

## **SHADOW EXECUTIVE DECISION NOTICE**

The following decision(s) were taken by Shadow Executive at its meeting held on **18 February 2020**. Decisions will (unless called-in) become effective at 5pm on 27 February 2020.

### **AGENDA ITEM NO. 6**

#### **BUDGET SCRUTINY 2020 REPORT**

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

For the Shadow Executive to consider the recommendations of the Budget Scrutiny Task and Finish Group.

##### **RESOLVED:**

**All recommendations with the exception of 2, 4, 13, 19 and 22 were agreed in full. A complete breakdown of the recommendations with their responses can be found [here](#).**

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

For the Shadow Executive to consider and respond to Shadow Budget Scrutiny Task and Finish Group report and recommendations.

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

N/A

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

None

### **AGENDA ITEM NO. 7**

#### **FINAL BUDGET 2020/ 2021**

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

1. This report sets out the proposed revenue budget and capital programme for Buckinghamshire Council (Appendices 1-3).
2. This includes updates on the latest estimated funding position, service budget pressures and the key financial risks facing the Council in the future, along with the proposed Fees & Charges for the Council (Appendix 4).
3. This report includes budgets and services funded by special expenses where relevant (see Appendices 5 and 6).
4. The Council Tax Resolution which contains the final information from the other precepting authorities leading to the total Council Tax for the area will

be presented to the Shadow Authority for approval on 27<sup>th</sup> February.

**RESOLVED:**

1. To approve the revenue budget and capital programme (Appendices 1-3).
2. To approve the updated Schedule of Fees and Charges (Appendix 4).
3. To delegate any further required changes to the Schedule of Fees and Charges to the S151 Officer, in consultation with the Leader, during the period post final budget up to 31<sup>st</sup> March 2020.
4. To agree the delegation of decisions to add up to £100m to the Capital programme, to be funded by Prudential Borrowing, to the Cabinet (see section 9.10).
5. To agree the delegation of decisions to add projects relating to the current HIF bids to the capital programme to the Cabinet (see section 9.11).
6. To approve the 'Special Expenses' budgets and precept for Aylesbury Town, High Wycombe Town and West Wycombe Church Yard (Appendix 5 & 6).

**(b) Reasons for decisions**

To set a safe and legal revenue budget and capital programme for Buckinghamshire Council within the prescribed timeframe.

**(c) Alternative options considered**

N/A

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

None

**AGENDA ITEM NO. 8**

**CORPORATE PLAN**

**(a) Decisions**

To note the final draft of the Corporate Plan and agree to recommend this to the Shadow Authority for approval.

**RESOLVED:**

**To note the final draft of the Corporate Plan and agree to recommend this to the Shadow Authority for approval.**

**(b) Reasons for decisions**

To consider the draft Corporate Plan at Formal Shadow Executive on 18<sup>th</sup> February and Shadow Authority on 27 February.

**(c) Alternative options considered**

N/A

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

None

**AGENDA ITEM NO. 9**

**DEDICATED SCHOOLS GRANT AND SCHOOLS FUNDING 2020-21**

**(a) Decisions**

1. The purpose of this report is to seek approval from the Shadow Executive for the proposed local schools funding formula, and agreement to other Dedicated Schools Grant (DSG) funded budgets as recommended by Schools Forum. This meets the requirement from the Department for Education (DfE) for political ratification of the local schools funding formula prior to the allocation of budgets to individual schools.
2. The local authority works closely with the Buckinghamshire Schools Forum in developing proposals for the school funding formula and the other DSG budgets.
3. The report also includes an update on the current DSG reserve and proposals for reduction of the deficit in 2020-21.

**RESOLVED:**

1. To agree that the overall Dedicated Schools Budget should be set at the level of the allocated Dedicated Schools Grant (DSG) £472.25 million.
2. To agree the proposed local funding formula for schools recommended by Schools Forum on 21<sup>st</sup> January 2020 as follows:
  - a. Funding factors are 100% in line with National Funding Formula (NFF) values, including the national minimum per pupil funding level.
  - b. Minimum Funding Guarantee (MFG) set at +0.5%, with a cost of £186k for the funding protection in 5 schools, without the requirement for capping of gains in other schools.
  - c. No funding to be transferred to the High Needs Block
3. To note the Central Schools Services budget proposed for 2020-21 with further savings required in future years in line with DfE funding reductions.
4. To agree the High Needs budget proposed, including savings proposals, and agree that initial proposals for a recovery plan for the High Needs budget in future years be considered at the March meeting of Schools Forum
5. To agree the Early Years budget proposed
6. To agree the actions to reduce the deficit in the DSG reserve by £1.264m in 2020-21, with further proposals for recovery of earmarked reserves to be considered and agreed at future meetings of Schools Forum.

