



Cabinet agenda supplement

Date: Tuesday 5 January 2021

Time: 10.00 am

Venue: Via MS Teams Video Conference, available to the public at
<https://buckinghamshire.public-i.tv/core/portal/home>

Agenda Item	Time	Page No
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To approve as a correct record the Minutes of the meeting held on 15 December 2020.

5 Question Time

The following questions have been received and will either be responded to during the meeting or a written response will be included in the minutes:

1. Question from Councillor Robin Stuchbury to Councillor Nick Naylor

In light of recent flooding in Buckingham, I would like to ask if Buckinghamshire Council would consider investigating the proposals from the Environment Agency's feasibility study to consider improved flood defences in Buckingham (2003), in particular to provide a catchment basin to alleviate flooding within Buckingham? The proposals had not been taken forward following the completion of the study due to funding criteria changes in this period. There was now an obvious need to prevent flooding within the community of Buckingham, as global warming was likely to make such events occur frequently in the coming years.

2. Question from Councillor Warren Whyte to Councillor Nick Naylor

2a. Given the very late official Flood Warning from the

Environment Agency for the River Great Ouse flood in Buckingham and North Bucks on 23 December, will Buckinghamshire Council ask the EA for an explanation as to what went wrong with the Floodline Service on that day, why reports to the EA flood incident line on that evening didn't get a timely response or trigger action, and what will be done to reassure residents and businesses that the Flood Warning System will be made fit for purpose?

2b. Can I also be assured that the Council will promptly review the incident to see if a Section 19 report can be expedited and that any outcomes from that review may inform the many stakeholders on any improvements that need to be considered to the management of the river catchment.

**13 Confidential Minutes from the Cabinet meeting held on
15 December 2020**

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Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 15 December 2020 in Via MS Teams Video Conference, available to the public at <https://buckinghamshire.public-i.tv/core/portal/home>, commencing at 10.00 am and concluding at 11.52 am.

Members present

M Tett, A Macpherson, K Wood, S Bowles, B Chapple OBE, J Chilver, A Cranmer, I Darby, T Green, C Harriss, D Martin, N Naylor, M Shaw, W Whyte, G Williams and F Wilson

Apologies

P Hogan

Agenda Item

1 Apologies

Apologies for absence were received from Patrick Hogan, Cabinet Member for Culture.

Leader's Statement

Covid-19 Update

Martin Tett, Leader of the Council, provided a verbal update on the prevalence of Covid-19 within Buckinghamshire. He commented on the recent developments that London, Hertfordshire and Essex had been moved into Tier 3 restrictions due to a surge in infections.

He explained that Buckinghamshire was currently in Tier 2 restrictions which was the median but high alert category, with a review of these tiers due later in the week. He informed the meeting that, as set out in his weekly newsletter, Buckinghamshire had continued to see a concerning rise in cases following the lockdown.

Cllr M Tett then provided figures to illustrate the rise in cases over the last two weeks. Across Buckinghamshire the rate had increased from 118 cases per 100,000 residents to 142 cases per 100,000 residents. The most recent figures were indicating that cases had continued to rise sharply with the rate per 100,000 residents now being 200.6 cases. He acknowledged that this could indicate a necessity for Buckinghamshire to move into a higher tier.

Cllr M Tett emphasised that the solution lies within our own hands with regards to the restrictions being lifted and that we all had a collective responsibility to adhere

to the guidance. He advised that the Council was urging everybody to fundamentally renew their commitment to following the rules, clearly and accurately, to protect others. He urged everyone to think carefully about the risks especially in relation to older relatives and to make their own choices carefully over the festive period.

He then urged everyone to voluntarily go further to maintain personal freedoms, maintain the local economy, protect local business, protect local jobs and to protect the health of those most vulnerable. He also highlighted the importance of following the rules to minimise the pressure on the local health service, particularly after the festive period.

