



Cabinet minutes

Minutes of the meeting of the Cabinet held on Tuesday 10 October 2023 in The Oculus, Buckinghamshire Council, Gatehouse Road, Aylesbury HP19 8FF, commencing at 10.00 am and concluding at 11.56 am.

Members present

M Tett, Cllr A Macpherson, G Williams, S Broadbent, J Chilver, A Cranmer, A Hussain and P Strachan

Others in attendance

D Barnes, P Brazier, B Chapple OBE, C Jackson, P Martin, R Matthews and R Stuchbury

Apologies

C Harriss and M Winn

Agenda Item

1 Apologies

Apologies were received from Cllr Mark Winn and Deputy Cabinet Member for Regulatory Services Carl Jackson attended. Apologies were also received from Cllr Clive Harriss, Rachael Shimmin, Sarah Ashmead and David Skinner.

2 Minutes

RESOLVED – That the Minutes of the Meeting held on 12 September 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:-

The Cabinet Member for Accessible Housing and Resources paid tribute to the work of Customer Service Advisors during Customer Services week and commented on their professionalism when dealing with difficult calls.

The Cabinet Member for Education and Children's Services reported that last Friday the Council held a celebratory event to shine a spotlight on the valued network of carers. The Annual Foster Care Awards gave the opportunity for the Council to say thank you to all the Bucks Foster Carers and gave special recognition to a number who had shown additional merit in their role as a temporary guardian to vulnerable children and young people. If anyone was interested in being a foster carer they should visit the website below.

<https://www.buckinghamshire.gov.uk/fostering>

The Cabinet Member for Transport reported that transport to school was working well with over 7,500 pupils in education settings. There were still a few complex cases to finalise but feedback from customers had been positive.

The Deputy Cabinet Member for Town Centre Regeneration reported that the Government had awarded a grant of £690,000 as part of the Brownfield Land Fund which would be used for regeneration.

The Deputy Cabinet Member for Regulatory Services reported that they had a very successful awayday with the Housing Team in Kings Church Amersham where conversations were held on how to deliver improved services to residents and some good ideas had been put forward.

The Leader referred to HS2 not being extended north to Manchester and the blight on Buckinghamshire countryside for the route to Birmingham. He would be writing to the Secretary of State on the case that Buckinghamshire had previously made on why HS2 should not be built and how it would be better value for money putting this funding into other regional infrastructure. He would be asking for some of the savings made by not investing in the northern route to be invested in Buckinghamshire to put right some of the environmental damage made by HS2.

5 Question Time

Question from Councillor Robin Stuchbury to Councillor Gareth Williams, Deputy Leader and Cabinet Member for Climate Change and Environment

"Buckinghamshire Council has facilitated the planting of a huge number of trees to enrich our communities and to lower our carbon footprint, both through the Council's policy and development planting or by replacing and adding additional trees. Sadly, it has become evident that many of these trees perish within a short period of time after being planted. Is there a policy for the management of new trees planted within Buckinghamshire both within development and environmental projects, including watering and maintenance, and if this policy is in place do you believe it is robust enough? Is the success of this Policy being measured in terms of tree growth including the impact on the environment and lowering our carbon footprint?"

RESPONSE from Councillor Williams

“Thank you for this question regarding tree planting. Regarding trees planted under the Council’s Land Tree Planting Programme (CLTPP), as discussed at the June Transport, Environment and Climate Change Scrutiny Committee, our contractors undertake regular (typically bi-monthly) inspections of all sites planted under the contractor model. This includes maintenance such as weeding. 145,000 trees were planted last year. The net cost per tree was less than £1.00 with grant funding. For watering it would cost £30. Therefore nature needed to take its course. Each year a survey is conducted and re-stocking is completed during the planting season to replace any trees that have perished. Mortality rates for the 2021/22 season were higher than expected due to the drought conditions experienced across England. Survey results for the 2022/23 planting season are currently being collected and will be reported upon in due course.

There is no particular policy that governs the maintenance (including watering) of trees planted under the CLTPP – the approach to woodland creation and maintenance has been informed by the advice from arboricultural consultants, guidance received during training sessions, and research. Newly planted trees that survive the challenges presented by extreme weather events (now often caused or exacerbated by climate change) are more likely to be resilient to those that come in the future.

Within housing developments, any requirements for tree planting, canopy cover and green space will be assessed against any relevant local and national planning policies and in those instances where tree planting is secured this would be controlled thorough the imposition of planning conditions and/or S106 obligations on a site by site basis. Maintenance on small scale developments will often be the responsibility of the landowners themselves, however, on the large scale and strategic sites this will usually be a matter for whoever is responsible for the maintenance of the green spaces within a development; this may be the Parish Council, a Management Company, or Buckinghamshire Council or indeed a combination thereof.

