





## **Declarations of Interest**

Any Member attending the meeting is reminded of the requirement to declare if he/she has a personal interest in any item of business, as defined in the Code of Conduct. If that interest is a prejudicial interest as defined in the Code the Member should also withdraw from the meeting.

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

(Pages)

### **1. Chief Constable's Annual Presentation**

To receive a presentation from The Chief Constable of Thames Valley Police, Francis Habgood, who will also be accompanied by the LPA Commander, Superintendent Vince Grey and Anthony Stansfeld, Police and Crime Commissioner.

### **2. Apologies for absence**

To receive any apologies for absence.

### **3. Announcements**

(a) Chairman's Announcements

To receive announcements by the Chairman of the Council, if any, and any communication she may desire to lay before the Council.

(b) Announcements from the Leader of the Cabinet

To receive announcements from the Leader of the Cabinet, if any.

(c) Announcements from the Head of Paid Service

To receive announcements from the Head of Paid Service, if any.

### **4. Minutes**

To approve the minutes of the meeting of the Council held on 19 July 2017 and 19 October 2017

**(7 - 16)**

### **5. Declarations of Interest**

To receive any declarations of interest.

## 6. Questions

To answer questions (if any) from

- (a) Members of the Council; and
- (b) Members of the public

which have been put under Procedure Rules 9 and 10.

## 7. Appointments to Committees and Outside Bodies

To note any appointments made under delegated authority.

## 8. Cabinet Meeting

To receive the minutes of the meetings of the Cabinet held on 11 September 2017 and 7 November 2017 (to follow) and to consider the recommendation(s) in the minutes of which a report has been published below. **(17 - 18)**

8.1 **Housing and Planning Act 2016: Impact on Housing Enforcement Policy** **(19 - 20)**

*Appendix - Cabinet Report dated 7 November 2017* **(21 - 24)**

*Appendix 1 to the Cabinet Report - Joint Housing Enforcement Policy August 2017* **(25 - 50)**

8.2 **Brownfield Sites Register** **(51 - 54)**

## 9. Audit Committee

To receive the minutes of the meeting of the Audit Committee held on 28 September 2017. **(55 - 60)**

## 10. Governance & Electoral Arrangements Committee

To receive the minutes of the meeting of the Governance & Electoral Arrangements Committee held on 18 July 2017 and 27 September 2017. **(61 - 64)**

## 11. Licensing Committee

The Council noted that the Licensing Committee meeting which was scheduled for 3 October 2017 was cancelled.

## 12. Overview and Scrutiny Committee

To receive the minutes of the meeting of the Overview and Scrutiny Committee held on 16 October 2017. **(65 - 68)**

<b>13. Planning Committee</b>	
To receive the minutes of the meeting of the Planning Committee held on:	
<i>12 July 2017</i>	<b>(69 - 72)</b>
<i>9 August 2017</i>	<b>(73 - 78)</b>
<i>6 September 2017</i>	<b>(79 - 84)</b>
<i>4 October 2017</i>	<b>(85 - 90)</b>
<b>14. Joint Staffing Committee</b>	
To receive the minutes of the meeting of the Joint Staffing Committee held on 11 October 2017.	
14.1 <b><u>Pay Policy Statement 2017/18</u></b>	<b>(95 - 96)</b>
<i>Appendix 1</i>	<b>(97 - 100)</b>
<b>15. Members' Reports</b>	
To receive reports from members:	
<i>Dr Matthews - Health and Adult Social Care Select Committee - Update July 2017</i>	<b>(101 - 102)</b>
<i>Mr Pepler - Meeting of the Buckinghamshire Healthcare Trust held on 26 July 2017</i>	<b>(103 - 104)</b>
<b>16. Amendment to the Members Allowance Scheme</b>	<b>(To follow)</b>
<b>17. Local Land Charge Service - Shared Service Review</b>	<b>(105 - 106)</b>
<b>18. Exclusion of Public</b>	

The Chairman to move the following resolution:-

"That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Part 1 of Schedule 12A to the Act."

Paragraph 1	Information relating to any individual
Paragraph 3	Information relating to the financial or business affairs of any particular persons (including the authority holding that information).
Paragraph 4	Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.

The next meeting is due to take place on Tuesday, 27 February 2018

## SOUTH BUCKS DISTRICT COUNCIL

**Council - 19 July 2017**

Present: Councillors Mr Bagge, Mr Anthony, Mr D Dhillon, Mr Egleton, Mrs Gibbs, Mr Griffin, Miss Hazell, Mr Hogan, Mr Kelly, Mrs Lewis, Mrs Lowen-Cooper, Dr Matthews, Mr Naylor, Mr Pepler, Mr Read, Mr Reed, Mr Sandy, Mr Sangster, Mr D Smith, Mrs Sullivan and Mr Walters MBE

Apologies: Councillors Mr Bastiman, Mr Bradford, Mr Chhokar, Mr Harding, Mr Hollis and Mrs Jordan

### 8. ONE MINUTE SILENCE

The Council paid tribute to Councillor Alan Samson, who sadly passed away this morning. Councillor Alan Samson was first elected to the Council in 2011 and will be remembered as a well-respected and hard working Councillor who always strove to do his best for the residents of his ward and the wider District. The meeting stood for one minute's silence, as a tribute to his memory.

### 9. ANNOUNCEMENTS

#### a) Chairman's Announcements

The Chairman thanked Councillor Smith, on behalf of the Council, for the way he had carried out his duties as Chairman over the past two years including the numerous events he had attended as Chairman and his contribution to the Chairman's Fund.

The Chairman reported on recent functions and events she had attended on behalf of the Council which included:

- Annual Visit to Burnham Beeches followed by luncheon at Dorneywood 09/06/2017
- Bucks Scouts County Beaveree 10/06/2017
- Vice – Chairman Cllr Pepler attended The Buckinghamshire and Milton Keynes Armed Forces Day 17/06/2017
- GSF Award Ceremony – GLL 29/06/2017
- Vice – Chairman Cllr Pepler attended Samaritans Slough Branch AGM 29/06/2017
- Bucks New University 125<sup>th</sup> Anniversary reception 05/07/2017
- Bucks & Milton Keynes School Games Finals 07/07/2017
- 120<sup>th</sup> Anniversary Reception to commemorate the King of Siam's visit to Taplow Court 15/07/2017

The Chairman asked Members to raise the profile of the Chairman's Community Fund in their areas.

**b) Announcements from the Leader of the Cabinet**

The Leader of the Council informed Members that the Buckinghamshire Memorandum of Understanding between Aylesbury Vale District Council, Wycombe District Council, Chiltern District Council, South Bucks District Council, and Buckinghamshire Thames Valley Local Enterprise Partnership, relating to the unmet housing needs in the District, had been signed. This, the Leader explained, was an important step in the development of the Local Plan.

**c) Announcements from the Head of Paid Service**

The Chief Executive was pleased to announce the appointment of Steve Bambrick as Director of Services from 2 August 2017. Steve who was the Director and Deputy Chief Executive at North West Leicester District Council would be bringing with him a wealth of experience and relevant expertise.

The Chief Executive thanked Anita Cacchioli, whose interim role would come to an end at the end of July, for all her hard work and help she had provided over the last 18 months which had been greatly appreciated by all.

**10. MINUTES**

The minutes of the meeting of the Ordinary meeting of Council and Annual Council held on 23 May 2017 were confirmed and signed by the Chairman.

**11. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**12. QUESTIONS**

The following question was asked of the Cabinet Portfolio Holder for Healthy Communities by Councillor Sangster in accordance with Council Procedure Rules 9 and 10:

*"The proposed acquisition of Grand Union House for a hostel for the homeless, at an asking price of £10M, is now off our Agenda. Pressure remains to secure such a location.*

*As the Gerrards Cross Police Station cost half this amount why are we not considering converting this building for a hostel for the homeless? If not, why not?"*

The Cabinet Portfolio Holder, Councillor Kelly, replied as follows:

The delivery of affordable housing in South Bucks is limited by the financial viability of sites with few opportunities to deliver affordable housing through the planning system. In response to the viability challenge the Council identified an opportunity to develop the Gerrards Cross Police Station site to deliver a planning policy compliant scheme. Whilst that scheme design is being developed the current site is enabling 8 homeless households to be accommodated pending investigation or whilst awaiting permanent housing. To enable alternative provision for temporary housing the Council is seeking to deliver temporary



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housing units for emergency housing, and increase the range of short and medium term accommodation through working with Registered Providers, and private landlords.

Councillor Sangster raised a supplementary question which related to a Council site which was part of the Strategic Asset Review that was carried out by Savills on all the Council's property assets, and was advised this would be responded to in writing. It was also confirmed that all Members of the Council would be copied into the response.

**13. APPOINTMENTS TO COMMITTEES AND OUTSIDE BODIES**

Having noted that there was a vacancy on the HS2 Information Group and HS2 Steering Group, it was moved by Cllr Bagge, seconded by Councillor Naylor and

**RESOLVED** that Cllr Luisa Sullivan be appointed to the HS2 Information Group and HS2 Steering Group.

**14. CABINET MEETING**

The Leader, Councillor Bagge, presented the minutes of the meeting of the Cabinet held on 28 June 2017.

In response to a question regarding minute 12 (Review of Affordable Housing Payments) and the allocation of the £3.6M, the Portfolio Holder for Healthy Communities assured members that there would be member input via the Healthy Communities PAG as to how these resources would be deployed.

With regards to minute 15 (Replacement of Theatre Floor at Beacon Centre), the Portfolio Holder for Healthy Communities agreed to further investigate the suggestion made that the Beacon Centre Liaison Committee should be reconstituted given the large sum of money which was involved in the project.

Following a concern raised regarding the incursion of Travellers in Beaconsfield and Denham, the Portfolio Holder for Sustainable Development assured members that the Council was working with its partners to tackle incursions in the District and that discussions were taking place with the Police over the need for them to use greater powers that they already possess.

The Portfolio Holder for Resources and the Portfolio Holder for Healthy Communities had met with the new Local Area Commander to express concern over the way the Police were handling incursions in the District and to discuss how to effectively deal with any future incursions.

In response to a request that a letter be sent to the local MP asking that trespassing be made a criminal offence as was the case in other European Countries, the Portfolio Holder for Sustainable Development agreed to raise the issue of trespassing with the local MP.

**RESOLVED** that the minutes of the 28 June 2017 be received.

**15. FOOD AND HEALTH AND SAFETY BUSINESS PLANS**

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The Council received a report asking for approval of the joint Food and Health and Safety Service Plan and the Food and Health and Safety Enforcement Policies. The Cabinet at its meeting on 28 June 2017, agreed to recommend the approval of the joint plan and policies to Full Council.

The Council were advised that Chiltern District Council approved the joint plan and policies at its Council meeting on 11 July 2017.

It was moved by Councillor Kelly, seconded by Councillor Egleton and

**RESOLVED** that the joint Food and Health and Safety Service Plan and the Food and Health and Safety Enforcement Policies be approved.

**16. CORPORATE ENFORCEMENT POLICY**

The Regulators' Code, which came into statutory effect on 6 April 2014, requires the Council to have an enforcement policy explaining how it responds to regulatory non-compliance. With the majority of services now being shared across both Chiltern and South Bucks District Councils, the Council received a report explaining that the opportunity had been taken to review the enforcement policies and draft a joint Corporate Enforcement Policy setting out the guiding principles of how regulatory services would engage with those they regulate.

The Regulator's Code is based on 6 broad principles and the Council noted what was expected of the regulator in each of the 6 cases. The Council also noted how the local authority would respond to non-compliance, one of the key actions required to ensure compliance with the Code. The Cabinet at its meeting on 28 June 2017, agreed to recommend the approval of the policy to Full Council.

The Council were advised that Chiltern District Council approved the policy at its Council meeting on 11 July 2017.

It was moved by Councillor Kelly, seconded by Councillor Egleton and

**RESOLVED** that the draft Corporate Enforcement Policy for regulatory compliance and enforcement services at Appendix 1 be approved.

**17. ESTABLISHMENT OF PROPERTY DEVELOPMENT AND MANAGEMENT COMPANY**

At the Cabinet meeting held on 28 June, Members considered a report presenting for approval the business case for setting up a local authority trading company, focusing on Property Development and Management, and seeking formal agreement to the setting up of this company. The Cabinet report and appendices were attached for information.

The Cabinet had approved the recommendations in the report and recommended the technical change to the Council's Treasury Management Policy, that Council adopt the Minimum Revenue Provision (MRP) policy as detailed in Appendix C.

It was moved by Councillor Bagge, seconded by Councillor Egleton and

**RESOLVED** that a new Minimum Revenue Provision (MRP) policy as detailed in Appendix C be adopted.

18. **BATH ROAD DEPOT**

The Cabinet, at the meeting on 28 June 2017, received a report (attached as a part II to the Council agenda) which asked Members to discuss long term development opportunity at Bath Road Depot and consider possible options to acquire adjacent land plots. Having considered the report, the Cabinet resolved that:

- 1) the Head of Environment [in consultation with the Portfolio Holder] be authorised to enter into discussions with the owners of the land identified in the report and to agree the terms of option agreements to purchase the land in due course;  
And that
- 2a) the Head of Environment be authorised to appoint external consultants to carry out relevant surveys and initial design proposals; and
- 2b) approval be given for up to £28,000 of the existing approved capital budget to be used for this purpose, including the expenditure incurred to date.
- 3a) the Cabinet is satisfied that the Bath Road Depot site is no longer required for the purpose for which it is currently held; and
- 3b) in the light of 3a) above, the site be appropriated under section 122 of the Local Government Act 1972 for planning purposes as defined in the Town and Country Planning Act 1990 (as amended)

And accordingly agreed to recommend to Council to make additional provision in the capital budget of £1,010,000 for the proposed potential acquisition of the land referred to in the report.

It was moved by Cllr Egleton, seconded by Councillor Kelly and

**RESOLVED** that an additional £1,010,000 be made available in the capital budget for the proposed acquisition of the land referred to in the attached part II Cabinet report.

19. **AUDIT COMMITTEE**

The minutes of the meetings of the Audit Committee held on 23 May and 5 July 2017 were presented.

**RESOLVED** that the minutes of the meetings held on 23 May and 5 July 2017 be received.

20. **REVIEW OF POLICY ON GIFTS AND HOSPITALITY**

The Council was asked to consider the recommendation of the Audit Committee on 5 July to adopt the Protocol on the receipt of gifts and hospitality attached as an appendix.

The Monitoring Officer informed the Council that the proposed protocol would consolidate existing sources of advice and guidance, set out general principles which members should apply when deciding whether it would be proper to accept any gift or hospitality, provide

examples of low value items that may be accepted, together with a procedure for recording and obtaining specific consent for the acceptance of other gifts and hospitality.

It was moved by Councillor Smith, seconded by Councillor Anthony and

**RESOLVED** that the Protocol on Gifts and Hospitality, attached as an appendix, be adopted.

#### 21. **APPOINTMENT OF INDEPENDENT PERSON**

The Council were asked to consider the recommendation of the Audit Committee on 5 July to extend the term of office of one of the Council's two Independent Persons. This must be approved by a majority of members of the Council.

It was moved by Councillor Smith, seconded by Councillor Anthony and

**RESOLVED** by a majority of members (20) that the term of office of Mr Trevor Dobson as an Independent Person be extended for a further 2 years.

#### 22. **LICENSING COMMITTEE**

The minutes of the meeting of the Licensing Committee held on 23 May 2017 were presented. The Council noted that the Licensing Committee meeting which was scheduled for 21 June 2017 was cancelled.

**RESOLVED** that the minutes of the 23 May 2017 be received.

#### 23. **OVERVIEW AND SCRUTINY COMMITTEE**

The minutes of the meetings of the Overview and Scrutiny Committee held on 23 May and 22 June 2017 were presented.

**RESOLVED** that the minutes of the meetings held on 23 May and 22 June 2017 be received.

#### 24. **JOINT STAFFING COMMITTEE**

The minutes of the meetings of the Joint Staffing Committee held on 3 July 2017 were presented.

**RESOLVED** that the minutes of the meetings held on 3 July 2017 be received.

#### 25. **LOCAL GOVERNMENT PENSION SCHEME DISCRETIONARY POLICY STATEMENT**

Members considered a report seeking approval of the discretionary policies that can be exercised by the Councils, as Employers within the Local Government Pension Scheme (LGPS). The report was considered by the Joint Staffing Committee (JSC) meeting held on 3 July and an appendix was attached containing the minor amendments that had been made by the Committee at that meeting.

It was moved by Councillor Bagge, seconded by Councillor Sullivan and

**RESOLVED** that the Local Government Pension Scheme Discretionary Policy Statement as set out in Appendix 1 be approved.

26. **LOCALLY DETERMINED PAY MECHANISM (REPORT IN PART II)**

The Council received a report seeking approval of the proposed arrangements for the introduction of locally determined pay for all staff below the Heads of Service on harmonised terms and conditions of employment.

Each year, Councils needed to consider whether they wish to offer a pay increase to staff. Local Government has a national collective bargaining system by which representatives of the employers meet with the trade union representatives regularly to discuss pay and conditions of service. This arrangement was called the National Joint Council (NJC) for Local Government Services. Under the terms of the Collective Agreement between Chiltern and South Bucks District Councils and UNISON of 1st July 2014 (which applied to all posts below Head of Service level) it was agreed in July 2017 that the Councils would review the Councils' pay arrangement under a locally determined pay scheme.

The Joint Staffing Committee meeting held on 3 July 2017 considered and recommended the proposed arrangements for a locally determined pay mechanism, and subject to the Councils' agreement, the next step was to put the proposed locally determined pay mechanism to UNISON.

In response to a question regarding inflation, the Chief Executive explained that consideration of inflation would be determined by the Joint Staffing Committee but that options involving CPI and RPI would be considered.

It was moved by Councillor Bagge, seconded by Councillor Sullivan, and

**RESOLVED** that the arrangements for a locally determined pay mechanism, as set out in the report, be agreed.

27. **PLANNING COMMITTEE**

The minutes of the meetings of the Planning Committee held on 17 May, 23 May and 14 June 2017 were presented.

**RESOLVED** that the minutes be received.

28. **MEMBERS' REPORTS**

The meeting received a report from Councillor Pepler on the meeting of the Buckinghamshire Healthcare Trust held on 31 May 2017.

29. **EXCLUSION OF PUBLIC**

**RESOLVED** that under Section 100A(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that

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they involved the likely disclosure of exempt information as defined in Part I of Schedule 12A to the Act Paragraphs:

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

Paragraph 4 Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter raising between the authority or a Minister of the Crown employees of, or office holders under, the authority.

**30. BATH ROAD DEPOT**

This item was considered in connection with minute 18.

**31. LOCALLY DETERMINED PAY MECHANISM**

This item was considered in connection with minute 26.

