



## Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 2 March 2021 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 12.11 pm.

### Members present

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

### Agenda Item

#### 1 Apologies

There were no apologies.

#### 2 Minutes

##### **RESOLVED –**

**That the Minutes of the meeting held on 16 February 2021 be approved as a correct record.**

#### 3 Declarations of interest

There were none.

#### 4 Hot Topics

Warren Whyte, Cabinet Member for Planning and Enforcement, informed the meeting that a number of planning consultations were currently taking place:

- Biodiversity Accounting System (Supplementary Planning Document) – deadline to respond was 19 March.
- Planning Statement of Community Involvement – deadline to respond was 22 March.
- Call for Brownfield sites – deadline to respond was 22 March.

The Inaugural Buckinghamshire Design Awards had been held over the last few months. The people's vote had concluded last week with the Great Kimble Church of England School winning the public sector award, and a private house in Hambledon winning the private development award.

**5 Question Time**  
There were none.

**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 exactly what Cabinet would be discussing at forthcoming meetings.

**RESOLVED –**

**That the Cabinet Forward Plan be noted.**

**7 Select Committee Inquiry to assess the effectiveness of community organisation grants during the Covid-19 pandemic**  
P Irwin, Chairman, of the Communities and Localism Select Committee and P Cooper, a member of the Inquiry Working Group, attended the meeting to present the findings of a Select Committee Inquiry undertaken to assess the effectiveness of community organization grants during the Covid-19 pandemic.

During the period 8 December 2020 to 18 January 2021 the Inquiry Group had held a number of meetings and evidence gathering sessions with key stakeholders with a view to making recommendations for Cabinet’s consideration.

Whilst the Inquiry Group recognised that many of these recommendations would require working in partnership with other organisations, they anticipated that the Council would like to lead some areas . One of the main themes running through the Inquiry report was how valuable the voluntary sector are. There were concerns, as recognised by the National Council for Voluntary Organisations, that the voluntary sector might shrink in the immediate future with a reduction in fundraising leading to organisations calling on their reserves. Therefore, the promotion and protection of the voluntary sector should remain a key priority for the Council, the Strategic Funding Group, Community Impact Bucks and other partners.

The Inquiry Group hoped that the report would enable the Council to build upon its strong links with the voluntary sector and to play an even greater role in facilitating change through stronger partnership working leading to resilient and protected local communities across Buckinghamshire.

The Inquiry Group had been inspired by the voluntary work being undertaken throughout Buckinghamshire and placed on record its thanks to everyone who had helped through the pandemic which had strengthened and renewed the belief in the power of local communities. It was important that the Council was creative about embracing recent volunteers and volunteering needed to be made attractive and accessible to everyone.

Whilst recognising that the funding process had to be set-up quickly, the Inquiry Group wanted to highlight lessons learnt through its recommendations on the

management of community grants for any future pandemic ensuring that:

- there were no gaps or duplication of services.
- resources were being used effectively and efficiently providing value for money for all residents through good partnership working.
- benefits were provided which may have a long term impact on communities.

Therefore, the Inquiry Group had made recommendations about continuing to raise awareness of the work of the voluntary sector, continuing the effective collaboration with strategic partners, building on the legacy of volunteering, continued support for funding including looking at how Council and community assets could be used further and the need to provide value for money by using a structural enabler to ensure that resources are being used effectively. The role of Community Boards was key in this process and could act as a structural enabler in terms of co-ordinating funding at a local level to ensure that grants are only given where clear local need is demonstrated.

The Inquiry Group's key findings and recommendations were set out in the report attached at Appendix 1. The Leader also thanked the committee for the work and subsequent recommendations and thanked all supporting officers.