Regarding the ongoing benefit to the environment, forecasts for carbon sequestration were included within the June update on Tree Planting to the TECC Scrutiny Committee [Agenda for Transport, Environment & Climate Change Select Committee on Thursday, 22nd June, 2023, 10.00 am - Modern Council \(moderngov.co.uk\)](#), please see agenda item 5.”

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 Transport, Environment & Climate Change Select Committee Review of Streetworks & Statutory Undertakers

The Transport, Environment and Climate Change Select Committee agreed to set up a rapid review into Streetworks and Statutory Undertakers at its meeting on 30 March 2023. It was agreed that the review would not commence until May 2023 to allow the service to settle following the change in Highways contract to Balfour Beatty. The review was chaired by the Chairman of the Transport, Environment and Climate Change Select Committee, Councillor B Chapple OBE, and also comprised Councillors Brazier, Caffrey, Carington, Cornell and A Wood.

In June and July 2023, the review group collected evidence through meetings both in person and on Teams. The review group then met to discuss and agree its key findings and recommendations which were detailed at Appendix 1 to the Cabinet report. A series of questions on Streetworks and Statutory Undertakers had also been included as part of a Town and Parish Council survey on Buckinghamshire Council services which ran from 22 May to 13 August 2023.

The Chairman of the TECC Committee reported that in March 2023, the Select Committee agreed a scope to review Streetworks and Statutory Undertakers in Buckinghamshire. He was joined in this by five other colleagues: Cllrs Peter Brazier, Mick Caffrey, Robert Carington, Caroline Cornell and Andrew Wood. All members brought valuable experience with examples of utility companies operating in their local wards. It was highlighted that permit applications had increased from 22,000 in 2019/20 to 65,000 in 2022/23 – effectively trebling the team’s workload. It was agreed to not commence the review until after the new Highways contract had settled down as the Streetworks Team had been transferred inhouse from Ringway Jacobs. The group held a series of evidence-gathering meetings in June and July which included an in-person meeting with a sample of utility companies that operate on the network. The Committee also reached out to Town and Parish Councils by including questions on Streetworks in a survey that was open during the summer. The 10 recommendations were spread across different themes: Streetworks Team, Statutory Undertakers, Communication and Lobbying.

The two recommendations that the Chairman wanted to highlight were core sampling to look at the materials Utility Companies were putting into the ground to ensure it was of the required standard, particularly as 43 utility companies operated on the network. The other recommendation was that the Council needed to lobby the Government to impose a higher fixed term penalty notice fine as it had not been increased for 20 years and therefore there was no incentive for statutory undertakers to comply with permit conditions. The Leader

commented that in the last three years there had been a threefold increase in the number of permit requests which now stood at 65,000 in 2022/23. Many residents complained about these works to the Council but it was the Utility Companies who were at fault.

The Chairman extended his thanks to colleagues on the review group, the organisations and Local Authorities they spoke with, the scrutiny officer Chris Ward, Derek Carpenter (Streetworks Manager), and the Cabinet Member for Transport for his support.

During discussion the following points were made by Cabinet Members who praised the Select Committee for their excellent report :-

- Support was given for lobbying the Government on higher Fixed Term Penalty Notices.
- Reference was made to the impact on Buckinghamshire with HS2 and East/West Rail where long term road closures had caused concern for residents and often blame was directed at the Council. There were many different companies accessing the highway and it was important to have a co-ordinated approach to make sure diversions were as efficient as possible and that works were scheduled effectively across all companies to ensure the minimum disruption. There should be a red flag system and sense check particularly for those areas who had additional long term statutory undertakers in their area such as HS2 and East/West Rail. In relation to the red flag system the Chairman of the TECC Committee reported that there were six officers currently in the team when there should be ten so more staff were being recruited. There should be improved progress with the new contract. A comparison was made with Hertfordshire who had 75,000 permits per year and had 17 officers, which was significantly more staff.
- Cabinet Members had met with the Road Minister recently at the HS2 site (Chesham and Amersham) discussing a road that should have been closed for 5 hours but it ended up being six days which impacted 20,000 vehicle movements. Emphasis was made on one team doing a specific job rather than handing over the job each day which caused delays. The Leader also commented that it was frustrating when roads were closed but no work was taking place and also traffic lights were not removed in a timely manner. Signs were often left saying the road was closed when it was open.
- Another Member made reference to works undertaken by East/West Rail where cars had to mount the pavement to get through the roadworks. A resident was also concerned that their carer would not be able to make their daily visit. There has also been another closure by Anglian Water on A41 where the diversion was not suitable and they welcomed the recommendation to extend working hours to evenings and weekends when often problems emerge. Some diversions were routed through private roads. It was helpful that there were some surplus funds to deal with this such as staff training, recruitment, legal action and accreditation but it was important to prioritise where this funding should be targeted. The Chairman of the TECC Committee reported that he would prioritise increasing staff and inspections so companies could be held to account. Another Cabinet Member suggested the funding could be used to monitor performance.
- Reference was made to taking legal action and a Cabinet Member asked about the costs of this also including officer time in preparing a case.
- Local Members should be engaged at the same time as the Community Board. The Leader referred to an example in Amersham where there had been early

