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MINUTES OF THE PROCEEDINGS OF A MEETING OF THE AYLESBURY VALE DISTRICT COUNCIL

17 MAY 2017

This meeting was webcast. To review the detailed discussions that took place please see the webcast which can be found at:

<http://www.aylesburyvaledc.publici.tv/core/portal/home>

PRESENT: Councillor S Renshell (Chairman); Councillors J Brandis (Vice-Chairman), B Adams, C Adams, M Bateman, J Blake, N Blake, J Bloom, A Bond, S Bowles, J Brandis, B Chapple OBE, S Chapple, J Chilver, A Christensen, A Cole, S Cole, M Edmonds, B Everitt, P Fealey, B Foster, N Glover, A Harrison, M Hawkett, K Hewson, T Hunter-Watts, T Hussain, A Huxley, S Jenkins, R Khan, R King, S Lambert, A Macpherson, T Mills, L Monger, G Moore, H Mordue, S Morgan, R Newcombe, C Paternoster, C Poll, G Powell, M Rand, B Russel, E Sims, M Smith, Sir Beville Stanier Bt, P Strachan, R Stuchbury, D Town, J Ward, W Whyte and M Winn.

APOLOGIES: Councillors P Agoro, C Branston, M Collins, P Cooper, P Irwin, N Lewis and M Stamp.

1. ANNOUNCEMENTS

(a) Leader of the Council

The Leader of the Council informed Members that due to the heavy workload of the Communities, Leisure and Civic Amenities portfolio, he had decided to split the responsibilities between Councillor Mrs Macpherson and Councillor Mrs Ward, with the latter taking on portfolio responsibilities relating to Civic Amenities with immediate effect.

A full explanation of Cabinet portfolios and responsibilities would be circulated to all Members in due course.

(b) Cabinet Member for Growth Strategy

The Cabinet Member for Growth Strategy informed Members of the timescales for meetings and public consultation for the Vale of Aylesbury Local Plan draft submission, as follows:-

- 30 June – draft document would be publicly available
- 3 July – Members' forum for AVDC Councillors
- 11 July – Vale of Aylesbury Local Plan Scrutiny Committee
- 12 July – Cabinet
- 17 July – Parishes forum
- 19 July – Full Council
- 3 August–28 September – 8 week public consultation period on the VALP draft submission (the consultation period would take place for longer than the 6 weeks statutory minimum due to partly overlapping the Summer school holidays).

(c) Cabinet Member for Communities and Leisure

The Cabinet Member for Communities and Leisure informed Members that over the past four months, there had been a noticeable increase in offensive stickers appearing in various parts of the District which had caused concerns to many people and neighbourhoods.

Some of these stickers had messages targeting immigrants, refugees and others and that were unacceptable in a civilised nation that prided itself in cultural diversity.

Although AVDC was not directly responsible, the Council had taken the initiative and had removed a number of stickers in the Gatehouse and Coldharbour areas. Unfortunately, more reports had come through last week from Buckingham Park and Berryfields where these stickers had also appeared.

At this stage, AVDC was asking Town and Parish Councils, Residents' Associations, Neighbourhood Watch and everyone else to look out for these stickers and take them down as soon as they came across them.

The Cabinet Member asked that everybody who sighted such stickers to report this to the police by calling 101, so that it could be recorded as a hate crime or hate incident. Local police officers had been informed about this matter. A letter would also be sent to all Parish Councils emphasizing this message and asking for their co-operation.

2. PETITIONS/DEPUTATIONS (IF ANY)

There were none.

3. WRITTEN QUESTIONS

No written questions had been submitted by Members during March-April 2017.

Previous Members' Written Questions and Answers could be accessed at <http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeeld=441>

4. QUESTION TIME

Members had the opportunity to ask questions of individual Cabinet Members and Committee Chairmen about issues affecting their portfolios/Committee activities:-

- (a) **Buckingham Market** (Councillor Stuchbury) – the Cabinet Member for Communities and Leisure informed Members that the Aylesbury and Winslow town markets were operated by AVDC, whilst the Buckingham town market was operated by the Buckingham Town Council. AVDC provided Buckingham with a grant of £10,000 per annum for promotional activities for Buckingham town.
- (b) **Cabinet Member responsibilities** (Councillor Lambert) – the Leader of the Council informed Members that due to the heavy workload of the Communities, Leisure and Civic Amenities portfolio, he had decided to split the responsibilities between Councillor Mrs Macpherson and Councillor Mrs Ward, with the latter taking on portfolio responsibilities relating to Civic Amenities with immediate effect.

