



## **Cabinet**

**Wednesday, 26 February 2020 at 6.00 pm**

**Room 6 - Capswood, Oxford Road, Denham**

### **A G E N D A**

Item

9. Policy Advisory Group Minutes (available in supplement pack) *(Pages 3 - 16)*

Healthy Communities Policy Advisory Group – 22 January 2020

Planning and Economic Development Policy Advisory Group – 8 & 27 January 2020

Resources Policy Advisory Group – 13 January 2020

**Note:** All reports will be updated orally at the meeting if appropriate and may be supplemented by additional reports at the Chairman's discretion.

#### **Membership: Cabinet**

Councillors: N Naylor  
J Read  
B Gibbs  
P Hogan  
D Smith  
L Sullivan

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## HEALTHY COMMUNITIES POLICY ADVISORY GROUP

### Meeting - 22 January 2020

Present: P Hogan (Chairman)  
D Anthony, Dr W Matthews and D Pepler

Apologies for P Bastiman and M Bezzant  
absence:

#### 16. MINUTES

The minutes of the Healthy Communities PAG held on 30 September 2019 were approved.

#### 17. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 18. REPORTS FROM MEMBERS

Cllr Pepler reported that he had attended a meeting of the Buckinghamshire Healthcare Trust and his report would be submitted to the Council Meeting in March 2020.

#### 19. PUBLIC SPACES PROTECTION ORDER - ETON DORNEY ROWING LAKE

The PAG received a report which proposed the introduction of a Public Spaces Protection Order (PSPO) and considered the responses to the consultation on the proposal.

Brendan O'Dowda, Head of Security at Eton College, Sgt Rachel Dale from Thames Valley Police, and Paul Austin, Community Support Officer from Thames Valley Police were present in order to answer questions from Members.

The Principal Environmental Health Officer clarified that the Public Space Protection Order (PSPO) was not targeted at a specific group or age range. The aim of the PSPO was to combat disruptive behaviour. The PSPO was requested by the Police, it was advised that this would enable action to be taken on issues such as possession of psychoactive substances, rather than only intent to supply.

Members were advised that South Bucks District Council would remain in control of enforcement for the PSPO. Fixed Penalty notices & prosecution of individuals were options available for enforcement of the PSPO. In response to questions from members, it was reported that retaining control of enforcement would avoid endangering Eton College Staff. The evidence provided by Eton College Staff, CSO's and the Police would allow the Council to issue Fixed Penalty notices and pursue prosecution where necessary. Signs were to be put up around the site informing the public of the PSPO.

It was reported that the PSPO would be automatically reviewed in 3 years, however it is able to be reviewed earlier. Officers were looking to review the PSPO following summer 2020 to assess the impact compared to the previous year.

**RESOLVED – That the Portfolio Holder be advised to make the following recommendations to Cabinet:**

- 1. The outcome of the consultation on the proposed PSPO for Dorney Rowing Lake be noted.**
- 2. The draft Public Spaces Protection Order and associated map of the 'Restricted Area' be approved.**
- 3. The three yearly review of the Public Spaces Protection Order, and implement any changes as required, be undertaken through delegated authority.**

## 20. **HEALTHY COMMUNITIES UPDATE REPORT**

The Housing Manager provided an update to Members of the PAG and particularly made reference to the following information:

- Homeless numbers had increased in January following the Christmas/Holiday periods. This was to be expected. New temporary accommodation facilities were being utilised which had reduced the reliance on Bed & Breakfasts as temporary accommodation. The spike in October was explained to be cyclical following Summer Holidays.
- The properties being developed in Gerrard's Cross were due to be completed in May 2020. It was advised going forward, the Social Housing Stock was not being bolstered due to less new builds.
- 38 Houses were identified as being Houses in Multiple Occupation (HMO). HMO growth was identified as being partially due to better identification methods. It was advised that the Housing team dealt with the licensing of HMO's.
- It was reported that the Principal Environmental Health Officer had been in communication with Bucks County Council and the Environment Agency to resolve the issues at Orchard Herb.
- Members were reminded that the list of Community Grants was available on the South Bucks District Council website.