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

The proposed budget and local schools formula enable a balanced budget to be set for 2020-21 including contributions to significantly reduce the projected deficit in the DSG reserve.

For future years, the following areas of work will need to continue:

- Development of a recovery plan for high needs budgets;
- Development of proposals for the reduction in central DSG spend in accordance with the proposed reduction in funding by the DfE in future years; and
- Development of a recovery plan to reinstate the DSG reserve.

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

No alternative options are included.

The proposed budget and local school funding formula have been developed in consultation with the Buckinghamshire Schools Forum and in line with the DfE Operational Guidance for Schools Funding in 2020-21.

Schools Forum confirmed that the principles to be applied to the local schools funding formula should be the same as in 2019-20 in order that the Buckinghamshire formula should move towards the National Funding Formula proposed by the DfE.

A consultation was held with schools to determine the level of Minimum Funding Guarantee to be included in the funding formula and the outcome of this consultation has been taken in to account in developing these proposals.

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

None.

## **AGENDA ITEM NO. 10**

### **PAY POLICY STATEMENT**

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

The Pay Policy Statement, attached in Annex 1, is a requirement in accordance with Section 38(1) of the Localism Act 2011 and must be updated annually. The pay policy statement sets out Buckinghamshire Council's policies relating to the pay of its corporate service workforce (excludes Schools employees) for the year 1 April 2020- 31 March 2020.

#### **RESOLVED:**

- 1. Approve the Pay Policy Statement;**
- 2. Approve the delegation of decisions on all employee remuneration and severance packages over £100,000 to the Pay Committee;**

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

The policy statement is a statutory requirement. The recommendations regarding the delegated responsibilities to the Pay Committee are recommended as it allows for faster decision making and action in the case of remuneration and severance decisions higher than £100k, which will assist in the recruitment of senior leadership posts.

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

N/A

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

None

## **AGENDA ITEM NO. 11**

### **FINAL DRAFT CONSTITUTION**

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

To put in place the Constitution of Buckinghamshire Council prior to vesting day on 1 April 2020.

#### **RESOLVED:**

- 1. That the Shadow Executive approve the Scheme of Delegation (subject to any required amendments) in relation to delegations of executive functions**
- 2. That the Shadow Executive recommend the draft Constitution (subject to any recommended amendments) to the Shadow Authority for adoption as the Constitution of Buckinghamshire Council**
- 3. That delegated authority is given to the Monitoring Officer, in consultation with the Leader, to make any minor changes, including clarifications, and necessary textual revisions to the draft Constitution to ensure that the separate sections of the Constitution are consistent, work together as a whole and reflect any changes to legislation**
- 4. That the Shadow Executive recommend that Shadow Authority give delegated authority to the Monitoring Officer in consultation with the Leader as per 3. above in relation to the approved Constitution up to and including 31 March 2020**
- 5. That the operation of the Constitution is reviewed in April 2021**

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

Amendments to any areas or matters still to be resolved can be incorporated into the draft. Textual amendments will still be required and are appropriate for delegated authority to the Monitoring Officer in consultation with the Leader.

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

Buckinghamshire Council is legally required to have a constitution. Member views on the draft Constitution have been obtained. Areas still to be resolved are highlighted within the report.

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

None.

## **AGENDA ITEM NO. 12**

### **MEMBERS ALLOWANCES**

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

Following the parliamentary approval of the Buckinghamshire (Structural Changes) Order 2019, Buckinghamshire Council will come into effect on 1 April 2020 and the current Aylesbury Vale District Council, Buckinghamshire County Council, Chiltern District Council, South Bucks District Council and Wycombe District Council will cease to exist. The Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations) require a relevant authority to make a scheme having regard to the recommendations of an Independent Remuneration Panel.