A full explanation of Cabinet portfolios and responsibilities would be circulated to all Members in due course. The Leader also stated that he would be happy to discuss the arrangements at the next Group Leaders' meeting.

- (c) **Chairmen / Vice Chairmen appointments** (Councillor Lambert) – the Leader of the Council informed Members that he would consult with Democratic Services prior to the next Group Leaders' meeting and would be happy to discuss different

possible arrangements for future years regarding the appointment process for Committee Chairmen and Vice Chairmen.

- (d) **Modernising Local Government in Buckinghamshire** (Councillor Sims) – the Leader of the Council informed Members that any decision by the Secretary of State regarding the two unitary proposals for Buckinghamshire would not be made until after the general election.
- (e) **Fairford Leys Riverine Corridor** (Councillor A Cole) – the Cabinet Member for Communities and Leisure shared the frustrations of the Member that this matter had not progressed, most recently due to a legal sticking point, and gave an undertaking to follow up the matter with the Monitoring Officer as a matter of urgency.
- (f) **Aylesbury Vale Broadband** (Councillor Monger) – the Leader of the Council provided an update on the progress that AVB was making in rolling out superfast broadband to local villages, including providing Members with information on income growth and subscriptions. An internal audit review of AVB had been undertaken and the recommendations had been accepted and were being actioned. The Business Plan for the next period would be submitted to the Audit Committee and Cabinet in the coming year.
- (g) **Music Venues in Aylesbury** (Councillor Winn) – the Cabinet Member for Economic Development Delivery informed Members that AVDC was always open to considering options and business cases that might support another music venue within the Aylesbury town centre. This issue would be looked at further as part of the next stage of the redevelopment of the Aylesbury town centre.
- (h) **HS2 Mitigation Fund** (Councillor Chilver) – the Leader of the Council informed Members that AVDC had not yet received the £1m in mitigation funding from HS2 but was expecting to receive it soon and within the timescales that had been agreed.
- (i) **Aylesbury Town Centre (untidy state)** (Councillors C Adams, Mrs Russel and Sims) – the Cabinet Members for Economic Development Delivery and Communities and Leisure agreed with the Members that parts of the Aylesbury town centre were unkempt (the vicinity of Kingsbury had been mentioned) which was partly due to the regeneration activities taking place in parts of the town. An undertaking was given by the Cabinet Members, as well as by the Cabinet Member for Environment and Waste, to look at how this situation could be addressed and the areas cleaned up.
- (j) **Bonfires** (Councillor Poll) – the Cabinet Member for Environment and Waste informed Members that AVDC took the matter of the nuisance caused by bonfires seriously. Where Officers detected occurrences and could identify the people offending then they would be prosecuted.
- (k) **Football Grounds, Aylesbury** (Councillor King) – the Cabinet Member for Economic Development Delivery informed Members that AVDC was not able to use public money to provide sporting facilities for commercially run clubs. The Council was looking at other options and sites across the Vale, including the Halton RAF base, where public sports facilities and/or a Sports Village might be located in the future.

- (l) **Homelessness** (Councillors Bateman and Khan) – the Cabinet Member for Communities and Leisure informed Members that the Council was being proactive and working with local voluntary agencies to tackle homelessness and rough sleeping in Aylesbury. The Cabinet Member concurred that this was a serious issue and advised Members that AVDC had recently obtained two funding grants that would be used to look at and reduce homelessness.

The Cabinet Member also gave an undertaking to provide Members with information on the number of Section 21 notices issued since 1 January 2017 relating to homeless families that had been provided with alternative housing.

- (m) **Planning Division** (Councillors Stuchbury and Monger) – the Cabinet Member for Growth Strategy assured Members that the Council's Planning Division was dealing with planning applications and other planning matters within the statutory deadlines.

Members were informed that there had been a number of staffing changes in the Planning Division due to the Commercial AVDC Programme, and that a number of consultants had been employed to assist with dealing with workloads. AVDC was also intending to recruit more planning officers in June 2017.

Members were asked to contact the Cabinet Member if they had any particular issues that they wished to be followed up.

5. COMMUNITY SAFETY UPDATE / STRATEGY 2017-20

Council received a report that had been considered by the Environment and Living Scrutiny Committee on 22 March, 2017, and Cabinet on 11 April, 2017. The report detailed information on the Aylesbury Vale Community Safety Strategy 2017 – 2020. The report also summarised the matters taken into account in preparing the Annual Plan for 2017/18.

Subject to the agreement of the partnership, Cabinet had agreed that the Action Plan should include mention of roads policing. Cabinet had also agreed with a suggestion that an information leaflet should be prepared for Members and residents explaining who they should contact about anti-social behaviour and how they could feed back information to the partnership. Council expressed its thanks for the work being undertaken by the Community Safety Team.