*[Following the meeting, further information has been confirmed – events that have regularly taken place at the Evreham Sports Centre since mid-September 2019 are as follows:*

- *Age Concern Falls Prevention & Social Lunch*
- *Fitness classes including Group Cycle, Circuits, Body Conditioning, Pilates, Yoga, Outdoor Boot Camp and Strength & Conditioning*
- *Junior Basketball, Junior Trampolining, Junior Table Tennis*
- *Adult Basketball, Adult Netball, Adult Table Tennis*
- *Walking Football, Tai Chi & Ladies Leisure each with social tea/coffee afterwards for 60+ users]*

## 21. **AFFORDABLE HOUSING CONTRIBUTIONS UPDATE**

The PAG received a report which provided Members with an annual update on the position of the Affordable Housing Contributions received by the Council (via Section 106 agreements) and sought approval for the allocation of available funding to schemes specified in the report.

In response to questions from Members, it was advised that significantly more money had been received since the last report partly because of increased Planning enforcement. A large payment had also been received since last year which had bolstered the available Section 106 funds.

There was an aim to give a clear indication of how South Bucks DC intended for the Section 106 funds to be used. This could be used as a reference following the creation of Buckinghamshire Council in April 2020.

Officers reported that the allocation to the L & Q scheme was to ensure Social Housing stock was not sold off. The Council would offer to help with high repair costs on the condition it was not sold. It was reported that this would support move-on to get individuals out of temporary accommodation and into Social Housing. It was likely that some of this allocation would be spent or committed before 1<sup>st</sup> April 2020.

**RESOLVED - That the Portfolio Holder be advised to make the following recommendations to Cabinet:**

- 1. The update on Affordable Housing Contributions be noted.**
- 2. The uncommitted funds are allocated as follows:**
  - 1. (i) Your Choice Equity Loan Scheme = £336,885**
  - 2. (ii) Funding of Major Void Works -Retention of L&Q Housing Stock to secure move-on accommodation for temporary accommodation = £250,000 (iii)Provision of Additional Affordable Housing = £366,322 (Allocations to specific schemes from this sum would be subject to the**

**approval of the Head of Healthy Communities in consultation with the Healthy Communities Portfolio Holder)**

- 3. The Affordable Housing Contribution income and underspend from any existing commitments is allocated generally to support the provision of additional affordable housing with specific schemes subject to the approval of the Head of Healthy Communities in consultation with the Healthy Communities Portfolio Holder.**

The meeting terminated at 7.12 pm

## **PLANNING AND ECONOMIC DEVELOPMENT POLICY ADVISORY GROUP**

**Meeting - 8 January 2020**

Present: J Read (Chairman)  
J Jordan and G Sandy

Also Present: Dr W Matthews, R Sangster and L Sullivan

Apologies for absence: G Hollis and M Lewis

### **145. MINUTES**

The minutes of the Planning and Economic Development PAG held on 9 September 2019 were approved.

### **146. DECLARATIONS OF INTEREST**

There were no declarations of interest.

### **147. UPDATES FROM MEMBERS/ SENIOR OFFICERS ON CURRENT ISSUES**

No updates were provided.

### **148. COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

The PAG received a report which proposed that the Community Infrastructure Levy (CIL) Charging Schedule was adopted for publication and implementation by Council, following the successful examination in public which took place on 5 November 2019 and the Examiner's report which was received on 13 December 2019.

The Lead Local Plan Consultant reported that a consultation on the draft CIL Charging Schedule had run from 7 June to 23 August 2019 and attracted a total of 50 representations. The Councils provided comments to the examiner that no modifications should be made as a result of the representations. At the Examination in Public Hearing on 5 November 2019 the Councils proposed a clarification to the definition of the category 'large sites' within the Draft Charging Schedule. On receipt of this the examiner invited all 50 people who had made representations to comment on the clarification. This consultation ran from 11 November to 25 November 2019 and attracted a total of 5 comments. The examiner issued his report on 13 December 2019 which included agreement for the insertion of the clarification of 'large sites' into the final Charging Schedule.

