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**WYCOMBE**  
**DISTRICT COUNCIL**

Queen Victoria Road  
High Wycombe  
Bucks HP11 1BB

## Council - Supplement

Date: 15 July 2019  
Time: 6.30 pm  
Venue: Council Chamber  
District Council Offices, Queen Victoria Road, High Wycombe, Bucks

You are hereby summoned to attend the Meeting of the Council to be held in the Council Chamber, District Council Offices, Queen Victoria Road, High Wycombe on 15 July 2019 at 6.30 pm to consider the business set out in the Agenda below.

Ms K Satterford  
Chief Executive

**Fire Alarm** - In the event of the fire alarm sounding, please leave the building quickly and calmly by the nearest exit. Do not stop to collect personal belongings and do not use the lifts. Please congregate at the Assembly Point at the corner of Queen Victoria Road and the River Wye, and do not re-enter the building until told to do so by a member of staff.

**Filming/Recording/Photographing at Meetings** – please note that this may take place during the public part of the meeting in accordance with Standing Orders. Notices are displayed within meeting rooms.

## Agenda

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5	<b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>	1

Written questions may be asked of the Leader or any Cabinet Member if submitted to the Head of Democratic, Legal and Policy Services no later than 12 noon on Monday 8 July 2019. Questions will be submitted in the order in which they were received.

A questioner will have a maximum of 1 minute to ask a question and the answer shall not exceed 3 minutes. Any questioner may put one supplementary question without notice within a maximum time of 1 minute and the answer may not exceed 2 minutes.

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<b>7</b>	<b>QUESTIONS FROM MEMBERS</b> Questions to the Leader or any Cabinet Member must be submitted by 12 noon on Monday 8 July 2019.  A questioner will have a maximum of 1 minute to ask a question and the answer shall not exceed 3 minutes. Any questioner may put one supplementary question without notice within a maximum time of 1 minute and the answer may not exceed 2 minutes.  Questions shall be taken first from the Group Leaders of the political parties who shall be entitled to ask an initial Leader`s question from his/her group, of which written notice shall have been given to the Head of Democratic, Legal and Policy Services prior to the meeting.  The order of questions shall then permit the first question from each other Councillor to be asked before any subsequent questions from the same Councillor. One question will be taken in turn from the same Councillor unless there are no other questions to be asked.  Every member asking an oral question is permitted to ask one supplementary question without notice provided that it is not substantially the same as a question that was put to a Council meeting during the past 6 months.  Any question remaining unanswered after 30 minutes will be answered within 10 working days in writing after the meeting by the appropriate Member and appended to the minutes of the meeting.	2 - 5
<b>9</b>	<b>CABINET</b> To receive the minutes of and consider any recommendations from the following meeting: <ul style="list-style-type: none"><li>• Cabinet 8 July 2019</li></ul>	6 - 12
<b>15</b>	<b>PERSONNEL &amp; DEVELOPMENT COMMITTEE</b> To receive the minutes of and consider any recommendations from the following meeting(s): <ul style="list-style-type: none"><li>• Personnel &amp; Development Committee 4 July 2019</li></ul>	13 – 15
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**For further information, please contact Peter Druce - Democratic Services Officer 01494 421210 (ext 3210) [peter\\_druce@wycombe.gov.uk](mailto:peter_druce@wycombe.gov.uk) on 01494 421210, [committeeservices@wycombe.gov.uk](mailto:committeeservices@wycombe.gov.uk)**

# Agenda Item 5

## WYCOMBE DISTRICT COUNCIL

### COUNCIL MEETING

Monday 15 July 2019

#### **AGENDA ITEM 5**

##### **Questions from Members of the Public**

**1. Question from Mr T Snaith to the Cabinet Member for Finance & Resources.**

High Wycombe Town Committee pays WDC a contribution from the annual precepts to manage resources and services for the un-parished wards . How much is paid to WDC for services and staff and what do the people of High Wycombe un-parished wards get for the investment?

