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**CABINET
Meeting - 7 July 2015**

Present: Mr Bagge, Mr Naylor, Mr Anthony, Mr Egleton and Mrs Sullivan

Also Present: Mr Sangster

1. MINUTES

The minutes of the meeting of the Cabinet held on 31 March 2015 were confirmed and signed by the Leader.

2. FORWARD PLAN OF EXECUTIVE DECISIONS

The Cabinet received a copy of the 28 day Notice prepared in accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 setting out the key (and non-key) decisions the Cabinet was intending to make at public and private meetings.

The Cabinet also received a copy of the 28 day Notice setting out the key (and non-key) decisions the Chiltern and South Bucks Joint Committee were intending to make at public and private meetings.

RESOLVED that the 28 day Notices be noted.

3. ANNUAL PERFORMANCE REPORT

The Cabinet received the annual performance report which highlighted the major achievements and performance of the Council between April 2014 and March 2015. Members welcomed the new style format of the report and commented on how effectively it set out the key achievements.

RESOLVED that the report be noted.

4. SERVICE PLAN ACTIONS 2014/2015

The Cabinet received a report detailing a list of actions set during the 2014/15 service planning process and the final results achieved by 31 March 2015.

Members noted that although the past year had been extremely busy with shared service reviews, the majority of the performance targets were still being met.

Members requested for future reports to provide greater explanation as to why targets had not been met or missed and any implications arising.

RESOLVED that the report be noted.

5. ENVIRONMENT

The Cabinet received the Part I minutes of the Environment Policy Advisory Group held on 15 June 2015 and the following was the subject of a recommendation from the Portfolio Holder:

Minute 6(b) - Recycling Update

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An update on the key aspects of the Waste and Recycling Collection Service had been reported to the PAG.

The Cabinet were asked to agree to support the trialling of changes to Bulky Waste Collections. The Portfolio Holder went on to explain the benefits of trialling such a scheme:

- Contribute to increasing the Councils Recycling Rate.
- Increase the availability of affordable second hand furniture for residents.
- Reduced wear and tear on collection vehicles from reduced trips to the landfill site.
- Reduction in travel distance and times once Energy from Waste plant comes on line as all waste for disposal will need to go to a specified transfer station.
- Minimal impact on residents, there should be no changes to how residents book and pay for bulky waste collections.

After considering the options:

- Option 1 take part in the trial or
Option 2 do nothing. The bulky waste collection service to continue as is and all non-electrical bulky waste to be landfilled until such time as the Energy from Waste Plant comes in line.

the Cabinet

RESOLVED to support trialling changes to Bulky Waste Collection.

Minute 7(c) – Summers Road Car Park

Cllr Naylor declared a prejudicial interest and left the room during the discussion of this item.

The Portfolio Holder advised the Cabinet that this item had also been discussed at the Resources PAG and comments from both PAGs had been incorporated in the report that was before them.

A request had been received from Burnham Parish Council to fund the provision of one hour free parking at the Summers Road car park.

The Portfolio Holder highlighted the issues raised by the Environment PAG, some of which were that the Parish Council should also be liable to cover the loss of income from other types of ticket sales and the potential difficulties regarding enforcing the introduction of one hour free parking.

The options available were:

- Option 1 – Proceed with the scheme as suggested with slight amendments if required or
Option 2 – Do not proceed with this scheme.

The Cabinet discussed the benefits of such a scheme which potentially may help to promote footfall for Burnham High Street.

After considering each option, the Cabinet:

RESOLVED that delegated authority be given to the Head of Environment in consultation with the Portfolio Holders and the Head of Legal and Democratic Services to:

1. agree the necessary amendments to the Parking Order to permit one hour's free parking at the Summers Road Car Park and undertake any statutory consultation required.
2. consider and determine any duly made objections to the proposed amendments.

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3. negotiate and agree the final terms of a Memorandum of Understanding with Burnham Parish Council to reimburse to this Council all lost income and attendant costs, taking into account the issues raised by the Resources PAG and the Environment PAG.
4. take all necessary action to make the amendments to the Parking Order and to enter into the Memorandum of Understanding with the Parish Council.

And further

RESOLVED that the minutes of the meeting held on 15 June 2015 be noted.

