



## **Council (Minute Set)**

**Wednesday, 27 February 2019 at 6.00 pm**

**Council Chamber, Capswood, Oxford Road, Denham**

Item

6. Committee Recommendations: *(Pages 3 - 66)*

Recommendations from the Committees of the Council are attached as separate reports. Members are therefore asked to note that the following meetings have taken place since the last Council meeting, and that the Minutes are available to view in the supplement Minute set.

1. Audit and Standards - 17 January 2019
2. Cabinet – 28 November 2018, 12 December 2018, 9 January 2019 (Extraordinary meeting), 25 January 2019 (Extraordinary meeting), 6 February 2019
3. Governance & Electoral Arrangements – 29 October 2018 and 16 January 2019
4. Joint Staffing Committee – 28 January 2019
5. Joint Overview and Scrutiny Committee – 21 January 2019
6. Licensing Committee – 23 January 2019 (cancelled)
7. Overview and Scrutiny Committee – 8 November 2018 (Extraordinary meeting) and 29 January 2019
8. Planning Committee – 5 December 2018, 9 January 2019, 6 February 2019 (to follow)

Date of next meeting – Tuesday, 16 April 2019

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**AUDIT AND STANDARDS COMMITTEE****Meeting - 17 January 2019**

Present: D Anthony (Chairman)  
L Hazell, P Hogan and R Sangster

Apologies for absence: G Hollis

**86. MINUTES**

The minutes of the Audit and Standards Committee held on 27 September 2018 were approved and signed by the Chairman as a correct record.

**87. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**88. APPOINTMENT OF INDEPENDENT PERSON**

The Committee received a report recommending that the term of office of one of the Council's Independent Persons, Mr Trevor Dobson be extended until 31 March 2020. The Head of Legal and Democratic Services reported that Mr Dobson's current term of office finishes in July 2019. The process for recruiting new independent persons required the Council to advertise this role in the local press which was costly and interest from the public had previously been very limited. Due to the proposals for local government re-organisation in Buckinghamshire it would only be feasible to offer the role to any new recruit until the end of the Shadow Period on 31 March 2020. Extending Mr Dobson's term of office for a further 9 months would ensure that the Council continued to have two experienced Independent Persons available to deal with any complaints received and to comply with the requirements of the Employment Procedure Amendment Regulation 2015 (dismissal of statutory officers). The Council appointed Mr Hopkins as the second Independent Person in January 2017 and his term of office would continue until the new Unitary District Council commenced on 1 April 2020.

**RECOMMENDED** that Full Council agree to extend the terms of office of Mr Trevor Dobson until 31 March 2020.

**89. STANDARDS WORK PROGRAMME**

The Committee received the Standards Work Programme. The Head of Legal and Democratic Services reported that because the May elections had been postponed for a year the report on standards training for new Members had been deleted. However, if Committee Members would value a training refresh they should inform Democratic Services. At the next meeting the final Work Programme would be presented leading up to the new authority in 2020.

A Member asked whether it was possible to have a by-election with the current Parliamentary process for a new Unitary District Council and was informed by the Head of Legal and Democratic Services that a by-election could be arranged up until 30 September 2019. If a casual vacancy occurred after this date then an election cannot be held unless one third of the seats remained vacant. If any new Members were elected then induction training would be organised.

A Member referred to complaints monitoring and it was noted that a report was submitted to the Committee annually on the number and type of complaints including breach of the Code and any investigations. The Head of Legal and Democratic Services reported that it had been a busy year for complaints (10 complaints) but that number related to a similar issue. Reference was made to a Parish Council complaint and Members were informed that a response to this would be made by end of January 2019.

**RESOLVED** that the Standards Work Programme be agreed.

#### 90. **INTERIM PROGRESS REPORT**

The Committee received the Internal Audit Progress Report 2018/19. Chris Harris, TIAA Internal Auditors presented the report. He made one amendment with regard to point two in the report on progress against the 2018/19 Annual Plan - the final sentence should say that three audits were finalised in the period and there was only one priority 2 recommendation. He informed Members that some changes had been made to the audit plan for 2018/19 as some audits were no longer required as they were being covered by other reviews. Members noted that the current risk procedures/guidance was being reviewed. With regard to budgetary control a draft report had been issued on 20 December 2018.

A Member referred to the terminology with regard to a reasonable or substantial evaluation. This terminology highlighted in generic terms the seriousness of the audit findings and what sort of escalation was required to provide a level of assurance. The Member then asked a further question on sickness absence and whether this had improved. The Director of Resources commented that this information was reported to the Joint Staffing Committee but figures at the end of December 2018 showed a great improvement. In response to another question he also commented that there had been no impact on staff turnover since the unitary announcement.

Reference was made to the use of purchase cards which were a high risk area. Chris Harris TIAA Internal Auditors emphasised the importance of the appropriate amount of checks and balances being undertaken by Senior Officers and that staff should be reprimanded if they mis-used their card.

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

**91. INTERNAL AUDIT ANNUAL AND STRATEGIC PLAN 2019/20**

The Committee received the Internal Audit Annual and Strategic Plan 2019/20. Chris Harris, TIAA Internal Auditors reported that this would be the last Plan before the new Unitary District Authority was in place. A Member asked about final audits before the transition to a new Council. Chris Harris TIAA Internal Auditors reported that all Councils would have to produce their final accounts and the normal audit process for that would take place to produce a final auditing position which would highlight any concerns regarding any weaknesses in control. New audit arrangements would be made by the new Unitary District Authority.

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

**92. AUDIT COMMITTEE WORK PROGRAMME**

The Audit Committee Work Programme was noted. The External Auditors reports on the Certification of Claims and Returns Annual Report and the Annual Audit Plan would be submitted to the March meeting. The Programme of Work in the lead up to the new Authority would be reduced.

The meeting terminated at 6.25 pm

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## **CABINET**

### **Meeting - 28 November 2018**

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

#### **173. DECLARATIONS OF INTEREST**

Councillors B Gibbs and L Sullivan declared a personal interest in item 4: Implementation of the New Unitary District Council being Members of Buckinghamshire County Council.

#### **174. IMPLEMENTATION OF THE NEW DISTRICT UNITARY COUNCIL**

On 1 November 2018, the Secretary of State for the Ministry of Housing, Communities and Local Government (MHCLG), James Brokenshire, announced a decision in favour of a single new District Unitary Council, for the whole of the current administrative area of Buckinghamshire County Council, in a Written Ministerial Statement (WMS). The new authority would be implemented on 1st April 2020 and elections to the Council would take place on 7th May 2020. The statement included some matters already decided and others which he intended to consult on before reaching a decision.

The report sought approval to the process for agreeing the wording of representations to be made in response to the WMS. It also sought to ensure that sufficient resources were available to enable the authority to respond to the requirements of the proposed Structural Change Orders, which would set out how the new Council would be created, and to support transition within the Council.

The Leader, whilst presenting the report, proposed that the recommendations in the report be recommended to Council, subject to the words "other District Leaders" being inserted after the word "Leader" in recommendation 2.

The timescales for its implementation, set out by the MHCLG, were very short and a Joint Submission would be sent to the Secretary of State by all four District Authorities. Delegated authority was required for the Chief Executive in consultation with the Leader as there would not be enough time to call meetings.

Portfolio Holders were then asked for their views on specific items in the proposed Orders which were considered in turn.

The first proposal considered was the District and Parish Council elections, due to be held on 2 May 2019, being postponed to 7 May 2020, to avoid a term of office of

only 1 year. A further proposal would be made that the next round of elections would take place in 2025 to align the cycles. Portfolio Holders were in agreement on this proposal.

The Secretary of State suggested in the WMS that there could be 3 Members per Electoral Division (totalling 147 Members), rather than the 2 Members per Electoral Division (totalling 98 Members) proposed by the County Council. A Boundary Review would be carried out once the new Authority was formed. Portfolio Holders discussed the size (number of Councillors) of the new District Unitary Council. Portfolio Holders agreed that democratic representation was an important issue, and a democratic deficit should be avoided by ensuring that there were sufficient Members to represent residents and to take on the work that would be required at the start of the new Authority.

In spring 2019 a Shadow Authority would be set up comprising of all District and County Councillors to carry out transition powers. A smaller Shadow Executive would be responsible for making day to day transition decisions. The representation of each Council on the Shadow Executive would be set out in the Order, and the view of the District Leaders was that there should be equal representation on the Shadow Executive from each of the 5 Councils (20% for South Bucks). This approach was endorsed by Portfolio Holders.

Portfolio Holders were then asked for their views on the process for electing a Leader of the Shadow Executive. This could be decided by the Shadow Executive, by the Shadow Authority, or the MHLG could specify the Leader in the Order. Portfolio Holders felt that the Shadow Authority should elect the Leader as this was considered more democratic because all Councillors would have a say on this issue. This also reflected the arrangement for electing the Leader at the existing Councils.

The Leader advised that there were "twin hatted" Members who were both District and County Councillors. Members' views were sought on whether those Members should be entitled to 1 or 2 votes on the Shadow Authority. A comment was made that if there was only one vote it would result in only half of their residents being represented. Some Portfolio Holders felt that one vote per Member was preferable.

There was a discussion on the name of the new Council. The proposals were "Bucks Council" or "Buckinghamshire Council", with District Leaders giving a preference for Bucks Council, since the new District Council was not co-terminus with the original Shire County, which includes Milton Keynes.

During the discussion a Portfolio Holder suggested keeping 'Unitary' in the title to show that it was a new type of council. The Head of Legal and Democratic Services clarified that this was more of a legal term. The Chief Executive commented that as a legal term adding this word would not provide any further clarity to the public.



The Leader commented that the advice from Government was that the Shadow Authority would need to have regard to the County Council's bid but might possibly also need to have regard to the District Council's submission and any proposals should therefore be carefully considered as part of the implementation programme.

Cabinet were thanked for their comments, which would be taken into account when formulating the representations in response to the WMS.

**RESOLVED** that Cabinet noted that the Leader will continue to take part in discussions with the County Leader, other District Leaders, Ministers and other parties with a view to taking forward the implementation provided that where decisions are required from this authority these will be made in accordance with existing governance requirements.

**RECOMMENDED** to Council:

1. That the wording of the representations to be made in response to the Written Ministerial Statement and the proposed content of the Structural Change Orders on single tier arrangements for Buckinghamshire be delegated to the Chief Executive in consultation with the Cabinet Leader.
3. That a provisional budget be set aside in 2019/20 for the delivery of the implementation to include the proportion of the costs of the Shadow Authority as may be required, project management resource and provision for potential redundancy costs in 2019/20 that may fall directly to South Bucks District Council subject to a review at year end by the Director of Resources in consultation with the Portfolio Holder for Support Services.

The meeting terminated at 5.24 pm

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## **CABINET**

### **Meeting - 12 December 2018**

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

#### **175. MINUTES**

The minutes of the meetings of Cabinet held on 17 October and 28 November 2018 were approved and signed by the Cabinet Leader as a correct record.

#### **176. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **177. 28 DAY NOTICE OF EXECUTIVE DECISIONS**

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

**RESOLVED** that the 28 Day Notice be noted.

#### **178. DRAFT REVENUE BUDGET 2019/20**

The Cabinet were presented with the draft revenue expenditure budget for 2019/20. It was the responsibility of the Cabinet to prepare a revenue budget for approval by Full Council which would form the basis of setting the council tax. Members of the Cabinet considered the draft revenue service budget for 2019/20 report which included the context of the overall financial position facing the Council for the coming year, and the implications of the establishment of a unitary authority 2020/21.

