



## Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 12 September 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10.00 am and concluding at 11.25 am.

### Members present

M Tett, Cllr A Macpherson, G Williams, S Broadbent, J Chilver, A Cranmer, C Harriss, A Hussain, R Matthews and M Winn

### Others in attendance

D Blamires, A Bond, P Martin, J Ng, R Stuchbury and J Ward

### Agenda Item

#### 1 Apologies

Apologies were received from Cllr P Strachan. Cllr R Matthews attended in his place as Deputy Cabinet Member (Town Centre Regeneration).

#### 2 Minutes

**RESOLVED – That the Minutes of the Meeting held on 11 July 2023 were agreed 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 Health and Wellbeing

The Cabinet Member reported that there had been a good response to the consultation on the Autism Strategy. The consultation ended on 24 September 2023.

<https://familyinfo.buckinghamshire.gov.uk/news/the-autism-strategy-consultation-is-live/>

Reference was made to the launch of the transfer of care hub which would help people get out of hospital as soon as they were medically ready and would, wherever possible, return them home or to an appropriate setting. Anybody requiring ongoing care would be able to access the right care, in the right place, at the right time. This should help manage patient flow for those fit for discharge. The

Leader welcomed this initiative and commented that it was important to get patients out of hospital as soon as possible to stop them becoming 'deconditioned' to independent living.

Cabinet Member for Education and Childrens Services

Buckinghamshire Council was aware that three schools within the county were on the Department for Education RAAC list that had been published this week. The Council had been supporting these schools which were academies, meaning the Council did not have responsibility for maintaining and managing their sites. All settings were able to continue face to face learning for all students with no disruption to usual teaching.

Of the three Buckinghamshire schools on the DfE list:

**Waddesdon School, Waddesdon (academy)** - the school has had a structural survey this week and RAAC had only been identified as being present in the restaurant area. It meant all teaching blocks were open and the school was returning to full face to face learning as always planned at the start of the new academic year for all year groups

**St Joseph's Catholic Primary School, Chalfont St Peter (academy)** - the school had already undertaken remediation works and was fully open with no disruption to normal teaching arrangements

**St Michael's Catholic School, High Wycombe (academy)** - the school had informed the Council that RAAC was previously identified on site and remedial works were underway with arrangements already in place to teach students in temporary blocks on site as required, so there was no disruption to normal teaching arrangements.

The Cabinet Member reported that all maintained schools had completed their surveys, but academies were still completing theirs. The Leader reported that this was good news that schools did not have to return to remote learning and thanked the Cabinet and Local Members for their support in this area.

Cabinet Member for Transport

The Cabinet Member referred to pupils going back to school and commented that Buckinghamshire was top of the national league table with 60 schools having well used travel plans which impacted on 25,000 pupils and reported that home to school transport at the beginning of the school year had started well including the support of school crossing patrollers.

The Cabinet Member also paid tribute to the teams working on the road network with 20,000 potholes fixed and also work was well underway on the larger, capital intensive carriageway re-surfacing programme which had continued apace over the summer. 66 surfacing schemes were fully complete out of the 216 that have been planned during the year, with another 51 schemes already fully designed and programmed to start and over 90 more being developed for later in the year. He would provide a further update at the Council meeting. The Leader congratulated

him on the new contract arrangements which were delivering well. He commented that he and the Deputy Leader and Cabinet Member for Climate Change and Environment had visited the control hub for Buckinghamshire highways and had been impressed with the information that was provided real time.

#### Cabinet Member for Homelessness and Regulatory Services

An investigation carried out by Buckinghamshire Council into illegal dog breeding and animal cruelty had led to the prosecution and conviction of two individuals.

Hammad Javaid of Charmfield Road, Aylesbury and Louise Lane of Upland Avenue, Chesham, were sentenced in relation to a number of offences under the Animal Welfare Act 2006, having previously pleaded guilty.

After receiving information from the RSPCA and concerned members of the public indicating that illegal dog breeding was taking place at a property on Charmfield Road in Aylesbury, licensing officers from Buckinghamshire Council obtained warrants to search the property and another property on Bateman Drive in Aylesbury.