#### **RESOLVED:**

**That having regard to the recommendations of the Independent Remuneration Panel (IRP) the Shadow Executive agree to recommend to the Shadow Authority meeting on 27 February 2020 to adopt the Scheme of Members' Allowances for the Interim Period and for the period from 11 May 2020 to 31 March 2021 as attached as Appendix 2.**

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

There is a requirement under the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations) for Buckinghamshire Council to make a scheme for the payment of a basic allowance (BA) to each member of that authority which shall be the same for all members. The scheme may also provide for the payment of a Special Responsibility Allowance (SRA) for members with roles that have special responsibility for example leader, cabinet members, or chairmen of committees. The scheme may also set out the payments in relation to travelling and subsistence allowance and co-optees' allowance.

The scheme needs to ensure that Members receive appropriate remuneration for their role, and it is important that it does not discourage individuals from putting themselves forward as candidates.

It is recognised that this scheme will not deliver the full savings identified in the unitary business case at this stage, but there is still a saving when compared to the total costs for the existing councils' schemes of allowances. It should also be noted that a Local Government boundary review will be conducted during the council's first term where the size of the council (number of councillors) will be reviewed.

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

The Shadow Executive could support the scheme proposed by the IRP in full; alternatively, the Shadow Executive could recommend an alternative scheme to the Shadow Authority.

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

None.

## **AGENDA ITEM NO. 13**

### **VCS (VOLUNTARY AND COMMUNITY SECTOR) CONTINUING GRANTS**

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

1. The reports informs members of the Shadow Executive of the commitments for 2020/21 and 2021/22 that have been made by the four District Councils in the form of grants to voluntary and community sector organisations (VCSOs).
2. It also highlights the importance of maintaining key relationships with strategic partners, particularly the VCSO / Not for Profit Sector and providing financial stability in the first years of the new council.

#### **RESOLVED:**

1. **To Note the importance of the VCSO sector as a core partner and, in consultation, continue to develop the VCSO / Not for Profit Sector Strategy for Buckinghamshire for consideration by the Cabinet in July 2020.**
2. **Recognise the VCSO's need for assurance specifically during the transition phase and support the continuation of the predecessor councils' multi-year funding arrangements at a revised cost of £1,392,709 in 2020/21 and of £1,168,758 in 2021/22 as per the spending protocol.**
3. **Conduct a review of Buckinghamshire Council's financial support for the VCSO to ensure a planned and sustainable approach; report to the Cabinet funding streams which would include grants to VCS in Autumn 2020 with proposed terms of reference for the review and a detailed plan which includes any proposed grant extensions where appropriate.**

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

Community groups are vital partners supporting the Council's priorities. At a time when funding for public services is reducing, we need a strong and independent VCSO / Not for Profit Sector. Stability of funding is vital in order to maintain and develop relationships of trust with residents and improve outcomes.

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

**Option One** – not continue funding the VCSOs that have been awarded grants by district councils in 2020/21 (or years 2021/22). It is likely that the financial viability of

some of the funded VCSOs would be affected. If this option were to be pursued an Equalities Impact assessment would be needed.

**Option Two** – Agree the continuation of the predecessor councils’ multi-year funding arrangements at a revised cost of £1,392,709 for year 2020/21 and £1,168,758 in 2021/22. This would enable those funded VSCO to have assurance of 2 years In addition conduct a review of financial support to VCSOs and return to the Cabinet in Autumn 2020 with proposed terms of reference for the review. **This is the preferred option**

**Option Three** - Support the continuation of the predecessor councils’ multi-year funding arrangements at a revised cost of £1,392,709 in 2020/21 and £1,168,758 in 2021/22 with no review. Without a review this could lead to some missed opportunities.

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

1. Steve Bowles- Trustee of Green Park, Trustee of Wendover Memorial Hall
2. David Martin- Board member for Colne Valley Park Community Interest Company, Trustee of Chalfont St Peter Community Library
3. Katrina Wood- Lives close to Ashwells but not close enough to have a prejudicial interest.
4. Isobel Darby- Treasurer of Chalfont St Peter Village Action Group, Governor of Robertswood School and Governor of Dr Challoner’s Grammar School.
5. Fred Wilson- Wife is governor of Chesham Grammar School and Chesham Bois C of E. Member of Chesham Vitalisation for Chesham Connect.
6. Bill Chapple- Son works for County Council, Chairman of Buckinghamshire’s Best Kept Village.
7. Nick Naylor- Director of Colne Valley Park Community Interest Company.
8. Tony Green- Governor of Holmer Green Senior School, Chairman of High Wycombe Twinning Association.