G Williams, Cabinet Member for Communities and Public Health, presented a draft response on behalf of Cabinet (attached as an appendix to the Minutes of this meeting) on the Select Committee Inquiry report and its recommendations and concurred with the Inquiry Group on the importance of the community organisations and supporting volunteers. Cabinet Members commented on the responses or raised the following points during discussion:

- Councillor Irwin confirmed that the Chairman of the Council had already been contacted regarding a one-minute clap being held at the beginning of the April 2021 full Council meeting to say thank you to all those who had helped during the pandemic.
- It was recognised that many of the volunteers during the pandemic had been on furlough. While some of these people may not continue as volunteers when life returned to normal, there were also many people new to volunteering that would continue to do so into the future.
- That there were many examples of where a small funding grant provided by the Council had made a huge difference to small local community organisations, e.g. Winslow Big Society.
- That the level of diversity and different sections of the community who didn't usually work together, working together, had been remarkable.
- That, like any reserve force, a challenge for the future would be to ensure that organisations, including the Council, kept in contact with volunteers, kept them motivated and provided some training, and showed people that their contributions were meaningful and valued. It was agreed that Community Boards would have a role to play in this.

## **RESOLVED**

- (1) That the Select Committee Inquiry Group, as well as supporting officers, be**

thanked for their work and subsequent recommendations.

(2) That Cabinet's responses to the Inquiry Group's report and recommendations, as detailed in the appendix to the Minutes, be noted.

## **8 Buckinghamshire Council Voluntary, Community and Social Enterprise Sector Strategic Framework**

G Williams, Cabinet Member for Communities and Public Health, introduced the report and informed Members that the launch of the new Buckinghamshire Council on 1 April 2020 had coincided with the onset of the COVID-19 pandemic. The local response highlighted the strong partner relationships that existed in the county with the Voluntary Community Social Enterprise sector. The response had shown how swiftly the Council could collaborate, adapt services, and embrace new ways of working under immense pressure. It also demonstrated the need to think differently, creatively, and be innovative in the ways that sectors work together. New, stronger alliances had been formed with a focus on protecting vulnerable residents, and a common goal to work together for Buckinghamshire. It was vital that the Council continued to collaborate effectively at every level to build stronger, safer and more resilient communities and improve health and wellbeing.

The framework sought to demonstrate the value Buckinghamshire Council had for the sector and the importance of strategic collaborative working. It aims to provide a high level guide for partnership working with the VCSEs and act as a springboard for discussions around the needs of our communities.

There was a need to be responsive, flexible, and adaptive to changing needs - this would not be a static document. It would be underpinned by an action plan, co-produced with sectors and partners, and will continually evolve. The VCSE Recovery Board would be the key vehicle to drive the development of the action plan.

Members sought additional information and were informed:

- That the majority of the VCSE Board representation was from larger charities, although there were also 1-2 Trustees involved and a representative from the BAME community.
- That the Council was confident that the sector had a wide and inclusive reach across the whole community.
- That one of the hidden benefits of Covid had been to put pride back into community areas, which was helping to remake communities that had been considered fragmented a few years ago. The future work of the Community Boards would be key to ensuring this work and benefits continued to be realised.

**RESOLVED –**

**That the Buckinghamshire Council Voluntary, Community and Social Enterprise Sector Strategic Framework be agreed.**

## **9 Special Educational Needs and Disabilities (SEND) and Inclusion Strategy 2021 – 23 including the SEND Improvement Plan**

A Cranmer, Cabinet Member for Education and Skills, introduced the report and informed Members that the Special Educational Needs and Disabilities (SEND) Strategy expired in December 2020. Work had been going over the last 12 months to review progress against the Strategy and develop a new Strategy for the coming 3 years. The report provided a summary of the work and set out the key elements of the new Strategy, and the associated SEND Improvement Plan.

The Strategy was a key document for the anticipated Ofsted/Care Quality Commission Local Area SEND inspection that was expected to happen in 2021. The Strategy was a partnership document that had been co-produced. It was “owned” and would be delivered by the local authority and key partners across the local area, including schools, health services and the voluntary and community sector.

The new Strategy aimed to capture the high aspirations Buckinghamshire had for all its children, recognising the additional support those with SEND might need to be able to achieve their goals. As such, it adopted the same vision that the Children and Young People’s Partnership had set out for all children.

A public consultation had been undertaken between 2 March and 6 April 2020 to seek the views of stakeholders on the vision, principles and aims of the Strategy. These were developed following engagement activities that started with young people at the “Shout Out for SEND” Conference in November 2019 and via the SEND Youth Forum. Copies of the Conference Report and its detailed findings could be provided on request.