The meeting terminated at 6.40 pm

## **SOUTH BUCKS DISTRICT COUNCIL**

### **Extraordinary Council - 19 October 2017**

Present: Councillors Dr W Matthews (Chairman), D Pepler (Vice-Chairman), R Bagge, P Bastiman, M Bezzant, B Gibbs, P Griffin, L Hazell, P Hogan, G Hollis, J Jordan, P Kelly, M Lewis, N Naylor, J Read, R Reed, R Sangster, D Smith and L Sullivan

Apologies: Councillors D Anthony, M Bradford, S Chhokar, D Dhillon, T Egleton, B Harding, J Lowen-Cooper and G Sandy.

#### **32. ONE MINUTES SILENCE**

The Council paid tribute to Councillor Alan Walters MBE, who sadly passed away on 3 September.

Alan was elected Councillor for the District Ward of Beaconsfield North in 2001. During his time at the Council, Alan had been Chairman of the Personnel Committee, and played an important advisory role on the Healthy Communities, Environment and Sustainable Development Policy Advisory Groups. Alan was Chairman of the Council from 2010 to 2013, and was also Vice Chairman prior to that.

More recent roles include Chairman of the Licensing Committee, and serving on the Overview and Scrutiny, and Joint Staffing Committees. Alan was also an active member of the Chilterns Conservation Board.

Alan was first elected to Beaconsfield Town Council in 1999 and served continuously until May 2015. Alan was also the Mayor of Beaconsfield in 2004/2005.

Alan was elected as a Buckinghamshire County Councillor in May 2017 and was a County Council representative on the Buckinghamshire and Milton Keynes Fire Authority.

Alan will be remembered as a well-respected and dedicated Councillor who always did his best for the residents of his ward and the wider area and would be greatly missed by all.

The meeting then stood for one minute's silence, as a tribute to his memory.

#### **33. INTRODUCTIONS**

The Chairman congratulated Councillor Matthew Bezzant on being elected as Councillor for Burnham, Lent Rise and Taplow Ward, at the by-election held on 5 October 2017, and Members welcomed Councillor Bezzant to the Council.

The Chairman also welcomed Steve Bambrick the newly appointed Director of Services to the meeting.

34. **ELECTION OF LEADER OF THE COUNCIL**

The Special meeting of Council had been convened to enable Members to elect a new Leader of the Council following the resignation of Councillor Ralph Bagge.

On the proposition of Councillor D Pepler , seconded by Councillor D Smith , it was

**RESOLVED** that Councillor N Naylor be appointed Leader of the Council to the date of the post-election Annual Meeting of the Council to be held in May 2019.

Councillor Naylor thanked the Council for its support in electing him Leader and the kind words of his proposer and seconder. Councillor Naylor then expressed thanks to Councillor Bagge for his leadership of the Council since May 2015.

35. **APPOINTMENT OF CABINET MEMBERS**

**RESOLVED** that the allocation of appointments to the Cabinet, as detailed below, be noted:

<b>Councillor</b>	<b>Portfolio</b>
John Read (Deputy Leader)	Planning and Economic Development
Barbara Gibbs	Resources
Paul Kelly	Healthy Communities
Duncan Smith	Customer and Business Support
Luisa Sullivan	Environment

The meeting terminated at 6.09 pm



**CABINET (SBDC)**

**Meeting - 11 September 2017**

Present: R Bagge, N Naylor and L Sullivan

Apologies for absence: T Egleton and P Kelly

**28. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**29. 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 ”

Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**30. PROPOSED PUBLICATION OF DRAFT REPORT ON NORTHERN EXTENSION OF SLOUGH BY SLOUGH BOROUGH COUNCIL**

Cabinet received a report which informed members about Slough Borough Council’s intention to publish a draft report commissioned through consultant, Atkins, setting out details of their proposed northern extension of Slough within South Bucks District and consider what action should be taken in response.

Approval for this item to be considered in private by the Cabinet on 11 September 2017 was received from Councillor Malcolm Bradford (Chairman of South Bucks District Council Overview and Scrutiny Committee) who agreed that the item was urgent and could not reasonably be deferred.

It was noted that the report had also been considered by the Chiltern and South Bucks Joint Committee on 11 September 2017.

Cabinet expressed considerable concern about Slough Borough Council’s intention to publish the draft Atkins report in its current form. It was considered that in doing so Slough Borough Council was acting outside of its relevant statutory powers, due process and the Duty to Cooperate and as if they were the Local Planning Authority and Highway Authority for South Bucks District.

Members acknowledged that Slough Borough Council can lawfully promote or support development of land outside its administrative boundary where this is in the interest of its own borough and to commission and assemble an evidence base to support this. However, it was noted that the form and content of the draft Atkins document is far removed from a

**Cabinet (SBDC) - 11 September 2017**

collation of evidence demonstrating the in-principle acceptability of a Northern Extension or informing the wording of policy.

As a result Members were concerned that Slough Borough Council were not acting in the public interest by publishing the draft report and could cause confusion and mislead the public, organisations, landowners and developers including potentially falsely encouraging the incurring of costs and investment. They also noted that South Bucks and Chiltern District Councils and Bucks County Councils, are being forced to respond to Slough Borough Council's actions outside of due process which is deflecting resources away from local plan preparation.

It was noted that the Planning Policy Manager had raised these concerns with his counterpart at Slough Borough Council and submitted detailed comments on the draft report. Bucks County Council had also submitted comments in their statutory role for strategic planning on highways, transport, flooding, education and minerals and waste matters. Slough Borough Council had also been asked to identify which statutory powers they relied on in commissioning the draft report and how in its current form, the report was a rational exercise or any such power in view of the confusion it will give rise to. It was noted that in response Slough Borough Council stated that having taken legal advice there was nothing to prevent them producing the Atkins report in its current form and that they intended to make it public at some stage after a forthcoming Duty to Cooperate meeting on 12 September 2017.

The Planning Policy Manager updated Cabinet on discussions with his counterpart at Slough Borough Council regarding a statement summarising the Councils' concerns about the draft Atkins report and subject to agreement could accompany any future publication.

The Cabinet stressed the importance of ensuring that residents are kept informed of the Councils' position on this matter.

Having carefully considered the options for action set out in the committee report and having regard to the importance of both protecting the interests of its inhabitants and the Duty to Cooperate process, that in order, if possible, to avoid litigation on this matter, the Cabinet **RESOLVED**

- 1) to seek a written undertaking that Slough Borough Council will not publish the draft Atkins report in its current form until it has been appropriately amended by adding a Cover Note in a prominent position at the front of all copies of the document after its covering page.
- 2) that the Head of Legal and Democratic Services in consultation with the Head of Sustainable Development and the respective Portfolio Holders for Sustainable Development be authorised to take legal proceedings under section 222 of the Local Government Act 1972 in relation to Slough Borough Council's actions to promote a Northern Extension to Slough in South Bucks District if considered expedient to promote or protect the interests of the inhabitants of the Councils' area.
- 3) that it was to be considered expedient under 2 above if Slough Borough Council fail to agree the Councils' requirements regarding publication of the draft Atkins report.
- 4) that the costs of any legal proceedings are shared in the same way as the costs of the Joint Local Plan.

The meeting terminated at 7.19 pm

<b>SUBJECT:</b>	<i>Housing and Planning Act 2016: Impact on Housing Enforcement Policy</i>
<b>REPORT OF:</b>	<i>Portfolio for Healthy Communities – Cllr Paul Kelly</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt, Head of Healthy Communities</i>
<b>REPORT AUTHOR</b>	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All</i>

## 1. Purpose of Report

At the Cabinet meeting which is due to be held on 7 November 2017, Cabinet will be considering a report (attached as an appendix to this report) which will

- Advise Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options against private sector landlords
- Seek delegated authority for the Head of Healthy Communities to enforce the provisions of the Act and ask that the Scheme of Delegation be amended accordingly
- Seek Members comments on the draft amended housing enforcement policy.
- Seek delegated authority for the Head of Healthy Communities to agree the final policy in consultation with the Portfolio Holder

Full Council will be updated at the meeting with regards to Cabinet's decision. As part of that decision, if Cabinet agree to delegate authority to the Head of Healthy Communities to enforce the provisions of the Act, the scheme of delegation in the Constitution will need to be updated to reflect this delegation. Full Council are therefore being asked:

### RECOMMENDATION

That the scheme of delegation in the Constitution be updated to reflect the fact that authority has been delegated to the Head of Healthy Communities to enforce the provisions of the Act.

## 2. Reasons for Recommendations

See section 2 of the Cabinet report (appendix to this report)

## 3. Consultation

See section 4 of the Cabinet report (appendix to this report)

**4. Options**

See section 5 of the Cabinet report (appendix to this report)

**5. Corporate Implications**

See section 7 of the Cabinet report (appendix to this report)

**6. Links to Council Policy Objectives**

See section 8 of the Cabinet report (appendix to this report)

**7. Next Step**

See section 9 of the Cabinet report (appendix to this report)

<b>Background Papers:</b>	Cabinet Report 7 November 17 entitled Housing and Planning Act 2016: Impact on Housing Enforcement Policy.
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<b>SUBJECT:</b>	<i>Housing and Planning Act 2016: Impact on Housing Enforcement Policy</i>
<b>REPORT OF:</b>	<i>Portfolio for Healthy Communities – Cllr Paul Kelly</i>
<b>RESPONSIBLE OFFICER</b>	<i>Martin Holt, Head of Healthy Communities</i>
<b>REPORT AUTHOR</b>	<i>Louise Quinn 01494 732209 lquinn@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All</i>

## 1. Purpose of Report

The purpose of the report is to:-

- Advise Members of the implications of the Housing and Planning Act 2016 in respect of enforcement options against private sector landlords
- Seek delegated authority for the Head of Healthy Communities to enforce the provisions of the Act and ask that the Scheme of Delegation be amended accordingly
- Seek Members comments on the draft amended housing enforcement policy.
- Seek delegated authority for the Head of Healthy Communities to agree the final policy in consultation with the Portfolio Holder.

### RECOMMENDATIONS

- 1. That the new provisions of the Housing and Planning Act 2016 be noted.**
- 2. That Cabinet agree to give delegated authority to the Head of Healthy Communities to enforce the provisions of the Act and the Scheme of Delegations be amended accordingly.**
- 3. That Cabinet authorise the Head of Healthy Communities to agree the final Housing Enforcement Policy in consultation with the Portfolio Holder, having regard to members' comments and the regulations in respect of Banning Orders, once published.**

## 2. Reasons for Recommendations

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local authorities in dealing with poor landlords.

Statutory guidance on the new powers requires that councils develop their own policies for applying the new powers and duties. Further regulations are awaited in respect of Banning Orders.

The draft amended joint housing enforcement policy in Appendix 1 will provide a robust framework for the authority to implement the new powers as required. Delegated authority to

the Head of Healthy Communities to agree the final version will enable amendments to be made in respect of the use of Banning Orders, once the regulations have been published.

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

The Housing and Planning Act 2016 introduced a range of new powers and tools to assist local housing authorities in dealing with landlords who fail to comply with statutory requirements.

The new provisions include:

- Power to apply to the First Tier Tribunal for a banning order where a landlord has been convicted of specified offences. A banning order will ban a landlord from letting or managing property for a period of at least 12 months.
- Power to issue a financial penalty of up to £30,000 as an alternative to prosecution in respect of certain specified offences.
- Extension of powers to apply to the First Tier Tribunal for a Rent Repayment Order where a landlord has committed specified offences and housing benefit has been paid in respect of the property
- Establishment of a 'database of rogue landlords' by the government, to which local authorities may add details of local landlords who have been convicted of specified offences or been issued with at least two civil penalties
- Requirement to consider additional factors when determining whether a landlord is a 'fit and proper person' to hold a licence.

The above powers and requirements are now in force, with the exception of banning orders, which are expected to come into force in October 2017.

The new enforcement tools are designed not only to act as a punishment to the offender and deter others, but also to remove any financial benefit the offender may have obtained as a result of committing the offence.

Statutory guidance has been issued in respect of the use of financial penalties and rent repayment orders. The guidance states that local authorities are expected to develop and document their own policies on:

- the circumstances in which it will issue a financial penalty as an alternative to prosecution,
- the circumstances in which it will apply for a rent repayment order and
- its approach in determining the appropriate level of penalty and/or the amount of rent to reclaim

and should decide which options to pursue on a case by case basis.

A financial penalty can only be considered where the authority has evidence to demonstrate "beyond reasonable doubt" that certain offences have been committed.

In setting the level of a financial penalty, the Council must have regard to a number of factors including the severity of the offence, the culpability of the offender and the level of harm caused. The maximum penalty is expected to be reserved for only the very worst offences.

The landlord has a right of appeal against a financial penalty and recovery of any charge would be via a court order. Consequently, the issue of a financial penalty as an alternative to prosecution will have cost implications to the Council, will not necessarily result in a guaranteed income or off set the full costs of the housing standards service.

The Council currently has a joint housing enforcement policy with Chiltern District Council which sets out the councils' policies in using formal enforcement action to address hazards in housing. A draft amended policy is contained in Appendix X. Sections 1.2, 3.5, 3.8, 3.9 and Appendix 3 (highlighted) have been inserted/amended to take into account the new powers.

It is anticipated that the majority of residential landlords will comply with the requirements of the Housing Act 2004 and that enforcement action and penalties will only be required in a minority of cases.

#### **4. Consultation**

Statutory consultation is not required. The Government prepared two Regulatory Impact Assessments in relation to these Regulations. Informal consultation with other Bucks Authorities has taken place to ensure consistency of enforcement approach.

#### **5. Options**

The authority must have regard to the Statutory Guidance when using the new powers but has a discretion in determining the circumstances in which the various penalties can be applied, including the level of any financial penalty.

The options are:

1. To amend the housing enforcement policy to give robust guidance to be applied on a case by case basis, in accordance with the guidance
2. To amend the housing enforcement policy to include detailed and explicit circumstances when the powers will be used and a scale of financial penalty to be applied
3. To not make any amendments the existing enforcement policy and not make use of the new powers.

Option 1 is recommended as the other options are likely to restrict the Council's options in dealing with a non-compliant landlord and/or leave the authority open to challenge.

#### **7. Corporate Implications**

Financial	Revenue received from any civil penalty may be used for any purpose by the Council. However, there are likely to be staff resource/cost implications in preparing for and attending First Tier Tribunal hearings and debt recovery proceedings.
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Legal	The Council has a duty to implement the regulations, and must have regard to the Statutory Guidance in doing so.
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### 8. Links to Council Policy Objectives

The strategy contributes to the 'Working towards safe and healthier local communities' aim of the Joint Business Plan 2014-19.

### 9. Next Steps

If agreed, officers will prepare and implement the final Housing Enforcement Policy and will publicise via letting agents, the Council's website and directly to landlords.

<b>Background Papers:</b>	None
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**CHILTERN**  
District Council



**SOUTH BUCKS**  
District Council

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Stronger in partnership

**Chiltern District Council  
South Bucks District Council**

**Joint Housing Enforcement Policy**

**DRAFT**

**Adopted March 2017  
Revised: August 2017**

DRAFT

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### Appendix

1. Summary of Enforcement Powers

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## 1.0 Introduction

### 1.1 Objectives

Chiltern District Council and South Bucks District Council are two sovereign authorities with separate budgets and separate decision making processes. The two authorities have operated a shared housing service since April 2014 and have implemented a joint Private Sector Housing Strategy.

This document sets out Chiltern District Council and South Bucks District Council policy in using enforcement action to address health and safety hazards in housing.

This policy is written in the context of Chiltern and South Bucks Private Sector Housing Strategy which aims to ensure that

- private sector housing meets basic standards of fitness and is maintained in good repair
- the private rented sector within the district provides good quality, well-managed, safe accommodation.

One of the tools identified to achieve these objectives is through the use of enforcement action.

Enforcement officers, by necessity, have considerable discretion in decision making and initiating enforcement action. This policy applies to all dealings, formal and informal, between officers and landlords and owners of residential property – all of which contribute to securing compliance with the law. It provides policy standards to aid professional judgements and decision making and ensure both consistent and effective enforcement.

References to 'the Council' shall mean Chiltern District Council or South Bucks District Council, depending upon the administrative area in which the property subject to enforcement action is located.

### 1.2 Background

The Council is granted extensive enforcement powers in several Acts of Parliament to secure improvements in houses in disrepair. The main powers are summarised in Appendix 1.

Where a breach of the legislation is identified, the following options may be available to the council to ensure that the law is complied with:

- **Informal action** – this includes verbal advice given by Officers and advisory letters.
- **Formal Action** – this includes a range of responses including the service of statutory notices, orders and carrying out of emergency works. Most notices served under Housing legislation require the recipient of the notice to carry out specified works within given time limits.

Some breaches of the legislation are criminal offences. Failure to comply with a formal notice or order is also a criminal offence. Where an offence has been committed, the following options may be available to the local authority:

- **Formal caution** - A formal caution is where an offender is given written details of the offence and s/he signs to say that s/he admits the offence. It is not a form of sentence. A record of the caution is kept at the Council for a period of three years and it may subsequently influence a decision to instigate proceedings if the offender breaks the law

in the future. It may also be cited if the Council takes legal action for a subsequent offence.

- **Prosecution** – In some cases, breaching the legislation is a criminal offence. The Council is the prosecuting authority for such offences and as they are criminal in nature, proceedings are taken in the Magistrates Court.
- **Financial Penalty** - *A financial penalty is available as an alternative to prosecution for certain offences under the Housing Act 2004. Financial penalties may also be given for breaches of the Smoke and Carbon Monoxide Alarm (England) Regulations 2015.*
- **Banning Order:** *The Council may apply for a Banning Order under the Housing and Planning Act 2016 for the most serious and prolific offenders. Banning Orders are scheduled to come into force in October 2017.*
- **Rent Repayment Order:** *The Council can apply to the First-tier Tribunal for an order requiring the landlord to repay to the Council any rent paid in housing benefits.*
- **Database of Rogue Landlords:** *In some circumstances, the Council may record details of landlords who have committed offences on a national database of 'Rogue Landlords'*

Paragraphs 3.2 to 3.10 below set down the factors to be considered by officers in deciding the most appropriate enforcement options.

### 1.3 Comments and Complaints

If you have any comments or questions in relation to this policy, please contact:

Senior Housing Standards Officer  
 Chiltern and South Bucks Housing  
 King George V Road  
 Amersham  
 Bucks  
 HP6 5AW  
 Telephone: 01494 732013  
 Email: [housing@chiltern.gov.uk](mailto:housing@chiltern.gov.uk)

The Council has a corporate complaints procedure in cases where disputes arising from this policy cannot be resolved.

## **2.0 Enforcement Principles**

This service has adopted the central and local government Enforcement Concordat. We will also follow the Hampton principles as the basis for good enforcement.

### **Openness**

We will provide information and advice in plain language and as far as possible, avoid jargon.

We will be open about how we do our work and in particular how we set our charges for enforcement. We will always discuss general issues, specific failures or problems with anyone who has been enforced against.

