

SHADOW EXECUTIVE DECISION NOTICE

The following decision(s) were taken by Shadow Executive at its meeting held on **31 March 2020**.

All the decisions taken were made by the Leader under Emergency Powers.

AGENDA ITEM NO. 6

BUCKINGHAMSHIRE PERMIT SCHEME

(a) Decisions

To give the background information necessary for the Shadow Executive to formally instruct the implementation of the modified permit scheme should it be minded to do so.

RESOLVED: That the Shadow Executive approves the proposal for the expansion of the existing Buckinghamshire Streetworks Permit Scheme to cover all roads in the County and agrees for a report recommending this be presented to the Shadow Executive.

(b) Reasons for decisions

Streetworks Permit Schemes are widely used by Highways Authorities to resource the management and coordination of street works and road works on the highway, and to ensure that their formal Network Management Duty under the Traffic Management Act is executed effectively. Well managed permit schemes are self-financing. They lead to less congestion and improved safety for both the public and those undertaking works on the highway. There are also a wide range of further societal benefits such as improved air quality, reduced carbon emissions and better journey time reliability. Experience of the current Buckinghamshire Permit Scheme, in place since 2013, has demonstrated a clear positive impact for Buckinghamshire's road users and residents. However, the current Permit scheme is focussed only on the most traffic sensitive roads, around a third of the road network in Buckinghamshire. The remaining network uses a system of noticing, which does not attract a fee and therefore does not benefit from the same level of coordination and management because of the limited staff resource available for this. Expanding the scheme to cover all roads will fund an expanded Permit Team within TfB and would allow a step change in the management of works across the whole network.

(c) Alternative options considered

Continue as is, with existing the Streetworks Permit Scheme applying only to the most traffic sensitive roads.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 7

OVERARCHING HEALTH & SAFETY POLICY

(a) Decisions

Further to a report that was taken to the Chief Executive Implementation Group on 8th January and the Resources programme Board on 26th June it was identified that there is a legal requirement to have a new health and safety policy statement in place for Buckinghamshire Council, to be effective from 1st April 2020.

RESOLVED:

That the Shadow Executive considers the report; approves the adoption of the new Safety Policy and appoints an interim Member from the Planning, Growth and Sustainability Portfolio to be the Health and Safety Champion.

(b) Reasons for decisions

It is a legal (statutory) requirement under the Health and Safety at Work etc. Act for the employer to have a written Safety Policy in place. Health and Safety Executive guidance also recommends that there is; a statement of intent from the most senior officer in the new Council (Chief Executive) and responsibilities and arrangements for health and safety.

(c) Alternative options considered

To adopt the Safety Policy.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 8

EQUALITIES APPROACH AND POLICY

(a) Decisions

This report provides a suggested approach to equalities for the new authority, including the legal 'must have' of an Equality Policy by vesting day, as well as some additional considerations for a later date.

RESOLVED:

The Shadow Executive is asked to:

- Agree the draft Equality Policy (Appendix 1)
- Agree to continue using the Equality Impact Assessment template and guidance developed for the shadow authority (rebranded versions provided in Appendices 2 & 3)
- Note the requirement to publish workforce monitoring and gender pay gap data annually
- Note the approach to memberships and accreditations.

(b) Reasons for decisions

The Public Sector Equality Duty (PSED) sets out how local authorities should show due regard to equalities throughout decision making. This is a legal obligation and would have implications on the Council if there is not sufficient evidence available to demonstrate compliance.

(c) Alternative options considered

N/A. The key recommendations are a 'Must Have' based on legal requirements. Some additional considerations are included for post vesting day.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 9

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) – POLICY AND PROCEDURAL GUIDANCE

(a) Decisions

This report seeks approval to a Policy and Procedures document setting out how Buckinghamshire Council will carry out its RIPA powers.

RESOLVED: That Buckinghamshire Council adopts the Regulation of Investigatory Powers Act 2000 (RIPA) – Policy and Procedure Guidance attached as an appendix to this report with effect from 1 April 2020.

(b) Reasons for decisions

Under the Regulation of Investigatory Powers Act 2000 ("RIPA") Buckinghamshire Council must have in place processes for authorising, recording and reviewing any covert surveillance that it carries out that it is regulated by the Act. The processes must comply with the Act, Regulations and any statutory codes of practice; the latter being admissible as evidence in court and may be taken into account by the Investigatory Powers Commissioner when carrying out an inspection. In accordance with the statutory code of practice a local authority must have a policy covering its use of covert surveillance approved by elected members.

