



## **Cabinet**

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

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

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

Item

1. Evacuation Procedure
2. Apologies for Absence
3. Minutes (*Pages 5 - 14*)

To approve the minutes of the Cabinet held on 10 January 2020 (two special meetings) and 9 October 2019.

4. Declarations of Interest

#### *A. LEADER'S REPORTS*

- 4.1 Performance Report - Quarter 3 2019-20 (*Pages 15 - 16*)

*Appendix A - Priority Pls Q3 2019-20 (Pages 17 - 18)*

*Appendix B - Corporate Pls Q3 2019-20 (Pages 19 - 22)*

#### *B. REPORTS OF THE PORTFOLIO HOLDERS*

5. Environment
- 5.1 To award a contract for the provision of waste collection, recycling and street cleansing services (*Pages 23 - 30*)

*Appendix A (Pages 31 - 34)*

5.2 Proposed Landscape Scale Habitat Enhancements at Littleworth Common and Burnham Beeches *(Pages 35 - 38)*

6. Healthy Communities

6.1 Public Spaces Protection Order - Eton Dorney Rowing Lake *(Pages 39 - 44)*

*Appendix 1 (Pages 45 - 48)*

*Appendix 2 (Pages 49 - 66)*

*Appendix 3 (Pages 67 - 72)*

*Appendix 4 (Pages 73 - 82)*

*Appendix 5 (Pages 83 - 86)*

6.2 Affordable Housing Contributions Update *(Pages 87 - 92)*

*Appendix 1 (Pages 93 - 94)*

7. Resources

7.1 Farnham Park Charity Budget 2020/2021 *(Pages 95 - 98)*

8. Planning and Economic Development

8.1 Heathrow Update - towards a Statement of Common Ground *(Pages 99 - 104)*

*Appendix - Statement of Common Ground (Pages 105 - 116)*

9. Policy Advisory Group Minutes (available in supplement pack)

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

10. Exclusion of Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972 the public be

excluded from the meeting for the following item(s) of business on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act.

- 11. Customer Services and Business Support
  - 11.1 Bad Debt Write-Offs (*Pages 117 - 120*)
- 12. Exempt Report to item 5.1 - To award a contract for the provision of waste collection, recycling and street cleansing services (*Pages 121 - 126*)

*Reasons for restriction: Paragraph(s) 3*

*Appendix A (Pages 127 - 128)*

*Appendix B (Pages 129 - 132)*
- 12.1 Exempt Appendix for item 7.1 - Farnham Park Charity Budget 2020/01 (*Pages 133 - 136*)

**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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**SOUTH BUCKS DISTRICT COUNCIL****MINUTES** of the meeting of the  
**CABINET** held on  
**10 January 2020**

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

**28. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29. HEATHROW JOINT SPATIAL PLANNING FRAMEWORK**

The Cabinet 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.

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 Acting Chief Executive reported that the 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 was currently a draft document and a decision would need to be taken on the final document by the new Buckinghamshire Council.

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 Senior Infrastructure Consultant updated Cabinet Members on the comments made at the Planning and Economic Development Policy Advisory Group which covered areas such as concerns around the surface access strategy, the map showing the zones of influence being

too tightly drawn, modal shift to public transport, air and ground noise, improvements to air quality and gap in north/south connectivity.

Cabinet Members discussed the report and the comments made previously by Members and made the following comments:-

- The map relating to the zones of influence around Heathrow Airport (page 27 of the agenda) was not big enough and excluded many part of South Bucks District which needed to be expanded to include areas such as Burnham, Taplow, Beaconsfield, Gerrards Cross, Stoke Poges, Denham and the Ivers, whilst understanding that the Ivers would be deeply impacted. The Senior Infrastructure Consultant reported that he had raised this with HSPG informally and in response had been told that the interaction map related to hotel occupancy adjacent to the airport and that this map would need to be refined to take into account other areas such as residents, businesses and environmental factors.
- There were connecting issues in different DCO's which needed to be addressed through one Framework. Air and ground noise need to be addressed through the Land Use DCO and the Air Change DCO.
- 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. Another Cabinet Member also referred to public transport links to Pinewood Studios.
- 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, the Elizabeth and Chiltern Line. There needed to be more thought about the transport network and direct public transport links to Heathrow without travelling into London.
- 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.

A Cabinet Member asked about next steps and the Senior Infrastructure Consultant reported that there would be a further draft expected at the end of February/beginning of March. During this time HAL were also undertaking a further consultation on air space. Cabinet Members agreed that an additional recommendation be added with regard to the sign off of the final draft document in paragraph 2 below.

## **RESOLVED**

- 1. That the comments 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 be noted.**

- 2. That the comments above are incorporated 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 and that authority be delegated to the Director of Services/Acting Chief Executive to sign off the final document 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 ended at 9.31 am**

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## **SOUTH BUCKS DISTRICT COUNCIL**

### **MINUTES** of the meeting of the **CABINET** held on **10 January 2020**

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

#### **26. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

The Cabinet 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 Examiners report which was received on 13 December 2019.

The Acting Chief Executive reported that the Charging Schedule would help provide more certainty with regard to the provision of infrastructure which would apply to most developments. The Lead Local Plan Consultant reported that 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 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.

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 S 106 agreements its entitlement to a positive claw-back of a proportion of any sale values in excess of the aforementioned forward estimates."

Cabinet Members supported the additional recommendation where the Council could consider using its compulsory purchase powers for planning purposes when faced with landowners reluctant to bring forward the development of sites allocated in the Local Plan.

### **RECOMMENDED to Council**

- 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.**

**The meeting ended at 9.12 am**

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## **SOUTH BUCKS DISTRICT COUNCIL**

### **MINUTES** of the meeting of the **CABINET** held on **9 October 2019**

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

Apologies for absence: P Hogan

#### **19. MINUTES**

The minutes of the meeting of Cabinet held on 27 June 2019 were approved and signed by the Cabinet Leader as a correct record.

#### **20. DECLARATIONS OF INTEREST**

There were no declaration of interest.

#### **21. FORWARD PLAN OF EXECUTIVE DECISIONS**

The Cabinet noted that the next 28 day Notice and Forward Plan was due to be published by Friday 6<sup>th</sup> December. The Cabinet also noted that the Air Quality Action Plan was due to go to the next Cabinet for approval following the conclusion of the consultation process.

#### **22. PERFORMANCE REPORT - Q1 2019/20**

Cabinet received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for quarter 1 of 2019-20.

Cabinet noted that with regards to the percentage of food premises improving their food hygiene rating from 0-2 to achieve a rating of 3 and above, that although it was under the quarterly target of 12.5% at 5.3%, this was a cumulative indicator and that the target should be reached at the end of 2019/20.

**RESOLVED** that the performance reports be noted.

#### **23. FOOD AND HEALTH AND SAFETY BUSINESS PLANS**

The Cabinet received a report which sought approval for the adoption of the Joint Food and Health and Safety Service Plan 2019/20, the Food Policy 2019/20 and the Health and Safety Enforcement Policy 2019/20.

The Food Standards Agency's (FSA) Code of Practice and the Health and Safety Executive (HSE) required local authorities to produce and publish an annual service plan that demonstrated how the authorities were working to deliver its food safety and health and safety services. The Office for Product Safety and Standards also required local authorities to produce and publish their enforcement policies and to ensure that they complied with The Regulator's Code.

In response to a query, the Acting Chief Executive advised that the Environmental Health Team work closely with other service areas, such as Economic Development, to ensure a co-ordinated approach across the Council.

**RESOLVED** that, subject to the approval of Chiltern District Council, the Joint Food and Health and Safety Service Plan 2019/20, the Food Policy 2019/20 and the Health and Safety Enforcement Policy 2019/20 be approved.

24. **REPORT ON SPECIAL URGENCY - INTER AUTHORITY AGREEMENT FOR BUCKINGHAMSHIRE COUNTY COUNCIL LEGAL SERVICES**

The Cabinet received a report which informed members of the urgent implementation of a decision taken on 25 September 2019 by the Portfolio Holder for Resources on an Inter Authority Agreement (IAA) for Buckinghamshire County Council Legal Services, as required by Section 4.2 of the Council's Overview and Scrutiny Procedure Rules. The Cabinet noted that this would also be reported to the next meeting of Full Council.

The decision taken was that South Bucks District Council enter into an Inter Authority Agreement with Chiltern District Council and Wycombe District Council, for the provision of legal services to Buckinghamshire County Council, from 1 October 2019 to 31 March 2020 and that the Head of Legal and Democratic Services be authorised to agree the final terms and conditions of the IAA.

Under Rule 4.2 of the Council's Overview and Scrutiny Procedure Rules the Chairman of Overview and Scrutiny Committee agreed to the urgent implementation of the Portfolio Holder's decision without the call-in procedure applying because implementation was required from 1 October 2019 which was before the call in period was due to end. Implementation was required from 1 October 2019 because Buckinghamshire County Council's external legal services contract with HB Public Law was terminated on 30 September 2019.

**RESOLVED** that the report be noted.

25. **POLICY ADVISORY GROUP MINUTES (AVAILABLE IN SUPPLEMENT PACK)**

The Policy Advisory Group minutes in the supplement pack were noted.

**The meeting ended at 6.15 pm**

<b>REPORT SUBJECT:</b>	<i>Performance Report Quarter 3 2019-20</i>
<b>RELEVANT MEMBER:</b>	<i>Leader of the Council – Councillor Nick Naylor</i>
<b>RESPONSIBLE OFFICER</b>	<i>Director of Resources – Jim Burness</i>
<b>REPORT AUTHOR</b>	<i>Ani Sultan (01494 586 800)</i>
<b>WARD(S) AFFECTED</b>	<i>Report applies to whole district</i>

### 1. Purpose of Report

This report outlines the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 3 of 2019-20.

### RECOMMENDATION

Cabinet is asked to note the performance reports.

### 2. Executive Summary

Overview of Quarter 3 of 2019-20 performance indicators (PIs) against targets across the Council:

Portfolio	No of PIs	PI on target □	PI slightly below target □	PI off target □	Not reported this quarter/ not used	Awaiting data	Data Only
Leader's	3	3	0	0	0	0	0
Resources	4	4	0	0	0	0	0
Healthy communities	18	6	1	0	3	0	8
Planning & Economic development	18	14	0	0	0	0	4
Environment	4	3	0	0	1	0	0
Customer & Business Support	9	4	1	0	3	0	1
<b>Total PIs</b>	<b>56</b>	<b>34</b>	<b>2</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>13</b>

### 3. Reasons for Recommendations

3.1. This report details factual performance against pre-agreed targets.

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

3.3. Two detailed performance tables accompany this report:

- **Appendix A – Priority** Quarter 3 of 2019-20
- **Appendix B – Corporate PIs** Quarter 3 of 2019-20

### 4. Key points to note:

4.1. There are no PIs marked as awaiting data.

4.2. All priority PIs are on target.

4.2.1. **Leaders:** All PIs within the Leader’s portfolio are on target.

4.2.2. **Resources:** All PIs are on target.

4.2.3. **Healthy Communities:** SbEH2 (Percentage of food premises improving their Food Hygiene rating from 0-2 to 3 or above) is under the target at 27%. There are a multitude of external factors that affect this PI. As a re-inspection is not mandatory, the cost, lack of time, and the fact that some premises attract customers despite their rating, means they often will not reapply for inspection. It is important to note that the Environmental Health team do revisit to ensure compliance so there is no public safety risk.

4.2.4. **Planning & Economic Development:** All PIS within the Planning & Economic Development portfolio are on target.

4.2.5. **Environment:** All PIs for this portfolio are on target.

4.2.6. **Customer & Business Support:** JtBS2 (Percentage of calls to ICT helpdesk resolved within agreed timescales) is under target of 95% at 85%. This is due to staff absence on the Service Desk, unitary projects and the Windows 10 roll-out.

**5. Consultation**

Not applicable.

**6. Options**

Not applicable.

**7. Corporate Implications**

7.1 Financial - Performance Management assists in identifying value for money.

7.2 Legal – None specific to this report.

7.3 Crime and Disorder, Environmental Issues, ICT, Partnership, Procurement, Social Inclusion, Sustainability – reports on aspects of performance in these areas.

**8. Links to Council Policy Objectives**

Performance management helps to ensure that performance targets set through the service planning process are met, and that any dips in performance are identified and resolved in a timely manner.

This report links to all three of the Council’s objectives, listed below:

Objective 1 - Efficient and effective customer focused services

Objective 2 - Safe, healthy and cohesive communities

Objective 3 - Conserve the environment and promote sustainability

**9. Next Step**

Once approved, this report and appendices will be published on the website.

<b>Background Papers:</b>	N/A
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Appendix A - Priority PIs 2019-20 - SBDC

Code	Title	Target 2018/19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	2019/20	Traffic Light	Target 2019/20	Comments	
<b>Leader's portfolio</b>																			
JtHR1	Working days lost due to sickness absence	10	10.7	9.4	7.4	6.7	6.1	6.0	6.4	6.2	6.4					☑	10	209.50 working days lost for December + 1,243 (working days lost for April - November) = 1,452.50 1,452.50 / 301.01 (average FTE figure) = 4.83 / 9 x 12 = 6.44 average working days lost to sickness absence (cumulative). These figures relate to absence days from 53 employees	
JtHR12	Working days lost due to short term sickness absence (up to 20 working days)	5	5.5	4.3	3.3	2.9	2.6	2.7	3.1	3.1	3.3					☑	5	135 working days lost for December + 614 (working days lost for April - November) = 749 749 / 301.01 (average FTE figure) = 2.49 / 9 x 12 = 3.32 average working days lost to short term sickness absence (cumulative). The figures related to absence from 48 employees	
JtHR13	Working days lost due to long term sickness absence (more than 20 working days)	5	4.9	5.2	4.1	3.7	3.5	3.3	3.3	3.1	3.1					☑	5	74.50 working days lost in December + 629 (working days lost for April - November) = 703.50 703.50 / 301.01 (average FTE figure) = 2.34 / 9 x 12 = 3.12 average working days lost to long term sickness absence (cumulative). This absence relates to 5 employees	
<b>Resources</b>																			
SbRB1	Speed of processing - new HB/CTB claims (cumulative)	18	25.3	21.9	20.4	19.5	19.0	19.0	18.5	18.8	18.6					☑	19	Target achieved.	
SbRB2	Speed of processing - changes of circumstances for HB/CTB claims (cumulative)	8	9.2	9.3	8.8	8.3	7.8	7.6	7.5	7.4	7.3					☑	8	Target achieved.	
SbRB3	Percentage of Council Tax collected (cumulative)	98.0%	11.1%	20.0%	29.2%	38.3%	47.2%	56.2%	65.5%	75.6%	83.2%					☑	98.5%	Target achieved.	
SbRB4	Percentage of non-domestic rates collected (cumulative)	98.8%	11.8%	20.3%	29.0%	38.2%	46.4%	55.4%	63.9%	75.0%	81.4%					☑	98.9%	Target achieved.	
<b>Healthy Communities</b>																			
SbHS1	Number of applicants with/expecting children who have been in B & B accommodation for longer than 6 weeks (snapshot figure at end of month)	18	1.0	3.0	1.0	3.0	3.0	2.0	1.0	1.0	0.0					☑	18	None as at 31/12/9	
SbHS7	Number of households living in temporary accommodation (snapshot at the end of the month)	68	50.0	53.0	48.0	35.0	38.0	47.0	38.0	40.0	41.0					☑	68	Total comprises (i) 14 households in Walters Court/Winton Cottage (ii) 14 x Private Sector Leasing (iii) 7 x B&B or other nightly booked (iv) 3 x Bucks HA properties and (v) 3 x other Registered Provider accommodation	
<b>Planning and Economic Development</b>																			
SbPED9	Processing of planning applications: major applications processed within 13 weeks (cumulative)	90%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%					☑	90%	34 of 34 determined within target - cumulative figure 2 of 2 determined within target - this month's figure	
SbPED10	Processing of planning applications: minor applications processed within 8 weeks (cumulative)	85%	93.3%	94.1%	95.9%	94.5%	95.9%	96.8%	97.3%	97.1%	95.5%					☑	85%	191 of 200 determined within target - cumulative figure 22 of 26 determined within target - this month's figure	
SbPED11	Processing of planning applications: other applications processed within 8 weeks (cumulative)	85%	95.5%	96.5%	95.5%	95.9%	96.6%	96.0%	96.2%	96.6%	96.9%					☑	85%	504 of 520 determined within target - cumulative figure 47 of 47 determined within target - this month's figure	
<b>Environment</b>																			
SbWR2	Percentage of household waste sent for reuse, recycling and composting (cumulative)	53%	54.0%	55.8%	56.7%	56.1%	56.4%	56.3%	55.9%	55.8%	55.3%					☑	53%	Decrease in recycling / composting which is to be expected this time of year.	

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Appendix B - Corporate PIs 2019-20 - SBDC

Code	Title	Target 2018/19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	2019/20	Traffic Light	Target 2019/20	Comments	
<b>Leader's Portfolio</b>																			
<b>Customer and Business Support</b>																			
JtBS1 (C)	Availability of ICT systems to staff from 8am to 6pm (by period)	99.5%			98.9%			97.9%			99.4%					✓	99.5%	On target.	
JtBS2 (C)	Percentage of calls to ICT helpdesk resolved within agreed timescales (by period)	95%			94.9%			90%			85.0%					⚠	95%	Staff absences on the Service Desk coupled with Unitary projects and the Windows 10 roll out to all staff affected this KPI.	
SbBS3	Percentage of responses to FOI requests sent within 20 working days (by month)	90%	100.0%	91.4%	89.1%	87.3%	79.3%	86.8%	93.9%	91.7%	90.2%					✓	90%	Target achieved.	
SbCS1	Number of complaints received (cumulative, quarterly)	80			NA			87			79					NA	Data Only	This is a combined figure for Chiltern and South Bucks, and some Wycombe waste complaints.	
SbCS2	New measure for compliments - t.b.a.	TBA	NA	NA	NA	NA	NA	NA	NA	NA	NA					NA	TBA	Currently working out how to report this.	
JtLD1 (C)	Client satisfaction with the shared service. Percentage satisfied or very satisfied.	98%			NA			100%			NA					✓	98%	Not reported this quarter	
SbLD1	Percentage of canvass forms returned	94%														NA	94%	Not reported this quarter	
SbLD2	Standard searches carried out within 5 working days (cumulative)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%					✓	100%	Target achieved.	
SbLD3	Standard searches carried out within 10 working days (cumulative)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%					✓	100%	Target achieved.	
<b>Healthy communities</b>																			
SbCL1a	Customer satisfaction rating at the Beacon Centre.	84%														NA	85%	Annual indicator	
SbCL1b	Customer satisfaction rating at the Evreham Centre.	82%														NA	82%	Annual indicator	
JtL11 (C)	Percentages of licences received and issued/renewed within statutory or policy deadlines (cumulative).	97%			99.1%			98.8%			99.7%					✓	97%	Target achieved.	
SbEH1	Percentage of food hygiene inspections of category A – D food businesses achieved against the inspections due by quarter	91%			100%			100%			100%					✓	96%	Target achieved.	
NEW PI SbEH2	Percentage of food premises improving their Food Hygiene Rating from 0-2 rating to achieve rating of 3 and above	NEW PI			5.3%			12.5%			27%					⚠	50% annual target	PI on track	
SbHS2	Number of affordable homes delivered by (i) new build (ii) vacancies generated by local authority scheme (iii) acquisition of existing properties for social housing (cumulative)	22 5.5/qtr			30			90			104					✓	22 5.5/qtr	Total to date in 2019/20 consists of (i) 104 new build units (Denham Studios scheme - 63 x rented and 27 x shared ownership by L&Q / 14 x temporary accommodation units at Walters Court and Winton Cottage) (ii) 0 and (iii) 0	
SbHS3	Average Length of stay in B & B temporary accommodation for all households (snapshot at end of period)	22			12			6			11					✓	22 weeks	A total of 12 placements ended during the quarter with an average stay of 11 weeks per placement	
SbHS4	Number of private sector dwellings vacant for more than 6 months and returned to occupation following local authority intervention	15														NA	15	Annual indicator	
SbHS9	Total Number of homelessness case decisions (monthly)	DATA ONLY	4	9	1	12	2	6	5	12	3					Data only	DATA ONLY	3 decisions issued on main duty following end of homelessness relief duty	
SbHS10	Number of homelessness cases accepted for main housing duty (monthly)	DATA ONLY	4	7	1	10	2	3	2	11	2					Data only	DATA ONLY	2 applications determined as being subject to main housing duty	
SbHS11	Average time to issue decision on all homelessness applications (monthly)	DATA ONLY	22	4	2	5	5	11	4	5	3					Data only	DATA ONLY	Average time to issues main duty decision following end of relief duty was 3 working days	
SbHS12	% of applications decided within 33 working days (monthly)	DATA ONLY	75%	100%	100%	91%	100%	100%	100%	100%	100%					Data only	DATA ONLY	All applications had the final duty decision determined within 33 working days of relief duty ending	
SbHS13	% of Homelessness Applicants who had a local connection to South Bucks (monthly)	DATA ONLY	75%	100%	100%	84%	100%	100%	100%	100%	100%					Data only	DATA ONLY	3 out of 3 applicants	
SbHS14	% of Homelessness Applicants who had rent arrears on former tenancy (monthly)	DATA ONLY	0%	0%	0%	8%	0%	16%	0%	16%	33%					Data only	DATA ONLY	1 applicant had rent arrears on a former tenancy1 x applicant had previous arrears	
SbHS15	% of Homelessness Applicants with multi-agency involvement (monthly)	DATA ONLY	75%	44%	0%	16%	50%	33%	20%	16%	0%					Data only	DATA ONLY	0 with multi agency involvement	
SbHS16	Average length of stay in temporary accommodation (monthly)	DATA ONLY	7	14	14	5	6	15	17	6	14					Data only	DATA ONLY (weeks)	4 placements in B&B ended during December with average stay of 14 weeks (overall average was inflated by one long term placement ending)	
<b>Planning and Economic Development</b>																			
JtBC1 (C)	Applications checked within 10 working days (cumulative)	92%	100%	95.3%	98.2%	97.4%	97.6%	93.5%	96.8%	98.6%	98.4%					✓	95%	Target achieved.	
JtBC2 (C)	Customer satisfaction with the building control service. (cumulative)	92%	100%	100%	100%	100%	100%	95.7%	96.7%	97.7%	98.0%					✓	92%	Target achieved.	