It was explained that regardless of the decision to create a new district unitary authority in Buckinghamshire from 2020/21 this did not affect the requirement the Council had to set a legal and prudent budget for 2019/20 that addressed the Council's aims and objectives. It would be necessary at a corporate level to make provision for the initial transition costs to the new unitary authority that would be incurred in 2019/20, this would be done when setting the final budget in February 2019 when there was more clarity around the transition process.

Members noted the revenue service budget outturn for 2017/18 which was summarised in the Appendix. There was an overspend of £33,180 in the current year which related to two factors; higher costs of temporary accommodation and delay in letting Capswood office space. However, as both these risks had been identified early in the financial year other offsetting savings had been identified to minimise the net overspend.

Within the draft budget the Council Tax Base was 33,186 which was a 1.48% increase on the council tax base for 2018/19. The working assumption was that the budget would result in a £5 increase in council tax, which would be the maximum under the arrangements in place for the current year. This also assumed at this stage the use of £55k of general reserves, but the likelihood was that this would not be required in the final budget. This would be reviewed in February once the referendum limits for council tax in 2019/20 have been announced by Government. The final settlement from Central Government had been delayed due to Brexit negotiations and the final draft budgets would reflect the settlement and would be consolidated for consideration by the Cabinet in February.

In response to a question about the future transition costs for a unitary council, Members noted that the February budget would include this Council's contribution to the cost for 19/20 which would be funded out of reserves. There could be a further cost implication if any staff were seconded to the Implementation Team and their post had to be backfilled. Transition costs would run over a number of years.

**RESOLVED** that it be agreed that the report is to form the basis of the draft revenue budget for 2019/20, and is updated to reflect the outcomes of the Local Government Finance Settlement and related announcements.

#### 179. **SOUTH BUCKS COUNTRY PARK**

The Cabinet received a report which sought approval for the site (former Academy 9 hole golf site) to be designated a Country Park under the Countryside Act 1968 and for the Scheme to be implemented, following the determination of the planning application at the November Planning Committee.

Members were informed that a number of conditions on the development had been imposed by the Planning Committee, some of which would be discharged before the physical construction commenced and others discharged during or after the development. The next steps would be to conclude the contractual arrangements with the construction company. A meeting was being arranged with the South Buckinghamshire Members Advisory Panel in January 2019 to brief Members on the final contract. The construction period was anticipated to commence in February 2019. Discussions were also taking place with the British Cycling Federation regarding any financial contributions to the scheme in respect of the enclosed cycle track, and cycle trails.

Following a question regarding the cost of material that would be imported to landscape Members were informed that the developer absorbed all the costs. This should result in an income to the Council over and above the construction costs of at least £750k, plus reimbursement of cost incurred to date in achieving planning permission. The Council would account for the VAT on the construction costs even though it was not making any payment of these costs, but the income it received did not attract VAT. There would be a positive cash flow. There would be some costs in securing the site, basic maintenance and carrying out inspections. Operating costs above the current budget provision would be offset by income streams, such as the franchise on the café and parking charges and this aspect would be assessed during 2019. Overall it should be a better facility for residents at a lower cost to the Council tax payer.

A further question was asked about whether there would be a long term liability with the park and reference was made to another area in South Bucks owned by the County Council as an example. Members were informed that the South Bucks Country Park would bring an income into the Council and also would contribute towards the Council's aim of promoting and supporting healthy lifestyles by encouraging exercise and physical activities. A Member asked whether the Council was paying for non-domestic rates on the existing building. As it had not been demolished rates were being paid but represented a modest expenditure. Cabinet Members welcomed the report and

**RESOLVED** that:-

1. the Scheme to develop a Country Park is progressed in line with the approved planning application and the agreed tender.
2. The development be formally designated once complete as a Country Park in accordance with the Countryside Act 1968.

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

The Policy Advisory Group Minutes were noted.

181. **EXCLUSION OF 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.

182. **HS2 COMMUNITY AND ENVIRONMENT FUND AND BUSINESS AND LOCAL ECONOMY FUND**

The Cabinet received a report which provided Members with background information relating to the HS2 Community and Environment Fund (CEF) and Business and Economy Fund (BLEF). The report sought endorsement for officers to explore opportunities for making applications for funding on behalf of the Council either individually or in partnership with other qualifying groups or organisations where appropriate, to make applications for funding. A combined total of £40million had been made available for these two funds over a period of 11 years throughout the Phase One construction period and for the first year of operation of HS2 services.

An independent grant management body called Groundwork was responsible for the administration of the funds. The Portfolio Holder reported that relevant teams across the Council could explore opportunities for making applications for funding and apply if appropriate. It was important to raise awareness of this funding to parish and town councils, local organisations and businesses and signpost those interested to the website. A briefing note would be prepared for this purpose.

**RESOLVED:**

1. That the background information relating to the funds be noted.
2. That officers explore opportunities for making applications for funding on behalf of the Council from the CEF and/or the BLEF and where appropriate, to make applications to the funds individually or in partnership with other qualifying groups or organisations.

The meeting terminated at 6.44 pm

## **SOUTH BUCKS DISTRICT COUNCIL**

### **CABINET**

**Meeting - 9 January 2019**

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

#### **183. DECLARATIONS OF INTEREST**

Councillors B Gibbs and L Sullivan declared a personal interest in item 4: Implementation of the New Unitary District Council being Members of Buckinghamshire County Council.

#### **184. IMPLEMENTATION OF THE NEW UNITARY DISTRICT COUNCIL**

Cabinet considered a report which provided an update on the proposed creation of a new Unitary District Council. A working draft of the proposed Structural Changes Order had been shared with the Leaders and Chief Executives. The content of this Order had been subject to informal consultation with the five local authorities and the Secretary of State had now made the decisions necessary to determine the content where agreement could not be reached between the authorities. A summary of the decisions made, as reflected in the draft Order, were considered.

Cabinet was asked to consider whether the Council should formally consent to the Secretary of State's proposals in the draft Modification Regulations under section 15 of the Cities and Local Government Devolution Act 2016 and respond by the Government's deadline of 10 January 2019 to comply with timescales for laying the necessary Statutory Instrument in Parliament.

The Head of Legal and Democratic Services provided clarification regarding the procedure for the creation of a unitary authority which could be found in Sections 1-7 of the Local Government and Public Involvement in Health Act 2007. Section 15 of the Cities and Local Government Devolution Act 2016 gave the Secretary of State general powers to disapply provisions of the 2007 Act in respect of formally inviting structural change, undertaking public consultation on proposals made and boundary change. The disapplication of these provisions can only take place when the relevant authorities consent which could mean either the county or district councils. As there had been no invitation for structural change in Buckinghamshire and the Secretary of State had not carried out any public consultation then a modification to the 2007 legislation was required and the Modification Regulations would be made under the 2016 Act.

The supplementary report detailed the effect of the proposed Modification Regulations and noted the two options the Secretary of State had under the 2016 Act. He must either have the consent of all Councils under subsection 4.

*(4) Regulations under this section may be made only with the consent of the local authorities to whom the regulations apply (subject to subsection (5))*

Or he could make regulations under subsection 5 in relation to structural or boundary provision which would require the consent of only one Council.

*(5) Regulations under this section, so far as including structural or boundary provision in relation to a non-unitary district council area, may be made if at least one relevant local authority consents.*

Cabinet was advised that the latter provision was time limited and would expire at the end of March 2019. This meant that if for any reason there was insufficient Parliamentary time to make the Order then it would not be possible to do so without the consent of all five Councils. Therefore Subsection (4) required the consent of all local authorities, whereas subsection (5) required the consent of just one. Subsection (5) expired at the end of March. Subsection (4) did not expire. Further detailed information could be seen in the supplementary report.

The Leader went through the table which was set out in the supplementary report regarding the decisions made as reflected in the draft Order which included:-

- Name agreed as Buckinghamshire Council
- Size of the new Council – agreed as three Members per ward
- Election dates and cycles – it was agreed that the first term would be a five year cycle and the second a four year cycle as it was important to separate local council elections with the elections for Police and Crime Commissioners as they were undertaken through a different electoral system.
- Shadow Authority Membership – agreed as all existing Members (202)
- Shadow Executive Membership – 17 Members (8 District, 8 County plus the County Leader)
- Shadow Executive Chairman – County Leader with a District Councillor as Deputy
- Appointment of Interim Officers – to be appointed by the shadow executive following consultation with the shadow authority.
- Officers to set up the first meeting of the shadow authority – Proper Officer of the County Council with the Wycombe District Council Proper Officer as deputy
- Officers to lead the Implementation Team – the County Council Chief Executive with a District Council Officer as deputy.



Clarification was sought on 31 March 2019 date which was a Sunday and the Director of Resources clarified that the date was likely to be the last day of the Parliamentary process on 29 March 2019. During discussion the following points were made:-

- In the spirit of working together, Portfolio Holders would like to consent to the draft Order but had significant concerns about the balance of power with regard to the Shadow Executive. In the Order as drafted there is an additional section with regard to the discharge of the shadow authority's functions by the shadow executive on the proposed designations of interim officers and there was concern that the shadow authority had no right of veto, leaving control in the hands of a small number of executive members. More checks and balances were required to hold the shadow executive to account, particularly bearing in mind the unbalanced make-up of the Executive. This proposal as drafted was considered to be undemocratic.
- The Order did not contain enough detail and was being pushed through in a very short timescale, with little time for consultation.
- Cabinet were disappointed in not being able to consent but looked forward to working with all the Councils as equal partners.

**RESOLVED:**

1. Cabinet notes the current position in respect of the proposals for creation of a new single tier Unitary District Council in Buckinghamshire.
2. Cabinet do not consider the Structural Changes Order as currently drafted is in the best interests of South Bucks District residents and businesses and other stakeholders and are therefore not minded to consent to the Modification Regulations under section 15 of the Cities and Local Government Devolution Act 2016.
3. The Chief Executive in consultation with the Leader be authorised to finalise the Council's formal response to the Ministry of Housing, Communities and Local Government.

**The meeting ended at 6.59 pm**

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## **CABINET (SBDC)**

### **Meeting - 25 January 2019**

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

#### **185. DECLARATIONS OF INTEREST**

Councillors Gibbs and Sullivan declared a personal interest under the Code as Members of Buckinghamshire County Council.

#### **186. IMPLEMENTATION OF A NEW UNITARY DISTRICT COUNCIL**

Due to the requirement for any legal proceedings to be issued as a matter of urgency because the Regulations in question have already been laid in Parliament, an urgent decision was required by Cabinet to decide if the Council should participate in legal proceedings. As required by the Budget and Policy Framework Procedure Rules the Chairman of the Overview and Scrutiny Committee agreed that the decision to be taken by Cabinet was urgent and it was not practical to convene a quorate meeting of full Council.

The report provided an update on the proposed creation of a new Unitary District Council, following Cabinet's decision on 9 January 2019 not to consent to the Secretary of State's proposed Modification Regulations under section 15 of the Cities and Local Government Devolution Act. A letter confirming the Council did not consent to the making of the Modification Regulations was sent to the Secretary of State on 10 January 2019. It was noted that all four District Councils had decided not to consent, and the County Council had agreed conditional consent.

Legal advice on the Structural Changes Order had been obtained from leading counsel by Chiltern and Wycombe District Council. In view of counsel's advice a letter was sent to the Secretary of State on 18 January 2019 by these two Councils as a preliminary step before legal proceedings and the Council had been sent a copy as an interested party. The letter expressed concern about the legality of the decision to lay the Modification Regulations in Parliament based on the conditional consent given by the County Council and without also laying the draft Structural Changes Order, as well as concerns about the recent changes to the proposed governance arrangement for the shadow authority and the lack of reasons for making these changes. As the Regulations had already been laid in Parliament and the Secretary of State intended to make them before 31 March 2019, any legal proceedings, associated documents and legal steps would need to be issued/undertaken with the utmost urgency.