**Verbal reply to be given by Councillor D Watson (Cabinet Member for Finance & Resources).**

# Agenda Item 7

## WYCOMBE DISTRICT COUNCIL

### COUNCIL MEETING

Monday 15 July 2019

#### AGENDA ITEM 7

##### Questions from Members

##### 1. Question from Councillor R Raja to the Leader of the Council or the Cabinet Member for Environment

The UK produced 11M Metric tonnes of Plastic waste in 2017 and recycled two thirds of it, or so it seemed. However, according to a report by the National Audit Office half of the UK's recyclable waste was sent overseas for recycling but much of it is likely to have ended up in landfill or the ocean instead. The dumping of our waste in the laps of poor countries has recently been exposed by TV programmes and newspaper articles which have shown that waste from the UK including from Local Authorities ends up as toxic mountains in third world countries where it causes birth defects, impaired immunity, respiratory diseases, cancers and other ailments, not to mention the devastating effects it has on wildlife and marine life.

Would the Leader of the Council /Cabinet Member for the Environment categorically assure us that no waste belonging to WDC is ending up in poor countries in the Far East on the pretext of being recycled there or are we guilty of large scale fly-tipping as well?

**Verbal reply to be given by Councillor Mrs J Adey (Cabinet Member for Environment).**

##### 2. Question from Councillor M Knight to the Leader of the Council

In October last year the Intergovernmental Panel on Climate Change (IPCC) published an influential report on climate change. This report warned of the serious and devastating consequences of global warming and the human contribution to the warming of the planet.

Since then over 100 councils have led the way in the UK by formally declaring a "climate emergency" and setting targets in place to reduce the use of fossil fuels and the release of carbon into the atmosphere. For example, Oxfordshire County Council has pledged to become carbon neutral by 2030.

Climate change is real and is already having a negative impact on the natural ecosystems, flora and fauna of our planet which in turn is presenting a risk to human life. It is essential that those of us with power do all we can, at all levels, to take action.

Do you agree with me that as a council we should be declaring a climate emergency and together working to identify actions which can alleviate the problem?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

### **3. Question from Councillor B Pearce to the Cabinet Member for Environment**

Do you agree with me that Wycombe District Council and the travellers liaison office in Aylesbury, worked very efficiently and swiftly in removing the travellers from the Dean Street Recreation Ground in Marlow (I believe in less than 24 hours) and also when the same travellers descended on Fernie Fields Recreation Ground in less than 7 hours.

Can we therefore assume that this efficiency will continue if travellers descend on any other area in Wycombe District?

**Verbal reply to be given by Councillor Mrs J Adey (Cabinet Member for Environment).**

### **4. Question from Councillor M Hanif to the Cabinet Member for Environment**

The incidents of fly-tipping appear to have increased since BCC started to make it difficult for residents to dispose of excess household rubbish by closing Re-cycling waste stations. Most residents see a clear link between closing of Recycling waste collection points and increased levels of fly-tipping, which blights residential areas and increases health risks and safety concerns. Also it is seen as a revenge of the consumer society we live in.

Would the Cabinet member for the Environment/Waste recycling agree there is indeed a link between closing of recycling waste collection points and increased levels of fly-tipping, accepting also that the council's waste management strategy is nothing short of shambles and is a result of this council being in cahoots with the BCC by not opposing the waste site closures or do you have another explanation for this mess?

**Verbal reply to be given by Councillor Mrs J Adey (Cabinet Member for Environment).**

### **5. Question from Councillor S Graham to the Cabinet Member for Environment**

The Bucks Free of 21st June 2019 carried a picture of over grown bushes along John Hall Way, High Wycombe.

The picture showed the overgrown bushes covering a large part of the footpath, which means that people have to step on the road and this would be especially difficult for anyone in a wheelchair.

Would the Cabinet member for Environment agree with me that this is an unacceptable state of affairs and can she tell me of any steps she has taken to ensure that overgrown bushes are cleared from roads and sidewalks on a regular basis before they cause an obstruction, especially during the summer months?

**Verbal reply to be given by Councillor Mrs J Adey (Cabinet Member for Environment).**

**6. Question from Councillor M Asif to the Leader of the Council**

We will have a considerable number of challenges and decisions to make as we move towards a unitary council.