6. **HEALTHY COMMUNITIES**

The Cabinet received the Part I minutes of the Healthy Communities Policy Advisory Group held on 17 June 2015 and the following were the subject of recommendation from the Portfolio Holder:

Minute 6(a) – Capital Expenditure at the Beacon Centre

The Portfolio Holder asked the Cabinet to agree to allocate £30,000 - £35,000 from the Capital Budget to replace the Beacon Centre lift which was currently out of service.

The Cabinet considered the two options available:

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| Option 1 | Repair and update the existing lift at estimated costs of £30,000 |
| Option 2 | Replace the current lift at estimated costs of £35,000 |

The Cabinet felt option 2 would enable access to all persons to the gym and by replacing the lift with modern equipment it will be compliant with the future Disability Access requirements due in 2017.

RESOLVED that £35,000 be allocated from Capital Budget to replace the Beacon Centre lift.

Minute 6(b) – Review of Pest Control Fees

A review of the current pest control charges and the entitlement of free treatments for people on benefits had been reported to the PAG.

Since joining the Bucks wide dog and pest control contract in 2014 all treatment was now chargeable. The saving of £2,500 which had been achieved by the joint contract price, was to be used to maintain the free service. It had become apparent that this amount would not be sufficient to cover the full range of free treatments on offer and therefore there was a need to reconsider the service and the way it was funded.

The Cabinet was presented with 5 options:

1. Increase budget available to cover free treatments to £5000, maintaining existing service provision and charges.
2. Withdraw or cap free treatments to the existing level of £2500/annum.
3. Accept the proposal put forward by SDK to enable free and discounted treatments to those on means tested benefits.
4. Seek further income or cost savings from the contractor to ensure that free treatments are provided within the existing contract price.
5. Remove free treatments to residents entirely.

Having discussed the options above and the advice of the Portfolio Holder, the Cabinet favoured option 3 as this would ensure a proportionate approach to providing pest control

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services to vulnerable residents and ensuring best value was being achieved from the Pest Control Contract.

Having considered the options and the advice from the Portfolio Holder, the Cabinet:

RESOLVED that, in order to continue to offer free means tested treatments for public health pests, the proposal put forward by SDK to increase the general charge for all wasp nest treatments to reflect market price (increasing from £21.60 to £39.00) and to introduce a discounted fee for wasp treatments to residents on a qualifying benefit be accepted.

Minute 6 (c) – Dog Fouling Update

The PAG considered a report which provided an update on the progress of the current publicity campaign in relation to dog fouling in public parks and open spaces and outlined options available to the Council for future controls including the introduction of the Public Space Protection Orders for South Bucks.

The Cabinet considered the options available:

- Option 1 to continue to support current publicity campaign and the awareness building project.
- Option 2 Not to change the mechanism for enforcement of dog fouling
- Option 3 to agree the commencement of work to identify appropriate Public Spaces Controls and set the policy around the controls to be included and the mechanism for enforcement.

The Portfolio Holder advised that Option 3 would involve a full consultation being undertaken with the police, local communities and a range of interested parties and representative bodies.

After some discussion and taking regard of the new legislation the Cabinet:

RESOLVED to

1. continue to support the current publicity campaign and the awareness building project and
2. commence work to identify appropriate Public Spaces Controls and set the policy around the controls to be included and the mechanism for enforcement.

And further

RESOLVED that the minutes of the meeting held on 17 June 2015 be noted.

7. **SUPPORT TO THE THAMES VALLEY POLICE & CRIME PANEL**

The Cabinet received a report seeking agreement to put in place the necessary support arrangements if the provision of support services to the Police & Crime Commissioners Panel transfers to South Bucks DC.

As part of the national arrangements for establishing Police & Crime Commissioners the legislation required the setting up of Police & Crime Panels to provide the scrutiny function for the work of the Commissioners.

To date the Chairman of the Police & Crime Panel has come from Bucks County Council (BCC) and consequently BCC have provided administrative support to the Panel.

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BCC has served notice that it would be giving up the support to the Panel from November 2015, but would review that decision should the County nominee be elected as the Chairman of the Panel.

The election of a Chairman would be held at the next meeting of the Panel on 17 July. If the South Bucks representative on the Panel (Cllr Egleton) is elected Chairman there is the possibility that the support of the Panel would transfer to South Bucks DC.

It was recognised that this would be regarded as a high profile position for the hosting authority as they would be taking on the important role of ensuring that a consistent approach is taken by the Police Commissioner and the Panel across the Thames Valley area.