It was noted that the sunset clause would take effect from the end of March if these Orders had not passed through the Parliamentary process. A sunset provision

or clause was a measure within a statute, regulation or other law that provided that the law should cease to have effect after a specific date.

Cabinet were therefore asked to consider whether it was expedient for the promotion or protection of the interests of the inhabitants of South Bucks District to participate in legal proceedings for judicial review of the Secretary of State's decisions in respect of the Modification Regulations and the Structural Changes Order, with other District Councils which could be undertaken under section 222 of the Local Government Act 1972.

There would be costs to participating in any legal proceedings and the recommendation was that this should be met from the General Reserve in accordance with the urgency provisions under the Budget and Policy Framework Procedure Rules. Members noted that if it was found that there were valid objections following the legal proceedings then the costs would not fall upon the Council.

The Cabinet resolved that under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting to enable Members to receive legal advice on the potential grounds for instituting proceedings (Paragraph 5) as defined in Part 1 of Schedule 12A of the Act.

After receiving legal advice from the Head of Legal and Democratic Services in private session, the Cabinet expressed thanks to the Head of Legal and Democratic Services for the comprehensive report.

Portfolio Holders then commented on the report as follows:-

- The Modification Regulations should be laid with the Structural Changes Order as a package of legislation and this had not been done. Without the Structural Changes Order Parliament could not adequately scrutinise the Modification Regulations and these Regulations required scrutiny with the full understanding of the content of the reorganisation for the local government area.
- Within the content of the Structural Changes Order the conditions for adequate democratic scrutiny and accountability were absent as the shadow executive was dominated by the County Council and the shadow authority was dominated by the shadow executive. Therefore the shadow authority arrangements lacked sound and proper administration to the detriment of governance in the new Buckinghamshire Council area.
- There was support from Members for the creation of a new Unitary District Council. However, it was crucial during a local government reorganisation from a two-tier authority to a single-tier authority that each of the preceding councils had a fair say and influence over transitional arrangements in order to protect the interests of local residents.

- Reference was made to the shared service and the joint working between the two Councils where involvement led to best practice. The process should unite Buckinghamshire under a single authority and should not be undemocratic. The five councils working together would be able to build an excellent new authority built on partnership.

Cabinet concluded that there were not many democratic structures where Members were unable to elect or remove their own leader, not be able to provide any critical opposition or to have available any meaningful safeguard; therefore there were concerns that the Shadow Authority would be powerless. Successful implementation of the new Council relied on good partnership working so that local residents could be democratically represented in the building and structure of its services. Accordingly Cabinet were satisfied that it was expedient to promote and protect the interests of the inhabitants of South Bucks for the Council to participate in legal proceedings.

1.

**RESOLVED** that:

1. Cabinet note the current position in respect of The Buckinghamshire (Structural Changes) (Modification of the Local Government and Public Involvement in Health Act 2007) Regulations 2019 and The Buckinghamshire (Structural Changes) Order 2019
2. the Council participates in proceedings for judicial review of decisions taken by the Secretary of State for Housing, Communities and Local Government in respect of the Regulations and Order referred to in 1 above, under section 222 of the Local Government Act 1972.
3. the costs of any legal proceedings should be met from the General reserve in accordance with urgency provisions under the Budget and Policy Framework Procedure Rules.
4. the Head of Legal and Democratic Services in consultation with Leader and Chief Executive be authorised to agree any necessary legal documentation required in the course of legal proceedings and to deal with any settlement, compromise or withdrawal of proceedings.

**The meeting ended at 9.51 am**

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## **CABINET**

### **Meeting - 6 February 2019**

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

#### **187. MINUTES**

The minutes of the meeting of Cabinet held on 12 December, 9 January and 25 January 2019 were approved and signed by the Cabinet Leader as a correct record.

#### **188. DECLARATIONS OF INTEREST**

There were no declarations of interest.

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

The Cabinet received a copy of the 28 day Notice and Forward Plan prepared in accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 setting out the key (and non-key) decisions the Cabinet was intending to make at public and private meetings. There were two items that had been added to the 28 day notice which were the Joint Business Plan Refresh and the Performance Indicator Review.

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

**RESOLVED** that the 28 Day Notices and Forward Plan be noted.

#### **190. REVENUE BUDGET AND COUNCIL TAX 2019/20**

Cabinet received a report which provided information affecting the Council's revenue budget for 2019/20 in order for the Cabinet to make recommendations to Council on 27 February 2019 regarding the Council's budget and council tax for 2019/20.

The Director of Resources went through the report in detail as follows:-

- The announcement of the decision to create a unitary authority in Buckinghamshire from 2020/21 did not affect the requirement on the Council to set a legal and prudent budget for 2019/20 that addressed the Council's aims and objectives. However, it would be necessary at a corporate level to make provisions within reserves for the transition costs to the new unitary authority.

- The 19/20 Government funding figures were better than expected at the time of setting the 2018/19 budget as the Government had decided to cancel the 'negative RSG' of £414k planned for 2019/20.
- South Bucks District Council had been confirmed, alongside Bucks Authorities as part of the business rates pilot scheme. Bucks Authorities had formed a pool in order to retain more of the growth and for 2019/20 the pool would be expanded to also include Wycombe under the Government's 75% Business Rates retention pilot scheme.
- Since the December Cabinet there had been two amendments to the draft budget relating to the reduction in the Housing Benefit Administration grant of £20k and the additional car parking income of £30k. Car parking charges were still to be discussed at the Environment Policy Advisory Group in March.
- The overall effect of these changes would mean a budget requirement of £7,642k which would result in a council tax increase of £5 (3.2%) which was the maximum permitted for the Council by Government. This would equate to a District element of Council tax of £163 for a Band D property.
- The revised fees and charges were noted.
- In respect of the Planning and Economic Development fees and charges, pre-planning charges had been reviewed and benchmarked against other local authorities and a report looking at this in further detail would be brought to a future meeting. At this time, the charges would remain at their present level.
- The proposed 2019/20 budget did not require any use of the General Reserves to fund general expenditure which was an improvement on the position reported to Cabinet in December. However, consideration needed to be given to earmarking some of the reserves to fund the implementation costs of the new unitary authority. The original proposal for South Bucks District's share was £1.552 m.
- Earmarked reserves would be utilised for the Local Development Document reserve, Economic Development reserve and the National Infrastructure reserve.
- A number of projects were being progressed to implement further savings as a result of the reduction in Government funding such as the Planning Shared Service implementation and the Customer Experience Strategy.
- Section E of the report set out the advice from the Director of Resources identifying the main financial risks to the Council in the forthcoming year, such as a shortfall on income targets, cost of major planning inquiries and enforcement action, cost of temporary accommodation and letting income from Capswood offices. However, the Council was in a sound financial position with a prudent level of reserves.

Cabinet expressed their thanks to the Director of Resources and his team for their work on the budget.



**RECOMMEND** to Full Council that

1. the Revenue budget for 2019/20 as summarised in the table in paragraph 4.11 be approved.
2. the following use of earmarked reserves for 2019/20 be agreed.

- Local Development Plan	£315k
- Economic Development Reserve	£45k
- National Infrastructure Reserve	£5k
3. the contribution of £300k to the Local Development Plan Reserve from the General Fund to support expenditure on the Plan in 2020/21 be agreed.
4. the creation of a new earmarked reserve of £1,552k for unitary implementation costs be agreed. Part of this reserve will be drawn down in 2019/20 after approval by the Shadow Authority.
5. a budget requirement of £7,642k, which will result in a District council tax of £163.00 for a Band D property be approved.
6. the level of fees and charges for 2019/20 as set out in Appendix C be confirmed.
7. the advice of the Director of Resources as set out in Appendix A be noted.
8. the comments in the report on the Council's financial position in respect of the years following 2019/20 and the updated medium term financial position be noted.

And **RESOLVED** that this report be made available to all Members of the Council in advance of the Council Tax setting meeting on 27<sup>th</sup> February, and a final report be produced for the Council meeting incorporating the information from preceptors, and the final decisions of the Cabinet on the budget.

191. **CAPITAL STRATEGY AND CAPITAL PROGRAMME 2019/20 TO 2023/24**

The Cabinet considered a report on the Capital Strategy and proposed Capital Programme for 2019/20-2023/24.

The Director of Resources highlighted the following issues:-

- A budget of £1.5million had been allocated in 2021/22 for waste vehicles, as the current waste contract was due to end in October 2021.
- To address capacity issues construction of a Multi Storey Car Park in Gerrards Cross has been agreed and there was a budget of £13,051k over the course of the next two years.
- A budget of £61k in 2019/20 and £10k pa thereafter had been allocated for car park enhancements.
- The Taplow Moorings along the river edge need improvement and health and safety works in order to stop the river undercutting the current bank. This was a legal obligation on the Council as the riparian owner and a consultant would need to be engaged and the initial estimate of the works was £100k.
- Reference was made to the extension to Parkland Woodland Burial Site and Stoke Poges Memorial Gardens which should help bring in increased income to the Council and help meet demand.
- In addition to the main capital programme SBDC would be looking to undertake investments in Consilio.

After indicating their support for the Capital Strategy and proposed Capital Programme as set out in Appendix A, the Cabinet

**RECOMMENDED** to Full Council that the Capital Strategy including the Capital Programme for 2019/20 - 2023/24 as set out in Appendix A be approved.

## 192. **TREASURY MANAGEMENT STRATEGY 2019/20**

The Cabinet received a report on the Treasury Management Strategy for 2019/20 and related policies and were asked to consider whether to recommend to Council that the Strategy and associated policies be adopted.

The Director of Resources reported that the Council was required to formally review its treasury management policies each year as part of determining what level of returns would be achieved from investment. The expected return for 2019/20 from the proposed strategy was £100,000. Borrowing would be required in order to deliver the Council's Capital Strategy and its related Capital Programme. This would be from the Public Works Loan Board. Although borrowing would not be undertaken in advance of need, there would be some short term timing differences where funds would be borrowed and not yet required for payment of suppliers as part of projects in the approved Capital Programme.

Members noted that as with any budget based on forecasts of future interest rates there was a risk of variance due to factors outside the Council's control.

**RECOMMENDED** to Full Council that the Treasury Management Strategy 2019/20 and associated policies as listed below, be approved

- Appendix 1A – Annual Investment Strategy Policies
- Appendix 1B – Prudential Indicators including the borrowing limits
- Appendix 1C – the MRP method to be used in 2019/20

193. **FARNHAM PARK CHARITY BUDGET 2019/20**

Cabinet considered the draft budgets for the Charitable Trusts activities for 2019/20, including the proposed fees & charges in the confidential appendix. The budget for the operation of the Charity was divided into two areas; the golf and the playing fields.

The golf course was a significant income generator. The main deficit was as a result of the costs of operating the Playing Fields which was a major challenge facing the Charity which was added to by the fact that all the buildings on the site were approaching the end of their useful life. In the short term there were no options to reduce the deficit, but consideration was being given to options for the playing fields to improve usage and reduce the net cost. Any increases in golf green fees proposed were made in reference to other local golf courses, as usage was price sensitive.

**RECOMMENDED** to Full Council that the overall operating budget shown in para 3.9. and the fees and charges in confidential Appendix A of the report be approved.

194. **PERFORMANCE REPORT QUARTER 2 2018/19**

Cabinet received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for Quarter 2 of 2018-19.