On 1 September 2021, a search of the property at Bateman Drive found 24 bull breed dogs kept in squalid conditions within the house and kennels in the back garden. Under veterinary advice, nine dogs, two of which were pregnant, were taken into possession by the council. On 6 September 2021, the RSPCA returned to Bateman Drive after receiving reports that the remaining dogs had been fighting in the garden. Officers found that the dogs had been left loose and unattended in the garden. The dogs had started to fight with each other, sadly resulting in the death of two dogs. The remaining 13 dogs were removed by the RSPCA.

Evidence obtained during the council's searches, including forensic analysis of digital devices seized at the properties, revealed Ms Lane's involvement in the illegal activity. Evidence also showed that dogs had been intensively bred, in several cases having had two litters in less than a year and had been subjected to repeated caesarean sections.

Mr Javaid pleaded guilty to charges of unlicensed dog breeding, tail docking, three charges of causing unnecessary suffering and one charge of failing to ensure animal welfare, brought by Buckinghamshire Council. In addition, he pleaded guilty to two further charges of causing unnecessary suffering brought by the RSPCA. Ms Lane pleaded guilty to charges of unlicensed dog breeding, two charges of causing unnecessary suffering and one charge of failing to ensure animal welfare, brought by Buckinghamshire Council.

Both defendants were sentenced at Amersham Law Courts on 11 September 2023. Hammad Javaid received a total sentence of 20 months imprisonment. Louise Lane was sentenced to a total of 6 months imprisonment, suspended for 12 months, together with 100 hours community service and 25 Rehabilitation Activity Requirement (RAR) days. She was also required to pay £500 towards the Council's costs in bringing the case. Both defendants were banned by the Court from keeping

dogs in the future.

The dogs removed from Bateman Drive, and the puppies that were subsequently born, were cared for by the RSPCA and Appledown Rescue and Rehoming Kennels. With assistance from these charities, all the dogs have now been successfully rehomed.

<https://www.buckinghamshire.gov.uk/business/business-licences-and-permits/animal-licences/report-an-unlicensed-animal-business/>

Leader

The Leader reported that the Government was withdrawing funding for the Local Enterprise Partnership business support network and a decision was awaited on how economic development would be delivered in the future. Once the policy was clear a future report would be brought back to Cabinet.

## 5 Question Time

### **Question from Councillor Robin Stuchbury to Councillor Peter Strachan, Cabinet Member for Planning and Regeneration**

“Buckingham Town Council recently wrote to six of its local Buckinghamshire Councillors to ask how they could be more involved in the early stages of Section 106 agreements. This could include involvement in such issues as an automatic inclusion of the right to adopt, limiting the necessity for management companies as so to reduce the economic tariffs on new developments to the bare minimum, and looking at economic considerations so that agreements match the aspirations in Buckinghamshire Council’s Parish Charter.

Could the Cabinet Member please explain what steps Buckinghamshire Council is willing and able to take to work and engage earlier with Buckingham Town Council on future developments and infrastructure projects?”

### **RESPONSE from Councillor Matthews**

Local Ward Members and Parish/Town Councils are consulted on planning applications and can provide comments on all aspects of the proposal. It is during the application process, prior to a determination that Members and Town/Parish Councils have an opportunity to identify and request mitigation proposals. It should be noted that identifying and requesting mitigation if the planning application is to proceed, does not prejudice or undermine your overall position. Any mitigation requests must be considered by officers in relation to the tests of lawfulness detailed within the National Planning Policy Framework (NPPF), the associated guidance (PPG) and within the Community Infrastructure Levy (CIL) regulations. Paragraph 002 of the PPG details that planning obligations can assist in mitigating the impact of unacceptable development to make it acceptable in planning terms.

#### **As set out within the NPPF (para 57) to meet the tests obligations must be:**

- necessary to make the development acceptable in planning terms.
- directly related to the development; and

- fairly and reasonably related in scale and kind to the development.

At the stage of drafting and finalising an S106 agreement, we are working to approved Heads of Terms. The S106 agreement is simply the legal mechanism that secures the obligations as set out in the recommendation to approve (either by the officer or planning committee). We do however publish S106 drafts 10 working days prior to completion albeit this is not a formal consultation. The Council also publishes an Infrastructure Funding Statement in relation to developer contributions secured and spent.

