



Cabinet decision notice

The following decision(s) were taken by Cabinet at its meeting held on **12 December 2023**. Decisions will (unless called-in) become effective at 5pm on 18 December 2023.

Agenda item no. 8

Buckinghamshire Serious Violence Response Strategy 2023-2026

(a) Decisions

In line with the statutory requirements of the Serious Violence Duty, the Serious Violence Response Strategy 2023-26 had been produced. The Strategy outlined the following five priorities: -

- **Priority 1** – Raise awareness of serious violence through communication, education and training.
- **Priority 2** – Support early intervention for vulnerable young people and those becoming at risk.
- **Priority 3** – Develop awareness of, and embed, the Serious Violence Agenda, and Duty requirements amongst the partnership.
- **Priority 4** – Enhance appropriate support for those who are released from custody who are most risk of reoffending.
- **Priority 5** – Undertake a proactive partnership response to cohorts and locations vulnerable to serious violence.

A multi-agency Serious Violence Reduction Delivery Plan would be produced to support the delivery of the priorities over the next three years. The delivery plan would be overseen by the multi-agency Serious Violence Reduction Delivery Group, with updates going to the Safer Buckinghamshire Board on a quarterly basis.

RESOLVED –

- (1) That the Serious Violence Response Strategy 2023-26 be APPROVED.**
- (2) That the next steps to be taken be NOTED, namely:**
 - (i) Publication of the Serious Violence Response Strategy 2023-26 and submission to the Home Office.**
 - (ii) Development of a detailed delivery plan.**

(b) Reasons for decisions

The production of a Serious Violence Strategy was a statutory requirement of the Police, Crime, Sentencing and Courts Act 2022.

(c) Alternative options considered

None.

(d) Conflicts of interest/ dispensations

None.

Agenda item no. 10

Fly-Tipping Enforcement Policy Review and Government Fixed Penalty Notice Increase to Fly-tipping and failure in Householder Duty of Care

(a) Decisions

The Buckinghamshire Fly-Tipping Enforcement Policy was adopted by Cabinet in April 2020. The Policy was reviewed periodically in order to remain appropriate to meet the necessary compliance requirements. Cabinet was requested to agree to the revised Fly-tipping Enforcement Policy 2023 (Option 2a) with two key changes:

- a) An increase in Fixed Penalty Notice (FPN) limits
- b) New criteria to issue an FPN to an offender based on admissions being made.

The amendments were highlighted in Bold and Italics in the revised Policy, which was attached at Appendix A to the Cabinet report.

The Government had confirmed the desire for local authorities to take a more robust approach to tackle waste crime and toughen existing deterrent measures to change behaviours. The Department for Environment, Food and Rural Affairs (DEFRA) announced an increase in statutory Fixed Penalty Notice (FPN) upper limits effective from 31st July 2023, which supported DEFRA's wider work to tackle waste crime. Local authorities had the freedom to determine fixed penalty rates within the limits set out below. The FPN maximum levels had been confirmed as:

- Fly-Tipping – increase from £400 to £1,000.
- Failure in Householder Duty of Care – increase from £400 to £600.
and
- Littering – increase from £150 to £500. Changes to the litter FPN Upper limit were not being considered as part of this report. A Littering Enforcement Strategy was being progressed and a separate report would consider appropriate litter enforcement.

Should the recommendations in the Cabinet report be agreed, and following the call-in

period, the Fly Tipping Enforcement Policy 2023 would become effective. Public communications were planned for December 2023 and January 2024. Published policy documents and the Council website would be updated to replace the existing 2020 policy to reflect the amendments.

Members agreed that recommendation 3 in the report should be removed as any proposed changes to the enforcement policy should be considered and agreed by Cabinet in line with the Councils 'Zero Tolerance' position in respect to fly tipping.

RESOLVED –

- 1. That the revised Buckinghamshire Council Fly-Tipping Enforcement Policy 2023 be AGREED and ADOPTED, which sets out criteria to issue a Fixed Penalty Notice (FPN) to an offender based on admissions being made.**
- 2. That the revised FPN upper limits approach (Option 2a) be AGREED and ADOPTED, to address the recent Government change to increase the upper limits of FPNs for fly-tipping and failure in householder duty of care.**

(b) Reasons for decisions

The Council was committed to the principle of good enforcement, as set out in the Legislative and Regulatory Reform Act 2006, with the purpose of enforcement action meaning the Council could meet compliances.