The views of parents/carers, schools and other professionals were critical to the development of the Strategy and a number of events had taken place to secure meaningful input. These included:

- 2 sessions with parents/carers facilitated alongside FACT Bucks, the Parent Carer Forum.
- Attendance at School Collaboration meetings for engagement with school professionals.
- Meetings with professionals working in a range of other services supporting children and young people with SEND including those in the local authority, health and the voluntary and community sector.

Following these events a multi-agency group had developed the draft Strategy, having evaluated and RAG rated progress against the improvement priorities identified in the 2017–2020 Strategy. A number of strategies from other Local Authorities were also reviewed, as well as guidance from the DfE on what a SEND Strategy should include. FACT Bucks and Bucks SENDIAS Service were integral to this process, representing the voice of parents and carers.

Coproduction had been a key element of the development of the new Strategy, in particular with FACT Bucks. The Vision, Principles, Aims and Objectives of the

Strategy had been signed off at the SEND Integrated Services Board on 16 July 2020. This Board was chaired by the Corporate Director of Children's Services and provided governance for the SEND Improvement work. It included representatives from across the Local Authority, the Clinical Commissioning Group and the Voluntary and Community Sector.

The aims and objectives of the strategy were centred on the 4 Preparation for Adulthood outcomes defined in the SEND Code of Practice, Jan 2015, that were detailed in the report. Focusing on these 4 areas had enabled all aspects of support and provision for children and young people with SEND to be considered, with the collective goal of creating opportunities and improving outcomes.

The SEND Improvement Plan had been refreshed to ensure the aspirations of the Strategy were achieved. This had led to a more streamlined approach with a range of work streams based around the key priorities, and rigorous monitoring of progress. The work streams, known as Impact Groups, were multi-agency groups that were tasked with contributing to identified objectives within the Strategy, with collaboration and co-production as a core principle. The work of these groups was captured in the Local Area SEND Improvement Plan. This had been reviewed by the SEND Integrated Services Board on 19 October 2020 and the approach approved.

The SEND and Inclusion Strategy 2021-23, and the SEND Improvement Plan were attached as Appendix 1 and 2 respectively to the Cabinet report.

Members sought additional information and were informed:

- That the Strategy and Improvement Plan both had a very strong focus on inclusion.
- On the wide range of organisations, sectors and people that had been involved over the last year to develop the Strategy and the associated SEND Action Plan.
- That the most immediate priorities included responding to the growing needs of Autism Spectrum condition (which was on the rise nationally and locally), social / emotional / mental health issues, delivering educational placements, as well as preparations for adulthood and working with the community sector.
- That the Improvement Plan matched to all of the Strategy's priorities. Monthly Improvement Board meetings were held, chaired by the Director of Children's Services, which set up scrutiny / challenge to processes so that any identified barriers to delivering the Strategy could be addressed.

**RESOLVED –**

**That the updated Special Educational Needs and Disabilities (SEND) and Inclusion Strategy 2021 – 23 (Appendix 1), and the associated SEND Improvement Plan (Appendix 2) be approved.**

## 10 Future Highways Services Contract

N Naylor, Cabinet Member for Transport Services, introduced the report and informed Members that the current highways services contract had been awarded to Ringway Jacobs in 2009. It was an 8-year contract with a possible extension of 7 years, 6 of which had already been granted. A decision has been taken not to grant the final 1-year extension and the current contract would expire on 31 March 2023. The Cabinet report and supporting appendices looked at what actions needed to be undertaken to ensure the future delivery of this key service, as the current model of delivery was not viewed as being the most appropriate to achieve the outcomes of the service and to contribute towards some of the key strategic objectives of the council. There were a number of key current limitations that were detailed in the report.

Following the financial pressures and difficulties that had been experienced by some of the major service providers in the sector, including the collapse of Carillion, having a single provider for all areas of the service was also seen as a concern that needed addressing. Approximately 30 months was required to undertake a comprehensive procurement exercise for a contract of this nature, particularly if it was proposed to alter the model considerably from the current arrangement. To enable the associated procurement exercise to be carried out, a decision was required on what operating model would best serve the council going forward.