Members then discussed the report and appendices. A Member asked about the exemption to CIL with regard to buildings which are self-built and the definition of self-build. The Lead Local Plan Consultant referred to the Chiltern and South Bucks Local Plan 2036 and quoted the following 'Self-build and custom housebuilding are defined in the Housing and Planning Act 2016 as: *'...the building or completion by— (a) individuals, (b) associations of individuals, or (c) persons working with or for individuals or associations of individuals of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person.'*

The aim of the policy was to help encourage sufficient self-build and custom housebuilding to come forward to meet demand, to support community-led housing, but this would need to be closely monitored to ensure that the exemption should apply. A Member asked for further details on what would qualify for a self-build and it was agreed that the CIL/Section 106 officer would provide a written response.

Reference was made to the demise of the high street and re-use of buildings and Members noted that CIL related to new development not existing development and internal conversion works. If the building was knocked down and rebuilt the CIL/Section 106 officer would need to calculate whether a payment was required, as CIL was charged on a £s per square metre basis which related to development of buildings over 100 square metres net new build floor space.

A Member asked whether the implementation of CIL would mean that developers were less likely to invest in the Council area and whether different rates should apply to different areas. The Lead Local Plan Consultant reported that the benefit of applying different rates did not outweigh the complexity of implementing it. The Senior Infrastructure Consultant reported that in his experience different charging rates did not have any impact. If the new Buckinghamshire Council decided to review the CIL Charging Schedule it may want to take into account, the diversity of the area adjacent to Milton Keynes to the north and Beaconsfield/Gerrards Cross to the south of the County. The Lead Local Plan Consultant reported that CIL charging rates could not be set on a policy basis and that the determining issue was the evidence on viability.

An additional recommendation was proposed as follows:-

"That on site developments of 400 housing units or more where the actual deliverability of the Council's housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of

justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper planning purposes.

Furthermore, on housing development sites where viability calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant Section 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates."

The PAG was asked to advise the Portfolio Holder and Head of Planning and Economic Development on the following recommendation:

### **RECOMMENDATION**

- 1. That the Charging Schedule be adopted and the Community Infrastructure Levy implemented on 17 February;**
- 2. That the decision be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development on whether to accept an offer of transfer of land in payment or part payment of a CIL liability;**
- 3. That any decisions required for Parts 7 Application of CIL, Part 8 Administration of CIL, Part 9 Enforcement of CIL and Part 10 Appeals be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development ;**
- 4. That the decision to take proceedings in relation to any CIL offence be delegated to the Acting Chief Executive in consultation with the Portfolio Holder for Planning and Economic Development and the Head of Legal and Democratic Services; and**
- 5. That these delegations novate to the relevant officers and Portfolio Holders of Buckinghamshire Council.**
- 6. That on site developments of 400 housing units or more where the actual deliverability of the Council's housing targets is being placed at risk by the failure of the developer to accept liability for the delivery of the approved scheme and contributions towards specified infrastructure elements, which are directly related to the housing development in question, when there is a compelling need for such in the public interest, and when the Council has provided a clear statement of justification and cost-estimate for the said work or contribution, the Council affirms its intention to use its Compulsory Purchase Powers for proper planning purposes.**

**Furthermore, on housing development sites where viability**

**calculations rely on forward estimates of sale prices for the market housing units, the Council will incorporate in relevant Section 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates.**

149. **URGENT ITEM - HEATHROW JOINT SPATIAL PLANNING FRAMEWORK**

The PAG received a report on the creation of a Joint Spatial Planning Framework which would guide the process of securing the wider gains from the proposed expansion of Heathrow, which did not already form part of the Development Consent Order (DCO), including economic gains and other transport improvements within the region. A Statement of Common Ground on the JSPF was due to be developed with Member authorities for submission to the Examination of the Heathrow DCO. HSPG considered that the JSPF and Statement of Common Ground were important tools for shaping the wider impact of the Heathrow development given that so much land to be impacted was outside the DCO boundary. The Framework would bring Heathrow Airport Limited mitigation and funding outside the current 'redline' (the development boundary) of the DCO which was tightly drawn to the Heathrow expansion site. The Framework would be a 'non-statutory' guide to future planning to secure gains from collaborative working and was intended to influence the Planning Inspectorate decision on the submitted DCO.