Code	Title	Target 2018/19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	2019/20	Traffic Light	Target 2019/20	Comments
JtENF1(C)	Number of new enforcement cases received (monthly)	DATA ONLY	52	62	65	50	56	58	61	48	46					DATA ONLY	DATA ONLY	DATA ONLY
JtENF2(C)	Number of closed cases (monthly)	DATA ONLY	53	64	66	37	62	82	68	57	69					DATA ONLY	DATA ONLY	DATA ONLY
JtENF3(C)	Number of PCNs (or S330s) issued (monthly)	DATA ONLY	0	0	0	0	0	0	0	2	0					DATA ONLY	DATA ONLY	DATA ONLY
JtENF4(C)	Number of notices served (monthly)	DATA ONLY	0	1	1	0	0	0	1	1	0					DATA ONLY	DATA ONLY	DATA ONLY
SbPED2	Planning appeals allowed (cumulative)	35%			9.1%			19.2%			18%					☑	35%	7 of 38 allowed or part allowed appeals (cumulative total) 2 of 12 allowed or part allowed appeals (quarter total) Note: How this indicator is calculated has been revised. This includes, all appeal types. Appeals against -Refusal of planning permission, -Imposition of conditions -Non-determination -Enforcement notices All applications that have development types that are reported to the Government on the PS2 return and PS1, questions 6 and 7 and all appeals against enforcement
SbPED47	2020 Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2019 (cumulative, monthly)	9.99%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%	5.6%					☑	9.99%	3 of 54 Application allowed/part allowed on appeal: Major Decision period: Apr 2017 – Mar 2019 Appeal period: Apr 2017 – Dec 2019 QUALITY Target: less than 10%
SbPED48	2020 Non-Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2019 (cumulative, monthly)	9.99%	0.6%	0.7%	0.7%	0.7%	0.7%	0.7%	70.0%	0.7%	0.7%					☑	9.99%	17 of 2283 Application allowed/part allowed on appeal: Non-Major Decision period: Apr 2017 – Mar 2019 Appeal period: Apr 2017 – Dec 2019 QUALITY Target: less than 10%
SbPED49	2021 Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2020 (cumulative monthly)	60%	96.2%	96.8%	97.0%	97.4%	97.7%	97.9%	98.0%	98.2%	98.2%					☑	60%	55 of 56 speed Applications determined: Major Decision period: Oct 2018 - Sep 2020 SPEED Target: 60% or more
SbPED50	2021 Non-Majors speed of planning decisions - special measures 2 year assessment period ending Sep 2020 (cumulative monthly)	70%	93.3%	93.8%	93.8%	94.0%	94.5%	94.6%	94.8%	95.1%	95.1%					☑	70%	1171 of 1232 speed Applications determined: Non-Major Decision period: Oct 2018 - Sep 2020 SPEED Target: 70% or more
SbPED51	2021 Majors quality of planning decisions - special measures 2 year & 9 month assessment period ending Dec 2020 (cumulative monthly)	9.99%	0.00%	0.00%	0.00%	0.00%	1.89%	1.75%	1.67%	1.59%	1.54%					☑	9.99%	1 of 65 Application allowed/part allowed on appeal: Major Decision period: Apr 2018 – Mar 2020 Appeal period: Apr 2018 – Dec 2020
SbPED52	2021 Non-Majors quality of planning decisions – special measures 2 year and 9 month assessment period ending December 2020 (cumulative, monthly)	9.99%	0.17%	0.31%	0.22%	0.21%	0.26%	0.38%	0.36%	0.36%	0.44%					☑	9.99%	8 of 1820 Application allowed/part allowed on appeal: Non-Major Decision period: Apr 2018 to Mar 2020 Appeal period: Apr 2018 to Dec 2020 QUALITY Target: less than 10%
SbPED53	2022 Majors speed of planning decisions – special measures 2 year assessment period ending Sep 2021 (cumulative, monthly)	60.00%						95.77%	100.00%	100.00%	100.00%					☑	60.00%	8 of 8 speed Applications determined: Major Decision period: Oct 2019 - Sep 2021 SPEED Target: 60% or more

Code	Title	Target 2018/19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Jan-20	Feb-20	Mar-20	2019/20	Traffic Light	Target 2019/20	Comments
SbPED54	2022 Non-Majors speed of planning decisions – special measures 2 year assessment ending September 2021 (cumulative, monthly)	70%						90.1%	98.6%	98.7%	97.3%					☑	70%	217 of 223 Applications determined: Non-Major Decision period: Oct 2019 - Sep 2021 SPEED Target: 70% or more
<b>Environment</b>																		
SbWR1	Number of household collections missed per month (calculated by P&C team on weekly basis)	100	97	94	94	69	68	99	98	89	82					☑	100	Target achieved
SbWR4	No of missed assisted collections (monthly)	35	25	24	26	24	26	12	25	21	15					☑	35	Target achieved
SbSE1	Cumulative CO2 reduction from local authority operations from base year of 2008/09	12%														NA	12%	Reported annually

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<b>SUBJECT</b>	<b>Waste collection, recycling and street cleansing contract for Chiltern, Wycombe and South Bucks District Areas (Part 1)</b>
<b>RELEVANT MEMBER</b>	Cllr Luisa Sullivan, Portfolio Holder for Environment
<b>RESPONSIBLE OFFICER</b>	Steve Bambrick, Acting Chief Executive
<b>REPORT AUTHOR</b>	Chris Marchant, (01895) 837360, <a href="mailto:chris.marchant@chilternandsouthbucks.gov.uk">chris.marchant@chilternandsouthbucks.gov.uk</a>
<b>WARD/S AFFECTED</b>	All Wards

## 1. Purpose of Report

- 1.1 This report updates Members on the procurement project to deliver a new waste collection, recycling and street cleaning contract, (hereafter called the contract), covering the current Council areas of Chiltern, South Bucks and Wycombe and seeks approval to the necessary financial commitment to enable the award of the contract.

### RECOMMENDATIONS:

1. **To note the background and progress on the waste, recycling and street cleansing contract procurement project.**
2. **To award a contract to the preferred bidder for a new waste collection, recycling and street cleansing contract for the Chiltern, South Bucks and Wycombe areas having regard to the procurement and financial information contained within this report and the confidential Appendix.**

## 2. Executive Summary

- 2.1 The following recommendations were considered by the Shadow Executive (18<sup>th</sup> February) and Members will be updated verbally as to the outcome of the meeting.
1. To note the background and progress on the waste, recycling and street cleansing contract procurement project.
  2. To approve the financial commitment for a new waste collection, recycling and street cleansing contract for the Chiltern, South Bucks and Wycombe areas, having regard to the procurement and financial information contained within this report and the confidential Appendix, which is in line with the approved budget.
  3. To note that the award of this contract is also being reported to Chiltern, South Bucks and Wycombe Council Cabinets for approval.



### **3. Reasons for Recommendations**

- 3.1 To ensure the continued delivery of an effective waste collection, recycling and street cleaning service after the current contracts have expired and ensure that statutory requirements are met for the new Buckinghamshire Council.
- 3.2 To safeguard the financial position of the new Buckinghamshire Council in relation to its expenditure on waste collection services.

### **4. Content of Report**

#### Background

- 4.1 A new contract is being procured following previous reports to Members at the District Councils and the Shadow Executive regarding this matter including:
  - 23rd April 2018 – A decision by Chiltern, South Bucks and Wycombe Councils at the Joint Waste Collection Committee to procure a new contract for Chiltern, South Bucks and Wycombe with delegations provided to officers to implement.
  - 27th August 2019 – CDC Cabinet decision to continue with the procurement.
  - 8th October 2019 – Shadow Executive – Members noted the decision taken by the Districts that the procurement should continue and that the current contract should be extended until September 2020. An officer acting on behalf of the Shadow Executive was delegated to be involved in the procurement exercise in an advisory capacity.
  - 22nd October 2019 – Shadow Executive – The decision taken in accordance with the spending protocol that was reviewed and agreed following the direction from MHCLG.
- 4.2 The existing contract with Serco for Chiltern and Wycombe District Councils expires on 3<sup>rd</sup> March 2020. The contract for South Bucks District Council with Biffa expires on 30<sup>th</sup> October 2021. The Serco contract has been extended to end on 6<sup>th</sup> September 2020 in line with the start date of the new contract to ensure continuity of service delivery.
- 4.3 This project is being managed overall by District Council officers with external legal / procurement advisors providing support. The project sits under the unitary waste work stream within the Communities Programme Board. The Shadow Executive has had an officer representative on the procurement project board who also participated in the last round of competitive dialogue.
- 4.4 The new contract will be awarded by the District Councils prior to vesting day and then implemented after the new Buckinghamshire Council is established. The priority has been to ensure continuity of service provision and a high standard of service delivery for residents.



The procurement process

- 4.5 The procurement programme is attached and shown as **Appendix A** and a robust and compliant procurement process has been implemented. In order to ensure that the procurement was of interest to bidders and to understand any key matters that would affect bidder interest, soft market testing meetings took place with key suppliers. The key issue arising from the soft market testing was a recognition of the concerns from suppliers about the volatility of the market for recycling materials and the resulting high financial risk that could lead to risk based pricing. To address this, issue a mechanism was developed for suppliers to pay the current market value of the recycling direct to the Councils which would be determined by reference to recycling market indicators.
- 4.6 Following this process, the OJEU notice was submitted on the 14<sup>th</sup> November 2018. The procurement procedure chosen was that of a competitive dialogue so that discussions on matters of risk partition could take place to ensure value for money and high quality service delivery could be achieved in compliance with the specification.
- 4.7 Interested parties had to complete the Government's standard selection questionnaire form and following evaluation, 3 suppliers were chosen to take part in the competitive dialogue process. Suppliers were assessed for their competence in waste collection, financial stability and safe working practices.
- 4.8 In order to complete the procurement within the agreed timeframe a single stage competitive dialogue was chosen with 2 planned rounds of negotiation and no de-selection in the middle of the process so 3 suppliers would start the process and 3 suppliers would be able to submit a tender at the end of the negotiation process.
- 4.9 Suppliers had to submit an initial version of their tenders for assessment (which were not scored) so that the officers could ensure that the quality and affordability were in line with expectations. The initial planned round of negotiation preceded the submission of this tender and the second round of negotiation enabled officers to provide feedback on areas for improvement.
- 4.10 Suppliers were given clear instructions that the service experienced by customers should be an evolution of the existing service. Thus, radical solutions which could lead to customer confusion or a reduced quality of material collected for recycling were ruled out. Tenders have been evaluated on the agreed 60% Quality and 40% Finance / Price.
- 4.11 3 compliant tenders were received and evaluation of these has now been completed by the team of officers and advisors. Consequently, an award decision is now being sought.

- 4.12 Part 2 of this report provides the details of the evaluation of the submission from the 3 bidders. Each submission has been rigorously evaluated and the project team are reassured by the resource level being provided for this service.
- 4.13 Immediately after the last Cabinet meeting to approve the financial commitment for the new contract (and any associated call in), the project will enter the “standstill” phase in which unsuccessful bidders have a minimum of 10 calendar days to challenge the result of the evaluation of the tenders.
- 4.14 In order not to elevate the risk during the critical standstill phase the bidders’ names have not been disclosed at this stage and the financial information is contained within the confidential part 2 report.

#### Contract details

- 4.15 The new contract builds on the previous joint working between Chiltern and Wycombe Councils on the existing contract and will eventually serve all the properties across the southern part of the new Buckinghamshire Council area.
- 4.16 The new service will be the same specification as the current service and in summary will provide:
- ✓ Week 1 – boundary residual waste collection (via a grey wheeled bin) and food waste.
  - ✓ Week 2 – boundary mixed recycling collection plastic, glass & cans (via a blue wheeled bin), mixed papers / card via boxes and food waste.
  - ✓ There will be a modified service using reusable / disposable bags for properties with limited storage for containers (for example flats above shops) and assisted collections for residents that require this service.
  - ✓ Bulk bin collections in flats for waste and recycling.
  - ✓ Street cleansing services – litter removal from verges / streets and mechanical sweeping of edge of highway on all roads i.e. urban and rural on a schedule basis to meet the Environmental Protection Act standards.
  - ✓ Various associated services such as fly tipping removal (not from the highway), abandoned vehicle removal, medical waste collection, sign cleaning, car park and town centre cleaning.
  - ✓ Provision and maintenance of all containers required. 240 litre wheeled bins will be used for residual waste and mixed recycling unless residents request a smaller bin or apply for a larger bin for larger families.
  - ✓ Provision and management of all the fleet required and depot locations.
  - ✓ Sale of all recycling materials collected.
  - ✓ Household collection of small electrical items and textiles.

There will be some collection date changes during the roll out and also at the point when the South Bucks area joins the contract. These will be fully communicated to

residents and all collections for residents will all take place on the same day each week but individual materials may be collected by different vehicles.

- 4.17 The successful contractor will be required to achieve a number of performance standards in line with industry best practice and a comprehensive performance management system will be implemented. Penalties will be levied for any service failures not rectified within the agreed time period. The supplier will provide in the order of 1.5 million container collections a month at the start of the contract, 12,000 assisted collection containers a month and some of the performance targets will include:
- Missed Collections (each container) from Households shall not exceed 60 Missed Collections per 100,000 Scheduled Collections in any one month.
  - Missed Assisted Collections from Households shall not exceed 0.03% of Assisted Collections in the Waste Collection Schedule in any one month.
- 4.18 The supplier will link their operational software systems to the Councils' adopted operational management system and related customer service systems which will provide clear visibility and insight of service performance. This will be a significant part of the mobilisation project. Comprehensive performance management system with customer surveys will be in place to monitor and manage performance.
- 4.19 The new contract duration is for 10 years with a further possible 10-year extension period. However as agreed by the Shadow Executive and discussed in dialogue with the bidders, there is also an option for the new authority to exercise a contract break clause from year 5.
- 4.20 The preferred bidder has identified the capital investment they require to provide a replacement fleet to modern fuel efficiency levels and pedestrian protection measures and carry out improvements at the depots. Further detail is provided in part 2 of this report. This investment will be funded through the agreed capital programme in order to benefit from the lower interest rates available to Councils. The depots provide parking, offices, storage and bulking of recycling and vehicle maintenance and bidders could choose to use any one of these existing 3 facilities:
- ✓ London Road Depot, Amersham
  - ✓ Clay Lane, High Wycombe
  - ✓ Dropmore Road, Burnham

#### Mobilisation and next steps

- 4.21 Members will note from the procurement programme that the key next steps are:
- Contract award standstill period ends following the final Member decision on 19<sup>th</sup> March 2020

- Definitive preferred bidder letter issued 19<sup>th</sup> March 2020
- Contracts engrossed and sealed by 31<sup>st</sup> March 2020
- Mobilisation from 19<sup>th</sup> March to 7<sup>th</sup> September 2020
- Service starts for Chiltern and Wycombe areas 7<sup>th</sup> September 2020
- Service starts for South Bucks 1<sup>st</sup> November 2021

4.22 There is now a significant amount of work to do after the tender award to successfully mobilise the new service for the first phase for CDC & WDC on 7<sup>th</sup> September 2020. Officers have been conscious throughout of the need to allow the suppliers an adequate time to mobilise including the implementation of new vehicles, collection calendars and communications, depot adaptations and arrangements for the marketing of the recycling materials. The period assigned for mobilisation stands at 154 days.

4.23 The mobilisation programme will be managed through the management structure of the new Authority and additional resources required to ensure strong project governance is in place. Regular customer and Member updates will be provided during this process and will be the subject of further reports as required.

4.24 The programme of work includes all the necessary changes to the customer contact experience through phone, website with online forms or apps to ensure customer accounts are as aligned as possible for start of the new contract. This is being addressed through the governance of the Communities Board by the waste work stream linking to communication and customer service teams.

4.25 Ahead of 1<sup>st</sup> April 2020 AVDC & SBDC vehicles will be rebranded and 10 AVDC & 7 SBDC vehicles will have new panels fitted promoting the new Council. The approach to the remaining CDC / WDC vehicles is being agreed. Uniforms will begin to change on a phased basis to the new branding as the current stock is used.

## **5. Consultation**

5.1 There has been no formal public consultation as part of this procurement project as the services to residents are not being changed. Minimal changes to the associated fees and charges are currently proposed to take place in 2020/21 which form part of the wider fees and charges proposals already agreed by the Shadow Executive.

## **6. Options**

- To accept the tender from the preferred bidder C.
- Not to accept the tender from the preferred bidder. This will present a significant financial risk, a possible legal challenge and may result in a high risk of service interruption.

## 7. Corporate Implications

- 7.1 Financial – Provisions have been made in the current medium term financial plan and draft budget for the new Council and the implications for both revenue and capital and this is covered in the Part 2 report.
- 7.2 Legal – There is a statutory duty to provide household waste collections, separately collect recycling and to keep streets and land for which local authorities are responsible clean and litter free. The proposed award of the contract to provide these services in the Chiltern, South Bucks and Wycombe district areas ensures that these statutory duties are met.
- 7.3 This is a key critical service and the new contract and specification will help to ensure a consistently high standard of service delivery and will seek to meet residents' expectations. The procurement process remains on schedule for the new service commencement date of 7th September 2020 for CDC & WDC areas and 1st November 2021 for SBDC area. The contract will meet the required service provision to support the corporate objectives.
- 7.4 From 1st April 2020 Buckinghamshire Council will become the waste collection authority, the waste disposal authority and the principle litter authority under the Environmental Protection Act 1990. The Council will have a statutory duty to collect household waste and to separately collect recyclable waste. The Council also has a duty under the 1990 Act to ensure so far as is practicable that the roads for which it is responsible are clear of litter and refuse and kept clean. As principle litter authority it has a duty to keep its own land clear of litter and refuse so far as is practicable. The award of this contract will ensure that these statutory duties are met.
- 7.5 The procurement has been delivered in full compliance with the Public Contract Regulations 2015. The district councils have engaged external legal support for the procurement process and preparation of the contract.
- 7.6 Key Risks – There are a number of issues and risks that have been considered as part of this project and these are detailed within the project risk register and are being managed / mitigated. The key risks / mitigations are summarised as below. Continuity of service delivery will be facilitated by avoiding procurement challenge and by effectively project managing the mobilisation process:

<b>Key Risk</b>	<b>Mitigation</b>
Affordability not realised	Competitive tender process including early market engagement regarding any key commercial issues
Market failure	Robust procurement process with market

	engagement
Existing vehicles available for new supplier	Ensure correct planned and reactive maintenance arrangements are in place
Under resourcing of project	Full project team and consultants in place
Delay in implementation	Effective programme management including an adequate period for contract mobilisation
Procurement challenge	Ensure legal / procurement advice is followed
Service provision and service quality including the contract mobilisation period	Through robust contract and performance management, ensure that the services are managed effectively and any matters of poor performance are addressed swiftly

**8. Unitary Implications**

8.1 Under the agreed spending protocol this matter has been reported to the Shadow Executive.

**9. Links to Council Policy Objectives**

9.1 This matter supports the Councils’ Policy Objectives.

9.2 An equalities impact assessment has not been carried out at this procurement stage as the service to residents is not changing. If any service changes considered at a future point, an equalities impact assessment would be undertaken.

**10. Next Steps**

10.1 Communications activities are in place as part of the procurement process. A full customer / Member communications plan will be developed as part of the mobilisation period once the preferred bidder has been approved. Members will be updated throughout the process including when key milestones are achieved.