He concluded by highlighting the importance of the collective responsibility that all residents have in minimising contacts to prevent the potential spread of this dreadful virus, and that just because we are allowed to do something, it doesn't necessarily mean that we should.

2 Minutes

RESOLVED: The minutes of the meeting held on 10 November 2020 be AGREED as an accurate record.

3 Declarations of interest

Nick Naylor, Cabinet Member for Transport, and Katrina Wood, Deputy Leader and Cabinet Member for Resources, declared interests in minute numbers 10 and 12 with regard to their Outside Organisation appointments as Board Members of Aylesbury Vale Estates.

4 Hot Topics

Angela Macpherson, Deputy Leader and Cabinet Member for Adult Social Care, informed the meeting that she had attended the Pride of Bucks Award, the initiative celebrated all those who had gone above and beyond during the coronavirus outbreak. She congratulated Buckinghamshire Council staff who had been commended for maintaining business as usual and responding to the pandemic.

The Leader echoed these comments and congratulated individuals, groups and organisations that had been recognised for such a fantastic achievement during difficult circumstances.

Gareth Williams, Cabinet Member for Communities and Public Health, highlighted the Helping Hands Scheme that had been launched. The Scheme provided our most vulnerable families support to buy food over the Christmas holiday. The scheme was being run through schools and would provide £30 food vouchers targeted at families with children and young people eligible for free school meals. He confirmed that further information was available on Buckinghamshire Council's website and encouraged those who were eligible to review the support available.

The Leader endorsed the scheme and thanked the government for providing the funding to provide this initiative. He also highlighted that anyone worried about

food or warmth over the Christmas holidays, and not sure what help was available, to contact the council's Helping Hand support line.

Mark Shaw, Cabinet Member for Children's Services, informed the meeting that he had been delighted by the response to the Christmas Present Appeal for vulnerable children, he commented that £30,000 had been donated and 10,000 presents received. He thanked all those who had donated to this cause. These donations would ensure that children and young people receive presents who otherwise might not receive that much at Christmas.

Isobel Darby, Cabinet Member for Housing and Homelessness, updated the meeting on the temporary accommodation scheme in Desborough Road that she and John Chilver, Cabinet Member for Property and Assets, had recently visited. The scheme will provide 58 temporary accommodation units for those in housing need. The impressive modular design of this accommodation was commended. The Cabinet Member concluded by expressing her thanks to all those involved in bringing the scheme to fruition, including the predecessor Council, Wycombe District Council.

The Leader echoed these comments and congratulated the Cabinet Member and all those involved on the work that had been undertaken in assisting rough sleepers during the pandemic, which he highlighted had been possible through Governments funding.

Nick Naylor, Cabinet Member for transport, informed the meeting that two Member briefing sessions had been held on the direction and objectives for our Highways and Technical Services Department over the next few years. He commented that any Member that was unable to attend these sessions would still be able to view the session as these had been recorded.

Steve Bowles, Cabinet Member for Town Centre Regeneration, made mention of the Aylesbury Vale Local Plan, in particular mentioning that the Planning Inspector had requested various modifications to the Plan. He encouraged everyone to actively participate in the public consultation that would be undertaken from the 15 December until 9 February 2021.

Bill Chapple, Cabinet Member for Environment and Climate Change, commented that there had been an increase in deliveries and packaging recently and provided a reminder that cardboard could be collected by the Council if this was neatly folded, dismantled and left beside refuse bins for collection. He also passed on his thanks and Christmas wishes to all.

The Leader reemphasised the importance of ensuring that items for collection were of a reasonable size and foldable, if this was not possible he pointed out that Household Waste Sites were open for use. A suggestion was made that items could be scored to assist with the disposal of more sizeable items.

5 Question Time

Question from Councillor Robin Stuchbury to the Cabinet Member for Planning and Enforcement.

