

Minutes of a meeting of the Full Council of Buckingham Town Council held on **Monday 19th November 2018** in the Council Chamber, Cornwalls Meadow, Buckingham at 7:00pm.

Present:

Cllr. T. Bloomfield	
Cllr. M. Cole	Deputy Mayor
Cllr. Mrs. G. Collins	
Cllr. P. Collins	
Cllr. Mrs. M. Gateley	
Cllr. J. Harvey	Mayor
Cllr. P. Hirons	
Cllr. D. Isham	
Cllr. A. Mahi	
Cllr. H. Mordue	
Cllr. Ms. R. Newell	
Cllr. L. O'Donoghue	
Cllr. A. Ralph	
Cllr. M. Smith	
Cllr. Mrs. C. Strain-Clark	
Cllr. R. Stuchbury	
Cllr. M. Try	

In attendance: Mr. P. Hodson	Town Clerk
Ms. C. Molyneux	Deputy Town Clerk
Mrs. N. Stockill	Committee Clerk
Mrs. K. McElligott	Planning Clerk
Cllr. C. Clare	County Councillor
Cllr W. Whyte	County Councillor

In accordance with Standing Order 3.f the meeting was preceded by a public session.

Mr David Saunders

16/03302/APP Land to the rear of The Grand Junction Public House

Mr David Saunders of Great Horwood spoke to Members on the Council's legal advice on whether there is a case to ask for a Judicial Review in the High Court. Mr Saunders reminded Members that the Barrister (Mr Mark Westmoreland-Smith) was asked to advise in relation to two potential grounds of review namely:

1. The Council (AVDC) misunderstood the meaning of Policy EE5 of the Buckingham Neighbourhood Development Plan (BNDP) and
2. The Council misapplied paragraph 11 of the Revised NPPF (National Planning Policy Framework)

Mr Westmoreland-Smith concluded there was a reasonable case to be made on Proposed Ground 1, However, he cautioned that more understanding was required on as to how the decision was actually taken. Mr Westmoreland-Smith reported that he was *'not persuaded as to the overall merits of making a claim given that Council has made clear in the Corrigendum how it would re-determine any application where the Court has decided its interpretation of policy EE5 was wrong and I do not think Proposed Ground 2 would make the foundations of a successful claim.'*

Mr Saunders explained that if Buckingham Town Council were to win the judicial review the application could be re-determined by AVDC and subsequently approved.

Members expressed their thanks to Mr. Saunders for attending the Public Session and for his hard work and diligence surrounding the planning application

Mr Theo Dennison

MAJOR PLANNING APPLICATION – 17/04668/ADP Land north of A421 Tingewick Road [actually Land north of A421 and both sides of Tingewick Road]

Mr. Theo Dennison of MPC thanked the Town Council for its forbearance during the lengthy processing of this application. The developers had had meetings with AVDC and BCC Highways, and would be having more before the end of the month to resolve outstanding issues. They were confident that all roads would be adoptable, once the shared surface and tracking issues were agreed. The builders were keen to get the scheme right, and had made changes in the new Design Guide which reflected local architecture styles – for example, including stone facings on some houses – and reduced the amount of block paving.

Councillors regretted that the meeting arranged for 13th November had been cancelled; it would have been useful to have the report before them while considering the amended Plans. Mr. Dennison agreed that it was not satisfactory, but a date would be arranged via the Planning Clerk following the meetings with AVDC and BCC.

494/18 Apologies for Absence

There were no apologies.

495/18 Declarations of Interest

Cllr. Mordue declared an interest in agenda item 15 (Judicial Review 61-bed Care Home etc., land behind the 13 High Street Public House –16/03302/APP) as a District Councillor.

*Members **AGREED** to take item 15 (Judicial Review 61-bed Care Home etc., land behind the 13 High Street Public House –16/03302/APP) next for the benefit of Mr Saunders.*

496/18 Judicial Review 61-bed Care Home etc, land behind the 13 High Street Public House –16/03302/APP

The Town Clerk presented Buckingham Town Council's legal advice (from Barrister Mark Westmoreland-Smith) on the merits of making an application for judicial review, highlighting that the losing party would be required to pay the winning party's costs, capped at £10,000 and exclusive of the Barrister's final bill. The Town Clerk cited Mr Westmoreland-Smith's conclusions for discussion by Council.

