

## **SOUTH BUCKS DISTRICT COUNCIL**

**Council - 16 April 2019**

Present: Councillors Dr W Matthews, D Pepler, R Bagge, P Bastiman, M Bezzant, M Bradford, S Chhokar, D Dhillon, T Egleton, B Gibbs, B Harding, P Hogan, G Hollis, P Kelly, M Lewis, N Naylor, J Read, R Reed, G Sandy, D Saunders, D Smith and L Sullivan

Apologies: Councillors D Anthony, J Lowen-Cooper and R Sangster

### **62. PRESENTATION FROM THE SUPERINTENDENT OF BURNHAM BEECHES**

The Superintendent of Burnham Beeches was welcomed to the meeting. During the presentation the main points were noted as follows:-

- His responsibilities had increased to now include other sites some of which were in Kent and Surrey.
- In terms of statistics Burnham Beeches, which was a Special Area of Conservation and a National Nature Reserve had 450,000 visitors and 160,000 dog visits a year.
- The achievements through the year included the implementation of the Open Spaces Act, completion of heathland restoration works and new Management Plan for Stoke Common, management of beech pollards, expansion of conservation grazing using invisible fences and successful conservation grant applications for Burnham Beeches and the replacement of Dog Control Orders with Public Space Protection Orders alongside other partnership work.
- The implications of the Open Spaces Act 2018 and the effectiveness of Public Space Protections Orders with regard to visitor numbers were noted.
- Other areas were discussed such as the Habitats Regulation Assessments which covered three areas of concern; hydrology, air quality and recreation pressure.
- He welcomed the approval of the Local Plan which he hoped would ensure the protection of Burnham Beeches for future generations.
- To conclude, visitor numbers have increased since the introduction of dog control measures; dog related incidents have reduced by 44% and dog numbers have reduced by 13%. Dog walkers have been more influenced by parking charges than Dog Control Measures. There had also been a modal shift in the way people arrive at the site.

Members were then invited to ask questions. The first question related to the quick response to removing unauthorised encampments from the area. The Superintendent reported that as they were private landowners they were able to evict unauthorised encampments swiftly from the site using their 24 hours City Bailiff who they employed on a consultant contract. These were reported to the police but because of

the thresholds required to enable the police to use their powers it was sometimes more effective to use the Bailiff due to the timescales in order to protect the site.

The second question related to air quality and the impact of Heathrow and the number of HGV's using roads in the area. Also that the reduction in car use referred to in the presentation could be related to the fact that visitors park for free on roads nearby. A further question was asked how dog numbers were monitored. The Superintendent reported that he used a model developed by Manchester University where you could extrapolate information on the average occupancy of a car. The model used would be reviewed to ensure that it was producing accurate information. In relation to car parking the Superintendent was aware the car park charges could produce anti-social parking and that charges could be re-assessed but this was an inevitable consequence of any charges. The impact on air quality was a big issue which would need to be addressed in the Local Plan. He was in direct contact with Heathrow on how to mitigate the impact on air quality and identifying ways they could help fund projects to improve biodiversity. He recognised the impact of HGV's on the surrounding infrastructure.

The final question related to the congestion near Burnham Beeches and the Superintendent reported that it was his job to protect this area and he would continue to work with partners to help identify any areas for improvement.

The Chairman thanked Andy Barnard, Superintendent for attending the meeting and providing an informative presentation.

63. **MINUTES**

The minutes of the meeting of Full Council held on 27 February 2019 were approved and signed by the Chairman as a correct record.

64. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

65. **ANNOUNCEMENTS**

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

<b>Heathrow Jobs &amp; Careers Fair Stakeholders Reception – Heathrow Airport Limited</b>	28/02/19	Chairman attended
<b>Annual Reception – Chairman, Chiltern District Council</b>	01/03/19	Chairman attended

**Council - 16 April 2019**

<b>'This Girl Can' Event – GLL</b>	04/03/19	Chairman attended
<b>Special Citizenship Ceremony to celebrate 70yrs of the Commonwealth –Lord-Lieutenant Buckinghamshire</b>	11/03/19	Chairman attended
<b>Charity Murder, Mystery Dinner – Mayor of Hillingdon</b>	12/03/19	Chairman attended
<b>Youth Awards 2019 – Chiltern District Council</b>	14/03/19	Chairman attended
<b>Young Enterprise Chiltern Area Showcase</b>	24/03/19	Vice Chairman attended
<b>Civic Reception- Chairman Aylesbury Vale District Council</b>	24/03/19	Chairman attended
<b>Tree Planting Project – Mayor of Slough</b>	27/03/19	Chairman attended
<b>Graduation – Early Learning Prevention Play Group</b>	02/04/19	Chairman attended
<b>Institution, Induction and Installation of the new Rector – Bishop of Buckingham</b>	03/04/19	Vice Chairman attended
<b>Charity Quiz Night – Mayor of Hillingdon</b>	03/04/19	Chairman attended
<b>Civic Dinner – Chairman, Aylesbury Vale District Council</b>	05/04/19	Chairman attended
<b>Mayor's Charity Event – Mayor of Royal Borough of Windsor and Maidenhead</b>	05/04/19	Vice Chairman attended
<b>Annual Reception – Chairman of Wycombe District Council</b>	09/04/19	Chairman to attend
<b>Ticket Launch Armed Forces Day 2019 – Lord Lieutenant of Buckinghamshire</b>	11/04/19	Chairman to attend

Council - 16 April 2019

<b>Annual Scouting Dinner – County Chair, Scouts Buckinghamshire</b>	13/04/19	Chairman to attend
<b>Vaisakhi Celebration and Combined Cadet Force</b>	26/04/19	Chairman to attend
<b>Annual Banners Service – Girlguiding Buckinghamshire</b>	12/05/19	Chairman to attend

The Chairman also informed Members of the Chairman's Award Ceremony on 11 April 2019 which had been a very successful event celebrating the people who do such inspiring work around the District.

The Leader informed Members on his two nominations for the Shadow Executive which was himself and Councillor Hogan. The Structural Changes Order had now been laid in Parliament and was likely to be implemented in late May/ early June. Following implementation a meeting of the Shadow Authority would then need to be held within two weeks and a Shadow Executive within three weeks.

The Portfolio Holder for Planning and Economic Development informed Members that he would be writing to the Secretary of State for Transport in connection with HS2 to request that all enabling works for HS2 be paused until the 'Notice to Proceed' has been approved as there was no reason why South Bucks, neighbours and partners or the County should suffer significant disruption and long term environmental destruction until the detailed design and cost had been approved.

The Head of Paid Service reported that the Planning Committee had been moved to 5 June 2019 due to the potential EU elections.

**66. COMMITTEE RECOMMENDATIONS**

Members noted the Minutes of Committee meetings which were included in a supplement pack separate from the main agenda.

**67. CABINET RECOMMENDATIONS**

Members noted the Cabinet Minutes of 13 March 2019 which were part of the Minutes supplement pack.

**(a) Refreshed Joint Business Plan 2019-20**

Full Council was asked to approve the refreshed Joint Business Plan 2019-20. This document was reviewed every year to reflect the changing needs of the locality and the communities that lived and worked within Chiltern and South Bucks, as well as the service planning process.

**RESOLVED** that the refreshed Joint Business Plan 2019-20 be approved.

(b) Bucks Home Choice Allocation Policy

Full Council was asked to adopt and implement the revised Bucks Home Choice Allocations Policy following a consultation exercise which had taken place on the proposed revisions to the Policy. The majority of respondents to the consultation were in favour of the proposed revisions with the exception of the proposal that same sex siblings should be expected to share a bedroom until the older child reached the age of 21, therefore the policy had been amended so that the maximum age should be raised from 16 to 18 years and not 21 years.

