



## Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 9 November 2021 in The Oculus, Buckinghamshire Council, Gatehouse Road, HP19 8FF, commencing at 10.00 am and concluding at 12.11 pm.

### Members present

M Tett, A Macpherson, G Williams, S Bowles, S Broadbent, J Chilver, A Cranmer, C Harriss, N Naylor and P Strachan

### Others in attendance

P Martin, R Stuchbury and S Wilson

### Agenda Item

#### 1 Apologies

Apologies were received from Sarah Ashmead, Deputy Chief Executive.

#### 2 Minutes RESOLVED –

**That the Minutes of the Cabinet meeting held on 19 October, 2021, be approved as a correct record.**

#### 3 Declarations of interest

There were no declarations of interest.

#### 4 Hot Topics

The following hot topics were reported:

##### **Cabinet Member for Transport**

Cabinet were informed of two issues:

- The Bus Service Improvement Plan had been submitted to Government and published on the council website. <https://www.buckinghamshire.gov.uk/news/buckinghamshire-council-publishes-their-bus-service-improvement-plan/>
- Buckinghamshire Council had refused to approve lorry route applications for HS2 due to concerns about the impact of increased constructions vehicles on six routes, in particular the A413/A355 corridor. There were four outstanding

potential challenges. The Planning Inspectorate had not agreed with the Council on these challenges and advice was being taken from Counsel who believed there were strong grounds to appeal.

### **Cabinet Member for Climate Change and Environment**

Cabinet were informed of four issues:-

- Waste collection was still unable to return to normal in Amersham and Wycombe areas as whilst the number of HGV drivers had increased there were not sufficient drivers to do the whole of the area.
- A report was being prepared for the next Cabinet meeting on the proposal to award the contract for the Household Recycling Centre Service which included operation and management. This also included numerous waste materials and services which would be consolidated into one single contract. The new contracting arrangement needed to be in place for 1 April 2022.
- A demobilisation of the existing Biffa waste collection contract in the south of the County was being undertaken with the service being provided by Veolia, providing a single service across the south. The transition of the services was working well.
- Buckinghamshire Council were hosting a regional climate change event as part of the international COP 26 conference 'Green wheels in motion' which would take place on 10 November at Silverstone Enterprise Zone showcasing a range of innovative technologies and initiatives being developed and/or deployed in Buckinghamshire to decarbonize transport.

### **Cabinet Member for Communities**

- An urgent decision had been taken last week in relation to the Household Support Grant Fund. Buckinghamshire had been awarded £2.4 million and these funds were required to be utilised by 31 March 2022 to provide support to a broad cross section of vulnerable households including those not in receipt of benefits. Council have discretion on how to identify and support those most in need with food, energy and water bills during the winter months. Cabinet Members thanked the Helping Hands Team for the work they had carried out in this area in publicising and distributing the vouchers to vulnerable people.
- Preparations were underway for the next Proud of Bucks awards to celebrate Buckinghamshire's communities that have demonstrated caring, creative and commitment towards their local areas

### **Cabinet Member for Education and Skills**

Children Services were currently preparing for the Ofsted Inspection and information had been collated. Regular discussions were held by senior officers and members to ensure that children and young people were receiving the best care.

### **Cabinet Member for Culture and Leisure**

The opening of Chiltern Lifestyle Centre had unfortunately been delayed to deal with some issues from their final stages of testing. He also informed Members that the Aqua Vale Swimming and Fitness Centre in Aylesbury had just been resurfaced.

**5 Question Time**

**Question from Councillor Robin Stuchbury to Councillor Anita Cranmer, Cabinet Member for Education and Children's Services**

"In 2014 Buckinghamshire County Council's Education, Skills and Children's Services Select Committee prepared a report for Cabinet on narrowing the gap in education recognising social disadvantaged pupils and the diversity of Buckinghamshire children within education. In the 9 September, 2021, the report submitted to the Children's and Education Select Committee did not provide a breakdown of information around diversity, such as on individual social groups, vulnerable children and on all the attainment levels against their statistical cohorts within peer groups. This information would have assisted the Select Committee to question in greater detail how children in Buckinghamshire are progressing in respect to the historic problem of narrowing education attainment gaps.

Can the Cabinet Member please explain why the new local authority is changing the level of information reported and is not recognising individual social groups, their diversity, and all their attainment levels against their statistical cohorts within a peer group?"