<b>Background Papers:</b>	Officer working papers
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## Appendix A - Procurement Timeline

Joint Lean CD V26 17th January 2019, tender assessment, calendar days and no contingency- BOARD"	Duration	Start	Finish
Board meeting	1d	Mon 20/08/18	Mon 20/08/18
Invitation to Soft market test on pre-arranged dates	25d	Tue 21/08/18	Mon 17/09/18
Soft market testing	2d	Tue 18/09/18	Wed 19/09/18
Further analysis of findings	5d	Tue 18/09/18	Sun 23/09/18
Document finalisation and governance	30d	Sun 23/09/18	Fri 26/10/18
OJEU issued	0d	Wed 14/11/18	Wed 14/11/18
Response time part 1	18d	Wed 14/11/18	Tue 04/12/18
Bidders' day	1d	Tue 04/12/18	Wed 05/12/18
Response time part 2	5d	Wed 05/12/18	Mon 10/12/18
Deadline for clarifications	0d	Mon 10/12/18	Mon 10/12/18
Response time part 3	7d	Tue 11/12/18	Tue 18/12/18
SQs returned	0d	Tue 18/12/18	Tue 18/12/18
SQ evaluation	30d	Tue 18/12/18	Mon 21/01/19
Firms selected	0d	Mon 21/01/19	Mon 21/01/19
Feedback letter standstill to be at the end	1d	Mon 21/01/19	Tue 22/01/19
Contingency	3d	Tue 22/01/19	Fri 25/01/19
Invitation to submit detailed tenders	0d	Fri 25/01/19	Fri 25/01/19
"Bidder initial preparation and responses on materials, vehicle, depots and service configuration; plus 100% co-mingled	16d	Fri 25/01/19	Tue 12/02/19
"Initial dialogue meetings- materials, vehicles, service configuration"	2d	Tue 12/02/19	Thu 14/02/19
Bidder tender preparation 1	38d	Thu 14/02/19	Fri 29/03/19
second dialogue meetings	3d	Fri 29/03/19	Mon 01/04/19
Bidder tender preparation 2	6d	Tue 02/04/19	Mon 08/04/19
Deadline for clarifications- document revisions including capital fund rules	0d	Mon 08/04/19	Mon 08/04/19
Bidder preparation 3	14d	Mon 08/04/19	Wed 24/04/19
Initial tenders submitted	0d	Wed 24/04/19	Wed 24/04/19
Seals broken	0d	Tue 30/04/19	Tue 30/04/19
Compliance check for errors and omissions	2d	Tue 30/04/19	Wed 01/05/19
Scripts issued and evaluation spreadsheets to MS evaluators	1d	Thu 02/05/19	Thu 02/05/19
Individual method assessment into the Eunomia spreadsheet	21d	Fri 03/05/19	Sun 26/05/19
Bank Holiday	1d	Mon 27/05/19	Mon 27/05/19
Consensus meeting on method statements	1d	Tue 28/05/19	Tue 28/05/19
Despatch of contract derogations to Bevan Brittan	1d	Thu 02/05/19	Thu 02/05/19
Bevan Brittan considering derogations	10d	Fri 03/05/19	Tue 14/05/19
Consideration of BB analysis	5d	Tue 14/05/19	Mon 20/05/19
Case conference on derogations and conclusions agreed	0d	Mon 20/05/19	Mon 20/05/19
Issue of Bidders' Financial Model (BFM) to assessors	1d	Thu 02/05/19	Thu 02/05/19

Joint Lean CD V26 17th January 2019, tender assessment, calendar days and no contingency- BOARD"	Duration	Start	Finish
Assessment of BFM	15d	Fri 03/05/19	Mon 20/05/19
Case conference on BFM and consensus agreed	0d	Mon 20/05/19	Mon 20/05/19
Despatch of financial derogations to assessors	1d	Thu 02/05/19	Thu 02/05/19
Assessment of financial derogations	15d	Fri 03/05/19	Mon 20/05/19
Consensus on financial derogations	0d	Mon 20/05/19	Mon 20/05/19
"Issue of finance bid back ("price") to assessors"	1d	Thu 02/05/19	Thu 02/05/19
Assessment of price- based scoring	15d	Fri 03/05/19	Mon 20/05/19
Consensus on price- based scoring	0d	Mon 20/05/19	Mon 20/05/19
Preparation of evaluation report including dialogue positions and dialogue topic list (drafting complete on docs)	6d	Tue 28/05/19	Mon 03/06/19
Invitation to dialogue on pre-published elements on pre-advised days	0d	Mon 03/06/19	Mon 03/06/19
Firm preparation period	13d	Mon 03/06/19	Tue 18/06/19
Dialogue including mobilisation time limits as reflected in MS and plans	28d	Tue 18/06/19	Fri 19/07/19
First Delay added in	14d	Fri 19/07/19	Sun 04/08/19
Planned final round of dialogue (not undertaken)	5d	Sun 04/08/19	Fri 09/08/19
Second delay	16d	Fri 09/08/19	Tue 27/08/19
Decision to proceed again	0d	Thu 12/09/19	Thu 12/09/19
Inertia effect	1d	Thu 12/09/19	Thu 12/09/19
Document finalisation and approval	7d	Fri 13/09/19	Fri 20/09/19
Issue of documents to bidders	0d	Fri 20/09/19	Fri 20/09/19
Bidder preparation time	21d	Fri 20/09/19	Mon 14/10/19
Final dialogue	6d	Mon 14/10/19	Mon 21/10/19
Document revisions in tandem with next WP	14d	Mon 21/10/19	Tue 05/11/19
Dialogue closure decision and associated governance	14d	Mon 21/10/19	Tue 05/11/19
Formal document sign off by	0d	Tue 05/11/19	Tue 05/11/19
Issue of documents to bidders	0d	Tue 05/11/19	Tue 05/11/19
Bidders preparing tenders part 1	7d	Wed 06/11/19	Wed 13/11/19
CIG (dialogue closure report)	0d	Wed 13/11/19	Wed 13/11/19
Bidders preparing tenders part 1	5d	Wed 13/11/19	Tue 19/11/19
ISE	0d	Tue 19/11/19	Tue 19/11/19
Bidders preparing tenders part 1	2d	Tue 19/11/19	Thu 21/11/19
Clarifications deadline	1d	Thu 21/11/19	Fri 22/11/19
Evaluator training	0d	Fri 22/11/19	Fri 22/11/19
Bidders preparing tenders part 2	18d	Fri 22/11/19	Thu 12/12/19
Tenders received	0d	Thu 12/12/19	Thu 12/12/19
Compliance check by Eunomia colleagues part 1	1d	Thu 12/12/19	Fri 13/12/19
Issue of scripts with evaluation spreadsheets to evaluators	0d	Fri 13/12/19	Fri 13/12/19
Legal advisors considering contract derogations	23d	Fri 13/12/19	Wed 08/01/20
ISE	0d	Tue 17/12/19	Tue 17/12/19
Legal scoring consensus	0d	Wed 08/01/20	Wed 08/01/20
Method statement evaluators conduct individual scoring	24d	Fri 13/12/19	Thu 09/01/20



Joint Lean CD V26 17th January 2019, tender assessment, calendar days and no contingency- BOARD"	Duration	Start	Finish
Method statement consensus over 2 days	1d	Thu 09/01/20	Fri 10/01/20
Financial advisors considering the bid back financial appendices (price and robustness) and the financial derogations (liaising with legal)	27d	Fri 13/12/19	Mon 13/01/20
Financial scoring consensus	0d	Mon 13/01/20	Mon 13/01/20
Assembly of evaluation report by Eunomia colleagues	6d	Mon 13/01/20	Mon 20/01/20
Sign off of tender evaluation by the Board	0d	Mon 20/01/20	Mon 20/01/20
CIG (tender evaluation report)	0d	Wed 05/02/20	Wed 05/02/20
Formal Shadow Executive	0d	Tue 18/02/20	Tue 18/02/20
Cabinet reports preparation	21d	Mon 20/01/20	Wed 12/02/20
Cabinet meetings approximate and Full Council for WDC (special meetings)	13d	Wed 12/02/20	Wed 26/02/20
End of call in	7d	Thu 27/02/20	Thu 05/03/20
Standstill	12d	Thu 05/03/20	Thu 19/03/20
Definitive Preferred bidder letter	1d	Thu 19/03/20	Fri 20/03/20
Contracts engrossed and sealed with preferred bidder	15d	Thu 19/03/20	Sun 05/04/20
Mobilisation	154d	Thu 19/03/20	Mon 07/09/20
vehicles FORS silver upgrade"	56d	Thu 19/03/20	Wed 20/05/20
Dilapidations and condition survey at depots	56d	Thu 19/03/20	Wed 20/05/20
New service live for CDC and WDC	0d	Mon 07/09/20	Mon 07/09/20
New service live for South Bucks			

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<b>SUBJECT</b>	Proposed Landscape Scale Habitat Enhancements at Littleworth Common and Burnham Beeches.
<b>RELEVANT MEMBER</b>	Councillor Luisa Sullivan, Portfolio Holder for Environment
<b>RESPONSIBLE OFFICER</b>	Chris Marchant, Head of Environment
<b>REPORT AUTHOR</b>	Simon Gray <a href="mailto:simon.gray@chilternandsouthbucks.gov.uk">simon.gray@chilternandsouthbucks.gov.uk</a>
<b>WARD/S AFFECTED</b>	Burnham

### 1. Purpose of Report

To inform Members about a proposed landscape scale project centred on Littleworth Common Site of Special Scientific Interest (SSSI) - owned by South Bucks District Council - and Burnham Beeches, owned by the City of London Corporation, to be progressed with support and possible funding from the Heathrow Airport Limited extension project.

#### RECOMMENDATION:

**That Cabinet give support for the project at SBDC owned land at Littleworth Common and at Burnham Beeches.**

### 2. Reasons for Recommendations

2.1 The proposed project would enhance the habitats at Littleworth Common and surrounding areas.

2.2 SBDC has a duty under the Natural Environment and Rural Communities (NERC) Act 2006 to enhance biodiversity. (The NERC Act states that "The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.")

2.3 The project would also help towards the 20% target for Biodiversity Net Gain in Buckinghamshire (stated in the Bucks Natural Environment Partnership - NEP - Biodiversity Action Plan 2010 – 2020.)

2.4 This project would involve no funding from the Council other than officer time and would help to achieve the Councils environmental objectives.

2.5 The SBDC area of the proposed project is shown on the map in Appendix A.

### 3. Content of Report

3.1. As part of proposals to extend Heathrow airport, external funding (exact amounts are not known at this time) has been proposed to enhance habitats at the airport

and in surrounding areas, to offset the impact of the proposed third runway and associated buildings/ infrastructure.

- 3.2. It is estimated that 500 – 700 Hectares will be needed to achieve this biodiversity offsetting.
- 3.3. Ecology specialists at Burnham Beeches, Bucks County Council, Plantlife (a British conservation charity) and Natural England have proposed linking the landscapes at Littleworth Common and Burnham Beeches, to provide net gain in the biodiversity of the area. Littleworth Common, as an SSSI, and Burnham Beeches as a SAC (Special Area of Conservation) are ideal sites to support further gain in perpetuity through animal grazing.
- 3.4. Current Ecology practise includes the 'Offsetting' of new biodiversity in one area to compensate for the loss of biodiversity in another area, where it is not possible to enhance the area of development, in order to achieve a Net Biodiversity Gain.
- 3.5. The proposed habitat enhancements will help to compensate for losses due to the Heathrow expansion in other parts of the district such as Iver and Richings Park and possible impacts on landscape areas such as Black Park.
- 3.6. Littleworth Common and Burnham Beeches lie within the South Bucks Parks and Heathlands 'Biodiversity Opportunity Area' which has been identified as an area of the district best suited to habitat enhancements.
- 3.7. Habitat surveys will be carried out to locate existing and potential habitats such as woodland, wetland, meadow, grassland, and important/ endangered species.
- 3.8. Existing habitats will be enhanced and where possible suitable new habitats, such as grazed wood pasture will be encouraged, with methods such as virtual fences, recently used successfully at Burnham Beeches.
- 3.9. Other sites within the South Bucks district may be identified for additional Biodiversity enhancements.

#### **4. Consultation**

4.1 Natural England, adjacent landowners and other partners will be engaged further with the proposals.

4.2 A draft discussion document has been prepared which sets out initial thoughts on the vision, aims, outcomes and partnership structure that will be needed to deliver the project. It provides a wider description of the project and a brief assessment of each potential land parcel. It begins to describe the potential scale of this project and starts the thinking process about what different areas of land might look like in the long term. This will be expanded and discussed with potential landowner partners.

#### **5. Options**

Option 1: Engage with partners to progress the project. This is the preferred option, as it will enable the Council to demonstrate that it is promoting biodiversity and habitat enhancement.

Option 2: Do nothing and pass up this opportunity to enhance some of the valued landscape in the South Bucks district.

**6. Corporate Implications**

6.1 Financial. Initially, the cost of this project to the Council will be limited to officer time. Further financial implications may be assessed as the project progresses.

6.2 Legal. No implications.

**7. Links to Council Policy Objectives**

This project aims to promote the well-being of residents, and to meet the Key Council objectives of:

- Delivering cost- effective, customer- focused services
- Striving to conserve the environment and promote sustainability.

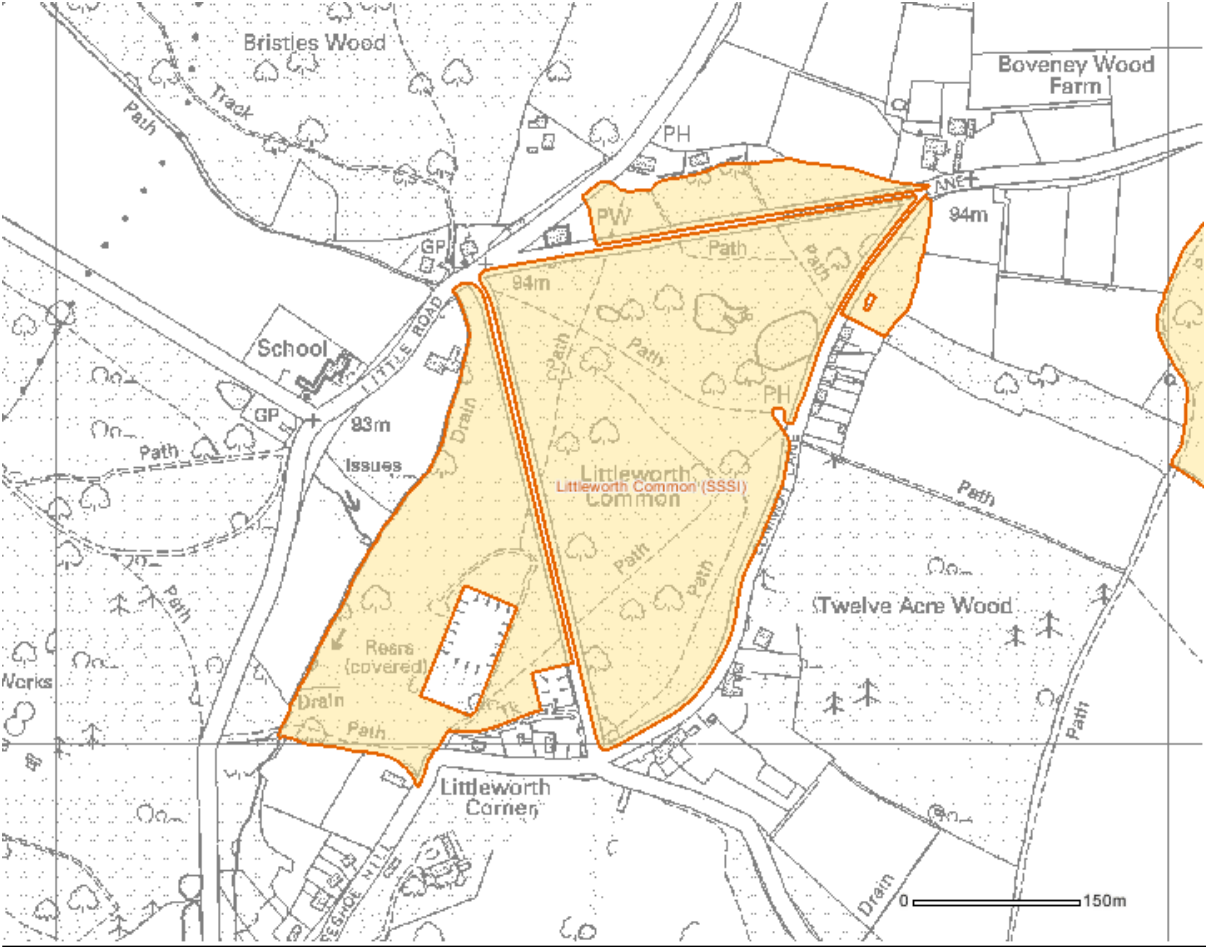
**8. Next Steps**

Officers will continue to discuss the proposals with the landscape management team at Burnham Beeches, consultants and environmental specialists at Heathrow Limited and other partners to progress the project. It is envisaged that the project will commence in 2020/ 21 with further documents such as Environmental Impact Assessments and documents setting out detailed proposals such as costings, habitat restoration/ creation methods and landscape infrastructure such as fencing, water supply etc.

<b>Background Papers:</b>	<b>None.</b>
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**Appendix A.**

**Map showing Littleworth Common with part of Burnham Beeches to the east.**



<b>SUBJECT:</b>	<i>Public Spaces Protection Order (PSPO) Dorney Rowing Lake</i>
<b>REPORT OF:</b>	<i>Councillor Patrick Hogan - Cabinet Member for Healthy Communities</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt, Head of Healthy Communities</i>
<b>REPORT AUTHOR</b>	<i>Ian Snudden, Principal Environmental Health Officer, 01494 732057, isnudden@chilternandsouthbucks.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>Burnham, Lent Rise and Taplow</i>

### 1. Purpose of Report

To propose the introduction of a Public Spaces Protection Order (PSPO) and to consider the responses to the consultation on the proposal.

#### **RECOMMENDATION to Cabinet**

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

### 2. Executive Summary

Following a high number of incidents of anti-social behaviour at Dorney Rowing Lake, Dorney during the summer of 2019, Thames Valley Police requested that Dorney Rowing Lake be subject to a Public Spaces Protection Order. Eton College, as landowner, has supported this. A draft Order has been consulted upon. The consultation process has been completed and Members are asked to consider the consultation responses (summarised as Appendix 4) and to approve the draft Public Spaces Protection Order, attached as Appendix 3.

### 3. Reasons for Recommendations

Dorney Rowing Lake is privately owned but is a public place as it is open to the public (during the day time and provided rowing events are not taking place) by express permission of the landowner. In September 2019, Thames Valley Police requested that Dorney Rowing Lake be subject to a Public Spaces Protection Order (PSPO) in order to prevent and control the anti-social behaviour that local residents and other lake users were experiencing as a result of groups of people gathering at the lake during periods of warm weather and causing harassment and alarm to local residents and lake users by their behaviour. A PSPO is an effective tool to manage anti-social behaviour and puts in place certain restrictions which can be enforced either by issuing a Fixed Penalty Notice or by prosecution.

Once introduced, a PSPO has to be reviewed within three years, at which time a PSPO can be extended, varied or discharged. A similar consultation process has to be undertaken at that

time. For effective administration, it is recommended that if there are no changes as to the extent and nature of the PSPO and it is still considered appropriate for it to remain in effect; or for it to be discharged following the review and consultation carried out within the three years, that the PSPO is extended or discharged, as appropriate, through delegated authority. In other circumstances approval will be sought from Cabinet.

#### 4. Content of Report

Public Spaces Protection Orders (PSPOs) are one of a number of powers introduced by the Anti-Social Behaviour, Crime and Policing Act 2014. They are designed to stop individuals or groups committing anti-social behaviour in a public space which is having or is likely to have a detrimental effect on the quality of life of people in the area.

For a Public Spaces Protection Order to be introduced to deal with particular behaviour, the behaviour being restricted has to meet a test which is designed to be broad and focused on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the council if satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- is, or is likely to be, persistent or continuing in nature;
- is, or is likely to be, unreasonable; and
- justifies the restrictions imposed.

When assessing what is 'unreasonable' activity, local authorities need to balance the rights of the community to enjoy public spaces without experiencing anti-social behaviour with the human rights of individuals and groups who may be affected by any restrictions imposed. Therefore, local authorities must have regard to the freedoms guaranteed under the Human Rights Act 1998 in terms of freedom of expression and freedom of assembly and association. An Equality Impact Assessment has been undertaken **[Appendix 1]**. Members will note that a negative effect has been identified on the basis of age and race. Whilst the majority of complaints received relate to youths gathering at the lake and causing anti-social behaviour and one report concerned behaviour by people from the travelling community, the PSPO is not targeted at either young people or those sharing a protected characteristic, but the anti-social behaviour that is being demonstrated. However, it is recognised that there is an unintentional impact on young people and potentially upon a group with a protected characteristic, but this adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, and its prevention will be to the benefit of the safety and well-being of all members of the public enjoying the public space.