**RESOLVED** that the Bucks Home Choice Allocation Policy be approved and that the Head of Healthy Communities be delegated authority to make any final amendments and to agree and adopt the final version of the revised Bucks Home Choice Allocation Policy in consultation with the Healthy Communities Portfolio Holder and subject to Aylesbury Vale, Chiltern and Wycombe District Councils also adopting the revised policy.

68. **QUESTIONS**

Notice having been given under Council Procedure Rule 9, the following questions were put by Members of the Council.

*(Councillor Harding's Questions)*

1. Bearing in mind the assurances given in the answers supplied after the questions that I have asked at a previous Council Meeting concerning the Police Station at Tatling End, which is in the Parish of Denham. Can the Cabinet Member confirm that all contamination has been removed from the site. Please supply tonnages/amounts and at what costs for removal and disposal ?

Councillor Gibbs (Portfolio Holder for Resources) responded as follows:-

She was delighted with the development of the Police Station at Tatling End and that 40% of the apartments had affordable rents. A delivery agreement for the construction phase with Willmott Dixon was now in place and the Contractor had taken possession of site as of 11 February 2019.

As previously mentioned it was the Council's responsibility as landowner to decontaminate the site to a satisfactory condition for its intended use. As part of the site's redevelopment this was being discharged via the contract delivery agreement with the Contractor.

A soil remediation strategy had been agreed between the Contractor and the planning service as part of pre-commencement planning conditions. The soil removal was being carried out in accordance with this remediation strategy and the quantities

**Council - 16 April 2019**

removed to date was 230m<sup>3</sup>, which was approximately 554 ( metric) tonnes. This was for the works completed to 02 April 2019 and would be ongoing until all contaminated material had been removed.

The removal and disposal cost of contaminated soil under the remediation strategy was included within the delivery agreement at a fixed cost of £50,000 and therefore any increase in this cost was at contractor risk. These costs had yet to be invoiced.

Cost related to other contamination to date and agreed with Thames Valley Police (TVP) as recoverable from TVP's indemnity given under the contract of sale was shown below and an invoice for these elements was being forwarded to TVP.

<b>Element of Works</b>	<b>Contractor undertaking the element of works</b>	<b>Cost (exclusive of VAT)</b>
Contamination Surveys – Provision of Remediation Strategy	Ashdown Site Investigation Ltd	£950.00
Contamination Surveys – Site Meeting regarding remediation	Ashdown Site Investigation Ltd	£450.00
Contamination Surveys – Quotation for verification strategy	Ashdown Site Investigation Ltd	£7,800.00
Asbestos Survey Report	Fibre Management Ltd	£8,622.00
Asbestos Survey Visit	Fibre Management Ltd	£2,721.54
Asbestos Removal	Asbestech	£81,400.00
	<b>Total cost being sought from Seller's indemnity</b>	<b>£101,943.54</b>

## Council - 16 April 2019

Under the employers risk in the delivery agreement there were provisional cost allowances for known contamination items; works which had yet to be completed, which included;

- removal of fuel tank and disposal ( assumed at 50000g maximum capacity) costing £5,000
- removing contaminated spoil associated with tank ( allowed for a maximum of 40m<sup>3</sup>of hazardous spoil) costing £10,400.

Once these elements had also been completed then the costs would also be recovered from TVP's indemnity. The Council was likely to claim the whole £200,000, which was the maximum for which the Council could apply. In order to do this the Council had to show that the contamination was historic and was present at the time of purchasing the site.

Councillor Harding asked a supplementary question asking the Portfolio Holder to confirm that the Council would comply with the time limits imposed as a condition of sale, for claiming back from TVP towards decontamination of the site?"

Councillor Gibbs agreed to provide a written response following the meeting.

Councillor Harding withdrew the following question :-

2. Can the Leader now confirm who the two South Bucks District Council nominees will be for the Shadow Authority. Other Nominations have been made by the other participating Councils, with the Leader from Bucks County Council assuming the position of Chairman. The Structural Changes Order has now been laid before Parliament, bearing in mind that there have been no changes in the original order, despite the best efforts of a failed Judicial Review. Expediency will be required as soon as the Structural Changes Order has progressed through Parliament the Shadow Authority will need to be convened within 14 days. Of the immediate many responsibilities of the Shadow Authority and will be of particular interest to all Bucks residents, will be setting the 2020/21 council tax & budget. Failure to confirm these two important appointments will be yet another example of the Leaders obstructive tactics towards the new Unitary. Despite its progress in other places and of course shortly becoming law.