These amendments would align the Council with the new Government legislation recommendations to increase Fixed Penalty Notice (FPN) upper limits and clarifies the issuing of FPNs in line with the Councils 'Zero Tolerance' position in respect to fly-tipping.

(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. 11

Proposed changes to the Waste Access and Acceptance Policy for the Household Recycling Centres (HRC) for charges relating to DIY waste

(a) Decisions

The Council was the Waste Disposal Authority (WDA) and was under a statutory duty to provide Household Recycling Centres (HRCs) under the Environmental Protection Act (EPA) 1990 Section 51 and the WDA provided 10 sites across the County operated under contract

by FCC. Under the EPA, 'household' waste had to be accepted without charge at HRCs and the existing legislation allowed the WDA to charge for certain 'non-household' or DIY/ construction/ demolition type waste streams. The Council introduced charging for these non-household waste streams in April 2019.

On 18 June 2023, the Government announced their intention to abolish charges on small amounts of DIY wastes brought to HRCs by setting a minimum threshold level to be accepted without charge. On 21 November 2023, the new regulations were laid in Parliament and stated that:

Waste from construction or industrial waste, demolition works, including preparatory works is to be treated as household waste for the purpose of (a) Section 32(2) and (2a) of the Act, (disapplication of Section 34(1) and duty of the occupier of domestic property to transfer household waste only to an authorised person or for authorised transport purposes); and (b) section 51 of the Act (functions of waste disposal authorities, but only where-

- i. The waste is produced at a domestic property by occupiers of that domestic property carrying out their own construction or demolition works, including preparatory works;*
- ii. The waste is not from construction or demolition works, including preparatory works, for which payment has been or is to be made;*
- iii. The amount of waste delivered to any disposal site in a single visit is either –*
 - a. Less than 100 litres and capable of being fitted into two 50 litre bags OR*
 - b. a single article of waste no larger than 2000mm x 750mm x 700mm in size and;*
- iv. Waste delivered to waste deposit sites does not exceed four single visits per household in any four week period.*

The current Waste Access and Acceptance Policy (WAAP) charged for all non-household waste streams. Under the legislative changes any DIY waste produced by a tradesperson, including landlords, would remain liable to a charge without any free threshold. As such, no changes to WAAP were required in respect of tradespersons or commercial waste. The changes required to WAAP related only to the charges for Buckinghamshire Council residents for household DIY waste over the free threshold of one load per week at HRCs and non-Buckinghamshire Council residents for all waste types. Due to the short timeframe, the Council might not be able to implement a robust management system, which would have been more streamlined (likely to centre around a revised version of the Council's current e-permit system), by 31st December 2023. The Council was working on this to understand the requirements in order to implement the new e-permit system and this would be implemented during 2024. Therefore, a phased approach with full implementation no later than the July 2024 was being recommended. The Cabinet report set out the changes and how this would be implemented.

In relation to recommendation 4 reassurance was given that Cabinet Members would be informed and consulted on any significant amendments in the finalising and adopting of the revised Waste Acceptance and Access Policy, which would be submitted to Cabinet, if necessary.

RESOLVED –

That the following take effect from the date of compliance on 31 December 2023:

- (1) That the principles as set out in the draft Waste Access and Acceptance Policy (WAAP Appendix 1) be AGREED, which stays the same except for charges for non-household waste under the legislative threshold are to be removed, and in principle approval of the draft policy in line with the changes set out in the legislation.**
- (2) That charging for non-household DIY waste be removed for those eligible below the free threshold in line with the legislation for Buckinghamshire Council residents and noting that charging remains in place for above the threshold for all DIY/construction and industrial waste (also known as non-household) for Buckinghamshire users across the HRC network.**
- (3) That charging be maintained for all waste types for non-Buckinghamshire residents across the HRC network, with no free thresholds to apply (for waste quantity and frequency of visits) unless a Service Level Agreement is in place.**
- (4) That authority be delegated to the Service Director of Legal Services, Service Director of Neighbourhood Services and the Head of Strategic Waste Management and Enforcement, in consultation with the Cabinet Member for Climate Change and Environment, to undertake all necessary appropriate steps in relation to finalising and adopting the revised Waste Acceptance and Access Policy (WAAP Appendix 1), after considering relevant Equality Impact Assessment and Data Protection Impact Assessment, and to make necessary changes arising from any enacted legislation.**
- (5) That it be NOTED that the financial implications associated with the recommendations form part of the Council's budget setting process Medium Term Financial Plan (MTFP) 2024/25 to 2027/28.**

