31 January 2019 to 30 January 2022.

(b) REASON FOR DECISION:

The adoption of the revised Statement of Principles was a shared function under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 9 (as amended) and therefore needed to be considered by Cabinet and Council.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The Council had a statutory requirement to review its adopted Statement of Principles every 3 years. The draft Statement of Principles could be recommended for adoption with or without modifications.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

8.1 **Gerrards Cross Car Park**

(a) DECISION:

Cabinet received a report which sought approval for the final business case for provision of additional parking in Station Road Gerrards Cross. Planning consent had been granted for expanding the Station Road Car Park to provide a total of 442 parking spaces and to enable this project to proceed the Council would need to invest a further estimated £13.051m. The proposal was for this to be financed by way of a loan from the Public Works Loan Board. The expanded car park was expected to increase annual income by £431,000.

RESOLVED that

1. the final business case for the project be approved.
2. the construction period would be January-December 2020 unless agreement could be reached to allow the car park to be closed over the 2019 Christmas trading period, be noted.
3. the Head of Environment be authorised to conclude the delivery agreement between Balfour Beatty and the Council for the construction phase.
4. the Head of Finance be authorised to carry out the necessary arrangements to obtain the loan finance.

RECOMMENDED to Full Council that the Capital Programme for the Station Road Car Park be amended to the following:

2019/20	£5,000,000
2020/21	£8,051,000

(b) REASON FOR DECISION:

Recent surveys indicated that there was a need for an extra 375 non commuters car park spaces in Gerrards Cross, to provide sufficient car parking to meet current and predicted growth in local parking needs.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The following options were available :-

- Progress with this scheme now. This option seeks to meet the parking need as quickly as possible, but risks significant abortive costs if legal proceedings are lodged.
- Delay the project in order to resolve any legal challenges and / or have more time to complete all contractual agreements and / or seek alternative build prices. This would delay meeting the parking need, and is likely to result in an increase in the build cost due to the impact of construction inflation.
- Decide not to progress with the scheme. This option would not meet the parking need and the expenditure to date would be abortive costs.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

8.2 Redevelopment of Gerrards Cross Police Station

(a) DECISION:

Cabinet received the report which sought approval for the final business case for the design and construction of the scheme. Planning consent had been granted for the redevelopment of the Gerrards Cross Police Station site for 34 apartments which would provide 20 private rent apartments and 14 affordable rent apartments – to meet the 40% affordable housing requirement. The proposal for the project cost was to be financed by way of a loan from the Public Works Loan Board. The business case indicated that the rental return on this development would be sufficient to repay the capital expenditure over the lifetime of the asset.

RESOLVED that

- 1 the final business case for the project be approved.
- 2 the total proposed spend of £8.331m, which would be funded from the current approved Capital Budget for this scheme be noted.
- 3 the Head of Environment be authorised to conclude the delivery agreement between Wilmot Dixon and the Council for the construction phase.
- 4 the Head of Finance be authorised to carry out the necessary arrangements to obtain the loan finance.
- 5 the Head of Environment be authorised to negotiate and conclude any necessary agreements to allow the development to proceed through to completion and note that the Head of Environment has exercised his delegated authority to make an application to the Secretary of State for Transport for a stopping up order pursuant to Section 247 of the Town and Country Planning Act 1990.
- 6 the Director of Resources be authorised to dispose of the development to Consilio (the Council's wholly owned subsidiary).

(b) REASON FOR DECISION:

The Council needed to maximise income generating opportunities in order to counter reductions in Government grant. This development opportunity could deliver a financial return whilst also meeting housing need with the provision of 40% affordable housing, although this had been consistently challenged by developers on other sites.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The following options were available:-

- Progress with this scheme now. This option provides additional homes and an income stream as quickly as possible.
- Delay the project in order to have more time to complete all contractual agreements and / or seek alternative build prices. This would delay generating rental income, and may not result in a reduction in build cost due to the impact of construction inflation.
- Decide not to progress with the scheme. This option would not provide additional homes and would not provide an income stream.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

9.1 **HS2 Update Report**

(a) DECISION:

Cabinet received a report which provided Members with an update on the work for the HS2 project and asked for approval to adjust the current Scheme of Delegation in relation to Schedule 17 of the HS2 Act.