engagement with the Council and Members and they had taken advice on good diversion routes and Traffic Regulation Orders. It was important to avoid HGVs using single track roads. Another Cabinet Member gave a note of caution and the need to be clear in communications by local members that the road closures were not the work of the Council but that of the statutory undertakers so any complaints could be directed to the right organisation. The Chairman of the TECC Committee reported that good communication was key in this area but important to do even if it meant that the Council was blamed for works which were the responsibility of another company.

In response the Cabinet Member for Transport made the following points-

- It was key to look after residents in the County and the impact on their daily lives but also those permits were also there to make improvements to infrastructure.
- The Council had refused 8,000 permits in the last year and there were inspectors out on the network every day trying to make sure permit conditions were being met. Reasons for refusal were generally related to there already being road works in the area. The Council would use all their powers to hold utility companies to account. He had written to them on the zero tolerance approach and any permit breaches would be fined.
- A number of permits could be retrospective as utility companies could deem their work an emergency where they were required to work on the highway immediately and they had to inform the Council within two hours. This compounded existing permits in place.

The Cabinet Member agreed to all the recommendations which are set out **HERE** with the exception of recommendation 5 (agreed in part). In terms of the use of smart temporary or intelligent traffic lights the Council have been in discussion with Utility Companies already and approximately 60%, mainly the larger companies, were already using smart lights on 2-way traffic flows. Technology was now developing so that it could be used on multi-way lights and the service would actively encourage all providers to use this technology. During peak times manually controlled lights were used but outside these hours some traffic lights batteries ran out which caused traffic problems.

The Leader reported that he would be happy to support court action where there was a good case to help install good working practices. He also promoted the use of one.network and producing a user guide which could be accessed by the public which would highlight the benefits and information that was available.

RESOLVED –

- (1) That the Transport, Environment and Climate Change Select Committee Review Group, as well as the supporting officers, be thanked for their work and subsequent recommendations.**
- (2) That Cabinet's responses to the 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](#).

9 Buckinghamshire Regeneration Framework and Place Based Regeneration Strategies

The Buckinghamshire Regeneration Framework and a series of town centre strategies had been developed to set out a coherent approach to regeneration across the whole of the county. It provided the framework for how communities could organise themselves to determine their local ambitions and set out the regeneration vision for their local area. Three town centre regeneration strategies provided the local vision and place-based ambitions for Aylesbury, Chesham and High Wycombe, which were summarised with more details at Section 2 of the Cabinet report. The Cabinet Member made the following points on the three areas:-

Aylesbury - the Strategy supported the town centre to become a thriving community with greener streets more outdoor spaces improved accessibility and greater biodiversity.

Chesham was an ambitious town recognised as a strong creative community town represented by many artists, musicians and other creatives. The Strategy wanted to capture this momentum and to explore opportunities to see how culture and creative sectors could be leveraged to drive regeneration forward.

High Wycombe and Cressex Business park – the Council had a strong track record in delivering in this area including the multi million pound Future High Street Fund demonstrated that this was a place that can deliver regeneration and heritage led development. The Strategy had been widened to include the Cressex Business Park given its economic significance to the town.

The Council would need to work in partnership with key local stakeholders to bring these strategies to life. Local councillors and stakeholders have helped shape these strategies and would be pivotal in realising the changes. The Council's Growth Board has a Regeneration Sub Board, chaired by the Leader of the Council to ensure that these Strategies were implemented. The Leader referred to the changing high street with an increase in online shopping and less use of department stores e.g. House of Fraser. The high street needs to remain vibrant and adapt and change. Many Councils did not have lots of funding for this area so needed to act as a catalyst for change and work with partners, particularly the private sector.