Does the leader agree with me that the officers are key to a successful delivery and that we have the team in place to do this?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

**7. Question from Councillor K Ahmed to the Leader of the Council**

On the 31<sup>st</sup> July 2019 we celebrate the 100 year anniversary of the Addison Act, which paved the way for large-scale council housing. We must now be mindful of the 200,000 people in temporary housing across the UK and the 1.2 million households on social housing waiting lists.

In High Wycombe there is a lack of new social housing being built. Social housing has been sold off under the Right to Buy scheme without being replaced, leaving people in Wycombe without the opportunity to rent at an affordable price. Can I ask if the leader is happy with the general state of social housing in Wycombe and what she has done to address these issues, in light of additional borrowing available from central government?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

**8. Question from Councillor Ms J Wassell to the Cabinet Member for Community**

How many public events does Wycombe District Council support each year through funding, staffing or use of premises, can a list be provided?

**Verbal reply to be given by Councillor G Peart (Cabinet Member for Community).**

**9. Question from Councillor Ms A Baughan to the Cabinet Member for Community**

The multi-use games area at Ash Hill Primary School was recently refurbished using CIL funding of £30,000. The Micklefield Neighbourhood Action Group felt that it not being used enough by the community and so my colleague Cllr Julia Wassell enlisted the support of Guy Britton of High Wycombe Lawn Tennis Club to deliver free tennis training for local young people. This has been a great success, engaging over 20 young people in sport and physical activity. There are now plans to run similar sessions on the Rye.

This is a wonderful example of bringing together different funding streams and local organisations to deliver opportunities to the community and particularly to young people. Will you join me in congratulating all those involved in this successful project?

**Verbal reply to be given by Councillor G Peart (Cabinet Member for Community).**

**10. Question from Councillor R Raja to the Leader of the Council**

Would the Leader of the Council like to give us an update on the housing front as far as the number of dwellings to have been built under the Local Plan by now?

**Verbal reply to be given by Councillor Ms K Wood (Leader of the Council).**

# Cabinet Minutes

Date: 8 July 2019

Time: 7.00 - 7.38 pm

**PRESENT:** Councillor Ms K S Wood (Executive Leader of the Council - in the Chair)

Councillor Mrs J A Adey	- Cabinet Member for Environment
Councillor D H G Barnes	- Deputy Leader and Cabinet Member for Engagement and Strategy
Councillor D J Carroll	- Cabinet Member for Youth and External Partnerships
Councillor D A Johncock	- Cabinet Member for Planning
Councillor Mrs J D Langley	- Cabinet Member for Housing
Councillor G Peart	- Cabinet Member for Community
Councillor D M Watson	- Cabinet Member for Finance and Resources
Councillor L Wood	- Cabinet Member for Digital Development & Customer Services

## By Invitation

Councillor Mrs S Adoh	- Deputy Cabinet Member for Engagement and Strategy
Councillor C Etholen	- Deputy Cabinet Member for Digital Development and Customer Service
Councillor R Gaffney	- Chairman of Improvement & Review Commission
Councillor A R Green	- Deputy Cabinet Member for Unitary Transition
Councillor M E Knight	- Leader of the East Wycombe Independent Party
Councillor S Saddique	- Deputy Cabinet Member for Finance and Resources
Councillor A Turner	- Deputy Cabinet Member for Planning

## 1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Z Ahmed (Deputy Cabinet Member for Housing), S Broadbent (Cabinet Member for Economic Development and Regeneration), Miss S Brown (Deputy Cabinet Member for Community), G Hall (Deputy Cabinet Member for Environment), M Harris (Deputy Cabinet Member for Economic Development and Regeneration), R Raja (Leader of the Labour Group), and P Turner (Chairman of Council).

## 2 MINUTES

**RESOLVED:** That the minutes of the meetings of the Cabinet held on 11 March 2019 be approved as a true record and signed by the Chairman.



### **3 DECLARATIONS OF INTEREST**

Councillors Mrs J Adey and Mrs J Langley declared a non-pecuniary interest in Minute 7 due to consultation undertaken with Wooburn and Bourne End Parish Council. Councillors D Barnes and A Turner declared a non-pecuniary interest in Minute 7 in relation to their roles as Parish/Town Councillors. Councillor Ms K Wood also declared a non-pecuniary interest in Minute 7 in relation to her role as a member of Bucks Business First, she confirmed that she was not a controlling member. All the aforementioned Members decided that their interests were such that they would remain in the Chamber during consideration of the item.