However, Councillor Harding asked a supplementary question about who should chair the Shadow Authority, if the current Leader of the County Council did not chair it?

## Council - 16 April 2019

Councillor Naylor responded informing Members that there was nothing in the Structural Changes Order that required a public announcement regarding the two South Bucks District Council nominees for the Shadow Executive.

Neither Chiltern nor South Bucks have made public announcements, so it was incorrect to state all other participating Councils had announced it.

It was also incorrect to state that there had been no changes to the Structural Changes Order as a result of discussions and the Judicial Review. The Order was in the public domain and a simple Google search found it instantly. Article 6, paragraph 3 of the Order, for example, had been amended and now provided that "The Leader of the Shadow Executive was the person who was the Leader for the time being of the County Council's Executive, unless the Shadow Executive decided that another Member of the Shadow Executive was to be the Leader of that Executive".

The details of the Structural Changes Order were also summarised in the 5<sup>th</sup> April South Bucks Council Member Bulletin. No mention of the amendment to Article 6 was made in any of the County Council's announcements on the subject. The Leader referred to a copy of the letter sent by the Minister for Local Government, Rishi Sunak to all Buckinghamshire Council Leaders and MP's and a copy of a similar letter sent by the Head of Governance, Reform and Democracy unit at MHCLG, if further clarity was needed about the wording. Members were welcome to inspect these at the end of the meeting.

*( Councillor Sandy's question)*

What are the projected cost savings from the decision that our Council Tax-Payers should personally fund replacement of wheelie bins, paper and waste.

Councillor Sullivan responded as follows:-

Councillors were referred to the report presented to the Environment Policy Advisory Group in November 2018 and subsequently agreed by Cabinet.

<http://sbdc-spider2.southbucks.gov.uk/democracy/ieListDocuments.aspx?CIId=129&MIId=2871&Ver=4>

The recommendations of this report were to charge residents for waste containers where they are lost, stolen or damaged by a resident or not present when a resident moves into a new property.

The cost of replacing all receptacles had always been previously met by the District Council, including cases where residents have ordered new bins because their old ones are simply dirty, rather than damaged.



## Council - 16 April 2019

Members agreed in November 2016 to introduce charges to developers for the provision of new receptacles to new developments. Reducing the cost to the tax payer of supply to new developments and reducing the risk to the authority of large orders being placed that were not budgeted for.

Residents were not required to personally fund replacement waste containers that suffer wear and tear.

It was rare but not uncommon for residents to request a replacement container they have damaged, that was lost or stolen or a new resident moving into a property that had no existing containers supplied by the authority. Property sellers were required to leave waste receptacles for that property for new owners.

A large proportion of container orders were raised by developers furnishing new build properties.

Because accurate reasons for new container orders hadn't been recorded in all cases, an estimate for the number of properties affected had been estimated from Chiltern and Wycombe District Council data and would be reviewed after 6 months. This number was expected to be low. On this basis it was expected to generate up to £10,000 in cost savings which would directly offset container purchase and delivery costs plus a small contribution to administration costs.

The introduction of replacement container fees promoted greater responsibility and helped to ensure that the Council was being fair to all council tax payers. It was expected that the introduction of replacement charges would reduce the number of erroneous requests submitted, rather than a replacement request because a container was dirty, worn or grubby.

This replacement fee introduction would help pressures on budgets previously borne by the Council and the collective tax payer and brought a consistent approach to Chiltern and Wycombe Councils, as the Council moved forward with a tri authority waste collection contract for the new authority.