Proposed by Councillor Mrs Macpherson, seconded by Councillor Mrs Bloom, and

RESOLVED –

That the Aylesbury Vale Community Safety Partnership Strategy 2017-2020 and the Annual Plan for 2017/18 be approved.

6. REPORT ON SPECIAL URGENCY PROVISIONS

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations, 2012, specified procedures and timescales that had to be followed concerning public access to meetings and documents where a local authority executive, committee or individual was taking an executive decision.

Ordinarily, a specified period of notice of such meetings/items had to be given as set out in the Regulations. However, provision had been made within the Regulations to enable consideration of items concerning which it had not been possible to give the requisite notice. In particular, the special urgency provisions enabled a key decision to be taken

which was urgent where consent had been obtained from the relevant Scrutiny Committee Chairman. It was a legislative requirement that Council be advised annually of the number of cases dealt with under the special urgency provisions, and it was reported that there had been no such cases during 2016/17.

Proposed by Councillor N Blake, seconded by Councillor A Cole, and

RESOLVED –

That the above report be noted.

7. STANDARDS COMMITTEE: ANNUAL REPORT

The current standards regime had been introduced by the Localism Act, 2011, and this Council's Code of Conduct had been adopted in July, 2012.

Under the current regime, Parish/Town Councils had the option of either adopting their own Code of Conduct, based on the model developed by the National Association of Local Councils (NALC), or adopting AVDC's Code. Some had adopted this Council's Code.

The Council was not statutorily required to have a Standards Committee, but it had decided that it should continue to do so in the interests of promoting transparency and high ethical standards in local governance and Council received the Annual report of the Chairman of the Standards Committee. The Chairman of the Committee presented his report on standards activities over the past twelve months.

Council was reminded that the Standards Committee comprised 7 elected Members and was politically balanced according to the political parties represented on the Council. There were two Parish representatives nominated by the Aylesbury Vale Association of Local Councils (AVALC) to ensure that the interests of Parish/Town Councils were properly taken into account in the decision making process.

The Localism Act required the appointment of at least one Independent Person, but AVDC was in the fortunate position to have three high calibre candidates and it had been decided to appoint all three. One of the Independent Persons had subsequently resigned as he had moved away from The District. The Monitoring Officer had been satisfied that this would not have any significant impact on the work of the Committee and the Chairman of the Standards Committee had concurred with this view. The remaining Independent Persons' terms of office came to an end earlier this year and following consultation with the Chairman of the Standards Committee and Other Committee Members, it had been agreed that the two remaining post holders should be invited to serve for a further term. It was felt that this would ensure consistency of approach to the decision making process, enable the Council to take advantage of the expertise already built up and save the need to proceed with what would otherwise be an expensive recruitment exercise. This course had been confirmed at the Council meeting on 22 February.

The Parish representatives and the Independent Persons are invited to attend every meeting of the Standards Committee in an advisory capacity and had no voting rights.

Standards Activity

Since May, 2016, the Monitoring Officer had received 9 complaints. Three of these related to District Councillors and the remainder related to Parish Councillors.

One of the complaints against a District Councillor had not proceeded as it came outside the Standards regime. One complaint had proceeded to a Stage 1 Hearing, where it had been decided that the complaint was unfounded. The remaining complaint was awaiting the completion of formal details from the complainant and this may well not proceed.

With regard to the complaints against Parish Councillors, the position was as follows:-

- two had been the subject of Stage 2 assessments which determined that no further action was necessary.
- one had not proceeded beyond Stage 1 as the complainant had not provided any supporting information.
- one had been the subject of a formal investigation by an independent investigator. (Although the complaint had been received in 2015, it was the subject of a Hearings Sub-Committee held earlier this year). The Parish Councillor concerned had been found to have breached the Parish Council's Code of Conduct, which had involved a formal report to the Parish Council. The individual had also been invited to offer an apology to the complainant.
- Two were likely to proceed to Stage 2.

Standards decisions were publicly accessible on the Council's web site and could be viewed using the following link:-

<http://democracy.aylesburyvaldc.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13294>

Standards Committee Meetings

The Committee had not needed to meet formally during the course of the year, (other than for the Annual Meeting) which was a reflection of the fact that there were no significant ethical issues within the Vale. However there had, as mentioned previously, been the need to convene two second stage hearings to deal with two complaints and one Hearings Sub-Committee to consider an independent investigator's report. This was perhaps a useful reminder of the importance of the need to consider carefully the requirements of the Code of Conduct.