Members received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for quarter 2 of 2018-19. Members noted that the percentage of food hygiene inspections of category A-D food businesses achieved against the inspection due by quarter was under target as a member of staff had left at the end of February and another member of staff had to be deployed away from food inspections to undertake nuisance work. An agency contractor had also left. In addition the average length of stay in bed and breakfast accommodation for all households was above target of 22 at 28 weeks because of one lengthy stay where the applicant had been subject to several reviews and legal appeal claims.

The Portfolio Holder for Environment expressed her thanks to staff with regard to their work on improving performance for addressing missed assisted collections also commenting on the good feedback from residents, particularly with regard to the adverse weather recently experienced. The Portfolio for Planning and Economic

Development reported that the planning service were on target for the current month but due to previous months' targets being missed, the cumulative total was slightly under target with the checking of planning applications. He thanked the Team for their hard work in improving performance. The Portfolio Holder for Customer and Business Support reported that despite a dip in performance in the Autumn there had been an improvement in performance for the vWorkspace desktop environment in Quarter 3.

**RESOLVED** that Cabinet note the performance reports.

195. **EXEMPTION TO CONTRACTS PROCEDURE RULES - INSTRUCTING VIABILITY CONSULTANTS**

Cabinet were asked to note that Management Team had agreed an Exemption to the Contract Procedure Rules. An outline planning permission had been submitted to the Council for the redevelopment of the Wilton Park site and it was important that the applicant's financial viability appraisal was expertly reviewed in order for this matter to be fully considered by the Planning Committee.

**RESOLVED** that it be noted that Management Team has agreed an Exemption to the Contracts Procedure Rules, to permit JLL to be instructed to advise the Council on the viability assessment submitted by the applicant relating to the proposed redevelopment at Wilton Park, Beaconsfield, HP9 2RL.

196. **CAR PARKING STRATEGY**

Cabinet considered a proposed five year car parking strategy for the District of South Bucks and agreed to commence public consultation and to authorise the Head of Environment in consultation with the Portfolio Holder to agree the final strategy having regard to any comments received during the consultation.

The Strategy included information on supply and demand, car park maintenance, parking charges and parking for specialist groups. There was no mandatory requirement for local authorities to produce a strategy although it was good practice to have one in place. SBDC published a car parking annual report which had detailed information on parking provision.

In 2017 Members had been consulted on a draft Strategy but this Strategy had been delayed due to discussions around the option of a joint strategy with Chiltern District Council. Following approval to proceed, agreement was being sought from Cabinet to introduce the car park strategy.

At a previous meeting of the Overview and Scrutiny Committee, Members had asked that the Strategy should recognise that some commuters were residents of the District. It was suggested that the Strategy should be amended to reflect that customers could be viewed as a number of groups such as residents, business and

commuters and should not be treated as a single group. A slight amendment was also made to the recommendations in the report by the Portfolio Holder. Cabinet welcomed the Strategy which aimed to manage and optimise the use of the District's car parks in a professional manner.

## **RESOLVED**

1. That adoption of the proposed five year car park strategy appended to the report setting out the Council's aim and objectives, along with associated parking operations for the District be supported subject to undertaking public consultation.
2. That the Head of Environment be authorised to commence public consultation.
3. That the Head of Environment in consultation with the Portfolio Holder be authorised to agree the final strategy after considering the comments received from the consultation including making any modifications as considered appropriate.

### **197. REVIEW OF REMAINING RECYCLING CENTRES**

Cabinet considered the future provision of recycling centres (bring sites), which the authorities provide. This report was considered by the Environment PAG on 20 November 2018 and the Portfolio Holder, having considered the advice of the PAG, agreed to recommend that the remaining eight recycling centres (bring sites) in the South Bucks District be closed with notice to the public in advance.

The removal of the eight recycling centres was recommended for a number of reasons which were outlined in the report which included areas such as the mis-use of the centres by businesses and residents resulting in contamination and poor quality material. In addition the benefits delivered by the recycling centres in terms of useful recycling and convenience for residents were now not proportionate to the costs of collection and sorting of material.

Cabinet welcomed the report and referred to the re-use of the space for areas such as enhanced parking. In response to a question the Portfolio Holder for Environment reported that there was already an extensive collection from households, for example, for clothing, batteries and small items.

## **RESOLVED**

That the remaining eight recycling centres be closed and the future direction of service be agreed.

198. **CHARGING FOR REFUSE AND RECYCLING CONTAINERS IN THE SOUTH BUCKS DISTRICT**

Cabinet considered the introduction of charges for refuse and recycling containers to residents in certain specified circumstances to align South Bucks District Council's policy with services delivered in the Chiltern and Wycombe Districts. The Portfolio Holder agreed to recommend the following recommendations to Cabinet having discussed this with the PAG on 20 November 2018. The introduction of charging was recommended to reduce the pressure on budgetary expenditure, but also to encourage residents to take greater responsibility for their containers. The Portfolio Holder for Planning and Economic Development emphasised that this decision did not impact on damaged or broken containers which would be replaced for free when damaged by the collection crews.

**RESOLVED**

- 1 That charges to residents for waste containers be introduced where they . are lost, stolen, damaged by a resident or not present when a resident moves into a property.
- 2 That the charges levied are in line with those already set for residents in the Chiltern and Wycombe Districts.

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

The Policy Advisory Group Minutes were noted.

200. **EXCLUSION OF 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.

201. **FARNHAM PARK CHARITABLE TRUST - FEES AND CHARGES**

The exempt appendix was noted and clarification was sought on the pricing for the green fees for casual users.

**The meeting ended at 6.46 pm**

## **GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE**

### **Meeting - 29 October 2018**

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

Apologies for absence: J Lowen-Cooper

#### **29. DECLARATIONS OF INTEREST**

No interests were declared.

#### **30. MINUTES**

The minutes of the Governance and Electoral Arrangements Committee held on 26 June 2018 were approved and signed by the Chairman as a correct record.

#### **31. TO CONSIDER THE FIRST CONSULTATION RESPONSES ON THE COMMUNITY GOVERNANCE REVIEW**

At the previous meeting the Committee agreed to conduct a Community Governance Review for Denham, Stoke Poges and Farnham Royal parish councils. This followed requests received from those parish councils for South Bucks District Council to the review and change the governance arrangements in place, specifically relating to council size and the warding arrangements for those parish councils. At that meeting authority was delegated to the Head of Legal and Democratic Services, in consultation with the Chairman, to agree the Terms of Reference of the review.

A public consultation took place from 3 September to 12 October 2018 inviting local electors and other interested parties to submit their views and comments on the current governance arrangements for the three parish councils, or to propose changes. Members considered the responses to the consultation, relevant guidance, electorate ratios and the proposed draft recommendations for the three parishes, as set out in the report.

Denham Parish Council's initial request proposed that all wards be removed from the parish so that it becomes an unwarded parish. During the consultation 3 representations were received proposing that all parish wards be removed in Denham. None of the representations received suggested that there be any change to the council size.

Stoke Poges Parish Council's initial request proposed that the council size be reduced from 13 to 9 Parish Councillors. During the consultation, responses proposed that the number of councillors be reduced from 13 to 9, 10, or 11.

Guidance suggests that 11 Councillors is recommended for an electorate of 3,500, and 12 for an electorate of 4,400. A reduction in Council size to 11 Councillors would bring the elector ratio up from 300 to 355 which is closer to the South Bucks Parish Council average of 384. One representation also proposed that parish wards be removed; however there are no parish wards at present.

Farnham Royal Parish Council's initial request proposed removing the current three parish wards so that it became an unwarded parish. One representation received during the consultation recommended this approach. Another representation received recommended that a minimum of two wards be retained in order to align with the two county electoral divisions. The guidance recommends that principal council boundaries align with parish wards. No representations were received regarding the council size.

The next stage of the review was to submit the Committee's draft recommendations to public consultation. The representations received during this second stage of consultation would then be considered by the Committee at the next meeting on 16 January 2019. The Committee would then be asked to agree final recommendations for consideration by Full Council.

Following a discussion it was **RESOLVED** that:

1. The representations received during the first consultation, as set out in Appendix 3, be noted.
2. The following draft recommendations be agreed:
  - a) Denham Parish Council – remove all parish wards
  - b) Stoke Poges Parish Council – reduce the size of the council from 13 to 11 parish councillors
  - c) Farnham Royal Parish Council – remove 1 parish ward (by combining Farnham Royal South with Farnham Royal Central) to create a total of 2 parish wards



32. **CONSULTATION ON THE DETAILED PROPOSALS FOR THE MODERNISATION OF THE ANNUAL CANVASS IN ENGLAND, SCOTLAND AND WALES.**

The Government was consulting on proposed changes to the annual canvass – the annual check carried out by Electoral Registration Officers (EROs) to ensure that the electoral register remained accurate and up-to-date.

Currently all ERO's must conduct an annual canvass prior to the publication of the revised electoral register on 1 December by writing to every household asking for the details on the electoral register to be confirmed or to advise of any changes. Pilots had been carried out by some EROs trialling new ways of conducting the annual canvass for example by using telephone and email contact methods. The majority of households' details remain unchanged each year, but Councils are currently still required to chase households where no response has been provided, even where details may remain the same.

The Government's proposals were aimed at streamlining the annual canvass, informed by the pilots carried out, to enable EROs to focus resources on encouraging responses from properties and electors that may not be registered. The proposals included using a data matching exercise at the start of the annual canvass to determine the level of contact required. In summary, three routes were proposed. Route one would be used where all electors' details could be confirmed as correct using national and local data matching. Those households would then receive one piece of correspondence and the ERO would not necessarily need to chase up non responding properties. Route two would be used where data matching had identified that information may not be correct or up-to-date. EROs would still be required to chase up responses using two reminders plus a personal canvass, similarly to the current annual canvass. Route three would be used where multiple occupants live at the same address. A single officer would then be asked to provide a list of people eligible to register to vote at the property. The ERO could then issue Invitations to Register (application form to register to vote) to those residents.

A draft response to the Government's consultation on reforming the annual canvass was considered by the Committee, and after noting a number of minor formatting changes that would be made to the consultation response, it was **RESOLVED** that:

1. The Government's consultation on reforming the annual canvass be noted.
2. Authority be delegated to the Head of Legal and Democratic Services, in consultation with the Chairman of the Governance and Electoral Arrangements Committee, to submit a response to the consultation.

The meeting terminated at 6.43 pm

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## **SOUTH BUCKS DISTRICT COUNCIL**

### **MINUTES of the meeting of the GOVERNANCE AND ELECTORAL ARRANGEMENTS COMMITTEE held on 16 JANUARY 2019**

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

Apologies for absence: J Lowen-Cooper

#### **33. MINUTES**

The minutes of the Governance and Electoral Arrangements Committee held on 29 October 2018 were approved and signed by the Chairman as a correct record.

#### **34. DECLARATIONS OF INTEREST**

There were no declarations of interest.

#### **35. RESPONSES TO THE SECOND STAGE OF CONSULTATION FOR THE COMMUNITY GOVERNANCE REVIEW**

On 26 June 2018, the Committee agreed to conduct a Community Governance Review on the governance arrangements for Denham, Farnham Royal and Stoke Poges Parish Councils. This was in response to requests received from those Parish Councils.

At the previous meeting, held on 29 October 2018, the Committee considered the responses received during the first stage of consultation on the proposed changes to the governance arrangements for those Parish Councils, and agreed the draft recommendations for the second stage of consultation.

The Committee considered the responses received during the second stage of the consultation, and noted that these all supported the draft recommendations. One response, whilst supporting the Committee's recommendation to reduce the size of Stoke Poges Parish Council from 13 to 11 Councillors, did express preference for a larger reduction to 10 Councillors. Members noted the guidance on electorate supported a Council size of 11.