We will seek to make sure that people understand what is expected from them as well as knowing what they can expect from us.

Where notices have been served and are on a Public Register, this will be available for viewing free of charge.

### **Helpfulness**

Our staff will provide a courteous and efficient service. All staff who visit properties will identify themselves by name and carry identification cards.

We will always provide a contact point and telephone number for further dealings with Officers.

Interpretation services will be made available for both office and on-site visits where people do not have English as their first language.

Landlords and owners of residential property will be encouraged to seek advice/information; information will be freely available in the form of leaflets and pages on the council's website. When appropriate, training courses/seminars will be provided for landlords on specific issues.

### **Proportionality**

All enforcement actions and advice must be proportional to the risks posed to the public and the seriousness of any breach of legislation.

When considering enforcement action, consideration will be given to the cost of measures required to reduce the risk weighed against the benefit to be gained by reducing the risk.

In addition, there will be a staged approach to enforcement action with increasing degrees of enforcement if landlords and owners of residential property fail to respond to previous requirements.

### **Consistency and Fairness**

Officers will carry out their duties in a fair and consistent way. To this end, we have developed and put in place procedures for the range of enforcement activities we carry out and make sure that Officers follow such procedures.

Although Officers have to use judgement in individual cases, we will make sure that procedures wherever possible are the same and people are treated equitably.

### **3.0 Enforcement Decisions**

In deciding whether to take action and if so, the most appropriate course of action, each case will be considered individually having regard to the circumstances of the case and a range of relevant factors. In making enforcement decisions, officers must have regard to the following guidelines.

- Housing Health and Safety Rating System Enforcement Guidance published by the ODPM in February 2006
- The Neighbourhood Renewal Assessment process and associated guidance published by the ODPM in 2004
- Civil Penalties under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Rent Repayment Orders under the Housing and Planning Act 2016: Guidance for Local Housing Authorities
- Guidance outlined in section 3.2 to 3.8 below.
- Any other subsequent national legislation and guidance

All enforcement decisions will be fully documented.

Before taking any action in respect of a tenanted property the tenant will normally be expected to contact their landlord about the problems first, though this will not be required in the following circumstances:

- Where the matter appears to present an imminent risk to the health and safety of the occupants.
- Where there is a history of harassment, threatened eviction or poor management practice.
- Where it is not considered reasonable, or the tenant is otherwise unable to contact his/her landlord

Where there is a shared or complimentary enforcement role, consultation will be carried out with the appropriate agency. Specifically, before serving a notice to address a Fire Hazard, consultation will be carried out with the Bucks Fire and Rescue Service. Where there is a problem with the gas installation in a property, the Health and Safety Executive (HSE) will be notified. Where dangerous conditions exist, the Building Control section will be notified. Contraventions of the furniture regulations will be notified to Trading Standards at Bucks County Council.

### **3.1 Authorisation and Delegation**

Housing enforcement decisions are delegated to Head of Healthy Communities and in turn to authorised Officers of the Healthy Communities division, under the Council's Scheme of Delegation to Officers.

The decision to prosecute or administer a formal caution is determined, in consultation with the Legal Services Manager.



Demolition Orders, Clearance Areas and Compulsory Purchase Orders will normally only be served/declared following a decision by the Council's Cabinet.

The Council has developed procedures for the authorisation of officers undertaking housing work. Only officers who are competent by training, qualification and/or experience will be authorised to undertake enforcement action. Authorised officers will also have sufficient training and understanding of this enforcement policy in order to ensure a consistent approach to service delivery.

Officers who undertake criminal investigations will be conversant with and adhere to the provisions of the Police and Criminal Evidence Act, 1984 (PACE) and the Criminal Procedure and Investigations Act, 1996 (CPIA), Regulation of Investigatory Powers Act 2000 (RIPA).

### **3.2 Informal Action**

Informal action, that is verbal advice, requests or warnings, or letters and inspection reports can be used when

- the breach is not of a serious nature
- past experience has shown that such action will be effective
- there is not a significant risk to the safety or health of the occupant (or the public)
- informal action will be more effective and/or quicker than formal action
- there is confidence in the Manager/owner

Informal action will in most cases be commenced first before serving statutory notices or orders

It is not always possible to adopt an informal approach especially where the legislation requires formal action to be taken straight away.

The service of a Hazard Awareness Notice, while strictly a form of formal action, may be considered appropriate in the above circumstances.

### **3.3 Formal Action**

The range of formal action is that set out in section 5 of the Housing Act 2004, plus other formal notice options such as Overcrowding Notices, Remedial Notices under the Smoke Regulations or Abatement Notices under the Environmental Protection Act 1990. Paragraph 3.7 sets out additional requirements in respect of Demolition Orders and Clearance.

The most appropriate course of action will be determined having regard to the relevant legislation, enforcement guidance and a 'neighbourhood renewal assessment', if appropriate. The service of a Hazard Awareness Notice may only be considered appropriate, however, in the circumstances described under 'Informal Action'.

Notices and other formal action will normally only be taken when

- there is a duty to take formal action (eg there are Category 1 hazards), or
- there is a significant contravention of legislation, or

- there is a lack of confidence in the manager/owner to respond to an informal approach, or
- non compliance could be potentially serious to public health, safety or well being of individuals, or
- there is a history of non-compliance, or
- standards are poor (for example there are multiple Category 2 hazards) and the manager/owner has little awareness of statutory requirements,

### **3.4 Works In Default**

Works in Default may be undertaken where an Improvement Notice, a Demolition Order or an Abatement Notice has not been complied with.

The decision whether to undertake Works in Default will include consideration of:

- The risk to public health, safety or wellbeing of individuals.
- Whether reasonable progress has been made by the owner with regard to the works.
- The ability of the owner to arrange for the works to be done.
- The time which has elapsed for compliance with the notice.
- The history of the owner with regard to compliance with notices.
- Whether default work may afford greater benefit than prosecution, ie the defects will be remedied.

In exceptional circumstances, the Council will consider carrying out works in default in addition to prosecution.

### **3.5 Formal Caution, Prosecution and Financial Penalties**

The decision to offer a formal caution, take a prosecution or issue a financial penalty is one that is not taken lightly. Officers recognise that their decision is significant and could have far reaching consequences upon the alleged offender and others.

#### **Prosecution**

The decision to prosecute will be taken only in respect of one or more of the following:

- Where the alleged offence involves a flagrant breach of the law such that public health, safety or the wellbeing of individuals is or has been put at risk.
- Where the alleged offence involves a failure to correct an identified serious potential risk and the person responsible has been given a reasonable opportunity to comply

- Where the offence involves a failure to comply in full or in part with the requirements of a statutory notice.
- Where alternative remedies such as civil penalties or carrying out works in default are deemed insufficient or inappropriate having regard to the circumstances of the case
- Where there is a history of similar offences relating to risk of public health, safety or the wellbeing of individuals.

Where such circumstances have been identified, all relevant evidence and information must be considered to enable a consistent, fair and objective decision to be made.

It is necessary to establish that there is relevant, admissible, credible and reliable evidence that an offence has been committed by an identifiable person or company. There must be a realistic prospect of a conviction: a bare prima facie case is not enough.

There must also be a positive decision that it is in the public's interest to prosecute. The Code for Crown Prosecutors, issued by the Crown Prosecution Service, provides guidance which should be considered, including relevant public interest criteria. The factors to consider include:

- The seriousness of the alleged offence;
- The previous history of the party concerned;
- The ability of any important witnesses and their willingness to co-operate;
- The willingness of the party to prevent a recurrence of the problem;
- The probable public benefit of a prosecution and the importance of the case, ie whether it might establish legal precedent;
- Whether other action might be appropriate eg financial penalty
- Any explanation offered by the individual or company.

### **Formal Caution**

In addition to the above considerations, there are certain conditions that must exist before a formal caution can be administered, namely

- there must be evidence of the offender's guilt sufficient to give a realistic prospect of conviction;
- the offender must admit the offence;
- the offender must understand the significance of the caution and give his informed consent to accepting the caution.

If any of the above criteria are not met, the Council will not consider the issuing of a formal caution. Above all, a caution will not be used as a substitute for a prosecution that would otherwise be unsustainable.

### **Financial Penalties**

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 give a power for the authority to impose a financial penalty where a landlord has failed to comply with a Remedial Notice. The Council's agreed Statement of Principles in respect of imposing financial penalties under these regulations is contained in Appendix 2.

The Housing and Planning Act 2016 enabled local authorities to impose a civil penalty as an alternative to prosecution for the following offences:

- Failure to comply with an Improvement Notice
- Offences in relation to licensing of Houses in Multiple Occupation or licensing under Part 3 of the Act
- Contravention of an overcrowding notice
- Failure to comply with management regulations in respect of Houses in Multiple Occupation

A financial penalty will only be considered in the circumstances set out above in respect of decisions to prosecute and where there is sufficient evidence to demonstrate beyond reasonable doubt that the offence has been committed.

Factors to be considered in deciding whether to issue a civil penalty **instead of** a prosecution are:

- the nature and seriousness of the offence ie the scale and scope of the offence and the potential for harm

- the culpability of the offender eg the attitude and history of the landlord

- the circumstances of the tenant and the actual harm caused

- Impact on the wider community

- whether a civil penalty is likely to act as a greater punishment or deterrent to the individual

- whether the offender has admitted the offence

- whether a Rent Repayment Order is to be sought

- whether a Banning Order is to be sought

The presumption will be in favour of prosecution for the most serious offences.

Decisions to prosecute, offer a formal caution or issue a financial penalty will be taken in consultation with the Head of Legal Services.

### **Level of Financial Penalty**

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

*The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.*

*Appendix 3 sets out the Statement of Principles in determining the level of a financial penalty.*

### **3.6 Banning Orders**

*A power for a local authority to apply to the First Tier Tribunal for a Banning Order for any person who has been convicted of a Banning Order Offence is not currently in force but is expected to be introduced during 2017. Once in force, this policy will set out the circumstances in which the local authority will consider applying for a Banning Order.*

### **3.7 Demolition, Compulsory Purchase and Clearance**

A Neighbourhood Renewal Assessment is required in accordance with guidance contained in Government Circulars. Detailed consideration of a range of factors should to be undertaken in partnership with other departments and agencies to ensure that it was the most satisfactory method of dealing with a property or an area, with ultimately the decision being made by the Council's Cabinet. Any of these courses of action would be regarded as a last resort.

### **3.8 Rent Repayment Orders**

*The local authority has a duty to consider whether to apply to the First-tier Tribunal for a Rent Repayment Order where it becomes aware that a landlord has committed one of the following offences in relation to a property within its area:*

- *Failure to comply with an Improvement Notice*
- *Failure to comply with a Prohibition Order*
- *Failure to licence a licensable HMO or other house*
- *Failure to comply with a banning order*
- *Violence in securing entry under the Criminal Law Act 1977*
- *Illegal eviction or harassment*

*The Council will have regard to the following factors in considering whether to apply for a Rent Repayment Order:*

- *The level of Housing Benefit which has been paid since the offence was committed, or the amount of housing costs included in any Universal Credit claim*
- *Whether the landlord has been convicted of the offence (or is there likely to be a prosecution taken)*
- *is there sufficient evidence to demonstrate beyond reasonable doubt that an offence has been committed*
- *whether a financial penalty has been issued for the offence*

*The amount to be reclaimed may be adjusted to reflect the circumstances of the case having regard to the following factors:*

- *the seriousness of the offence*
- *the conduct of the landlord*

- *other financial resources available to the landlord*

*The decision to seek a Rent Repayment Order will be undertaken in consultation with the Head of Legal Services.*

### **3.9 Rogue Landlord Database**

*The Council has discretion to include details of any landlord who has been convicted of a banning order offence or has received at least two financial penalties on the database of rogue landlords.*

*The Council will seek to include landlords on the database in all cases except where the following matters apply:*

- *there were mitigating circumstances when the offence was committed eg personal circumstances, financial hardship*
- *The landlord has undertaken training or shown considerable improvement in management of the property since the offence(s)*

### **3.10 Enforcement against owner-occupiers**

Enforcement decisions will be made in full consultation with the owner and having regard to owner's eligibility for a grant or loan.

Formal action will not be limited to the service of Hazard Awareness Notices. The service of statutory notices and orders and the carrying out of emergency works will be considered where the condition of an owner-occupied property is such that:-

- It is a danger or a serious health risk to the occupier or members of the public, **or**
- It is having a deleterious effect on adjoining properties

## **4.0 Enforcement Procedures**

### **4.1 Inspections**

Inspections and enforcement action will be targeted primarily on those activities giving rise to the most serious risks or where hazards are least controlled.

The prioritisation of inspections will be based on the risk assessment for Houses in Multiple Occupation, or following a complaint.

We will, wherever possible, seek to arrange routine visits and inspections at times to suit those concerned.

We will arrange routine inspections through landlords and their agents, but in the case of complaints will typically visit the complainant in the first instance to assess the facts of the case.

### **4.2 Actions**

We will confirm our advice, findings and conclusions (as the case may be) at the earliest opportunity, will do so in a clear and simple manner and will accommodate at least one meeting to discuss these matters if requested, other than in urgent cases.

If we require remedial action this will be put in writing and we will explain why it is necessary and when it must be done.

We will make sure that legal requirements are clearly distinguished from best practice advice.

We will confirm any decision to undertake formal action, work-in-default or prosecution in writing.

Officers serving statutory notices will be prepared to discuss the specified works with individuals/company representatives and will consider the availability and suitability of any alternative solutions.

Where a formal notice is served, the method of appealing against the notice (ie if the recipient felt that the notice is excessive in its requirements) will be provided in writing at the same time.

#### **4.3 Timescales for Completion of Works**

We will take account of relevant factors when determining what deadlines to set for the commencement and completion of work. Relevant factors may include: the nature of the works; any ill effects that are likely to result if the work is delayed; the duration of the problem and the point at which it has been reported to us; any prior knowledge on the landlord or agent's part; and the nature of any attempts to remedy the problem. We will also seek to be sympathetic to financial and other practical constraints that may affect landlords' and agents' ability to act, whilst recognising that these do not limit obligations or legal duties to achieve appropriate standards.

We will consider properly made requests for the extension of deadlines where unforeseen problems have delayed works, but not simply to accommodate lack of sufficiently early action.

#### **4.4 Charges for Enforcement Action**

A charge will be made for the cost of administrative and other expenses involved in serving Improvement Notices and Prohibition Orders.

The charge is £100 for the first notice/order and £50 for additional notices where served concurrently, with a maximum charge of £300 per property. Where more than one person is served with a notice/order the charge will be recovered from the main recipient, usually the person who is primarily responsible for the management of the property.

The charge will be waived where the notice is complied with within the timescales set out on the notice or where the notice is served and works arranged by the Council with the agreement of the property owner (eg as an alternative to a grant or loan).

Where there is an appeal against the Notice, or the notice is suspended, the charge is also suspended, until the appeal is resolved or the suspension is ended. There is no separate right of appeal against the demand. In cases of hardship the Head of Healthy Communities has discretion to reduce charges for enforcement action.

Where works are Emergency Remedial Works or works arranged by the local authority in default of a statutory notice served under the Housing Acts or other public health legislation, the expenses to be recovered are as follows:

- The actual cost to the local authority of undertaking the works in default
- The costs of serving the relevant notices at the rate set out above
- All other administrative costs reasonably incurred in relation to arranging the works. These costs will be calculated having regard to actual time spent and the hourly rate (including overheads) of the Healthy Communities department.
- Interest at base rate plus 2%.



## **5.0 Monitoring and Review**

Actions taken under this policy will be monitored annually as part of the overall monitoring of the Private Sector Housing Strategy outcomes.

This policy, including the charges, will be reviewed on an annual basis.

## Appendix 1: Summary of Housing Legislation

Legislation	Summary of Powers
<b>Protection from Eviction Act 1977</b>	
Section 1	<p>This section creates the offences of unlawful eviction and harassment of a residential occupier. Chiltern District Council is a prosecuting authority for the purposes of this section and it is Housing Officers who investigate claims of unlawful eviction and harassment. The Council can prosecute landlords, agents or others who contravene this section.</p>
<b>Environmental Protection Act 1990</b>	
Section 80	<p>Section 79 of this Act lists what are statutory nuisances. As far as the legislation enforced by the Housing Section is concerned, a statutory nuisance is any house in such a state as to be prejudicial to health or a nuisance.</p> <p>Prejudicial to health is defined as injurious or likely to cause injury to health. This typically includes properties that are damp or have mould growth, as dampness and mould growth can have an affect on people's health.</p> <p>A nuisance is taken to be anything that interferes with the use and enjoyment of a neighbouring property or which materially affects the comfort and quality of life of the public at large. Examples of nuisances include a hole in the roof of one property allowing rain to penetrate through and affect the neighbouring property or slates falling off a roof onto the footpath and thus endangering passers by.</p> <p>Once the Council is satisfied that a statutory nuisance exists or is likely to occur, it is under a duty to take action to deal with it. This means that Officers have to serve a notice requiring the abatement of the statutory nuisance within certain time limits or preventing the occurrence of a statutory nuisance. In the case where a house is let, this is generally served on the landlord of the property.</p> <p>If such a notice is served and not complied with, the Council is able to carry out the necessary work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice if he does not have a reasonable excuse for not keeping to it.</p>
<b>Housing Act 1985</b>	
Section 17	<p><b>Power to make a Compulsory Purchase Order</b></p> <p>The legal powers are contained in s17 Housing Act 1985 and s93 Local Government and Housing Act 1989.</p> <p>A compulsory purchase order may be served upon the owner of land or property by the Council to acquire the land for the public good, usually at a valuation set by the district valuer.</p>
Section 265	<p><b>Power to make a Demolition Order</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Demolition Order is one of the actions that can be taken.</p> <p>A demolition order requires the property to be vacated within a specific time and</p>

## Housing Enforcement Policy: Appendices

		subsequently demolished. It is a criminal offence to allow the property to be occupied after the demolition order has come into effect. If the person upon whom the order has been served does not demolish the building, the Council can demolish it instead and recharge the person accordingly.
Section 289		<p><b>Declaration of clearance area</b></p> <p>A clearance area is an area that is to be cleared of all buildings. The Council shall declare an area to be a clearance area if each of the residential building contains a Category 1 hazard and the other buildings in the area are dangerous or harmful to health and safety. The Council is required to consult on the declaration of a clearance area and publish its intentions. Owners and in certain cases occupiers of properties are compensated accordingly.</p>
<b>Housing Act 2004</b>		
Sections 11 and 12		<p><b>Power to serve an Improvement Notice</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of an Improvement Notice is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>An Improvement Notice under this section requires the recipient of the notice (usually the owner but not in all cases) to carry out certain works within a specified time scale. If the notice is not complied with, the Council can carry out the work in default and recharge the person upon whom the notice was served. Not keeping to a notice is a criminal offence and the Council is able to prosecute the person who received the notice, or issue a financial penalty.</p> <p>An Improvement Notice can be suspended, varied or revoked.</p>
Sections 20 and 21		<p><b>Power to Serve a Prohibition Order</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Prohibition Order is one of the actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Prohibition Order under this section requires the recipient of the notice (usually the owner but not in all cases) to cease or limit the use of a property or part of the property for residential purposes. Prohibition Orders may also relate to the use of the premises by a specified number of people. Not keeping to an Order is a criminal offence and the Council is able to prosecute the person who received the notice, if he has intentionally failed to keep to it.</p> <p>An Prohibition Order can be suspended, varied or revoked</p>
Sections 28 and 29		<p><b>Power to Serve a Hazard Awareness Notice</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. The service of a Hazard Awareness Notice is one of the</p>

