

## **CABINET**

### **Meeting - 13 October 2015**

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

Apologies for absence: Mr Egleton

#### **18. MINUTES**

The minutes of the meeting of the Cabinet held on 7 July 2015 were confirmed and signed by the Leader.

#### **19. 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.

The Leader advised of the following changes he had made to Cabinet Portfolios with effect from the next cycle of meetings:

- Sustainability moved from Healthy Communities Portfolio to Environment Portfolio
- Car Parking moved from Environment Portfolio to Resources Portfolio

**RESOLVED** that the 28 day Notices, together with the changes made to Portfolios, be noted.

#### **20. BUDGET 2016/17 AND LATER YEARS**

The Cabinet considered a report which set out the financial forecast for the next four years and based on that proposed a number of objectives for the Medium Term Financial Strategy, the forecast for which was set out on Appendix A which also identified a number of issues including funding sources (e.g. New Homes Grant). The Cabinet's attention was drawn to the funding gap forecast in 2019/20 of £803k and to the objectives set out in paragraph 5.4 to reduce net expenditure and eliminate the funding gap. The report went on to:

- outline the budget process, including the consultation process with the PAGs, leading to setting the council tax in February 2016;
- Identify strategic and financial risks;
- identify links to the business plan; and
- set out the next steps and key dates including the autumn statement in November and release of the individual financial settlements in December.

During the discussion the Cabinet was advised that the Overview and Scrutiny Committee on 5 October 2015 had agreed as requested to set up a Panel to consider saving proposals and options to address the medium term financial strategy facing the Council and to prepare a report for the meeting of the Cabinet on 17 December via a meeting of the Overview and Scrutiny Committee on 11 November.

**RESOLVED** – that the report be noted.

21. **BUSINESS RATES POOLING**

The Cabinet considered a report (which the Chairman had agreed should be taken as a matter of urgency in view of the need to agree a position as soon as possible) seeking agreement to proceed to be part of an expression of interest for business rate pooling for 2016/17, if the Government determines pooling is to continue.

The report, after explaining the business rates pooling scheme and how it operated through an Inter Authority Agreement, went on to set out the options and in table 1 the financial gains from the various pooling options (15 in total) which ranged from £200k to £1, 900k. For the Council the potential benefit gave a range of additionally retained business rate of £30k to £400k.

Having considered the options and noting that not being part of a pool would mean there is a likelihood that some business rate growth in South Bucks will be taken by the Government, the Cabinet supported the proposal to become part of a pool that maximised the financial benefits to the Council. The Cabinet also supported the suggestion that any gain from pooling should be top sliced to provide funding for Bucks Advantage.

**RESOLVED** that

1. South Bucks District Council agrees in principle to the formation of a business rates pool for Buckinghamshire authorities for the financial year 2016/17, if the Government decides to continue with pooling arrangements.
2. The suggestion to top slice any pooling gain to provide funding for Bucks Advantage be put forward to other Bucks authorities.
3. The Director of Resources, in consultation with the Leader and the Resources Portfolio Holder, be authorised to agree the Council's participation in any pool that maximises the financial benefits to the Council and to formalise any necessary agreements between participating authorities including the signing of an Inter Authority Agreement.

22. **JOINT BUSINESS PLAN REFRESH 2015/20**

The Cabinet received a report inviting it to comment on a refresh of the Joint Business Plan 2015-2020.

The report explained that, whilst the top level and second level aims and objectives remained the same this year, the third level aims and objectives have been refreshed to reflect the Council's changing priorities and the needs of the district as set out in Appendix C.

The Cabinet was advised that the Overview and Scrutiny Committee had made no comments on the Plan at its meeting on 5 October 2015.

During the discussion the Leader and Deputy Leader congratulated officers for the work they had carried out to refresh the Joint Business Plan which clearly sets out the Council's Aims and Objectives and how the Council intends to meet residents' expectations.