The Vale of Aylesbury Local Plan sets out the following under Policy I1 Green Infrastructure:

"Green infrastructure being provided must have a long-term management and maintenance strategy to be agreed by the council with assets managed for at least 30 years after completion and during this time secure a mechanism to manage sites into perpetuity. The management and maintenance strategy shall set out details of the owner, the responsible body and how the strategy can be implemented by contractors"

Long term stewardship of the public realm is important to ensure that open space provided from development is maintained to high standards. We are supportive of Town and Parish Council's taking on the ownership and maintenance of Open Space, however, as it stands this is ultimately at the discretion of the developer. The wording of the S106 Agreements, therefore, offers flexibility for the developer to look at both options of Parish and Town Council adoption or establishing a residential management company. This also reflects that not all Town and Parish Councils have the desire to take on all responsibilities. The important part in planning terms, is that the open space is delivered and maintained to mitigate the impacts of the development. We encourage Town and Parish Councils who have interest in taking on new Open Space to actively engage in dialogue with developers and the Council as sites come forward through the planning process.

The commuted sum is required for Parishes and Town Councils to adopt as – understandably – such a process comes with a burden of ongoing additional public costs. Residents when purchasing properties on a site where a management company is in place are accepting the costs and associated obligations resulting from this. Nevertheless, the standard and quantum of Open Space will meet the required obligations of the S106, regardless of which ongoing maintenance mechanism is brought into effect.

**Question from Councillor Thomas Hogg to Councillor Peter Strachan, Cabinet Member for Planning and Regeneration**

You requested that I lead on the Design Code in June 2022. Since then I have worked with the Planning Officer team on the Code, but have not made the progress that I had anticipated on this issue. I have developed an optional Design Guide which has been proposed as a first step towards better urban design. It has no legal weight, which means it cannot be enforced, but the document is not meant to be. It focuses on showing property developers the merits of evidence-based urban design and how

to follow the NPPF.

Could the Cabinet Member and his team re-consider the proposals contained within the Design Guide that would provide many benefits to our Buckinghamshire Communities which has such strong support within our scientific community, as evidenced by many surveys and research papers?

#### **RESPONSE from Councillor Matthews**

Thank you for your question and indeed the time you have put into support the development of the Council's Design Code. As you will be aware, the development of design codes is an important part of how the Council can ensure that new developments are of a high standard. Codes need to secure the delivery of high quality design, but in a way which allows for the varied and locally specific vernacular which occurs across Buckinghamshire. While the academic research you cite may have some influence on the content of the design code, it needs to be balanced with best practice as set out in the National Design Guide and National Model Design Code. It also needs to draw lessons from and support the character and qualities of the existing communities of Buckinghamshire.

I know this is a topic which you are passionate about and hence asking for you to be involved in the work to develop our design code. However, for the Buckinghamshire Design Code to have the impact required, it must be prepared in accordance with the process set out in the National Model Design Code, and must be adopted so that it has legal weight and is enforceable. Otherwise, it will do little to change design practice. This in turn means that we must ensure that such codes are aligned with national and local policies and are defensible as part of the planning process, including at appeal. So, though I deeply appreciate your commitment to the topic, the Council's focus will continue to be on bringing forward a design code that has been prepared in accordance with the guidance. I do hope that as our thinking on design develops further, particularly in the production of 'B' codes, that we may be able to incorporate some of the thinking that you have been developing.

#### **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 reports would be discussing at forthcoming meetings.

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

#### **7 Select Committee Work Programme**

The Leader introduced the Select Committee Work Programme and commended it to all Members of the Council and the public, as a document that gave forewarning of what Select Committees would be discussing at forthcoming meetings.

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

#### **8 Response to petition "Stop Investing in Fossil Fuels"**

A 'Stop investing in fossil fuels' ePetition had been considered at the full Council meeting on 12 July 2023, at which the Cabinet Member for Accessible Housing and Resources requested it be referred to Cabinet for further consideration. The ePetition was detailed at Appendix 1 to the Cabinet report.