#### **14a Westhorpe Globe Park (Spending Protocol)**

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

This report sets out the background to the Westhorpe Junction improvements/Access to Globe Park project and the reasons why it is recommended to approve the project to progress the preliminary design and ground investigation works.

##### **RESOLVED:**

1. **That the Shadow Executive approves the commission of the preliminary design phase of the project including ground investigation works (value £375,000 – using secured and released s106/CIL funding)**
2. **That the Shadow Executive notes the risks associated with the scheme.**

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

The primary reasons for the current scheme cost uncertainty are the relatively limited design work, lack of ground investigation work and lack of detailed utility information. Assumptions and allowances have been included in the scheme forecast to allow for utility diversions and the structural work required to the retaining wall, however these assumptions are based on limited information.

By undertaking the proposed pre-construction work and design development the scheme forecast outturn will be more certain. Any decision to agree to progress the advanced works needs to be taken in the knowledge that a funding gap may still remain when this work is completed and reported later this summer.

The recommended option is to progress with the preliminary design and ground investigation work to provide approximately 80% cost and programme certainty in late Summer 2020.

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

1. Commission the preliminary design phase and ground investigation work to provide greater certainty around project risks (ground conditions and utilities) and construction costs. This option would allow a full decision on progression of the scheme to be taken by the Buckinghamshire Council in late summer 2020.
2. To pause the project now and bid for more funding. This will however increase the risk of losing £970,000 funding from Local Transport Board (LTB) and/or £1.187M Highways England (HE) already awarded to the scheme. Delaying project implementation would also increase the cost of the scheme due to construction inflation.

Ahead of the pre-construction commission being approved by the Shadow Executive, a relatively minor piece of vegetation clearance is proposed to be carried out using already released funding during February 2020 to enable the project to meet its current programme and funding obligations (to spend LTB funding by March 2021). This work comprises hedge cutting and scrub clearance on BCC land alongside the A404 slip lane which will facilitate access later in 2020 for ground investigation work. The vegetation clearance work needs to be carried out in February to avoid bird nesting times. Should this not proceed, there would be a potential 6-8 month delay to programme and vital ground information would remain unknown.

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

None.

**14b Use of S106 Accrued Funds for Affordable Housing in Wycombe (Spending Protocol)**

**(a) Decisions**

In November 2019 Wycombe District Council's Cabinet approved a request to grant fund Paradigm Housing (A Registered Provider of Housing- RP) £800,000 to develop 35 additional affordable rented homes at the former 'Needham Bowl' site in High Wycombe. These units will be in addition to the planning policy requirement of 24 units, and secured using a Section 106 planning agreement. In total there will be a total of 59 affordable homes on the site. These additional units will be subject to formal nomination rights in perpetuity on behalf of the Council and may be offered to eligible residents on the Bucks Home Choice waiting list. This report seeks approval from the Shadow Executive for approval, as per the Spend Protocol.

**RESOLVED:**

**That the Shadow Executive endorse the November 2019 decision of Wycombe District Council's Cabinet to award funding of £800,000 to Paradigm Housing Association on the terms set out in paragraph 7 of the report.**

**(b) Reasons for decisions**

The Spending Protocol requires approval from the Shadow Authority to award the grant of £800,000 to Paradigm Housing. If approved, the grant will secure nomination rights on 35 new build affordable rented units at the former 'Needham Bowl' site in High Wycombe. The Buckinghamshire Council will benefit from these nomination rights in perpetuity. The new units will assist in meeting affordable housing need in Buckinghamshire and relieve pressure on temporary accommodation budgets and capacity.

**(c) Alternative options considered**

Shadow Executive may either agree or disagree with the recommendation.

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

Angela Macpherson declared an interest and left the meeting.