**RECOMMENDATION** to Council - that the refreshed business plan be approved.

23. **PERFORMANCE MANAGEMENT QUARTERLY REPORT QUARTER 1**

The Cabinet considered a report showing the performance of Council services against performance indicators during the period April to June 2015 and in particular performance in relation to:

- Performance and Service objectives across the Council; and
- The Leader's Portfolio and the Portfolios of other Cabinet Members.

The following appendices were attached to the report:

- Appendix A – Providing an overview of priority indicators; 2014/15; and
- Appendix B – Quarterly corporate performance Indicators 2014/15

Of the 7 PIs which were off target 3 are priority targets. Of the five PIs which failed to meet targets, four relate to housing and the Cabinet's attention was drawn to Appendix B which provided the reasons.

Referring to the housing PIs the Leader asked for further information on the housing challenges facing the Council and the action being taken to get people out of B & B accommodation and into low cost ownership. The Chief Executive emphasised that the housing challenges were not peculiar to SBDC but national and related to changes in housing benefit and the housing market in the region. The Chief Executive reminded the Cabinet of the Member Workshop on Housing due to be held later in the year to discuss options for going forward to tackle the challenges.

**RESOLVED** that the report be noted.

24. **BUCKINGHAMSHIRE THAMES VALLEY PARTNERSHIP (BTVLEP) CONTRIBUTION**

The Cabinet received a report seeking approval to the Council's continued financial contribution to the Bucks Thames Valley Local Enterprise Partnership (BTVLEP) which can be met from within existing budgets.

The Cabinet, after recognising that the establishment of the BTVLEP has opened up opportunities to influence the investment of various funding streams which have, and will be, awarded to the area by the government, agreed that the small contribution requested will ensure that the Council can continue to play its full role on the BTVLEP Board and help influence the development of business and infrastructure growth initiatives locally and across Buckinghamshire.

It was accordingly

**RESOLVED** that the allocation of £2,700pa from existing budgets towards the running costs of BTVLEP identified in the report for the period 2015/16 – 2017/18 be approved.

25. **ENVIRONMENT**

The Cabinet received the Part I minutes of the Environment Policy Advisory Group held on 15 September 2015 and the following were the subject of recommendations from the Portfolio Holder:

**Minute 15 – Garden Waste Collection Service Charges 2016/17**

The PAG had received a report setting out options for garden waste collection service charges in 2016/17 and the Portfolio Holder advised the Cabinet that she had now received the further information requested - as set out on in the additional report in Part 2 of the

## Cabinet - 13 October 2015

Agenda - and was satisfied that the charges being proposed and the projected income to be received would meet the cost of providing the service.

After considering the advice of the Portfolio Holder the Cabinet

**RESOLVED** to approve the early bird discount of £36.00 be introduced during the month of February with the full price being £46.00 in March 2016.

### Minute 16 – Bring Site Review

The PAG had received a report setting out the results of, and recommendations arising from, a review of collection data and bring site capacity monitoring which had highlighted the top and bottom performing bring sites. 6 sites were recommended for closure due to poor performance with 9 sites being retained as a result of the high usage and tonnage collection.

It was also proposed that all small household electrical banks be removed from 5<sup>th</sup> October 2015.

Having considered the advice of the Portfolio Holder, the Cabinet:

**RESOLVED** that

1. the following bring sites (6 total) be closed;
  - Beaconsfield Motorway Services
  - Neville Court Car Park, Burnham
  - South Buckinghamshire Golf Course, Stoke Poges
  - Taplow Train Station
  - Dumb Bell Pub, Taplow
  - Post Office Lane, Wexham
2. the following bring sites (9 total) be retained;
  - The Beacon Centre, Holtspur
  - Waitrose, Beaconsfield
  - Penncroft Car Park, Beaconsfield
  - Jennery Lane Car Park, Burnham
  - Summers Road Car Park, Burnham
  - Denham Railway Station
  - The Broadway Car Park, Farnham Common
  - Packhorse Road Car Park, Gerrards Cross
  - The Evreham Centre, Iver
3. new bring site facilities at the new Bishops Centre Tesco Development be introduced.
4. all small electrical banks be removed and recycling promoted through household collections.
5. textiles banks from the South Buckinghamshire Golf Course be removed.
6. bring site capacity be reviewed on an annual basis to ensure adequate containers are provided.