The Committee's final recommendations were subject to agreement by Full Council on 27 February 2019. Once agreed, a Reorganisation Order would be made setting out the changes to Denham, Stoke Poges and Farnham Royal Parish Councils'

governance arrangements. The Order would set an implementation date for when the changes took effect which was likely to be 1 March 2019.

It was then then **RESOLVED:**

1. That the representations received during the second stage of the Community Governance Review consultation be noted.

**AND RECOMMENDED TO FULL COUNCIL:**

2. That the Committee's final recommendations be agreed as follows:
  - a) Denham Parish Council – Removal of all Parish Wards
  - b) Stoke Poges Parish Council – Reduce the size of the Council from 13 to 11 Parish Councillors
  - c) Farnham Royal Parish Council – Remove 1 Parish Ward (by combining Farnham Royal South with Farnham Royal Central) to create a total of 2 Parish Wards called Farnham Royal North and Farnham Royal South.

36. **POLLING DISTRICT AND POLLING PLACES REVIEW**

The Committee received a report setting out the process and proposed timetable for carrying out a UK Parliamentary polling district and polling places review that had to be completed between 1 October 2018 and 31 January 2020.

A review had been completed in 2018, resulting in St Andrews United Reformed Church being designated the polling place for the polling district (SIR) Iver Richings Park. Since the completion of that review further information had been received indicating that the building may not be available for use as a polling station in the future. It was proposed that as part of the forthcoming review that St Leonards Church Hall be re-designated the polling place Iver Richings Park.

It was also noted that the Districts of Aylesbury Vale, Chiltern, South Bucks and Wycombe (Changes to Years of Elections) Order 2018 postponed the 2 May 2019 District and Parish Elections to 7 May 2020. In effect the term of office for District and Parish Councillors had been extended by one year.

Members noted that the Notice of Review would be published on 1 February, and following the consultation the Acting Returning Officer would publish a report setting out the existing and proposed polling places. This would then be subject to a second consultation, and the results of which would be considered by the Governance & Electoral Arrangements Committee in October 2019 when the Committee would be asked to agree the final recommendations to be implemented.

**RESOLVED:**

1. That the requirement to complete a UK Parliamentary polling district and polling places review by 31 January 2020 be noted.
2. That the proposed timetable for carrying out the necessary consultation and consideration of comments and representations be noted.

**The meeting ended at 6.10 pm**

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**SOUTH BUCKS DISTRICT COUNCIL  
CHILTERN DISTRICT COUNCIL**

**MINUTES** of the Meeting of the  
**JOINT STAFFING COMMITTEE**  
held on **28 JANUARY 2019**

**PRESENT:** Councillor I Darby - Chairman

Councillors: C Jones  
P Jones  
D Phillips  
M Smith  
M Stannard  
R Bagge  
N Naylor  
L Sullivan

**APOLOGIES FOR ABSENCE** were received from Councillor D Saunders. Councillor N Naylor apologised for lateness.

48. **MINUTES**

The minutes of the Joint Staffing Committee meeting held on 18 July 2019 were approved and signed by the Chairman as a correct record.

49. **DECLARATIONS OF INTEREST**

None.

50. **HR UPDATE**

*Councillor N Naylor entered the meeting 18:36*

The Committee received an update on key employment data and HR Projects, and noted the following key points:

- The number of leavers throughout 2017/ 2018 and 2018/2019 had been at a consistent level.
- Upon leaving, members of staff were asked their reason for leaving. Thus far, the decision by the Secretary of State to proceed with a single unitary authority model of governance for Buckinghamshire had not featured as a reason for staff leaving.

- Absence levels had decreased this year.
- The health and wellbeing programme was ongoing, occupational health providers had been invited to the Councils to provide a variety of workshops for staff.
- The HR Team were looking to develop their social media presence to support the recruitment process.
- The vacancy portal for all staff across the 5 Buckinghamshire Councils was now live. Staff can now view all job vacancies at the 5 Councils in one central place. These vacancies will be advertised internally for 7 days prior to the vacancies being publicised externally.
- There had been a response rate of 66% for the 2018 staff survey. 100% of staff responded that they were aware of the Councils' values and behaviours. A report would be brought to the next Committee meeting with a comparison of the results to the 2017 results.
- The second cohort of staff on the management development programme had now completed the programme. A certificate presentation ceremony was due to be held on Thursday 31 January 2019. Members of the Joint Staffing Committee were invited to attend the event if they wished.
- The Waste Team restructure as part of the customer experience programme was now complete. It was noted that staff on fixed term contracts would not be replaced, and there had been no redundancies. There had been some internal movement in the Facilities Team. Members were advised that Phase 1 of the programme was progressing well.
- In relation to unitary governance, the HR leads from each of the constituent Councils met weekly and were currently defining key work streams going forward. Work relating to what the Councils must do to continue to be safe and legal was the focus for the HR Manager at Chiltern and South Bucks District Councils. The HR leads were also coming up with proposals on the process to appoint to the post of Chief Executive for the new authority.

Members recognised that the sickness absence figures presented were positive, but were concerned that the way the figures were presented, if read literally were misleading. The layout would be reviewed by officers for the next update.

It was noted that the average time to hire column in the table at 2. 1. 2 indicated the average time between a post being advertised and an offer being made and accepted by a candidate.



Members suggested that a commentary be provided within the update report to further explain any data presented, as well as the successes and challenges that face the HR function at the Councils. In addition, that any chart axis include a comprehensive explanation for complete clarity.

The Committee were assured that future reports would contain exception reporting, as well as include information relating to specific departments where appropriate to explain the figures. By way of example, to include a brief explanation as to why a position had not been filled, in order to highlight hard to fill positions.

Members were pleased with the health and wellbeing programme, and initiatives around resilience through change.

A Member enquired as to whether the Councils were reducing the establishment figures due to the customer experience programme, and it was advised that there was no plan to reduce the overall number of staff beyond the approved business plan. However, it was noted that numbers of staff had reduced marginally as some staff on fixed term contracts had come to the end of their contract.

**RESOLVED:**

**That the report be noted.**

**51. PAY POLICY STATEMENT 2019/20**

The Committee considered a report on the pay policy statement for 2019/20. It was noted that the Councils had a statutory duty under the Localism Act 2011 to publish a statement yearly. The Pay Policy Statement 2019/20 was at Appendix 1.

It was noted that the data in sections 3 and 4 of the report would need to be updated after the pay award on 1 April 2019 had been processed.

Subject to the figures being included in the statement when they are known, the Joint Staffing Committee agreed to

**RECOMMEND to Full COUNCIL**

**That the Pay Policy Statement 2019/2020 at Appendix 1 be adopted.**

The meeting ended at 7.00 pm

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## **OVERVIEW AND SCRUTINY COMMITTEE**

### **Meeting - 8 November 2018**

Present: M Bradford (Chairman)  
P Bastiman, M Bezzant, D Dhillon, T Egleton, M Lewis and P Kelly

Also Present: S Chhokar, B Harding, G Hollis, R Reed, G Sandy, D Anthony, J Jordan, N Naylor, L Sullivan, D Smith

Apologies for absence: D Saunders

#### **80. DECLARATIONS OF INTEREST**

There were no declarations of interest. Concern was raised by a Member who had called-in the decision that some of the Members who were on the Scrutiny Committee should declare an interest as Members of the Planning Committee that considered the planning application relating to this proposed development. A similar concern was raised in the case of one of the Scrutiny Committee Members who had previously been a Portfolio Holder responsible for the project. The Head of Legal and Democratic Services clarified that under the code of conduct Members of the Planning Committee did not have an interest to declare as only the decision made by the Cabinet on 17 October 2018 was being considered by the Committee, not the Planning Committee's decision. The Member who had previously been the Portfolio Holder for Resources did not have an interest to declare as he was not a member of Cabinet at the time of making the decision under consideration by the Committee.

#### **81. CHAIRMAN'S INTRODUCTION**

The Chairman and the Director of Resources outlined the procedure for the call-in process. First, those Members who had called-in the decision would be invited to address the Committee and Committee Members would be invited to question those Members. Secondly, the Leader, on behalf of the Resources Portfolio Holder would present the response to the call-in questions. The Scrutiny Committee Members would then be invited to question the Leader on his responses.

The Director of Resources informed the Committee that they then would be invited to consider which of these recommendations they wished to agree, either to:-

- a. Over-rule the call-in and allow the Cabinet's decision relating to Station Road Car Park in Gerrards Cross to stand and for implementation to proceed; or
- b. remit the matter back to Cabinet for reconsideration at the next appropriate meeting with an explanation of the Committee's concerns and any specific considerations that need to be taken into account on re-consideration.

82. **STATION ROAD CAR PARK, GERRARDS CROSS - CALL-IN OF CABINET DECISION**

Members received a report with the agenda for the meeting containing details of the call-in to the Committee of the Cabinet's decision on 17 October 2018 in respect of Station Road Car Park together with the Council's Overview and Scrutiny procedure rules.

The Committee considered the submission from the District Councillors who called in the decision. The following Members were invited to explain the grounds for the call-in request; Councillors Chhokar, Dhillon, Harding, Hollis, Reed and Sandy.

Point One

Concerns regarding the business case which were discussed recently at the Resources Policy Advisory Group on 25 September 2018. Two Members at this meeting expressed concern over the assumptions of usage of the expanded car park, and consequently whether this scheme was a good use of taxpayer's money.

Members who requested the call-in made the following additional comments:-

- The business case was flawed and there would be a significant deficit from the implementation of the car park, which would be a large risk to the Council.
- Future technology, such as driverless cars and a reduction in car ownership should be taken into account.
- The Council did not have a car park strategy and reference was made to past discussions at the Resources PAG (June 2017) and the Environment PAG in November 2017.
- The payback period for the project was too long and would not be acceptable to a commercial developer. Concern was expressed about the figures used for the business case and the assumptions that have been made about car park occupancy so that the surplus over 40 years would be very small and very sensitive to the assumptions being used. Increments in car park charges of 4% per annum were above inflation forecasts and it could not be assumed that motorists would be prepared to pay this. A more detailed sensitivity analysis was required to see the impact of lower occupancy rates and lower income increases.
- Concern was expressed regarding a conflict of interest with the planning consultants who undertook the work on the business case as they were under the same commissioning framework as the construction company.
- A photograph of the car park was tabled showing car park usage on a week day, but it did not specify the date or time on the photograph.

Point Two – Communication and consultation with local residents

Members who requested the call-in made the following additional comment:-

- Concern was expressed about the process of consultation with local residents, which had just been information sharing and that the Portfolio Holder for Resources had not taken into account their concerns.

Point Three

Concerns regarding the amount of money being borrowed for the Project and the risks associated with this, should be considered by the Overview and Scrutiny Committee, particularly bearing in mind the possibility of Local Government re-organisation.

Members who requested the call-in made the following additional comments:-

- This project was high cost/high risk with a low return and its size and location had not been considered properly, as there was no overall car park strategy. With the recent announcement relating to the formation of a new Unitary District Council projects such as this with a long payback period should be stopped.
- The costs of the project increasing from £9.375m to £13.931m.
- This project would be a burden on the taxpayer and should not be taken forward with a new unitary being set up.

Point Four

Concerns that the full details of alternative schemes and options have not been fully considered by members and the reasons for rejecting them.

Members who requested the call-in made the following additional comments:-

- A mixed use scheme would be more appropriate for the locality and proportionate to the actual likely demand for car parking, which could reduce in the future due to new technology around driverless cars.
- Cabinet had not considered alternative design schemes for the car park in enough depth.