Milton Keynes Council has published the process by which they will be seeking to engage fully with Parish and Town Councillors to gain their insights, local knowledge and wisdom when forming and establishing S106 Agreements with developers. The information is included within the Milton Keynes Council draft Supplementary Planning Document August 2020.

Therefore, I would like to ask if Buckinghamshire Council that was forged with local councils throughout the county and with a significant importance on future partnership with the Parish and Town Councils within Buckinghamshire will be adopting something similar in the future as a consequence? Which could aid better partnership working with good working practices and the ability to deliver developments in close proximity to the responsibilities within the areas of Town and Parish Councils, especially those which have forged and adopted local neighbourhood plans.

Verbal reply given by Councillor Warren Whyte, Cabinet Member for Planning and Enforcement.

Buckinghamshire Council has a Town and Parish Council Charter, which is in the process of being updated. The Charter sets out how Planning services will engage with Town and Parish Council's, including neighbourhood planning, enforcement and development management.

"Without prejudice" Negotiations for S106 requirements take place during the consideration of a planning application and Town and Parish Councils are consultees in this process. Buckinghamshire Council recognises the importance of Town and Parish Council's involvement in this process and in highlighting material planning considerations, particularly local issues, which need to be taken into account when applications are decided. When commenting on planning applications, Town and Parish Councils are encouraged to highlight any potential infrastructure issues in their local area that may be addressed by S106 obligations through Section 106 negotiations with applicants. It should, however, be noted that all S106 obligations have to meet strict tests as set out in national planning policy and legislation. Whilst there is no legal requirement to consult Town and Parish Council's on draft S106 agreements, we do publish drafts on public access, as required by the Development Management Procedure Order, to be open and transparent and to allow for comments ahead of finalising the legal agreement and issuing the planning consent if the planning application is approved.

It should also be noted that Buckinghamshire Council has an adopted CIL regime in the East, South and West areas of the Council (the former Wycombe and Chiltern and South Bucks areas), through which Parish and Town Council's receive 15-25% of receipts when CIL liable developments have taken place depending on whether they

have an adopted neighbourhood plan in place. This funding can be spent by the Parish and Town Council's on infrastructure to support the development and growth of their area. This allows the local community to decide what they need to help mitigate any impacts of the development.

6 Forward Plan (28 Day Notice)

RESOLVED: Cabinet NOTED the Forward Plan.

7 Select Committee Work Programme

RESOLVED: Cabinet NOTED the Select Committee Work Programme.

8 Q2 Performance Report 2020-21

Katrina Wood, Deputy Leader and Cabinet Member for Resources, introduced the report which detailed the performance of the key performance measures reported through the Corporate Performance Framework for 2020/21. Latest performance outturns and targets for the quarter 2 period were reported alongside trend and benchmarking information, where available.

Within the performance report, outturns which were performing at or better than target were classified as Green, those which were within 5% of the target were Amber and those which were more than 5% of the target were Red. At the end of Quarter 2, 63 indicators had outturns reported with a Red, Amber or Green (RAG) status. Of these, 37 were Green, 6 were Amber and 20 were Red.

Cllr K Wood reported that the majority of the red performance indicators had been impacted due to the Covid-19 pandemic. She highlighted the achievement within adult social care in relation to the percentage of service users due an annual review that had received their review, performance had improved and she congratulated the Cabinet Member and officers on this achievement. She also highlighted a key area for improvement in relation to missed bins collections due to the service having experienced logistical issues, which she anticipated would improve.

Cabinet Members then provided comprehensive explanations for the performance marked as red where performance was more than 5% off the target for each of their portfolio's, these were as follows:

- **Unemployment Claimant Rate** – There were 10,260 more claimants in Buckinghamshire in September than at the onset of the Covid-19 pandemic in March 2020. Improvement actions being undertaken included the Bucks Skills Hub (a LEP, Buckinghamshire Business First (BBF), Buckinghamshire Council and Careers and Enterprise Company partnership) having set up a Redundancy Taskforce. Early retraining initiatives being undertaken within Bucks including - retraining hospitality staff to take on care roles and aviation professionals taking on roles in the film industry.
- **Number of younger people (aged 18- 64) admitted to permanent residential or nursing care homes per head of 100,000 population** - There had been 24 people admitted this year, which was 3 people above the target. Improvement actions being undertaken included reducing the number of

admissions to residential settings, by improving housing options.