And further

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

26. **HEALTHY COMMUNITIES**

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

**Minute 17 – Assessment of National Infrastructure Projects – Cumulative Environment Impacts**

Over the years South Bucks District has been affected by national infrastructure developments and the PAG received a report identifying a number of infrastructure proposals which will have a further significant adverse impact on the District particularly to the South and West around Iver

Due to the number and range of threats to the district it is important that a robust process is in place to provide environmental information and establish the current baseline, identifying the significant risks to the quality of life for communities in the district in terms of noise, air quality and water resources / flooding.

A budget to challenge or mitigate against the impact of infrastructure projects already existed and the report proposed that £20k be set aside from this budget to cover the costs associated with commissioning a competent consultancy to establish an environmental baseline assessment. The PAG indicated its support for this proposal and mindful of the need to keep abreast of issues and to work in partnership with other neighbouring authorities that were similarly affected by infrastructure projects, particularly Heathrow, also supported a proposal for the Council to become a member of the Local Authorities Aircraft Noise Council at an annual cost of £505 which can be met from existing budgets. Membership would enable the Council to appoint 3 representatives.

Having considered the advice of the Portfolio Holder it was

**RESOLVED** that

1. £20k be set aside from the existing budget to challenge or mitigate against infrastructure projects to commission a piece of work to establish the environmental baseline.
2. Authority be delegated to the Head of Healthy Communities, in consultation with the Portfolio Holder, to scope the work required and commission a Consultant to undertake the environmental assessment.
3. The Council becomes a member of the Local Authorities Airports Noise Council.

**Minute 18 – Subscriptions and Donations**

The PAG had considered a report setting out the requests that had been made from the following community organisations for the second round of funding from the Subscriptions and Donations budget 2015/16, £1991 of which remained unallocated:

- Chattertots - £5,500
- Hedgerley Football Club - £750
- Pop Goes the Choir - £3,000

Having considered the advice of the Portfolio Holder, the Cabinet

**RESOLVED** That the three applications for funding be refused for the reasons given in the report to the PAG.

### **Minute 19 – Community Development Grants**

The PAG received a report setting out the applications that had been made from the following organisations for funding from the Community Development Grant budget for 2015/16 of which a balance of £15k remained:

<b>Organisation</b>	<b>Amount Requested £</b>
Iver Heath Bowls Club	1500
Friends of Holtspur Park	400
Denham Bowls Club	1500
Curzon Centre	3000
Farnham Common Village Hall	6170

During the discussion the PAG was advised that the restriction that only 65% of the budget can be spent in the first 6 months was not a legal requirement nor was it set out in financial regulations. This had probably been imposed by members to ensure that funding was available for allocation in the last 6 months of the year. The limit was therefore discretionary and could be exceeded in appropriate circumstances of which the current round of requests was an example given that the 6 months would shortly be met.

Mindful that the current grant allocation process for outside bodies had been in place for some years and of the need to ensure that the limited resources available were targeted to meet the Council's objectives, the PAG also supported a proposal for the process to be the subject of a review, such review also to include the criteria for assessment.

Having considered the advice of the Portfolio Holder, the Cabinet:

**RESOLVED** that

1. Capital grants be awarded to the five organisations listed above in the sums indicated.
2. the grants allocation process for Outside Organisations be the subject of a review.

### **Minute 20 - 2014/15 GREENHOUSE GAS REPORT AND FUTURE TARGET**

The PAG received a report on the draft Greenhouse Gas Report for submission to Department of Energy and Climate Change (DECC). The report also highlighted the Council's recent energy and cost savings and Reduction Targets.

The report highlighted that the Council had not met its rolling 5% energy reduction target for the reason set out in paragraph 4.7. The report went on to provide details of the savings achieved and a proposal to reduce the target to 2%

During the discussion the PAG felt that not meeting the 5% target did not provide sufficient justification to reduce the target and whilst recognising that the 5% was challenging felt that it should be retained as it would encourage everyone to consider the environmental impact of initiatives and focus on the need to achieve efficiency savings.