During discussion Cabinet Members made the following points:-

- Whilst it would be good to have regeneration strategies for all towns, with the limited amount of funding available it was important to concentrate on Opportunity Bucks areas. A question was asked on whether there was enough funding to pump prime match funding from other organisations. In response it was noted that funding was a challenge and there were small pots of funding available e.g. from legacy AVDC. However it should be realised that Aylesbury was a bigger town centre than Kingsbury Square. The council was alert to available government funding and making bids including working with the private sector. Rather than do a wholesale project with limited funding small projects should be undertaken with the funds currently available. The Cabinet Member then asked the Deputy Cabinet Member for Regeneration to speak as she had been the main driver

of these Strategies. The Deputy Cabinet Member reported that there was some funding for projects in Aylesbury and High Wycombe including public realm work and improving green and open spaces which would help the overall environment; the private sector were key partners and there were lots of opportunities for development in Buckinghamshire.

- In terms of Future High Street funding £12 million was granted by the Government and the Council added an additional £3 million. This funding had been deployed in the last couple of years in addition to private investment in High Wycombe such as The Curve and the Chiltern Shopping Centre. There were a number of ideas regarding the use of funding for Aylesbury.
- A question was asked about the monitoring of the Strategies and also how long before these Strategies were refreshed and revised. The Place Based Growth Board would be monitoring performance and each town had their own Regeneration Board reporting to an overarching Regeneration Board for the whole County. This also linked well to the Opportunity Bucks projects. The Deputy Cabinet Member was also working closely with the business community in each of the three areas and universities which almost covered one third of the residents of Buckinghamshire. Close links to the skills sector were key including the National Film and Television School in Beaconsfield.
- Public engagement and communications with the local communities was essential to make these Strategies deliver including the involvement of local members. Presentations were given to Community Boards and Town and Parish Councils to provide an update on ongoing work. It was important also to ensure that the short- and longer-term strategies were aligned to ensure the best outcomes for regeneration.

RESOLVED –

That the Buckinghamshire Regeneration Framework and the Town Centre regeneration strategies for Aylesbury, High Wycombe and Chesham, as key corporate documents of Buckinghamshire Council, be ADOPTED.

10 Adoption of AGT1 Masterplan Supplementary Planning Document

Supplementary Planning Documents provided guidance to implement Local Plan policies. Cabinet received a report on the Aylesbury South Site Allocation (D-AGT1) Supplementary Planning Document which it was recommended was adopted and would apply to the Aylesbury South (D-AGT1) allocation within the adopted Vale of Aylesbury Local Plan (2021). The allocation would contribute to and take forward the principles of the Aylesbury Garden Town initiative, as designated in January 2017. Once adopted, the Supplementary Planning Document would become guidance for developers and decision-makers for the central planning area.

To adopt a Supplementary Planning Document, the Council was legally required to conduct a public consultation for a minimum of four weeks, which had occurred from 22 September to 2 November 2022.

The Vale of Aylesbury Local Plan set out a vision and framework for sustainable growth across the north and central planning areas area for the period up to 2033. It promoted new development to meet identified needs, that would contribute to creating a thriving, diverse, safe, vibrant place to live, work and visit. It also promoted growth that was shaped by strong place-shaping and sustainability principles to create well-designed developments that were sensitive to the areas' local character, heritage, scale, land use and design.

This document was the culmination of a number of years' work which had begun with the legacy AVDC. It looked at the development framework for the site allocation AGT1 of the VALP which was being developed. It was a 95-hectare strategic urban extension allocated to the South of Aylesbury between Aylesbury Town and Stoke Mandeville. The SPD set out how 1,000 new homes, primary school, SE Aylesbury Link Road, multi-functional accessible green space, local centre and cycling and walking links should be developed. It reflected the AGT principles including the provision of 50% accessible green space. The SPD set out how to overcome some of the challenges to the development including the barrier of the railway line and Aylesbury Southern Link Road creating a new settlement identity between Aylesbury town and Stoke Mandeville and ensuring an adequate settlement buffer between the new housing and Stoke Mandeville. The SPD set out infrastructure requirements to ensure there was a cohesive and co-ordinated approach by the multiple landowners across the site. The preparation of this document had included engagement with local members and town and parish councillors. A public consultation was held between September and November last year and was now being recommended for adoption. This document and the Stoke Mandeville Neighbourhood Plan would be used as the policy basis to determine planning applications for the overall development of the site.

The Leader clarified whether this would become a material document in the consideration of planning applications and this was confirmed. The Leader then asked for clarity around the buffer between Stoke Mandeville and Aylesbury town to ensure separate entities were maintained. The Service Director Planning and Environment reported that this document set out the guiding direction of any further planning applications; any planning application would need to respond to the requirements set out in the Supplementary Planning Document which would need to include consideration of the buffer. It would be for the Area Planning Committee to consider the applications and weigh up the balance of whether something was acceptable in accordance with the SPD. The Council's aspiration was that these would fully conform with the SPD. The Leader then asked for clarification that if a planning application was refused whether the SPD would strengthen the Council's case at an appeal and this was confirmed. The Planning Inspector would have to take the VALP and the SPD into account as a material document.