### **4 REFERRAL FROM THE HIGH WYCOMBE TOWN COMMITTEE - HIGH WYCOMBE CEMETERY MUSLIM BURIAL VAULTS**

Cabinet had before it a report that set out the recommendations from the High Wycombe Town Committee that 66 additional burial vaults should be purchased and installed at the High Wycombe Cemetery. The High Wycombe Town Committee had made the recommendations at its meeting on 11 June 2019.

The Chairman of the High Wycombe Town Committee presented the report to the meeting and invited Cabinet to consider the Town Committee's recommendation to agree to the acquisition and installation of the additional vaults. It was noted that the report before Cabinet provided the background in relation to the options that had been considered.

The following decision was made as the High Wycombe Cemetery would be reaching its capacity for available vaults by September 2019. The purchase of additional vaults enabled the existing service to continue uninterrupted while the new Cemetery project was implemented.

**RESOLVED:** That (i) the release of £44,880 for 66 additional burial vaults from the Special Expenses Account be approved;

(ii) the release of £76,500 from the Special Expenses Account for works to install an additional terrace be approved; and

(iii) delegated authority be granted to the Head of Housing, Environment and Community Services, in consultation with the Head of Finance and Commercial and the Chairman of the High Wycombe Town Committee, to make amendments to fees and charges relating to new concrete chambers for Muslim burials.

### **5 2018/19 PERFORMANCE REPORT**

Cabinet had before it the end of year position for the Council's performance at service level, as well as progress made on the key projects delivering the Council's priorities. Cabinet would continue to receive quarterly performance monitoring reports during the year, with any areas of under-performance highlighted to ensure that Cabinet could address any issues promptly.

Members thanked the officers for all their hard work in achieving an excellent set of performance results.

The following decisions were made to review the performance position to ensure that the Council was performing at the appropriate level.

**RESOLVED:** That (i) the 2018/19 full year outturn for the Council's key performance measures, in particular that all of the performance measures where targets were set either exceeded the target or met the target (within +/- 5%) be noted; and

(ii) the summary report and full list of results from the corporate performance indicators for the full year be noted.

## **6 TREASURY MANAGEMENT ANNUAL REPORT AND PRUDENTIAL INDICATORS**

Cabinet had before it the annual report on the Treasury Management Strategy and the Prudential Indicators 2018/2019 and was reminded of the requirements placed upon the Council in regard to these.

Members expressed their thanks and congratulated the Cabinet Member for Finance, and the Head of Finance and his team, for all their hard work.

The following decisions were made as the Local Government Act 2003 and the CIPFA prudential Code required approval of the activity undertaken compared to the strategies, limits and indicators at the end of each financial year.

**RESOLVED:** That the outturn position for treasury management activities for 2018/19 be reviewed and noted.

## **7 ECONOMIC DEVELOPMENT AND HOUSING DELIVERY ALLOCATIONS**

The report before Cabinet set out the economic development and housing allocations that the Council would be adopting to provide required infrastructure to support new housing development. It was recognised that a framework for fund allocation had been developed based on the 10 strategic objectives set out in the Economic Development Strategy. It was also noted that the proposed allocations across the district reflect the location of housing as outlined in the New Local Plan.

The following decisions were made to enable the allocation of the economic development and housing facilitation grants included in the 2019/20 budget.

**RESOLVED:** That (i) the allocations as set out in section 3 of the report and Appendix A of the report be agreed; and

(ii) the application of the allocation held for rural schemes be delegated to the Leader.

## 8 UPDATE REPORT FOR TEMPORARY ACCOMMODATION SCHEME

Following the Cabinet decision on the 13 November 2017 regarding Members consent to the provision of future temporary accommodation being located in High Wycombe Town Centre, a planning application for the proposed scheme on Desborough Road had been granted permission.