Having considered the advice of the Portfolio Holder the Cabinet

**RESOLVED** - that the Council's on year carbon reduction saving for 2015/16 remain at 5%.

### **Minute 21 – Smoke and Carbon Monoxide Alarm Regulations**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 were due to come into effect on 1 October 2015 and the PAG received a report on the implications of the Regulations which will require private landlords of residential premises to:

- Install smoke alarms on each floor of their rented property;
- Install a carbon monoxide alarm in each room where there is a solid fuel burning appliance; and
- Carry out checks to ensure the alarms are in working order at the start of each new tenancy

The Council, as local housing authority, will be responsible for enforcing the Regulations and the report went onto to explain that the Council will have the following options when dealing with a non compliant landlord:

- Charge the maximum penalty of £5000 in all cases;
- Charge a lesser amount, or have a scale of charges for repeated or breaches at multiple properties; and.
- Not charge a fixed penalty at all.

Having considered the advice of the Portfolio Holder, the Cabinet:

**RESOLVED** that

1. the requirement, subject to parliamentary approval, for residential landlords to install smoke and carbon monoxide alarms in their rented properties be noted.
2. authority be delegated to the Head of Healthy Communities to enforce the Regulations and the Scheme of Officer Delegations be amended accordingly.
3. the Head of Healthy Communities, in consultation with the Portfolio Holder, be authorised to prepare and agree a Statement of Principles in respect of the fixed penalty charge for failure to comply with a remedial notice..
4. the fixed penalty charge be set at the maximum amount of £5000 where a landlord has failed to comply with a remedial notice.

### **Minute 22 – Housing Options and Allocations – Locata Software**

The PAG received a report providing an update on the procurement of software to secure the continuation of the Bucks Home Choice system beyond the end of the current agreement with Locata in January 2016. The report also explained the action taken by the Management Team to agree an exemption to Contract Procedure Rules and in particular the requirement to obtain competitive tenders on grounds of urgency and no genuine competition.

**RESOLVED** that the exemption agreed by Management Team be noted.

**Minute 26 – Minutes of the meeting of the South Buckinghamshire Members Advisory Panel**

In connection with membership of the advisory Panel it was proposed that it be increased by the appointment of Councillor Sangster, following which it was further

**RESOLVED** that the minutes of the meeting of the PAG held on 10 September 2015 be noted and the appointment of Councillor Sangster on to the Panel be agreed.

27. **RESOURCES**

The Cabinet received the minutes of the Resources Advisory Group held on 10 September 2015 and the following was the subject of a recommendation from the Portfolio Holder:

**Minute 20 – Application for Hardship Relief**

Whilst considering an application for rate relief on hardship grounds the PAG had been of the opinion that to award the hardship relief would not be in the best interests of taxpayers throughout the District for reasons set out in the report and would go against the aim of providing cost effective customer-focused services.

Having considered the advice of the Portfolio Holder, the Cabinet

**RESOLVED** that the application, set out in the Part II report, for rate relief be refused.

And further

**RESOLVED** that the minutes of the meeting held on 10 September 2015 be noted.

28. **SUSTAINABLE DEVELOPMENT**

The Cabinet received the minutes of the Sustainable Policy Advisory Group held on 10 September 2015 and the following was the subject of a recommendation from the Portfolio Holder:

**Minute 20 – Local Development Scheme Review**

Following the recent Government announced objective for speeding up plan-making, the PAG considered a report setting out options and a recommended way forward to produce a new Local Plan by early 2017 through a review of the Council's approved Local Development Scheme.