RESOLVED that

- (i) the functions for the determination of any submissions pursuant to Schedule 17 of the HS2 Act be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team Leader under Regulation 3 of the Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly;

- (ii) the functions for the determination of any submission pursuant to conditions attached to any Schedule 17 approval that have been imposed by the Local Planning Authority be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team Leader and/or a Principal Planning Officer under Regulation 3 of the Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly; and
- (iii) the functions for the determination of any request for non-material changes to approvals under paragraph 21 of Part 3 of Schedule 17 of the HS2 Act be delegated to the Head of Planning and Economic Development. In the absence of the Head of Planning and Economic Development, that these functions be delegated to the Development Management Manager and/or an Area Team Leader and/or a Principal Planning Officer under Regulation 3 of the Local Authorities Arrangements for the Discharge of Functions Regulations 2012 and the delegations and Constitution are updated accordingly.

(b) REASON FOR DECISION:

The recommendations in so far as they relate to amendments to the Scheme of Delegation would help to ensure that decisions relating to Schedule 17 of the HS2 Act and conditions attached to those decisions and requests for non-material changes to approvals were issued expeditiously and in line with obligations on the Council associated with its role as a Qualifying Authority.

(c) ALTERNATIVE OPTIONS CONSIDERED:

That delegated authority was not authorised. However, if authority was delegated this would ensure that decisions could be made promptly, in the spirit of the established working relationship with HS2 and the obligations on the Council associated with its Qualifying Authority status.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

9.2 **Application for Discretionary Rate Relief (1)**

(a) DECISION:

Cabinet considered an application for Discretionary Rate Relief as set out in the report.

RESOLVED that the Discretionary Rate Relief be refused.

(b) REASON FOR DECISION:

Having regard to the fact that this organisation already received the 80% Mandatory Rate Relief it was not considered appropriate for the council to exercise its discretion in granting the application for the 20% Discretionary Rate Relief.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Section 47 of the Local Government Finance Act allowed Discretionary Rate Relief to be awarded at any level between 0% and 20%.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

Cllrs Gibbs and Hogan declared a personal and prejudicial interest as Directors of this Charitable Organisation and left the room whilst this item was discussed.

9.3 **Application for Discretionary Rate Relief (2)**

(a) DECISION:

Cabinet considered an application for Discretionary Rate Relief.

RESOLVED that an award of 25% Discretionary Rate Relief be awarded for one year.

(b) REASON FOR DECISION:

Whilst the organisation only met part of the relevant criteria listed for non-profit organisations an award of 25% was considered appropriate because this applicant's activities met some of the Council's objectives in the Joint Business Plan.

(c) ALTERNATIVE OPTIONS CONSIDERED:

Section 47 of the Local Government Finance Act allowed Discretionary Rate Relief to be awarded at any level between 0% and 100%.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

9.4 **Bad Debt Write Off Request**

(a) DECISION:

Cabinet was requested to write off the debt detailed in the report.

RESOLVED that the write off of the debt be authorised.

(b) REASON FOR DECISION:

The debt needed to be written-off as it was not recoverable.

(c) ALTERNATIVE OPTIONS CONSIDERED:

The debt collection could be pursued but it was likely that there would be a successful legal challenge to this. The record of this debt would be kept on file so if recovery action became possible in the future it could still be pursued.

(d) CONFLICTS OF INTERESTS/DISPENSATIONS:

None

Date Published:	18 October 2018	Call in Deadline Midnight on:	25 October 2018
Date to be implemented 26 October 2018			
*recommendations to Full Council are not subject the call in procedure			