Cabinet recalled that the current provision at Saunderton Lodge remained an ageing building with small, non-standard units, in an isolated location, with high continuous maintenance costs. Members emphasised the importance of ensuring that the scheme progressed in order to contribute towards the national housing shortage. Cabinet approval was sought to delegate authority to enter into contractual agreements with the principle contractor, when appointed.

The Cabinet Member commented that the Council was fortunate to have such expertise, vision and knowledge within its workforce to bring such a scheme forward and thanked officers for all their hard work. This was supported by the whole of Cabinet. Cabinet also expressed their thanks to the Cabinet Members that had been involved for their continued hard work in bringing the scheme to fruition.

The following decisions were made to enable the Council to enter into contractual agreement and achieve a meaningful start on site in 2019.

**RESOLVED:** That further to the Cabinet approval in November 2017 in which the Council decided that the project funds as relevant to the town centre option selected by Cabinet be approved, that:

(i) a construction contract for no more than £7.5m be entered into to complete the scheme granted planning permission on the 24 April 2019; and

(ii) delegated authority be granted to the Corporate Director (Growth and Regeneration), in consultation with the Head of Finance and Commercial, the Cabinet Member for Economic Growth & Regeneration, and the Cabinet Member for Finance & Resources to enter into the construction contract.

### EXCLUSION OF PRESS AND PUBLIC

**RESOLVED:** That pursuant to Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 the press and public be excluded from the meeting during consideration of Minute Nos 9 to 12, because of their reference to matters which contain exempt information as defined as follows:

**Minute 9 Provisional Outturn Report for year ending 31 March 19 – Appendices C1 to C4**

### **Minute 11 Proposed Acquisition of land at Little Marlow**

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 1 of Schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure, because disclosure could prejudice the Council's position in any future tender process or negotiations)

### **Minute 12 - File on Action taken under Exempt Delegated Powers**

**Economic Development & Regeneration sheet nos:  
EDR/10/19 - EDR/26/19**

### **Environment sheet no: E/2/19**

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 1 of Schedule 12A, Local Government Act 1972)

(The need to maintain the exemption outweighs the public interest in disclosure, because disclosure could prejudice the Council's position in any future tender process or negotiations)

## **9 PROVISIONAL OUTTURN REPORT FOR THE YEAR ENDING 31 MARCH 2019**

Cabinet considered a report on the provisional outturn for 2018/19 which included the General Fund, Repairs and Renewal Fund and the Capital Programme, together with the potential Efficiency Plan Savings.

The report before Cabinet set out an analysis of the key issues from the 2018/19 financial outturn, with detailed breakdowns of spend and movements which were set out in the appendices of the report.

Cabinet expressed their thanks to the Cabinet Member for Finance, and the Head of Finance and his team, for all their hard work on the outturn report.

The following recommendation and decisions were made as the Cabinet approved a budget each year within the context of a Medium Term Financial Plan (MTFP) to achieve the Council's priorities.

**Recommended:** That the new legal services expenditure budget of £675,000, and the new legal services recovery income budget of £675,000 be agreed. Net change in budget requirement was Zero, (full details were included in Appendix D of the Cabinet report).

**RESOLVED:** That (i) the provisional outturn position for both Revenue and Capital for 2018/19 be noted;

(ii) the movement in Reserves and Carry Forwards as set out in paragraph 2.4.2.3 and 2.4.2.4 respectively of the report be approved;

(iii) the net surplus of £2k transferred to General Reserves as set out in paragraph 2.5 of the report be approved;

(iv) the carry forwards and advance funding on the Capital programme outlined in paragraph 3.2 and set out in Appendices C1 and C2 of the report be approved; and

(v) the virement for Capital schemes detailed in paragraph 3.2.6 of the report be approved.

## **10 FILE ON ACTION TAKEN UNDER DELEGATED AUTHORITY**

Cabinet received the following files on actions taken under delegated powers:

Community	C/10/19 – C/13/19
Digital Development & Customer Services	DDCS/01/19
Finance	F/06/19
Leader	L/03/19 – L/07/19
Planning & Sustainability	PS/04/19 – PS/11/19

## **11 PROPOSED ACQUISITION OF LAND AT LITTLE MARLOW**

Cabinet approval was sought to acquire the freehold interest in land at Little Marlow.