- **% of 19-21 year olds who have left care that are in education, employment or training** - At the end of Q2 (September 2020), 50% of care leavers aged 19 to 21 were in education, employment and/or training, which was below the 60% target. Improvement action being undertaken included establishing the “Care Attain” project to support 35 care leavers in the next year, by working with partners including Transition UK, the Clare Foundation and the Department for Work and Pensions.
- **% children waiting less than 14 months between entering care and moving in with their adoptive family** - Performance was below the 60% target, but had increased from the 50% reported for Q1. Improvement action being undertaken included continuing to explore avenues to recruit adopters for children who were difficult to place or have complex needs.
- **% of children starting to be looked after that are placed in internal placements (from 1 April 2020)** – the number of internal placements had been affected by the Covid-19 pandemic, which had impacted on the availability of internal foster carers and internal placements. Improvement actions being undertaken included increasing the number of internally provided semi-independent placements for young people aged 16 and 17.
- **% of those who have set a quit smoking date who have successfully quit at 4 weeks** - In Q2 44% of those who set a quit date had successfully quit at 4 weeks which was below target. Clients had found it harder to quit as a result of Covid-19 restrictions. Improvement actions included adapting service delivery with Live Well Stay Well to improve the quit rate, including intensive behavioural support and promoting a ‘family approach’.
- **Number of library information enquiries (signposting and referral)** – Performance was below Q2 target (3,000 enquiries) at 1,638 enquiries. Libraries had been operating at reduced opening hours and were required to limit visitor numbers in order to ensure social distancing. Performance would improve if we were able to safely increase opening hours, but we were unlikely to meet the target for as long as we were affected by lockdown restrictions and/or required to limit visitor numbers in order to ensure social distancing.
- **Permanent exclusion rate – primary** - The exclusion rate in Buckinghamshire had increased slightly since the previous year when this indicator was rated green, with one additional pupil receiving a permanent exclusion (11 pupils). Improvement actions included primary permanent exclusions being considered at the Primary Executive Board (PEB), to identify more inclusive ways of working and reduce permanent exclusions.
- **Missed Bin Collections** – The decline in performance was due to a number of recent vehicle breakdowns leading to late starts and incomplete rounds. New vehicles had been brought in to provide extra resilience in the fleet. There was also a difference in how missed bins were reported and closed off between the two operators, leading to an artificial uplift. Improvement

actions being undertaken included providing like-for like reporting in the future, as well as the recruitment of an additional manager to help oversee operations in this transition period. The Leader apologised to residents that felt that the Council had not met their expectations in relation to missed bin collections.