**RESPONSE from Councillor Cranmer, Cabinet Member for Education and Children's Services**

"Whilst I acknowledge that the format and content of the Education Standards has been refined since 2014, the local authority continues to track and monitor attainment levels by a number of different cohorts, including those you reference in your question. Improving the education outcomes for all pupils in Buckinghamshire and closing the gap between those that achieve the most and those that do not remains a priority for the service. This includes ensuring the early identification and assessment of vulnerable children and young people, so that every child makes good progress, and no child gets left behind. The senior officers have prepared detailed information that separates attainment for the cohorts that you have referred to. We will be sharing them with you and any other interested members in the very near future. "

**Question from Councillor Stuart Wilson to Councillor Gareth Williams, Deputy Leader and Cabinet Member for Planning and Regeneration, and Councillor Steve Broadbent, Cabinet Member for Transport**

"Following their respective recent visits to The Wooburns, Bourne End & Hedsor, I would like to request that the Cabinet Members for Planning & Regeneration and Transport acknowledge the urgent need for a coherent Transport Strategy for the area, and given the current and future planning applications for Slate Meadow and Hollands Farm commit to immediately convening a WBEH Transport and Planning Strategy Group comprising Senior Officers, local Members, Parish Council/Meeting and local resident groups, underpinned by an accelerated Transport Evaluation

submitted for approval through the South-West Chilterns Community Board. And also to commit to take all available measures to protect the community green space at Penny's Corner in Bourne End, including the Peace Garden and Parish Council Centenary Clock, from any developer-led or Council-led transport mitigation plans and specifically to allow the Parish Council, should they wish to do so, to purchase the remaining land at Penny's Corner not under its ownership, remove it from the designation as Highway land, and preserve and maintain it for the community?"

#### **RESPONSE from Councillors Williams and Broadbent**

"I'd like to thank my fellow councillor for a very informative visit and I share his concerns for the potential impacts of the proposed development on travel in the area. However, I do not consider that there is a need to develop a specific coherent transport strategy for the area as there is already a package of measures proposed to address the forecast impacts of the developments proposed in the Local Plan.

During the preparation of the Wycombe Local Plan the transport implications of the proposed sites was examined including an assessment of the cumulative impacts as well as potential transport measures for each site with proposals put forward seeking to mitigate the impacts of those developments. This identified a package of measures taking into account the proposed development at Slate Meadow and at Holland Farm. These include:

For Slate Meadow: a link to the proposed (and safeguarded) High Wycombe to Bourne End Greenway, – which is currently at feasibility stage. In addition, the following have been secured through the planning process - upgraded bus shelters on the A4094 in close proximity to the Stratford Drive/Town Lane junction and traffic calming near the access to St Pauls C of E Combined School. It should be noted that Slate Meadow was granted outline planning permission in June 2019.

For Hollands Farm – a spine road through the site (to be delivered by the developer) plus junction capacity improvements as well as a possible diversion of a local bus service and enhancements to the footpath and cycle links to the village centre. There is a current planning application for the larger portion of the Policy BE2 site, of which the aforementioned measures (and others) are being proposed by the developer and evaluated.

All planning applications that are likely to have a significant transport impact are required to be accompanied by a transport assessment. Transport Assessments are thorough assessments of the transport implications of development, taking into consideration the cumulative impact of nearby development. This includes proposed mitigation measures, as appropriate.

In relation to the junction of Cores End Road/Station Road/The Parade (Penny's corner in Bourne End) the current planning application on Hollands includes a mitigation proposal to replace the existing mini-roundabout with a larger roundabout. This will require the relocation of the existing planting and centenary

clock, which are within the public highway. Whilst the Highway Development Management team have confirmed the acceptability of the design and junction capacity, the overall acceptability of the proposed changes will be considered by the Planning Case Officer in reaching a final view on the planning application. It should be noted that the application has been called into planning committee.

I understand that due to concerns regarding the cumulative highway impacts of these proposals, the Highways Development Management have met with the local ward members and representatives of the Parish Council. A further meeting will be set up to discuss the technical highway position on the current Hollands Farm planning application, following submission of their consultee comments recommending refusal.”

**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 what Cabinet would be discussing at forthcoming meetings.

**RESOLVED –**

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

**7 Select Committee Work Programme**

**RESOLVED –**

**That the Select Committee Work Programme be noted.**

**8 Article 4 Directions to restrict permitted development rights for Commercial to Residential changes of use**

In March 2020, the Government announced amendments being made to national planning legislation to introduce a new permitted development right, Class MA, to allow the conversion of commercial premises (including retail shops) into residential without the need for a planning application or any public consultation. Despite requests from Local Planning Authorities (including Buckinghamshire Council) to delay the implementation of this new legislation, Class MA came into effect on 1 August 2021.

Cabinet received a report that sought agreement for the Council to pursue an Article 4 Direction to prevent the use of Class MA in selected areas across the Buckinghamshire Council Area. The report set out the mechanics of the relevant legislation, the type of development that was automatically granted planning permission by the new permitted development rights, highlighted the potential impact on the area and the lack of any public consultation, comment or input in any way to the decisions specifically to the loss of retail premises. The report also set out a proposal for a 2 phase approach in relation how the Council would pursue Article 4 Directions in the immediate term and next phase.