The report detailed the work involved in supporting the Panel, which included organising and clerking meetings, providing press and communications and policy support to the Panel and administering the complaints procedure on non-criminal matters against the Police & Crime Commissioner.

Funding is provided by the Home Office as a specific grant, towards the costs of supporting Police & Crime Panels. For the Thames Valley Panel this has been £65,000 per annum, and to date has been sufficient to cover costs incurred by the hosting authority.

The Cabinet acknowledged that there was a need for an additional full time post, on a fixed term contract, in the Democratic Services team to fulfil this role. An estimated cost including on costs would be in the region of £40,000.

In response to a question, the Director of Resources confirmed that there would be no TUPE implications for this post as it is not being filled by an existing member of staff.

The Cabinet considered two options:

- Option 1 not to provide support to the Police Crime Panel
- Option 2 in the event that Cllr Egleton is elected Chairman to provide support to the Police Crime Panel.

After considering the report, the Cabinet

RESOLVED that the Acting Chief Executive be authorised to incur expenditure to be funded by a grant from the Home Office in order to provide support as detailed in the report, in the event that Cllr Egleton is elected Chairman of the Thames Valley Police & Crime Panel.

8. **RESOURCES**

The Cabinet received the minutes of the Resources Advisory Group held on 4 June 2015 and the following was the subject of a recommendation from the Portfolio Holder:

Minute 5 – Summers Road Car Park

Cllr Naylor declared a prejudicial interest and left the room during the discussion of this item.

A discussion on this item had already taken place – please see Minute 5 – Environment above.

The Portfolio Holder for Resources PAG confirmed that the comments from his PAG had been incorporated into the report which was presented before the Cabinet to consider.

RESOLVED that the minutes of the meeting held on 4 June 2015 be noted.

9. **EXEMPTION TO CONTRACT PROCEDURE RULES - INSTRUCTING COUNSEL**

The Portfolio Holder updated members that an exemption to the Council's Contracts Procedure Rules had been granted by Management Team.

The Council issued and served two enforcement notices regarding unauthorised uses occurring on the Land including that of a Gypsy & Traveller Site which were now the subject of appeals. Due to the very complicated nature of the case and the need for cross examination under oath and legal submissions Counsel needed to be engaged to provide advice and then represent the Council when the appeals are determined. Mr Lintott who is a Senior Barrister and very familiar with this case, was considered best placed to provide advice and to represent the Council.

On 16 June 2015, Management Team therefore agreed an exemption from the requirement to obtain competitive tenders, so that the Council could instruct Mr Lintott to accept a single quote to provide initial advice and then to advocate on behalf of the Council.

RESOLVED that Management Team agreed an Exemption to the Council's Contracts Procedure Rules, to permit Counsel Mr David Lintott to be instructed to advise and advocate on behalf of the Council regarding Enforcement Notice Appeals lodged at the Planning Inspectorate by the Owner of Alderbourne Cottage (Area 1) Fulmer Lane, Fulmer, Bucks SL9 7BL ("the Land").

10. **SUSTAINABLE DEVELOPMENT**

The Cabinet received the minutes of the Sustainable Policy Advisory Group held on 11 June 2015 and the following was the subject of a recommendation from the Portfolio Holder:

Minute 6(a) – Update of changes to Council Affordable Housing Procedures following changes made to Government Guidance

An update on recent changes made to the affordable housing national policy by Central Government and outlining the implications of those changes on the Council's affordable housing policies and methods of collecting affordable housing contributions were reported to Cabinet.

A number of options were discussed by the Cabinet, after considering the advice of the Portfolio Holder the Cabinet:

RESOLVED that

1. changes made to the National Planning Practice Guidance in relation to affordable housing schemes be noted.
2. when calculating floorspace in association with National Planning Practice Guidance the floorspace to be included in any gross internal measurement will include all built functional spaces forming part of the development, for example including basements, integral or attached garages and all detached buildings such as free standing garages or outbuildings.
3. South Bucks District Council remove the requirement that when calculating floorspace in association with the National Planning Practice Guidance this will be measured taking external building measurements as this is now contrary to national guidance.
4. the revised approach to the methods of collecting financial contributions arising from planning obligations given the current National Planning Practice Guidance be noted
5. the suggested approach to requests to vary existing planning obligations, including the potential payment of refunds of planning obligation funds already committed and that Cabinet delegate authority to determine if refunds of affordable housing

- contributions should be made on a case by case basis to the Head of Sustainable Development in consultation with the Head of Legal Services be noted
6. the drafting of a common planning application validation list for both Chiltern and South Bucks District Councils and authorise public consultation on the revised list once the draft has been agreed by the appropriate committees at each council.
 7. the implications of the changes in national government guidance on the content of the Councils Affordable Housing SPD be noted.

