



## Cabinet decision notice

The following decision(s) were taken by Cabinet at its meeting held on **7 June 2022**. Decisions will (unless called-in) become effective at 5pm on 14 June 2022.

### **Agenda item no. 7**

#### **Harmonisation of Strategies, Policies and Charges**

##### **(a) Decisions**

Following vesting day the new Council had inherited a significant number of statutory duties, together with the five former Council's existing strategies, policies, plans, reviews, schemes and statements. These were key to service delivery or to provide clarity to residents, Members, staff or other stakeholders by outlining what we will do, how and why.

The Government's transitional regulations stipulated three key dates by which 15 of the new council's statutory policies had to be harmonised and implemented by 1 April 2022, although the Homelessness Strategy had not been agreed until 27 April 2022. These were detailed in Appendix A to the Cabinet report together with the statutory deadline set for harmonisation. All other policies including any statutory ones not listed in Appendix A continued to have effect (over the geographical area they previously applied) as if made by Buckinghamshire Council, until they are substituted/replaced.

There were no timescales set by the regulations for the new Council to prepare substitutes/replacements for these. For these policies the council was left to consider the practical impacts on the delivery of services if policies were not harmonised and existing statutory plans continue, although there was also a need to consider whether these existing arrangements complied with any specific legislative requirements of that service.

The Cabinet report also included information:

- on the 50 strategies and policies that had been harmonised (Appendix B).
- that work was progressing on the local plan development documents under Section 23 of the Planning and Compulsory Purchase Act 2004, which was on track to be harmonised by 1 April 2025.
- on work being done to harmonise fees and charges. Although there was no blanket obligation to do so, legal advice received during the transition had stated the Council should consider if the differential area charges for the same or similar service could pose a reputational and legal risk of residents raising lawsuits especially if there was a prolonged continuation of differential charges after vesting day. Some charges would remain different if there were specific and valid reasons, for example, the council cemeteries operated differently with different

- arrangements in place for the services that were provided.
- at Appendix C on fees and charges yet to be harmonised and the current expected timescales for harmonisation, where this was known.
- at Appendix D on a further 70 strategies and policies the council was planning to harmonise or update by April 2023.

**RESOLVED –**

**That the strategies, policies, and charges that have been harmonised since 1 April 2020, and those expected to be reviewed before April 2023, be NOTED.**

**(b) Reasons for decisions**

To ensure that the Government’s transitional regulations and three key dates by which 15 of the new Council’s statutory policies had to be harmonised have been implemented by the statutory deadline.

To ensure that a holistic approach has been taken to review and update, where applicable, the significant number of existing strategies, policies, plans, reviews, schemes, and statements inherited from the 5 legacy Councils.

**(c) Alternative options considered**

Not applicable.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 8**

**Buckinghamshire Electric Vehicle (EV) Action Plan 2022-27**

**(a) Decisions**

A draft Electric Vehicle (EV) Charging Infrastructure Strategy had been initiated in 2020. Following the COVID pandemic, rapid changes in the electric vehicle market, and the publication of the national EV Infrastructure Strategy in March 2022 the Council had refreshed and extended the scope of this study to also consider the role of electric buses, taxis, the Council’s fleet vehicles, and how to increase the number and type of charge points most efficiently.

The previous work undertaken had been very technical and would be maintained as a standalone background research document known as the ‘Electric Vehicle Study 2022’. A shorter ‘EV Action Plan’ had been developed from the evidence in the Study, as well as input from Council officers, feedback from Members, and assistance from the Energy Saving Trust who administer the multiple government EV charge point funding streams.

The Study and Action Plan were considered key in supporting the continued uptake in EVs across Buckinghamshire and the delivery of key targets in Climate Change and Air Quality Strategy 2021.

**RESOLVED –**

**That the Buckinghamshire Council's Electric Vehicle Action Plan (EVAP) 2022-2027 be ADOPTED.**

**(b) Reasons for decisions**

The plan set out the Council's approach to increasing electric vehicle charge points in Buckinghamshire over the next 5 years, which supported the Climate Change and Air Quality Strategy 2021.