The Cabinet Member for Planning and Regeneration reported that whilst Class E uses (business and commercial) existed all over the Council area, it was considered that the locations within Buckinghamshire that could be the most affected by these Permitted Development rights were within Primary Shopping frontages. Whilst an Article 4 Direction could focus on just the primary shopping frontages, consideration had been given to expanding further than just the primary shopping frontages in order to capture the 'core shopping areas'. Care would need to be taken to ensure that the Article 4 Directions covered enough of the Council area to achieve the desired outcome but remain focussed to ensure the Direction complied with the NPPF.

The Cabinet Member also referred to the timescale and that the Council was looking at the non-immediate Article 4 Direction as this would remove the Council's financial liability to compensate landowners; this would be a 12 month notice period. Before that time the Permitted Development rights would continue to apply.

During discussion the following points were noted:-

- The Leader had written to the previous Minister of Housing Communities and Local Government to express concern about the new permitted development right as it was important to regenerate town centres. Whilst there may be a case for residential just outside shopping areas and the intention of this was well meaning it would break up the high street.
- A Cabinet Member asked if the timescale was realistic and this was confirmed although it would involve a lot of officer time and would include the 12 month public consultation period.
- A question was asked about those towns which have no primary shopping frontages but should be considered due to the nature of their areas and the contribution that the retail units in those towns made to their local areas. The Cabinet Member responded that Amersham on the Hill, Iver, Wendover and Winslow had been added in.

**RESOLVED –**

- (1) That the report be noted.**
- (2) That Council Officers be authorised to commence Stage 1 work on a non-immediate Article 4 Direction removing the permitted development right set out in Class MA of the Town and Country Planning (General Permitted Development Order) 2015, and on the locations detailed in the Cabinet report.**
- (3) That Council Officers be authorised to commence Stage 2 of the project, as soon as resources allow, to undertake a public consultation as to whether the Council should consider imposing an Article 4 Direction to remove the permitted development right set out in Class MA of the Town and Country Planning (General Permitted Development Order) 2015.**

**9 Children's Social Care Improvement Plan Progress Update**

Cabinet received a report from Cabinet Member for Education and Children's

Services that provided an update on the continued impact of COVID-19 on the Service and the current progress against the Ofsted Improvement Plan. During the update the following points were noted:-

- The Chief Executive reported that in line with the majority of local authorities across the country, the service has experienced unprecedented changes in demand since the latter part of 2020. Children's Services was everyone's business whether they were elected Members or officers and the Corporate Management Team reviewed on a weekly basis the activity across the Service to ensure they had a good understanding of issues in terms of volume and also complex cases. The Council had also prioritised additional funding to respond to the increase in demand which would manifest itself in the short and longer term; by employing additional social workers and also 'grow our own'. There was also a rigorous approach to improvement in the organisation and that manifested itself through the Improvement Board, which was externally chaired and was attended by the Chief Executive and the Cabinet Member; this provided deep dive information on the quality of the service not just the numerical indicators.
- These demand changes included; volume changes in contacts into the service of just over 20%, Strategy meeting increases of 62% in the same period and an increase in child protection plans from a low of 511 to over 730.
- The general seriousness of children's circumstances and complexity of casework, particularly in relation to young people self-harming continued to be a challenge. However, the Council was coping with the increased complexity and was continuing to support those most vulnerable to achieve positive outcomes.
- The senior management team have put in place a series of actions to ensure that the Assessment teams remain able to function and ensure children and young people are kept safe. These include staffing, demand management and quality assurance.
- There were lots of checks and balances in place such as an audit plan, dip sampling, weekly check and challenge and also improvements in management oversight and consistency.
- There was evidence to be more optimistic in relation to new staff joining the service. The overseas permanent staff would make a difference and agency staff were also joining in greater numbers than before. However, current and existing staff were working incredibly long hours to maintain the service and the seriousness and disturbing nature of the casework would also have impact. Senior managers remain very mindful of these issues and would continue to provide individual and team level support.
- Work was being undertaken for the short and long term. Earlier in 2021 it was decided to recruit overseas social workers on a permanent basis to the service and they would be joining the council in the next six weeks. The Assessed and Supported Year in Employment academy programme also helped newly qualified social workers during their first year of employment and professional practice. The Council ran the programme in partnership with Bucks New Uni.

Cabinet Members paid tribute to the work of the children's social care staff who were continuing to work exceptionally hard through really tough circumstances and also drive forward service improvements to help keep children safe. In response to a question about the wellbeing of staff the Corporate Director Children's Services reported that there was open communication with the 16 social worker teams and that their emotional wellbeing was supported and they had access to services should they require it. The Leader referred to domestic violence particularly during the pandemic and concerns around children. The Corporate Director reported that they worked very closely with schools to spot any signs of abuse and take action where required. In terms of managing overseas staff they would provide support to the new recruits and provide training to the standard expected with support from managers.