The Senior Infrastructure Consultant commented that South Bucks District Council was just a consultee and had no controls over the development but the Framework would define a wider area that was affected by the proposals and enable joint working between the Councils, Local Enterprise Partnerships and Government to implement the agreed strategy and introduce a mechanism to secure funding that could be spread over the geography of the Framework for infrastructure investment. This was the largest DCO in the UK to date and would have consequences for the District in terms of land use, transport and quality of life. The Framework was currently a draft document and a decision would need to be taken on the final document by the new Buckinghamshire Council.

Concerns had been previously raised in response to the Surface Access Strategy which did not provide sufficient detail on how they would achieve 50% shift from cars to public transport as at the moment only two/three new bus links had been proposed and very few electric charge points. In addition, no information had been given on freight. During discussion Members made reference to the motorway network and that currently if there was a serious accident on M25 this would have a serious impact on M4, M40, M3 and M1 which would increase dramatically with the increase in passengers (80-140 million) from the Heathrow expansion.

Members had also expressed concern about the impact of the closure of Mansion Lane which had been referred to in a different DCO. There were connecting issues in

different DCO's which needed to be addressed through one Framework. The Senior Infrastructure Consultant reported that it was helpful that the Western Rail Link would be undertaken first as the DCO would now have to take that Scheme into account. The Portfolio Holder commented that not only were there concerns about Mansion Lane but the impact of expansion on the whole area including Denham and the north/south connectivity. There needed to be more thought about the transport network and direct public transport links to Heathrow without travelling into London. Another Member also referred to public transport links to Pinewood Studios. She also commented that a number of Heathrow workers travelled to work on a moped/motorcycle and that they parked their bike under the concrete ramp in the terminal rather than using allocated parking.

Members discussed the map showing zones of influence around Heathrow Airport on page 27 of the supplementary agenda and expressed concern that this map excluded South Bucks District although they noted that map needed to be refined. The Senior Infrastructure Consultant reported that he had raised this and in response had been told that the interaction map related to hotel occupancy adjacent to the airport. A Member commented that this was the wrong basis on which to draw the map and the Senior Infrastructure Consultant acknowledged that this map would need to be refined to take into account other areas such as residents, businesses and environmental factors.

Members agreed that the following comments should be put forward to Cabinet:-

- The map relating to the zones of influence around Heathrow Airport was not big enough and needed to be expanded to include areas such as Taplow, Iver, Beaconsfield, Gerrards Cross and Windsor.
- Air quality and environmental impacts needed to be incorporated into the Framework.
- Number of bus hubs needed to be increased to deal with the increase in passengers with regular bus services.
- There needed to be detailed consideration about north/south connectivity to ensure that passengers could use public transport which also needed to include Old Oak Common and the Elizabeth Line.
- HAL needed to look at a bigger vision for example, Bosch had its headquarters in Denham and it was important to establish good economic and transport links and to be innovative.

The PAG was asked to advise the Portfolio Holder and the Head of Planning and Economic Development on the following recommendation:

## **RECOMMENDATION**

- 1. That Cabinet comment on the detailed report and appended annex, which set out the purpose and content of the proposed**

**Joint Spatial Planning Framework for securing long term opportunities from the Heathrow expansion.**

- 2. That the PAG comments are considered by Cabinet for incorporation into the final response to the working draft JSPF and Statement of Common Ground submitted by the Director of Services/Acting Chief Executive on behalf of the Council in consultation with the Leader.**
  
- 3. That the Council should recommend that the new Buckinghamshire Unitary Council, once established, endorses the final version of the JSPF and plays an active role in its implementation as an HSPG Member Council to secure the economic opportunities for Buckinghamshire.**

The meeting terminated at 8.09 pm

## PLANNING AND ECONOMIC DEVELOPMENT POLICY ADVISORY GROUP

### Meeting - 27 January 2020

Present: J Read (Chairman)  
J Jordan, M Lewis and G Sandy

Apologies for G Hollis  
absence:

#### 150. **MINUTES**

The minutes of the Planning and Economic Development PAG held on 8 January 2020 were approved.

#### 151. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### 152. **UPDATES FROM MEMBERS/ SENIOR OFFICERS ON CURRENT ISSUES**

There were no updates from Members/Senior Officers.

#### 153. **EXEMPT INFORMATION**

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 the following item(s) of business is not for publication to the press or public on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act.