- **Number of households living in temporary accommodation for over 12 months** - In Q2 there were a total of 34 households who had been living in temporary accommodation for over 12 months. Housing Associations were not able to let in their usual numbers during the Covid period, Buckinghamshire Council (BC) housing teams were arranging more direct lets than usual during that period. During Q1 and Q2 the BC Housing teams kept more people, including families, in temporary accommodation despite having no further formal statutory duty as evictions from temporary accommodation were not being enforced during the Covid period.
- **Number of applicants with/expecting children who have been in non-self-contained B&B accommodation for longer than 6 weeks** - Due to Covid-19 and the increase in demand for temporary accommodation, coupled with reduced availability of socially rented properties, one applicant had been placed into Bed & Breakfast (B&B) accommodation for longer than 6 weeks. Improvement measures included continuing to carefully monitor applicants in temporary accommodation and utilising all avenues to move them to permanent accommodation in a timely manner, including the use of privately rented accommodation.
- **% of homelessness decisions taking over 56 days** - The % of homeless decisions taking over 56 days in Q2 was higher than target. Due to development work in the launch of the new authority, data was not available for Q1. The Buckinghamshire Council team intentionally kept a large number of rough sleeper applications open to try and find accommodation and continue support during the Covid period.
- **% eligible clients who are provided with transport before the required start date, or no later than 15 working days from referral** - Where transport was not set up within this time period, it had been because the client no longer needed transport, e.g. where they had moved away or taken a place at a different school /placement. Improvement actions included developing a process for following up on unallocated clients to ensure that Client Transport had accurate data about whether transport was required.
- **% of building control applications checked within 21 days** - Application numbers were low in Q1 as architects and agents were not able to visit sites during lockdown, but these had increased considerably as restrictions had been relaxed. Improvement measures being undertaken included agency surveyors having been temporarily on-boarded to assist with the increase in workloads.
- **Gross income from Property** - The reason for the dip in income was due to pressures as a result of Covid-19. The Buckinghamshire Council team was

continuing to agree payment plans with tenants to mitigate the impact of voids. The Property Team also continued to progress a number of significant income opportunities.

- **% of interventions completed against the total due in the annual inspection plan of food premises (A-D rated premises) Buckinghamshire** - On 20 March 2020 the Food Standards Agency (FSA) wrote to Local Authorities instructing them to defer all planned food hygiene and food standards interventions, in effect suspending the programme. This instruction was initially until mid-April but extended until 25 June where Local Authorities were directed to commence interventions in limited circumstances, high risk premises only. The advice had been extended until 30 September. The team would continue to work within the FSA guidelines and to carry out inspections in high risk premises as directed. Given the ongoing restrictions and the backlog it was unlikely that the teams would achieve the 90% interventions target they had consistently met in past years. It was noted that enforcement officers had been heavily involved in Covid-19 compliance.
- **Overall revenue (forecast) variance across the council (performance measure)** - All directorates are forecasting to overspend this year, a major driver behind this being the loss of income and increased costs in relation to the Council's response to Covid-19. Each Directorate was considering actions to mitigate business as usual pressures. Actions being undertaken included each Directorate releasing uncommitted earmarked reserves and corporate contingencies included within the budget. Continued lobbying of government for the full recovery of all additional expenditure and lost income in relation to Covid-19 overspend.
- **£ value of unsecured debt > 90 days (excl Business Rate, Housing Benefit and Council Tax, and not secured against a property or asset)** - There had been an increase in debt figures in September due to the commencement of reconciliation and budget alignment work following the end of lockdown 1. The reconciliation of closing balances from former councils was being carried out to ensure that debt was accurately recorded in reporting going forward.
- **% of Business Rates collected** - Performance for Q2 is 43% against a target of 57.7%. This was due to COVID-19, lockdown 1 and the delay in recovery action. Alternative payment arrangements were being made where possible that support the business as well as meeting our requirements to collect business rates.
- **Average % of phone calls in Customer Service Centres abandoned before being answered** - The Customer Service Centres (CSC) received 20% more calls in September and that had impacted the number of calls that we had been able to answer. Improvement measures included moving all incoming lines to one telephony platform to allow an increase in customer service advisors on busier lines during peak periods and therefore increasing resilience.

The list of improvement measures taken to mitigate the performance of the above measure was not an exhaustive list and further improvement measures were set out in the report.