Cabinet Members welcomed the report.

**RESOLVED –**

**That the continued impact of COVID-19 on the Service and the current progress against the Ofsted Improvement Plan be noted.**

**10 Q2 Budget Monitoring Report**

Cabinet received a report that set out the Revenue and Capital position for Buckinghamshire Council for the financial year 2021-22, at the end of Q2. An appendix provided further detail for each Portfolio and information about performance relating to overdue debts and late payments of commercial debt.

At the end of the Q2, an overall nil variance was forecast for the revenue budget 2021-22 after allowing for £4.8m of corporate mitigations. This was a favourable movement of £0.5m since Q1. The nil variance comprised:

- (i) £4.9m adverse variance on Portfolio Covid related spend (£6.7m adverse August).
- (ii) £0.1m favourable variation on Portfolio BAU (£0.9m adverse August).
- (iii) £2.8m favourable variation on Corporate Contingencies (£4.0m August).
- (iv) £0.9m favourable variation relating to Covid Sales Fees and Charges compensation scheme.
- (v) £1.1m favourable variation on Corporate Budgets, principally capital financing costs.

Figure 1 (Cabinet report) detailed high level information for each Portfolio.

The total Portfolio net revenue forecast variance was £4.8m adverse (1.1% of the total Portfolio budget). Significant risks to the Revenue forecasts had been identified, a proportion of which were likely to materialise. These and any new pressures could potentially be covered by a number of contingencies that were not yet fully committed and could be used, if required. Appendix 1 provided further detail on the revenue forecast outturn by Portfolio.

Figure 2 showed performance, by Portfolio and against savings targets, for the £13.2m of savings that had been incorporated into the 2021-22 revenue budgets.

Figure 3 provided information on the Contain Outbreak Management Fund (COMF), funding provided to local authorities to help reduce the spread of coronavirus and support local public health. Buckinghamshire was expected to benefit from £15.9m of funding spread over three financial years. The approved spend was for £6.125m in each of 2020-21 and 2021-22.

### **Capital Budget Outturn**

Capital slippage had increased between Q1 and Q2 from 1.6% (£3.0m) to 7.9% (£14.8m). Whilst this was currently below the corporate target of 10% there was an expectation that slippage may increase further in future months because there were reduced opportunities to catch up on delays as the year progressed. Details were provided of a number of specific circumstances that had impact on the progress of capital projects. Further details for each portfolio were found in Appendix 1.

During discussion the Leader asked about forecast savings of £12.6k as opposed to the target of £13.2k and how achievable these savings were. The Service Director – Corporate Finance reported that everything was being done to achieve the targeted savings. In response to another question regarding presumptions around income, particularly in view of the pandemic, the Service Director reported that he believed that their assumptions were robust but the pressures arose with demand for social care which was unpredictable. The Leader also made reference to capital slippage and the Cabinet Member reported that some of these delays had been caused by supply chains and the pandemic.

### **RESOLVED –**

**That the current forecast outturn for the financial year 2021/22, and the associated risks and opportunities, be noted.**

## **11 Q2 Performance Report 2021-22**

John Chilver, Cabinet Member for Finance, Resources, Property and Assets introduced the report which comprised the following two items:

- The performance report, which provided details of the key performance measures reported through the corporate performance framework for 2021/22. Latest performance outturns and targets were reported alongside trend and benchmarking information, where available. The report also includes several indicators without targets for this year, that were being monitored to establish a baseline level of performance and monitor trends. Commentary was provided for each indicator explaining what was being measured, explaining the narrative behind each outturn and detailing improvement actions.
- The performance scorecard, which provided information on four key elements of performance for the Council covering Finance, Customer

Service, Performance and Human Resources indicators. These are arranged in four quadrants.

Within the performance report and performance scorecard, outturns that were performing at or better than target are classified as Green, those that were within 5% of the target were Amber and those that were more than 5% of the target were Red. At the end of Quarter 2, 84 indicators had outturns reported with a Red, Amber or Green status. Of these, 53 were Green (63%), 7 were Amber (8%) and 24 were Red (29%). Cabinet were informed that the majority of the red performance indicators had been impacted due to the Covid-19 pandemic.

Cabinet Members then provided comprehensive explanations for the performance marked as red where performance was more than 5% off the target for each of their portfolio's, these were as follows:

#### **Leader**

- Unemployment Claimant Rate – the indicator measured the unemployment claimant count in Buckinghamshire and the result was 70% of the national rate against a target of 55%. The Leader commented that he would speak with the Local Enterprise Partnership and Bucks Business First to understand the reason for being below target and what action could be taken. Work would also be undertaken with the Economic Growth and Regeneration Service via an Employability and Skills Taskforce and also through Bucks Skills Hub.
- Strategic Infrastructure projects: % profiled spend achieved – the target was 50% against the current value of 33.94%. This related to the South East Aylesbury Link Road which had been delayed because of the Compulsory Purchase Order/Side Road Order Open Space Inquiry from June to November.