It was noted that the report was being presented to the Shadow Executive on 23 July and it was suggested that the Shadow Executive should have a site visit to assess the site. It was agreed that the Corporate Director would take this forward.

The following decisions were made to approve the release of Major Projects Strategic Land allocation in the Capital Programme to fund the proposed acquisition.

**RESOLVED:** That (i) the freehold interest in land at Little Marlow (lots 1 and 2 as set out in confidential Appendix B of the report) be acquired for the sum set out in section 6 of the report, detailed terms to be agreed in accordance with paragraph (ii) below;

(ii) delegated authority be granted to the Major Projects Executive to agree detailed terms of the acquisition in consultation with the Interim Corporate Director, the Head of Finance, the District Solicitor and their

respective Cabinet Members, SUBJECT TO the Head of Finance being satisfied the contamination can be remediated in accordance with the budget set out at Paragraph 27of the report; and

(iii) the acquisition be referred to the Shadow Executive in accordance with the spend protocol agreed by the Council in respect of transition to Unitary Council.

## **12 FILE ON ACTION TAKEN UNDER EXEMPT DELEGATED POWERS**

Cabinet received the following files on exempt actions taken under delegated powers:

Economic Development & Regeneration Sheet Nos: EDR/10/19 – EDR/26/1

Environment Sheet No: E/2/19

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Chairman

### **The following officers were in attendance at the meeting:**

John East	- Interim Corporate Director
Ian Hunt	- Democratic Services Manager
Catherine MacKenzie	- Principal Democratic Services Officer

# Personnel and Development Committee Minutes

Date: 4 July 2019

Time: 6.26 - 6.45 pm

**PRESENT:** Councillor M Harris (in the Chair)

Councillors M C Appleyard, M A Hashmi, A Hussain, Mrs W J Mallen and Mrs J E Teesdale,

Apologies for absence were received from Councillors: Miss S Brown and G C Hall.

In attendance: Councillor R Newman.

## 1 MINUTES OF THE PREVIOUS MEETING

**RESOLVED:** that the minutes of the meeting of the Personnel and Development Committee held on 18 February 2019 be confirmed as a true record and signed by the Chairman.

## 2 DECLARATIONS OF INTEREST

There were no declarations of interest.

## 3 PAY POLICY STATEMENT

Members received the report on the Pay Policy Statement for 2019/2020 and noted the amendments, marked in red. They agreed the amendments and therefore agreed that the report proceed to Council for approval.

**RESOLVED:** that the updated Pay Policy Statement for 2019/2020 proceed to Council for approval.

## 4 EXCLUSION OF PRESS AND PUBLIC

**RESOLVED:** that the Press and Public be excluded from the meeting during consideration of Minute No 5 as it contained exempt information as defined in Regulation 4(2)(b) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, more particularly:

Minute 5 – Pay Date

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 2 of Schedule 12A, Local Government Act 1972).

The need to maintain the exemption outweighs the public interest in disclosure because disclosure could prejudice the Council's position in any future process or negotiations.

Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority (Paragraph 4, Part 1 of Schedule 12A, Local Government Act 1972).

The need to maintain the exemption outweighs the public interest in disclosure because disclosure would be likely to prejudice the Council's position in the consultation process/negotiations.

## **5 PAY DATE**

Members received and discussed the confidential report on the Pay Date. The Head of HR, ICT and Shared Support Services outlined the contents and recommendations within the report and it was noted that UNISON had raised various questions in relation to the report. The Head of HR, ICT and Shared Support Services responded to the questions raised.

It was noted that UNISON had requested clarification on a number of questions raised in relation to SAP payments and HMRC requirements. It was also noted that legal advice would be sought in relation to TUPE and contracts.

It was highlighted that the proposal aimed to mitigate risks to employees.

Members were informed that a consultation with all staff was proposed to be undertaken in due course.

In answer to queries, the Head of HR, ICT and Shared Support Services confirmed he would go to SMB to clarify whether the two recommendations in the report were two parts of the one recommendation, to be agreed together or not at all; or separate individual recommendations each of which would mitigate different risks. The other District Councils would also be consulted.