In September 2019, a request was received from Thames Valley Police for a new PSPO which placed restrictions on people and vehicle misuse at Dorney Rowing Lake, Dorney. This was as a consequence of significant reports of anti-social behaviour to the police from local residents, Eton College (the land owner) and other lake users. Evidence has been submitted in the form of police reports of anti-social behaviour from individuals and reports from Eton College. **[Appendix 2]**.

Thames Valley Police sought the following restrictions:



- No littering
- No swimming in the lake
- To surrender alcohol on request
- No noise nuisance
- No Anti-Social Behaviour to included abusive, intimidating and alarming behaviour
- Zero tolerance on the mis-use of drugs

In the following areas:

- Dorney Lake
- Court Lane, Dorney.
- Court Lane, Dorney (inclusive) to the junction of Lake End Road
- Within the boundary of Lake End Road to within the Boundary of Dorney Common.
- Marsh Lane Dorney (inclusive) to the junction of Court Lane, Dorney (Inclusive)
- Marsh Lane Dorney (inclusive) to the junction of Harcourt Road (inclusive).
- Harcourt Road (inclusive) to the junction of Dorney Reach Road (inclusive)
- Authority to run along the Chiltern and South Bucks side of the River Thames from Harcourt Road to Eton and Dorney Rowing Club/College.
- Authority to run from the Eton and Dorney Rowing Club to Lock Path from Lock Path to within boundaries of Boveney Road.
- Within boundaries of Boveney Road to Common Road
- Within the boundaries of Common Road to Lake End Road.

Whilst it is recognised that some of the reported incidents are criminal in nature and subject to direct police action, some of the issues are clearly anti-social and could be dealt with through the use of a PSPO. On the basis of the evidence provided a draft PSPO was produced together with a map of the area to be covered by the proposed Public Spaces Protection Order (to form the appendix to the PSPO). These are at **Appendix 3**.

## 5. Consultation

Local authorities are obliged to consult with the local chief officer of police, the Police and Crime Commissioner, owners or occupiers of land and appropriate community representatives. The county council and town and parish councils must also be notified. Additional requirements apply where public rights of way over a highway are restricted or where the PSPO affects 'common land'.

A consultation was undertaken between 4<sup>th</sup> November and 13<sup>th</sup> December 2019. An email was sent containing a link to the consultation web page, inviting opinions on the proposed introduction of the PSPO. The consultation page included the draft PSPO and maps of the affected areas. The email was sent out to Dorney Parish Council, District Councillors, Thames Valley Police, the Police and Crime Commissioner and Eton College. Notices displaying the draft Order and restricted area map were also posted around the lake for the benefit of lake users. A link was also put on the main South Bucks District Council website and the accompanying plan was made available for public inspection.

Responses were received from a range of people including residents living adjacent to the lake, lake users, Thames Valley Police, councillors and Eton College. The responses from the consultation, together with relevant comments are in **Appendix 4**.

All the responses were positive and in support of the proposed PSPO. Some of the responses included requests to include issues that are criminal activities e.g. possession of weapons and Class A drugs and exposure. It is the intention that where there is specific legislation to deal with criminal acts, then the police will take the necessary action. Reference is made within the PSPO to the consumption and possession of psychoactive substances (legal highs) because the offence under the Psychoactive Substances Act 2016 only relates to possession with the intent to supply. Therefore, by including consumption and general possession within the PSPO, there is no need to prove any intent to supply and a contravention can be more easily enforced.

The area of land owned by Eton College and detailed in the Title Deeds for the lake follows the zig zag red line at the North West end of the lake. However, this does not follow the natural boundary of the land nor does it include all of the car park. It is therefore recommended that the Restricted Area not only includes the land within the Title Deed but is also extended up to the natural boundary and to include the whole of the car park, the access road from the junction with Marsh Lane/Court Lane and the footpath from the access road to the River Thames. An amended plan is at **Appendix 5**.

Thames Valley Police initially requested that the PSPO covered a far greater area beyond the boundaries of the lake. However, the evidence suggests that the main issues are within the curtilage of the lake rather than outside. Whilst it is recognised that parking in adjacent roads is of concern to local residents, parking restrictions have been put in place and these would be enforced accordingly under the Highway Act.

The issue of enforcement has been discussed with both the police and Eton College. The penalty for a breach of the restrictions of a PSPO within the Restricted Area is either by the issue of a Fixed Penalty Notice of £100 or prosecution, the maximum fine for which is £1000. A Fixed Penalty Notice can be issued by a police constable, Police Community Support Officer or an authorised person authorised by the local authority. The intention is for the police and college staff to publicise the introduction of the PSPO to lake users, to have an increased presence at the lake in the run up to the summer months and to take a robust approach to anti-social behaviour. The issuing of Fixed Penalty Notices will be administered by the local authority and be based on the receipt of suitable evidence from officers of Thames Valley Police and Eton College staff. Training on the content of the PSPO and the level of evidence to be expected will be given to college staff.

## 6. Options

Following the consultation and the evidence provided, there is overwhelming support for the introduction of a Public Spaces Protection Order for restrictions on vehicle use and individual behaviour to address complaints of anti-social behaviour at Dorney Lake. The initial draft PSPO is unchanged and the 'Restricted Area' slightly increased. The final draft PSPO is appended at **Appendix 5** and incorporates the outcome of the consultation and takes account of legal advice.

## 7. Corporate Implications

- 7.1 Financial: There are financial implications in setting up the PSPO, not expected to exceed £2,000 depending on the amount of signs required. Signs will have to be

erected in areas with restrictions. Costs will be met from existing resources and Eton College have committed to contributing towards this cost. If FPNs are issued, then there may be a small amount of income received.

- 7.2 Legal: The legal requirements for the introduction of a new public spaces protection order have been followed.
- 7.3 Crime and Disorder: The PSPO should deter anti-social behaviour from taking place and will enable the effective control and enforcement of anti-social behaviour.
- 7.4 Environmental Issues: There is likely to be an improvement in terms of anti-social behaviour experienced by local residents and reduced anti-social behaviour within the site itself providing a safer environment for users.
- 7.5 Partnership: An extensive consultation has taken place with relevant parties and amendments made where appropriate.

## 8. Links to Council Policy Objectives

### We will deliver cost effective, customer focused services

Listen to our customers

- Consult with you on key issues and respond to results

### We will work towards safe, healthy and cohesive communities

Improve community safety

- Work with partners to reduce crime and antisocial behaviour and to improve community safety

### We will strive to conserve the environment and promote sustainability

Promote sustainability

- Promote a healthy, sustainable and safe built environment

## 9. Next Steps

If approved the Public Spaces Protection Order will be published on the Council's website and will come into force for an initial three-year period. Signage will be produced advertising the nature of the PSPO and the consequences of breaching it and protocols will be developed between the Council, Eton College and Thames Valley Police in terms of enforcement. It is intended that these measures will be put in place in time for the Easter Bank Holiday weekend.

Anyone who lives in, or regularly works in or visits the area can question the validity of a PSPO by an appeal to the High Court within six weeks of the Order being made.

## 10. Appendices

Appendix 1 – Equality Impact Assessment

Appendix 2 – Initial evidence of anti-social behaviour incidents submitted by Thames Valley Police and Eton College

Appendix 3 – Draft PSPO and associated map of the 'Restricted Area' (to form the Appendix to the PSPO)

Appendix 4 – Table of consultation responses

Appendix 5 – Proposed Public Spaces Protection Order and associated map of the 'Restricted Area' (to form the Appendix to the PSPO)

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**Chiltern**  
District Council



**South Bucks**  
District Council

### Equality Impact Assessment Screening Tool – Step 1

To be completed for all policy, strategy or new service proposals to determine whether a full impact assessment is required, where the item has already been identified as not requiring an integrated impact assessment. (See IIA guidance)

<b>Document/Policy Title</b>	<b>Public Spaces Protection Order – Eton Dorney Lake</b>		
<b>Author or Lead Officer</b>	Ian Snudden	<b>Date</b>	7 <sup>th</sup> November 2019
<b>1.</b>	<b>Does the policy/proposal have any negative effect on the basis of:</b>		
		<b>Yes/No</b>	<b>Reason</b>
	<ul style="list-style-type: none"> <li>Age</li> </ul>	Yes	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the car parks in question.</p> <p>Whilst the majority of complaints received relate to youths gathering at the lake and causing anti-social behaviour, the PSPO is not targeted at young people but the behaviour that is being demonstrated.</p> <p>However it is recognised that there is an unintentional impact on young people but this adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all.</p>
	<ul style="list-style-type: none"> <li>Disability</li> </ul>	No	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question. Where there is potential for misunderstanding due to learning difficulties or inability to read/understand the signage, officers will explain the nature of the PSPO and the consequences of breaching it.</p>
	<ul style="list-style-type: none"> <li>Gender reassignment</li> </ul>	No	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.</p>
	<ul style="list-style-type: none"> <li>Marriage or civil partnership</li> </ul>	No	<p>The PSPO attempts to only manage anti-social behaviour and does not intend to</p>

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			prevent or impact upon the legitimate use of the facility in question.
	<ul style="list-style-type: none"> <li>• Pregnancy or maternity status</li> </ul>	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.
	<ul style="list-style-type: none"> <li>• Race</li> </ul>	Yes	<p>A number of incidents refer to groups of people from the travelling community fighting and causing anti-social behaviour. The report refers to one incident and no other reference is made regarding the travelling community.</p> <p>The PSPO is not targeted at any specific ethnic or cultural group or protected characteristic but the behaviour that is being demonstrated.</p> <p>The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.</p>
	<ul style="list-style-type: none"> <li>• Religion or belief</li> </ul>	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.
	<ul style="list-style-type: none"> <li>• Sex</li> </ul>	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.
	<ul style="list-style-type: none"> <li>• Sexual orientation</li> </ul>	No	The PSPO attempts to only manage anti-social behaviour and does not intend to prevent or impact upon the legitimate use of the facility in question.

If all responses to Section 1 are No, a full Impact Assessment is not required. If you have answered yes to any question, proceed to Section 2.

2.	In respect of any particular group, is the negative effect:	Unintentional?	High impact?	
		Yes/No	Yes/No	Reason
	<ul style="list-style-type: none"> <li>• Age</li> </ul>	Yes	No	This adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting any specific group of people

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	• Disability			
	• Gender reassignment			
	• Marriage or civil partnership			
	• Pregnancy or maternity status			
	• Race	Yes	No	This adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting any specific group of people.
	• Religion or belief			
	• Sex			
	• Sexual orientation			

If all responses to Section 2 are No, a full Impact Assessment is not required. If you have answered yes to any question in Section 2, proceed to Section 3.

3.	Are any negative effects listed in Section 2 illegal or potentially illegal?*	*i.e. contrary to anti-discriminatory legislation
	Yes/No	Reason
	• Age	No The adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting or being discriminatory against any specific group of people
	• Disability	
	• Gender reassignment	
	• Marriage or civil partnership	
	• Pregnancy or maternity status	
	• Race	No This adverse impact is objectively justified by the fact that it only seeks to prevent anti-social behaviour, to the benefit of the safety and well-being of all rather than targeting any specific group of people

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	• Religion or belief		
	• Sex		
	• Sexual orientation		

If all responses to Sections 1, 2 and 3 are No, a full Impact Assessment is not required.

If you have answered yes to any question in Section 3, or if any negative effect has a high impact on a particular equalities group, consider the following:

4.	<b>Can any negative effect be avoided?</b>	<b>Yes/No</b>	<b>How?</b>
5.	<b>Can we reduce the impact by taking different action?</b>	<b>Yes/No</b>	<b>How?</b>

Now repeat this rapid assessment in the light of any new information.

If the outcome is the same, then you have identified a potential discriminatory impact of this policy/proposal, and you will need to complete a full Equalities Impact Assessment before it can be submitted for approval to the relevant committee or PAG.

**Full EIA to be now undertaken?**      **No**      (delete as applicable)

<b>Lead Officer</b>	<i>Ian Snudden</i>	<b>Date Reviewed by Director</b>	
<b>Date of decision</b>		<b>Outcome of Director Review</b>	<b>Agree/Not agree</b> (delete as applicable)

**Please submit this completed form to Democratic Services along with your PAG or Committee papers for formal approval or, where a report is not involved, to the Chief Executive's office.**

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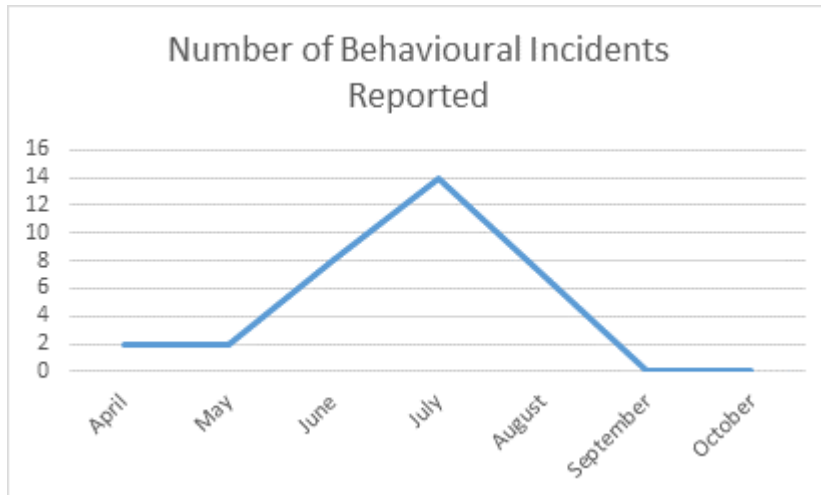


Dorney Lake is a purpose built rowing lake in Dorney, Buckinghamshire and owned by Eton College. The lake is close to the Thames and Jubilee River. The public are allowed to use the grounds of Dorney Lake when private events are not being run, which attracts people from the community and surrounding areas to enjoy. During the summer months we have seen a notable increase in the number of people that attend the areas to enjoy the Lake and the surrounding area. This number of people coming to the Lake also brings further traffic issues, parking, dangerous/anti-social driving, littering, ASB and within the Lake itself, non-prohibited swimming, drug misuse, alcohol consumption which leads to ASB and other criminal offences. The demand on Police this year during the summer months was high, leading to Police having to allocate two officers per day to the Lake alone to prevent and deter crime. This does not include the number of officers deployed to individual reports of disorder. Due to the levels of Anti-Social Behaviour and crimes reported, Police were required to put a Section 34 in place as a dispersal tactic as a contingency.

Below outlines the reports made to Police and associated crimes recorded. The general feel from the community whilst Police attended these incidents were that they have stopped reporting the issues and just avoid the Lake at peak times to save them from being a victim or a witness to these types of incidents.

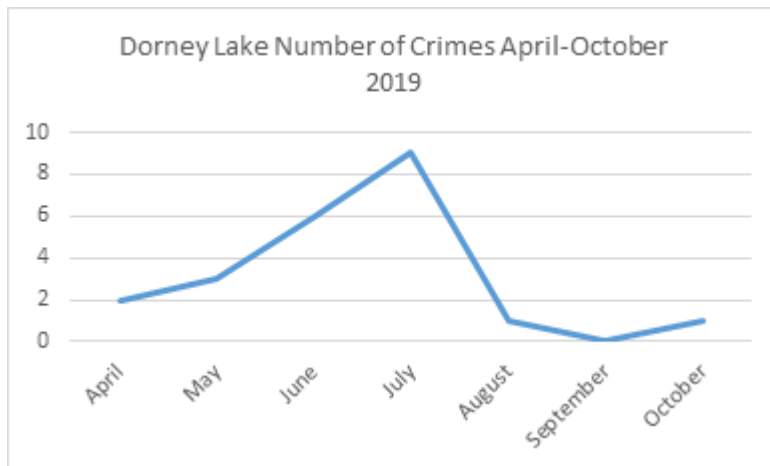
- 26/08/2019 Report of 3 youths riding motor bikes around lake pedestrian paths.
- 25/08/2019 Caller sounded panicked stating lots of shouting and guns and knives seen - security guard assaulted. Believed to be travellers
- 25/08/2019 Motorbikes riding around the lake
- 25/08/2019 Report of travellers running around with bottles
- 22/08/2019 Youth jumping from bridge had their bike stolen by other youths
- 23/07/2019 Third party report of male being bottled at Dorney Lake, reported males with knives too
- 23/07/2019 Report of emergency Dorney Lake, request for Police. No further contact could be made.
- 23/07/2019 Reporting 40 people from travelling community fighting and smashing bottles
- 25/07/2019 Third party report of stabbing = suspected hoax call
- 24/07/2019 Third party report of a fight planned between school age children at Dorney Lake
- 22/07/2019 Group of 30 people being drunk and disorderly
- 06/07/2019 Report group of abusive girls throwing food and salad cream, threatening to stab callers dog
- 02/07/2019 Report of youths taking safety boat onto lake and racing around lake
- 30/06/2019 Group of travellers driving erratically, getting high inhaling nitrous from balloons
- 29/06/2019 Youths jumping in lake and driving at him
- 29/06/2019 Youths jumping in lake and smashing bottles on path
- 12/05/2019 Report of youths smoking drugs

- 07/04/2019 Youths smoking weed and throwing stones at birds an being generally intimidating
- 27/03/2019 Report of drone flying around lake filming. Called us for public safety concerns



Recorded Crimes from April to October 2019:

<b>Crime Classification</b>	<b>Count</b>
Assault ABH	1
Assault W/O Injury	1
Commercial Burglary	1
Dangerous Dog	2
Personal Robbery	6
Theft from Motor Vehicle	6
Theft of a Motor Vehicle	2
Theft of a Pedal Cycle	2
Other - Theft Relating to a Boat	1



Following the summer months, we have spoken to various members of public and although their main issues are the number of people attending and the parking obstructions, this in turn brings the ASB, littering and crimes. The majority of the community will not attend or enjoy the lakes because of this.

- **Marsh Lane Resident - Complaining about litter in the surrounding roads and in the lake itself. Huge amounts of it, doesn't go to the lake during busy times because of this.**
- Marsh Lane Resident - Commented on dangerous parking and dangerous driving caused by the rowing lakes. Also, the white lines are so faded so cars are crossing the path.
- Harcourt road resident- Dangerous and inconsiderate parking. Also the closure of the bridge over the M4 will cause further issues.
- Harcourt Road resident - Complaining about parking. Many occasions when parking has caused issues. Especially bad when lake closes car park and this pushes cars onto road.
- Harcourt Road resident - During the summer months couldn't walk down the footpaths because of cars completely blocking the footpath. She feels it is only a matter of time before there's an accident caused by poor / double parking. Also concern for horses and riders as there are fields either side of the rowing lake.
- Harcourt Road resident - Dangerous and aggressive driving, grid locked during the summer months and was stuck for 340 minutes without being able to reverse or go forward. Also, concern the yellow lines scheme will force the traffic further afield and into the surrounding roads, ie Harcourt road.
- **Harcourt Road resident - Not happy that lake does not provide more parking. Now that they charge there is more parking on the road which gets worse when car park is closed? Doesn't go there when it's busy.**
- Concerns raised with regards of the closing of the motorway bridge and the route parents will be forced to use to get the children to Dorney School. All traffic will be coming down Lake End Road, then turning right in court lane.

- **Harcourt Road resident - Not happy about the parking. The lake has been closing their gates to not allow cars on and this has made it worse. Doesn't go now as lots of rubbish left and unpleasant atmosphere.**
- Harcourt Road resident - Once got stuck in road for 30 minutes with the traffic not moving. Has got worse since lake has started charging for parking. Some of the approach roads have overhanging branches which force cars to drive more centrally.
- Harcourt Road resident - Dangerous bend made even worse when cars are parked on both side reducing the width of the road.
- Harcourt Road resident - Dangerous parking and the situation will only get worse when the motorway bridge is demolished. Pavements blocked by cars.
- Harcourt Road resident - Parking issues, people leaving cars everywhere.
- Harcourt Road resident - Dangerous parking on the bends close to the rowing lakes. And unable to walk on the pavements due to cars blocking. This is of particular concern for the church goers. Also concerned there will be no parking for the church goers if yellow lines are put down. Overgrown shrubs reducing visibility further.
- Harcourt Road resident - Nightmare. Cars parking blocking the road, litter being left in road and the lake. Car parking charges have made issues worse.
- **Harcourt Road resident - Parking a problem. NOS canisters being left in road and surrounding areas. Big groups in lake quite intimidating and dangerous driving.**
- Harcourt Road resident - Driving around the corner dangerous. It has been worse since lake has been charging for parking.
- **Harcourt Road resident - Parking on road has been worse since lake has been charging for parking. Sometimes gets kids on scooters causing a nuisance.**

The Lake is surrounded by residential houses and wildlife which have been impacted by the numbers and the ASB.