**14c HQube/Bellfield/Ashwells (Spending Protocol)**

**(a) Decisions**

These three projects were approved by WDC Cabinet last year and carry approved funding / projected receipts in the Capital Programme. Contractual commitments are due to take place within the next month. They were referred under the Spending Protocol for Sn. 151 Officer sign-

off. He has recommended that the Shadow Executive should be briefed, as the developments / disposals will largely take place after vesting day; the costs and receipts involved are material; and there are risks associated with their outcomes.

**RESOLVED:**

**To ratify WDC Cabinet's approval of three linked projects:**

- 1. Construction of infrastructure for Ashwells and its subsequent disposal as serviced residential development sites**
- 2. Disposal of Bellfield for affordable housing**
- 3. Development of HQube small workspace**

**Including delegated authority to Officers to complete detailed terms of the contractual commitments involved.**

**(b) Reasons for decisions**

Not proceeding would be financially detrimental.

**(c) Alternative options considered**

The projects have long been in WDC Cabinet's plans for new homes and small workspace. Each is supported by Full Business Case (in the Background Papers) which sets out Options, concluding that the preferred option is as recommended.

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

None.

**14d Cressex Island (Spending Protocol)**

**(a) Decisions**

These two projects were approved by WDC Cabinet last year and carry approved funding / projected receipt in the Capital Programme. Contractual commitments are due to take place within the month. They were referred under the Spending Protocol for Sn. 151 Officer sign-off. He has recommended that the Shadow Executive should be briefed, as the developments / disposals will largely take place after vesting day; the costs and receipts are material; and there are risks associated with their outcomes.

**RESOLVED:**

**To ratify WDC Cabinet's approval of:**

- 1. Direct development of part of Cressex Island**
- 2. Freehold disposal of the remainder of the site**
- 3. Implementation of Crest Road signalisation works**

**Including delegated authority to officers to complete the detailed terms of the contractual commitments involved.**

**(b) Reasons for decisions**

Not proceeding would be financially detrimental. The capacity/capability required and risks involved make direct development of large scale speculative industrial buildings by the Council imprudent.

**(c) Alternative options considered**

The recommendation is supported by a full Business Case (in the Background Papers) which sets out options, concluding the preferred option is as recommended:

1. for a pre-let discount foodstore and drive-thru' with construction cost risk transferred to the tenant;
2. for a speculative industrial development based on a full site purchase price.

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

None.

**AGENDA ITEM NO. 15**

**WASTE COLLECTIONS ARRANGEMENTS FOR THE SOUTH OF THE COUNTY**

**(a) Decisions**

This report updates Members on the procurement project to deliver a new waste collection, recycling and street cleaning contract, (hereafter called the contract), covering the current Council areas of Chiltern, South Bucks and Wycombe and seeks approval to the necessary financial commitment to enable the award of the contract.

**RESOLVED:**

1. **To note the background and progress on the waste, recycling and street cleansing contract procurement project.**
2. **To approve the financial commitment for a new waste collection, recycling and street cleansing contract for the Chiltern, South Bucks and Wycombe areas, having regard to the procurement and financial information contained within this report and the confidential Appendix, which is in line with the approved budget.**
3. **To note that the award of this contract is also being reported to Chiltern, South Bucks and Wycombe Council Cabinets for approval.**

**To note that the reports to the District Councils will recommend:**

1. **To note the background and progress on the waste, recycling and street cleansing contract procurement project.**

2. To award a contract to the preferred bidder for a new waste collection, recycling and street cleansing contract for the Chiltern, South Bucks and Wycombe areas having regard to the procurement and financial information contained within this report and the confidential Appendix.

**(b) Reasons for decisions**

1. To ensure the continued delivery of an effective waste collection, recycling and street cleaning service after the current contracts have expired and ensure that statutory requirements are met for the new Buckinghamshire Council.
2. To safeguard the financial position of the new Buckinghamshire Council in relation to its expenditure on waste collection services.

**(c) Alternative options considered**

For the Shadow Executive:

1. To approve the financial commitment as detailed in the confidential appendix for the award of the contract to the preferred bidder C which is in line with the approved budget.

For the District Cabinets:

1. To accept the tender from the preferred bidder C.
2. Not to accept the tender from the preferred bidder. This will potentially present a significant financial risk, a possible legal challenge and may result in a high risk of service interruption.

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

None.

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