### **RESOLVED:** that

1. The Head of HR, ICT and Shared Support Services clarifies with SMB the status of the two recommendations as stated above. Further discussions between HR and UNISON to take place to attempt to reach a closer agreement.
2. The Head of HR, ICT and Shared Support Services seek clarification from HRMC over the issue raised.
3. Legal advice be sought in relation to contracts in respect of TUPE.
4. That a meeting be set up within 2 weeks from the date of the meeting, to bring the report back with responses.



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Chairman

**The following officers were in attendance at the meeting:**

- Liz Hornby - Senior Democratic Services Officer
- John McMillan - Head of HR, ICT & Customer Services
- Jo Whiteley - Human Resources Manager (Operations)

## SUMMARY



Report For:	Council
Meeting Date:	15 July 2019
Part:	Part 1 - Open
If Part 2, reason:	N/A

<b>Title of Report:</b>	APPOINTMENT AND DESIGNATION OF THE COUNCIL'S MONITORING OFFICER
Officer Contact: Direct Dial: Email:	Catherine Whitehead 01494 421980 Catherine.whitehead@wycombe.gov.uk
Ward(s) affected:	All
Reason for the Decision:	Following the resignation of the postholder to which the statutory role of Monitoring Officer currently is designated, to confirm where this role will sit until the abolition of the Council on 31 March 2020.
<b>Proposed Decision</b>	That the post of Principal Solicitor (Litigation, Contracts & Property) be designated the statutory role of the Council's Monitoring Officer with immediate effect, and the Head of Democratic, Legal & Policy Services be authorised to update the Council's Constitution accordingly.
Sustainable Community Strategy/Council Priorities - Implications	N/A
Monitoring Officer/ S.151 Officer Comments	<b>Monitoring Officer: N/A</b>  <b>S.151 Officer: N/A</b>

Consultees:	<b>N/A</b>
Next Steps:	The Council's Constitution will be updated to reflect the Council's decision.
Background Papers:	<b>None</b>
Abbreviations:	<b>N/A</b>

## 1. Background

- 1.1 In accordance with Section 100B of the local Government Act 1972, this item is considered an urgent item as there is a necessity to decide upon the designation of the statutory role of Monitoring Officer in light of the resignation of the existing postholder and her departure from the authority.
- 1.2 The role of Monitoring Officer is a statutory requirement and serves as the guardian of the Council's Constitution and the decision-making process. The role is responsible for advising the Council on the legality of decisions and providing guidance to Councillors and officers on the Council's Constitution and its powers. It also has a responsibility to report breaches and possible breaches of law or maladministration to the Council.
- 1.3 In addition, the functions of the role include maintaining the Constitution, ensures compliance with the Budget and Framework Rules, provides advice on the scope of powers and authority to take decisions, financial impropriety, probity, and budget and framework issues to all Councillors, and will also support and advise Councillors and officers in their respective roles.
- 1.3 The Monitoring Officer is also responsible for the Code of Conduct for Councillors and officers, and will conduct investigations into matters referred to the role.

## 2. Proposal

- 2.1 The role of the Council's Monitoring Officer currently resides with the post of District Solicitor. Following the resignation of the existing post holder and due to the demands of transition it has been decided to separate the role from that of District Solicitor for the remaining life of this Council.
- 2.2. In order to ensure the delivery of a number of key tasks during the transition period to the new Buckinghamshire Unitary Authority on 1 April 2020, it is proposed that the function of the Monitoring Officer be designated to the role of Principal Solicitor (Litigation, Contracts & Property). The holder of this post is a highly experienced and skilled officer who is a current Deputy Monitoring Officer.
- 2.3 This would free up the existing role to focus on management responsibilities during the transition to unitary and in particular the work in establishing the new legal services function for the County Council which will be provided through Wycombe District

Council alongside colleagues in Chiltern and South Bucks District Councils from 1<sup>st</sup> October 2019. A recruitment exercise has been carried out in accordance with vacancy protocol and an appointment has been made to the management role. It is proposed to change the title of the post to District Lawyer to reflect the appointment.

- 2.4 The body with the authority to determine the designation of the statutory role of Monitoring Officer rests with Full Council. Should this change be agreed, then the Council's Constitution will be updated accordingly.