Cabinet Members also highlighted the many green performance measures which were performing at or better than on target and areas of performance improvement, in particular the following areas were commented upon:

- % of service users due an annual review that receive their review % of assessments completed in 45 working days.
- Number of downloads (eaudiobooks, emagazines and enews)
- % new Education, Health and Care Plans (EHCPs) issued within 20 weeks (excluding exceptions)
- Homeless protections work, N Dicker and his team were congratulated for all their hard work.
- % of enforcement appeals allowed
- Average time for processing new Housing Benefit claims (days)
- Number of visitors to Country Parks
- Improvements to leisure facilities
- % of Flood Management applications responded to within 21 days of receipt
- % of Category 1 defects (pot holes) repaired in 2 working days

Following a detailed review of the performance indicators, it was therefore:

**RESOLVED: That: (i) the report be NOTED; and
(ii) ACTION to improve performance where required be taken.**

9 Buckinghamshire Local Development Scheme

Cllr Whyte introduced the report commenting that the Council was required to prepare a Local Development Scheme (LDS) setting out the local plans it intends to prepare over the next 3 years, their scope and timetable for their preparation. This means setting out plans that were currently being prepared, in particular the Vale of Aylesbury Local Plan (VALP), and the plans we intend to prepare over the next three years, namely the Buckinghamshire Local Plan. Mention was made of the risks included within the report associated with the Planning White Paper (PWP) as this had far reaching implications for the content of local plans, the way they were prepared and the timing of what may be done and when. He concluded by informing the meeting that work was being undertaken on the Statement of Community Involvement which would enable stakeholders to engage and be involved in the process.

During discussions, Cllr Tett commented that the Local Development Plan was an important document for laying out the pathway that the new Local Plan would take. A question was raised in relation to the benefits of parishes having neighbourhood plans in place, to which Cllr Whyte responded to by urging all parishes to look at the benefits of having these plans in place.

The following decision was made to enable the Buckinghamshire Local Plan to be progressed and to meet the statutory requirement to prepare a Local Development Scheme.

RESOLVED: That the Buckinghamshire Local Development Scheme included at Appendix A of the report be AGREED.

10 Potential submission of a bid for the acquisition of the Friars Square Shopping Centre, Aylesbury

The report before Cabinet sought approval to potentially acquire the long leasehold interest of Friars Square Shopping Centre, Aylesbury, for redevelopment purposes.

The following decisions were made to enable the Council to bring forward a significant regeneration scheme to benefit the whole town. The context for the regeneration had been set out in the Aylesbury Garden Town Plan which presented the vision for the town centre, including the area known as Station Corner. It was noted that the next steps would be to develop a masterplan which would be enhanced if the Council acquired the Friars Square Shopping Centre.

The meeting then agreed item 11 and went into private session to discuss the confidential report and appendices set out in item 12. Following a comprehensive confidential discussion, the meeting returned to public session and the recommendations were agreed as follows:

RESOLVED: That:

- (i) Authority be DELEGATED to the Director of Property and Assets in consultation with the Cabinet Member for Property and Assets and the Service Director for Corporate Finance (s151 Officer), to formally submit a bid for the acquisition of Friars Square in accordance with the draft heads of terms set out in the confidential annex considered at Part 2 of this agenda;**
- (ii) Authority be DELEGATED to the Director of Property and Assets in consultation with the Cabinet Member for Property and assets, and the Service Director for Corporate Finance (s151 Officer), to enter into a lock out agreement with the vendor; and**
- (iii) Authority be GIVEN to the Director of Property and Assets in consultation with the Cabinet Member of Property and assets, and the Service Director for Corporate Finance (s151 Officer), to commission the further required due diligence on the acquisition and to finalise the offer and the heads of terms, the arrangements for financing and to exchange contracts and complete on the acquisition for the long leasehold interest in the Centre.**

11 Exclusion of the public

RESOLVED: That pursuant to Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting during consideration of Minute No 12, on the grounds that it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act as defined as follows:

Minute 12 Potential submission of a bid for the Acquisition of the Friars Square Shopping Centre, Aylesbury.

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 process or negotiations)

12 Potential submission of a bid for the acquisition of the Friars Square Shopping Centre, Aylesbury

This item was undertaken in confidential session as part of Minute item 10 and details of the public discussion and the decisions taken are included within Minute number 10.

13 Date of next meeting

Tuesday 5 January 2021 at 10.00am.

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