#### **Cabinet Member for Climate Change and Environment**

- % of waste collected for recycling, reuse, composting or anaerobic digestion from household sources (household collection and Household Recycling Centres) – target of 60% against a current value of 53.19%. As reported earlier there was some disruption with kerbside collections due to driver shortages and food waste had been sent to disposal – energy from waste in the south administration area. Better incentives were being offered to drivers and figures were improving.
- % of Missed Bin Collections – 0.16 against a target of 0.15% this was an improvement since Q1 and a marked improvement against the previous year – this was due to introduction of a new more reliable fleet.

#### **Cabinet Member for Communities**

- % of female victims supported by IDVAs who have their risk level reduced – this target had a green RAG rating but was specifically mentioned because of the concern around domestic violence particularly its increase nationally during the pandemic. Cabinet Members noted that the Domestic Violence Strategy would be considered at the next Cabinet meeting.

#### **Cabinet Member for Culture and Leisure**

- Number of visits to main cultural venues – the target was 135,000 but the current value was 52,000. Q2 performance was an improvement against Q1 but it still fell short of the target due to social distancing measures and theatres only opening in early September. However Cabinet Members noted that the Swan Theatre in Wycombe was now back to normal and people could now sit next to each other.
- The number of visitors to Country and Town Park had exceeded the target and tribute was paid to the team who provided excellent support.

#### **Cabinet Member for Education and Children's Services**

- % of assessments completed in 45 working days – target was 84% against current value of 66% - this was due to 53% rise in the number of assessments, an increase in the number of complex cases and also there were significant challenges in recruiting staff
- % of children with Initial Child Protection Conferences completed within 15 working days of the strategy discussion – the target was 85% against a current value of 34%. The Corporate Director for Children's Services informed Members that the increase in demand had led to a 149% rise in the number of children subject to an ICPC during Q2 which had adversely affected performance. This has been escalated to the Chair of the Safeguarding Children's Partnership and there was weekly monitoring overseen by the Service Director with more conference slots created. The current value was now moving in the right direction and was around 50%.
- The Leader congratulated staff on the Education Health and Care Plans being issued within 20 weeks, which had exceeded the target with the current value at 83%.

#### **Cabinet Member for Finance, Resources, Property and Assets**

- Average % of phone calls in Customer Service Centres abandoned before being answered – the target was 10% with the current value at 11.8%. The Cabinet Member reported that there had been a 10% increase in calls which had been driven by two service areas; waste and council tax. A number of improvement actions had been put in place to address this including a call back facility, web chat and self-service online options
- % of invoices paid within 30 days – the target was 95% with a current value of 81%. The Service Director Corporate Finance reported that this was a one off technical issue which was experienced when processing payments for one supplier and this would be rectified in the next quarter.

#### **Cabinet Member for Health and Wellbeing**

- Number of younger people (aged 18-64) admitted to permanent residential or nursing care homes per head of 100,000 population – the target was 7.4% against a current value of 9.2. The Cabinet Member reported that this was due to the pandemic as some care homes were not admitting people during 2020/21 which had led to additional pent up demand once restrictions were relaxed. Admissions have now fully commenced again which had led to the number of admissions being over target. Members noted that this indicator related to a small number of people therefore a swing of 2 or 3 people could push the indicator to a red RAG rating.

- % of births that receive a face-to-face New Birth Visit within 14 days by a health visitor in the quarter – this was a target of 90% with a current value of 79%. The new birth visits had gone down this quarter due to capacity within Aylesbury and Wycombe teams experiencing staff shortages as a result of the pandemic and an increase in safeguarding/vulnerable families in this period. A deep dive was completed and those outstanding were all completed by day 18. The service area were working hard to improve measures as it was important to identify whether new mothers were seen within the two week window in order to see if they were suffering from post-natal depression.

#### **Cabinet Member for Housing, Homelessness and Regulatory Services**

- Number of households living in temporary accommodation for over 12 months – the current value was 78 against a target of 32. This was an increase from Q1 where there were 76 households living in temporary accommodation. Numbers had increased due to a change in how they were recorded and the target may need to be reviewed. In addition there were a number of people needed one bedroom or three/four bedroom accommodation where demands for this type of accommodation were high.
- % of homelessness decisions taking over 56 days – the target was 40% but the current value was 52%. The Cabinet Member reported that the reason for not achieving the target was because the Housing Service had been focussed on preventing people from becoming homeless and therefore reducing the need for temporary accommodation. The service had also been experiencing additional pressures with covid-19 discretionary placements and also 834 new applications for housing advice over this period. The Housing Service was working on improving timescales with stronger performance monitoring.