### **Consideration for PSPO**

- The public have access unless there is a private event
- The activities do happen within the area to where the public have access
- The behaviours are persistent over the summer months and escalates in better weather

### **Consultation with Eton College Security.**

Consultation with Brendan O'Dowda Head of Eton College Security. Positive consultation and supportive of a PSPO.

**Restrictions to be considered:**

No littering

No swimming in the lake

To surrender alcohol on request

No noise nuisance

No Anti-Social Behaviour to included abusive, intimidating and alarming behaviour

Zero tolerance on the Mis-use of drugs

**Powers to enforce:**

Fixed Penalty Notice, considerations for on-site security to manage (as per Burnham Beeches, for example)

**The areas where we are seeing the above issues are as follows:**

Dorney Lake

Court Lane, Dorney.

Court Lane, Dorney (inclusive) to the junction of Lake End Road

Within the boundary of Lake End Road to within the Boundary of Dorney Common.

Marsh Lane Dorney (inclusive) to the junction of Court Lane, Dorney (Inclusive)

Marsh Lane Dorney (inclusive) to the junction of Harcourt Road (inclusive).

Harcourt Road (inclusive) to the junction of Dorney Reach Road (inclusive)

Authority to run along the Chiltern and South Bucks side of the River Thames from Harcourt Road to Eton and Dorney Rowing Club/College.

Authority to run from the Eton and Dorney Rowing Club to Lock Path from Lock Path to within boundaries of Boveney Road.

Within boundaries of Boveney Road to Common Road

Within the boundaries of Common Road to Lake End Road.

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# Timeline of Incidents 2019

Date	Time	Location	Description of Incident/s	Back-up Media	URN Number
23/04/2019		500m Timing Hut	IT/timing equipment vandalised and thrown from the inside of the hut smashing through the window		43190120849
		Public Car Park	A perimeter post in the Public Car Park is attempted to be lifted, in order to gain vehicular access to site. X1 vehicle (Mini) did gain access through the posts		
24/04/2019			Reports from the public of large amounts of litter across site following the Easter Weekend		
21/05/2019	18.15hrs	Start end Bridge	X2 men jumped from a bridge just missing an Eton College Colts rowing boat. The remainder of the group were heard discussing to jump on other rowing boats still in the lake's Return Lane.		

28/06/2019	13.05hrs	Main Gate/ Entrance	X2 SPA Events staff, whilst managing vehicle flow and parking for a large sporting event taking place on site, asked a white Vauxhall Astra driver to stop. The driver ignored the 1st SPA staff member and continued at speed. The vehicle proceeded to drive directly at the 2nd staff member causing him to leap out of the way to avoid being run over. This caused a significant back injury. The Police were called but did not attend.		
29/06/2019		18.00hrs	Members of the public call Eton College Security to report an 'on-going' emergency on site and requested assistance. DL Duty Manager phoned and alerted		
		19.15hrs	Member of the public called Eton College Security to report that a group of males had smashed approx. X40 glass bottles.		



		19.19hrs	TVP call Eton College Security to report a large group of males causing a disturbance on site. No one from Eton College was able to attend, but Dorney Lake's Duty Manager was alerted		
02/07/2019	19.38hrs	Pontoons/Lake at Boathouse end	Orange Pioneer Safety Launch stolen, X5-6 youths involved. They joyrode the boat around the lake at speed and then made off on push bikes via Andrew's High Performance Centre onto the Thames tow path. Dorney Lake's Operations Manager discovered them, and chased them, but was unable to catch them. This incident was reported to the Police.		1678020719
06/07/2019		Start end, Start end Bridge	Members of the public reported vast amounts of litter. X2 full bags of litter including offensive items were collected		

07/07/2019			Members of the public report X6 children aged 9-13yrs jumping off bridges to swim. Upon discussion with the youths, they stated that their parents had dropped them off and had given them consent to swim		
12/07/2019			Dorney Lake - Water Safety Guidelines, including Dorney Lake site rules of no swimming and no jumping off bridges, etc. was sent out to all local schools and posted on social media and posters and signs around site		
15/07/2019			PCSO Angela O'Connell called in to Dorney Lake Reception to advise of 3 recent robberies ranging from watches to bikes taken from members of the public walking on site		
16/07/2019	Between 10.00hrs-12.00hrs	British Canoeing Compound	A bike was stolen from British Canoeing's locked compound		

21/07/2019	21.24hrs	Main Car Park adjacent to Boathouse	Dorney Lake's onsite coffee van ( ) was broken into in the main car park. CCTV footage shows X1 male on a push bike approaching the vehicle and gaining forced entry via front window	CCTV	Obtainable from
22/07/2019	16.44	Main Car Park adjacent to Boathouse	X3 males were seen acting suspiciously around 's coffee van with hoods drawn over faces	CCTV	
22/07/2019	Between 22.00hrs-00.00hrs	Main Car Park adjacent to Boathouse	A bike was stolen by X2 males on push bikes approaching from Ramblers car park. The bike was locked to a rowing boat trailer	CCTV	
23/07/2019	All Day	Middle Island Roads and all Bridges, Start end pontoons, Presentation Pontoon	150-200 youths entering site via the Main Entrance on foot and on push bikes carrying inflatables, inflatable boats, crates of alcohol and BBQ's, etc.		
		Middle Island Roads and all Bridges, Start end pontoons, Presentation Pontoon	150-200 youths on site swimming, jumping from bridges amongst Eton College Rowing Courses and general rowing sessions		

		Presentation Pontoon	Presentation Pontoon being used to 'exercise' lurcher-type dogs by appearing to forcibly keep them in the lake, walking them up and down pontoon whilst suspended in the water on a lead		
		Whole Site	Youths on mopeds turned away from the main entrance to site by SPA Events. The same youths found alternative entry to site via the Emergency Gate and proceeded to ride around site at speed		
			At the time of the hundreds of youths and incidents occurring, the Operations Admin Manager contacted Eton College Security for back-up as staff were feeling over-run, vulnerable and unsafe at work		
			Decision made to cancel all Dorney Boat Club sessions by the Rowing Manager as site deemed unsafe		

		Return Lake	Pontoon untied from the bank and youths proceeded to float on top of and jump from the pontoon into the return lake and into rowing traffic. They are apprehended by Dorney Lake Staff		
		Olympic Bridge	Cornish Gig boat untied from under the Olympic Bridge where youths proceeded to attempt to swim off with it into the main lake. They are apprehended by Dorney Lake Staff		
	Evening	Main Gate / Entrance to site, Start end	Large numbers of youths start running from site towards and out of the main entrance. Report of a bottling and/or stabbing having taken place around the Start end bridge area		
		Main Gate / Entrance to site, Start end	Further reports of someone carrying a knife causing demonstrable fear and threat		

24/07/2019	19.34hrs	Main Gate / Entrance to site, Court Lane and Marsh Lane	Movable security barriers are put in place at the entrance of site by SPA Staff to prevent any vehicles on site. These are forcibly moved by a white van containing X3 men to gain entry on to site. SPA staff are verbally abused and intimidated in the process		
25/07/2019	All Day	Whole Site	Public Car Park rapidly fills during the morning and parking overflows onto Court Lane and Marsh Lane		
			500+ people including traveller groups on site. Swimming, jumping off all bridges, jumping off start end pontoons, consuming alcohol/drugs, intimidating staff/public/students. Large amounts of litter and smashed glass bottles accumulates		
	14.00hrs approx.	Main Gate / Entrance to site	Decision made to close the main gates as the site is becoming overcrowded with people and vehicles		
		Main Gate / Entrance to site	Aggressive behaviour shown towards SPA Events staff located at main gate reported		

		Main Gate / Entrance to site, Court Lane and Marsh Lane	Parking on Marsh Lane and Court Lane becomes so congested to the extent that no vehicle (including emergency vehicles) could pass through		
		Main Gate / Entrance to site, Court Lane and Marsh Lane	A coach containing Eton College Summer School students becomes stuck within the parked cars and is unable to move forwards or backwards and blocks the road completely		
		Main Gate / Entrance to site, Court Lane and Marsh Lane	Reports of neighbouring horse owners in the surrounding fields are verbally abused and intimidated. Cars were parked across gated entrances preventing any access to fields		
		Main Gate / Entrance to site, Court Lane and Marsh Lane	Parking cones are thrown at horses and into neighbouring fields		
	Evening	Main Gate / Entrance to site, Court Lane and Marsh Lane	A second coach containing Eton College Summer School Students attempts to enter site, but the coach is 'rocked' and staff and students aboard are verbally abused		

26/07/2019		Marsh Lane and Court Lane	Large amounts of litter reported		
			Report to Dorney Lake's Facebook page and across other Facebook pages of a 15yr old male being robbed of his watch, bike and sweatshirt by a 17yr old Eastern European sounding male. He was told that if he was to 'grass' he would be found and killed.		
27/07/2019			Paul Austin from Thames Valley Police contacted Eton College Security over concerns of numerous robberies, parking issues on Court Lane and Marsh Lane, and of ASB regularly taking place at Dorney Lake		
28/07/2019		Olympic Bridge	Graffiti painted on the Olympic Bridge and all other bridges		
02/08/2019	Early hours of the morning	The Barn (Boveney Road)	The Eton College Barn on Boveney Road was broken into and several items of grounds equipment were stolen. Reported to the Police		



25/08/2019	16.37hrs	Start End, Start end Bridge	A large fight took place in the pay and display car park involving approx. 100 people from the travelling community. Reports of pick axes and bottles being used as weapons to smash car windows and youths car chasing from members of the public and reported over social media.		
		Main Gate / Entrance to site	SPA staff made the decision to close the main gates to contain the group who were fighting in the car park with axe handles for when the Police arrived		
		Main Gate / Entrance to site	<p>██████████ (member of SPA Staff) purposefully run over by a vehicle who reversed into him (in an attempt to re-open the main gates to allow fellow vehicles to leave site). ██████████ was hit with such force that he was knocked to the ground and sustained significant injury. He was left injured and stunned on the road. Full CCTV footage available for this incident</p>		

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**SOUTH BUCKS DISTRICT COUNCIL**  
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**THE SOUTH BUCKS DISTRICT COUNCIL (DORNEY LAKE)**  
**PUBLIC SPACES PROTECTION ORDER 2020**

1. **THIS ORDER** is made by South Bucks District Council (“the Council”) in exercise of its power under section 59 in Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) because it is satisfied on reasonable grounds, having carried out a consultation in accordance with section 72 of the Act and considered the matters set out therein, that:
  - 1.1 activities carried out, or likely to be carried out, in the public place set out in paragraph 2 below (which are within the Council’s area) either have had a detrimental effect on the quality of life of those in the locality or will have such an effect; and
  - 1.2 the effect, or likely effect, of the activities –
    - a. is, or is likely to be, of a persistent or continuing nature,
    - b. is, or is likely to be, such as to make the activities unreasonable, and
    - c. justifies the restrictions imposed by this Order
  
2. The public place within which the activities set out in paragraph 3 below are prohibited (“**the Restricted Area**”) is shown edged in red on the plan(s) in the Appendix to this Order and comprises:
 

**Dorney Lake (and surrounding land, to the north of the River Thames),  
Court Lane, Dorney, Buckinghamshire SL4 6QP**
  
3. The activities which are to be **prohibited** are:
  - 3.1 the consumption of alcohol in breach of an authorised officer’s request to cease its consumption;
  - 3.2 having an unsealed container of alcohol, in breach of an authorised officer’s request to surrender the alcohol or container;
  - 3.3 the consumption of any psychoactive substance<sup>1</sup>(colloquially known as a legal high) or possessing a psychoactive substance in breach of an authorised officer’s request to surrender it ;
  - 3.4 using behaviour towards another person (whether on the land or in the lake) which may reasonably be perceived to be threatening, aggressive or intimidating;
  - 3.5 entering the lake in a manner which is reasonably likely to harm any other person in the water;
  - 3.6 using foul or abusive language;

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<sup>1</sup> A psychoactive substance is defined in section 2 of the Psychoactive Substances Act 2016 as any substance capable of stimulating or depressing the central nervous system of a person who consumes it, other than an exempt substance (listed in Schedule 1 of that Act as controlled drugs, medicinal products, alcohol or alcoholic products, nicotine and tobacco products, caffeine products and food).

- 3.7 gathering or loitering with any other person(s) in a manner which is (or may reasonably be perceived to be) intimidating or threatening to any other member of the public;
- 3.8 driving a motor vehicle in such a manner that puts any other member of the public at risk of harm;
- 3.9 performing any motor vehicle stunts; and
- 3.10 racing a motor vehicle with any other motor vehicle, or exceeding the speed limits displayed on any sign within the Restricted Area.

#### 4. Period for which this Order Has Effect

This Order will come into force on [ 2020 ] and will continue in force for three years expiring on [ 2023 ].

#### 5. Consequences of Failure to Comply with Restrictions Contained in this Order

5.1 In respect of the carrying out of an activity prohibited by paragraphs 3.1 or 3.2 above, a police constable, community support officer or person duly authorised by the Council (each hereafter called an "authorised officer") shall be entitled to require any person who is or has been consuming or intends to consume alcohol in the Restricted Area to not consume in the Restricted Area anything which is, or which an authorised officer reasonably believes to be, alcohol, and to surrender anything in his or her possession which is, or which the authorised officer reasonably believes to be, alcohol, or a container for alcohol.

5.2 It is an offence under section 63 of the Act for a person, without reasonable excuse, to fail to comply with a requirement imposed on him or her as set out in paragraph 5.1 above and a person guilty of such an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

5.3 It is an offence under section 67 of the Act for a person, to carry out, without reasonable excuse, any of the activities prohibited by paragraphs 3.3 to 3.10 of this Order and a person guilty of an offence under that section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5.4 Under section 68 of the Act an authorised officer may issue a **Fixed Penalty Notice** ("FPN") to anyone he or she has reason to believe has committed an offence under section 63 or section 67 in relation to this Order requiring payment of a fixed penalty in the sum of £100. Provided that fixed the penalty is paid within 14 days, a prosecution will not be brought for that offence.

#### 6. Appeals

Any challenge to the validity of this Order must be made in the High Court by an interested person within six weeks of the Order being made. The right to challenge also exists where an order is varied by the Council. An interested

person is an individual who lives in, or regularly works in or visits, the Restricted Area and they may only challenge the validity of the Order on two grounds; that the Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by it, or that a requirement under Chapter 2 of Part 4 of the Act was not complied with.

Where a challenge is made the High Court can decide to suspend the operation of the Order, pending its decision, in part or in totality and the High Court has the power to uphold, quash or vary the Order.

Dated: **2020**

Signed: .....

**Joanna Swift**  
**Head of Legal and Democratic Services**

On behalf of **South Bucks District Council**  
**Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire, UB9**  
**4LH**

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	Date	Content of Email	Type of User	Comments regarding the PSPO
1.	01/11/2019	I wholeheartedly support a PSPO being placed upon the land as described surrounding Dorney Lake.	Councillor	Positive and supportive
2.	13/11/2019	I've read the proposed order and, as an occasional user of Dorney Lake and the surrounding area to the north of the River Thames, I'm fully supportive of it.  Thank you for proposing this action to protect the rights of members of the public using this facility.	User	Positive and supportive
3.	13/11/2019	I wanted to email to whole heartily support this. I am a local resident to the lake and last summers anti social behaviour was appalling. Drunken youths, large groups arranging meet ups after dark, and the associated letter and parking issues outside ruined the otherwise peaceful lake for the rest of us. I am just surprised that there wasn't a death in the lake with hundreds of people forcing their way into the lake to swim during the hot weather.  It's just a shame that this will only last 3 years! The concer I have is how well it can be enforced and then how do you keep those offenders away?	Resident	Positive and supportive. The PSPO will be reviewed after 3 years in terms of its effectiveness in dealing with the anti-social behaviour

		Please feel free to contact me should you seek further details or information.		
4.	14/11/2019	Please add a clause forbidding the carrying of items which could be used as weapons, particularly knives.  Thank you	Unknown	The PSPO is associated with the management and control of anti-social behaviour. The possession of weapons is a criminal offence and would be controlled by the Police
5.	14/11/2019	<b>**Formal Response on behalf of Janet Walker, Bursar, Eton College**</b>  Dear Mr Snudden,  Ref – Public Spaces Protection Order (PSPO) Consultation – Dorney Lake  I refer to your letter dated the 8th November 2019 outlining the formal consultation process as part of an application for a PSPO for Dorney Lake (and surrounding land, to the north of the River Thames). As landowners, Eton College fully endorses this application, and puts forward the following comments and supportive information:  Dorney Lake is a purpose build rowing lake set in 400 acres. The venue, owned by Eton College, hosted the 2012 Olympic Games and is home to the British Rowing Dorney Boat Club. The site hosts a multitude of national sporting events (running, rowing & triathlons) and is used extensively by members of the public. This picturesque location is much loved by the local community and those visiting from further afield. People come to walk, run, walk dogs, cycle	Landowner	Supportive – detail of incidents

and picnic. The public arboretum is also very popular. A short drive into the site, there is a public pay and display car park. This is used by any visiting member of the public. Local residents have also been given additional parking benefits. There are a number of public rights of way, namely a public footpath running parallel to the site along the River Thames, and a cycle path to the north of the site and arboretum. Previous attempts to close the site (to vehicles at the main gate), have resulted in the build-up traffic on the narrow roads around this large venue. Illegal and dangerous parking, together with increased traffic in the area has caused considerable local consternation. Double yellow lines and additional anti-parking mitigation (wooden stakes) have been painted/installed in the immediate vicinity. As part of the original planning application (05/08201/CM application validated 3rd Feb 2005) there are a number of conditions relating to allowing public access to the Dorney Lake site. Closing the site to pedestrian/cycle access is physically impossible given the porous nature of the approaches and perimeter.

Over the past 5 years, during late spring and throughout the summer months, hundreds of visitors will descend upon the site, arriving in vehicles, on cycles and by foot. Many will bring food, alcohol and controlled drugs. During particularly hot days, many will jump from the bridges and pontoons into the water, thereby causing considerable danger and disruption to those using the lake for rowing and other sports. Anti-social behaviour (ASB) is commonplace in the form of damage, littering, threatening and abusive behaviour, drunkenness, drug abuse, driving vehicles dangerously and public disorder. The site often closely resembles that of a public lido. Over the last 3 years, these types of incidents have worsened, with cases of theft, robbery and serious assaults being reported to the Police on a regular basis. On the 25th August 2019, hundreds of visitors came to the Lake. Two large drunken groups engaged in bridge jumping, fighting and dangerous driving. A parking attendant, marshalling the main gates, was deliberately run over and some 6 vehicles exited the site before

	<p>Police arrived by driving through a thick hedgerow adjacent to the closed gates. Relevant CCTV images have been forwarded to Mr Ian Snudden to support this application.</p> <p>Dorney Lake staff and Eton College Security Officers feel powerless to reduce and tackle incidents of bridge jumping and ASB. Despite extensive signage making it clear that this type of activity is both dangerous and prohibited, those involved will simply ignore warnings and requests to leave the site. Many will become aggressive and abusive towards those attempting to negotiate with them. When Police do have capacity to attend, they too are largely ignored. Police use of Section 34 Anti-Social Behaviour dispersal powers has been welcome, but somewhat ineffective. Those required to leave, merely return the following day without any sanction.</p> <p>The aforementioned ASB is persistent in nature, and it is having a lasting and detrimental effect on those that visit and use the Lake, including the wider local community. Eton College has invested significantly in improved CCTV coverage, signage and the installation of additional vehicle barriers. Whilst incidents of unauthorised vehicle access have been reduced, ASB has not. Furthermore, despite the best efforts of Lake staff and dedicated parking attendants, differentiating between a car used by law abiding Lake visitors and a car full of bridge jumpers is almost impossible.</p> <p>A PSPO is fully justified in the above circumstances and the proposed restrictions, prohibiting certain activities, we consider to be both necessary and proportionate.</p>		
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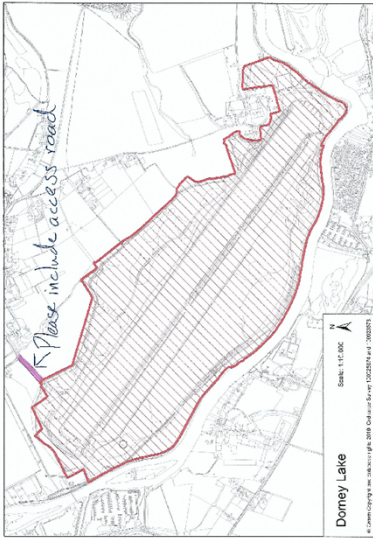
6.	15/11/2019	<p>Hello,</p> <p>It's very good to hear that you are working on a Protection Order for the Dorney Lake area.</p> <p>I'm a neighbour of the Lake - in fact, we're [Location]</p> <p>I'd like to ask if the area covered could be extended beyond the red lines to include the pathway and surrounding area that runs from the car park to the river, the car park itself and if at all possible to cover the walkways and towpath down by the river up to the M4 flyover. On a number of occasions over the last few years, mainly in summer months, we get 'youths/yobs' riding noisy mopeds or scramble bikes along the towpath at high speeds (they seem to ride along the towpath as far as the M4, and cut back up to the play area there).</p> <p>As you can imagine, so close to the water this is extremely dangerous and I've seen people having to jump out of the way, drag children or pet dogs away etc, and of course if you say anything to these clowns, you're screamed at or threatened. It's only a matter of time before someone is hurt. I have tried without success (well without response actually), to get the Environment Agency to put up some kind of barriers to prevent access to the towpath for these vehicles, and have even offered to pay for it and do the work myself, but so far no joy - anything you can do to help alleviate the problem would be much appreciated by the people living along Dorney Reach Road I'm certain.</p> <p>Many thanks,</p>	Resident	<p>Provides anecdotal evidence of other areas being of concern outside of the lake curtilage. If this was to be included then further consultation with the Environment Agency and National Rivers Authority would be required as 'guardians' of the river.</p> <p>Th emain issues have been identified</p>
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7.	15/11/2019	<p>I am in support of the introduction of the PSPO.</p> <p>There have been occasions in the past when my family and I have not been able to use the land in question as a result of anti-social behaviour by others including the use of mopeds. We have also witnessed people jumping off of bridges into the water, despite signage prohibiting this due to the danger it poses.</p> <p>Dorney Lake is a great facility where people should feel safe but, unfortunately, the conduct of a few is likely to put off many from using it unless something is done to deter the anti-social behaviour.</p> <p>Kind regards</p>	Lake user	
8.	18/11/2019	<p>Good morning</p> <p>Thanks to XXXXX for letting me know about this.</p> <p>I would just like to point out that Dorney Lake is privately owned by Eton College and is not a public space.</p> <p>Can you please confirm that this is the case and that a Public Space Protection Order does not apply.</p> <p>Thanks and kind regards</p>	Gerrards Cross Town Councillor	<p>Whilst the land is privately owned, a PSPO can be introduced where anti-social behaviour is taking place in a public space. This is defined in the legislation as 'any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission'. Therefore the PSPO can be implemented.</p>