**83. RESPONSE TO THE CALL-IN**

The Leader was then asked to respond to the four call-in points put forward by Members.

Point 1

Concerns regarding the business case which were discussed recently at the Resources Policy Advisory Group on 25 September 2018. Two Members at this meeting expressed concern over the assumptions of usage and consequently whether this scheme was a good use of taxpayer's money.

The Leader responded as follows:-

When the Resources PAG considered the Gerrards Cross Car Park Business Case report on 25 September 2018 concern was raised that the car park take up

assumptions were too optimistic i.e. building up to 85% occupancy by year 3.

<b>Business Case Figures are as follows</b>	Cabinet Report
85% Occupancy by year	3
IRR - should be more than borrowing cost	2.73%
Net Present Value - negative is good	£6,535,359
(Surplus) / Loss - negative is good	-£1,273,481

He referred to the financial business case which was at Appendix 2B of the agenda. The key point was that the predicted demand from the parking studies for Gerrards Cross was greater than what this car park would deliver; therefore it was not unreasonable to assume it would have a high level of usage within a reasonable short time frame as there would still be an element of unmet demand.

Questions were asked by the Committee to the Leader of the Council and the following points were noted from his responses:-

- The initial costs went up once the final design in the planning application had been agreed, and also the revised timetable for the project which included a year's delay in construction, which led to cost increases.
- The return on the investment of £1.2 million would be realised over a 40 year period and at the end of this period the Council would still own the asset and the land.
- There were other examples of business cases for similar, publicly led projects over a 40 year timeframe for this type of project.

Following questions by Councillors Bastiman and Bezzant it was agreed that a written response would be sent out to Members with regard to the following question:-  
What will happen with the asset after 40 years and what is the benchmark for Government borrowing for that term?

Point Two - Communications and consultation with local residents.

The Leader responded as follows:-

Two information events were held 31<sup>st</sup> October 2016 and 21 May 2018. Both were well represented by the Project team and also well attended by members of the local community. A representative from the Architects Broadway Maylan and Planning consultants Peter Brett associates attended; this included the Client Project Manager and Balfour Beatty who were all there to answer questions for visitors. Officers and Members also attended. The public were notified by leaflets to commercial and residential occupiers in Station Road and posters were positioned around the car park and via information on social media and the Council's website. Local businesses were

contacted and meetings were held with BP Collins, Tesco stores and Waitrose and there was a regular dialogue with the Town Council. During the statutory planning consultation period there was 330 responses received.

Following questions by the Committee, Members noted that Gerrards Cross Town Council supported the car park and the planning application. A Member asked what changes had been made following the communication and consultation period. The Leader reported that as per normal practice, feedback was rigorously examined and taken into account. The feedback for example had influenced some of the external design features of the building.

Following a question by Councillor Bezzant, it was agreed that written responses would be provided on the following question:-

With regard to the public consultation in 2016 and 2018 how many people attended and were the public events held over a series of days and times so that people could attend ?

With regard to the leaflet drop what area was covered including the number of houses ?

Point Three

Concerns regarding the amount of money being borrowed for the Project and the risks associated with this, should be considered by the Overview and Scrutiny Committee, particularly bearing in mind the possibility of Local Government reorganisation.

The Leader responded as follows:-

The Business Case Report proposed that the project would be funded by borrowing from the Public Works Loan Board (PWLB).

The total amount to be borrowed was equal to the amount required to fund the scheme. The total cost of which has been robustly tested.

The Key risks and Mitigation for the project have been considered and were contained in the Cabinet report.

Local Government reorganisation had no impact on car parking demand and when local government organisation occurred, both the asset and the loan would transfer to the relevant new organisation. Until the new unitary organisation came into effect South Bucks District Council continued to discharge its duties in terms of addressing future car parking demand.

Following questions by the Committee, it was noted that although a decision had been made on having a Unitary District Council, the Council needed to discharge its

statutory functions in the usual way. The timetable for a Unitary District Council to be established was 1 April 2020.

A discussion then took place on whether a private organisation, who had access to this funding and process would take out a similar investment. The Leader responded that Councils generally perform functions that the private sector would not, as the Council was a public sector organisation providing services to the public. Therefore, it was able to take a view on the public benefit of an investment, whereas private companies purely look at financial return. However, the Cabinet were satisfied that the business case was robust. The Internal Rate of Return which was a metric used to calculate the profitability of potential investments but was not an absolute yardstick for public bodies, Councils could take advantage of favourable loan rates from the Public Works Loan Board which could also be fixed for long durations unlike many commercial loans. In the longer term as the income grew with inflation, but the cost of the loan did not, the development would cover its costs and provide a return to the Council. The payback period would be too long for a commercial operator but the prime purpose of the project was to meet expected parking need

Following a question from Councillor Bastiman, it was agreed that a written response would be provided on the following question:-

What information was given to Cabinet with regard to the risk analysis undertaken for the Gerrards Cross Car Park project ?

A further question was asked regarding car park charging, with prices rising in regular increments of 50p averaging about 4% a year over the next 40 years and whether the Cabinet had considered different scenarios addressing possible risks. The Leader reported that a sensitivity analysis had been carried out showing the effect on the business case of changing various assumptions. There was a table in the Cabinet report which showed the effect on the Internal Rate of Return, Net Present Value and Profitability figures if some of these assumptions were changed. The Leader was asked if the Cabinet were satisfied with these assumptions and the Leader confirmed that Cabinet was satisfied.

Point 4

Concerns that the full details of alternative schemes and options have not been fully considered by Members and the reasons for rejecting them e.g. a mixed use scheme would be more appropriate for the locality and proportionate to the actual likely demand for car parking, which could reduce in the future due to new technology.

The Leader responded as follows:-

Members previously considered a number of alternatives for the car park these included not only varied heights but also a mixed used scheme. The reduction of the height and a light weight structure was considered in Cabinet in April 2018 but discounted as they as it did not provide enough spaces to meet the predicted car



parking demand and the business cases for both were not as beneficial as the one for the development settled upon. The mixed use scheme was explored early in 2017 and was also dismissed due to the limited number of car parking spaces that would be available after taking into account the parking for the shops and residential premises.

Following a question from Councillor Kelly, it was agreed that a written response be provided to the following question:-

What was the feedback from Members when the alternative options were rejected ?

#### 84. COMMITTEE DELIBERATION

Having considered the call in request and response Members were then asked to consider the recommendations set out in the report and were asked to vote on each point of the call-in request in turn, whether they wished the call-in point to be overruled or to refer the matter back to Cabinet.

##### Point One

Concerns regarding the business case which were discussed recently at the Resources Policy Advisory Group on 25 September 2018. Two Members at this meeting expressed concern over the assumptions of usage and consequently whether this scheme was a good use of taxpayer's money.

Committee Members made the following comments:-

- Councils provided a public service and needed to charge reasonable prices for car parking, not to make excessive profits.
- The new car park was being proposed because a demand for additional parking had been established by a number of surveys. Future building in Gerrards Cross would create additional demand for parking and parking was important for a thriving local economy.
- This project was a good use of taxpayers money.

Councillor Kelly proposed that the call-in be overruled on this point which was seconded by Councillor Egleton and following a vote it was resolved that the call-in be overruled for point one.

##### Point Two - Communications and consultation with local residents

Committee Members commented as well as the statutory consultation as part of the planning application process, communication and consultation had been undertaken on two occasions, involving the Town Council. Whilst Members appreciated that some residents had not felt involved in the process there were no rules which set out how the consultation should be conducted.

Councillor Bezzant proposed that the call-in be overruled on this point which was seconded by Councillor Kelly and following a vote it was resolved that the call-in be overruled for point two.

Point Three

Concerns regarding the amount of money being borrowed for the Project and the risks associated with this, should be considered by the Overview and Scrutiny Committee, particularly bearing in mind the possibility of Local Government reorganisation.

Committee Members were satisfied that the business case and risks had been fully considered by Cabinet, including the sensitivity analysis.

Councillor Bezzant proposed that the call-in be overruled on this point which was seconded by Councillor Kelly and following a vote it was resolved that the call-in be overruled for point three.

Point Four

Concerns that the full details of alternative schemes and options have not been fully considered by Members and the reasons for rejecting them e.g. a mixed use scheme would be more appropriate for the locality and proportionate to the actual likely demand for car parking, which could reduce in the future due to new technology.

Committee Members considered that a number of alternative options had been discussed and the consultant's report had demonstrated a need for additional car parking, however the other options presented would not meet that need as well as the proposed solution and therefore this proposal should be taken forward as the preferred option.

Councillor Bastiman proposed that the call-in be overruled on this point which was seconded by Councillor Lewis and following a vote it was resolved that the call-in be overruled for point four.

Therefore it was:-

**RESOLVED** that the call-in be overruled which allowed the Cabinet's decision relating to Station Road Car Park in Gerrards Cross to stand and for implementation to proceed.

The meeting terminated at 7.15 pm



Sent via email to:  
Councillors Bezzant, Bastiman and Kelly  
Cc: All Overview and Scrutiny Members

**Councillor Nick Naylor**  
Leader of the Council

[cllr.nick.naylor@southbucks.gov.uk](mailto:cllr.nick.naylor@southbucks.gov.uk)

19 November 2018

### **Questions on Station Road, Gerrards Cross Car Park**

Dear Councillors

Further to the questions you asked at the meeting of the Overview and Scrutiny Committee on 8 November 2018 on Gerrards Cross Car Park please find below the written responses to those questions:

1. What will happen with the asset after 40 years and what is the benchmark for Government borrowing for that term?  
After 40 years the Council (or its successor) will still own the asset. The PWLB offers loans to Councils for periods of between 1 and 50 years. It is common for Councils to take out long term loans to finance long term investments. Details of all recent PWLB loans are available from <https://www.dmo.gov.uk/responsibilities/local-authority-lending-pwlb/monthly-loans-report/>
2. With regard to the public consultation in 2016 and 2018 how many people attended and were the public events held over a series of days and times so that people could attend ?

The information events took place on the 31<sup>st</sup> October 2016 and 21 May 2018. They were both held at the memorial hall in Gerrard's Cross from 3pm to 8pm. The events were well attended with a regular flow of people throughout the day. However no formal record was kept of how many people attended.

In addition information boards were left in the Memorial Hall, Capswood, Tatling End and the Library. These were displayed in the library and Capswood for a number of months. The information boards also directed people to the planning portal should they wish to make a comment on the planning application. As was reported to the Overview and Scrutiny meeting, over 300 representations were received commenting on the planning application.

3. With regard to the letter drop what area was covered including the number of houses?

The leaflet drop was undertaken in early October 2016 to all residential and commercial properties on Station Road. Access to one block of flats (Portland House) was not possible as there was no accessible post box and no ability to push leaflets under doors. However that particular property is opposite the site and a number of posters were in the car park at several locations.

4. What information was given to Cabinet with regard to the risk analysis undertaken for the Gerrards Cross Car Park project ?