## Housing Enforcement Policy: Appendices

	<p>actions that can be taken. This course of action is also available where Category 2 hazards exist.</p> <p>A Hazard Awareness Notice advises the person on whom it is served (usually the owner, but not in all cases) of the existence and the nature of the hazards identified, and the works considered to be required to address the hazard. The notice is advisory only - it does not require the recipient to take any action.</p>
Section 40	<p><b>Power to take Emergency Remedial Action</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Remedial Action.</p> <p>This means that the Council can arrange for works to be undertaken to remove the risk of harm. Within 7 days of starting the work, they must serve a notice under section 41 of the Act on the person having control of the house explaining the action taken. The Council have powers to recover expenses incurred in taking emergency remedial action.</p>
Section 43	<p><b>Powers to make an Emergency Prohibition Order</b></p> <p>Where a Council finds a property that has Category 1 hazards (under the Housing Health and Safety Rating System), it is under a duty to take the most suitable course of action. Where they are satisfied that the hazard presents an imminent risk of serious harm to the occupiers of the property or other residential premises, it can take Emergency Prohibition Order.</p> <p>This prohibits the use of the premises or part of the premises for residential use, with immediate effect. The Council must serve a notice on the person having control of the property on the day (or as soon as possible) that the Emergency Prohibition Order is made.</p>
Section 64	<p><b>Licensing of HMOs and other houses</b></p> <p>The local authority must licence Houses in Multiple Occupation which meet a specified description (currently those of three or more storeys with five or more occupiers forming two or more households). They also have a discretion to introduce licensing schemes for other HMOs or other houses to address specific local issues.</p> <p>It is an offence to fail to licence a licensable HMO or house, for which the local authority may prosecute or issue a financial penalty.</p>
Section 73	<p><b>Power to apply to the FtT for a Rent Repayment Order</b></p> <p>Where a licensable HMO is not licensed, the Council can apply to the First-tier Tribunal for an order requiring the landlord of the HMO to repay any housing benefit paid in respect of the HMO.</p> <p>The Housing and Planning Act 2016 extended the power to apply for a Rent Repayment Order where a landlord has committed one of the following offences (it is not necessary that they have been convicted):</p>

## Housing Enforcement Policy: Appendices

	<ul style="list-style-type: none"> <li>- Illegal eviction or harassment</li> <li>- failure to comply with an Improvement Notice</li> <li>- Failure to comply with a Prohibition Order</li> <li>- Control or management of an unlicensed HMO or house</li> <li>- Failure to comply with a Banning Order</li> <li>- Violence for securing entry under the Criminal Law Act 1977</li> </ul> <p>The local authority has a duty to consider applying where it becomes aware that a landlord has been convicted of a relevant offence.</p>
Section 102	<p><b>Interim Management Orders</b></p> <p>Where an HMO which is required to be licensed is not licensed and there is no reasonable prospect of it becoming licensed or action is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, the local authority may make an Interim Management Order (IMO).</p> <p>An IMO can last for up to 12 months and enables the local authority to take steps to secure the proper management of an HMO, or to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity.</p> <p>An IMO gives the council rights to collect rents and carry out works to the property.</p> <p>An IMO may also be made in respect of any other dwelling, but only with the authority of the Residential Property Tribunal.</p>
Section 113	<p><b>Final Management Orders</b></p> <p>A local authority can serve a Final Management Order following an Interim Management Order, where, on expiry of the IMO, the HMO is required to be licensed and there is still no reasonable prospect of it becoming licensed or the Order is considered necessary to protect the health, safety or welfare of occupants of a HMO or persons living or owning property in the vicinity, on a long term basis.</p> <p>A Final Management order can last for up to five years.</p>
Section 139	<p><b>Overcrowding Notices</b></p> <p>Where the Council considers that excessive numbers of people are (or are likely to be) accommodated in a non-licensable HMO, they may serve an Overcrowding Notice on the owner or a person having control of the house.</p> <p>It is a criminal offence to breach an overcrowding notice, for which the Council may prosecute or issue a financial penalty.</p>
Section 234	<p><b>HMO Management Regulations</b></p> <p>Managers of HMOs are required to comply with the HMO Management Regulations which specify duties to keep the property and facilities within it safe, clean and in good repair.</p> <p>It is a criminal offence to breach the management regulations for which the local authority may prosecute or issue a financial penalty.</p>

## Housing Enforcement Policy: Appendices

<b>The Smoke and Carbon Monoxide Alarm Regulations 2015</b>	
Regulation 5	<p><b>Remedial Notice</b></p> <p>Where the Council has reasonable grounds to believe that a landlord is in breach of his/her duties under these regulations, they must serve a Remedial Notice on the landlord giving him/her 28 days in which to carry out the actions specified in the notice.</p>
Regulation. 7	<p><b>Duty to arrange remedial action</b></p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, it must arrange to undertake the actions in the Notice.</p>
Regulation 8	<p><b>Power to issue Penalty Charge Notice</b></p> <p>Where a local authority is satisfied, on the balance of probabilities, that a landlord has failed to comply with a Remedial Notice, they may require the landlord to pay a penalty charge.</p>
<b>Housing and Planning Act 2016</b>	
Sections 14-27	<p><b>Power to apply for a Banning Order (Not yet in force)</b></p> <p>The local authority may apply to the First tier Tribunal for a banning order in respect of any person or corporate body who has been convicted of a banning order offence.</p> <p>The effect of a Banning Order is to ban that person/company from being involved in letting and/or management of property or being involved in any company which carries out those activities.</p>
Sections 28-29	<p><b>Database of Rogue Landlords and Agents</b></p> <p>The government must establish a database of rogue landlords and give access to local authorities.</p> <p>A local authority will be given powers to maintain the database and <b>must</b> include details of any landlord who has received a banning order.</p> <p>They <b>may</b> include landlords who have been convicted of banning order offences, or who has received at least two financial penalties in 12 months for banning order offences, but authorities must first give notice to the landlord which may be appealed.</p>

## Appendix 2: Statement of Principles: Smoke and Carbon Monoxide Regs 2015

### The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

#### Regulation 13: Statement of Principles in relation to Requirement to Pay a Penalty Charge

##### Background

The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 confer a statutory duty on landlords of residential premises to ensure that:

(i) A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation:

(ii) A carbon monoxide detector is equipped in any room of the premises on which there is a room used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance:

(iii) Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

Where a local authority has reasonable grounds to believe that a landlord is in breach of one or more of these duties, they must serve a remedial notice on the landlord giving him/her 28 days in which to carry out remedial actions specified in the notice.

Where a local housing authority is satisfied, on the balance of probabilities, that landlord has failed to comply with a Remedial Notice, the local authority must arrange to undertake the remedial actions in the Notice, and they may also require a landlord to pay a Penalty Charge.

The local authority may determine the amount of the penalty charge, but it must not exceed £5000.

The purpose of this Statement of Principles is to set out the principles the authority will follow in determining a penalty charge.

##### Principles in Relation to Decision to Impose a Penalty Charge

A penalty charge will be imposed in the following cases

- The landlord is unable to demonstrate that he/she has attempted to make contact with the tenant by text, email or letter to arrange to carry out the remedial actions
- The landlord is unable to demonstrate that the tenant has refused access to allow alarms to be installed or to be checked
- The landlord has not made any representations in relation to service of the Remedial Notice, or representations were made but dismissed

##### Principles in Relation to Amount of Penalty Charge

Where a penalty charge is considered appropriate, the amount of charge will be the maximum £5000.

The principles followed in determining this amount are:

- The actions required to comply with the regulations are not expensive or onerous for a landlord
- The landlord was made aware of the need to comply by the service of the Remedial Notice and had an opportunity to make representations if he/she did not agree with it, therefore any breach is considered to be deliberate or reckless.
- Failure to comply potentially could lead to death or serious injury of an occupant
- The penalty charge should act as a sufficient deterrent to non-compliance

**Dated: 3 September 2016**

### **Appendix 3: Statement of Principles: Determining the amount of a Financial Penalty**

The level of financial penalty will be determined having regard to the principles of sentencing set out in section 142 of Criminal Justice Act 2003.

The fine will be determined in relation to the seriousness of the offence, having regard to both the culpability of the offender and the potential for harm. Account will also be taken of any aggravating or mitigating factors, the offender's financial circumstances and whether any reduction is appropriate in the event of an admission of guilt.

#### **Determining the Offence Category**

##### **Culpability**

**Low or No Culpability:** Offence has been committed with limited or no fault on behalf of the landlord or agent eg. Obstruction by tenant to allow contractor access for repairs, damage caused by tenant negligence.

**Negligent:** Failure of the landlord or agent to take reasonable care to put in place or enforce proper systems to avoid committing an offence Eg. Failure to instruct or follow up contractors, failure to liaise adequately with tenant, failure to make adequate financial arrangements to cover the costs of repairs

**Reckless:** Actual foresight of or wilful blindness to risk of offending, but risks taken nevertheless by the landlord or agent Eg Failure to comply with strict liability offence HMO Management Regulations,

**Deliberate:** Intentional breach by landlord or flagrant disregard for the law Eg Failure to comply with an Improvement Notice without 'reasonable excuse'

##### **Level of Harm**

**Extreme and Severe Harm Outcomes:** The housing defect giving rise to the offence poses an imminent danger with a potential risk of death or severe injury or illness eg electrocution, carbon monoxide poisoning, serious fire safety risk.

**Serious Harm Outcomes:** The housing defect giving rise to the offence poses a significant risk of harm to the occupants where the potential outcomes are serious illness or injury eg mild heart attack, fractures, diarrhoea, vomiting, chronic stress.

**Moderate Harm:** The housing defect giving rise to the offence poses a risk of harm to the occupiers which are significant enough to warrant medical attention eg moderate cuts, severe bruising, persistent coughs and colds.

A higher degree of harm may be assessed where there are multiple victims (for example in a house in multiple occupation) or the victim is particularly vulnerable.



**Adjustments for Aggravating or Mitigating Factors****Aggravating Factors**

- History of similar offences
- High level of financial gain
- Attempt to conceal or dispose of evidence
- Hostility or contempt for the victim

**Mitigating Factors**

- First offence
- Genuine remorse
- Relevant personal circumstances at time of the offence eg illness, bereavement
- Ready co-operation with authority

**Financial Circumstances of the Offender**

In view of the high property and rental values in the Chiltern and South Bucks Districts, claims of hardship will only be considered where the landlord provides compelling evidence. Landlords who are unable to afford to operate a safe rental property and comply with the law will usually have the option to sell.

**Admission of Guilt**

A reduction of up to a third may be applied to the fine where the offender admits guilt during an interview.

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<b>SUBJECT:</b>	<i>Brownfield Land Register</i>
<b>REPORT OF:</b>	<i>Cllr John Read– Planning and Economic Development Portfolio</i>
<b>RESPONSIBLE OFFICER</b>	<i>Peter Beckford, Head of Sustainable Development</i>
<b>REPORT AUTHOR</b>	<i>Phillip Gill – 01494 732951 – phillip.gill@southbucks.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>All</i>

### 1. Purpose of Report

To advise members on new statutory requirements for the Council to prepare and publish a Brownfield Land Register for South Bucks District. The Portfolio Holder, following the PAG meeting on 7 September 2017, agreed the draft Register for consultation. The Cabinet is being asked on the 7 November to agree to delegate the publication of the final Register, together with any future updates, to the Head of Sustainable Development in consultation with the Portfolio Holder. Furthermore Cabinet is being asked to recommend to Full Council that the decision to enter land in Part 2 of the Register is delegated to the Planning Committee and dealt with under the Scheme of Officer Delegations in the same way as planning applications and that the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations. Subject to Cabinet's decision on 7 November 2017, Full Council are asked to agree the recommendations below.

### RECOMMENDATIONS

1. That the decision to enter land in Part 2 of the Register is delegated to the Planning Committee and dealt with under the Scheme of Officer Delegations in the same way as planning applications; and
2. That the Head of Legal and Democratic Services be authorised to amend the Council's Constitution to reflect the new Brownfield Land Register functions and associated delegations.

### 2. Reasons for Recommendations

2.1. The recommendations enable the Council to discharge its new statutory functions in respect of Brownfield Land Registers and ensure that a Register can be prepared and consulted on in a timescale that will allow the government's stipulated publication date of 31 December 2017 to be achieved.

### 3. Content of Report

3.1 New Regulations require each local authority to prepare and maintain a Register of brownfield land that is suitable for residential development. The register must be available for public inspection and published on the Council's website. The regulations set out the specific form that the Register should take and impose a deadline of 31 December 2017 for the Register to be published. Local authorities are expected to carry out consultation on a draft Register before it is published in its final form and must carry out consultation where they propose to enter any brownfield land into Part 2 of the Register.

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- 3.2 The Brownfield Land Register must be divided into 2 parts which have different functions. Part 1 of the Register lists all brownfield sites in a local authority area that are considered to be appropriate for residential development, based on whether residential development is suitable, available and achievable, and taking into account the development plan and national policy. Part 2 of the Register is a subset of Part 1 and contains a list of sites which, by being on the Register, are automatically granted planning permission in principle for housing development.
- 3.3 Brownfield Land Registers will sit alongside Local Plan site allocations and form an additional part of the Local Plan evidence base. They will share a lot of information with the Housing and Economic Land Availability Assessment (HELAA). This means that most of the sites and data to be included will already be in the public domain.
- 3.4 Planning permission in principle is a new planning designation. It settles the fundamental principles of development (use, location, amount of development) for a brownfield site giving developers and applicants more certainty. However, a developer cannot proceed with development until they have also obtained technical details consent. This will assess the detailed design, ensure appropriate mitigation of impacts and that any contributions to essential infrastructure are secured. Both the permission in principle (no fee payable) and the technical details consent (fee payable) stages must be determined in accordance with the local development plan, the National Planning Policy Framework and other material considerations.
- 3.5 Planning permission in principle will work alongside, not replace, existing routes for obtaining planning permission. It can only be granted for housing-led developments (i.e. the majority of the proposed floorspace must be housing). It is similar to, although not the same as, the existing outline planning permission route which will remain in place. Planning permission in principle is intended to be an easier and cheaper mechanism for providing early certainty on in-principle matters.
- 3.6 Entering a site onto Part 2 of the Register represents a grant of planning permission and this function is reserved to Full Council rather than Cabinet for approval. It is proposed that the decision to enter land into Part 2 of the Register is delegated to the Planning Committee and is subject to the same delegations to officers as apply to planning applications. Cabinet is therefore recommended to make this proposal to Full Council on 15 November.
- 3.7 The Portfolio Holder approved the draft Register for public consultation. This was a non-key decision. The Cabinet is being asked on the 7 November to agree to delegate the publication of the final Register, together with any future updates, to the Head of Sustainable Development in consultation with the Portfolio Holder. Full Council will be updated at the Council meeting as to what Cabinet decides. The form of the Register and the sites to be included are currently under development, but the criteria for inclusion of land are prescribed by the Regulations, as is the format of the Register itself.

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**4. Consultation**

- 4.1. Details of consultation on the draft Brownfield Land Register are still under development but it is intended that the following will be included:
- contacting landowners of sites proposed for inclusion (sites of which the Council is already aware via the HELAA)
  - consulting with people registered on the joint Local Plan database
  - consulting with parish councils and neighbourhood plan groups
  - publicising the draft Register on the Council's website
- 4.2. It is intended that consultation will commence in late September allowing a period of six weeks for parish councils and neighbourhood plan groups and three weeks for other stakeholders, as prescribed in the Regulations.

**5. Options**

- 5.1. Production of a Brownfield Land Register is a statutory requirement and the timetable for final publication of the document is similarly imposed on local authorities. Regulations and guidance relating to production of the Registers set out in some detail the process for including any individual site on the Register. Therefore there is no other option available.

**6. Corporate Implications**

## 6.1 Financial

The DCLG have advised by letter to the Chief Planning Officer dated 31 March 2017 that local planning authorities will receive new burdens grant payments to fulfil the new requirements. They advised that "Each local authority responsible for making planning decisions will receive a new burdens grant payment of £14,645 for 2016/17. Local planning authorities will receive further grant payments for 2017/18, 2018/19 and 2019/20; the amount of funding from 2016/17 onwards will be kept under review."

## 6.2 Legal

The Council has a duty to publish a Brownfield Land Register by 31 December 2017 under the provisions of the Town and Country Planning (Brownfield Land Register) Regulations 2017 which set out the criteria for inclusion of land and the format of the register itself. The decision to enter land into Part 2 of the Register which grants the new designation of "planning permission in principle" is reserved as a Council function alongside Council's other Town and Country Planning Act functions.

## 6.3 ICT

Details of sites on the Register will be held on corporate ICT systems and some minor changes to the Uniform database and to related Development Management procedures are likely to be required.

**7. Links to Council Policy Objectives**

- 7.1. Brownfield Land Registers support in particular Key Themes 1 and 2 of the Council. These are "Thriving Economy" – the Register will encourage and facilitate development which will have a

positive effect on the local economy – and “Sustainable Environment” – by focussing on brownfield sites the Register will encourage the development of these which will in turn reduce development pressure in less sustainable, greenfield locations. By so doing the Register will assist compliance with the Council’s headline objective of “Striving to conserve the environment and promote sustainability.”

## 8. Next Steps

8.1. The full Register will be published in December 2017.

<b>Background Papers:</b>	None other than those referred to in this report
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**AUDIT COMMITTEE (SBDC)****Meeting - 28 September 2017**

Present: D Smith (Chairman)  
D Anthony and G Hollis

Apologies for absence: R Sangster

**15. MINUTES**

The minutes of the meeting held on 5 July 2017 were confirmed and signed by the Chairman.

**16. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**17. ANNUAL REVIEW OF CODE OF CONDUCT AND COMPLAINTS PROCEDURE**

The Committee considered whether the code of conduct and complaints procedures adopted by the Council in accordance with the Localism Act in 2011, remained fit for purpose. The Committee were advised that it was good practise for the Council to review its adopted policies and procedures on a regular basis to ensure they remained relevant and effective. The annual review had been brought forward following comments made by the Local Government Ombudsman in a recent decision.

