



Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 1 March 2022 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 10.00 am and concluding at 12.02 pm.

Members present

M Tett, A Macpherson, S Broadbent, J Chilver, A Cranmer, C Harriss, N Naylor and P Strachan

Others in attendance

J Towns (Deputy Cabinet Member), P Brazier, C Poll, R Stuchbury and S Wilson

Agenda Item

1 Apologies

Apologies were received from Councillor S Bowles, Cabinet Member for Communities, Councillor G Williams, Deputy Leader and Cabinet Member for Planning and Regeneration, and Rachael Shimmin, Chief Executive.

2 Minutes

RESOLVED –

That the Minutes of the meeting held on 15 February 2022 be approved as a correct record.

3 Declarations of interest

Councillor A Macpherson declared a personal interest in agenda item number 11 and 14 (Affordable Housing Position Statement) as a Board Member of the Vale of Aylesbury Housing Trust. These items were subsequently withdrawn from the agenda for this meeting.

4 Hot Topics

The following hot topics were discussed:

Leader

The Leader stated that the Council condemned the unlawful Russian invasion of Ukraine and was fully supportive of Ukraine and its people. The Gateway Council building had been lit blue and yellow on Monday evening and the Ukrainian flag would be flown from several buildings, as a very clear and public sign of support.

The Council was encouraging people that wished to provide support to make a financial donation to the United Nations High Commission for Refugees (UNHCR), rather than providing clothes, toiletries etc. A link to 'A Helping Hand for Ukraine' and on some of the main charities supporting Ukraine during the ongoing conflict in the region was accessible from the Council's website.

Cabinet Member for Finance, Resources, Property and Assets

Members were informed that there was an increased risk to cyber security due to the conflict in Ukraine. Internal Comms had been sent to all staff to make them aware of the part they played in protecting themselves and the Council from cyber threats, as all UK Central and Local Government agencies had been advised to be on heightened alert. Members of the public were similarly recommended to remain vigilant.

Cabinet Member for Children's Services and Education

The Cabinet Member advised that Ofsted had commenced an inspection of the Council's Special Education Needs and Disability (SEND) Service. The inspection would take 2 weeks, being off site this week, and then on-site next week interviewing staff, parents and service users. This Ofsted inspection differed to the recent inspection of Children's Services in that the Council would not receive a judgement / rating at the end of it. However, it was possible that a 'Statement of Actions' would be produced, which was the case with around 20% of local authority SEND inspections.

Cabinet Member for Transport

- (i) The Cabinet Member advised that today's London Tube Strike would impact on Aylesbury, Great Missenden and Amersham due to a lack of signallers. A similar Tube strike was expected to be held on Thursday. The strikes would also impact on some morning services on Wednesday and Friday. People were advised to check with Chiltern Railways before travelling on these days
- (ii) Moving Traffic Offences – An upcoming change in legislation by the Department for Transport would mean that powers used previously only by the police would soon be available to a limited number of Councils. Buckinghamshire Council wishes to be one the first local authorities to take advantage of this opportunity. The Council was currently inviting feedback from people on these plans to take on enforcement of moving traffic offences, such as ignoring 'no entry' or 'no left/right turn' signs, driving in bus or taxi routes or other places where motor vehicles are prohibited, entering yellow box junctions without the exit being clear, stopping on school keep clears, or driving the wrong way up one-way streets. The deadline for responses was 4 April 2022.
- (iii) The Cabinet Member, Leader and all Cabinet Members thanked staff for their recent efforts in responding to Storms Dudley, Eunice and Franklin. This had involved responding to over 400 call outs and assisting with many clean ups, road repairs and clearing, and other actions.

Cabinet Member for Climate Change and the Environment

The Cabinet Member advised that the first meeting of the Climate Change Steering Group had been held last week. The Group would be working to co-ordinate climate and environmental activities across the Council and between various services and portfolio areas.