Cllr. P. Collins spoke against a judicial review, quoting item 72 of Mr Westmoreland-Smith's report '*...In the circumstances, I see limited benefit in going to court in the context of policy EE5 where it is clear that the Council is intent on granting planning permission.*' Cllr. Stuchbury surmised that the risk of losing was greater than the opportunity of winning. Cllr. Cole endorsed the Council's decision to seek legal advice and said it was 'money well spent' to gain strong legal advice that can be incorporated into the new Buckingham Neighbourhood Plan, but supported Cllr P. Collin's response to the opinion provided. Cllr. Harvey said it was beholden on Councillors to follow the legal advice they had paid for.

Proposed by Cllr. Harvey and seconded by Cllr. Cole to accept the legal advice and take no further action on seeking a Judicial Review regarding the 61-bed Care Home etc., land behind the 13 High Street Public House.

A vote was taken and the results were:

In favour: 16

Abstentions: 1

Motion carried

Members **AGREED** for the Town Clerk and Chair of Planning Committee to issue a press release on the Council's decision not to proceed with a review.

ACTION TOWN CLERK

Members **AGREED** to append Mr Westmoreland-Smith's advice onto the minutes.

497/18 MAJOR PLANNING APPLICATION (Amended Plans)

Members received amended documents and supplementary information and discuss the Council's response to them:

17/04668/ADP Land north of A421 Tingewick Road [*actually Land north of A421 and both sides of Tingewick Road*]

Approval of the details of the external appearance of the buildings, the landscaping of the site, layout and scale for each phase or part of the development together with discharge of conditions 2 (phasing) and 6 (design code)

BDW North Thames

OPPOSE & ATTEND (no change)

The Planning Clerk reported that the revisions addressed many of the Town Council's previous concerns, especially with respect to local design characteristics. Members were pleased to hear this, but agreed not to change their response until further details of changes made in agreement with AVDC and BCC were received.

498/18 Minutes

Members received the minutes of the Full Council Meetings held on:

498.1/18 Monday 1st October 2018

AGREED

498.2/18 Thursday 8th November 2018 (Extraordinary)

Cllr. Gateley noted her attendance at the meeting.

AGREED

499/18 Interim Minutes

Members received the minutes of the Interim Council meeting held on Monday 29th October 2018

AGREED

500/18 Planning Committee

Members received the minutes of the Planning Committee meetings held on:

500.1/18 Monday 8th October 2018

AGREED

500.2/18 Monday 29th October 2018

AGREED

501/18 Town Centre and Events Committee

Members received the minutes and recommendations therein of the Town Centre and Events Committee meetings held on Monday 15th October 2018.

RECOMMENDED to Full Council that due to the inadequate disabled access to the Ballroom in the Old Town Hall and the lack of disabled facilities in Villiers, this committee resolves not to use either of these venues for Town Council events until the access problems are resolved

Proposed by Cllr. P. Collins and seconded by Cllr O'Donoghue to amend the recommendation to read:

RECOMMENDED to Full Council that due to the inadequate disabled access to the Ballroom in the Old Town Hall and the lack of disabled facilities in Villiers, this Council

resolves not to use either of these venues for Town Council events until the access problems are resolved

The amendment to Council was **AGREED**. A vote was taken and the results were:

In favour: 15

Against: 2

Motion carried

Subject to amendment the minutes were **AGREED**.

502/18 Environment Committee

Members received the minutes of the Environment Committee meeting held on Monday 22nd October 2018

AGREED

503/18 Resources Committee

Members received the minutes and recommendations therein of the Resources Committee meeting held on Monday 5th November 2018

Proposed by Cllr. Stuchbury, seconded by Cllr. O'Donoghue and **RECOMMENDED** to Full Council to carry forward any unspent ear marked reserves into the new budget for 2019/20.

Cllr. Stuchbury spoke in favour of the recommendation to enable committees to forward plan. A vote taken and the results were:

In favour: 16

Abstentions: 1

Motion carried

Proposed by Cllr Strain-Clark and seconded by Cllr. Newell to accept the report recommendation and **RECOMMEND** to Full Council to receive the amended Staff Handbook as suggested by Resources Committee and approved by ELAS.

Cllr. Smith assured Councillors that adjustments have been made to bring the document in line with current legislation and the Council's current structure.