And further

RESOLVED that the minutes of the Sustainable Policy Advisory Group held on 11 June 2015 be noted.

11. M4 SMART MOTORWAY AND WIDENING JUNCTIONS 3-12

The Portfolio Holder for Sustainable Development presented a report providing members with details of a proposed scheme by Highways England, which was the subject of a Development Consent Order, and the impact of the various parts on the District.

The infrastructure enhancement to the M4 aims to support economic success and decrease congestion along major arteries linking the Thames Valley, the West of England and Wales to Heathrow and London, and as such is supported.

The widening of this part of the M4 is identified as a Nationally Significant Infrastructure Project and is dealt with by the Planning Inspectorate through the Development Consent Order process. The Council is consulted at various stages in the process.

The current consultation started on 29 May and responses were required by 3 July. Accordingly the Head of Sustainable Development in consultation with the Cabinet Member for Sustainable Development, submitted a draft response dealing with the matters referred to in the report, to meet this deadline.

Under the proposal two areas of the District would be affected where bridges are to be demolished and rebuilt where the additional land will be taken for construction purposes. Bridges affected by the proposal include Old Slade Lane Bridge in Iver and 4 bridges in Dorney including the Thames Bridge, Marsh Lane Bridge, Lake End Bridge and the bridge at Junction 7 at Huntercombe.

As there would be major disruption in Dorney, negotiations had taken place with Highway England to phase the demolition of the bridges in Dorney.

In addition, 3 small pieces of land have been identified to be used for construction purposes on a temporary basis which are owned by the Council. These are a part of the tow path alongside the Thames; part of the playing field at Dorney School and the access track to Dorney Village Hall.

In the discussion which followed, the Cabinet

RESOLVED that the

1. intended use of the three parcels of land owned by the Council and required by the Highways Agency for temporary construction is only acceptable provided mitigation measures are included in terms of replacement planting, suitable temporary towpath diversion and an alternative means of access to the parking for the Village Hall or some amended solution acceptable to all parties.
2. concerns expressed in the report about some aspects of the proposal, alongside the Environmental Health Response, and authorise the Head of Sustainable

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Development to seek assurances from Highways England to ameliorate the identified impacts be noted.

3. draft response to the Development Consent Order application sent to the Planning Inspectorate to meet the deadline of 3 July be noted and authority be delegated to the Head of Sustainable Development in consultation with the Cabinet Member for Sustainable Development to submit any supplementary response, agree a Statement of Common Ground and to take any other necessary action, including the appointment of Counsel as necessary, in order to put forward the points set out in the report.

12. **CHILTERN AND SOUTH BUCKS JOINT COMMITTEE**

The Cabinet received for information the minutes of the meeting of the Chiltern and South Bucks Joint Committee held on 25 March 2015.

RESOLVED that the minutes be noted

13. **EXCLUSION OF PUBLIC**

“that under Section 100A(4) of the Local Government Act 1974 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act “

14. **RESOURCES PAG (PART II)**

The Cabinet received the Part II minutes of the meeting of the Resources Policy Advisory Group held on 4 June 2015.

RESOLVED that the Part II minutes of the meeting held on 4 June 2015 be noted.

15. **STERIA CONTRACT**

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

Member considered a report seeking agreement to the early termination of the part of the Council's contract with Steria that relates to the managed service of the Council's networks and infrastructure.

RESOLVED that the partial termination of its contract with Steria for the provision of ICT services be agreed.

16. **SUSTAINABLE DEVELOPMENT (PART II)**

To note the Part II minutes of the meeting of the PAG held on 11 June 2015.

RESOLVED that the Part II minutes of the meeting held on 11 June 2015 be noted.

17. **HS2 UPDATE**

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

The Cabinet received a report providing an update on issues relating to HS2.

The meeting terminated at 6.46 pm