Cabinet considered a report that set out the concerns raised in the petition and the approach that Buckinghamshire Pension Fund in partnership with the Brunel Pension Partnership was taking towards carbon reduction and meeting its target of net zero by 2050. The Partnership covered nine local authorities covering a geographical area from Buckinghamshire to Cornwall as well as the Environment Agency and held the Buckinghamshire Pension Fund as pooled funds. This Partnership had delivered increased returns and savings of £34 million per year to the organisations involved ahead of its initial target of £28 million by 2025. The Brunel Partnership made investment decisions on behalf of the Pension Fund although the Council maintained an investment allocation strategy. The Chairman Cllr Tim Butcher attended the oversight board together with the participating authorities.

Brunel shared the Council's target of a net zero impact by 2050 and had already achieved a reduction of 35% on their 2019 carbon emissions baseline. Brunel have retained their status as a signatory to the stewardship code and their 2023 responsible investment and outcomes report which could be viewed on their website provided a wealth of information and how they met its requirements. The Brunel approach was one of engagement rather than divestment as they believed it delivered a greater impact. With £35 billion of investment assets of which Buckinghamshire held £4 billion the Partnership could exercise a significant influence. The Pension Fund Committee and its Chairman were fully supportive of this approach. In addition to concerns about pension fund investments in fossil fuels there had also been concerns about the Council's current banking partner; the current contract with Barclays ran until 2027 and was purely for the provision of banking services with no investment activity. Barclays had also committed to a net zero strategy and in view of this there was no proposal to move the Council's bank account. A Leader asked about the signatories on the petition and it was noted that local residents could be identified through a tick box although their address could not be verified.

**RESOLVED –**

- (1) That the approach being taken by the Buckinghamshire Pension Fund and the Brunel Pension Partnership in reducing overall carbon intensity in its investment portfolios be ENDORSED.**
- (2) That the situation with the Council's banking contract be NOTED.**

**9 Pathways for Children with SEND - Children's and Education Select Committee Report**

The Children's and Education Select Committee had agreed to set up a rapid review in November 2022 with the aim of investigating the pathways to finding information for children and young people with SEND when first trying to access services and support. This involved:

- (a) assessing views from different sources with regards to the availability and accessibility of information required by parents to gain support from services for their children, and
- (b) gaining understanding on information for services specifically relating to gaining help for children with autism, ADHD and anxiety/depression.

The group took part in a range of evidence gathering sessions from November 2022 to March 2023 with a wide range of council officers, through visits to primary, secondary, grammar and special schools, with lead professionals from related organisations and by interviewing parents with SEND children.

The final stage of evidence gathering with individual meetings with parents provided a crucial insight into the first-hand experiences of parents in accessing the system of services potentially available to them when concerned about gaining help for their child. This process highlighted a range of issues such as difficulties in knowing where to go for assistance, how to gain diagnoses, and symptoms being recognised and supported.

The review was chaired by Councillor Diana Blamires and comprised Councillors Sarah James, Sophie Kayani, Paul Turner and Julie Ward. Following the evidence gathering meetings the review group then met to discuss and agree its key findings and recommendations, which were presented in the report found at Appendix 1.

Cabinet was asked to consider the recommendations of the Select Committee Review.

The Chairman, Councillor Diana Blamires presented the report. Councillor Julie Ward was also in attendance who was Chairman of the Children and Education Select Committee. 90% of parents who flag that they believe that their child had autism, ADHD, anxiety or depression turned out to be right. It was therefore imperative that they get the advice and information they need when they raise the alarm. Following the Council's OFSTED report one of the priorities was to provide better guidance for parents and this Review Group was set up to see what support parents could be given. Visits were undertaken to primary, secondary, grammar and special schools. Separately there were 15 meetings with the Council, voluntary groups and other organisations. The Group spoke to parents and looked at best practice from other Councils particularly with information on their websites. She gave some examples of the experiences of parents in obtaining the right support. As well as providing better information to parents from the start of their journey it was recognised that there needed to be improving training of SENCO's, teaching and nursery staff. They needed to be more aware of behaviours associated with autism, ADHD, anxiety and depression. A parent had flagged an issue at primary school. However because it was only recognised at secondary school level the needs of that child had become more complex. Early intervention was vital and it was important for parents to be supported at the outset. Parents often turned to the internet for help and advice and the term 'local offer' on the Council's website was confusing for parents. Some other Councils used simpler language or videos to help direct parents to the right



support. There was also a need for more educational psychologists and trainees. Some parents had to wait years for medication and diagnosis. It would also be helpful for pupils or former pupils to talk about their symptoms and what it felt like, to help other pupils. These recommendations would help parents to get the support they need when they first express their concerns, so they felt validated, empowered and confident.