Cllr. P. Collins highlighted that '*the employee will be given the opportunity to be accompanied by a fellow member of staff or Trade Union representative*' was not inline with the existing disciplinary and grievance policies. Cllr. G. Collins believed it was not necessary to incorporate staff policies into the Staff Handbook. Cllrs. Newell and O'Donoghue spoke in favour of the Town Clerk's amendments.

Proposed by Cllr. Stuchbury and seconded by Cllr. O'Donoghue that Members accepted the amended Staff Handbook and bring it back to Full Council for review 18th November 2019.

Cllr. G. Collins said that that an employee will be given the opportunity to be accompanied by anyone of their choosing, whether that is a Town Councillor or not. Cllr. Newell spoke against Cllr. G. Collin's suggestion, arguing that it was inappropriate for a Town Councillor to accompany a member of staff into any staff meeting or appeal hearing. In addition Town Councillors should maintain a professional relationship with staff, not befriend employees and accompany them in place of a fellow member of staff, friend or Trade Union representatives.

A vote was taken on the amendment to review in one year's time and the results were:

In favour: 10

Against: 2

Abstentions: 5

The amended motion became the substantive motion and a further vote was taken.

Substantive motion

In favour: 10

Against: 6

Abstentions: 1

Motion carried

ACTION TOWN CLERK

504/18 MAJOR PLANNING APPLICATION

To receive the following proposal and discuss the Council's response to it:

18/02733/APP

Station House, Tingewick Road, MK18 1ST

Erection of 18 No two bed flats

West [Signature Homes Ltd]

The revised proposal is to demolish Station House and its garage and erect 18 flats in three blocks with two flats on each floor. A report on the current condition of Station House (which AVDC considered to be a non-designated heritage asset) had been supplied, which stated that the original house was in good repair but needed some work, particularly on the external and internal woodwork. The modern flat-roof extension was in a much worse condition and should be demolished. The house could be saved but would need considerable expenditure to bring it up to modern standards, and it would be more cost-effective to demolish it and rebuild.

The Planning Clerk's report noted that:

- The changes made did not address the Town Council's comments, nor AVDC's reasons for refusal of the previous application (18/00216/APP);
- Reducing the number of flats from 20 to 18 made no material difference to the dph figure which AVDC considered excessive;
- The design was exceptionally bland, not even as interesting as the previous version;
- The uniform design of the type A blocks meant that some rooms had windowless walls unnecessarily, as they faced away from the road; the Block B rooms have windows on both walls of the larger rooms;
- There are no lifts in the stairwells, though three disabled parking spaces are to be provided, which restricts residents or their visitors with limited mobility to the ground floor;
- The bus service information is unhelpful and incorrect, and does not mention there is no service along Tingewick Road;
- There is inconsistency between documents on the number of parking places; 27 is the guideline requirement;
- Surface Water disposal is to be by infiltration, and if this is impracticable, via pipework to the ditch on the south side of Tingewick Road. Given the depth below road level of the site, proof of the feasibility of this alternative should be provided;

- The Transport Statement mentions the new roundabout being provided as part of the neighbouring development, but does not recognise the likely increase in traffic when better access to the west becomes available;
- Cycle parking should be under cover and secure, not open and without surveillance, especially so close to public paths;
- This Council maintains that the safest crossing of the Tingewick Road for pedestrians is via the existing (but filled-in) railway bridge arch, which gives direct safe access via the Scenic and Railway Walks to the employment areas and the senior schools. There is no evidence that this has been investigated.
Members decided to respond **OPPOSE & ATTEND** quoting the above reasons.

505/18 To receive and question reports from District and County Councillors

Cllr. Clare

Tingewick Road Roundabout – Cllr. Clare talked through the current phase of construction, clarifying the correct flow of traffic movements and highlighting that most confusions are being caused by motorist blindly following their sat navs.

Cllr. Whyte

World prevention of Child Abuse Day – Cllr. Whyte reminded Members that today Monday 19 November is “World Day for the Prevention of Child Abuse” and took the opportunity to remind Councillors how to spot signs of child abuse and what to do if they are worried. If there is immediate risk of harm to a child, call the Police on 999. You can call Buckinghamshire County Council’s First Response Team on 01296 383 962 (out of hours: 0800 999 7677). They will listen to your concerns and decide on the appropriate course of action.