**(c) Alternative options considered**

Other options considered are detailed at Section 3 of the Cabinet report.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 9**

**Budget Monitoring Outturn 2021/22**

**(a) Decisions**

The report set out the Revenue and Capital outturn position for Buckinghamshire Council for the financial year 2021/22. This would be subject to external audit and to continued pre-audit quality checks.

**RESOLVED –**

- (1) That the outturn for the financial year 2021/22 and the associated risks and opportunities, be NOTED.**
- (2) That the transfer of £9.9m arising from the unused contingencies (£7.7m) and a favourable outturn variance (£2.2m) to earmarked reserve be APPROVED, to mitigate heightening risks around the financial implications associated with increased inflationary pressures, global turbulence, Local Government Finance reform and Adult Social Care reforms.**
- (3) That the carry-forward of slippage on capital schemes where budget is required on approved capital projects in future financial years be APPROVED.**

## **(b) Reasons for decisions**

To understand the financial position of the Council in respect of 2021-22 Budgets.

## **(c) Alternative options considered**

None.

## **(d) Conflicts of interest/ dispensations**

None.

## **Agenda item no. 10**

### **Q4 Performance Report 2021-22**

#### **(a) Decisions**

The report comprised two items:

- The Performance Report – which provided details of the key performance measures reported through the corporate performance framework for 2021/22. The latest performance outturns and targets were reported alongside trend and benchmarking information, where available. The report also included several indicators without targets for this year, that were being monitored to establish a baseline level of performance and monitor trends. A commentary was provided for each indicator explaining what was being measured, explaining the narrative behind each outturn and detailing improvement actions.
- The Performance Scorecard – which provided information on four key elements of performance for the Council covering Finance, Customer Service, Performance and Human Resources indicators. These were arranged in four quadrants.

Within the performance report and performance scorecard, outturns that were performing at or better than target were classified as Green, those that were within 5% of the target were Amber and those that were more than 5% of the target were Red. At the end of Quarter 4, 93 indicators had outturns reported with a red, amber or green status. Of these, 66 were Green (71%), 7 were Amber (8%) and 20 were Red (22%). This compared to Quarter 3 where 62 were Green (69%), 12 were Amber (13%) and 16 were Red (18%).

#### **RESOLVED –**

- (1) **That the Council's performance for the Quarter 4 period 2021-22 be NOTED.**
- (2) **That the actions being taken to improve performance, where required, be NOTED.**

## **(b) Reasons for decisions**

The Corporate Performance Framework was reported on a quarterly basis to Cabinet to ensure there was understanding, ownership and accountability for performance outturns,

including actions to improve performance where appropriate.

**(c) Alternative options considered**

None.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 11**

**Enterprise Zone Memorandum of Understanding Update**

**(a) Decisions**

The Aylesbury Vale Enterprise Zone (AVEZ) had been established in 2016 under the government's Enterprise Zone policy to attract and develop new business investment and promote growth in three key locations in the Aylesbury Vale area. It had begun as a partnership between 4 parties (Ministry of Housing, Communities and Local Government, Buckinghamshire Local Enterprise Partnership, Aylesbury Vale District Council and Buckinghamshire County Council).

A Year 5 evaluation of the EZ had been undertaken in early 2021 and a new Implementation Plan had been prepared for the period 2021-26. The first 5 years (2016-21) had focused on EZ set up and establishment of development within the zone. The next period would focus on accelerating site development and providing greater business, skills, and inward investment support.

AVEZ had been set up as an informal partnership under a Memorandum of Understanding (Appendix 1) that was signed in 2017 and lasted for 4 years. In December 2021 it had changed its name to Buckinghamshire Enterprise Zone following agreement with government.