During discussion the following points were noted:-

- The document was welcomed including the promotion of cycling and walking.
- In terms of the impact of development on Stoke Mandeville Station it was noted that access to the station and all road routes should remain as accessible as possible including a good parking plan. With the impact of the new Aylesbury link road it was important to ensure traffic and cycling and footpath links ran as smoothly as possible including during the construction period. The Cabinet Member agreed that this should be taken into account and was a valid point.
- In terms of health services and wider health care provision there had been extensive

meetings with the NHS ensuring communities got the health support required. The SPD built upon policies in the VALP. When the Council adopted the VALP, engagement with health authorities had taken place and they were engaged with the plan for growth. A new approach had been adopted with Buckinghamshire Healthcare NHS Trust on a case by case basis capturing this requirement as part of the planning application process. Significant improvements had been put in place on this process.

- Confirmation was sought on protection of historic sites. The Service Director Planning and Environment confirmed this had been reflected in the SPD. It was important to note that there were no constraints on development but sites would be properly recorded and preserved where necessary.

RESOLVED –

That the Aylesbury South Supplementary Planning Document (site D-AGT1 of the Vale of Aylesbury Local Plan) be ADOPTED.

11 Devolution and Asset Management Policy

Buckinghamshire Council made a commitment to devolution of property and assets to Town and Parish Councils and other community organisations as part of the Unitary business case. To support the Council's devolution programme, a Service Devolution and Asset Transfer Policy had been published in November 2019 setting out the approach and arrangements for the devolution of the responsibility for running services and community asset transfer. Over time, the approach to the management of the programme had been refined as the new Council had learnt more about the devolution of assets, particularly following the implementation of five pilot projects.

Cabinet received a report with an updated policy for approval that better reflected the current approach in order that a clear direction of travel was given to Town and Parish Councils and other local organisations who might be interested in pursuing a devolution opportunity. Cabinet Members were asked to note several small changes in the updated policy, as follows:

- A clearer focus on the process for the devolution of assets.
- Reference to freehold only being considered on an exceptional basis, with a final decision made by Cabinet.
- The Devolution Board considering the criteria with which to assess applications on a case-by-case basis.
- Heads of Terms to be agreed at the end of the 'Expressions of Interest' stage to help applicants develop a business case that responds to any specification or terms provided by the Council.
- Car parks owned and/or run by Buckinghamshire Council where they generate income, hold an operational benefit, or retain a commercial interest were out of scope. The previous version had a blanket approach to all car parks being out of scope.

The Cabinet Member for Communities reported that no new projects would be undertaken currently to ensure completion of current projects, which had been

more complex than expected. In the future only two projects would be considered at a time.

In terms of an update:-

- Aylesbury Christmas lights were completed July 2022
- Prestwood Recreation Ground was recently completed in September 2023.
- Aylesbury Remembrance Service would remain with the Council.
- Denham Scout Hut had been delayed due to a fire but the Parish Council were trying to identify funds to progress the project
- Green Street Community Centre was a complex project but with partnership meetings it was hoped to be completed by end of March 2024
- Aylesbury Special Expenses – the leases for all the Centres had been drafted and were being reviewed including Aylesbury Town Council looking at the management agreements in relation to existing tenants and running the Centres. It was hoped that this would be concluded by end of March 2024.

The Leader welcomed the report and commented that originally they had hoped to devolve more resources but this had not been achievable with staff resources and also with the current financial challenges on the capital side assets could no longer be gifted to other organisations. The Capital Programme was already over committed. Confirmation was given that the Council was still committed to this devolution policy within its financial constraints as it was an important part of the unitary offer. In terms of which two projects would be considered next town and parish councils would be asked to submit expressions of interest and two projects would be chosen which would bring most benefit to the Council. This would be considered by the Member Board. A Cabinet Member welcomed this policy and said it was good to have this in place to protect the Council's assets but also help communities with use of the Council's land on a shorter- or longer-term leasehold basis e.g nature corridors or using land for a community orchard. However, organisations needed to realise that Councils could no longer give away their assets and this Policy provided the right balance. The Council would only give away a freehold on an exceptional basis.

RESOLVED –

That the updated Devolution and Asset Management Policy be AGREED.

12 Date of next meeting
24 October 2023