A comprehensive analysis of the various models that were available in the market had been carried out and assessed to their appropriateness to deliver the key objectives of the Council and achieve value for money. The ranking order of these were contained within Appendix 1. Governance arrangements had been put in place for the procurement exercise with representation as shown in Appendix 2. The proposed model was a hybrid of the models that had been assessed and comprised:

- a larger in-house client team to better manage and direct the service as per Appendix 3.
- a term maintenance contractor who will be responsible for carrying out all routine maintenance on the network, comprising winter maintenance, small scale and localised pothole repairs, gulley cleaning and drainage maintenance, cyclical grass cutting, maintenance of traffic signals, signs and lines, bridges, structures, footpaths, and street lighting as well as potentially some of the capital maintenance projects.
- a term consultant, who will support the client but also have responsibility for transport planning, feasibility and business case development, design and project management of larger works and major projects.
- 2 number frameworks to provide competition and resilience:
  - o the first framework with 3 lots:
    - 1 for conventional surfacing and reconstruction,
    - 1 for surfacing treatments e.g. surface dressing, slurry sealing, high friction surfacing etc.
    - 1 for other minor work activities, e.g. machine lay plane and patch, footway reconstruction, drainage schemes, etc.
  - o and the second framework for larger capital improvements and

- infrastructure works.
- and ultimately all members of the above to form an alliance and operate as a single team.

Further details of the proposed model were contained in the report, with Appendices 4 and 5 including information in terms of function and description.

The model being proposed would also address the other issues and recognised concerns of the existing model. The frameworks would promote value for money through cost analysis via tested and transparent schedule of rates, assessment of performance and contract mechanisms which incentivise right first time. In addition, having a range of service providers available to the council for different areas of the service, as opposed to a single provider, would present opportunities to compare rates and performance and give more assurance and resilience in delivery of service.

In addition, the existing client team was one of, if not, the leanest in the country, and it was proposed to extend the capacity of this team. A proposed outline structure for the new client team was attached in Appendix 3. This would enable the client team to, facilitate the reprocurement of the highways services contract, manage the contractual arrangements going forward and to better influence and control the policy, levels of service, programmes of work and control of the use and occupation of the highway network. It would also enable and facilitate improved working relationships and communications with the elected members, key stakeholders including Town and Parish councils and the wider community by transferring back in-house the Local Area Technicians (LATs), the Customer Compliance Officers (CCOs) and the communications team.

Members sought additional information and were informed:

- it was envisaged that the new contract would give Members a greater ability to be able to discuss decisions and to affect minor design changes in their local area through working with area technicians.
- That the weightings afforded to different contract elements as part of the procurement / tendering process would be discussed with the Member Reference Group and brought back to Cabinet for a final decision.
- That Highways Services was very aware of the Council's Climate Change and Air Quality Strategy and would look to address issues as part of a new contract. For example, through the use of climate friendly materials and processes, and through accompanying measures such as a Verge Management Strategy.
- That the term maintenance contractor in the new contract would be responsible for mending potholes and fixing drains. The contractor would be based in the county and operate out of local depots.

## RESOLVED –

- 1) That the proposed operating and procurement model and associated timescales in terms of the future delivery of this key service, ranked as ‘Platinum Plus’, be agreed.
- 2) That the increase in the capacity of the existing client team to meet the needs of procuring the new contract and thereafter manage and deliver the service as proposed be noted.
- 3) That the new Governance arrangements and Programme which had been put in place to administer and deliver this procurement project be noted.

### 11 Buckinghamshire Council Response to the Right to Regenerate Consultation

The ‘Right to Contest’ allowed anyone – private citizen or organisation – to challenge the central government (strand 1) and other public bodies, including Local Authorities (strand 2) to sell land or property if they believe it’s not needed or could be put to better economic use. The Ministry of Housing, Communities and Local Government (MHCLG) was currently consulting on proposals to reform to the Right to Contest, turning it into ‘The Right to Regenerate’, making the process more effective. The deadline to respond to the consultation was 13 March 2021.