Risks were set out in the April 2018 report (Item 8) and 17<sup>th</sup> October 2018 report (Item 14)

April 2018

<http://sbdc-spider2.southbucks.gov.uk/democracy/ieListDocuments.aspx?CId=121&MIId=2594&Ver=4>

October 2018

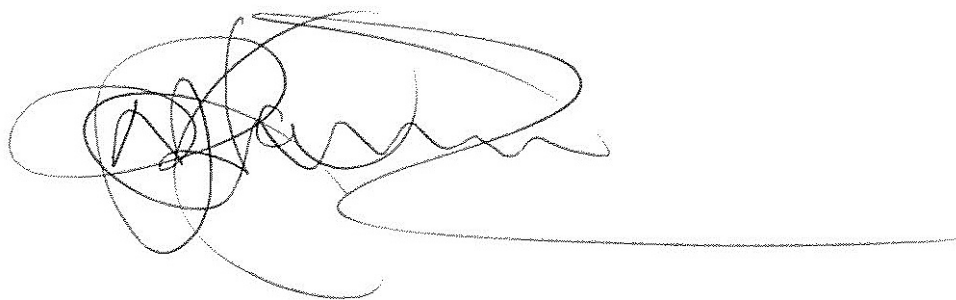
<http://sbdc-spider2.southbucks.gov.uk/democracy/ieListDocuments.aspx?CId=121&MIId=2843&Ver=4>

5. What was the feedback from Members when the alternative options were rejected ?

Minutes of the 22<sup>nd</sup> March 2018 Resources PAG meeting noted that only the full size scheme would meet the potential need and be cost effective. Members also considered a mixed-use alternative scheme but concluded that the scheme would not meet the parking need in Gerrard's Cross and therefore decided not to pursue the scheme. After discussion, the advice given to the Portfolio Holder by the majority of the PAG was that the project should go ahead.

<http://sbdc-spider2.southbucks.gov.uk/democracy/ieListDocuments.aspx?CId=130&MIId=2567&Ver=4>

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Nick Naylor', with a long horizontal flourish extending to the right.

Councillor Nick Naylor  
Leader of the Council

## OVERVIEW AND SCRUTINY COMMITTEE

Meeting - 29 January 2019

Present: M Bradford (Chairman)  
P Bastiman\* and D Dhillon\*  
(\*arrived at 6.05 and 6.07pm)

Also Present: L Sullivan and J Read

Apologies for absence: M Bezzant, T Egleton, P Kelly, M Lewis and D Saunders

### 85. FRIMLEY PARK TRUST UPDATE - NEIL DARDIS

This presentation was deferred to the February meeting as the agenda was reduced due to the adverse weather conditions expected.

### 86. PRESENTATION ON THE INDUSTRIAL STRATEGY - IAN BARHAM (LEP)

The presentation was deferred to the February meeting as the agenda was reduced to the adverse weather conditions expected.

### 87. MINUTES

The minutes of the Overview and Scrutiny Committee meetings held on 8 October and 8 November 2018 were approved and signed by the Chairman of the Committee as a correct record.

### 88. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 89. CAR PARKING STRATEGY

Members of the Overview and Scrutiny Committee received a report which provided detailed information regarding a car park strategy for the South Bucks District. The Strategy included information on supply and demand, car park maintenance, parking charges and parking for specialist groups. There was no mandatory requirement for local authorities to produce a strategy although it was good practice to have one in place. SBDC published a car parking annual report which had detailed information on parking provision.

In 2017 Members had been consulted on a draft Strategy but this Strategy had been delayed due to discussions around the option of a joint strategy with Chiltern District Council. Following approval to proceed, agreement was being sought from Cabinet to introduce the car park strategy.

Following a question, Members noted that the car park strategy did not set out specific charges and that a report on charges would be discussed at the Environment PAG in March and then submitted to the Cabinet for approval. This was because the Council had to follow a legal process for amending the Off Street parking Places Order which included a statutory consultation. There would also be a report on charging for electric vehicles. The review of parking charges would also include information on free parking for example where half an hour free parking was given to Parish Councils.

A Member asked that the Strategy should recognise that some commuters were resident of the District. It was agreed that the Strategy should be amended to reflect that customers could be linked to a number of groups such as residents and commuters and should not be treated in isolation.

**RESOLVED** that the report be noted and that Cabinet be informed that the Committee had no comments to make, except for the amendment in relation to the categorisation of customers.

90. **PLANNING SHARED SERVICE IMPLEMENTATION UPDATE**

This item was deferred to the meeting in February as the agenda was reduced due to the adverse weather conditions expected.

91. **COMMENTS, COMPLIMENTS AND COMPLAINTS PROCEDURE**

Members of the Overview and Scrutiny Committee were invited to comment on the draft Compliments, Comments and Complaints Procedure prior to the new procedure being adopted. The Head of Customer Services reported that one of the projects to be delivered as part of the Customer Experience Programme was to review the way that the Council dealt with Compliments, Comments and Complaints across the Councils. The draft Procedure included best practice as recommended from the Local Government Ombudsman and also the provision to monitor complaints centrally to learn from feedback and what action should be taken as a result of this feedback. There would be a workflow created in the new digital platform using the case management system.

Members noted that the next step of the procedure would be to complete the design of the process for reporting, dealing with, monitoring and reporting on complaints as part of the phase one work of the Customer Experience Programme which would be going live in June 2019. However, this new procedure would take effect in service areas from 1 April 2019. A procedure was also being drafted on vexatious complaints. If Members had any further comments on the procedure they should email them to the Head of Customer Services.

**RESOLVED** that the report be noted.

92. **REVENUE BUDGET AND COUNCIL TAX 2019/20**

Members of the Overview and Scrutiny Committee received a report providing information which affected the Council's revenue budget for 2019/20 and the setting of Council Tax for 2019/20.

The Director of Resources went through the report in detail as follows:-

- The announcement of the decision to create a unitary authority in Buckinghamshire from 2020/21 did not affect the requirement on the Council to set a legal and prudent budget for 2019/20 that addressed the Council's aims and objectives. However, it would be necessary at a corporate level to make provisions within reserves for the transition costs to the new unitary authority. Work would need to be undertaken by the five Section 151 Officers to aggregate the Medium Term Financial Strategies of all five Councils.
- The 19/20 figures were better than expected at the time of setting the budget as the Government had decided to cancel the 'negative RSG' of £414k.
- Since the December Cabinet there had been two amendments to the draft budget relating to the reduction in the Housing Benefit Administration grant of £20k and the additional car parking income of £30k. However, this was still to be discussed at the Environment Policy Advisory Group in March.
- The overall effect of these changes would mean a budget requirement of £7,642k which would result in a council tax increase of £5 (3.2%) which was the maximum permitted for the Council by Government. This would be up to £163 for a Band D property.
- The revised charges were noted.
- The proposed 2019/20 budget did not require any use of the General Reserves to fund general expenditure which was an improvement on the position reported to Cabinet in December. However, consideration needed to be given to earmarking some of the reserves to fund the implementation costs of the new unitary authority. The original proposal for South Bucks District was £1.552 m.
- Earmarked reserves would also be utilised for the Local Development Document reserve, Economic Development reserve and the National Infrastructure reserve.
- A number of projects were being progressed to implement further savings as a result of the reduction in Government funding such as the Planning Shared Service implementation and the Customer Experience Strategy.
- Section E of the report set out the advice from the Director of Resources identifying the main financial risks to the Council such as a shortfall on income targets, cost of major planning inquiries and enforcement action, cost of temporary accommodation and letting income from Capswood offices.

During questions Members noted that a Council Tax increase of £5 was the maximum amount allowed by Government or a 2.99% increase, whichever was the higher. For

SBDC £5 was the highest but for CDC the increase of 2.99% was better. This was consistent with the strategy used in previous years to maximise the Council Tax. Members agreed that a referendum to increase the council tax was not cost effective.

A Member asked about the budget for the Shadow Authority for the transitional costs. The Director of Resources commented that the total budget of £22.2million would be managed by the Implementation Team. Officers would be seconded into this team to project manage the transition process and if any officers from this Council were seconded then there could be some further costs to backfill their posts. There would be a huge amount of work involved in the transitional process particularly on governance and procurement and also other issues such as having one banking contract and bringing different IT solutions together. One major cost would be redundancies.

In response to a question, the Director of Resources reported that there should be no financial issues with the new Unitary District Council in terms of its set up and early operation but that there could be financial challenges in the longer term. A Member asked about the different systems being used by each Authority and the Director of Resources reported that this would probably be addressed in 2020 once the new Authority had been formed. The accounts of all five Councils should be closed by the end of May 2020. An interim 151 Officer will be appointed to provide advice to the Shadow Authority. A further question was asked about the position of the budget for this Council and Members noted that South Bucks District had a healthy and well established budget for transition into the new Unitary District Authority if there were no forthcoming financial challenges.

**RESOLVED** that following discussion on the 2019/20 revenue budget report that Cabinet be informed that the Committee had no comments.

### 93. **CAPITAL STRATEGY AND PROGRAMME**

Members of the Overview and Scrutiny Committee received a report which presented the Capital Strategy and the proposed Capital Programme for 2019/20 to 2023/24. The Director of Resources highlighted the following issues:-

- A budget of £1.5million had been allocated in 2021/22 for waste vehicles, as the current waste contract was due to end in October 2021.
- To address capacity issues construction of a Multi Storey Car Park in Gerrards Cross has been agreed and there was a budget of £13,051k over the course of the next two years.
- A budget of £61k in 2019/20 and £10k pa thereafter had been allocated for car park enhancements.
- The Taplow Moorings along the river edge need improvement and health and safety works in order to stop the river undercutting the current bank. This was a legal obligation on the Council as the riparian owner and a consultant would need to be engaged at an estimated cost of £100k.



- Reference was made to the extension to Parkland Woodland Burial Site which should help bring in increased income to the Council.
- In addition to the main capital programme SBDC would be looking to undertake investments in Consilio with SBDC acting as lender.

A Member asked a question in relation to Consilio and asked whether their investment strategy would be consistent with the new strategy for the new Unitary District Council. The Director of Resources reported that once the new Shadow Executive/Authority was up and running that they would have a view on any further investments by Consilio and he hoped that they would see this as a useful vehicle and agile way to make sound commercial investments. Members asked for an update on Consilio at their next Overview and Scrutiny Committee providing information on controls and an example of investment.

**RESOLVED** that the report be noted and that Cabinet be informed that the Committee had no comments to make.

94. **TREASURY MANAGEMENT STRATEGY 2019/20**

Members of the Overview and Scrutiny Committee received a report which invited comments on the Treasury Management Strategy and related policies that should be adopted by the Council for 2019/20, to assist Cabinet in its deliberations on the Strategy to recommend to Council. The Director of Resources reported that the Council was required to formally review its treasury management policies each year as part of determining what level of returns would be achieved from investment. The expected return for 2019/20 from the proposed strategy was £100,000. Borrowing would be required in order to deliver the Council's Capital Strategy and its related Capital Programme. This would be from the Public Works Loan Board. Although borrowing would not be undertaken in advance of need, there would be some short term timing differences where funds would be borrowed and not yet required for payment of suppliers as part of projects in the approved Capital Programme.

Members noted that as with any budget based on forecasts of future interest rates there was a risk of variance due to factors outside the Council's control. This risk would need to be taken into account in determining the level of reserves held by the Authority.

**RESOLVED** that the report be noted and that Cabinet be informed that the Committee had no comments to make.

95. **PERFORMANCE REPORT QUARTER 2 2018/19**

Members of the Overview and Scrutiny Committee received a report which outlined the annual performance of Council services against pre-agreed performance indicators and service objectives for quarter 2 of 2018-19. Members noted that the percentage of food hygiene inspections of category A-D food businesses achieved

against the inspection due by quarter was under target as a member of staff had left at the end of February and another member of staff had to be deployed way away from food inspections to undertake nuisance work. An agency contractor had also left. In addition the average length of stay in bed and breakfast accommodation for all households was above target of 22 at 28 weeks because of one lengthy stay where the applicant had been subject to several reviews and legal appeal claims.

**RESOLVED** that the report be noted.

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

Members received the Minutes of the meeting(s) of the Buckinghamshire County Council Health and Adult Social Care Select Committee meetings held on 2 October and 20 November 2018.