Cllr. Whyte reported that a 10-week consultation to capture the public’s views on proposed ways to deliver early help services to support vulnerable families and children in Buckinghamshire launched on Thursday, October 4th 2018.

Transport Investment – Cllr. Whyte announced following the bridge repairs at Thornborough and Buckingham’s Bridge Street the County Council were considering regeneration of the picnic area at Thornborough Bridge and would be seeking assistance from BTC and Thornborough Parish Council.

Unitary Council – Cllr. Whyte believed it was unlikely that town and parish elections would take place in May 2019 with elections to the new Unitary Council taking place in May 2020.

Cllr Mordue

Unitary – Cllr. Mordue surmised that town and parish elections would be postponed and described how proposals were for the new Council to have 98 or 147 Councillors, with 200+ Councillors in the Shadow Council in the interim period.

Cornwalls Meadow Car park – Cllr Mordue said patch repair work would be undertaken in January 2019 incorporating new white lines. The old short stay lines will be painted over and the No Entry system (right turn after pumping station) will be stopped up with fencing and flower beds. Cllr. Smith asked Cllr. Mordue to investigate the repair of the car park’s pillar lights. Cllr Mordue said that the requested Parent and Child parking bays would not be installed as part of this work.

Cllr. Stuchbury

Cllr. Stuchbury informed Members of his correspondence with AVDC concerning the adoption of land at Lace Hill. Cllr. Stuchbury also informed Members of his investigations over developers’ responsibility regarding site drainage, referencing the

two attenuation basins at Lace Hill, where the employment area basin fed into the housing area basin which was the responsibility of the management company, effectively causing residents to subsidise the commercial occupants.

Cllr. Stuchbury expressed concern over the drafting of AVDC's Homelessness Strategy ahead of the dissolution of Universal Credit. Cllr. Stuchbury said he had been in contact with agencies regarding homeless people in Buckingham and was forming a motion to be taken to the Environment Committee.

506/18 Motion – Cllr. R. Stuchbury

To agree that Buckingham Town Council purchase a new bench and places against the Council Chamber wall for people to use, in place of the bench which was opposite Gyre and Gimble , which was removed causing a great deal of discussion and disbelief within the community, the budget to be agreed from the environment budget precept.

Cllr. Mordue argued that the motion should be referred to Environment Committee to allocate their budget. Members were in general agreement that the location of the original bench was more preferable than outside of the Community Centre.

An amendment was proposed by Cllr. Harvey, seconded by Cllr. Cole and unanimously **AGREED** to remit the motion to the Environment Committee to ask the Estates Manager to submit a report to a future meeting identifying costings for the replacement of the bench outside of Gyre & Gimble. **ACTION ESTATES MANAGER**

507/18 Unitary Government in Buckinghamshire

Members received and unanimously **AGREED** a written report from the Town Clerk. The Town Clerk highlighted County's commitment to regular communications to Town and Parish Councils and endorsed the idea of a planning workshop in early December as an opportunity to think through issues and design principles that the Council should be working towards.

Cllrs. Isham and Stuchbury spoke in favour of the Town Clerk's recommendation but expressed caution against making decisions without clear frameworks or budgets in place. Cllr. Hirons requested a formal agenda that addressed the key issues upfront ensuring key decisions were taken at the front end of the meeting.

ACTION TOWN CLERK

508/18 University Prize

Members received a written report from the Town Clerk.

The Town Clerk explained The Pontio Group had discussed opportunities to encourage students to make a wider contribution to the town during their studies. One way to promote students' activities which benefit the community and are outside their academic requirements would be to provide a prize for each of the six Business Schools at the university to recognise contributions to the town. The Town Clerk described the report recommendation that the Town Council award Buckingham University a grant of £150 under as a s137 arrangement to use to assist students in their community initiatives.

Cllr. P. Collins spoke against the recommendation as he did not consider it to be a good use of tax payers' money. Cllr. P. Collins called for a recorded vote.

In favour: Cllrs. Harvey, Newell, Strain-Clark, Smith, Hirons, Ralph, Cole, Mahi, Isham and Mordue. 10

Against: Cllrs. P. Collins, Stuchbury, Try, Bloomfield, G. Collins and O'Donoghue. 6

Abstentions: Cllr. Gateley 1

Motion Carried

ACTION TOWN CLERK

509/18 Reports from Representatives on Outside Bodies

509.1/18 Aylesbury Vale Transport User Group Meeting 11th September 2018
Cllr. O'Donoghue commented on the Group's use of the term 'handicapped' throughout the minutes and asked the Town Clerk to feedback on the use of appropriate terminology.