(b) Reasons for decisions

- (i) To prepare for implementation of the Government's legislative changes to introduce reduced charging powers for Waste Disposal Authorities (WDA) and remove charges for waste derived from small scale home improvements (household DIY waste). As a result, the Council's current Waste Access and Acceptance Policy (WAAP) for the Household Recycling Centres (HRC) needed to be amended to accommodate the change. Owing to the tight timeframes for implementation, authority was sought to enable policy changes to be made and notification of the change to be managed.**
- (ii) The new legislation would come into force on 31st December 2023.**

(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. 12

Contract Award - Leisure Centre Management

(a) Decisions

As a new unitary authority, Buckinghamshire Council inherited five different operator contracts for its leisure facilities from the legacy councils. This procurement delivered the first stage of the Council's plans to review and rationalise operating arrangements as contracts come up for renewal. It would replace the three contracts for Aqua Vale Swimming and Fitness Centre (Aylesbury), Swan Pool and Leisure Centre (Buckingham), Little Marlow Athletics Track, Evreham Sports Centre (Iver) and the Beacon Centre (Beaconsfield) with a single new contract, which would run for a term of five years and three months. This contract period aligned to the expiration of the legacy Wycombe area contract, enabling a further opportunity for contract harmonisation if desirable at that time, to provide for greater economies of scale and efficiencies; and to allow the Council time to determine future needs for leisure facilities into the longer term, informed by the developing Local Plan.

The procurement approach was informed by external specialist consultancy support including soft market testing undertaken for Buckinghamshire and across the wider leisure industry around the Country, with consideration of the changed market circumstances post-pandemic. The soft market testing exercise identified that operators were carefully considering the new contracts they bid for, as many had several contracts coming up for renewal (due to the pandemic, re-procuring leisure contracts was put on hold during 2020-2022, with many councils extending contracts where end dates were due). The Council carefully considered its specification and contract clauses to ensure that the tender was attractive to the market but offered residents value for money.

The Council had followed a competitive procedure with negotiation tender process, using Sport England template documents (contract and services specification) which were tailored to reflect the Council's outcomes and requirements for service quality and financial outcomes. The full procurement evaluation report, financial information and details on the preferred bidder were set out in the Confidential Appendix 1 to the Cabinet report.

RESOLVED –

That the contract to operate the Council's leisure facilities at Aqua Vale Swimming and Fitness Centre (Aylesbury), Swan Pool and Leisure Centre (Buckingham), Little Marlow Athletics Track, Evreham Sports Centre (Iver) and the Beacon Centre (Beaconsfield) be AWARDED

to the preferred bidder, as detailed within confidential Appendix 1 of the Cabinet report.

(b) Reasons for decisions

- (i) The Council had undertaken a competitive procurement procedure with negotiation for the tender of its Leisure Management Contract for the above facilities, for the period commencing 1 April 2024 until 30 June 2029 (with an optional extension of up to 12 months).
- (ii) The contract period was designed to allow opportunity for further harmonisation of operating arrangements when the operator contract covering leisure centres in High Wycombe, Princes Risborough and Marlow expires in 2029.
- (iii) The award of the contract as recommended would enable delivery of the income targets for the leisure portfolio within the Council's existing Medium Term Financial Plan.

(c) Alternative options considered

None.

(d) Conflicts of interest/ dispensations

None.

Agenda item no. 13

Units 1-3, Vale Retail Park – Capital Works and New Lease

(a) Decisions

There had previously been negotiations with a supermarket occupier to secure tenancies on Units 1-3 in Vale Retail Park and the Vale Retail Park revenue budget was set on the assumption that they would be in place by October 2023, providing rental income and picking up rates and utilities costs. As the deal did not happen there was an in-year Revenue pressure in Property budgets, currently being met by a Voids contingency.