The report, after explaining the government's objectives including the intention to prepare a national league table for local plan making, set out three options for responding to these objectives as follows:

- To continue on the current Local Development Scheme timetable;
- To progress a South Bucks Local Plan to a shorter timetable
- To produce a joint local plan with Chiltern District Council

The report went on to identify reasons for pursuing option 3 including the following:

- A joint plan would make more efficient use of available staff resources and remove duplication of effort; and

## Cabinet - 13 October 2015

- In preparing its own local plan the Council would be grouped together with the Berkshire Unitary Authorities within a Housing Market Authority (HMA) and Functional Economic Market Area (FEMA); by undertaking a joint plan it was anticipated that a joint local plan would form part of a Buckinghamshire HMA and FEMA.

The report explained in paragraph 3.4 that pursuing option 3 was dependent on a number of issues including the need for additional resources and additional meetings of the PAGs and or Cabinets at both authorities.

Lead officers from all adjacent planning authorities have been consulted and the Cabinet noted the summary of the comments received as set out in paragraph 4 of the report which also addressed the financial and other corporate implications.

In connection with the setting up of a Joint Planning Policy Member Reference Group to provide advice and a steer on the preparation of planning policy matters, the Portfolio Holder proposed that the membership should comprise the following SBDC members:

B Gibbs, J Lowen Cooper, W. Mathews, P. Kelly, R. Bagge and N. Naylor.

Having considered the advice of the Portfolio Holder, the Cabinet

**A. AGREED to RECOMMEND to Council that**

1. Subject to agreement by Chiltern District Council, South Bucks District Council agrees to the preparation of a joint Chiltern and South Bucks Local Plan (2014 – 2036) under Section 28 of The Planning and Compulsory Purchase Act 2004 and for the preparation of a joint Chiltern and South Bucks Local Development Scheme to this effect.
2. Subject to approval of Recommendation 1 above and agreement by Chiltern District Council, Council approves a joint Chiltern and South Bucks Local Development Scheme timetable such that the timetable comprises the following:
  - a) public consultation on a joint Local Plan in accordance with Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in January/February 2016 incorporating an 'Issues and Options' consultation.
  - b) a preferred options consultation commencing in October/November 2016.
  - c) pre-submission consultation on the Local Plan in accordance with Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 commencing in March/April 2017.
  - d) submission of the Plan to the Secretary of State in accordance with Regulation 22 of The Town and Country Planning (Local Planning) (England) Regulations 2012 in September 2017.
  - e) anticipated examination in December 2017
  - f) anticipated adoption in June 2018
  - g) on-going Duty to Co-operate

- h) review the need for a combined Chiltern and South Bucks community infrastructure levy at the most relevant point between September 2016 and July 2017.
3. the establishment of a Joint Chiltern and South Bucks Council Local Plan Member Reference Group be agreed with:-
- a) The Group to consist of equal membership from the two councils, namely respective cabinet members with responsibility for planning plus up to five other members nominated by each council. Other than for the cabinet members there will be no substitutes and the cabinet members will be free to nominate a substitute member as and when necessary.
  - b) Meetings will not be open to the public and agendas, reports, documents and any notes of the meeting will be kept confidential amongst the two councils.
  - c) Other members of the councils will be able to attend the meetings and will be able to contribute to the meeting with the agreement of the Chairman.
  - d) The Group to have no decision making powers but to provide advice and a steer on the preparation of planning policy matters. Meetings will be arranged as required in order to progress the joint Local Plan to the Local Development Scheme Timetable, associated matters and other Local Plan related matters after the Local Plan has been adopted with due notice being given.
  - e) To be quorate, the meeting will require at least two appointed members from each Council to be present.
  - f) The terms of reference for the Group to be agreed at the first Group meeting.
  - g) Meetings as far as practicable will generally alternate between Chiltern and South Bucks offices. Both councils to elect a Chairman at the first meeting, with the chairmanship of meetings alternating between the two Councils (i.e. one chairing one meeting and the next chairing the next meeting).
4. That arising from 3a) above the following SBDC members be appointed to serve on the on the Group and to remain on the Group unless otherwise determined by Council:
- B. Gibbs, J Lowen - Cooper, W Mathews, P.Kelly, R. Bagge and N. Naylor.