Cabinet Member for Leisure and Culture

The Cabinet Member advised that he had attended last night at Stoke Mandeville Stadium for the Flame Lighting ceremony for the Beijing Paralympic Winter Games.

5 Question Time

Question from Councillor Stuart Wilson to Councillor Gareth Williams, Deputy Leader and Cabinet Member for Planning and Regeneration, Councillor Clive Harriss Cabinet Member for Leisure and Culture, and Councillor John Chilver, Cabinet Member for Finance, Resources, Property and Assets

“Little Marlow Country Park Development Status and Plans

The Little Marlow Lakes Country Park is a site wholly in the green belt and adjacent AONB. It is formally designated a Country Park in the Wycombe Local Plan under RUR4. Little Marlow Lakes Country Park is also designated as the Burnham Beeches Mitigation site for the proposed development of 467 houses in Bourne End at Hollands Farm under Policy BE2 of the same Wycombe Local Plan. This is presently subject to outline planning application at an advanced stage of determination (now due March 2022) which would carry a total in perpetuity mitigation cost of almost £1.5m under agreement. Following recent questions to Cabinet Members at Budget Scrutiny and Finance & Resources Select Committee, the status and plans for this Country Park under Buckinghamshire Council’s broad oversight remain obscure and wholly conflicted.

Can the Cabinet Members please clarify the status of Little Marlow Lakes Country Park as part of Buckinghamshire Council’s Country Parks portfolio and its ability to simultaneously deliver:

- the natural environment and recreational objectives outlined in Policy RUR4;
- all the Burnham Beeches SAC mitigation measures required for Hollands Farm, Bourne End (Policy BE2, Development Brief and Appropriate Assessment);
- and the various development proposals within the Country Park for a major film studio, a large training facility for Wycombe Wanderers and a temporary (5 year) industrial stockyard, either in part or wholly sponsored by Buckinghamshire Council.

RESPONSE was provided by Councillor Chilver on behalf of the 3 Cabinet Members

“We recognise the huge value provided by Country Parks and green spaces - as has been particularly seen over the past two years, with record numbers of visitors to our own existing parks.

The approach to mitigating the recreational impacts of Hollands Farm was agreed with Natural England as the Wycombe Local Plan was prepared. The rationale for this approach was that it was preferable to meet the need for Suitable Alternative Natural Greenspace (SANG) on a nearby site as it was not possible to accommodate it on site.

The package set out in the adopted development brief demonstrates how this would be achieved and is aimed at access to and movement within the country park area utilising existing rights of way and not requiring additional purchase of land.

In applying the Natural England SANG standard means an additional 4.15 ha of land on top of open space requirements would be required, the area designated in the Local Plan as Country Park is 326ha. The mitigation measures are based on existing rights of way and therefore they can take effect regardless of current status of the country park.

Cabinet has considered and approved the recommendations from the Budget Scrutiny and Finance & Resources Committees and in the light of those comments, the relevant Cabinet Members have asked Officers to provide advice on the points raised on this issue and we will also ask Officers to address in that report to address any remaining points raised in this question. The Cabinet Members are anticipating that report in due course and will be able to give a full response to Cllr Wilson's question and publish that answer."

Question from Councillor Robin Stuchbury to Councillor Gareth Williams, Deputy Leader and Cabinet Member for Planning and Regeneration

"Health provision in Buckinghamshire through Section 106 contributions

Evidence suggests that it is difficult getting developer contributions to fund health services in the community. Within North Buckinghamshire there has been no notable contributions in the preceding years before the Unitary Council and those contributions which have been made to Health Bodies and the County Council which now no longer exist as a result of organisational changes. Please could the Cabinet Member explain what work is going on to ensure that the appropriate contributions are being made through future developments to support health service provision within the community and what steps/policies have been put in place since Buckinghamshire Council came into operation to improve this situation for the well-being of Buckinghamshire constituents in the longer-term."