Councillor Sandy commented that sometimes it was difficult to distinguish when the contractor damaged the equipment and when it was damaged by the resident. Councillor Sullivan responded that if any concerns were raised by residents they were dealt with sensitively by the Waste Team who listened to every case on its merits and if any further clarity was required they discussed this with the Portfolio Holder.

*(Councillor Roger Reed's questions)*

1. In OCTOBER 2018 Cabinet decided unanimously to support the development of a third runway at Heathrow. At their meeting, Cabinet said they would be "seeking mitigation measures on a number of issues including air quality, land quality, noise pollution and traffic and transport".

What specific consultation has been undertaken with residents in Iver, Denham, Gerrards Cross and Beaconsfield to address their concerns on these Environmental issues, and what specific mitigation measures have been discussed with Heathrow Airport Ltd.

Councillor John Read (Portfolio Holder for Planning and Economic Development) responded as follows:-

Heathrow Airports Ltd (HAL) plan to use the 2008 Planning Act to secure consent for its proposed expansion. The use of a Development Consent Order (DCO) was different to normal planning, whereby South Bucks District Council (SBDC) as Local Planning Authority had the statutory responsibility to determine all development proposals and to undertake consultation on them. Under a DCO, the decision to approve was taken by the Planning Inspectorate and SBDC was a consultee.

As a result, the responsibility to undertaken consultation with the community and local businesses lay with HAL. HAL recently consulted upon its Statement of Community Consultation to ensure it reached all communities affected by the expansion. This document set out how it would consult in the next, formal stages and the venues for exhibitions.

SBDC had advised HAL on a range of impacts of the expansion as the Council had a wealth of technical information to draw upon in identifying the appropriate mitigation. The Council responded in detail to the draft Heathrow Masterplan in December 2018 and the implications for South Bucks that must be addressed and to the recent consultation on Air Space Change proposals in March 2019.

SBDC was also working in partnership with 11 Local Councils and LEAs through the Heathrow Strategic Planning Group (HSPG) on the implications of HALs proposals. Topics considered included Health and Noise, Surface Transport, Green Infrastructure, Flooding, Economic and Business, Construction traffic, Landscape, Air Quality and Land Uses.

HAL plan to publish their 'preferred Masterplan' in May and undertake the first formal public consultation on their plans between 18<sup>th</sup> June and 30<sup>th</sup> September 2019 which included public exhibitions in South Bucks District. After considering the responses

they receive HAL were planning to submit to the Planning Inspectorate in mid-2020 and the process of determination would then commence.

Councillor Roger Reed then asked a supplementary question in relation to the different stance taken by London Boroughs and the need to be robust in relation to air quality and to consult residents and stakeholders before a decision was taken by Cabinet. In response Councillor John Read reported that South Bucks District Council was different to a London Borough which experienced different issues however in response to specific local concerns Iver had been designated an Air Quality Management Area.

2. Can the Leader confirm that as Members and Council tax payers have received no report from the Leader or any Executive Member in the past three years regarding attendance at the LGA Annual Conference there is no longer any value in he or any Executive Member being 100 % subsidised by the Council Tax Payer in attending.

Councillor Naylor responded that Members across Buckinghamshire Local Authorities attended the LGA Annual Conference including Councillor Roger Reed. The last report that had been issued to Members of South Bucks District Council was 2009 and following that year no reports had been issued which included when Councillor Roger Reed had been Deputy Leader of the Council or a Portfolio Holder. There were many benefits in attending the LGA Conference including attending the Leaders meeting and developing leadership skills. Councillor Naylor also informed Members that the LGA produced their own report on the Conference so that bringing that to Council could be seen as duplication.

**69. VERBAL REPORTS FROM THE LEADER, CABINET MEMBER OR CHAIRMAN OF A COMMITTEE (IF ANY)**

There were no verbal reports.

**70. MOTIONS (IF ANY)**

There were no Motions.

**71. MEMBERS' REPORTS**

The meeting received the following members' reports:

Bucks Health and Social Care Select Committee Minutes – 29 January 2019  
Buckinghamshire Health Trust – 30 January 2019

The meeting terminated at 7.00 pm