Conclusions

On the whole elected representatives within the Vale took the need to maintain high ethical standards seriously. However, equally it was appreciated that, if substantiated, any breach of a Council's Code of Conduct is also a serious matter. The Standards Committee would continue to take all opportunities that present themselves to promote high ethical standards and open and accountable governance.

RESOLVED –

That the Annual report of the Chairman of the Standards Committee, summarised above, be noted.

8. SCRUTINY ANNUAL REPORT

It was a requirement of the Council's Constitution that an annual report be presented to Council. This provided Members with an overview of the work carried out over the previous twelve months, and provided a summary of the further challenges and opportunities for Scrutiny looking forward to 2017/18.

A copy of the Annual Report for 2016/17 was submitted and it was

RESOLVED –

That the annual Scrutiny Committee Report for 2016/17 be noted.

9. NEW NOTICE OF MOTION: SECTION 106 AGREEMENTS

The following had been submitted by Councillor Stuchbury and seconded by Councillor Bateman:-

““There have been occasions in the past when Town and Parish Councils have been involved early on in Section 106 negotiations and decision making processes to the benefit of local communities. There have been many more instances where early involvement in Section 106 negotiations would have been beneficial. Therefore, it is proposed that Aylesbury Vale District Council agree to commission a report to look at how best in the future all Town and Parish Councils can be involved meaningfully in the development of Section 106 arrangements”.

In accordance with Council Procedure Rules, the Chairman had agreed that the Motion should be dealt with at the meeting.

Councillor Stuchbury explained briefly the rationale behind the Motion after which it was opened up to debate.

An amendment to the motion was then proposed by Councillor Mrs Paternoster and seconded by Councillor Poll, as follows:-

“This Council recognises that AVDC already involves Parish and Town Councils in the meaningful development of Section 106 arrangements in the following ways:-

- 9 June 2015 – AVDC wrote to all Parish and Town Councils advising them to identify suitable projects for s106 sport and leisure contributions.
- AVDC’s s106 Officer notifies Parish Clerks as soon as a planning application is received and requests appropriate projects to which eventual s106 funding can be assigned.
- AVDC’s s106 Officer helps Parish and Town Councils determine which projects are acceptable.
- AVDC’s s106 Officer is working with AVALC to see how s106 can work better for Parishes.

This Council will continue to work with Parish and Town Councils to obtain the best possible use of s106 funds for the benefit of communities within the Vale.”

The amendment was then opened up to debate. At the conclusion of the debate, 5 Members present requested a recorded vote on the amendment after which it was declared to be CARRIED.

Voting for and against was as follows:-

FOR: Councillors J Blake, N Blake, Bloom, Bond, Bowles, Brandis, B Chapple, S Chapple, Chilver, A Cole, S Cole, Everitt, Fealey, Foster, Glover, Hawkett, Hewson, Jenkins, King, Macpherson, Mills, Moore, Mordue, Newcombe, Paternoster, Poll, Powell, Rand, Renshell, Russel, Sims, Stanier, Strachan, Town, Ward, Whyte and Winn.

AGAINST: Councillors B Adams, C Adams, Bateman, Christensen, Harrison, Hunter-Watts, Hussain, Khan, Lambert, Monger, Morgan, Smith and Stuchbury.

ABSTENTIONS: There were none.

The amendment was then put to the meeting as the substantive motion and was declared to be CARRIED.

10. NEW NOTICE OF MOTION: BETTING SHOPS IN THE AYLESBURY TOWN CENTRE

The following had been submitted by Councillor Bateman and seconded by Councillor Stuchbury:-

“AVDC will not allow any further increases in the number of betting shops in Aylesbury Town Centre.

They have an adverse impact on retail within the town centre, both on making the town less visually desirable and reducing spending in local businesses.

There is also considerable impact on vulnerable people and families, including addiction and potential for underage gambling with low supervision of fixed odd betting machines (FOBT), debt, homelessness, depression etc.”

In accordance with Council Procedure Rules, the Chairman had agreed that the Motion should be dealt with at the meeting.

Councillor Bateman explained briefly the rationale behind the Motion after which Councillor Stuchbury (the seconder) also spoke. The motion was then opened up to debate.

At the conclusion of the debate, the motion was put to the vote after which it was declared to be LOST.

11. ALLOCATION OF SEATS ON COMMITTEES

Council was informed that the allocation of seats on Council Committees needed to be updated as there was a new group of Independent Members and to take account of the recent by-elections. Group Leaders had recently met and considered the allocation of seats, and a revised seating allocation had been circulated and provided on all Members' desks at the Council meeting.

RESOLVED –

That the revised allocation of seats on Council Committees be agreed.