RESPONSE was provided by Councillor J Towns, on behalf of Councillor Williams

"Thank you Councillor Stuchbury for your question. The statutory tests for securing any financial contributions through S106 obligations are set out in Regulation 122 (2) of the Community Infrastructure Levy Regulations 2010 (as amended) which are also

reflected in government policy in the NPPF (2021) at paragraph 57.

Regulation 122 (2) provides that:

A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The Council therefore need to be satisfied that requests for financial contributions are supported by evidence and information to meet the rigorous tests of CIL Regs.

This would apply to any request, in relation to health provision, from the Buckinghamshire Clinical Commissioning (CCG) who are responsible for commissioning primary care services which focus on the treatment of minor injuries and illnesses such as GP surgeries or health centres, and Buckinghamshire Healthcare NHS Trust (BHT) who are responsible for providing acute and community healthcare services to Buckinghamshire. It is important therefore that when we refer to health / medical provision we are clear as to whether this is primary or acute and community care as the CCG and BHT have different approaches to requests for financial contributions and there are differences in their funding regimes.

In order to be compliant with CIL Regulation 122, any request for financial contributions under a s.106 Agreement must provide justification sufficient to demonstrate that the financial contribution is directly related to the development, detail how the sums are necessary to make the development acceptable in planning terms and provide evidence that the contribution is reasonably related in scale and in kind to the development. Moreover, it is necessary for evidence and a detailed methodology for deriving the financial contribution to accompany requests as well as a reasonable degree of certainty that a project is in hand to deliver the capacity to meet the needs.

There is a CIL charging schedule adopted in the former Chiltern and South Bucks, and Wycombe areas. This is a fixed charge levied on new development to fund infrastructure. The former Aylesbury Vale area does not currently have a CIL charging schedule. CIL can be spent towards the provision of infrastructure to mitigate development and could in principle be used towards infrastructure associated with health where justified.

Any requests for infrastructure in the former Aylesbury Vale area would be considered and secure through a S106 obligation if it meets the tests under the CIL

Regulations. Where this is evidenced and justified, it could include contributions towards health infrastructure. Health contributions would need to be evidenced based where seeking capital or and revenue funding (service costs) to justify that such mitigation is required as necessary, directly related to a development in relation to any impact of housing and population growth, and is reasonable and proportionate.

The Council has consulted and been in discussions with the CCG over the requirement for primary care in general terms, not just application-specific, and advised of the CIL Regulations and tests for some considerable period of time as well as during the local plan process and where requests have been made that meet these tests, they have been agreed through the planning process.

There has also been considerable dialogue including at a high corporate level between the Council, Buckinghamshire Healthcare Trust (BHT) and the CCG to assess the potential for CIL compliant contributions, including in relation to BHT an alternative provision in the way of capital costs.

The important next step for the Council, BHT and the CCG is to engage in the preparation of the new Local Plan for Buckinghamshire so that the future health needs and infrastructure required to meet those needs can be properly planned and delivered as part of future developments in the County.

I can assure you that the Council is committed to working collaboratively with the Trust and CCG and we are currently awaiting further response and information from them, so that we can progress this discussion.”

6 Forward Plan (28 Day Notice)

The Leader introduced the Forward Plan and commended it to all Members of the Council and the public, as a document that gave forewarning of what Cabinet would be discussing at forthcoming meetings.

RESOLVED –

That the Cabinet Forward Plan be noted.

7 Select Committee Work Programme

RESOLVED –

That the Select Committee Work Programme be noted.

8 Member engagement in planning - Select Committee report

Councillor C Poll, Chairman of the Review Group into Member engagement in

planning attended the meeting to present the findings and recommendations which had been reported to Cabinet by the Growth, Infrastructure and Housing Select Committee.

Cabinet was informed that a rapid review had been undertaken during November and December 2021 into Member engagement in planning. The review group had collected evidence through meetings and by conducting a survey of elected Members and planning staff. The review group had then met in January 2022 to discuss and agree its key findings and recommendations that were detailed at Appendix 1 to the Cabinet report.