#### **Cabinet Member for Planning and Regeneration**

- % of enforcement appeals allowed – the current value was 25% and the target 20%. Cabinet Members noted that the results were affected by low numbers of appeals. In the last quarter 25% of appeals were allowed – as a split decision was issued and 75% of other appeals were dismissed.
- % of major planning approvals determined in 13 weeks or with agreed extension of time – this was an amber RAG rating with a target of 80% and a current value of 77%. The Planning Team were working hard to improve results despite having a significant increase in workload. Work was being undertaken to temporarily increase resource, including retaining consultants whilst continuing to recruit permanent staff.

#### **Cabinet Member for Transport**

- % of gullies cleaned against the cyclical gully programme – the target was 95% against a current value of 72%. From June the team experienced issues regarding the national HGV driver shortage which was also exacerbated by some operatives having to isolate. Numerous mitigation measures had been put in place including increased resources. 72% of gullies had been cleared and staff were working additional hours and weekends.
- Major transport schemes: % of profiled spend achieved – the target was 50% with the current value 35.5%. After a slow start to the year most of the projects were getting back on track. Delays experienced included Westhorpe

which had slower than expected progress in National Highways approvals, A41 delay due to additional ground investigation work and Abbey Barn Lane delayed due to a modelling issue. The Team were working hard to mitigate this.

- % eligible clients who are provided with transport before the required start date, or no later than 15 working days from the date the transport assessment was completed (SEND), or all information was received to provide transport (Mainstream) – this had a target of 95% against a current value of 84%. Cabinet Members noted that the measure would be amended so that the 15 working days started from when the transport assessment was completed for Special Educational Needs and Disability clients so that measures were under the Service areas control. Changes in software due in December would also provide better information for team workflows which would help improve operational performance.

**RESOLVED –**

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

- 12 South East Aylesbury Link Road Phase 2 funding and delivery agreement with HS2**  
Cabinet received a report, as well as confidential appendices (considered in private session) and was informed that HS2 had agreed to provide funding towards the dual carriageway South East Aylesbury Link Road (SEALR) Phase 2 project. The level of funding equated to the amount it would have cost HS2 to construct the same 450m length as a single carriageway, including the roundabout at the B4443 Lower Road junction. The funding excluded the roundabout junction to the South West Aylesbury Link Road (SWALR) as HS2 would not have delivered this as part of their Stoke Mandeville Relief Road.

The South East Aylesbury Link Road (SEALR) project proposed the construction of approximately 1.7 kilometres of dual carriageway including 3 new roundabout junctions. The project was being delivered as one project but in two phases. The new road would join the A413 Wendover Road with the B4443 Lower Road (SEALR Phase 1) and the B4443 Lower Road to a new roundabout junction (Phase 2) with the Stoke Mandeville Relief Road (SMRR) and the South West Aylesbury Link Road (SWALR).

Both phases of the SEALR formed part of the Aylesbury Orbital Link Road, with the delivery of both phases of the SEALR completing a significant portion of the Aylesbury Orbital Link Road. SEALR Phase 2 had originally been designed by HS2 as a single carriageway road with no roundabout connection to the SWALR and would have formed part of the SMRR which was to be delivered by HS2. The funding and delivery agreement was the method for HS2 and Buckinghamshire Council to agree that Buckinghamshire Council would deliver Phase 2 as a dual carriageway with a roundabout connection to SWALR. Plans on the Cabinet report showed the latest

preliminary design of SEALR Phase 2.

HS2 have agreed to part-fund SEALR Phase 2 subject to a number of conditions, as detailed in the report. The funding would cover the amount it would have cost HS2 to fund SEALR Phase 2 as a single carriageway with no roundabout. In addition, HS2 would be providing funding towards a roundabout that they would have delivered on Lower Road. Within Buckinghamshire Council, the Lower Road roundabout was part of the SEALR Phase 1 scheme, and therefore monies would be appropriately allocated based on the budget agreed with the Shadow Executive in January 2020.

Members were informed that that significant negotiations had taken place between the Council and HS2 over a period of months. Further details pertaining to the negotiations were detailed at Confidential Appendix A. The HS2 funding and delivery agreement was detailed at Confidential Appendix B.

Whilst the funding and delivery agreement did not require the Council to deliver the scheme, the funding was provided to cover part of the costs of delivery and the terms of the agreement ensured that release of the HS2 funding element would be subject to the scheme being delivered within the projected timescales and to the design agreed in the agreement. There was scope within the agreement to agree changes however the Council could not use the funding if the scheme was not delivered. A Cabinet Member decision had been taken by the Leader of the Council in March 2021 giving delegated authority to proceed with preparing and submitting a planning application, progressing a detailed design, and beginning land negotiations for SEALR Phase 2.