The Committee was advised that the monitoring officer had reviewed the current complaints procedure in the light of best practise elsewhere and the revisions as set out in section 3.12 of the report had been recommended.

The monitoring officer reported that failure to declare disclosable pecuniary interests was an offence under section 34 of the Localism Act. Complaints that a Member may have failed to disclose a DPA are investigated by the police. In consultation with the Economic Crime Unit at Thames Valley Police and with other monitoring officers in Buckinghamshire the draft protocol attached at Appendix 3, Annex 7 was recommended for dealing with complaints.

The Committee agreed that the monitoring officer pursue the feasibility of calling upon a duly appointed Independent Person from another authority in Buckinghamshire whose input could be sought should both the Council's own independent persons be unavailable due to illness or a conflict of interest.

Following a detailed discussion, it was **RESOLVED** by the Committee that:

1. The code of conduct remained fit for purpose.
2. The arrangements for dealing with complaints be revised as set out in Appendix 3.
3. The revised assessment criteria at Appendix 3, Annex 3 be agreed.

**Audit Committee (SBDC) - 28 September 2017**

4. The proposed procedure for Hearing Committees at Appendix 3, Annexes 5 and 6 be agreed.
5. The draft protocol with Thames valley Police at Appendix 3, Annex 7 for reporting alleged breaches of disclosable pecuniary interests be noted.
6. The Monitoring Officer in consultation with the Chairman of the Committee and the Independent person be authorised to agree the final version of the protocol.

**18. COMMITTEE ON STANDARDS IN PUBLIC LIFE ANNUAL REPORT**

The Committee considered the Committee for Standards in Public Life (CSPL) Annual Report for 2016-17 and it's Forward Plan for the coming year.

It was **RESOLVED** by the Committee that:

1. The report be noted.
2. No formal submission of comments from the Audit Committee be required.

**19. GUIDANCE FOR COUNCILLORS AND OFFICERS ON OUTSIDE BODIES**

The Committee considered a report on proposed guidance for members and officers who were appointed to outside bodies. The guidance was to ensure high ethical standards were maintained and that members and officers were aware of their responsibilities and duties when they were appointed to outside bodies.

The draft guidance note appended to the report set out the most important responsibilities and issues. Should any member or officer have any particular query it was recommended that they contact the Head of Legal and Democratic Services.

During discussion, the Committee was advised that with any local authority wholly owned company it was expected that any potential areas of conflict would be identified in that company's particular business plan and a protocol implemented at that time to mitigate the risk.

It was **RESOLVED** that the Guidance Note attached to the report as an appendix be agreed.

**20. STANDARDS WORK PROGRAMME**

It was **RESOLVED** that the Standards Work Programme be noted.

**21. INTERIM PROGRESS REPORT ON INTERNAL AUDIT**

The Committee considered an Internal Audit progress report from TIAA. Changes made to the audit plan for 2017/18 were noted on page 99 of the agenda pack. The ICT audit plan for 2017/18 was now set out in the report and Risk Management training for officers was to take place in October / November 2017. The intention was for as many of the internal audits to be finalised before 31 March 2018 as far as practical.



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The Committee were advised that due to the fairly limited sales at the golf club shop and the bar being well managed at Farnham Park it was no longer felt that an internal audit needed to take place annually to look at these areas.

It was **RESOLVED** that the report be noted.

**22. FOLLOW UP OF INTERNAL AUDIT RECOMMENDATIONS REPORT**

The Committee considered a follow up of Internal Audit recommendations report from TIAA.

None of the recommendations were said to be concerning and positive progress was reported. 40 recommendations were being implemented, 3 were in the process of being implemented and 4 had a revised target date. A further fifteen had not yet reached their implementation date.

It was **RESOLVED** that the report be noted.

**23. COMPARISON OF ASSURANCE LEVELS**

The Committee received comparison of assurance levels which dated back to 2012/13. It was summarised that a positive trend remained and officers' good work was recognised by the Committee.

It was **RESOLVED** that the report be noted.

**24. INTERNAL AUDIT - ASSURANCE REVIEW OF TEMPORARY ACCOMMODATION**

The Committee considered an assurance review of temporary accommodation audit report from TIAA. The executive summary could be seen on page 134 of the agenda pack and the overall assurance level was said to be 'reasonable'.

It had been highlighted in a recent report of the National Audit Office that nationally there had been an upturn in cases where Local Authorities accepted a duty to accommodate. The Local Government Ombudsman was placing fines on Local Authorities who had been extending the use of B&B use.

A Task and Finish group of the Overview & Scrutiny Committee had been established to look into the management of temporary accommodation, following concerns about levels of arrears and write offs related to this area.. The Committee were encouraged to look at the report and attend the Overview and Scrutiny Committee on 16 October 2017 when the report of the group would be discussed.

The number of homelessness cases where the council had a duty to accommodate had substantially increased from 2013/14 to 2015/16 and longer was being spent in nightly accommodation before suitable move on accommodation was available. The Committee was advised that in 2018/19 Parliament was intending to bring into force a new homelessness reduction act which could also bring in further procedures that affect the Council. Schemes were being explored including a private rented leasing scheme and developing council owned assets in an attempt to end nightly B&B costs as much as practicable.

The Committee discussed whether those choosing not to pay the Council charge of £25 per week could be seen as making themselves intentionally homeless and were advised that as a Local Authority the Council had legal responsibilities to provide accommodation. It was clarified that tenants were expected to pay £25 per day with housing benefit of a maximum £150 per week reducing the charge to a net £25 per week. However, if upon assessment an individual was not paying the charge when there were no circumstances preventing their payment of the charge, ending the duty to provide accommodation could be considered. Each case would be dealt with on its own merit.

The Committee were advised that systems were now in place to ensure that anyone going into temporary accommodation would have a housing benefit application completed alongside a Housing Officer. It was acknowledged that housing benefit would not cover the full debt but would bring in some funds to offset costs. There had historically been issues with clients' documentation holding the payment of this benefit; however a housing officer would now follow this up. It was confirmed that housing benefit was paid direct to the Local Authority to offset the costs incurred by the Local Authority.

It was **RESOLVED** that the report be noted.

## 25. **EXTERNAL AUDIT RESULTS REPORT**

Andrew Brittain and Sue Gill presented the external audit results report for the year ended 31 March 2017. The executive summary covered the key areas and the Committee was pleased to be informed that all procedures carried unqualified opinions and no significant issues were discovered.

There were no audit issues in relation to revenue recognition, management override and property valuation. It was explained to members that following EY Pensions team and PwC's review of the actuary's work there was no indication of management bias found in the actuary's estimate. Barnett Waddingham were aware that that the major accountancy firms did have concerns around their methodologies used to derive the discount rate and RPI inflation assumptions. Further discussions between Barnett Waddingham and the four accountancy firms were to be held to avoid the possibility of unacceptable assumptions being made in future years, which may give risk to issues being raised in audit letters.

The external audit team were able to confirm that the timetable for the preparation and approval of accounts was to be brought forward for the 2017/18 financial year and draft accounts would need to be prepared by 31 May 2018 and the publication of the audited accounts by 31 July 2018. The Committee was pleased to be advised that these timescales were worked to this year successfully which puts the officers and audit team in a positive position for this change next year.

The audit fee was discussed with Members. There was no proposed fee listed for the grant certification fee as this element depended on how much work was required although the Committee was advised that it was not estimated to be significantly different from previous years.

**Audit Committee (SBDC) - 28 September 2017**

The Finance Department were thanked for producing a high quality set of working papers and Ernst and Young were grateful for the cooperation in bringing the timetable forward in preparation for next year.

It was **RESOLVED** that the content of the External Audit results report be noted and the Management Representation letter be signed by the Director of Resources and the Chairman of the Audit Committee.

**26. STATEMENT OF ACCOUNTS 2016/17**

In accordance with the Account and Audit Regulations, the Final Statement of Accounts for 2016/17 was presented to the Audit Committee for approval.

The following key points were highlighted to the Committee:

- The net cost of services was now shown by portfolio and had reduced from £9.9 million last year to £7.4 million.
- Earmarked reserves increased by £3.6m, mainly due to in year contributions to reserves relating to section 106 commuted sums.
- In terms of cashflow the authority decreased the amount of cash (and cash equivalents) that it holds by £373k.
- The revenue support grant of £436k would be £57k next year then would cease altogether.
- The pension deficit increased by £6.1m, mainly linked to actuarial assumptions such as the change to the discount rate.
- Revaluation reserve balance increased by £5.1m due to revaluations, largely linked to Council owned car parks.
- In relation to Movement in reserves the general fund balance had reduced by £1.4m.
- A pool had been formed with AVDC, Chiltern District Council and Bucks Fire to reduce the amount of the business rate growth levy. The levy payable was £186k which was a saving of £71k.

It was **RESOLVED** that the accounts be approved by the Audit Committee and signed by the Chair of the Audit Committee to signify the completion of the Authority's approval process.

**27. FARNHAM PARK CHARITY - OUTTURN & ACCOUNTS 2016/17**

Members received and considered a report containing information on the financial outturn for the Charity's activities in 2016/17, and to formally present the Charity's financial accounts for the year.

The Committee was advised that the external auditors had completed their audit and had no further changes to make to the accounts.

The Committee was pleased to note the improving performance of the golf side of the operation.

The level of income that was hoped to be achieved through weddings was unlikely to materialise due to the size of the facility with people often liking the venue but being

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deterred by the limit on guests. The Committee was advised that changes had been made to the Oak room to make it a much more acceptable venue.

It was explained that the main element of the deficit had arisen from the Playing Fields which was why the Council were actively looking at options to reconfigure the facilities provided in order to improve them and make the Playing Fields more financially sustainable. The existing buildings would not be refurbished as they were at the end of their useful lives; rather it was likely that the buildings would be consolidated into a single more efficient fit for purpose building, with some income generation potential.

It was **RESOLVED** that

1. The report be noted.
2. The Audit Committee formally approve the 2016/17 accounts.

**28. MANAGEMENT REPORT - FARNHAM PARK SPORTS FIELDS**

The Committee received the Management Report, prepared by Wilkins Kennedy, setting out their findings and recommendations on various matters which came to their attention during the course of the audit of the Charity accounts of Farnham Park Sports Fields for year ended 31 March 2017 as outlined in the report.

It was **RESOLVED** that the Chairman of the Audit Committee be authorised to sign and date the Letter of Representation on behalf of the Charity Trustee.

**29. ANY OTHER BUSINESS**

There was no other business at this point.

**30. AUDIT WORK PROGRAMME**

It was **RESOLVED** that the Audit Work Programme be noted.

The meeting terminated at 8.05 pm

## GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

### Meeting - 18 July 2017

Present: Mr Hogan (Chairman)  
Dr Matthews, Mr Anthony, Mrs Lowen-Cooper, Mr Pepler and  
Mr D Smith

#### 1. ELECTION OF CHAIRMAN

It was proposed by Councillor Dr Matthews seconded by Councillor Smith and

**RESOLVED** that Councillor Hogan be elected Chairman of the Committee for 2017/18.

#### 2. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor Pepler and seconded by Councillor Hogan and

**RESOLVED** that Councillor Dr Matthews is elected Vice-Chairman of the Committee for 2017/18.

#### 3. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 4. REVIEW OF THE COUNCIL'S CONSTITUTION

The committee received a report asking members to consider the scope of the project to review the Council's Constitution and agree a work programme.

It was noted that the last review was conducted in 2014/15 and therefore it was necessary to incorporate changes agreed by Council since May 2015, as well as legislative changes.

Members discussed joint working arrangements with Chiltern District Council and the need to introduce harmonised procedures which would assist councillors and officers in the running of a more efficient shared service.

Members agreed that the scope of the review would include:

- ensuring the Constitution reflects the Council's current political management arrangements and meets all necessary legislative requirements
- harmonising rules of procedure, key definitions, local codes, protocols and officer delegations with CDC where appropriate for the effective running of joint services
- to decide how and when the Constitution should be reviewed and amended in future to ensure it continues to be kept up to date

Any changes to the Council's current political management arrangements (i.e. to the number

**Governance and Electoral Arrangements Committee- 18 July 2017**

and size of committees and to the cycles of meetings) would not be in the scope of the review.

It was proposed to divide the project into three manageable stages to ensure that issues and required/proposed changes could be fully considered. The following timetable was suggested:

27 September at 6pm	Framework of the Constitution and Procedural Rules
23 November at 6pm	Codes, Protocols and Procedure Rules. Roles and responsibilities and terms of reference of the Executive. Schemes of Delegation to Committees and Cabinet.
16 January 2018 at 6pm	Scheme of Delegations to Officers. Partnerships and Decision Structure Chart

Members felt that it was important to:

- avoid jargon and make the Constitution easy to read and understand;
- create a document that is easy to navigate via the intranet and internet;
- reduce the length of the Constitution where practicable
- make the Constitution more interactive, making better use of the Council's website and hyperlinks to live documents;

After careful consideration, it was

**RESOLVED** that scope of the review proposed and the draft work programme be agreed.

## 5. **POLLING PLACES REVIEW**

Members received a verbal update regarding the intention to review the polling places within the South Bucks voting area.

Members were advised the review would be looking to increase the number of polling places, if possible, where there was a high electorate voting at the same polling place. E.g. Beaconsfield, Burnham, Iver areas.

The Committee stressed the importance of seeking comments from a wide range of communities groups as part of the consultation process.

Members were also advised that the annual electoral registration forms were being despatched to all residential properties on 20 July. Canvassers would be carrying out personal visits during September and October where a response had not been received. Members were pleased to note that canvassers would be using mobile devices to collect information which would be a more efficient way of working.

It was **RESOLVED** that the verbal report be noted.

The meeting terminated at 7.00 pm

## GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE

### Meeting - 27 September 2017

Present: P Hogan (Chairman)  
Dr W Matthews, D Anthony, J Lowen-Cooper and D Smith

Apologies for absence: D Pepler

#### 6. MINUTES

The Minutes of the meeting of the Governance & Electoral Arrangements Committee held on 18 July 2017 were agreed as a correct record.

#### 7. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 8. JOINT WORKING - APPOINTMENT OF JOINT OVERVIEW AND SCRUTINY COMMITTEE

The Joint Committee agreed that this item was to be deferred for consideration at a future meeting.

**RESOLVED** that the item be deferred for consideration at a future meeting.

#### 9. REVIEW OF THE CONSTITUTION - PART A THE FRAMEWORK OF THE CONSTITUTION

In accordance with the agreed constitutional review work programme, Members undertook a detailed review of Part A - 'The Framework of the Constitution'.

The Council's Constitution was last reviewed in 2014/15 and an updated version came into effect in May 2015. This took account of the reduction in the number of members and incorporated shared working arrangements with Chiltern District Council in place at the time. Therefore substantial changes to the Framework were not required. However, Members were advised that it has been necessary to incorporate provisions relating to the Governance & Electoral Arrangements Committee's new role in respect of monitoring and reviewing the Constitution in the paragraphs dealing with changes to the Constitution and the details of standing committees. Members also noted that changes to the Joint Waste arrangements have been incorporated, as well as the new Joint Staffing Committee and Sub-Committee, which replaced the Joint Appointments and Implementation Committee.

Having considered the framework, the Committee were of the opinion that the quoracy for meetings of the Cabinet and Overview and Scrutiny Committee were too low and in both cases should be increased to three members.

The Committee requested that the following paragraphs/sentences be rewritten to make them easier to understand:

- 3.2 (Approval of changes to and within the constitution) – first bullet point
- Title of 3.3 (change from a leader and cabinet form of executive to alternative arrangements or vice versa)
- 8.4.2 (use of substitutes)
- 8.6.4 (shared independent persons) – second sentence
- Staffing Sub Committee – bullet point number a) - to refer to South Bucks District Council not Chiltern District Council.

## Governance and Electoral Arrangements Committee- 27 September 2017

The Committee requested that where relevant, cross referencing should be used. The Committee also agreed that there was a need to include legal and complex terminology into a glossary so that readers could look up their meanings in plain English. This should include the definition of a "Mayoral Form of Executive".

The Committee questioned whether it was usual practice to limit councillors who were non-members of the Planning Committee to no more than 5 minutes when addressing the Planning Committee on an application. The Head of Legal and Democratic Services agreed to review this and report back to Members.

The amendments to the document as agreed would be reflected in the final draft Constitution presented for consideration by the Committee as outlined in the Committee's Work Programme.

**RESOLVED** that the proposed revisions to the Framework of the Constitution shown at Appendix 1 be agreed subject to the incorporation of the amendments set out in the minute above.

### 10. **CONSTITUTIONAL REVIEW WORK PROGRAMME**

The Committee received the Review of the Constitution Work Programme 2017/2018.

The meeting terminated at 7.15 pm



## OVERVIEW AND SCRUTINY COMMITTEE (SBDC)

### Meeting - 16 October 2017

Present: M Bradford (Chairman)  
P Bastiman, P Hogan and J Read

Also Present: M Bezzant

Apologies for absence: D Dhillon and M Lewis

#### 15. MINUTES

The minutes of the meeting of held on 22 June 2017 were confirmed and signed by the Chairman.

#### 16. DECLARATIONS OF INTEREST (IF ANY)

There were no declarations of interest

#### 17. FREEDOM OF INFORMATION MANAGEMENT AND RIPA ANNUAL REPORT

Members were provided with an update on the public engagement with the Freedom of Information Act 2000 (FOI), Environmental Information Regulations 2004 (EIR), the Data Protection Act 1998, the Transparency Code of Practice, the INSPIRE Regulations, RIPA, Protection of Freedoms Act 2012. The report provided a reflexive analysis of the past year's FOI and EIR progress and activities in response to requests processed by the Council.

Members were advised that that the % of FOI requests responded to within 20 working days in June 2015 was 87% and that the 2015-2016 average year total was 85%.

It was noted that the service areas which received the most FOI requests were Healthy Communities, Business Support and Customer Services and that the majority of these requests were for commercial information that would be useful for businesses, or from journalists and lobbying organisations .

In the discussion which followed, the Committee were advised of the process for refusing FOI requests, including the criteria for refusal and the internal review process.

The Committee were pleased to note the work which had been carried out to reduce the number of FOI requests by making information readily available on the website. However, Members were concerned that recent changes made to the Council's website were making it harder for residents and councillors to find some information. They felt that how information is organised, managed and kept up to date on the website was very important, and asked for a report on this topic to be added to the Committee's work programme.

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The Committee were advised of the implications for the Council of the General Data Protection Regulation (GDPR), which would apply in the UK from 25 May 2018, and what it would mean for the storing and sharing of information. Members noted that this would have implications in the future for the way services and information is provided to residents and customers.

**RESOLVED** that the report be noted.

*Note: Councillor John Read entered the meeting at 6.09pm.*

*Note: Councillor Philip Bastiman entered the meeting at 6.18pm.*

## 18. **REVIEW OF HOMELESSNESS MANAGEMENT REPORT**

The Overview and Scrutiny Committee received a presentation by Councillor Philip Bastiman, Chairman of the Review of Homelessness Management Task and Finish Group, which set out the recommendations of the Task and Finish Group following the review of Homelessness Management.