ACTION TOWN CLERK

510/18 Annual Town Meeting

Members received a verbal report from the Town Clerk on preparations for the next Annual Town Meeting on the 20th March 2019. The Town Clerk invited Members to join a working group to plan the structure of the meeting. Cllr. Stuchbury stressed the importance of having representatives from AVDC and BCC at the meeting with a structured Q&A session.

511/18 Action List

Members received and noted the action list.

512/18 Lace Hill Health Hub Development Focus Group

Members received a verbal report from Cllr Try (*minute 281.3/18 refers*).
The group met on the 23rd October 2018 chaired by Simon Long with a broader representative sample of patients than at the Patient Participation Group (PPG). Cllr Try reported that the new Health will have a range of General Practice and nursing services but no dispensary onsite. The Focus Group discussed how there were no plans to close town centre practices prior to the Lace Hill site being operational. Cllr. Try confirmed that the Focus Group were happy to have a formal representative from the Town Council at meetings and for their minutes to be published with relevant Town Council agendas. Members **AGREED** for Cllr. Try to be the Town Council's representative at future meetings of the Lace Hill Health Hub Development Focus Group.

ACTION CLLR TRY

513/18 Mayoral Engagements

Members received and noted the following list of events attended by the Mayor and Deputy Mayor.

Functions the Mayor has attended:

- Sat 13 Oct 2018 Charter Fair opening
- Sun 14 Oct 2018 High Sheriff Civic Service
- Mon 15 Oct 2018 Visit to University Library
- Mon 15 October 2018 Pontio Group #2
- Mon 15 October 2018 TFB devolution consultation
- Thu 18 Oct 2018 Wates Development exhibition
- Fri 19 Oct 2018 Rotary Club Charter meal
- Tue 23 Oct 2018 Remembrance 100: Launch of the 2018 Poppy Appeal
- Wed 24 Oct 2018 Town Entfest meeting #2
- Thu 25 Oct 2018 Citizens Advice AGM, Winslow
- Sun 28 Oct 2018 County Council Civic Service, Wing
- Mon 29 Oct 2018 UoB Metriculation
- Tue 30 Oct 2018 Buckingham Primary School: Civic Education
- Wed 31 Oct 2018 Visit Remembrance 100 Tapestry Exhibition
- Wed 31 October 2018 Pollution clean up group

Fri 2 Nov to Sun 4 Nov 2018 Mouvaux twinning visit
 Thu 8 Nov 2018 Buckingham Primary School Remembrance event
 Fri 9 Nov 2018 Remembrance event at RLS
 Sat 10 Nov 2018 Remembrance 100 Event: Silent Soldiers
 Sun 11 Nov 2018 Town Remembrance Parade, 100th anniversary
 Sun 11 November 2018 Afternoon Tea for members of families whose men returned from the war
 Sun 11 November 2018 Armistice 100 event
 Mon 12 Nov 2018 Present Jo Cox book to University
 Tue 13 Nov 2018 Funeral Service for former Town Clerk
 Fri 16 Nov 2018 BACAB Town and Gown Quiz

Functions the Deputy Mayor has attended:

Oct 10	Prisoner Education	Open University MK
Oct 12	China House Preview	University of Buckingham
Oct 23	Poppy Appeal Launch	Old Gaol
Nov 10	Silent Solider Enactment	Old Gaol
Nov 11	Remembrance Parade	Parish Church
Nov 16	BAFA Winter Exhibition	Community Centre
Nov 22	Bucks & MK Sports Awards	Waterside Theatre, Aylesbury

514/18 Chair's Announcements

Cllr. Harvey announced that the next meeting of the Lace Hill Residents' Association was Tuesday 19th November at 8.30pm and he encouraged all Town Councillors to attend, suggesting that Members consider hosting one of year's Council meetings at Lace Hill.

515/18 Dates of the next meetings:

Interim Council – Monday 17th December 2018
 Precept Monday 14th January 2019
 Full Council - Monday 28th January 2019

Meeting closed at: 21.02

Signed Date

Town Mayor