#### 154. **HS2 PROJECT UPDATE**

The PAG considered a report which provided an update on the HS2 project, set out the Council's work on the project, updated the Additional Mitigation Projects being delivered through the Colne Valley Regional Park Panel, updated resources and expenditure and the proposals for the project under the new unitary authority from 1st April 2020.

In response to questions from members, it was clarified that around 8 out of the 16 Additional Mitigation Projects affected areas in the South Bucks area. Many projects were long term. As the grants for these projects have been allocated, they would not

be affected by the formation of the New Buckinghamshire Council. It was reported that officers were having quarterly meetings with stakeholders to oversee delivery of these projects.

Members and Officers were awaiting the outcome of the Oakervee review. It was noted that while the enabling works for HS2 continued, building work for HS2 had not commenced as Notice to Proceed had not been received. It was advised that while HS2 would not release figures of compensation paid to owners in the district and therefore officers did not have this information.

The Colne Valley Viaduct Schedule 17 application (5.11) was now due to be determined 17<sup>th</sup> February 2020, having been delayed to allow for responses to the consultation. Officers were still awaiting a response from HS2 with regards to the issue of glare from the construction of Colne Valley Viaduct.

Under the new Buckinghamshire Council Unitary Authority, it was advised that a new HS2 team would bring together Officers from each of the constituent councils. These Officers would be retained for at least 6 months.

The Chairman expressed his gratitude to Members and Officers for their hard work as this was the last meeting of the South Bucks District Council Planning and Economic Development Policy Advisory Group.

## **RESOLVED**

- 1. That the report and progress made on the project be noted.**
- 2. That the programme for the continued work on the project under the new unitary authority be noted.**

The meeting terminated at 6.20 pm

## RESOURCES POLICY ADVISORY GROUP

### Meeting - 13 January 2020

Present: B Gibbs (Chairman)  
J Jordan and P Kelly

Apologies for absence: J Lowen-Cooper

Councillors not in attendance: S Chhokar and D Dhillon

#### 12. MINUTES

The minutes of the Resources PAG held on 24 September 2019 were approved. The PAG noted its disappointment in relation to the level of attendance by some members over the last year, and the lack of apologies offered for non-attendance of this meeting of the Resources PAG which had been arranged to discuss an important subject regarding debts incurred by the Council and the effect on the tax payer.

#### 13. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 14. EXEMPT INFORMATION

**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972 the following item(s) of business is not for publication to the press or public on the grounds that it involves 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 person (including the authority holding that information)*

#### 15. FURTHER REPORT REGARDING WRITE OFFS 2018/2019

At its previous meeting on 24 September 2019, members of the Resources Policy Advisory Group requested further information in order to ascertain how successful the South Bucks Recovery Project had been and the expectations for the 2019/20 financial year.

There was an extensive and detailed discussion between the members and officers about both the amounts outstanding and the collection of both Council Tax and NDBR tax. The success of the recovery programme was highlighted including the fact that no additional costs in collecting arrears had been incurred because of the amalgamation of the SBDC and CDC service.

## Resources Policy Advisory Group - 13 January 2020

It was noted that the Council's collection rates were above average when compared nationally to all District Councils and members were advised of the procedure followed by the Council to track debt and pursue collection. From April 2013, the Government replaced the national scheme of Council Tax benefit with new localised schemes for council tax support, but the terms of the new schemes meant that an amount of council tax had to be charged to everyone, including people on low incomes. As a result, collection was made more difficult from having to collect tax from those on the very lowest incomes. This had nationally affected collection and write off rates.

The PAG was advised of the total debt written off and the outstanding arrears currently being chased and how these had accumulated year on year. The Council collects all but 1.2% of council tax in year, and the amount of arrears since council tax started in 1993 was only 0.45% of the total amount collectible. Business rates were also discussed and it was noted that these were heavily clouded by the appeals process and what the valuation office deemed a business to be worth, changes are often backdated and this can all lead to more businesses declaring themselves bankrupt/entering liquidation.

The PAG noted its thanks to officers for the income collected via the recovery project and affirmed its hope that any restructuring done by the new Buckinghamshire Council would ensure the vast expertise staff in the District Councils had built up was not lost.

Following due consideration, it was **RESOLVED** that the report be noted.

The meeting terminated at 6.25 pm