The inquiry was set up to review the function of assessing clients for temporary accommodation and the subsequent management of placements, including the interaction with the Benefits Service and Finance specifically looking at:-

- Process for homelessness assessment
- Process for actual placement and obligations on the client
- Process for housing benefit
- Management of placements
- Process between Housing and Finance for receiving client contributions

The Strategy and demand for temporary or affordable housing was out of scope.

Having gone through each of the recommendations in turn, Councillor Bastiman concluded by thanking, on behalf of the Task and Finish Group, all the councillors and officers who gave up their valuable time to talk to the Task and Finish Group and provide evidence. He also personally thanked all those Members of the Task and Finish Group and Clare Gray (Scrutiny Officer) for taking the time to address the important issues raised in the review.

In the discussion which followed, the Committee requested that the following changes be made to the report before it was submitted to Cabinet:

- Management recommendations (page 22 of the agenda) - to remove reference to Access database as Microsoft Access would soon cease to be supported and to just make reference to a database.
- Homelessness Provision recommendations (page 26 of the agenda) - to make reference to the use of self-contained units by other local authorities e.g. Worcester

The Committee requested that the Cabinet response to the recommendations be received by the end of November and that the response be circulated to Overview and Committee Members. Furthermore, that where recommendations are not to be implemented that a detailed written explanation be given to the Overview and Scrutiny Committee by the Cabinet on the reasons why.

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In addition, the Committee requested that Cabinet be asked to agree to develop a Homelessness Strategy Action Plan to address the issue of supply and demand for temporary accommodation. In respect of the implementation of the recommendations of this report it was requested that an update on the action plan be provided to the January meeting of Overview and Scrutiny Committee, including an update from the Head of Healthy Communities on the new legislation and supply of temporary accommodation.

The Chairman of Overview and Scrutiny thanked Members of the Task and Finish Group and all the officers involved for their help with this important piece of work.

**RESOLVED** that

- 1) Cabinet be asked to respond in writing, by the end of November, to each of the recommendations made by the Task and Finish Group;
- 2) where recommendations are not to be implemented that a detailed written explanation be given to Overview and Scrutiny Committee by the Cabinet on the reasons why; and
- 3) Cabinet be asked agree to develop a Homelessness Strategy Action Plan to manage and monitor the implementation of the recommendations of this report.

**19. PERFORMANCE REPORT Q1 2017-18**

Members of the Overview and Scrutiny Committee received a report outlining the performance of council services against indicators and service objectives during Quarter 1 of 2017-18.

Members noted from the report that of the total 48 PIs, 2 were seen to be off-target (1 of these were a priority PI) with further detail of these within the two detailed performance tables accompanying the report:

- Appendix A – Priority indicators Q1 2017-18
- Appendix B – Quarterly corporate performance indicators Q1 2017-18

With regards to long term sickness absence being over target, the Committee were advised that the long term sickness absence figure would improve as two of the employees who were off on long term sick had now retired on ill health grounds.

The Committee noted that with regards to household refuse collection, the number of containers missed per month was over target due to some collections being incorrectly coded. The Committee were assured that staff would be retrained on coding before the next quarter.

**RESOLVED** that the report be noted.

**20. BUCKS HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE**

Members received the Minutes of the meetings of the Buckinghamshire County Council Health and Adult Social Care Select Committee held on 13 June and 25 July 2017.

It was **RESOLVED** that the Minutes of the Buckinghamshire County Council Health and Adult Social Care Select Committee be noted.

**21. BUCKS CHILDREN'S SOCIAL CARE AND LEARNING SELECT COMMITTEE**

Members received the Minutes of the meeting of the Buckinghamshire County Council Children's Social Care and Learning Select Committee held on 18 July and 5 September 2017.

It was **RESOLVED** that the Minutes of the Buckinghamshire County Council Children's Social Care and Learning Select Committee be noted.

**22. MEMBERS QUESTIONS AND ANSWERS**

There were no questions.

**23. WORK PROGRAMME**

The Committee considered the Overview and Scrutiny Work Programme and noted that the Chief Executive of NHS Frimley Health Foundation Trust would be doing a presentation to the next meeting on the work of the Trust, in particular focusing on the performance of Wexham Park Hospital and the issues going forward.

The following areas were raised for inclusion on the Work Programme:

- The management the Council's website – in particular how it is structured and organised, and how information is kept up to date.
- Planning Policy - information to be provided on how affordability calculation assessments and section 106 assessments are carried out.

**RESOLVED** that the work programme, with the above additions, be agreed.

**24. ANY OTHER BUSINESS**

None

The meeting terminated at 7.28 pm

**PLANNING COMMITTEE (SBDC)****Meeting - 12 July 2017**

Present: Miss Hazell (Chairman)\*  
Mrs Jordan\*, Mr Anthony\*, Mr Chhokar\*, Mrs Gibbs\*, Mr Hogan\*,  
Mrs Lewis\*, Dr Matthews\*, Mr Sandy\* and Mr D Smith\*

Also Present: Mr Naylor and Mr Peplar

Apologies for absence: Mr Egleton and Mr Samson

\*attended site visit

**10. MINUTES**

The minutes of the meeting held on 14 June 2017 were confirmed and signed by the Chairman.

**11. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**12. APPLICATIONS AND PLANS**

Key to the following decisions:

ADV - Consent to Display Adverts; ARM - Approval of Reserved Matters; CI - Certificate of Lawfulness Issued; CON - Conservation Area Consent; D - Deferred; D (INF) - Deferred for Further Information; D (SV) - Deferred for Site Visits; D (PO) - Deferred for Planning Obligation; D (NEG) - Deferred for Negotiations; FCG - Consent for Tree Work; PCR TPO Part Consent/Part Refusal; LBC - Listed Building Consent; OP - Outline Planning Permission; P - Application Permitted; R - Refused or Rejected; R (AO) – Refused against Officer recommendation; RC - Removal of Condition; TC - Temporary Consent; TP - Temporary Permission; ULBC - Unconditional Listed Building Consent; UP - Unconditional Permission; VG - Variation Granted; W - Application Withdrawn.

**(A) COMMITTEE DECISION REQUIRED FOLLOWING A SITE VISIT AND/OR PUBLIC SPEAKING:**

		<b>Decision</b>
<b>Plan Number:</b>	17/00538/FUL	R (AO)
<b>Applicant:</b>	Prime Phenix	
<b>Proposal:</b>	Detached building containing six apartments incorporating basement and roof accommodation, access ramp and associated landscaping. Single storey concierge/refuse building and alteration to front	

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	boundary wall/gates and width of vehicular access at Northfield, 40 Penn Road, Beaconsfield, Bucks HP9 2LT	
Notes:		
<ol style="list-style-type: none"> <li>1. No site visit was undertaken by Members as Members had previously visited the site.</li> <li>2. Prior to consideration, Ms A Wheelhouse and Mr King, on behalf of the objectors and Mr D Parker and Mr A Naghsh, on behalf of the applicant addressed the meeting.</li> <li>3. An identical proposal, 16/0116/FUL, had previously been permitted by the Planning Committee. On approval, a legal agreement was entered into to ensure a commuted sum payment towards affordable housing was made. Since then, the site had been sold to another developer and a Viability Study had been submitted with the current application which concluded that it was not economically viable to provide any commuted sum payment. Therefore, no commuted sum payment or section 106 contribution was being offered with this current application.</li> <li>4. Mr T Williams, on behalf of the DVS clarified that it was common practice for the Viability Study to use the market value of the site rather than the purchase price.</li> <li>5. It was recommended that should Members be minded to grant planning permission that it be made subject to the completion of a legal agreement that would ensure that were this application to be permitted, and development had not started within an acceptable time period or not completed within an acceptable time period; a further viability review would be triggered.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds that the previous application had been granted with the agreement that a commuted sum toward affordable housing would be made and therefore this proposed development was not compliant with the Council's affordable housing policy (Core Policy 3).		
		<b>Decision</b>
<b>Plan Number:</b>	17/00554/FUL	P
<b>Applicant:</b>	EAB Homes and developments	
<b>Proposal:</b>	Replacement dwelling and detached garage with first floor habitable accommodation at Piebalds, Burkes Road, Beaconsfield, Buckinghamshire, HP9 1PB	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by members.</li> <li>2. One further letter of objection had been received.</li> <li>3. Consultation response had been received from Building Control in relation to the basement and drainage construction method statement. The response was that this appeared acceptable subject to further investigation.</li> </ol>		

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It was accordingly		
<b>RESOLVED</b> that the application be delegated to the Head of Sustainable Development to approve subject to final comments of the County Ecologist. Any approval to be subject to such conditions as the Head of Sustainable Development considers appropriate or if agreement cannot be reached refused for such reasons as considered appropriate.		
		<b>Decision</b>
<b>Plan Number:</b>	17/00699/FUL	D (INF)
<b>Applicant:</b>	Mr T Daniel	
<b>Proposal:</b>	Erection of a pair of semi-detached dwellings with associated landscaping, access and parking at Perrywood, Blackpond Lane, Farnham Royal, Buckinghamshire, SL2 3EA	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by members.</li> <li>2. Prior to consideration, Mr Dafydd Thomas, on behalf of the objectors and Mr T Daniel, on behalf of the applicant addressed the meeting.</li> <li>3. Condition 10 was to be amended to include obscure glazing to the front facing bathroom of the dwelling on plot one.</li> <li>4. A concern was raised that in 1996 there had been a refusal and appeal decision for the construction of two detached houses, which incorporated this site. The report provided had not referenced this.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be deferred until the next meeting of the Planning Committee on the grounds that the report provided had not taken in to account the refusal and appeal decision for the construction of two detached houses, which incorporated this site in 1996.		
		<b>Decision</b>
<b>Plan Number:</b>	17/00863/FUL	P
<b>Applicant:</b>	Mr and Mrs L Tewes	
<b>Proposal:</b>	Replacement dwelling at Lothlorien, 3 Ledborough Wood, Beaconsfield, Buckinghamshire, HP9 2DJ	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by members.</li> <li>2. Prior to consideration, Ms Liz Dale, on behalf of the objectors and Mr B Berry, on behalf of the applicant addressed the meeting.</li> <li>3. One further letter of objection had been received.</li> <li>4. Previous application 17/00270/FUL had been refused for reasons set out in the report.</li> <li>5. Revised location plan had been received.</li> <li>6. Condition to be added requiring the submission and approval of a method statement for the construction of the basement.</li> </ol>		

It was accordingly

**RESOLVED** that the application be permitted with the addition of the condition outlined above (6).

**(B) COMMITTEE DECISION REQUIRED WITHOUT A SITE VISIT OR PUBLIC SPEAKING:-**

None

**(C) COMMITTEE OBSERVATION REQUIRED ON APPLICATIONS TO OTHER AUTHORITIES**

None

**(D) APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

The Committee received for information a list of the applications dealt with under delegated authority by the Head of Sustainable Development.

**13. OUTSTANDING ENFORCEMENT NOTICES**

The Committee received for information a progress report which set out the up-to-date position relating to Enforcement Notices.

**RESOLVED** that the report be noted.

**14. PLANNING APPEALS AND SCHEDULE OF OUTSTANDING MATTERS**

The Committee received for information a progress report which set out the up-to-date position relating to Planning Public Inquiries, Hearings and Court Dates.

**RESOLVED** that the report be noted

The meeting terminated at 5.47 pm



**PLANNING COMMITTEE (SBDC)**

**Meeting - 9 August 2017**

Present: Miss Hazell (Chairman)\*  
Mrs Jordan\*, Mr Chhokar\*, Mr Egleton\*, Mrs Gibbs\*, Mr Hogan\*,  
Mrs Lewis\*, Dr Matthews\*, Mr Sandy and Mr D Smith\*

\*attended site visit

Also Present: Mr Naylor and Mrs Sullivan

Apologies for absence: Mr Anthony

**15. MINUTES**

The minutes of the meeting held on 12 July 2017 were confirmed and signed by the Chairman.

**16. DECLARATIONS OF INTEREST**

Cllr W Matthews declared that she had a personal interest under the Council's Code of Conduct as she was a Member and current Chairman of Iver Parish Council who had made representations about application 17/00494/FUL. Cllr Matthews confirmed that she had not attended any meetings when this application was discussed by the Parish Council nor expressed a view on the application and had not pre-determined the application.

**17. APPLICATIONS AND PLANS**

Key to the following decisions:

ADV - Consent to Display Adverts; ARM - Approval of Reserved Matters; CI - Certificate of Lawfulness Issued; CON - Conservation Area Consent; D - Deferred; D (INF) - Deferred for Further Information; D (SV) - Deferred for Site Visits; D (PO) - Deferred for Planning Obligation; D (NEG) - Deferred for Negotiations; FCG - Consent for Tree Work; PCR TPO Part Consent/Part Refusal; LBC - Listed Building Consent; OP - Outline Planning Permission; P - Application Permitted; R - Refused or Rejected; R (AO) - Refused against Officer recommendation; RC - Removal of Condition; TC - Temporary Consent; TP - Temporary Permission; ULBC - Unconditional Listed Building Consent; UP - Unconditional Permission; VG - Variation Granted; W - Application Withdrawn.

## Planning Committee (SBDC) - 9 August 2017

**(A) COMMITTEE DECISION REQUIRED FOLLOWING A SITE VISIT AND/OR PUBLIC SPEAKING:**

		<b>Decision</b>
<b>Plan Number:</b>	17/00494/FUL	R (AO)
<b>Applicant:</b>	Mr Bradford	
<b>Proposal:</b>	Redevelopment of site to provide a block containing 19 apartments with associated access, landscaping and hardstanding at 19 and 21 Bathurst Walk, Iver, Buckinghamshire SL0 9AS.	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by members.</li> <li>2. Prior to consideration, Mr Mukhtar Ali, on behalf of the objectors and Mr David Holmes, on behalf of the applicant addressed the meeting.</li> <li>3. Members were advised by the Planning Officer that: <ol style="list-style-type: none"> <li>(i) 'Condition 13' on page 17 of the report pack should read 'An investigation and risk assessment must be undertaken in accordance with the requirements of condition 12' rather than 'condition 9' which was a typographical error.</li> <li>(ii) Favourable comments had now been received from Bucks County Council Highway Authority regarding amended access and parking.</li> <li>(iii) The amended drainage strategy had been received, but favourable comments had yet to be received from Bucks County Council.</li> <li>(iv) Amended plans had been received since completion of the report. These included minor amendments to the first and second floor windows in the east elevation(s) which alleviated the need for condition 14.</li> </ol> </li> </ol> <p>It was accordingly</p> <p><b>RESOLVED</b> that the application be refused on the following grounds (i) inadequate parking and (ii) favourable comments had not been received from Bucks County Council in relation to the drainage strategy.</p>		
		<b>Decision</b>
<b>Plan Number:</b>	17/00699/FUL	P
<b>Applicant:</b>	Mr Terry Daniel	
<b>Proposal:</b>	Erection of a pair of semi-detached dwellings with associated landscaping access and parking at Perrywood, Blackpond Lane, Farnham Royal, Buckinghamshire, SL2 3EA.	
Notes:		
<ol style="list-style-type: none"> <li>1. Prior to consideration, Professor Dafydd Thomas, on behalf of the objectors and Mr Terry Daniel, the applicant addressed the meeting.</li> <li>2. The Planning Officer confirmed Condition 10 referred to obscure glazing to the front facing bathroom of the dwelling on plot one and that there was a Condition to be added to the proposed conditions requiring the submission and approval of a revised bin collection point.</li> <li>3. The Planning Officer clarified and confirmed to Members that a small section</li> </ol>		

## Planning Committee (SBDC) - 9 August 2017

of the application site did fall within the Green Belt.		
It was accordingly		
<b>RESOLVED</b> that the application be permitted with the addition of the condition outlined above (2).		
		<b>Decision</b>
<b>Plan Number:</b>	17/00823/FUL	P
<b>Applicant:</b>	Mr Gerard Molloy	
<b>Proposal:</b>	Replacement dwelling house and associated landscaping at Deepwell House, 71 Bulstrode Way, Gerrards Cross, Buckinghamshire, SL9 7RB.	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration, Mr Mike Gallagher, on behalf of the objectors addressed the meeting.</li> <li>3. Members were advised by the Planning Officer that there had been no objections from the Town Council and therefore paragraph two of the conclusion on page 36 of the report pack should only refer to objections from local residents.</li> <li>4. Informative to be added providing advice on Japanese knotweed.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be permitted with the addition of the informative outlined above (4).		
		<b>Decision</b>
<b>Plan Number:</b>	17/00929/FUL	R (AO)
<b>Applicant:</b>	Mr T Daniel	
<b>Proposal:</b>	Construction of three terraced dwellings with associated vehicular accesses at 27 Broom Hill, Stoke Poges, Buckinghamshire, SL2 4PU.	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration, Ms Sally Mackey, on behalf of the objectors and Mr Terry Daniel, the applicant addressed the meeting.</li> <li>3. Members were advised by the Planning Officer that: <ul style="list-style-type: none"> <li>(i) The first paragraph of the conclusion should read 'in the event of planning permission being granted' rather than 'being refused' which had been written in error.</li> <li>(ii) Comments had been received from the Building Control Officer and no objections were raised.</li> <li>(iii) Favourable comments had been received from Thames Water and no objections were raised.</li> </ul> </li> </ol>		

## Planning Committee (SBDC) - 9 August 2017

It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds of overdevelopment and negative impact on the character of the area / street scene.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01042/FUL	D (INF)
<b>Applicant:</b>	Mr R Bika	
<b>Proposal:</b>	Part two storey, part single storey front/side extension at 41 St Huberts Close, Gerrards Cross, Buckinghamshire SL9 7EN.	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by members.</li> <li>2. Members were advised by the Planning Officer that application 17/01043/FUL noted in the relevant planning history had since been determined giving full planning permission under delegated authority.</li> <li>3. Members were advised by the Planning Officer that point 4.4 on page 52 of the reports pack should read 'the six letters of objection' rather than 'the two letters' which had been written in error.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be deferred to the next appropriate meeting on the grounds that further clarification is sought from the applicant as to what permitted development extensions are being constructed / intended to be constructed at the site, in particular to the side of the dwelling.		

**(B) COMMITTEE DECISION REQUIRED WITHOUT A SITE VISIT OR PUBLIC SPEAKING:-**

None

**(C) COMMITTEE OBSERVATION REQUIRED ON APPLICATIONS TO OTHER AUTHORITIES**

None

**(D) APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

The Committee received for information a list of the applications dealt with under delegated authority by the Head of Sustainable Development.

**18. OUTSTANDING ENFORCEMENT NOTICES**

The Committee received for information a progress report which set out the up-to-date position relating to Enforcement Notices.