#### **RESOLVED –**

- (1) That the funding and delivery agreement from HS2 for the SEALR Phase 2 project and the SEALR Phase 1 Lower Road roundabout be accepted.**
- (2) That the recommendations on the previous Leader decision on 19 March, 2021, to submit the SEALR Phase 2 planning application when completed be noted.**

#### **13 Princes Risborough Southern Road Links (PRSRL) - Land Acquisition, Scheme Update and Side Roads Order**

Cabinet received a report, as well as confidential appendices (considered in private session) and was informed that the Council had secured £12m from the Housing Infrastructure Fund (HIF) available to March 2023 and managed by Homes England towards the cost of phase one of the relief road, the Princes Risborough Southern Road links (PRSRL), supporting the delivery of the Princes Risborough Expansion Area. The project required the acquisition of several parcels of land to progress and deliver the proposed scheme.

The scheme had been developed to an agreed preliminary design using the previously approved £2.73m funding agreed by the Shadow Executive in November 2019. Key features of the scheme included realigning and widening Summerleys

Road (to two lanes throughout); constructing a new rail underbridge with increased headroom; providing a new signalised junction and shared cycleway/footway towards the station and constructing a new section of highway to tie into Picts Lane.

A public consultation on the design was planned for 18 November 2021. The project had undergone extensive design engineering to minimise the impact on landowners and residents. These factors were reflected in the red-line boundary for the scheme that defined the necessary land take. This included land parcels that were not owned by the Council.

The Council's aim was to secure the necessary land and access rights by private treaty. However, to enable the project to proceed to programme and make use of the HIF funding, authority was needed to make and serve a CPO, if negotiation failed. Authority to make an SRO would enable changes to the highway to be made lawfully. As such, the report's recommendations were necessary to enable the project to proceed to the current programme. Further delays would run the risk of the Council missing the HIF funding deadline, and further increase costs.

**RESOLVED –**

- (1) That authority be delegated to the Service Director for Strategic Transport and Infrastructure, in consultation with the Leader and the Section 151 Officer, to:
  - (i) Negotiate, agree terms and acquire the land, interests and rights (or extinguish the same) required for the Scheme by agreement and to instruct the Service Director for Legal & Democratic Services to negotiate and enter into all legal agreements necessary to facilitate any such agreements;**
  - (ii) Make any amendments, deletions or additions to the land identified in this report and the annexed Plan to be subject to a CPO if required to facilitate the delivery of the Princes Risborough Southern Road Links (PR SRL), including as a result of comments received during public consultation.****
- (2) That the acquisition of the land holdings in accordance with the terms and price set out in the confidential Appendix C be approved.**
- (3) That the making of a Compulsory Purchase Order ("CPO") under section 226 of the Town and Country Planning Act; to use the power of acquisition by agreement under s.227 TCPA 1990 (as amended) and use of powers in relation to securing new rights over land under s.13 Local Government (Miscellaneous Provisions) Act 1976, in respect of the land and interests within the area shown outlined in red on the plan annexed to the Cabinet report ("the Order Land") for the purpose of securing delivery of the PR SRL be approved.**
- (4) That the making of a a Side Roads Order(s) ("SRO") under sections 14 and**

**125 of the Highways Act 1980 and all other necessary powers be approved, to:**

- (i) Improve, raise, lower, stop up, divert or otherwise alter existing highways which cross or enter the route of the PRSRL or will otherwise be affected by the construction of the PRSRL or as required to deliver the PRSRL;**
- (ii) Construct new lengths of highways for purposes connected with the alterations referred to in (a) above and delivery of the PRSRL; and**
- (iii) Stop up private means of access and provide replacement or new means of access.**

**(5) That authority be delegated to the Service Director for Strategic Transport & Infrastructure, in consultation with the Leader and the Section 151 Officer, to take all necessary steps to implement the CPO and SRO for PRSRL including:**

- (i) Making the CPO, including serving and issuing notices and certificates in connection with the making, confirmation and implementation of the CPO;**
- (ii) Taking all reasonable steps to promote the CPO and SRO, including promoting the Council's case at any public inquiry.**
- (iii) To negotiate, agree terms and enter into agreements with interested parties including agreements for the withdrawal of objections to the CPO and SRO on such terms as may be appropriate.**
- (iv) Issue notices of entry to survey or value land under the Housing and Planning Act 2016 if required and obtain any warrants from the Magistrates Court for the purpose of such entry if considered necessary;**
- (v) Making General Vesting Declarations ("GVD") under the Compulsory Purchase (Vesting Declarations) Act 1981 and/or serve Notices to Treat and Notices of Entry following confirmation of the CPO if required;**
- (vi) Issue and serve any warrants to obtain possession of any land acquired by the Council following execution of a GVD or service of a notice of entry if it is considered appropriate to do so;**
- (vii) To retain and/or appoint external professional advisers and consultants to assist in facilitating the making, promotion, confirmation and implementation of the CPO and SRO, the settlement of compensation and any other claims or disputes;**
- (viii) To undertake the land referencing of the Order Land including the preparation and service of notices in relation to the Order Land and other land under section 16 of the Local Government (Miscellaneous Provisions) Act 1976;**
- (ix) Making and issuing the SRO including the service and publication of all requisite notices and press notices;**
- (x) Negotiating and entering into agreements or undertakings with persons with any legal interest in the land relating to the SRO and/or CPO;**