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

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

Members received the Minutes of the meeting(s) of the Buckinghamshire County Council Children's Social Care and Learning Select Committee meetings held on 2 October and 27 November 2018.

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

98. **MEMBERS QUESTIONS AND ANSWERS**

There were no questions.

99. **WORK PROGRAMME**

The Committee considered the Overview and Scrutiny Work Programme. Members noted that the agenda for February would be revised due to the items being deferred from this meeting.

**RESOLVED** that the Overview and Scrutiny Work Programme be agreed.

The meeting terminated at 6.50 pm

## PLANNING COMMITTEE

Meeting - 5 December 2018

Present: R Bagge\* (Chairman)  
M Bezzant\*, T Egleton\*, J Jordan\*, M Lewis\*, Dr W Matthews\* and  
D Smith\*

\* *attended site visit*

Apologies for absence: D Anthony, B Gibbs and P Hogan

### 25. MINUTES

The minutes of the Planning Committee held on 7 November 2018 were approved and signed by the Chairman as a correct record.

### 26. DECLARATIONS OF INTEREST

Cllr Dr Matthews declared a Personal Interest under the Council's Code of Conduct on Applications 18/00426FUL and PL/18/3057/FA as she was the Chairman of Iver Parish Council, who had made representations about these Applications and also Cllr Dr Matthews was a Member of Richings Park Residents Association who had made representations about Application PL/18/3057/FA. She had not attended any meetings when the applications were discussed by the Parish Council or Richings Park Residents Association nor expressed a view on the applications and had not pre-determined the applications.

### 27. 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:

		Decision
<b>Plan Number:</b>	18/00426/FUL	D (PO)
<b>Applicant:</b>	Mr Bradford	
<b>Proposal:</b>	Redevelopment of site to provide a block containing 21 apartments with associated access, landscaping and hardstanding at 19 & 21 Bathurst Walk, Iver, Buckinghamshire SLO 9AS	

**Planning Committee - 5 December 2018**

Notes:

1. A site visit was undertaken by Members.
2. There was no public speaking on this application.
3. The Planning Officer made some verbal amendments to the report. Page 20 under the recommendation section this should read "Head of Planning and Economic Development". Page 20 condition 3 the plan numbered HOW21640-11A should form part of the list of approved plans at page 24 in condition 18 and Page 24, condition 17 should read 'Notwithstanding the details on approved plans AAL-18-PO4, no further windows shall be inserted at or above first floor level in the east or west elevations of the development hereby permitted'. Condition 16 to be deleted as it duplicated Condition 6.
4. The Planning Officer also amended the recommendation in light of the status of the rear access as follows:-

'Application 18/00426/FUL be deferred and delegated to the Head of Planning and Economic Development to approve subject to the appropriate conditions, the required notification of interested parties to the private road and no new material planning considerations being raised, the provision of the appropriate certificates and the satisfactory prior completion of a section 106 planning obligation agreement relating to affordable housing. If new material planning considerations are raised then the application be reported back to Planning Committee. If no new material planning considerations are raised but agreement cannot be reached, the application be refused for such reasons as considered appropriate.'

5. The Committee asked that officers explore whether the affordable housing contribution could be reviewed and addressed through a review mechanism as part of a section 106 planning agreement obligation.

Councillor Jordan proposed the revised officer recommendation, which was seconded by Councillor Egleton and agreed at a vote.

**RESOLVED:-**

The application be deferred and delegated to the Head of Planning and Economic Development to approve subject to the appropriate conditions, the required notification of interested parties to the private road and no new material planning considerations being raised, the provision of the appropriate certificates and the satisfactory prior completion of a section 106 planning obligation agreement relating to affordable housing. If new material planning considerations are raised then the application be reported back to Planning Committee. If no new material planning considerations are raised but agreement cannot be reached, the application be refused for such reasons as considered appropriate.'

		<b>Decision</b>
<b>Plan Number:</b>	PL/18/3057/FA	P
<b>Applicant:</b>	Churchgate Premier Homes	
<b>Proposal:</b>	Erection of a pair of semi-detached dwellings with vehicular access, parking and amenity space at land to the rear of 1 and 3 St James Walk, Iver, Buckinghamshire SL0 9EN	

Notes:

1. A site visit was undertaken by Members
2. Speaking on behalf of the objector: Ms Gurinder Mann and on behalf of the Applicant: Mr Jake Collinge.
3. The Planning Officer verbally updated Members and made some amendments to the report. Plans 2463/PL300 and 2643/PL301 had been updated in terms of annotations

to the floor and site plans. Page 36, para 37 should read 'arboricultural terms' rather than 'arboricultural report'.

Page 37 was a pre-commencement condition and should read 'Notwithstanding any indications illustrated on drawings already submitted, no development shall take place until there has been submitted to and approved by the District Planning Authority in writing a scheme of landscaping which shall include indications of all existing trees, shrubs and hedgerows on the site and details, including crown spreads, of those to be retained. None of the trees, shrubs or hedgerows shown for retention shall be removed or felled, lopped or topped within a period of five years from the date of this permission, without the prior written permission of the District Planning Authority.

Reason: To ensure satisfactory landscaping of the site in the interests of visual amenity.

Page 39, condition 11 should read 'Notwithstanding the details on approved plans 2463/PL301 Rev A, no further windows shall be inserted at or above first floor level in north or south elevations of the development hereby permitted.

The following informatives were also recommended by the Planning Officer:-

1. Due to the close proximity of the site to existing residential properties, the applicants' attention is drawn to the Considerate Constructors Scheme initiative. This initiative encourages contractors and construction companies to adopt a considerate and respectful approach to construction works, so that neighbours are not unduly affected by noise, smells, operational hours, vehicles parking at the site or making deliveries, and general disruption caused by the works. By signing up to the scheme, contractors and construction companies commit to being considerate and good neighbours, as well as being clean, respectful, safe, environmentally conscious, responsible and accountable. The Council highly recommends the Considerate Constructors Scheme as a way of avoiding problems and complaints from local residents and further information on how to participate can be found at [www.ccscheme.org.uk](http://www.ccscheme.org.uk). (SIN35)
2. It is an offence under S151 of the Highways Act 1980 (as amended) for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site. (SIH23)
3. No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980 (as amended). (SIH24)
4. **It is the responsibility of the developer/applicant to ensure that the development proceeds in accordance with the approved details and in compliance with any conditions on the planning permission. The condition(s) on this planning permission that appear in bold text are known as conditions precedent. These are conditions which require compliance before any development whatsoever starts on site. Where conditions precedent have not been complied with any development purporting to benefit from the planning permission will be unauthorised and a breach of planning control. The Development Control section will not normally approve details required by a condition precedent retrospectively. A new planning application will usually be required under these circumstances.**

**Conditions precedent must be formally confirmed as being complied with by the District Planning Authority prior to commencement of work. Formal discharge/compliance may also be required for other conditions. Any requests**

**for the discharge/compliance of conditions must be submitted to the District Planning Authority in writing. Each such written request to discharge/compliance any conditions will require payment of a separate fee.**  
(SIN02)

Councillor M Bezzant proposed that the application be permitted subject to the conditions outlined in the report as amended verbally by the Officer together with the proposed informatives. This proposal was seconded by Councillor M Lewis and agreed at a vote.

**RESOLVED** that the application be permitted subject to the conditions outlined in the officer's report and as amended and the Informatives.

**(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 Planning and Economic Development.

**28. 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 5.03 pm

## PLANNING COMMITTEE

Meeting - 9 January 2019

Present: \*R Bagge (Chairman)  
\*J Jordan, \*D Anthony, \*T Egleton, \*B Gibbs, \*P Hogan,  
\*Dr W Matthews and \*D Smith

\*attended site visit

Apologies for M Bezzant and M Lewis  
absence:

### 29. MINUTES

The minutes of the Planning Committee held on 5 December 2018 were approved and signed by the Chairman as a correct record.

### 30. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 31. 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:

		Decision
<b>Plan Number:</b>	17/02418/FUL	P
<b>Applicant:</b>	Mr Ferdenzi	
<b>Proposal:</b>	Construction of two apartment blocks comprising	

**Planning Committee - 9 January 2019**

	ten flats and basement parking at 24 & 26 Marsham Lane, Gerrards Cross, Buckinghamshire SL9 8HD	
<p>Notes:</p> <ol style="list-style-type: none"> <li>1. A site visit was undertaken by Members.</li> <li>2. Speaking on behalf of the objector: Dr Ali Toutounchi and on behalf of the Applicant: Mr Gino Ferdenzi.</li> <li>3. The Planning Officer verbally updated Members and made some amendments to the report. A plan was added to Condition 9 which would be incorporated in the transport statement in accordance with the approved plans. Condition 12 should refer to the Local Planning Authority rather than the County Planning Authority. An informative would be added reminding the client that the Section 184 agreement was separate to the planning process.</li> <li>4. The Committee proposed a number of additional conditions as follows:- <ul style="list-style-type: none"> <li>• to prevent the use of the flat roof and rear extension for use as a terrace or balcony</li> <li>• that privacy screens be used on the rear balconies</li> <li>• that no electronic mechanisms be used for the doorway to the car park to reduce noise</li> <li>• that acoustic fencing be used near the cottages to provide a noise barrier</li> <li>• that low level bollard lighting be used</li> <li>• that the use of dragon's teeth be explored with the Highway Authority to mitigate harm and improve highway safety by stopping traffic turning right</li> <li>• that an application be submitted for a sustainable drainage plan</li> </ul> </li> </ol> <p>Councillor T Egleton proposed that the application be permitted subject to the conditions outlined in the report as amended verbally by the Officer together with the seven additional conditions proposed by Members. The proposal was seconded by Councillor J Jordan and agreed at a vote.</p> <p><b>RESOLVED:</b> That the application be permitted subject to the conditions outlined in the officer's report and as amended.</p>		
		<b>Decision</b>
<b>Plan Number:</b>	18/00928/FUL	PO
<b>Applicant:</b>	Mr D Crisp	
<b>Proposal:</b>	Conversion of stable building to a residential dwelling at Old Oak Farm, Parsonage Lane, Farnham Common, Buckinghamshire SL2 3PA	



Notes:

1. A site visit was undertaken by Members.
2. Speaking on behalf of the objector: Mr Philip Norvill and Mr Tristan Miles and on behalf of the Applicant: Mr Robert Clarke. The District Councillor Dev Dhillon also spoke against the application.
3. The Planning Officer verbally updated Members on two late letters of objections which covered similar areas to previous representations. An amendment was made to paragraph 34 of the report which referred to a survey; this survey was carried out in August last year not August this year. In terms of working with the applicant (Paragraph 37) officers had sought amendments on the details submitted. With regard to Condition 8 reference was made to a new access but this was an amendment of the existing access.
4. The Committee proposed additional conditions relating to access arrangements and the hardstanding on the site to give a softer appearance rather than tarmac and also landscaping on the curtilage boundaries.

Councillor P Hogan proposed that the application be deferred to enable Officer to negotiate with the agent/application with a view to agreeing obligations to be incorporated into a Section 106 agreement prior to the application being resubmitted to the Committee. The Section 106 agreement should include an obligation requiring the removal of existing temporary buildings on the site and the resubmission should include amendments to conditions and the 'working with the applicant' paragraph as outlined above. In addition, further planting and landscaping details should be sought from the agent. A further site visit was not required. The proposal was seconded by Councillor J Jordan and agreed at a vote.

**RESOLVED**

That the application be deferred so that a Section 106 agreement could be completed prior to the application being resubmitted to the Committee for consideration.

**(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 Planning and Economic Development.

**32. 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 6.10 pm