A MOU was a statement of serious intent that was entered into voluntarily by the respective parties. It had moral force but did not create legal obligations, unless it was expressly stated that it was to be a legally binding document. Now expired, the original MoU held little weight and the EZ relied on the goodwill of the parties to continue working together, as they had done. The absence of a MoU could be problematic if there was an issue or disagreement between partners.

Given the passage of time and new local government and policy context since the original MoU it was important to refresh it with a new agreement to govern the EZ. Buckinghamshire Council officers had worked with EZ/LEP staff to review the MoU to identify the main provisions to be retained, updated, or removed in creating a new MoU.

## **RESOLVED –**

**That the recommendations that have been agreed by the Aylesbury Vale Enterprise Zone Board be SUPPORTED, to:**

- (i) Refresh the Memorandum of Understanding to reflect changes in governance since the EZ's inception.**
- (ii) Change the split of surplus income generated by the EZ from 70:30 (Bucks LEP : Bucks Council) to 50:50 to reflect the Council's 50% share of uplift on business rates.**
- (iii) Not activate the EZ MoU provision for distribution of 'Surplus' income in the period up to March 2026 to enable the EZ to maximise use of funding to maintain momentum and accelerate development of the EZ sites and support other relevant initiatives for the recovery and growth of the Buckinghamshire economy.**

### **(b) Reasons for decisions**

To gain Council support for changes to the Enterprise Zone's governance arrangements.

### **(c) Alternative options considered**

Other options considered were detailed at Section 3 of the Cabinet report.

Legal and financial implications were detailed at Section 4 of the Cabinet report. The new MoU had been drafted by the council's Legal Service and was included at Appendix 1, and therefore ensured that the Council's interests in the EZ would be preserved.

### **(d) Conflicts of interest/ dispensations**

None.

## **Agenda item no. 12**

### **Proposed residential development at the site of the former Buckinghamshire County Council Community Sports and Social Club Land**

#### **(a) Decisions**

The former Bucks CC Sports and Social Club was located off Lower Road in Stoke Mandeville. It was approximately 3.7 hectares in size. The Site currently comprised a closed club house surrounded by open land which had formerly been used as sports pitches and tennis courts. The former Sports and Social Club Land had remained unused for some years and as it currently stood represented a drain on the Council's resources in ensuring public safety while enforcing security.

The proposal was for the demolition of all existing structures and the Outline Planning Application set the scene for the future development in seeking consent for the construction of up to approximately 100 residential units with a re-provision for open space

for day-to-day use and includes the LPA's statutory requirement that 30% of that number be affordable accommodation. Consent was also sought for improving the main access road and extending the main estate road to provide Booker Park School with a second vehicular access point that would greatly relieve congestion adjacent to the existing school entrance.

The scheme had been revised following pre-app advice and then again following consultation with Stoke Mandeville Parish Council and SMPC's retained architects. There would likely be further detailed refinements, but the hope was that the quantum of development was now fairly settled. The specific uses of the residential units were not referenced in this application as they would be dealt with as reserved matters once the mix of accommodation was agreed.

The Stoke Mandeville site was also identified as the preferred location for a new primary electricity substation which was part of Bucks Council's HIF investment programme and was targeted to bring in substantial HIF funding, that would hugely benefit the Council and Buckinghamshire residents and supported the future growth of Aylesbury by alleviating any existing grid capacity constraints. A separate planning application would be submitted soon by UK Power Networks.

An Outline Planning Application was intended to preserve the flexibility of future design and composition of the development and represents a good opportunity to provide mainly affordable and key worker homes in an ideal location due to the proximity with Stoke Mandeville Hospital. This same specific location provided a rare prospect to include a provision for bespoke and adaptable housing for the special exigent needs of clients of both adults and children's services.