**AND  
B. RESOLVED**

that, subject to recommendations 1 and 2 above being agreed by Council and Chiltern District Council:-

1. Authority be delegated to the Head of Sustainable Development to update the supporting Local Development Scheme document as a new joint councils Local Development Scheme. In exercising this delegation the Head of Sustainable Development will consult with and take into account the views of the Cabinet Member for Sustainable Development and the

Chiltern District Council Cabinet Member for Sustainable Development.

2. notification of the revised Local Development Scheme Timetable be sent as soon as practicable to all Duty to Co-operate organisations, all other Berkshire councils, local enterprise partnerships for Buckinghamshire and Berkshire, the Milton Keynes and Buckinghamshire Natural Environmental Partnership and groups, organisations and individuals on the Council's Planning Consultation Database.
3. all of the public consultations on a joint emerging Local Plan to be carried out so as to meet the minimum requirements of both the South Bucks District Council and Chiltern District Council statements of community involvement.
4. the Joint Committee be requested to consider as a matter of urgency agreeing to the Planning Policy Team forming a shared service with Chiltern District Councils' Planning Policy Team, to be located at one of the authorities offices, either at Amersham or Denham.
5. the Personnel Committee be requested to consider as a matter of urgency the staff resource implications for speeding up local plan making to meet the Government objectives.
6. the funding of the additional expenditure of £250,000 be met from the Council's LDF reserve.

**AND FURTHER**

**RESOLVED** that the minutes of the meeting held on 10 September 2015 be noted.

**29. 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 20 July 2015

**RESOLVED** that the minutes be noted.

**30. EXEMPTION FROM CONTRACTS PROCEDURE RULES- INSTRUCTING COUNSEL**

The Cabinet received a report explaining the decision by the Management Team to agree an exemption from the requirement under the Contracts Procedure Rule to obtain competitive tenders thus enabling the Council to accept a single quote and instruct Mr David Lintoff of counsel to provide initial advice and then to advocate on behalf of the Council in respect of Enforcement Notice Appeals relating to Alderbourne Cottage (Area 2) Fulmer Lane, Fulmer, Bucks SL9 7BL.

**RESOLVED** – that the decision taken by the Management Team be noted.

**31. NEIGHBOURHOOD PLANNING - REVISION TO THE SCHEME OF DELEGATION**

The Leader had agreed to this report being considered as a matter of urgency as the Council was due to receive an application for designation of a neighbourhood area imminently and the process for dealing with such applications and subsequent neighbourhood plans, needed to be in place to meet the Council's statutory obligations.

The Localism Act 2011 introduced a new statutory regime for local communities to make neighbourhood plans and neighbourhood development orders. Regulations governing these

## Cabinet - 13 October 2015

processes are contained in the Neighbourhood Planning (General) Regulations 2012. Responsibility for the neighbourhood planning process is a cabinet function, with the decision to make a plan or order following a referendum, reserved to Full Council on the recommendation of the cabinet. In areas which are parished (as is the case for the whole of South Bucks District) neighbourhood plans and neighbourhood development orders can only be instigated by town or parish councils. To ensure the various procedural decisions required by the regulations are made as quickly and efficiently as possible and after appropriate member and local consultation, the Cabinet considered and agreed a scheme of delegations attached at Appendix 1.

The Regulations also make provision for publicity at various stages of the process, and the Cabinet also agreed a proposal that this should go beyond the minimum required, which is publication on the District Council's website, to ensure that the local community is fully aware of any proposals.