Cabinet considered their responses to the scrutiny review and commented or raised the following points during discussion:

- It was agreed that the Member Development Working Group should take a lead in actioning some of the recommendations, particularly on guidance notes for Members and Officers, Meet the Planner 'informal' events and on political awareness training.
- That it would be helpful to also involve the Environment team in this work as there were overlaps between this area and planning.
- A Cabinet Member commented on the positive and productive outcomes from a recent Planning Surgery he had attended.
- A more detailed explanation was provided on recommendation 2 and enabling all Members to be able to access and receive training on GIS maps to enable them to look up planning application details and other useful information such as flood plains and conservation areas. It was believed that this would answer many Member queries without the need to have to contact a planning officer.
- It was commented that other areas such as planning enforcement and planning engagement with Town and Parish Councils would benefit from similar review by scrutiny.

RESOLVED –

- (1) That the Select Committee and Review Group, as well as the supporting Officers, be thanked for their work and subsequent recommendations.**
- (2) That Cabinet's responses to the review, as discussed at the meeting, be noted.**

Note: a complete breakdown of the scrutiny recommendations and Cabinet's responses can be found [here](#).

9 Corporate Plan Refresh 2022

Buckinghamshire Council's Corporate Plan set out what the Council wanted to achieve and how this would be done, addressing the challenges faced and harnessing opportunities as they presented themselves.

The current plan had been approved in February 2020. A light-touch review of it been undertaken to reflect key events and changes in priorities since the drafting of the plan in 2019/20. The revised plan reflected the impact of the pandemic on the Council's priorities, together with other key developments such as new national

legislation.

The Leader introduced a draft of the refreshed corporate plan that was attached at Appendix 1 to the Cabinet report. The plan was intended to cover the period until 2025, in accordance with the current Council term, and would continue to be subject to an annual refresh. It was proposed that following consultation on the draft with Select Committee Chairmen (recommendation 1 of the 2022 Budget Scrutiny Inquiry had been to review the Corporate Plan prior to the end of the financial year) the refreshed corporate plan 2020-25 would be submitted to full Council for approval and then published on the website.

Cabinet Members commented on issues relating to their portfolio, or raised the following comments during discussion:

- On the importance of the Council working with partners to achieve and deliver the agreed outcomes. As a public document, the Corporate Plan would help to communicate to staff, partners and residents, a clear concise narrative of strategic intent.
- That the Corporate Plan was the Council's main strategic business planning document, establishing a golden thread between the Council's priorities, as set out by elected Members, and the activities which would be undertaken to deliver the organisation's agreed outcomes.
- That the page on 'How will we spend the 2022/23 budget' highlighted the expenditure on Adult Social Care and Children's Social Care. Expenditure on Adult Social Care had increased by 23.2% since 2015.
- It was requested that the statistics at the 'Buckinghamshire in numbers' page of the plan should be updated, where necessary, and that at the 'Moving forward together: valuing partnerships' page, the dot point on 'Increase our overall contribution to HM Treasury' should be moved to be the last of the 6 points, both changes to be made before the plan was submitted to Council.

RESOLVED –

- (1) That the refreshed Corporate Plan 2022 be AGREED for submission to Council.**
- (2) That the Leader be authorised to make further amendments to the draft in light of feedback from Select Committee Chairman, prior to submission of the Corporate Plan Refresh 2022 to Council.**

10 Ofsted Inspection Outcome

Children's Services in Buckinghamshire had been judged to be inadequate by Ofsted in August 2014 and November 2017. Subsequently, the Secretary of State had appointed John Coughlan CBE, former Chief Executive of Hampshire County Council, as Children's Commissioner to undertake a review to determine if the most effective way of securing and sustaining improvement in Buckinghamshire was to remove the control of children's social care from the Council. The Council had retained control of its Children's Services and an Improvement Board had been established to drive sustainable improvement across Children's Services to address the feedback and areas

of concern identified during the November 2017 inspection.