(c) Alternative options considered

As the adoption of a policy and procedure for any covert surveillance carried out by Buckinghamshire Council is a legal requirement there are no other options available.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 10

REGULATORY SERVICES ENFORCEMENT POLICY

(a) Decisions

Buckinghamshire Council is required to have an enforcement policy. This report recommends the adoption of an overarching enforcement policy for the new authority. The policy at Appendix 1 to this report should ensure that any enforcement action taken, or advice given by the new authority is fair to persons and businesses affected by it.

RESOLVED: To agree the enforcement policy which is an overarching policy covering all enforcement activities where prosecution is an available remedy.

(b) Reasons for decisions

The preferred option will enable the new authority to be safe and legal post vesting day with respect to new enforcement activities and will ensure that the approach to enforcement will be consistent.

(c) Alternative options considered

1) Agree the policy as an overarching enforcement policy for the majority of regulatory functions of Buckinghamshire Council. Having a single overarching policy ensures that all parts of the Council that undertake enforcement activities are fair to persons and businesses affected by the policy. (Recommended) 2) Refuse the policy as presented – this will mean that there would be no enforcement policy for the new authority, which would affect the ability for enforcement actions to be exercised. Any formal action may be scrutinised in court and could fall due to the lack of an adopted policy.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 11

FINANCE STRATEGY

(a) Decisions

The purpose of the report is to present the Financial Management Strategy and its Executive Summary for consideration and approval. This strategy will remain under review (including post vesting day) as other key documents are developed to ensure consistency.

RESOLVED: To consider and approve the Financial Management Strategy, including the Executive Summary.

(b) Reasons for decisions

N/A

(c) Alternative options considered

N/A

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 12

FINANCE POLICIES

(a) Decisions

The purpose of the report is to present a number of key finance policies for approval.

RESOLVED:

To approve the following Finance policies for Buckinghamshire Council:

1. Anti-Fraud and Corruption Policy
2. Anti-Money Laundering Policy
3. Whistleblowing Policy
4. Debt Management Strategy

(b) Reasons for decisions

N/A

(c) Alternative options considered

None.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 13

RISK STRATEGY

(a) Decisions

The purpose of the report is to present the Risk Management Strategy for approval.

RESOLVED:

To approve the Risk Management Strategy for Buckinghamshire Council. To note the risk process and work that will progress across the organisation post vesting day, to ensure that a robust risk framework is embedded.

(b) Reasons for decisions

N/A

(c) Alternative options considered

None – the Risk Management Strategy supports the effective management of risk and good governance.

(d) Conflicts of interest/ dispensations

None.

AGENDA ITEM NO. 17

PREVENTION AND BEFRIENDING GRANTS

(a) Decisions

The purpose of this paper is to:

- Provide an overview of the approach that has been taken in relation to Befriending services and the Community Prevention Grant programme in Buckinghamshire.
- Provide an update on the current position including highlighting risks and suggested mitigations.
- Agree next steps.

RESOLVED: The recommendations of the report need to take into account the impact of the Coronavirus in this area of work. Members have asked officers to undertake on additional work. Once this work has been completed, Councillor Angela Macpherson will agree the way forward after consultation with Councillor Gareth Williams under her delegated powers.

(b) Reasons for decisions

The recommended option:

- Moves befriending to a commissioned model where possible, whilst retaining support for those with dementia within the community
- Allows for the award of Prevention Grants for 2020-21 whilst mitigating potential impacts on those from protected groups identified through the Equalities Impact Assessment.
- Maintains MTP savings trajectory for this workstream.

(c) Alternative options considered

The following alternative options are set out in section 8 and are not recommended.

- Do not award any of the befriending service contracts. Revert to grant award for providers who received Prevention Grant in 2019/20 based on their 2020/21 submissions.
- Award befriending service contracts where possible. Revert to grant award to providers who received Prevention Grant in 2019/20 based on their 2020/21 submissions

(d) Conflicts of interest/ dispensations

None.

For further information please contact: Rachel Bennett on 01296 382343.