**Wapseys Wood update (SB000761)**

Members were advised by Cllr B Gibbs that there would be an Officers meeting on 10 August 2017.

**RESOLVED** that the report be noted.

**19. PLANNING APPEALS AND SCHEDULE OF OUTSTANDING MATTERS**

The Committee received for information a progress report which set out the up-to-date position relating to Planning Public Inquiries, Hearings and Court Dates.

**14 Wooburn Green Lane, Beaconsfield, Buckinghamshire HP9 1XE**

Members were advised by the Legal Officer that a full hearing re the S289 Challenge had now been listed for 2 November 2017 at the High Court.

**RESOLVED** that the report be noted.

The meeting terminated at 6.50 pm

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**PLANNING COMMITTEE (SBDC)**

**Meeting - 6 September 2017**

Present: L Hazell (Chairman)\*  
J Jordan\*, D Anthony\*, T Egleton, B Gibbs\*, P Hogan\*,  
M Lewis\*, Dr W Matthews\* and D Smith\*

*\*attended site visit*

Also Present: Mr Naylor

Apologies for absence: S Chhokar and G Sandy

**20. MINUTES**

The minutes of the meeting held on 8 August 2017 were confirmed and signed by the Chairman.

**21. DECLARATIONS OF INTEREST**

Cllr W Matthews declared that she had a personal interest under the Council's Code of Conduct as she was a Member and current Chairman of Iver Parish Council who had made representations about application 17/00744/REM. Cllr Matthews confirmed that she had not attended any meetings when this application was discussed by the Parish Council nor expressed a view on the application and had not pre-determined the application.

**22. APPLICATIONS AND PLANS**

Key to the following decisions:

ADV - Consent to Display Adverts; ARM - Approval of Reserved Matters; CI - Certificate of Lawfulness Issued; CON - Conservation Area Consent; D - Deferred; D (INF) - Deferred for Further Information; D (SV) - Deferred for Site Visits; D (PO) - Deferred for Planning Obligation; D (NEG) - Deferred for Negotiations; FCG - Consent for Tree Work; PCR TPO Part Consent/Part Refusal; LBC - Listed Building Consent; OP - Outline Planning Permission; P - Application Permitted; R - Refused or Rejected; R (AO) - Refused against Officer recommendation; RC - Removal of Condition; TC - Temporary Consent; TP - Temporary Permission; ULBC - Unconditional Listed Building Consent; UP - Unconditional Permission; VG - Variation Granted; W - Application Withdrawn.

**(A) COMMITTEE DECISION REQUIRED FOLLOWING A SITE VISIT AND/OR PUBLIC SPEAKING:**

		<b>Decision</b>
<b>Plan Number:</b>	17/00744/REM	P
<b>Applicant:</b>	Pinewood PSB Ltd	
<b>Proposal:</b>	Approval of Reserved Matters for Phase Two comprising details of sound stages, offices, workshops, ancillary building and associated infrastructure, landscaping and other works (following Outline Application 13/00175/OUT) at Pinewood Studios, Pinewood Road, Iver Heath, Bucks SL0 0NH.	
Notes:		
<p>1. A site visit was undertaken by Members.</p> <p>2. Members were advised by the Planning Officer that:</p> <p>(i) Favourable comments had now been received from the Buckinghamshire County Council SUDS Officer.</p> <p>(ii) Condition 3 was to be amended to incorporate reference to the additional drainage statement (ADF)</p> <p>(iii) An additional Informative is to be added to remind the applicants of their obligations under the approved ecological management plan approved in phase 1 of the development.</p> <p>It was accordingly</p> <p><b>RESOLVED</b> that the application be permitted with the amendment to condition 3 and additional Informative as outlined above in 2 (ii) and (iii).</p>		
		<b>Decision</b>
<b>Plan Number:</b>	17/01042/FUL	P
<b>Applicant:</b>	Mr R Bika	
<b>Proposal:</b>	Part two storey, part single storey front/side extension at 41 St Huberts Close, Gerrards Cross, Buckinghamshire, SL9 7EN	
Notes:		
<p>1. Prior to consideration, Mr Alistair Cumming, on behalf of the objectors and Mr John Dingle, on behalf of applicant addressed the meeting.</p> <p>2. Members were advised by the Planning Officer that any further works on the southern side of the property under permitted development rights could be prevented through way of a section 106 agreement if they felt necessary.</p> <p>3. Members were advised that a condition could be added to remove future permitted development rights if they felt necessary.</p> <p>It was accordingly</p> <p><b>RESOLVED</b> to delegate authority to the Head of Sustainable Development to determine the application minded to approve subject to the prior completion of a Section 106 obligation to prevent the completion of a single storey side extension</p>		



## Planning Committee (SBDC) - 6 September 2017

commenced as permitted development and with the addition of the condition as outlined above at 3, and if agreement on the s.106 cannot be reached to refuse the application for such reasons as he considers to be appropriate.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01064/FUL	P
<b>Applicant:</b>	Mrs Pam Kaur	
<b>Proposal:</b>	Erection of detached dwelling and construction of vehicular access at Silver Beeches, Collinswood Road, Farnham Common, Buckinghamshire, SL2 3LJ	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration, Mr John Maclean, on behalf of the objectors, and Mr David Parker, the agent on behalf of the applicant, addressed the meeting.</li> <li>3. Favourable comments had now been received from the County Ecologist subject to the imposition of an additional condition that an approved landscape and ecological management plan would be in place prior to commencement of development.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be permitted with the addition of the condition outlined above at 3.		

**(B) COMMITTEE DECISION REQUIRED WITHOUT A SITE VISIT OR PUBLIC SPEAKING:-**

None

**(C) COMMITTEE OBSERVATION REQUIRED ON APPLICATIONS TO OTHER AUTHORITIES**

None

**(D) APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

The Committee received for information a list of the applications dealt with under delegated authority by the Head of Sustainable Development.

**23. OUTSTANDING ENFORCEMENT NOTICES**

The Committee received for information a progress report which set out the up-to-date position relating to Enforcement Notices.

Jasmine Cottage, Wood Lane

The meeting scheduled with owners noted in the report will now take place on 20 September 2017 rather than the week commencing 14 August 2017.

Land adj to Wapseys Wood Caravan Park, Oxford Road, Gerrards Cross

Members wished to pass their thanks on to Enforcement Officers for their dedicated work on this case.

**RESOLVED** that the report be noted.

#### 24. **PLANNING APPEALS AND SCHEDULE OF OUTSTANDING MATTERS**

The Committee received for information a progress report which set out the up-to-date position relating to Planning Public Inquiries, Hearings and Court Dates.

**RESOLVED** that the report be noted.

#### 25. **SITE AT TRENCHES FARM, PICKFORD DRIVE, ORCHARDS RESIDENTIAL PARK, WEXHAM, BUCKINGHAMSHIRE, SL3 6QD**

The Committee received a Planning Enforcement report and verbal update on the site at Trenches Farm. Members were advised by the Enforcement Officer that since the publication of the report there had been an attempt made to tidy the site although there remained a significant amount of debris to be removed.

**RESOLVED**

1. **To delegate authority to the Head of Sustainable Development, acting in consultation with the Head of Legal and Democratic Services to prepare and issue a Notice under Section 215 of the Town and Country Planning Act 1990 (as amended) in order to remedy the harm to amenity caused by the condition of the site (if considered appropriate to do so depending on the condition of the land) and;**
2. **In the event that the S.215 Notice is issued and is not complied with, authority be delegated to the Head of Legal and Democratic Services to take such legal proceedings as may be considered appropriate to secure compliance therewith.**

#### 26. **EAGLE LODGE, ST HUBERTS LANE, GERRARDS CROSS, BUCKINGHAMSHIRE, SL9 7BP**

The Committee received an enforcement report and verbal update on the site at Eagle Lodge, St Huberts Lane. The report could be seen in its entirety with the agenda pack.

**RESOLVED**

- 1. That the Head of Legal and Democratic Services in consultation with the Head of Sustainable Development be authorised to issue and serve an enforcement notice/s pursuant to Section 172 of the Town and Country Planning pursuant to remedying unauthorised development comprised of the erection of a residential dwellinghouse, the installation of waste disposal units, construction of a vehicle access with aluminium gate, driveway edgings and a shingle topping along with the laying of a concrete hardstanding and laying of paving slabs on land outlined in the report and;**
- 2. That in the event that the Enforcement Notice is not complied with, authority be given to the Head of Legal and Democratic Services to take such legal proceedings as may be considered appropriate to secure compliance therewith.**

The meeting terminated at 5.15 pm

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**PLANNING COMMITTEE (SBDC)****Meeting - 4 October 2017**

Present: L Hazell (Chairman)\*  
D Anthony\*, S Chhokar\*, T Egleton\*, B Gibbs\*, P Hogan\*,  
M Lewis\*, Dr W Matthews\*, G Sandy and D Smith\*

*\*attended site visit*

Also Present: N Naylor

Apologies for absence: J Jordan

**27. MINUTES**

The minutes of the meeting held on 6 September 2017 were confirmed and signed by the Chairman.

**28. DECLARATIONS OF INTEREST**

Cllr Hogan declared that he had a personal interest under the Council's Code of Conduct as he was a Member of Beaconsfield Town Council who had made representations about applications 17/01440/FUL, 17/01482/FUL and 17/01570/FUL. Cllr Hogan confirmed that he had not attended any meetings when these applications had been discussed by the Town Council nor expressed a view on the applications and had not pre-determined the applications.

**29. APPLICATIONS AND PLANS**

Key to the following decisions:

ADV - Consent to Display Adverts; ARM - Approval of Reserved Matters; CI - Certificate of Lawfulness Issued; CON - Conservation Area Consent; D - Deferred; D (INF) - Deferred for Further Information; D (SV) - Deferred for Site Visits; D (PO) - Deferred for Planning Obligation; D (NEG) - Deferred for Negotiations; FCG - Consent for Tree Work; PCR TPO Part Consent/Part Refusal; LBC - Listed Building Consent; OP - Outline Planning Permission; P - Application Permitted; R - Refused or Rejected; R (AO) - Refused against Officer recommendation; RC - Removal of Condition; TC - Temporary Consent; TP - Temporary Permission; ULBC - Unconditional Listed Building Consent; UP - Unconditional Permission; VG - Variation Granted; W - Application Withdrawn.

**(A) COMMITTEE DECISION REQUIRED FOLLOWING A SITE VISIT AND/OR PUBLIC SPEAKING:**

		<b>Decision</b>
<b>Plan Number:</b>	17/00971/FUL	R (AO)
<b>Applicant:</b>	Mr S Bowyer	
<b>Proposal:</b>	Redevelopment of site to include the provision of 6 detached dwellings with associated parking for existing and proposed dwellings at Dippingwell, Beaconsfield Road, Farnham Common, Buckinghamshire, SL2 3PU	

## Planning Committee (SBDC) - 4 October 2017

Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration, Cllr Marilyn Rolfe, on behalf of the objectors and Mr Paul Dickinson, on behalf of the applicant addressed the meeting.</li> <li>3. Members were advised by the Planning Officer that comments had now been received from Building Control who raised no objections in relation to fire brigade access.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds of overdevelopment.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01061/FUL	P
<b>Applicant:</b>	Education and Skills Funding Agency	
<b>Proposal:</b>	External alterations to the existing building including escape stair, windows, insertion of louvres, new plant and glazed canopy. Minor relocation and modification of acoustic barrier. Erection of Nishan Sahib at Pioneer House, Hollybush Hill, Stoke Poges, Buckinghamshire, SL2 4QP	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration, Ms Jackie Taylor, on behalf of the objectors, Mr Chris Maltby and Ms Sulina Piesse, on behalf of the applicant and Cllr Ralph Bagge as local member addressed the meeting.</li> <li>3. Favourable comments had been received from the County Ecologist and the Council's Arboriculturalist.</li> </ol>		
It was accordingly		
<b>RESOLVED</b> that the application be permitted with the following amendments (i) Condition 1 to be amended to read 'The acoustic fencing hereby permitted shall be erected in its entirety within 3 months from the date of this decision notice and thereafter maintained in accordance with the approved details.' (ii) Informative 3 to be amended to read 'An up to date Noise Management Plan should be submitted to the Council for approval within 3 months'.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01440/FUL	R (AO)
<b>Applicant:</b>	Mr & Mrs M Ricci	
<b>Proposal:</b>	Front projecting double garage with accommodation over, construction of front gable, two storey side/rear extension, first floor rear infill extension incorporating Juliette balconies and re-roofing of existing single storey rear section incorporating roof lantern. Extension to existing patio at Beechwood House, 21 Beechwood Road, Beaconsfield, Buckinghamshire, HP9 1HP	
Notes:		
<ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Prior to consideration Mr David Nickson, on behalf of the objectors and Mrs Tracey Ricci, the applicant addressed the meeting.</li> </ol>		

## Planning Committee (SBDC) - 4 October 2017

It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds of the proposed garage element having an adverse impact on the amenity of neighbouring property.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01454/FUL	R (AO)
<b>Applicant:</b>	RS Aston House Ltd.	
<b>Proposal:</b>	Construction of a five storey building to provide 30 no. residential units including car parking and associated works at Aston House, 62 – 68 Oak End Way, Gerrards Cross, Buckinghamshire	
Notes:		
1. A site visit was undertaken by Members.		
It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds of lack of parking provision and size of building.		
		<b>Decision</b>
<b>Plan Number:</b>	17/01482/FUL	R (AO)
<b>Applicant:</b>	Palatine Homes Ltd	
<b>Proposal:</b>	Construction of detached house with integral garage and construction of vehicular access from Sandelswood End at the Land Rear of Dalehurst, 11 Curzon Avenue and Cedar Cottage, 15 Curzon Avenue, Beaconsfield, Buckinghamshire, HP9 2NN	
Notes:		
1. A site visit was undertaken by Members.		
2. Prior to consideration, Ms Jenny Flynn, on behalf of the objectors and Mr Paul Dickinson, on behalf of the applicant addressed the meeting.		
3. Members were advised by the Planning Officer that point 1.7 on page 69 of the reports pack should read 'the proposed dwelling' rather than 'the proposed extensions'.		
4. Members were advised by the Planning Officer that point 2.6 on page 70 of the reports pack should read 'the proposed dwelling' rather than 'the proposed outbuilding'.		
It was accordingly		
<b>RESOLVED</b> that the application be refused on the grounds of overdevelopment and the size of the proposal appearing overbearing.		

*Note 1: Cllr Gibbs left the meeting at 5.55 p.m.*

## Planning Committee (SBDC) - 4 October 2017

**(B) COMMITTEE DECISION REQUIRED WITHOUT A SITE VISIT OR PUBLIC SPEAKING:-**

		<b>Decision</b>
<b>Plan Number:</b>	17/01670/FUL	D (INF)
<b>Applicant:</b>	Mr Fasiel Iqbal	
<b>Proposal:</b>	Porch, two storey front and side extension, single storey rear extension and loft conversion with Juliette balconies at 14 Wooburn Green Lane, Holtspur, Beaconsfield, Buckinghamshire, HP9 1XE	
Notes:		
<p>1. This application was reported to the Planning Committee due to the planning history of the site and the extant enforcement notice.</p> <p>It was accordingly</p> <p><b>RESOLVED</b> that the application be deferred to the next meeting of the Planning Committee on the grounds that all of the relevant plans could not be viewed by members and therefore an accurate assessment could not be made by members.</p>		

**(C) COMMITTEE OBSERVATION REQUIRED ON APPLICATIONS TO OTHER AUTHORITIES**

None

**(D) APPLICATIONS DETERMINED UNDER DELEGATED AUTHORITY**

The Committee received for information a list of the applications dealt with under delegated authority by the Head of Sustainable Development.

**30. OUTSTANDING ENFORCEMENT NOTICES**

The Committee received for information a progress report which set out the up-to-date position relating to Enforcement Notices.

**RESOLVED** that the report be noted.

**31. PLANNING APPEALS AND SCHEDULE OF OUTSTANDING MATTERS**

The Committee received for information a progress report which set out the up-to-date position relating to Planning Public Inquiries, Hearings and Court Dates.

**RESOLVED** that the report be noted

*Note 2: Cllr Sandy left the meeting at 6.25 p.m.*

**32. EXEMPT INFORMATION**

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



**Planning Committee (SBDC) - 4 October 2017**

- Paragraph 3 Information relating to the financial or business affairs of any particular persons (including the authority holding that information).
- Paragraph 5 Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

**33. APPEAL AND APPLICATION**

Following a detailed discussion by the Committee on the report provided, it was accordingly **RESOLVED** that a decision be made on how to proceed with the appeal.

The meeting terminated at 6.50 pm

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**JOINT STAFFING COMMITTEE****Meeting - 11 October 2017**

Present: R Bagge, I Darby (Chairman), D W Phillips, J Read, M Stannard and L Sullivan

Apologies for absence: M Bradford, B Harding, C M Jones, P Jones and M Smith

**9. APPOINTMENT OF A CO-CHAIRMAN (SBDC)**

It was agreed to defer this item until the next meeting once South Bucks District Council had elected a new Leader of the Council.

**10. MINUTES**

The minutes of the Joint Staffing Committee held on 3 July 2017 were confirmed and signed by the Chairman.

**11. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**12. PAY POLICY STATEMENT 2017/18**

In accordance with Section 38 (1) of the Localism Act 2011 there is a requirement for English and Welsh authorities to produce and publish a pay policy statement for each financial year. The statement should be approved by 31 March each year, at a meeting of the full council, and then be published on their website. Due to changes in senior management within the HR team preparation of this statement was not progressed earlier and was now being presented for approval.

In response to a query, the HR Manager advised that the Local Pay Award report which would be submitted to the December meeting of the Joint Staffing Committee for consideration, would take into account the RPI and CPI index.

Having expressed its support for the Joint Policy Statement, the Committee

**RECOMMENDED to both Councils** that the Joint Pay Policy Statement for 2017/18 be adopted.

**13. HARMONISED FLEXIBLE RETIREMENT POLICY**

A draft harmonised Flexible Retirement Policy was presented to Members for consideration. Pension discretions were approved by the Joint Staffing Committee at the meeting on 3<sup>rd</sup> July 2017. These discretions consequently need to be reflected in a harmonised Flexible Retirement Policy.

The attached draft policy fundamentally reflects the existing Chiltern District Council and South Bucks District Council policies, updated in terms of reflecting the pension discretions

agreed by Joint Staffing Committee in July. One substantive change to the existing policy which was proposed was to include a minimum reduction in pay upon retirement of 20% by means of reduction in hours or grade. This was equivalent to a full time employee reducing their working week by one day. Under current South Bucks District Council and Chiltern District Council policies there was no minimum reduction in pay required.

In response to a query, the HR Manager advised the Committee that a minimum reduction in pay upon retirement of 20% by means of reduction in hours or grade would enable the Councils to have the flexibility to avoid smaller reductions in hours which would not be within the spirit of the policy. The HR Manager advised the Committee that the policy allowed for management discretion and would always ensure that the needs of the service take priority.