During discussion the following points were raised:-

- The report was welcomed including the need for simple language which reflected the voice of the users. It fed into the work of the Integrated Care Partnership across Buckinghamshire, Oxfordshire and Berkshire West. Another area was the Autism Strategy which was now emerging specifically recommendations 4 and 5 which related to resource packs being developed. Timeliness of diagnosis was key which needed to be address with partners.
- A Member also commented that the terminology local offer was misleading; however this was a national term. Some key trigger words needed to be included which would be easily recognised by parents. There would also be an issue of stigma for young people when they first realise there could be a neurodiversity issue. Talks in schools would be particularly useful for girls as only one in four girls were diagnosed as they were good at masking their behaviour. He referred to a community of parents who were home schooling their children and the importance of providing support to them and easily accessible materials. The Chairman of the review said that information should be available to all and should be publicised in key areas such as GP surgeries.
- Another Member welcomed the report and sharing the neurodiversity resource pack with councillors to improve their understanding of the issues. Simple clear language should be applied across the whole Council website. A question was asked about key priorities and the Chairman of the review commented that length of wait was key but parents should have the information at an early stage so they could be as proactive as possible whilst waiting for a diagnosis.
- A question was asked about whether this information would be provided in different languages and also reference was made to support being required to those parents who did not want to recognise that their child had special needs. The Chairman of the review said a suggestion was made to use more you tube videos to help with languages. The Leader suggested it would be helpful to have further work undertaken on this area which was endorsed by the Cabinet Member for Communities to understand how some ethnic communities would engage with the process and also concerns about stigma. Teachers could also play a key part in this area as they would have a better relationship with parents.

The Cabinet Member for Children's Services and Education welcomed the report and said that enquiries on SEND were escalating, nationally and locally and it was really important that parents had the right information before them. These

recommendations would be included in the transformation work being carried out. The Cabinet Member referred to the comment about working with local communities and language needs and she commented that local members often helped their residents on these issues but sometimes were not aware of the pathways themselves. Neurodiversity awareness was important as all brains did not develop in the same way. All of the recommendations had been accepted by the Cabinet Member with the exception of recommendation 2 as the local offer terminology was from legislation but some clarity could be provided around this terminology. The Leader also made reference to the need to look at language and cultural issues. The Cabinet Member reported that it would also be helpful to provide training for local members on pathways.

## **RESOLVED**

- 1. That the Pathways for Children with SEND Review Group, as well as the supporting officers, be thanked for their work and subsequent recommendations.**
- 2. That Cabinet's responses to the Pathways for Children with SEND Review report and recommendations, as set out and circulated to Members, be agreed.**

Note: a complete breakdown of the scrutiny recommendations and Cabinet's responses can be found [here](#).

### **10 Buckinghamshire Youth Justice Strategic Plan 2023/24**

The Buckinghamshire Youth Justice Strategic Plan 2023-2024 provided details of progress made against agreed outcomes for Children and Young People. It outlined priorities, alongside potential future challenges for the partnership over the coming year. It also highlighted the partnership arrangements and budget position for the Youth Offending Service Partnership.

The Buckinghamshire Youth Justice Strategic Plan for 2023-2024 was produced in consultation with strategic partners. This was done through a series of focus groups which were held with representatives from the police, probation, magistrates, health, and Buckinghamshire Council services, including Children's Social Care, Education and Community Safety, as well as representatives from voluntary organisations such as Barnardo's and 'SAFE!'. The plan was produced in line with guidance published by the Youth Justice Board (YJB) and must be submitted to the Youth Justice Board for England and Wales and published in accordance with the directions of the Secretary of State.