M Tett, Leader of the Council, introduced the report which highlighted the context of the consultation and the emerging thoughts of Buckinghamshire Council’s response.

MHCLG was arguing that the reform of the Right to Contest would help to “encourage the public to drive regeneration and stimulate the more productive use of public land”. The reform particularly concerned Strand 2 of the Right to Contest, which allowed members of the public to request that government direct the disposal of unused or underused land owned by public bodies. The Right to Contest was little known and little used, with only one direction being issued since 2014. The proposed reforms were as follows:

- Increasing the usefulness and effectiveness of the right, taking into consideration how the reform could be used by private individuals and organisations.
- Making it clearer when land is unused or underused through the publication of a clear definition to help guide people making applications.
- Extending the scope of the right, questioning if including land owned by town and parish councils would increase the effectiveness of the right.
- If a public body has an intended use for the land in question, the government is considering incentivising temporary uses by ordering sales where temporary uses cannot be identified. This is suggested to help minimise blight until sites are put to better long-term use and help to keep neighbourhoods vibrant and productive especially in town centres and urban areas.
- To ensure a greater role for local authorities, anyone making a request under the right may be required to prove they have contacted their local authority, as the right to contest was designed to be a last resort.

- The 'Presumption in Favour of Disposal' reform questions if the Secretary of State should establish clearly that disposals will be ordered unless there is a compelling reason not to do so.
- To improve transparency around these requests, the government is considering requiring local authorities to: produce quarterly reports on the number of preliminary enquiries made, display physical and digital publicity where a request has been submitted for the release of a site, and publish all requests, together with their outcomes and reasoning online.
- If an application is successful, the government is considering offering the party who made the request first refusal.
- The Secretary of State had the power to specify in the direction, the terms and conditions, though this power had never been exercised. The government was considering if conditions should be imposed on the disposal of land.

The premise of the proposed amendment appeared founded upon positive direction to increase the success of the previously unsuccessful Right to Contest. It was considered that the proposed changes could have a positive impact on community involvement in place shaping and improve engagement between public bodies, including local authorities, and community groups.

However, there remained a significant number of unknowns and a lack of specific detail regarding the proposed reforms that bring into question its operational practicality. These were queried in the draft Buckinghamshire Council response found in the Appendix 3 The key concerns for Buckinghamshire included:

- A potential 'presumption in favour of disposal' which could result in public bodies having to release land should they not have a compelling reason not to do so. For public bodies with a substantial land ownership this may result in the need for all land either to have plans developed or face the potential for land to be released. Furthermore, as a newly established unitary council, Buckinghamshire is at a significant disadvantage in being able to determine the future uses of its estate. If imposed, we are suggesting a 5-year moratorium on the right should be granted to any recently established unitary local authority.
- A lack of definition on what unused or underused land is. As a result, it is unclear what land could potentially be in scope under the proposed right reform. This concern is further emphasised in the fact that is not made clear at this stage whether differing spatial and conditional contexts will be applied.
- There was also a lack of clarity from the government regarding the definition of key terms like 'community', 'future use', 'better economic use', 'compelling reason' and 'market value'. This lack of clarity could lead to speculative applications from parties that do not truly reflect aspirations of the community and lead to implications on local authority resources from having to deal with process of the application. It may also result in proposals that diverge from emerging place-based strategies and lead to the Council being directed to dispose of land for an insufficient value.

- Government were also seeking views on potential conditions that should be imposed, it is considered that conditions would be essential in guaranteeing appropriate delivery. These could include:
  - o Agreed uses for any land disposed of aligned to planning policies and regeneration strategies
  - o Clear proof of plans, funding and ability to deliver regeneration to be included in any application.
  - o To enable public bodies to re-secure land should no regeneration work be started within a specific time limit
  - o Valuation to based on any proposed specified uses to ensure the local authorities would receive the best value.

Members discussed the matter and were fully supportive of the issues raised and the proposed response.