Between July 2018 and October 2019, Ofsted had completed 4 monitoring visits, which had reflected that progress had been made, as well as the general challenge in improving services and the specific challenges around recruitment and retention of social workers.

The fifth monitoring visit had been scheduled for Spring 2020 but had been postponed due to Covid-19. A Covid focussed visit had been conducted in February 2021 which had again noted the challenges in relation to recruitment and retention as well as the significant increase in demand as a result of the pandemic.

Ofsted had conducted their reinspection of services for children in need of help and protection, children looked after and care leavers between 29 November and 17 December 2021. As part of the inspection, inspectors had evaluated:

- the overall effectiveness of the service.
- the experiences and progress of children in need of help and protection.
- the experiences and progress of children in care and care leavers.
- the impact of leaders on social work practice with children and families.

Inspectors had reviewed approximately 400 children's case files and over 350 documents. They had also met with staff, partners, children and young people, care leavers, parents and carers, adopters and foster carers, as well as the Leader, Cabinet Member Children's Services & Education, Chief Executive and Senior Leaders within Children's Services.

The Cabinet Member for Education and Children's Services informed Members that the recent inspection had found that Buckinghamshire was no longer 'Inadequate', and the overall judgement of Children's Services was 'requires improvement to be good'. The report had been published on Friday 11 February 2022 and could be accessed [here](#).

Paragraph 2.12 of the Cabinet report detailed some of the actions that the Council needed to take improve the Service:

- (i) The understanding, and reduction of, a high rate of re-referrals and assessments that result in no services being provided for children and their families.
- (ii) The consideration and cumulative impact of earlier interventions and family histories in children and family assessments.
- (iii) The quality of social workers' direct work with children.
- (iv) The support provided to children aged 16 and 17 years who present as homeless.
- (v) The impact of independent reviewing officers (IROs) in decisively escalating children's cases when there is drift and delay in the progress of their care plans.
- (vi) The quality of case supervision for social workers in order that it promotes consistently effective work with children.

- (vii) The engagement and participation of children in care in the corporate parenting work of the council.

Members discussed the report and Ofsted outcome and commented:

- The inspection had found that no children were at immediate, unassessed risk of serious harm and that there were no widespread or serious failures for children across the range of services.
- That the Council would have to submit a Plan back to Ofsted by 25 May 2022, addressing all the actions for improvement that had been identified during the inspection.
- Information was provided on measures and support being taken to retain, attract and recruit Social Workers, including on the Council's Social Worker Academy, and on the work that was being done to support older children (16-17 years old) who presented themselves as homeless. The Council had a legal responsibility to children in care until they reached 25 years. Details were also provided of the work that was being done through the Corporate Parenting Panel to support the homeless.
- In response to the Ofsted finding that some assessments were too superficial, it was explained that a lot of staff training had been done over the last 6 months to ensure that data (that was often very complex) was better recorded and that greater evaluations took place. Staff turnover could often impact on this particular issue.
- It was acknowledged that there were long waiting lists for CAMHS assessments, sometimes over a year and particularly for autism assessments. The Ofsted inspection had not detailed the myriad of support that was in place to support children who were on a waiting list, and this would be included in the Plan submitted to Ofsted by 25 May.
- That it was important to have a stable workforce who had manageable workloads. There had been a 73% increase in child protection work during the pandemic.
- Further information was sought on Corporate Parenting and the role of Councillors. Members were informed that the Service was currently undertaking a strategic collaboration report and encouraging children to get involved and to hear their voice. Work on the strategy was being led by an ex Care Leader. It was likely that one of the outcomes of the review would be to encourage Councillors to become mentors to young people. Some of this work had been delayed by the pandemic but was not being rolled out.

Members thanked staff for the work that they had done over a number of years, including during the pandemic, that had resulted in the latest Ofsted rating. It was stated that there was no room for complacency, and it was the aspiration for the Council that Children's Services be rated at least good at the next Ofsted inspection.