The Cabinet Member for Children's Services and Education reported that providing the Strategic Plan was a legislative requirement. The purpose of the report was to show the work, and the results of previous work of the Youth Offending Service, which was a multi-agency partnership which included Thames Valley Police, Council, Health Services, Community Safety, Voluntary Sector and Probation. The Youth Justice Board oversaw the work of the Partnership. The ages that were covered were

10-18 and the numbers were small approximately 100. The data in the Plan showed the number of people who entered the Justice System for the first time and also tracked re-offending. HMI Probation provided a report in January 2023 and Buckinghamshire received a rating of good. Some areas for improvement had been identified such as Restoration, Repatriation and helping people to get on the right path was the first aim. The second aim related to ethnic disproportionality which needed to be addressed looking at areas of deprivation. The third aim was a Government initiative called Child First, having greater involvement with young people and engaging them in questions about how life was for them and understanding the reasons for their life choices.

The Leader reported that it was concerning to see the rise in the re-offending rate which had risen to 30% since January 2021. The Corporate Director explained that whilst a large proportion reoffended (9 youth as compared to 6 the year before), there was a smaller cohort who offended at all (30 compared to 37). Therefore, the small numbers involved and the reduction in the overall cohort that offended, made the reoffending figure appear significant in percentage terms. The Corporate Director reported that all the recommendations from the Inspection had been incorporated into the Plan which included out of court disposals, which was prevention work. This year as the Partnership Board was in a stronger place a sponsor had been assigned to each of the recommendations. The funding for this was £1.7 million and as a Council funding was provided of £726,000 which was a significant amount.

Another Cabinet Member commented that prevention was key and asked about the overlap between this cohort and Looked After Children and if this had been brought to the attention of the Corporate Parenting Panel. Also whether Opportunity Bucks was involved for those areas of deprivation. The Corporate Director commented that there were some Looked After Children in the Youth Justice System but as he was unable to provide the number at this meeting he would provide the information later, however there was alignment between the services and they worked in parallel around the child and the family. There was reference to Opportunity Bucks in the report and work was being undertaken to provide enhanced education and employment opportunities as part of this initiative. The last Board meeting included a full discussion about engagement in education and employment with an action plan. The Cabinet Member reported that it was not raised regularly at the Corporate Parenting Panel but this was something they would look at. Once a young person had offended they would go through an interview process with the Youth Offending Team and then they would have other challenging interviews. The young person must accept responsibility for an offence to be eligible for a court dispersal which would allow them to be outside of the court system and they could voluntarily have counselling or support from one of the organisations. The Cabinet Member reported that sometimes it might be difficult for them to volunteer if they did not have the support from their families.

A Cabinet Member referred to data on page 15 of the report and asked why it only covered three months whereas the other graphs covered one year. The data also

was two years out of date and he asked about recent data which could provide information on current trends including reasons for current re-offending. The Corporate Director described how the reporting periods in the Plan were dictated at national level by the Ministry of Justice who collated all the data across the Country and provided the statistics that were used within each area's Youth Justice Plan. Current data was reported to every Youth Justice Board on a quarterly basis which was analysed for performance trends and also looked at in detail for each child.

A Deputy Cabinet Member referred to the mentoring which took place from Year 6 to 7 and the transition to secondary school and asked whether there was an opportunity for mentoring to continue over a longer period of time if necessary. The Corporate Director confirmed that mentoring was continued depending on the needs of the individual. Youth workers in schools undertook diversionary and preventative work and supported intervention. Another Member commented that mentoring was important in local communities and particularly referred to ethnic disproportionality. He commented that he had mentored a young person.

A Cabinet Member who also had 3 Opportunity Bucks wards under his Community Board area commented that he would like to work with the Service as the report referred to creating new projects which shared the objectives of the Opportunity Bucks Programme. The Cabinet Member reported that it was important to understand why people were offending in the first place and then re-offending. It was important to liaise with various communities and organisations to understand this, particularly schools. The Corporate Director could link the Cabinet Member with the relevant contacts for Opportunity Bucks.

**RESOLVED –**

**That the Youth Justice Strategic Plan 2023-24 be endorsed, and it be forwarded to Council who be recommended to adopt it.**

**12 Confidential Minutes**

The confidential minutes of the meeting held on 11 July were agreed as a correct record.

**13 Date of next meeting**

10 October 2023