**RESOLVED –**

- 1) That the draft response to the Right to Regenerate consultation be agreed.**
- 2) That authority be delegated to the Corporate Director for Planning, Growth and Sustainability, in consultation with the relevant Cabinet Members and Leader of the Council, to submit the final response, incorporating any further changes after the Cabinet meeting.**

**12 Financial Sustainability – comparison to London Borough of Croydon**

M Tett, Leader of the Council introduced the report and stated that following the issuing of a Section 114 notice by Croydon LBC, Cabinet had asked the Council's Section 151 Officer to provide a report reviewing the findings of the recent public interest report over Croydon's financial failures, together with other reported issues around financial sustainability in local government, which had been exacerbated as a result of Covid-19. In addition, report also compared Buckinghamshire Council with the findings from the public interest report.

In conclusion, it was evident that Buckinghamshire was in a very different place to LB Croydon and no concerns have been raised by the external auditor. The authority compared well with others and there was a good record in terms of the legacy authorities managing spend within their overall budgets. Furthermore, there were sufficient levels of reserves (unallocated and earmarked), there was high Member involvement in the budget setting process and a strong Audit and Governance Committee existed.

However, national pressures in relation to the uncertainty caused by the pandemic as well as demand and supplier failure pressures, particularly within children's and adults services, were still pertinent and there was no room for complacency. In the medium term there was huge uncertainty around future funding following the increased government debt as a result of Covid-19.

A number of potential enhancements to financial management were highlighted in

section 4 of the report, including a review of the Council's strategy around commercial acquisitions, more regular reporting and transparency around subsidiary interests of the Council, regular reviews of all external loans provided, the reviewing and strengthening of the finance model / relationships with directorates, the establishment of budget boards across all directorates and a more regular review of the Council's reserves. Appendix 2 sets out a proposed Action Plan.

The report set out further details of the national context about the financial sustainability of local government, on Croydon LBC, and on the position with Buckinghamshire Council.

Members commented on the report, and on the proposed Action Plan as follows:

- Members were very supportive of the report findings and of the proposed actions in Appendix 2 to further strengthen financial management arrangements across the Council.
- That the Council's commercial property portfolio and associated investments were prudent and were delivering annual returns of 6%. There was good governance and Member oversight of decision making and provisions had been made for any future losses that might occur.
- Thanks were expressed to R Ambrose (Section 151 Officer) and to the finance team for the support / guidance they had provided to the Council and Members over many years.
- That the Council would be happy to share the report on the good governance practices in Buckinghamshire with the LGA, CIPFA or other interested parties.

**RESOLVED –**

- 1. That the contents of the report, including Appendix 1, which sets out the Buckinghamshire Council position compared to the key finding from the LB Croydon public interest report, be noted.**
- 2. That the proposed actions in Appendix 2 to further strengthen financial management arrangements across the Council be agreed.**

**13 Collins House & 30 Oxford Road**

J Chilver, Cabinet Member for Property and Assets, introduced the report which asked Cabinet to consider the disposal of the freeholds of Collins House and 30 -34 Oxford Road in High Wycombe for regeneration purposes.

Collins House and 30-34 Oxford Road were prominent vacant sites in Wycombe town centre, requiring redevelopment. An offer had been received from a housing association to purchase Collins House, and to develop it for affordable housing. An offer had also been received from Bucks Colleges to purchase 30-34 Oxford Road for redevelopment as their proposed new building. Both sites were shown edged red on the plan in the Cabinet report (the blue triangle was highways land that was the subject of an old road improvement line). Confirmation was being sort from Highways that it was surplus to requirements. Detailed terms of the offers were set

out in the Confidential Annex at Part 2 of the agenda.

Members discussed and were very supportive of the proposals.

**RESOLVED –**

- 1) To dispose of the freehold of Collins House, Wycombe for redevelopment as affordable housing.**
- 2) To facilitate the development of a new town centre building by Bucks Colleges, by way of the disposal of the freehold of 30 -34 Oxford Road, Wycombe to them.**
- 3) That the Director of Property and Assets be authorised, in consultation with the Cabinet Member for Property and Assets and the S151 Officer, to finalise detailed heads of terms for the disposal, agree the sale contracts, and to exchange and complete the disposal based on the heads of terms set out in the Confidential appendix.**

**14 Date of next meeting**

Thursday 18 March 2021, 12.30pm (Extraordinary meeting)