- (xi) Making any amendments necessary to the CPO and SRO arising as a result of negotiations with affected persons, further design work or for any connected reasons to enable delivery of the PRSRL;
  - (xii) Taking any further or other action necessary to secure the making, confirmation and implementation of the SRO and CPO.
- (6) That authority be delegated to the Service Director for Strategic Transport & Infrastructure, in consultation with the Leader and the Section 151 Officer, to award the construction contract, subject to current forecast budget not being exceeded and full funding being confirmed, in accordance with the Council's Standing Orders relating to contracts; as well as agreeing appropriate maintenance arrangements.
- (7) That the following be noted:
- (i) The Princes Risborough Southern Road Links scheme as annexed to the Cabinet report.
  - (ii) That the Service Director for Strategic Transport and Infrastructure (or such other appropriate officer) will seek to acquire land affected by the scheme through negotiation and agreement. A Compulsory Purchase Order will be served on those with an interest if agreement cannot be reached. There would be no requirement to hold a CPO inquiry if all interests and objections were settled beforehand.
  - (iii) That a pre-planning consultation on the PRSRL preliminary design will be undertaken starting in November 2021.
  - (iv) That the PRSRL planning application is expected to be submitted early in 2022.
  - (v) That the scheme is being progressed on the basis that the Council recoups the cost of the £12M HIF and the £2.73M of its capital funding from developers. The remainder of the scheme funding is expected to be met by developers.

#### **14 Proposed Property Acquisition**

Cabinet received a report, as well as confidential appendices (considered in private session) and was informed that the Council owned a number of assets around the High Wycombe town centre and railway station. These assets were sites that could assist in the unlocking of regeneration of their respective areas through residential and commercial uses, specifically the Wye North Regeneration strategy (previously Eastern Quarter) which had been presented at HW Regeneration Board.

The proposed acquisition was Abbey Place, a site adjacent to existing holdings which was in an area of the town where regeneration had been proposed and plans were being developed. The acquisition would enable a strategic and proactive approach to delivering a more comprehensive scheme than simply on existing council land.

**RESOLVED –**

- (1) That the Service Director for Property and Assets, in consultation with the

**Cabinet Member for Finance, Resources, Property and Assets, the Section 151 Officer and the Service Director for Legal and Democratic Services, to conclude negotiations, agree contracts, appoint consultants and undertake due diligence, arrange finance, exchange and complete on the freehold acquisition of Abbey Place, High Wycombe as set out in the Cabinet report and the confidential appendices.**

- (2) That the Capital and Revenue budget changes associated with this acquisition be approved for inclusion in the MTFP.**

**15 Exclusion of the public (if required)**

RESOLVED –

That pursuant to Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting during consideration of Minutes No 16, 17, 18 and 19, on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Act as defined as follows:

Minute 16 – South East Aylesbury Link Road Phase 2

Minute 17 – Princes Risborough South Road links

Minute 18 – Proposed Property Acquisition

Minute 19 – Confidential Minutes of the Cabinet meeting held on 19 October, 2021.

The items include Information relating to the financial or business affairs of any particular person (including the authority holding that information) (Paragraph 3, Part 1 of Schedule 12A, Local Government Act 1972) (The need to maintain the exemptions outweighs the public interest in disclosure, because disclosure could prejudice the Council's position in any future process or negotiations).

**16 Confidential appendices to South East Aylesbury Link Road (SEALR) Phase 2**

This item was undertaken in confidential session as part of Minute item 12 and details of the public discussion and the decisions taken are included within Minute number 12.

**17 Confidential appendices for Princes Risborough Southern Road Links (PRSRL)**

This item was undertaken in confidential session as part of Minute item 13 and details of the public discussion and the decisions taken are included within Minute number 13.

**18 Confidential appendices to Proposed Property Acquisition**

This item was undertaken in confidential session as part of Minute item 14 and details of the public discussion and the decisions taken are included within Minute number 14.

**19 Confidential minutes**

RESOLVED –

**That the confidential Minutes of the Cabinet meeting held on 19 October, 2021, be**

**approved as a correct record.**

**20 Date of next meeting**

The next meeting will be held at 10am on Tuesday 7 December, 2021. It was also mentioned that the Cabinet meeting on Tuesday 4 January 2022 had been moved to 10am on Thursday 6 January 2022, to fit in with an amended budget cycle.