### **RESOLVED – that**

1. the following actions in the neighbourhood planning process be delegated to the Head of Sustainable Development, after consultation with the relevant local Member(s) and Cabinet Member for Sustainable Development:
  - a) Decisions on whether to accept and designate or modify a neighbourhood area under s61G of the Town and Country Planning Act 1990, as inserted by Schedule 9 of the Localism Act 2011;
  - b) Consultation responses to neighbourhood plans and neighbourhood development orders, before their formal submission as proposals to the Council;
  - c) Decisions on whether to decline to accept repeat proposals for neighbourhood plans or neighbourhood development orders under paragraph 5(1) of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;
  - d) Decisions on who to appoint as an examiner under paragraph 7(4) or 13(2) of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;
  - e) Decisions on recommendations in examiners' reports that propose no change or only minor changes to plans or orders pursuant to paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990, as inserted by Schedule 10 of the Localism Act 2011;
  - f) Decisions on whether to modify neighbourhood plans and orders where the proposed modifications are only minor, whether or not recommended by the examiner.
  - g) Decisions on the validity and acceptance of applications for a neighbourhood plan or neighbourhood development order are delegated to the Head of Sustainable Development. The Head of Sustainable Development being required to inform relevant local ward member(s) within the relevant Neighbourhood Area and the Cabinet Member for Sustainable Development of decisions taken and where determined that a plan or development order is not found valid to provide reasons for the decision.
  - h) Decisions where the Council propose to disagree with an examiner's recommendation and the reasons for such a decision are delegated to the Head of Sustainable Development in consultation with the Cabinet Member

for Sustainable Development, where the implications for the plan are minor. Authority is also delegated to the Head of Sustainable Development to undertake the necessary publicity and consultation to invite views on the Council's proposed decision(s).

- i) Decisions to determine the referendum area are delegated to the Head of Sustainable Development taking into account the examiner's recommendation and the views of the Cabinet Member for Sustainable Development.
- j) That the organisation of a Neighbourhood Plan and / or Neighbourhood Development Order referendum(s) be delegated to the Returning Officer.
- k) That the decision whether or not to make a neighbourhood development plan or order shall be subject to the approval of Full Council at the recommendation of the Cabinet.

- 2. to ensure the local community is fully aware of such applications/plan submissions, the level of publicity to be given exceeds the statutory minimum and includes publicising the matter on the applicant's website and/or in the town/parish newsletter (if there is one); posting a notice about the application, order or plan on the town/parish notice board (if there is one) or, in the absence of a community notice board, then in a prominent place in the town/parish

**32. GAMBLING ACT 2005 LICENSING STATEMENT OF PRINCIPLES - 2015 REVISION**

The Leader agreed to take this report as a matter of urgency to enable the Cabinet to comment prior to the Statement of Principles being submitted to Council on 10 November 2015 for adoption.

Section 349 of the Gambling Act 2005 Act requires all licensing authorities to prepare and publish a statement of the principles that they intend to apply in exercising their functions under the Act. This statement of principles lasts for a maximum of three years, but can be reviewed and revised by the authority at any time. The Council published its first Statement of Principles for the period 31 January 2007 to 30 January 2010 and subsequently published a revised Statement for the periods 31 January 2010 to 30 January 2013 and 31 January 2013 to 30 January 2016.

In accordance with the requirement of the 2005 Act a further revised Statement of Principles must now be adopted and published for the period 31 January 2016 to 30 January 2019. As adoption is a shared function with the Licensing Committee the Cabinet was invited to comment on a revised Statement of Principles as set out in Appendix A of the report.

After noting the additional comments received and shared at the meeting of the Licensing Committee on 7 October 2015, the Cabinet supported the draft Statement of Principles and accordingly

**RECOMMENDED** to Council that the draft Statement of Principles be adopted for publication at least 4 weeks prior to coming into effect for the period 31 January 2016 to 30 January 2019.

**33. 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 “

34. **PART II CABINET MINUTES**

(Paragraphs 1 and 3)

The Part II minutes of the meeting of the Cabinet held on 7 July were confirmed and signed by the Chairman.

35. **APPLICATION FOR HARDSHIP RELIEF**

(Paragraphs 1, 2, and 3 – because of information relating to an individual and their financial affair)

In making the decision set out in minute 27 the Cabinet had regard to the application for hardship relief as set out in the report.

36. **GARDEN WASTE COLLECTION SERVICES 2016/17**

(Paragraph 3 – because of information relating to the financial or business affairs of the Council)

In making the decision in minute 25 (minute 15) the Cabinet noted the additional financial information provided in the report.

The meeting terminated at 6.43 pm