#### **RESOLVED –**

**That approval to submit an Outline Planning Application for the proposed residential development at the site of the former Buckinghamshire County Council Community Sports and Social Club land be AGREED.**

#### **(b) Reasons for decisions**

- The proposed Outline Planning Application would set out the proposed number of accommodation units, the proportion of affordable housing, the provision of a sports and leisure area for community and school use, an expanded access road and a new road link to Booker Park School. It was not proposed to consider the detail of accommodation. This would be dealt with as reserved matters.
- There was insufficient information available at this point to decide on the mix and proportion of different proposed uses. This would be the subject of a business case that would be drafted through consultation with relevant services and submitted for a future decision.
- Submitting an early outline planning application would enable the application to be considered ahead of or together with, the emerging Stoke Mandeville Local Area Neighbourhood Plan.

**(c) Alternative options considered**

Other options considered were detailed at Section 3 of the Cabinet report.

**(d) Conflicts of interest/ dispensations**

None.

**Agenda item no. 13**

**Wycombe Air Park and Aero Airways Associations Ltd (AAA lease)**

**(a) Decisions**

The report provided details of a linked transaction that would provide the Council with the opportunity to procure a major development and employment project on this key regeneration site in accordance with Wycombe District Local Plan. Key elements of the development proposal included a major film studio on a 24-acre site owned freehold by the Council and an employment development on an 18-acre site within WAP.

The overall transaction would generate rental income for the Council that would support the Council's Medium-Term Financial Plan. In addition, the Council would receive a significant capital receipt that would contribute to the capital receipts target to fund priority capital projects of the Council. Aside from the financial and economic benefits of the transaction to the Council, it would also provide a capital receipt to AAA; enable the return of Booker Gliding Club ("BGC") to Wycombe Air Park and a cessation of legal proceedings between AAA and the Council without further costs.

**RESOLVED –**

**That, subject to the necessary planning permission being granted, authority be delegated to the Service Director for Property and Assets, in consultation with the Cabinet Member for Accessible Housing and Resources, the Service Director for Legal and Democratic Services and the Section 151 Officer to:**

- (i) Authorise and undertake necessary outstanding due diligence, agree final terms for both a lease re-gear with AAA and a Collaboration Agreement for the disposal of Site B ("the principal transaction") and exchange and complete relevant legal documentation for the reasons detailed in the Cabinet report and in the confidential appendix.**
- (ii) Authorise and undertake necessary outstanding due diligence, agree final terms for the sale of Site B to the current proposed investor/developer or an alternative party ("the associated transaction"), and to exchange and complete relevant legal documentation for the reasons set out in the Cabinet report and the confidential appendix.**

## **(b) Reasons for decisions**

The overall transaction would provide Buckinghamshire Council (“the Council”) with unfettered legal ownership of all 24 acres of land (“Area A”) immediately to the south of Wycombe Air Park which would enable the development of a comprehensive and permanent film studio scheme subject to receipt of planning AND would bring forward employment development on Site B in accordance with the August 2019 adopted Wycombe District Local Plan (“WDLP”), subject to receipt of a satisfactory planning permission and the securing of vacant possession to all the site.

The linked transaction would generate:

- Rental income that supports the Council’s Medium-Term Financial Plan.
- A net capital receipt (from the sale of Site B) which will materially contribute to the Council’s capital receipts target to fund existing priority Capital projects.
- A capital payment to AAA, the Council’s leaseholder of WAP and the responsible manager of the airpark which currently holds the airfield licence for the airpark from the administering authority, the Civil Aviation Authority (“CAA”), which has the benefit of an existing long lease.
- Agreement to withdraw legal proceedings between AAA and the Council without further costs and
- Resumption of Booker Gliding Club (“BGC”) to WAP subject to the lease conditions on a long-term basis.

## **(c) Alternative options considered**

Other options considered were detailed at Section 3 of the Cabinet report.

Legal and financial implications were detailed at Section 4 of the Cabinet report. The rental income and capital receipt generated from this deal were budgeted for in the Council’s Medium Term Financial Plan, and would therefore contribute to funding existing projects and expenditure within the Council.

## **(d) Conflicts of interest/ dispensations**

None.

For further information please contact: Ian Hunt - [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk) on 01296 585043, email [democracy@buckinghamshire.gov.uk](mailto:democracy@buckinghamshire.gov.uk).

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