Having considered the draft policy, the Committee

**RESOLVED** that

1. the Harmonised Flexible Retirement Policy be adopted.
2. authority be delegated to the Chief Executive to undertake any minor amendments following the outcome of the staff consultation or future legislative changes.

#### 14. **JOB DESCRIPTION - HEAD OF SUSTAINABLE DEVELOPMENT**

*Note: Councillor John Read entered the meeting at 6.12pm.*

The Joint Staffing Committee received a report seeking approval for the revised job description for the Head of Sustainable Development post.

The Head of Sustainable Development would be leaving the Council at the end of October 2017. This post would be recruited to initially on an interim basis and then on a permanent basis.

The Committee were advised that the current job description, attached as Appendix A, which was agreed in 2012, was out of date and did not reflect the key purpose, objectives and duties of this role as it stands at the current time and for the future. Therefore, changes were being proposed to this job description, attached as Appendix B, which includes a change to the title of the post to Head of Planning and Prosperity.

The Committee welcomed the revised job description, however agreed that a more suitable title for the post would be Head of Planning and Economic Development.

The Committee were advised that the Joint Staffing Sub Committee was due to meet on the 18 October to consider the appointment of the interim Head of Sustainable Development. Due to member availability, there was a possibility that the meeting would not be quorate. It was therefore agreed by the Joint Staffing Committee, that if necessary the quoracy for the Sub-Committee on the 18 October should be changed from 3 members per council (plus the Portfolio Holders) to 2 members per council (plus the Portfolio Holders).

Having considered the revised job description, the Committee

**RESOLVED** that

- 1) the title of the post be changed to Head of Planning and Economic Development;
- 2) the revised job description for the Head of Planning and Economic Development, attached as appendix B, be agreed; and
- 3) the quoracy for the sub-committee to appoint the Interim Head of Sustainable Development be changed to two members of the Joint Staffing Committee from each Council (plus the Portfolio Holders) if necessary.

#### 15. **EXCLUSION OF THE PUBLIC**

##### **RESOLVED –**

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

#### 16. **PRIVATE HEALTH CARE FOR SENIOR OFFICERS**

*Paragraph 1 – Information relating to any individual*

*Paragraph 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority*

To inform the Joint Staffing Committee of the feedback from the staff consultation and to seek a decision on how to proceed with regard to Private Health Care for Senior Officers.

Having considered the various options as set out in the report and taking into account the feedback of the staff consultation and cost implications, Members were of the opinion that option 3 (to phase the scheme out over time as senior managers leave the Councils employment or change roles within the Councils) would be the most suitable way to proceed. Members noted that whilst this option would not produce any immediate savings, and that costs may slightly increase as the age of the officers increase, as officers leave the Council or change roles within the Council (and thus leave the scheme) costs would reduce until eventually there would be none.

**RESOLVED** that Option 3 to phase the scheme out over time as senior managers leave the Councils employment or change roles within the Councils be agreed.

**17. LOCAL LAND CHARGES SHARED SERVICE STAFF CONSULTATION**

*Paragraph 1 – Information relating to any individual*

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

*Paragraph 4 – Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority*

Members considered a draft consultation document that would be shared with the Local Land Charges Teams. In summary, the draft timetable proposed to:

- Start consultation in the week commencing 16 October 2017
- End consultation on 12 November 2017
- Conduct the selection process for the post of Lead Project Officer from 27 November 2017
- Implement the Joint Service on 1 January 2018

The Head of Legal and Democratic Services advised that the proposed draft structure of the Joint Local Land Charges Services team on page 56 of the agenda should show the Local Land Charges Officer post as a 2.2 FTE.

**RESOLVED -**

That the Local Land Charges Shared Service consultation document and appendices be agreed and issued to staff and that the structure be implemented subject to taking into account any staff comments and being within the business case in accordance with the authority delegated to the Chief Executive in consultation with the Joint Staffing Committee Chairmen and the Cabinet Portfolio Holders from both Councils.

The meeting terminated at 6.36 pm

## South Bucks District Council

<b>SUBJECT:</b>	<i>Pay Policy Statement 2017/18</i>	
<b>REPORT OF:</b>	<i>Bob Smith, Chief Executive</i>	
<b>RESPONSIBLE OFFICER</b>	<i>Louise Cole, HR Manager</i>	
<b>REPORT AUTHOR</b>	<i>Louise Cole HR Manager</i>	
	<i>Contact : Chiltern: 01494 732015</i>	<i>South Bucks: 01895 837288</i>
	<i>Email :lcole@chiltern.gov.uk</i>	<i>louise.cole @southbucks.gov.uk</i>
<b>WARD/S AFFECTED</b>	N/A this relates a pay statement	

### 1. Purpose of Report

To seek Council approval to the statutory Pay Policy Statement for 2017/18

### RECOMMENDATION

That the Pay Policy Statement 2017/18 attached to the report be adopted.

### 2. Reasons for Recommendations

The Localism Act 2011 requires each council to produce and publish annually a pay policy statement. The statement should be approved by 31 March each year, at a meeting of the full council, and then be published on their website. Due to changes in senior management within the HR team preparation of this statement was not progressed earlier and is now being presented for approval.

### 3. Content of Report

**3.1** Since 2015/16 Chiltern District Council and South Bucks District Council have had a joint pay policy. This policy statement is a technical document prescribed by the Localism Act and accompanying statutory guidance. The 2017/18 statement is in the same format as last year with minor amendments to reflect pay awards.

**3.2** The 2017/18 Pay Policy Statement, which is attached as appendix 1, sets out:

- an introduction by way of context
- information about the remuneration of chief officers which includes a comparison with other officers
- information on the lowest paid employees

### 4. Consultation

Not applicable

### 5. Corporate Implications

This is a statutory requirement under the Localism Act 2011.

**6. Links to Council Policy Objectives**

There is no direct link to the Council's objectives but openness and transparency on Council policies supports good governance.

**7. Next Steps**

Subject to its agreement and adoption by Council the Pay Policy statement will be published on the web site.

<b>Background Papers:</b>	None other than referred to in this report and Appendix.
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## Appendix 1

### Pay Policy Statement 2017/18

#### 1. INTRODUCTION

- 1.1 This is a joint statement of Chiltern and South Bucks District Councils.
- 1.2 The Localism Act 2011 requires each council to produce and publish annually a pay policy statement. The statement must be approved by a meeting of the full council, and must then be published on their websites. The pay policy statement may be amended during the year by further resolution of the council.
- 1.3 The pay policy statement must as a minimum include details of the council's policy on:
  - the remuneration of its chief officers
  - the remuneration of its lowest-paid employees
  - the relationship between the remuneration of its chief officers and other officers.
- 1.4 For the purposes of the Localism Act 2011 and this statement, the term "chief officers" is defined by Section 2 of the Local Government and Housing Act 1989. For these councils, the term "chief officers" refers to the chief executive, directors and heads of service. These officers make up the Joint Management Team for Chiltern and South Bucks District Councils.
- 1.5 Chief officers are expected to work across both District Councils on an equal basis and are employed under the same terms and conditions. Chief officers may be employed by either council, and are placed at the disposal of the other by means of an agreement made under Section 113 of the Local Government Act 1972.

#### 2. REMUNERATION OF CHIEF OFFICERS

- 2.1 Chief officers' pay was independently assessed in 2012 by the Local Government Association (LGA) which was commissioned to undertake an independent review of the job descriptions for the new Joint Management posts. When making a recommendation about remuneration, regard was had to the size of the new job role, the emphasis on the need to contribute corporately to meet the needs of the two Councils, the economic climate and the regional location of the two authorities.
- 2.2 Members of the Joint Appointments and Implementation Committee agreed the salary ranges recommended by the LGA and the proposal to assimilate the successful applicants onto a spot salary which accommodated the additional allowances previously paid. The salaries were set above the median to attract and retain suitably skilled chief officers as recommended by the LGA.

All chief officers (Heads of Service, Directors and Chief Executive) have benefitted from a 1% pay award in 2016/17 and a 1% in 2017/18 .

- 2.3 Following an independent review of the chief officers' pay structure in November 2015 the LGA confirmed that the pay structure remains competitive in its ability to recruit and retain staff with the necessary management and strategic skills and experience.

2017/18	Starting Salary	2	3	4
Joint Chief Executive	£127,513	£130,573	£133,633	£136,693
Joint Director	£89,483	£92,605	£94,686	£97,807
Joint Head of Service	£67,259	£71,464	£73,567	£78,818

- 2.4 The salaries remunerate officers for their full range of duties and hours of work. Chief Officers do not receive any performance-related pay or bonuses. Joint posts are shared equally between the two Councils and business mileage is reimbursed at HMRC rates, currently 45p per mile. Some chief officers have private medical insurance which is currently under review and paid membership of a relevant professional body.
- 2.5 Appointments to these posts are on a spot salary and progression up the salary scale is based on performance against agreed objectives. An annual appraisal takes place for the Joint Chief Executive with members which can be facilitated by an external independent advisor if required. The Directors are appraised by the Chief Executive and the Heads of Service by their corresponding Director.
- 2.6 The annual pay review for the Chief Executive and the two Directors is determined by the Joint Negotiation Committee for Chief Executives and Chief Officers, respectively. The annual pay review for Heads of Service is determined locally. The pay award for 2016/17 was 1% and the pay award for 2017/18 was 1%.
- 2.7 Appointments to the Joint Chief Executive and officers allocated statutory responsibilities require full Council approval within each of the Councils. Appointments to the Joint Directors require the approval of the Joint Staffing Committee.
- 2.8 The Chief Executive has been appointed as the councils' returning officer. In this role he receives additional remuneration, which varies from year to year. He employs the two directors as deputy returning officers and may employ other chief officers to support him in his work. Any fees for elections are paid separately. The amount of the fee is not fixed and is based on electorate/postal votes and the type of election. The Head of Paid Service has the authority to increase election fees in line with inflation and to keep them comparable with Parliamentary election fees.
- 2.9 All employees are automatically enrolled in the local government pension scheme when they join either Council, they may opt out if they wish. Chief officers'

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contributions are determined by their salary and the rules of the scheme. More comprehensive details of the Bucks Pension Scheme are available on their website. It is not the usual policy of either Council to enhance retirement benefits.

- 2.10 The Councils have a joint approach to organisational change which it applies to all employees without differentiation. In cases of redundancy those employees with 2 or more years' continuous service are entitled to a redundancy payment which is calculated using the statutory redundancy calculator based on actual salary. The maximum number of years of service taken into account is 20 and the resulting maximum payment is 30 week's pay.
- 2.11 The Councils do not provide any additional payment to employees leaving the Councils' employment other than in respect of accrued leave which by agreement is untaken at the date of leaving.
- 2.12 In certain circumstances the Councils may agree for an employee's employment to come to end by way of a Settlement Agreement which may involve the payment of severance pay. In calculating any severance package the Councils will take into account any contractual and statutory entitlements, the employee's previous performance, and value for money and minimising any reputational damage to the Councils.
- 2.13 It is not normal practice for the Councils to re-employ or re-engage a chief officer following a severance or redundancy payment on either a new contract of employment or a contract of services.

### **3. LOWEST-PAID EMPLOYEES**

- 3.1 Following agreement with staff and UNISON the Councils have implemented, a collective agreement which harmonises terms and conditions of employment, including a new harmonised Pay Spine for both Councils. The minimum salary on this pay spine is set at £15,702, significantly above the Statutory Living Wage rate of £7.50 per hour effective from 1 April 2017. Employees from both Councils have progressively moved onto the new pay spine following a review and the joining up of services across Chiltern and South Bucks District Councils. All staff have moved to the new pay spine with the exception of a small group of staff at South Bucks District Council. The lowest paid employee at South Bucks District Council was paid at £15,702 (the full time equivalent).

The lowest paid employee at Chiltern District Council was paid at spinal point 1A at £15,702 (the full time equivalent).

- 3.2 The Chief Executive's salary is 8.12 times the salary of the lowest-paid employee.

### **4 REMUNERATION OF CHIEF OFFICERS COMPARED WITH OTHER OFFICERS**

- 4.1 Employees who are not chief officers have been moved on to the new harmonised pay spine. They will be paid in accordance with the collective agreement agreed with staff and UNISON in July 2014. In the interim we have a small number of employees at South Bucks District Council on the South Bucks District Council pay spine. All these pay scales increased in line with the National Joint Council Pay Award Agreement for Local Government Officers of May 2016 to cover the time period from April 2016 to March 2018.

- 4.2 The median salary for all officers at Chiltern District Council is £30,073. The Chief Executive's salary 4.24 times the median salary at Chiltern District Council.
- 4.3 The median salary for all officers at South Bucks District Council is £34,149. The Chief Executive's salary is 3.73 times the median salary at South Bucks District Council.
- 4.4 Please note the Councils do not set the remuneration of any individual or group of posts by reference to multiple of another post or group of posts. Pay multiples do not capture the complexities of a dynamic and highly varied workforce in terms of job content and skills required. In terms of overall remuneration packages the Councils' have put in place harmonised terms and conditions across the two authorities to have a simple, flexible and equitable pay and reward structure where roles are evaluated using HAY job evaluation framework to ensure pay levels reflect differences in roles and responsibilities.

## **BUCKS HEALTH AND ADULT SOCIAL CARE SELECT COMMITTEE,**

**Update July 2017**

### **A consideration of the Bucks CC plan for growth with regard to adult social care and public health.**

All select Cttees are undertaking such enquiries in to their areas of responsibility.

#### **Health and Wellbeing**

The team are reviewing each individual care package and day care provision with a view to delivering a more streamlined approach and efficiencies within the service.

#### **Public Health**

Growth will increase the demand on the current services, but there is a projected flat budget and therefore significant efficiencies will need to be made.

Current actions:

- Joining Public Health with Communities to work together to build resilient communities who can help each other
- Working with the Districts' planners and the NHS to ensure that local plans include the necessary provisions
- The use of digital technology to deliver services such as weight loss or smoking cessation
- Putting together multi-agency programme teams to develop detailed action plans

However, a challenge from the Cttee revealed that there are so far no concrete examples of delivery.

#### **Adult Social Care**

The demand for these services will be influenced by the general existing growth in the aging population rather than by development per se.

Prevention remains at the core of this provision. There was a stated intention to integrate adult social care with health provision.

Current actions:

- Market management - supply of care facilities both now and in the future and workforce recruitment, development and retention.
- Re-design of services: new operating services utilising support from family and community. Incorporation of assistive technology.
- Working with the Districts to provide an input into planning policy discussions
- Working with local communities and utilising that capacity to reduce the costs

to Adult Social Care

- Bucks County Council to work more closely with Health Watch to provide guidance on accessing services to support prevention
- The development of a joint Health and Social Care plan to enable an holistic approach to dementia.

The HASC will produce a paper setting out its recommendations to Adult Social Care and Public Health.

Wendy Matthews  
July 2017

Report of the meeting of the Buckinghamshire Healthcare Trust on 26<sup>th</sup> July 2017

The meeting started with the experience of a patient who had attended at the Ophthalmology outpatient department with uncontrollable and painful muscle contractions around the eye. A video was shown which highlighted the lack of communication from secondary to primary care. An example of this was that the G P had not made any mention of the availability of Hospital Treatment.

The Chief Executive gave his report he indicated that the trust had been named as one of the 8 Shadow Accounting care systems in the Country. Pressure was being put for improvements in the urgent care performance for stroke patients. Following on from the Grenfell Tower disaster fire inspections had been carried out at all sites and Specialist contractors had inspected cladding at both High Wycombe and Stoke Mandeville Hospitals and had found that no further action was required.

A report on the Buckingham shire Accountable Care System was received. This had shown that staff needed an ability to understand the patient's needs and also ways by which the Trust could provide a better service. Concern was expressed over the delay in the introduction of the new model of care for mascot-skeletal services.

An update was given on the Community Hubs centres at Marlow and Thame. Although it was early days in this 6 month pilot 90% of those coming through were able to avoid being admitted to Hospital. There had been a good level of attendance at the open day that had been held at Marlow and they were planning one at Thame in the not too distant future.

Reports were then received on the workforce, safe staffing and medical appraisal and revalidation. Regarding the workforce it was expected that in future Medical Staff may come from the new Buckinghamshire University and the main challenge was in the recruitment and retention of nursing staff.

Following on from this there was the Personal Fair and Diverse-Equality and Diversity Annual Report which indicated that there was a need for more black and ethically different staff.

The Strategic workforce Committee had met and in the areas of risk they had features the funding for Continuing Professional Development, the Shortage of Junior Doctors and the Level of International English Language Test.

The Quality Performance report was presented which showed that the mortality rate had remained stable with a downward trend.

On infection Control there had been 4 cases of C difficile and 2 of

MSSA Bacteraemia in June. Concern was expressed with regard to privacy and dignity.

The Finance Report was then given and this shows that they were behind with their cost improvement plan and needed to get back on track as soon as possible. This may prove to be difficult with Winter ahead.

David Pepler  
25<sup>th</sup> September 2017



<b>SUBJECT:</b>	<b>LOCAL LAND CHARGE SERVICE SHARED SERVICE REVIEW</b>
<b>REPORT OF:</b>	<i>Portfolio Holder for Resources – Councillor Barbara Gibbs</i>
<b>RESPONSIBLE OFFICER</b>	<i>Head of Legal &amp; Democratic Services</i>
<b>REPORT AUTHOR</b>	<i>Joanna Swift, jswift@chiltern.gov.uk</i>
<b>WARD/S AFFECTED</b>	<i>Not applicable</i>

## 1. Purpose of Report

To consider the recommendations arising from the Local Land Charge Service shared service review.

### RECOMMENDATIONS

- 1. That the case for a Local Land Charge Service is proven, and that both Councils should proceed to establish a Shared Local Land Charge Service.**
- 2. That subject to consultation with staff and a formal agreement between the Councils, the services of staff in South Bucks District Council's Local Land Charge Service be put at the disposal of Chiltern District Council under Section 113 of the Local Government Act 1972 so they can work across the two local authority areas.**
- 3. That the Chief Executive in consultation with the Cabinet Leader and the Head of Legal and Democratic Services be authorised to finalise the terms of any legal documentation required to give effect to recommendation 2 above.**

## 2. Content of Report

At a meeting on 24 July 2017, the Chiltern and South Bucks Joint Committee considered the Business Case for the Local Land Charge Service shared service. The Business Case is attached as a Private Appendix.

The Joint Committee endorsed all of the recommendations in the report.

Following legal advice and in order to be consistent with the previous approach used for shared service reviews, Full Council are asked to formally adopt the recommendations shown above.

### 3. Links to Council Policy Objectives

The efficient implementation of joint services reviews is linked to the Council's Key Aims and Objectives.

<b>Background Papers:</b>	None, other than those referred to in this report.
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