9.	18/11/2019	<p>I am disappointed to read that there has been problems in this area but if that is the case then I totally support the proposal.</p> <p>Kind regards</p>	Resident	Positive and supportive
10.	03/12/2019	<p>Dear Sirs,</p> <p><b>RE: Public consultation on the proposed Dorney Lake Public Spaces Protection Order 2020</b></p> <p>Firstly thank you for taking the time and effort to make this proposal for the protection of local residents, genuine visitors to Dorney Lake and the employees who work there, it is greatly appreciated.</p> <p>As requested, please find below my review of the document and suggestions as a local resident to the site.</p> <ol style="list-style-type: none"> <li>1) Proposed revision to <b>3.5</b> currently written as <i>'entering the lake in a manner which is reasonably likely to harm an other person in the water'</i>. I believe that this should be changed to <i>'No entry into the water'</i>. Dorney Lake is not a swimming lake, it is a professional rowing centre, with hazards not obvious to the public. The Lake operate a strict 'no entry' into the water policy for many safety issues including underwater cables.</li> <li>2) The inclusion of restrictions on parking on site where it is deemed to be either a safety concern i.e. cars parked randomly within the site with no regard to the risk they pose to other drivers, such as, bends, both sides</li> </ol>	Lake user	<ol style="list-style-type: none"> <li>1. Whilst there is a prohibition on swimming in the lake, this is for the landowners to manage and enforce. Swimming itself is not anti-social. However, entry into the lake in such a manner as to cause harassment, alarm and distress to another user e.g. a rower, can be classed as anti-social behaviour and covered by the PSPO.</li> <li>2. The draft PSPO includes restrictions on the manner in which vehicles are used within the site which is likely to cause harassment, alarm, or distress. Inconsiderate parking would be an issue for the management of the site and not necessarily warrant</li> </ol>

	<p>of the road and restricting access.</p> <ol style="list-style-type: none"> <li>3) The inclusion of a restriction on public nudity. It is my understanding that under Section 66 of the Sexual Offences Act 2003, it is only a criminal offence to be naked if "a person intentionally exposes their genitals with the intention of causing distress" this links into my first point where we have people getting changed before or after entering the water.</li> <li>4) It was my understanding that individuals could be excluded for 24 hours following a breach of a PSPO and that failure to comply could result in arrest. This is not mentioned in the document.</li> <li>5) The 'Restricted Area' should be extended to include the access road as shown in the attached PDF. The access road is of serious concern when vehicles are parked on both sides of it and people are acting anti-socially inline with your bullet points and those I have suggested above.</li> </ol> <p>I have not chosen to raise the carrying of knives or any other weapons, class A-C drug usage as I have assumed they are naturally covered under the relevant laws, in addition to 'stop and search' powers which I assume the police will already have.</p> <p>I hope the above input is useful.</p> <p>Thank you again for putting this proposal forward.</p>		<p>enforcement through a PSPO. Dangerous parking on the public highway would be dealt with by the relevant provisions of the Highways Act.</p> <ol style="list-style-type: none"> <li>3. It is unclear whether changing to go swimming would be classed as anti-social. However intentional nudity may be considered and would be dealt with by the police through the Sexual Offences Act 2003.</li> <li>4. Individuals cannot be excluded from an area by the provisions of a PSPO. This provision is a Dispersal Order and allows a police officer to direct someone to leave a public place for a maximum of 48 hours. Penalties for breaching a PSPO is either by a Fixed Penalty Notice or prosecution.</li> <li>5. The Restricted Area could be extended to include the access road to prevent vehicle owners driving in such a manner as to cause</li> </ol>
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				<p>harassment, alarm and distress to other road users.</p>
<p>10.</p>	<p>12/12/2019</p>	<p>In review of the evidence provided by PS 6792 Rachel Dale, the draft PSPO and having knowledge of the continuing problems the Police were faced with during 2019 and year preceding this at Dorney Lake. I am satisfied that placing a PSPO on the grounds of Dorney Lake would give Police Officers and Police Community Support Officers the powers to deal robustly with any future Anti-Social Behaviour to protect the community from any further disruption. I am pleased to see support from the community, Eton College and partner agencies.</p>	<p>Thames Valley Police</p>	<p>Positive and supportive</p>

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**SOUTH BUCKS DISTRICT COUNCIL**  
**ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

**THE SOUTH BUCKS DISTRICT COUNCIL (DORNEY LAKE)**  
**PUBLIC SPACES PROTECTION ORDER 2020**

1. **THIS ORDER** is made by South Bucks District Council (“the Council”) in exercise of its power under section 59 in Chapter 2 of Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 (“the Act”) because it is satisfied on reasonable grounds, having carried out a consultation in accordance with section 72 of the Act and considered the matters set out therein, that:
  - 1.1 activities carried out, or likely to be carried out, in the public place set out in paragraph 2 below (which are within the Council’s area) either have had a detrimental effect on the quality of life of those in the locality or will have such an effect; and
  - 1.2 the effect, or likely effect, of the activities –
    - a. is, or is likely to be, of a persistent or continuing nature,
    - b. is, or is likely to be, such as to make the activities unreasonable, and
    - c. justifies the restrictions imposed by this Order
  
2. The public place within which the activities set out in paragraph 3 below are prohibited (“**the Restricted Area**”) is shown edged in red on the plan(s) in the Appendix to this Order and comprises:
 

**Dorney Lake (and surrounding land, to the north of the River Thames),  
Court Lane, Dorney, Buckinghamshire SL4 6QP**
  
3. The activities which are to be **prohibited** are:
  - 3.1 the consumption of alcohol in breach of an authorised officer’s request to cease its consumption;
  - 3.2 having an unsealed container of alcohol, in breach of an authorised officer’s request to surrender the alcohol or container;
  - 3.3 the consumption of any psychoactive substance<sup>1</sup>(colloquially known as a legal high) or possessing a psychoactive substance in breach of an authorised officer’s request to surrender it ;
  - 3.4 using behaviour towards another person (whether on the land or in the lake) which may reasonably be perceived to be threatening, aggressive or intimidating;
  - 3.5 entering the lake in a manner which is reasonably likely to harm any other person in the water;
  - 3.6 using foul or abusive language;

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<sup>1</sup> A psychoactive substance is defined in section 2 of the Psychoactive Substances Act 2016 as any substance capable of stimulating or depressing the central nervous system of a person who consumes it, other than an exempt substance (listed in Schedule 1 of that Act as controlled drugs, medicinal products, alcohol or alcoholic products, nicotine and tobacco products, caffeine products and food).

- 3.7 gathering or loitering with any other person(s) in a manner which is (or may reasonably be perceived to be) intimidating or threatening to any other member of the public;
- 3.8 driving a motor vehicle in such a manner that puts any other member of the public at risk of harm;
- 3.9 performing any motor vehicle stunts; and
- 3.10 racing a motor vehicle with any other motor vehicle, or exceeding the speed limits displayed on any sign within the Restricted Area.

#### 4. Period for which this Order Has Effect

This Order will come into force on [ 2020 ] and will continue in force for three years expiring on [ 2023 ].

#### 5. Consequences of Failure to Comply with Restrictions Contained in this Order

5.1 In respect of the carrying out of an activity prohibited by paragraphs 3.1 or 3.2 above, a police constable, community support officer or person duly authorised by the Council (each hereafter called an "authorised officer") shall be entitled to require any person who is or has been consuming or intends to consume alcohol in the Restricted Area to not consume in the Restricted Area anything which is, or which an authorised officer reasonably believes to be, alcohol, and to surrender anything in his or her possession which is, or which the authorised officer reasonably believes to be, alcohol, or a container for alcohol.

5.2 It is an offence under section 63 of the Act for a person, without reasonable excuse, to fail to comply with a requirement imposed on him or her as set out in paragraph 5.1 above and a person guilty of such an offence is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

5.3 It is an offence under section 67 of the Act for a person, to carry out, without reasonable excuse, any of the activities prohibited by paragraphs 3.3 to 3.10 of this Order and a person guilty of an offence under that section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

5.4 Under section 68 of the Act an authorised officer may issue a **Fixed Penalty Notice** ("FPN") to anyone he or she has reason to believe has committed an offence under section 63 or section 67 in relation to this Order requiring payment of a fixed penalty in the sum of £100. Provided that fixed the penalty is paid within 14 days, a prosecution will not be brought for that offence.

#### 6. Appeals

Any challenge to the validity of this Order must be made in the High Court by an interested person within six weeks of the Order being made. The right to challenge also exists where an order is varied by the Council. An interested

person is an individual who lives in, or regularly works in or visits, the Restricted Area and they may only challenge the validity of the Order on two grounds; that the Council did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by it, or that a requirement under Chapter 2 of Part 4 of the Act was not complied with.

Where a challenge is made the High Court can decide to suspend the operation of the Order, pending its decision, in part or in totality and the High Court has the power to uphold, quash or vary the Order.

Dated: **2020**

Signed: .....  
**Joanna Swift**  
**Head of Legal and Democratic Services**

On behalf of **South Bucks District Council**  
**Council Offices, Capswood, Oxford Road, Denham, Buckinghamshire, UB9**  
**4LH**

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<b>SUBJECT:</b>	Affordable Housing Contributions Update
<b>RELEVANT MEMBER</b>	Councillor Patrick Hogan, Portfolio Holder for Healthy Communities
<b>RESPONSIBLE OFFICER</b>	Head of Healthy Communities – Martin Holt
<b>REPORT AUTHOR</b>	Housing Manager – Michael Veryard <a href="mailto:Michael.veryard@chilternandsouthbucks.gov.uk">Michael.veryard@chilternandsouthbucks.gov.uk</a>
<b>WARD/S AFFECTED</b>	All wards

### 1. Purpose of Report

To provide Members with an annual update on the position of the Affordable Housing Contributions received by the Council (via Section 106 agreements) and to seek approval for the allocation of available funding to schemes specified in the report.

### RECOMMENDATIONS

1. That the update on Affordable Housing Contributions is noted.
2. That the uncommitted funds are allocated as follows:
  - (i) Your Choice Equity Loan Scheme = £336,885
  - (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. That 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

### 2. Executive Summary

Not applicable

### 3. Reasons for Recommendations

To secure that the income from Affordable Housing Contributions is allocated effectively to support the provision of additional affordable housing and the retention of existing stock (in order to meet local housing needs and provide move-on accommodation for homelessness households in temporary accommodation)

**4. Content of Report**

- 4.1. The Council's Core Strategy (adopted in 2011) and Affordable Housing Supplementary Planning Document (adopted in 2013) make provision for developers to pay a financial Affordable Housing Contribution in lieu of on-site provision where there are sound planning reasons or other reasons. These funds are then utilised by the Council to help secure affordable housing elsewhere.
- 4.2. As at 8th January 2020, the position of the AHCs (Affordable Housing Contributions) was as follows:

<b>Affordable Housing Contributions</b>	<b>£</b>
AHCs received since January 2011	£10,253,155
Funds spent	£9,013,271
Committed Funds	£286,677
Uncommitted Funds	£953,207

Further details are set down in the following paragraphs.

**Funds spent to date (£9,013,271)**

- 4.3. The funds spent to date (£9,013,271) have delivered additional affordable housing via a range of schemes since 2011:

<b>Scheme</b>	<b>Delivery</b>
Property acquisitions (L&Q)	39 x units acquired and let
Your Choice Equity Loan (Catalyst)	25 x equity loans granted to support applicants to purchase homes
Downsizing	15 x Registered Provider tenants supported to downsize
Incentive to Purchase	1 x Registered Provider tenant supported to acquire property
Subsidy to convert new build shared ownership to rent	18 x units converted to rent on two schemes (L&Q and Hightown)
Property acquisitions for use as temporary accommodation (Bucks HA)	3 x units acquired and let as temporary accommodation
Temporary Accommodation schemes at Bath Road <ul style="list-style-type: none"> <li>- 1-12 Walters Court</li> <li>- 801 Bath Road</li> </ul>	14 x units through: <ul style="list-style-type: none"> <li>- the new development of 12 units at 1 - 12 Walters Court and</li> <li>- the conversion of 801 Bath Road (Winton Cottage) to provide 2 units.</li> </ul>



**Committed Funds (£286,677)**

4.4. The committed funds (£286,677) are broken down as follows:

<b>Scheme</b>	<b>Committed Funds</b>
Temporary Accommodation Scheme – 801 Bath Road (Winton Cottage)	£4,393
Potential land acquisition	£178,146
Other Temporary Accommodation and Move-On Initiatives – Retention of L&Q stock	£104,138
<b>Total</b>	<b>£286,677</b>

Further details on each scheme are below

**(a) Temporary Accommodation Scheme – 801 Bath Road (Winton Cottage) - £4,393**

4.5. A retention payment remains outstanding following the completion of the works to the property.

**(b) Potential Land Acquisition - £178,146**

4.6. Following the Council's acquisition of 801 Bath Road, the sum of £178,146 remains set aside for the potential purchase of further land in the area. This potential purchase is being reviewed and the sum will be re-allocated if it is decided not to proceed with any purchase.

**(c) Other Temporary Accommodation or move-on initiatives – Retention of L&Q Housing stock - £104,136**

4.7. At the time of the last annual update report, a sum was committed to support initiatives to deliver more options for temporary accommodation or move-on accommodation. The sum was committed on the basis that specific scheme proposals to allocate this funding would be brought forward by the Head of Healthy Communities and subject to consultation and agreement with the Portfolio Holders for Healthy Communities and Resources on a scheme by scheme basis.

4.8. Subsequently, this sum has been allocated to support the retention of five L&Q-owned rented properties that would otherwise have been sold on the open market. This was agreed by the Head of Healthy Communities in consultation with the Portfolio Holders for Healthy Communities and Resources.

4.9. This arose from L&Q's decision in 2019 to adopt a nationwide policy across its housing stock whereby it would:

- (i) review social housing tenancies as and when they became vacant and
- (ii) sell the property on the open market (instead of re-letting it) if it required extensive remedial works costing more than £10,000 to bring it up to a lettable standard.

4.10. L&Q adopted this policy in response to increasing financial pressures arising from both the slowdown in the housing market (reducing income from shared ownership and market sales) and the high costs arising from the remedial fire safety works that L&Q is having to undertake across its housing stock following the Grenfell fire. This policy is intended to generate an immediate capital income for L&Q to help the increased financial pressures. L&Q does not intend to operate this policy indefinitely and will keep it under review depending how its financial position develops over the next 12 to 18 months.

4.11. Officers met with L&Q last year to discuss the disproportionate impact of this policy on South Bucks where L&Q is the main source of social housing tenancies. L&Q agreed that it would notify the Council on a case by case basis when it had vacant property in South Bucks District where the void costs had triggered a potential sale. The Council would then have the option to offer to meet all or part of the remedial works costs if it wished to see the property retained within the social housing stock and not sold. Full details of the notification procedure are set down in **Appendix 1**.

4.12. In accordance with the procedure in Appendix 1, the Council has agreed to fund the remedial works to five L&Q properties in order to ensure that they are retained in the local social housing stock and can be utilised to move on homeless households from temporary accommodation.

#### **Uncommitted Funds (£953,207)**

4.13. It is proposed the funds which are currently uncommitted should be allocated as follows:

<b>Scheme details</b>	<b>Sum</b>
<p><b>Your Choice Equity Scheme</b> Your Choice Equity loans are delivered by Catalyst Housing and co-funded by Catalyst and SBDC. The scheme supports first-time buyers to access an equity loan to purchase housing on the open market. The loan is repayable to the Catalyst and SBDC on the sale of the property. This scheme was put on hold in 2018 due to a market slowdown and other demands on the Affordable</p>	<b>£336,885</b>

Housing Contributions fund. An allocation of £336,885 for the scheme was out on hold at that time. It is proposed to release this allocation to allow the Council to review the scheme with Catalyst and deliver further loans if the demand exists. This includes the opportunity to review the scheme parameters and identify how it could potentially be extended to a wider group (e.g. key workers).	
<p><b>Funding of Major Void Works -Retention of L&amp;Q Housing Stock to secure move-on accommodation for temporary accommodation</b></p> <p>It is proposed to allocate a sum to continue meet the cost of major void works in L&amp;Q properties where the property would otherwise be sold on the open market. This follows on from the initial commitment described in paragraphs 4.7 to 4.12 of this report and would be undertaken using the procedure set down in <b>Appendix 1</b>.</p>	<b>£250,000</b>
<p><b>Provision of Additional Affordable Housing</b></p> <p>It is proposed that this sum is allocated generally to provide grant funding to support schemes that deliver additional affordable housing or temporary accommodation through the development of new properties or acquisition of existing accommodation (e.g. funding support to Registered Provider). Allocations to specific schemes from this sum would be subject to the agreement of the Head of Healthy Communities in consultation with the Healthy Communities Portfolio Holder.</p>	<b>£366,322</b>

- 4.14. The Council is scheduled to receive further Affordable Housing Contributions. These contributions will increase the level of funds available. As and when that happens, the Head of Healthy Communities will review the options and agree allocations for utilising the funds to secure further affordable housing in consultation with the Healthy Communities Portfolio Holder. This will include re-allocating any underspend from any of the other commitments set down in this report.
- 4.15. Allocations made before 1 April will be dealt with under the delegated arrangements set down in this report. These delegations do not carry forward to Buckinghamshire Council post-vesting day although this report indicates how South Bucks District Council would like the Affordable Housing Contributions to be allocated going forward. The decision on allocations post-vesting day will rest with the new Council/cabinet portfolio holder and Corporate Director.

## 5. Consultation

Not Applicable

**6. Options (if any)**

The background details to the options for allocating funding are set down in this report.

**7. Corporate Implications**

## 7.1 Financial

The schemes and initiatives being supported by the Affordable Housing Contributions are being delivered within the Council's budget and will help to reduce the use of nightly booked temporary accommodation. This will in turn help to reduce the Council's temporary accommodation costs.

## 7.2 Legal

The Council's Affordable Housing Supplementary Planning Document enables the Council to utilise funding from Affordable Housing Contributions to support the delivery of affordable housing within the district.

**8. Links to Council Policy Objectives**

8.1 Delivering cost-effective customer-focussed services

8.2 Working towards safe and healthier local communities

**9. Next Steps**

The existing financial commitments will be completed and the uncommitted funds will be allocated in accordance with the proposals in this report. Further schemes will be brought forward for consideration when further Affordable Housing Contributions income is received.