RESOLVED –

That the positive outcome of the Ofsted re-inspection of services for children in need of help and protection, children looked after and care leavers be NOTED.

11 Affordable Housing Position Statement - Outcomes from the Task and Finish Group - WITHDRAWN

It was agreed that this item would be withdrawn from the agenda for additional work to be done on the Position Statement. It would be submitted to a future Cabinet meeting.

12 Consilio Property Ltd Business Plan 2021-23

Consilio Property Limited was a company limited by shares founded in September 2017 by South Bucks District Council. In April 2020 100% ownership of Consilio had transferred from South Bucks District Council to Buckinghamshire Council. The aims and objectives of Consilio had been reviewed and revised to align with its shareholder objectives of enabling the new development of residential property on surplus land on the council's existing estate to:

- Increase the amount of good quality affordable and key worker housing stock for Buckinghamshire's residents.
- Increase the supply of private housing to meet the Councils housing needs under the adopted Local Plan.
- Promote and showcase by delivery Buckinghamshire Councils affordable Housing aspirations.
- Provide a financial return to the Council for the benefit of its residents, where viability allows.

Consilio would have a positive impact on the county's economic development and help influence economic performance by helping to increase the County's housing supply. The company currently held a portfolio of property assets comprising of two commercial buildings and a development of 34 flats, including 14 of which were allocated to affordable housing. Future Freehold development proposals were currently under consideration by Consilio as evidenced in the Consilio Business Plan, detailed in the confidential part of the agenda.

To be compliant with regulations surrounding the supply and management of Social Housing, Consilio was building the appropriate structure to secure Registered Housing Provider (RP) status as soon as possible. Funding in the new Consilio landscape would require ongoing discussion and agreement with shareholders. There might additionally be grant funding available from Homes England, especially once RP designation was achieved, that could be secured on a project specific basis to support future residential investments.

In 2021, Consilio Property Ltd had appointed a new Directorship team to enhance good governance and transparency and to take the company forward. In summary, Cabinet was informed that Consilio Property Ltd was well structured with both good governance and internal and external professionals in place to support ongoing management. Consilio was now well placed to deliver the aims and objectives shared with Buckinghamshire Council.

The Cabinet agenda also included a number of confidential appendices:

Appendix 1 – Consilio Property Limited Business Plan
Appendix 2 – Consilio Finance report narrative
Appendix 3 – Consilio Balance Sheet
Appendix 4 – Consilio P&L Year to Date – November 2021

Members discussed the confidential appendices in private as part of their deliberations and upon returning to public session it was –

RESOLVED –

- (1) **That it be NOTED that the Business Plan attached to the Cabinet report represented a true and accurate reflection of Consilio Property Limited’s past and current position.**
- (2) **That the Business Plan be AGREED, noting that Consilio Property Limited was expected to continue to generate net returns even with no additional investment.**

13 Exclusion of the public (if required)

RESOLVED –

That pursuant to Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting during consideration of Minutes No 14, 15 and 16 on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act as defined as follows:

Minute 15 – Consilio Property Limited Business Plan 2021-2023

The items include 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 exemptions outweighs the public interest in disclosure, because disclosure could prejudice the Council’s position in any future process or negotiations).

14 Confidential appendix - Affordable Housing Position Statement - WITHDRAWN

It was agreed that this item would be withdrawn from the agenda for additional work to be done on the Position Statement. It would be submitted to a future Cabinet meeting.

15 Confidential appendix - Consilio Property Ltd Business Plan

This item was undertaken in confidential session as part of Minute item 12 and details of the public discussion and the decisions taken are included within Minute number 12.

16 Confidential minutes

RESOLVED –

That the confidential Minutes of the Cabinet meeting held on 15 February 2022 be

agreed as a correct record.

17 Date of next meeting

The next meeting would be held at 10am on Tuesday 29 March 2022.