Units 1-3 had been re-marketed for over 6 months, following the previous prospective tenant walking away from the transaction as a result of a change in the company's acquisition criteria. In total, the three units had been vacant for over 2 years. Units 4 and 5 were let to tenants with good quality covenants.

Following the remarketing of the site, there had been limited interest in the property being let as individual units as well as a whole block. Negotiations had been undertaken with a supermarket occupier for Units 1, 2 and part of 3, however the terms were appearing unviable in respect of the proposed income and capital expenditure, along with issues in agreeing the enabling works. Heads of Terms had been agreed in principle (subject to Council approval and contract) with the supermarket occupier to take all the available

space.

The Managing Agents (Carter Jonas) had advised that Units 4-5 had indicated that they would be inclined to exercise their right to break unless there was progress in letting the vacant units. Without complimentary occupiers on the Estate, the lack of footfall could result in the Tenants reviewing their options and vacating, resulting in further pressures on the Property Budgets. The focus was to secure new leases on the Retail Park to further reduce the voids, loss of income and holding costs.

Securing the Tenant would require the Council to undertake capital works to the property to reconfigure the existing retail space, providing a shell-and-core unit ready for the Tenant to take occupation and undertake their fit-out. Additionally, the Council would be providing a garden centre to the side elevation of the unit. Outline detail of the works including costs were included in the confidential appendix.

The supermarket was currently in positive discussions with the Planning Department, who were providing a helpful steer in order to achieve full permission to go ahead with the proposed works.

RESOLVED –

- (1) That the Council enters into an Agreement for Lease on Units 1-3 in Vale Retail Park which is in line with the Medium Term Financial Plan (MTFP) income target.**
- (2) That authority be delegated to the Service Director of Property and Assets, in consultation with the Cabinet Member for Accessible Housing and Resources, to enter into the Agreement for Lease, including the commitment of a capital sum of funding for the enabling works.**
- (3) That a supplementary budget change to the Capital Programme be APPROVED, to use a capital sum from the Investment Property Reserve to fund enabling works on Units 1-3 in Vale Retail Park.**

(b) Reasons for decisions

The property requires enabling works to achieve a market rent with the level of return set out in the report. The proposed works and letting deliver a high-quality covenant, reduces existing budget pressure by creating a secure income stream and improves the profile of the Retail Park.

(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. 14

King George V House, Amersham

(a) Decisions

The establishment of the unitary council created opportunities to rationalise the office accommodation inherited from the legacy councils. Furthermore, in common with other parts of the public and private sector, the organisational use of office accommodation had changed significantly post-Covid.

The closure of King George V House (KGVH) formed a component part of the Council's Occupational Estates Strategy set out in the Cabinet report of January 2023, which identified the potential closure. Data on operational usage of the Council's main buildings had been collected over a significant period of time post covid and the occupancy data gained for KGVH showed that it was now the least occupied of the corporate buildings. Work had therefore been done to consider future options as set out in this report.

KGVH had the capacity to house over 526 desks on a daily basis. Data collected over a significant period of time post covid suggested it was now occupied at around 16% capacity. In addition to being significantly underutilized, its closure would contribute to the carbon saving of the Council.

A formal consultation had been held with employees whose contractual location was currently KGVH. Employees who had a contractual location elsewhere but had chosen to work from Amersham for business or personal reasons had also been consulted with. Employees had been invited to comment on the proposals and 1-1 meetings had been held with their Head of Service where the employee had requested it. The results of that consultation had been considered.

This initiative also considered how the Council would continue to respond and engage with the community and the proposals to extend the Council Access Points and also the transfer of activities currently undertaken at KGVH such as Planning Committee meetings.

Initiatives already completed to support the achievement of the required Medium Term Financial Plan cost savings and improved efficiencies have included the closure of Capswood; commercial letting of Easton Street Offices and Wycombe Old Library, closure of floors at Walton Street Offices and the re-purposing of office space at The Gateway. As part of the estate's strategy, the Council was awaiting a decision from the Secretary of State regarding the certificate of immunity for the Council Offices at Walton Street. The closure of KGVH contributes to this programme and did not conflict with any of the work undertaken to date or planned moving forward.