<b>Background Papers:</b>	None other than referred to in this report
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**Appendix 1****South Bucks District Council and L&Q****Procedure where L&Q intends to sell void property due to extensive remedial works**

1. For each void property where the estimated cost of void works exceeds £10,000 and L&Q are proposing to sell the property rather than re-let it the following procedure will apply
2. L&Q will forward details of the property concerned the SBDC showing:
  - Address
  - Property type
  - Breakdown of void works required and associate cost estimate
3. SBDC will respond to L&Q within 10 working days to confirm:
  - if it wishes to see the property retained by L&Q and
  - if it is offering to fund the void works in order to secure retention of the property.
4. If SBDC is offering the fund the works, this will be on the following basis:

<b>Cost of Repairs</b>	<b>SBDC Funding</b>
<b>£15,000 or more</b>	SBDC will cover the repairs cost in full
<b>£10,000 to £15,000</b>	SBDC will cover the balance of the repairs cost after L&Q has met the first £10,000 (e.g. if the total void costs are £13,000 then L&Q will pay £10,000 and SBDC will pay £3,000)

5. In the event that SBDC is offering to fund void works, L&Q will respond within 10 working days to confirm whether or not it wishes to accept the offer, undertake the void works and re-let the property.
6. Where it is agreed that SBDC will fund the void works, this will be subject to the following:
  - a. SBDC will make payment on completion of the voids works subject to receiving copies of the relevant invoices from L&Q (confirming the works that have been undertaken and the costs)

- b. SBDC will have nomination rights to the property on the first letting following completion of the void works and on subsequent re-lets
- c. In the event of the property being sold within 10 years of the first letting following the void works then L&Q will repay all or a proportion of the funding provided for the void works (the level of repayment reducing on a sliding scale over a 10-year period)
- d. In the event of L&Q deciding to sell the property on the open market at a future, L&Q will give SBDC first refusal to acquire the property (subject to an independent valuation)

**END**

<b>SUBJECT:</b>	<b>FARNHAM PARK CHARITY BUDGET 2020/21</b>
<b>RESPONSIBLE OFFICER</b>	<b>Director of Resources – Jim Burness</b>
<b>REPORT AUTHOR</b>	<b>Jim Burness (jim.burness@chilternandsouthbucks.gov.uk)</b>
<b>WARD/S AFFECTED</b>	<b>N/a</b>

## 1. Purpose of Report

- 1.1 To consider the draft budgets for the Charitable Trusts activities for 2020/21, including the proposed fees & charges.

### RECOMMENDATIONS

#### Cabinet is asked to agree:

1. The overall operating budget, £167,455, shown in para 3.7.
2. The fees and charges in Appendix A.

## 2. Background

- 2.1 The operations of the Charity divide into two areas, 1) the Golf course and the ancillary catering activities, and 2) the Playing Fields. The budget information is organised to show the operational costs and income of these two elements. The golf and playing fields are supported by a single service team that operates across both elements, and the course and playing fields are maintained by a single grounds maintenance team.

## 3. Operating Budget 2020/21

- 3.1 The following table summarises the overall budget changes for golf operation from the 2019/20 budget. Negative figures equate to savings or surpluses.
- 3.2 The main points to note are:
- Salaries have been inflated by 2% and increments applied where due. The cost increases have been partly offset by removing the Deputy Course Manager post and replacing with a greenkeeper post, the overall increase in staffing costs is £8,680.
  - The increase in non staff expenditure, £23,910 overall, is related to the cost of leasing a further three mowers/aerators, and the majority of the plant and equipment is now leased. There has been reduction in the maintenance budgets associated with plant and equipment as a result.
  - The budget for golf income overall shows a 2.6% increase, reflecting a number of pricing changes and other measures which are explained in more detail later in the report. The estimates are based on the number of rounds forecast for the current year, and therefore reflects the downward trend in recent years of reducing numbers of rounds played largely attributable to weather conditions (i.e. wet winters and periods of high temperatures in the summer). Since 2015 the number of rounds has reduced by approximately 14%.

**Number of Rounds 2015 - 2019**

	2015/16	2016/17	2017/18	2018/19	2019/20
Apr	3,826	3,184	3,411	2,731	2,034
May	3,761	3,756	3,540	3,448	2,305
June	4,211	3,268	3,685	3,645	2,161
July	3,915	3,867	3,778	3,543	3,788
August	4,006	4,520	4,001	3,757	3,835
September	3,152	3,300	3,420	3,482	3,050
October	2,931	2,628	2,824	2,820	2,176
November	2,027	2,037	2,245	2,158	1,628
December	1,919	1,877	1,244	1,415	970
January	1,291	1,650	1,597	1,801	
February	1,903	1,813	1,658	1,787	
March	2,068	2,244	1,543	2,145	
	35,010	34,144	32,946	32,732	21,947

3.3 Overall the golf operation is estimated to make an operating surplus of £86,000.

	<b>Golf</b>					
	Golf Mgt	Golf course	Golf Shop	Catering	Course Maint	Total
Budget 2019/20	140,044	-452,280	-10,000	-12,910	238,623	-96,523
Staff cost changes	+24,480	-	-	+400	-16,200	+8,680
Expenditure changes	-1,600	+1,580	-740	-5,030	+29,700	+23,910
Changes in Golf Mgt / GM recharges	-12,163	-	-	-	-3,750	-15,913
Income changes	+1,446	-14,800	+2,000	+5,200	0	-6,154
Budget 2020/21	152,207	-465,500	-8,740	-12,340	248,373	-86,000

3.4 The proposed fees for 2020/21 that have been assumed within the budgets are appended to the report, and these will need to be agreed by the Panel for formal adoption by the Cabinet.

3.5 The Playing Fields operational budget is summarised below. The income increase is largely attributable to increased casual pitch hire by junior soccer clubs and softball hire.

<b>Farnham Park Playing Fields</b>	
Budget 2019/20	111,933
Expenditure changes	+25
Change in share of Golf Mgt / Grounds Maint	+13,467
Income changes	-5,000
Budget 2020/21	120,425

3.6 The preceding tables show the Charity's operational budget position. The overall financial position has to include the following non-operational costs:

- Interest on the financing of the Clubhouse redevelopment



- Asset charges / depreciation
- Support service recharges from the Council.

3.7 The overall position, including the non-operational costs is as follows.

	Golf	Playing Fields	2020/21 Total	2019/20 Total
Net Operating Budget	-86,000	+120,425	+34,425	+15,410
Interest	34,600	-	34,600	36,670
Asset charge	63,831	6,400	70,231	74,190
Support Service Costs	18,400	9,800	28,200	27,600
2020/21 Budget	30,831	136,625	167,455	153,870
2019/20 Budget	21,978	131,893	153,870	
Change	+8,853	+4,732	+13,585	

3.8 The table illustrates that the non-operational costs of £133,031 change the operating deficit of £34,425 into an accounting deficit of £167,455. The main deficit arises as a result of the costs of operating the Playing Fields.

### **Green Fee Pricing Structure**

- 3.9 Prices for 2019/20 show a £2.00 discount for members of either golf club (South Bucks GC or Farnham Park GC) based at the course. It is proposed to increase this discount to £3.00 from 1 April 2020, by increasing the price of a visitors green fee by £1.00.
- 3.10 It is also proposed to introduce a 'Golf Card' at a cost of £30.00 per year (or £15.00 to members of either golf club), and ONLY holders of the golf card will receive the member discount. Additional benefits such as bar discount and 14 day advanced booking will also be made available.
- 3.11 The new Golf Card will generate an estimated additional income of over £8,000 per year. However, most importantly it will give an opportunity for golfers, who may be members elsewhere, to play the course on a regular basis, at a discounted price, and hopefully this will entice some to move to The South Buckinghamshire.
- 3.12 This will also enable the management to generate a detailed database of regular golfers, so as to be able to send out a monthly e-newsletter, with special offers for golf and the bar. In addition it is hoped that a 'reciprocal arrangement' with at least two other local golf courses, managed by Everyone Active can be arranged for April 2020.
- 3.13 It is proposed that all Season Ticket prices will increase by £30 per year, which represents an increase of between 2.9% and 4.1%.

## **4. Risks and Issues**

4.1 The main risks facing the operation are as follows:

- Weather has a major effect on golf income, and secondary spend in the bar, and the table of number of rounds shows the downward trend in recent years, which has largely been as a result of weather related factors.

- The state of the buildings on the playing fields site mean there are risks of unbudgeted landlord maintenance costs, or they become unviable to use. The site is also vulnerable to vandalism and unauthorised incursions.
  - Income risks from tenants of playing field leases and pitch hire, although this has reduced in the last year with the move to more junior soccer hires.
- 4.2 The financial information makes very clear that the cost of the Playing Fields is the major challenge facing the Charity. This is added to by the fact that all the buildings on the site, with the exception of the greenkeepers compound, are approaching or at the end of the useful lives, and need replacing in the near future.
- 4.3 It is highly unlikely that the Playing Fields would ever be a facility that could be operated at nil cost. Even if the facility was reduced to just a softball venue and the remained as public open space with minimal maintenance, there would be a material annual cost to the Charity/Council in the order of £70k+.
- 4.4 This is the key issue for the New Council who will become the corporate Trustee, as it is not a viable option to believe that the golf course can generate sufficient surplus after interest and depreciation, to cover the costs of the playing fields even if they were just used as public open space, and thereby avoiding any cost to the council tax.
- 4.5 The New Council is due to undertake in its first year a Leisure Review, covering both indoor and outdoor leisure. This may be the opportunity to consider in a wider context the develop the potential of Farnham Park as an outdoor leisure, community and public health facility, and undertake the investment required to opportunities of the site.

<b>Background Papers:</b>	None
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<b>SUBJECT</b>	Heathrow update – towards a Statement of Common Ground
<b>RELEVANT MEMBER</b>	Cllr John Read, Portfolio Holder for Planning and Economic Development
<b>RESPONSIBLE OFFICER</b>	Steve Bambrick, Acting Chief Executive
<b>REPORT AUTHOR</b>	Adrian Colwell
<b>WARD/S AFFECTED</b>	All wards

## 1. Purpose of Report

- 1.1 This report reviews the progress made to develop a Statement of Common Ground between South Bucks Council and Heathrow Airports Limited (HAL). The final Statements of Common Ground agreed with each Council impacted by the Heathrow expansion are to be submitted to the Planning Inspectorate (PINS) as part of the submission of the Development Consent Order (DCO) application which HAL are to make by December 2020.
- 1.2 This report reviews the scheme content and stages for its delivery, the engagement that has taken place and the mitigation and 'asks' that has been sought by South Bucks Council from HAL alongside the consideration of the Heathrow expansion that has taken place through the Heathrow Strategic Planning Group.
- 1.3 This report places on the record the progress made by South Bucks Council in negotiation with HAL for handing to the successor Council – Buckinghamshire Council – to take forwards and build upon in order to reach agreement on a final package of mitigation measures for Buckinghamshire.

### **RECOMMENDATIONS:**

1. That Cabinet consider this detailed report and the progress that has been made by South Bucks Council in developing a Statement of Common Ground with HAL to mitigate the impacts of the Heathrow expansion on South Bucks District and to secure the opportunities from that expansion for local communities and businesses.
2. That Cabinet recommend that the new Buckinghamshire Council build upon the progress made by South Bucks Council in concluding the final Statement of Common Ground between Buckinghamshire and HAL for submission to PINS as part of the DCO package setting out the proposed expansion of Heathrow.

## **2. Executive Summary and Reasons for Recommendations**

- 2.1 The Heathrow expansion has significant implications for residents of the District and the view of each Local Authority will be a significant issue that the Planning Inspectorate consider through their determination of the DCO application in 2021.
- 2.2 Statements of Common Ground are planning documents used to record areas of agreement between a developer and the Local Planning Authority. While Local Planning Authorities are not the determining body for the Heathrow expansion, that is the role of the Planning Inspectorate (PINS), HAL have been keen to reach agreements through this mechanism as part of the process of providing local mitigation to manage the schemes impacts, but also to show a process of engagement and agreement with the key public partners as the scheme has evolved.
- 2.3 The Heathrow DCO is the largest DCO application in the UK to date, proposing a major expansion of the airport with consequences for the District in terms of land use, transport and quality of life due to noise and pollution. All of which need to be mitigated where they impact on the District and the Ivers in particular. As such, the Council has sought the optimum mitigation from the likely impacts, should this DCO be granted permission by the Secretary of State.
- 2.4 The Statement of Common Ground between South Bucks Council and HAL is not complete for two reasons. Firstly, the scheme is still evolving, partly due to its complexity and addressing issues raised through the second consultation (in late 2019), but also due to the CAA price cap which has pushed the submission of the DCO back from June 2020 to quarter 4 in 2020, ie by December 2020. Secondly, as local government reorganisation is leading to the creation of a new single Unitary Council for Buckinghamshire from 1<sup>st</sup> April 2020. It is thus, not possible to complete the Statement of Common Ground before this deadline.
- 2.5 It is judged useful to record the progress South Bucks Council has made, by working in partnership with HAL to discuss and resolve issues of concern in this District to provide a strong platform for the new Buckinghamshire Council to build upon in concluding a Statement of Common Ground with HAL later in 2020, for inclusion with the DCO and its submission to PINS.

### **2.6 Our Objectives**

The approach taken by South Bucks Council to the Heathrow expansion has been to seek to:

- Minimise the impact of the development on the communities and businesses of South Bucks.
- Ensure the expansion leads to the best development possible.
- Secure clear gains for local residents and businesses through the DCO and accompanying measures, such as the Joint Spatial Planning Framework (JSPF), that are monitored robustly.
- Secure sustainable development, that achieves modal shift so to ensure that the surface access strategy which supports Heathrow expansion leads to enhanced connectivity for residents and businesses and meet the targets of the Airports National Policy Statement (ANPS).
- Development which is future proofed in addressing climate change.
- Work to secure local transport improvements in the Ivers, working with Buckinghamshire County Council as the local highways' authority.

### **3. Content of Accompanying Report**

3.1 The accompanying report includes the following content:

- Section One – Introduction
- Section Two - Context
- Section Three – Role of Statements of Common Ground
- Section Four – Development of Heathrow
- Section Five – South Bucks Aims and Objectives.
- Section Six – Key issues from the development
- Section Seven -Engagement and the process of collaboration
- Section Eight – Asks and Issues
- Section Nine – The HSPG Joint Spatial Planning Framework
- Section Ten -Issues for the Future

### **4. Options**

4.1 There are no alternative options. The accompanying report shows what has been agreed so far between South Bucks Council and HAL.

4.2 The proposed Heathrow expansion is led by HAL and neighbouring Councils are engaging with HAL to shape and mitigate the impacts of the proposed development.

4.2 The Council has responded to all formal consultations by HAL as the scheme has progressed as well as engaging in bilateral discussions with HAL as a Local Planning Authority, though it is not the determining authority. The Council has also worked through the Heathrow Strategic Planning Group (HSPG) to shape all aspects of the development and worked in close partnership with Buckinghamshire County Council.

## **5. Corporate Implications**

5.1 Financial- there are no immediate financial implications for the Council.

The list of 'asks' of HAL is intended to secure the necessary mitigation required for the communities directly impacted. South Bucks Council has been working with the Heathrow Strategic Planning Group (HSPG) and Officers time is reclaimed as part of the agreement and via HAL through their unilateral funding agreement with impacted authorities, such as South Bucks.

5.2 Legal – there are no immediate legal implications for the Council.

## **6. Unitary implications**

6.1 The attached report is intended to be a useful stock take of the progress made by South Bucks Council, for the new Unitary to build upon in coming months ahead of the submission of the DCO later in 2020.

6.2 In the run up to the establishment of the new Unitary Council, close coordination has taken place with Bucks County Council on Heathrow matters including the response consultations, joint briefings of Councillors from both Councils and input into HSPG workshops and meetings.

## **7. Links to Council Policy Objectives**

7.1 The Heathrow expansion has the potential to impact on the four objectives of the Council, given the scale of the proposed expansion and the community impacts identified.

7.2 The four key Council Policy Objectives have informed our approach to the Masterplan and the development of the DCO:

- Sustainable Environment
- Promote healthier communities
- Protecting our heritage
- Protecting our future

## **8. Next Steps**

8.1 The work of South Bucks Council will on Heathrow related matters will cease on 31<sup>st</sup> March 2020 and the work of the new Buckinghamshire Council will commence on 1<sup>st</sup> April 2020. The annex to this report will provide an important foundation to build on ahead of the submission of the DCO by HAL in December 2020.

8.2 One of the many legacies of South Bucks Council will be the work that has been undertaken to ensure that the impacts of the Heathrow expansion, as detailed through the DCO, benefit our communities and are mitigated and the agreements reached to date with HAL which will be handed on to the successor Council, Bucks Council, to complete.

<b>Annex</b>	South Bucks Council and HAL Report: Towards a Statement of Common Ground
<b>Background Papers:</b>	None other than those referred to in this report.

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## South Bucks Council and HAL Report - Towards a Statement of Common Ground

### 1. Introduction

South Bucks Council and HAL have a shared commitment to addressing the implications and identified impacts from the Heathrow development and believes that mitigating the impacts and securing the benefits is best addressed by active engagement.

At its Cabinet meeting held in October 2018, South Bucks Council considered its formal position on the proposed Heathrow expansion and resolved the following:

*'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.'*

This decision has formed the basis on which the Council has engaged with HAL and its partner Councils on the development of the scheme as well as the content of its formal responses to consultations on both the main land use DCO and the accompanying Air Space Change DCO.

South Bucks Council works in close partnership on Heathrow expansion with Buckinghamshire County Council, other host and affected Councils and through the Heathrow Spatial Planning Group (HSPG) to shape the overall development. For a major development seeking consent through the 2008 Planning Act, the Local Planning Authorities are not the determining body as that is the role of the Planning Inspectorate (PINs) and eventually the relevant Secretary of State. Thus, South Bucks Council is not the determining body for the planning application, but merely a consultee on the content of the proposed 'Development Consent Order' (DCO).

South Bucks has sought to address the implications for communities close by facing complex impacts, from a complex project taking place in different stages over a long time period, up to 2050.

The Airports National Policy Statement (the 'ANPS') sets standards for noise, air quality, climate change and surface access which the Heathrow needs to fully address through the DCO.

South Bucks has raised concerns about the noise impact on the community close to Heathrow from increased air traffic and road-based traffic, as well as implications for air quality. But South Bucks Council acknowledges that the Heathrow expansion is a long-term development project, with growth in stages not all at once.

South Bucks Council welcomes the decision by the HSPG to produce a Joint Spatial Planning Framework to sit alongside the DCO, to help secure further regional infrastructure and economic benefits for the region impacted by Heathrow.

South Bucks Council recommends the new Bucks Council continues to work closely with HAL to ensure that the progress made by South Bucks Council is built upon and taken forwards.

## **2. Context**

The growth of Heathrow is a major development that will impact on many aspects of the South Bucks District.

South Bucks is a complex area facing a series of significant developments within the same time period as the Heathrow expansion, such that the Council has concern about the cumulative impact faced by the community. Other developments include the development of the Crossrail scheme with a station at Iver, the Smart Motorway improvements to the M4 and M25, HS2, the Western Rail Link to Heathrow and Local Plan growth.

It was a national decision to pursue airport expansion to meet the anticipated increase in air travel. It was also national decision that the location of the airport expansion in the SE should take place at Heathrow.

The Airports National Policy Statement (ANPS) was designated by Parliament in June 2018 and provides the primary policy basis for decision making by PINS on the development consent applications for airport expansion. The ANPS sets out the conditions that should apply to the Heathrow scheme.

The expansion is being determined under the 2008 Planning Act, as a DCO - 'Development Consent Order' in which the determination is made by the Planning Inspectorate (PINS). The DCO for the land use elements is currently due to be submitted in the fourth quarter 2020, with its examination due in 2021 and a decision in 2021/22. This is a slight delay due to a price cap imposed by the CAA in December 2019, which resulted in an amended construction profile and subsequently Heathrow have carried out updates to modelling /assessments which reflect the new programme. Additionally, Heathrow will use the time to carry out a Supplementary Consultation, commencing in April 2020, which will set out:

- Project changes
- Construction update
- Managing Environmental Effects update
- Surface Access update
- Apprenticeship update
- Property Policies update

Given the application for development consent follows a different process to a conventional planning application, a different approach to obtaining the best outcomes for South Bucks residents is required. This focusses more on influence and collaboration. Both South Bucks and HAL have entered into their engagement around the Heathrow expansion in a positive manner. The Council is building on joint working between the different Councils to forge consensus in responding to the development proposals as they evolve, up to their submission for determination.

## **3. The role of a Statement of Common Ground**

South Bucks Council and HAL have been working towards a Statement of Common Ground for submission to the Examination of the Heathrow DCO that shows the areas of agreement, disagreement as well as showing the nature of the engagement that has been undertaken.

There are many areas where the Council and HAL agree on the mitigation required to address local community impacts and how the opportunities might be realised. There are also a number of areas where the Council believes more work is required in order to secure agreement on all matters and this joint work is continuing.

It will be for the new Bucks Council to build on the work undertaken by South Bucks Council and HAL and it is to be hoped that a positive resolution of all outstanding issues will be secured to the benefit of communities and businesses across South Bucks.

#### **4. Development of Heathrow**

In July 2015, the independent Airports Commission reported the conclusions of its three-year study examining the need for additional capacity to maintain the UK's position as Europe's most important aviation hub. It found that there is a need for additional runway capacity in the South East of England, and unanimously concluded that a new north west runway at Heathrow, combined with a package of measures to address environmental and community effects, presented the strongest case for meeting that need and offered the greatest strategic and economic benefits.

In October 2016, following further review, the Government announced that it endorsed the Airports Commission's recommendation, and backed a new north west runway at Heathrow.

In June 2018, following approval by Parliament, the Secretary of State for Transport designated the Airports National Policy Statement (ANPS). The Airports NPS confirms policy support for a north west runway at Heathrow and establishes the primary policy framework for deciding whether our proposals to expand Heathrow should be granted development consent.

Heathrow has developed its expansion proposals to respond to this policy taking account of feedback that it has received in response to consultations and engagement with local stakeholders. In June 2019, Heathrow launched a 12-week statutory consultation seeking feedback on its Preferred Masterplan for expansion; its plans to operate the future airport; assessment of the effects of the airport's growth and plans to manage the effects of expansion.

##### Local development

Since airport operations began over 70 years ago, Heathrow has played a unique role in the development of the surrounding area in partnership with local communities. As the UK's Heathrow is the largest single-site employer in the UK, more than 76,000 people work at the airport – and many more nearby.

Heathrow Expansion will create thousands of new jobs and double the number of apprenticeships by 2030, giving local young people a launchpad as they set out on their careers. Expansion would connect the whole of the UK to global growth by opening new trading routes, so that businesses of all sizes can connect to markets across the world.

Sustainable and resilient surface connections will play a key role in ensuring passengers and colleagues can reach the airport and surrounding areas. With expansion, Heathrow's position as an integrated transport hub will grow, with new coach, rail, bus and cycle routes to the airport.

Today, the airport is committed to working even more closely with its neighbours to develop plans for an expanded airport with measures to address the significant adverse effects and ensure that it delivers a fairer Heathrow for the next generation.

Collaboration with local authorities and communities is key to making the most of these opportunities, to enable Expansion in a way which is fair to local communities, transforming public transport journeys to the airport, creating a sustainable and decarbonised future and establishing a local legacy for communities surrounding Heathrow airport.

## **5. South Bucks Council aims and objectives**

The Heathrow expansion has significant implications for the residents of South Bucks and the view of the Council (and other Councils too) will be a significant issue that the Planning Inspectorate consider through their determination of the DCO application once it has been submitted to the Planning Inspectorate in 2020.

The Heathrow DCO is the largest DCO application in the UK to date, proposing a major expansion of the airport with consequences for the District in terms of land use, transport and quality of life. The DCO when submitted will set out detailed plans for mitigation of these direct impacts and effects. The Council continue to seek the optimum mitigation from the likely impacts, should this DCO be granted permission by the Secretary of State.

The objectives which inform the approach taken by South Bucks Council to the expansion of Heathrow and the proposal for a Joint Spatial Planning Framework (JSPF) are to seek to:

- Minimise the impact of the development on the communities and businesses of South Bucks.
- Ensure the expansion leads to the best development possible.
- Secure clear gains for local residents and businesses through the DCO and accompanying measures, such as the Joint Spatial Planning Framework (JSPF), that are monitored robustly.
- Secure sustainable development, that achieves modal shift so to ensure that the surface access strategy which supports Heathrow expansion leads to enhanced connectivity for residents and businesses and meet the targets of the Airports National Policy Statement (ANPS).
- Development which is future proofed in addressing climate change.
- Work to secure local transport improvements in the Ivers, working with Buckinghamshire County Council as the local highways' authority.

## **6. Key issues**

The Issues arising from the development of the Heathrow expansion scheme

### **6.1. The scheme process**

The expansion is being determined under the 2008 Planning Act, as a DCO - 'Development Consent Order' in which the determination is made by the Planning Inspectorate (PINS). The DCO for the land use elements is currently due to be submitted in Q4 2020, ie by December 2020, with its examination due in 2021 and a decision in 2021/22.

The DCO presents the end state of the development as proposed by 2050. Some elements of the DCO such as the third runway, re-alignment of the M25 and moving of the A4 (and the rivers) will be fixed, while some elements are covered by parameters - location of satellite and replacement terminals). The 'redline boundary' for this DCO is therefore significant in size. HAL has considered the earlier recommendations on the scoping stage from the Councils and recommendations from PINS and has changed the area required for the development. As a result, part of South Bucks is directly covered by the area defined in the DCO.

South Bucks is affected by the initial construction period, as well as the phasing of the overall development and the land use proposals for what HAL call the 'North West (NW) quadrant'.

The scheme has evolved as it has progressed through two earlier consultation stages, with one further focused consultation to commence in April 2020. The consultations have included all aspects of the development, including, landscape and the environment, flood management, health, transport, construction, compensation and mitigation proposals, and a strategy for managed growth.

As part of the DCO application HAL are required to undertake an Environmental Impact Assessment (EIA). Part of this process is the publication of early findings in a preliminary environmental impact report or 'PEIR'. The consultation documents published at HAL's Airport Expansion Consultation (AEC) in June 2019 reflected the current stage in the design process and understanding of baseline conditions, allowing for conclusions as to the likely significant effects to be drawn.

The Airports National Policy Statement (ANPS) was designated by Parliament in June 2018 and provides the primary policy basis for decision making by PINS on the development consent applications for the airport expansion. The ANPS sets out EIA principles in relation to the DCO Project. Specifically, the ANPS requires the EIA to identify, describe and assess effects on human beings, fauna and flora, soil, water, air, climate, the landscape, material assets and cultural heritage, and the interaction between them

In accordance with the Department for Communities and Local Government's (DCLG's) EIA Planning Practice Guidance (DCLG, 2017) and the Planning Inspectorate's Advice Note Seven: EIA: Process, Preliminary Environmental Information and Environmental Statements (Planning Inspectorate, 2017) the assessment has, and will continue to, focus on aspects and matters where a likely significant effect may occur; this approach ensures that the EIA process is proportionate and focuses effort in those areas where significant effects are likely.

One additional complexity of the Heathrow scheme is caused by separating the land use elements from the air space changes (the agreement required to permit the expansion of plane movements into and out of the airport). Both are to be guarded by separate consenting regimes; the DCO and land-use within the parameters set by ANPS, and the airspace change process governed by the CAA.

Concerns about both the land use DCO and Air Space Change DCOs centres on:

- Impact on Air quality, which is already under pressure in a number of places, with an AQMZ on the Ivers in South Bucks and at south Langley in Slough.
- Noise increases from increased surface movements and air movements.
- The need for significant modal shift as part of the surface access arrangements, from road to rail, bus, cycling and walking. There are major concerns at the quality of the initial surface access assessment.
- The need for significant enhancement of Green and Blue Infrastructure.
- The level of carbon impact.
- The need to secure economic and business opportunities to make the scheme worthwhile.

## **6.2. The HAL Masterplan proposals**

HAL is proposing growth up to 2050 taking account of anticipated growth in passenger growth numbers and freight volume through a number of stages, delivered within the single scheme DCO:

- Stage one by 2028/9 – at current passenger levels, 72 mppa (million passengers per annum = mppa)

- Stage two 2030 - 115 mppa (This is the Consultation 2 figure and may now change as a result of the delay to completion of the third runway)
- Stage three 2035 - 130 mppa
- Stage four 2050 - 142 mppa

By 2035 cargo capacity is also forecast to have increased from 1.59 million tonnes per year to around 3 million tonnes.

The DCO Project is to enable Heathrow to deliver at least 740,000 air transport movements (ATMs) in 2035 and around 756,000 ATMs in 2050, subject to Heathrow operating within set environmental limits.

The airspace change DCO (which governs the increase in aircraft growth) is not being submitted until 2022, after the determination of the Land use DCO. This means that 'early growth' in aircraft usage will take place without any mitigation being put in place.

This raises the risk of only very limited 'respite' for Richings Park which will sit alongside the new third runway, once constructed, with new noise from the western and eastern departures and landings, whatever the take off and arrival patterns. The mitigation for this needs to be in the Land use DCO. This matter remains to be addressed.

### 6.3. The Heathrow Development phases

The development is proposed to work through a series of stages, relating to passenger growth, but all within the single DCO for the development. Note: The dates are now being reviewed following the CAA funding cap in December 2019. The third runway is now to be complete by 2028, with the first year of operation in 2029, delayed from 2027, as was proposed in the second consultation:

- Stage 1 by 2029 – should see the rivers and motorways realigned, third runway open, no new Terminals at this point. Improved access to Terminal 5 (T5). Immigration centre moved. In addition to A4, Northern Perimeter Road is retained at this stage, and disappears in later phases. Green Infrastructure to be in place (green loop etc i.e. external) after 2026 focus shifts to build within redline.

(By 2027 - Piccadilly line enhancements complete, Elizabeth line operational, safeguarded Western Rail Link (WRL) and Southern Rail Link (SRL). M25 realigned, A3044 realigned, new bus priority and cycle on A4).

(By 2030 - new Stanwell moor junction and new Stanwell moor access, Southern perimeter Rd, southern access tunnel (assumed all vehicles at moment) and new access via A4).

A substantial Community Fund is to commence from the start of the construction period, not the operation of the new runway. This can be expected to provide support for communities impacted by the expansion, though identified directs will be mitigated through measures to be included in the DCO as conditions on the development.

- Stage 2 by 2030 (at 115 mppa) – to hit Airport National Planning Statement (ANPS) milestones for passengers and colleagues. (note: 'colleagues' is the term used by Heathrow to refer to its staff). Provide new Terminal capacity, T2 & T5 expanded, southern Parkway complete.
- Stage 3 by 2035 (at 130 mppa) - new Terminal satellite, northern Parkway to be in place.

- Stage 4 by 2050 (at 142 mppa) - T3 removed. New Terminal is open. Improved access to the north in the 2035-2040 period. No major surface access changes are anticipated as being needed from 2040 onwards.

Note – as commented above these dates and details may change following the assessment of the implications for the stages of development resulting from the CAA price cap.

While pursuing developments through a set of stages is clearly a necessary approach given the scale of the development, and some flexibility is essential and uncertainty unavoidable, it is the underlying reason why there has been less detail on some elements of the scheme (e.g. road design) that will not be delivered for some time.

The key issue is understanding and planning for the stages, and how this will be managed through the DCO consenting process, how much detail is needed for aspects being delivered in the 2020s compared to those in later phases (2030s/40s). The expansion will be driven by growth of demand of passengers and largely managed through control of the number of air traffic movements (ATM) each year. HSPG will need to ensure that triggers and targets are related to successful performance and delivery of development, infrastructure and mitigation.

The detail of the stages of the development with a clear rationale is still required from HAL, setting out commitments on the delivery of key infrastructure and mitigation. As a result of the CAA price cap the scheme is still evolving and the full set of infrastructure and mitigation requirements may not complete until the DCO decision.

## 7. Engagement and the process of collaboration

South Bucks takes a holistic approach, pursuing its aims and objectives through bilateral engagement with HAL, working through the HSPG and coordinating with Bucks County Council. It has sought an understanding of the impacts of the scheme on the communities of the District, the mitigation needed and opportunities for the businesses and the economy of South Bucks.

South Bucks has responded directly to each of the HAL consultations on land use and Air Space Change and the Statement of Community Consultation.

Bilateral meetings have taken place between South Bucks, Councillors and officers on a regular basis. HAL has maintained issue logs of the points raised by the Council, as the scheme has evolved and used them to inform the development of the overall scheme.

01/10/2018	Heathrow/ South Bucks District Council Bilateral
11/12/2018	Heathrow/ South Bucks District Council Bilateral
17/01/2019	Heathrow/ South Bucks District Council Bilateral
11/02/2019	AFOC briefing to South Bucks District Council
21/03/2019	Heathrow/ South Bucks District Council Bilateral
13/06/2019	Heathrow/ South Bucks District Council Bilateral
08/07/2019	Heathrow/ South Bucks District Council Bilateral
08/07/2019	AEC Briefing to South Bucks District Council
05/08/2019	Heathrow/ South Bucks District Council Bilateral
20/08/2019	Heathrow/ South Bucks District Council Bilateral
04/09/2019	Heathrow/ South Bucks District Council Bilateral
11/10/2019	Heathrow/ South Bucks District Council Bilateral

Engagement has also included a series of Member Briefings by HAL have been held at South Bucks on both the land-use DCO and the accompanying Air Space change DCO.

South Bucks Council is an active member of the Heathrow Strategic Planning Group (HSPG), which draws together Councils and LEPs affected by the Heathrow expansion. South Bucks have contributed to the work of the HSPG Leaders Board and the officers steering group.

The HSPG was formally established with a joint Council and LEP agreement in 2007. Both South Bucks Council and Bucks County Council are members. South Bucks are recommending the new Bucks Council join and participate in the work of the HSPG given its significance in shaping the overall development of Heathrow.

Detailed workshops have been regularly hosted by HAL for HSPG member Councils on all the themes within the land-use DCO and on the Airspace change DCO. This has included bespoke Bucks wide Economic Workshop and a Surface Access Workshop For staff.

South Bucks has submitted detailed responses through the HSPG work sheet requests.

South Bucks Council have sought to coordinate its input with that of Bucks County Council, recognising the split in responsibilities between the two Councils, but the shared objectives and alignment between each other's responses.

Both parties recognise the importance of engagement and have worked in a positive and collaborative manner throughout the engagement.

## **8. Asks and Issues**

While the ANPS sets minimum standards to be achieved for noise, air quality, South Bucks has expressed concern about the quality of the living environment for local communities being impacted by the growth of Heathrow. Meeting the needs of the community has been at the heart of the South Bucks response, throughout this process.

South Bucks has been working with HAL on the development of the Statement of Common Ground.

The Statement was to have been included as part of the DCO to be submitted to PINS in June 2020, though submission of the DCO has now been delayed to Q4 2020, ie by December 2020 and the final agreement will now be a matter for the new Bucks Council to conclude.

This paper will now be passed to our successor body, the new Bucks Unitary Council.

HAL has recorded South Bucks Councils top priorities, as set out in the Councils response to the second consultation in 2019 as being:

- A contribution to the Iver Relief Road, to contribute to reducing the impact of traffic, especially HGVs on the Ivers.
- To secure implementation of a Joint Active Travel Proposition including an M4 bridge and 'spoke' into South Bucks, to effectively remove the M4 as a barrier; and to improve north-south connectivity a benefit to both residents of South Bucks and those employed to work at Heathrow.
- To secure high-quality green infrastructure including bunds to south of Richings Park to assist with noise mitigation from the new third runway; given the challenge for Richings Park of securing respite from the planned growth in aircraft.



- To address the 'Denham' challenge of securing active travel/public transport for airport workers living across South Bucks.
- To secure new bus link from Heathrow via Iver rail station to Iver Heath and Pinewood studios.
- To clarify and provide security on implementing mitigation proposals, including monitoring regime, or both land-based and air-based noise and air quality. South Bucks regard this as especially important given the passenger increase to and from Heathrow by air and road and the existence of the Ivers Air Quality Management Zone (AQMZ). The location of the receptors remains to be agreed.
- To secure promotion to local communities of skills training for job sectors at Heathrow; building on the joint HSPG – HAL Economic Development Strategy.
- To secure long term green infrastructure maintenance commitment based on the joint connectivity statement developed by South Bucks Council, Bucks County Council, Slough Council, Windsor and Maidenhead Council and the Colne Valley Regional Park, to improve cycle and walking connections to the North West, West and South West of Heathrow including a new green crossing over the M4.
- To provide clear and known routes for use by construction traffic. South Bucks Council regard it as critical that the construction period is considered in coordination with the construction periods for HS2, the Western Rail Link, Crossrail and smart Motorways for the M4 & M25 to ensure the cumulative impacts on communities in the District are understood, addressed and mitigated.

South Bucks Council has other priorities which are also being explored with HAL, including:

- Clarification on parking controls and enforcement and Heathrow commitment. The Council remains concerned that as a result of the parking restrictions at Heathrow, illegal parking in South Bucks needs to be addressed through more rigorous enforcement.
- Secure extensive local promotion of the jobs and career skills fair as part of the strengthening of the local economic gains from Heathrow development.
- Ensure angle of gantry lights at railhead avoids visibility from Richings Park.
- Develop and provide clear signage and advanced publicity for alternative routes to avoid M25/M4 period.
- Secure increase promotion of skills at Heathrow and learning to work programme in local schools as part of a wider push in Buckinghamshire and with Bucks LEP building on the joint HSPG – HAL Economic Development Strategy.
- Active promotion of jobs at Heathrow in local communities to ensure economic opportunities are fully taken up building on the joint HSPG – HAL Economic Development Strategy.
- Provide greater clarity on rail and associated road freight movements and ensure the identified impacts are mitigated.

There are a set of issues that are agreed with HAL with the matters listed above still being discussed. The items agreed include:

- Jobs, skills, training and apprenticeships through Expansion including active promotion of opportunities, engagement through Cargo Challenge, piloting of airport tours as well attendance at 2020 Bucks jobs and skills fair, building on the joint HSPG – HAL Economic Development Strategy.
- Active travel improvements around green link and adjoining Richings Park leading to increased ease of access to western campus. It is intended to establish a new cycling and walking route, the Denham cycle link (8.5 miles, taking circa 45 minutes) connecting to the Missenbourne a new priority cycle route.
- Improvements to green infrastructure and use of land as flood mitigation put in place as part of the runway development work up to 2028, including enhanced public open space at Richings Park with the opportunity for new public uses and European protected species mitigation areas around Thorney and Poynings.
- Minimising HGV impacts on the villages through routing on to the motorway and other Strategic Roads to avoid the Ivers and Richings Park.
- Increased business rates from new economic activity located in the District.
- Minimising freight/HGV by consolidation and use of logistics hubs.
- Wider public transport improvements including bus frequency and route upgrades. As a direct result of the bilaterals with HAL a series of new and expanded routes have been delivered by HAL. For example, the extended route 102/724 to Beaconsfield and Wycombe; the provision of new bus service to Iver and Iver Heath (x60), and the Route 4 to Maidenhead which stops close to Burnham Beaches in South Bucks.

Two elements of the South Bucks ‘Asks’ remain currently unresolved. These are:

- Initial funding for the north-south element of the Iver Relief Road.
- South Bucks active travel spoke (to the same extent as other spokes on the network) to improve the north – south connections between South Bucks and Slough.

We are exploring ways to resolve these two challenges, that centres on the phasing of the overall development up to 2050 and reviewing impacts on South Bucks at future time points through the TRIMMS process and the process of Environmentally Managed Growth will continue to be monitored and mitigated as necessary.

The challenge for securing a contribution to the Iver Relief Road, is that while the IRR is desirable, there is very limited evidence so far that the IRR is needed to mitigate the effects of Heathrow’s growth on South Bucks. In contrast, contributions are anticipated from the proposed housing site north of the Iver Station in the Local Plan and from Network Rail as a result of the Mansion Lane closure, where a direct relationship can be evidenced.

## **9. The HSPG led Joint Spatial Planning Framework (JSPF)**

The Heathrow Strategic Planning Group (HSPG) are collectively proposing a Joint Planning Framework covering the HAL expansion area and the wider region. This framework would be established to bring HAL (Heathrow Airport Limited) mitigation (and funding) outside the current ‘redline’ (the development boundary) of the DCO which is tightly drawn to the Heathrow expansion site.

The JSPF is to be a 'non-statutory' guide to future planning to secure gains from collaborative working.

It has been supported and encouraged by the Ministry of Housing and Local Government (MHCLG) and evolved through a working group drawn from HSPG member Councils, in which South Bucks Council has been actively involved in shaping the content.

It is intended to influence the Planning Inspectorate (PINs) decision on the submitted DCO and to assist securing wider investment and wider connections across the region as part of the DCO approval.

The JSPF would define a wider area that is affected by the proposals and enable joint working between the Councils, LEPs and Government to implement the agreed strategy and introduce a mechanism to secure funding (new and existing sources) that could be spread over the geography of the framework for infrastructure investment.

The JSPF is seen as a useful non-statutory means by which additional investment can be secured and coordinated to secure wider regional economic and infrastructure opportunities beyond the mitigation required by HAL to address the immediate effects and impacts of the Heathrow development as it takes place up to 2050. For example, Ensuring that there are connections put in place between the Chiltern rail line services and Heathrow in the future.

South Bucks Council endorsed the progress made to date at the Cabinet meeting held in January 2020 and commends the approach being taken to Bucks Council for its active participation in the future.

## **10. Issues for the future**

South Bucks Council and HAL wish to ensure that there is a positive legacy from the Heathrow development for the residents and business of the District.

South Bucks Council urges the new Unitary Council for Bucks to remain engaged in shaping the development of Heathrow both in partnership with Heathrow Strategic Planning Group (HSPG), but also through direct bilateral engagement; an approach that retains the gains secured and maintain the positive approach which South Bucks Council has taken.

The aim for the new Bucks Council should be to secure a positive final Statement of Common Ground between the Council and HAL, that resolves the outstanding issues and meets the objective set for managing the impacts of growth and securing the maximum benefits for business and the local economy from the Heathrow development.

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