The Council's Work Smart Strategy had been designed to enable the organisation to maximise the benefits of flexible working, whilst ensuring that it meets the requirements of residents and continue to drive improvements in productivity. The Council's desk-based

teams, in particular balanced the benefits of working in the office and collaborating with colleagues in person, with the opportunity to work at home and reduce commuting. These arrangements had become critical to the Council's ability to attract and retain staff within a competitive labour market. The Council's experience of this model of working over the past two years had provided the Council with a good dataset about the Council's need for office space.

Bringing forward the closure of KGVH offices from July 2024 to January 2024 meant that the Council could increase its opportunities for savings in revenue and further its ability to rebalance the office estate with actual requirement.

There was a discussion around the proposal in relation to car parking (2.15 of the report) and providing a 30-minute drop off free of charge. Following discussion, it was agreed that Cabinet was not minded to pursue this proposal as it would be difficult and costly to enforce.

RESOLVED –

- (1) That the closure of the Council Offices at King George V House, Amersham, be brought forward with:
 - (i) Blocks A and B, and the KGVH CAP+ having a last operating day of 12 January 2024.**
 - (ii) Block C closing upon the opening of Chesham Library touchdown.****
- (2) That King George V House staff be relocated to the Queen Victoria Road offices, Wycombe, with exceptions where there is a business rationale for an alternative base.**
- (3) That the Chesham Library ground and first floors be refurbished to provide an enhanced library offer on the ground floor and Council Officer touchdown space for Adult Social Care, Children's Services/Child Protection Conferencing and Communities on the first floor, in accordance with the plans shown in the appendices.**
- (4) That the revenue and capital costs of moving to be all forward funded from the King George V House sale proceeds.**
- (5) That a budget supplementary change to the Medium Term Financial Plan for forward funding the implementation costs be APPROVED, as set out in the Cabinet report and the confidential appendix.**
- (6) That the Council market for sale King George V House and seek conditional or unconditional offers for the freehold, subject to any contract noting that a further report will be brought to Cabinet in 2024 once marketing and agreement of Heads of Terms have been finalised.**

- (7) That the Council move to two Council Access Points (CAP +) locations in Buckinghamshire, one in the north (Walton Street, Aylesbury) and one in the south (Queen Victoria Road, Wycombe).

Note: The CAP+ sites to continue to be managed by Customer Service staff in those locations as they are in main Council buildings and CSC staff provide face to face service for the more complex customer enquiries.

- (8) That a Council Access Point (CAP) offering be created in Amersham Library, ready to operate from 15 January 2024.

Note: Library CAP sites are managed by Library staff and provide a more general set of service enquiries, sign posting, self-service terminals and a telephone service which gives access to a priority phone line into the Customer Service Centre.

- (9) That it be NOTED that the January 2023 Estates Strategy report considered the potential re-provision of a smaller footprint of offices than currently in Amersham. This will not now be provided as Council Access Points and alternative facilities will be provided at Chesham Library, as set out in the Cabinet report.

- (10) That it be NOTED that this report delivers savings and a capital receipt linked to the Medium Term Financial Plan.

(b) Reasons for decisions

The Council set out in its Medium Term Financial Plan a requirement to make £2.4m pa revenue savings from efficiencies in its operational estate as well as a £6m capital receipt. The proposals contained in this report would contribute towards these targets and are expected to meet the capital receipt targets set out in the confidential appendices to this report. In addition, at the 11 July 2023 Cabinet meeting it was agreed that in light of the worsening financial position that savings should be accelerated and that there should be a strategic property and finance review brought forward to manage in year budget pressures and to examine opportunities for additional savings, income or capital receipt. The accelerated closure of King George V House forms part of those savings, which if approved would contribute to the overall savings target, generating a revenue saving and a capital receipt and by completely exiting the site will provide additional revenue savings and capital receipt. The financial assessment is set out in the confidential appendices.

(c) Alternative options considered

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

(d) Conflicts of interest/ dispensations

None.

For further information please contact: Ian Hunt on , email
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website [here](#).