

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

13 SEPTEMBER 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, J Bloom, A Bond, S Bowles, C Branston, B Chapple OBE, S Chapple, J Chilver, A Christensen, A Cole, S Cole, M Collins, P Cooper, M Edmonds, B Everitt, P Fealey, N Glover, A Harrison, M Hawke, T Hunter-Watts, T Hussain, A Huxley, P Irwin, S Jarvis, S Jenkins, R Khan, R King, S Lambert, A Macpherson, L Monger, G Moore, H Mordue, R Newcombe, C Paternoster, C Poll, G Powell, M Rand, B Russel, M Smith, M Stamp, Sir Beville Stanier Bt, P Strachan, R Stuchbury, D Town, A Waite, J Ward, W Whyte and M Winn.

APOLOGIES: Councillors N Blake, B Foster, K Hewson, T Mills, S Morgan and E Sims.

WEBCASTING

Prior to the start of the meeting, the Chairman reminded everyone present that the meeting would be broadcast live to the internet and be capable of repeated viewing.

Members of the audience who did not wish to be on camera were invited to move to a marked area at the side of the chamber.

1. MINUTES

RESOLVED –

That the Minutes of the Annual and Ordinary meetings of the Council held on 17 May, 2017, be approved as correct records.

2. BY ELECTIONS: RIVERSIDE AND SOUTHCOURT WARDS

The Chief Executive reported formally the election of Mrs Sally-Anne Jarvis and Ashley Waite as Councillors for the Southcourt and Riverside Wards respectively at the By-Elections held on 17 August, 2017. Members extended a warm welcome to Councillors Mrs Jarvis and Waite.

3. ANNOUNCEMENTS

(a) Chairman of the Council

There were none.

(b) Cabinet Member for Communities

The Cabinet Member for Communities reminded Members that a Housing Workshop would be held on 19 September, 2017 and a WRAP Workshop would take place on 9 October. The Cabinet Member expressed the hope that as many Members as possible would be able to attend each event.

(c) Deputy Leader

The Deputy Leader reported that in response to consultation with Parish/Town Councils, AVDC, as part of the business transformation programme, had appointed a Parish Liaison Team within Customer Fulfilment, to act as a first point of contact in relation to Parish/Town Council enquiries about Council services.

4. PETITIONS/DEPUTATIONS (IF ANY)

There were none.

5. WRITTEN QUESTIONS

Written questions submitted by Members since May, 2017 and the answers could be accessed at

<http://democracy.aylesburyvaledc.gov.uk/ieListMeetings.aspx?Committeed=441>

6. CORPORATE HEALTH AND SAFETY POLICY / STRATEGY

Council received a report submitted also to the Finance and Services Scrutiny Committee on 5 September, 2017 and Cabinet on 6 September, 2017. The detail of the report was summarised in the Minutes of Cabinet. Cabinet's recommendations took account of the views expressed by the Scrutiny Committee, concerning which, the Cabinet Member read out a statement of the actions that would be taken in response to the Committee's comments. Particular attention was drawn to the need to adjust the report recommendations to make it clear that the delegations would sit with the Director with responsibility for finance, rather than the Assistant Director, Business Support and Enablement.

Accordingly, it was proposed by Councillor Sir Beville Stanier, seconded by Councillor Rand and

RESOLVED –

- (1) That the updated Corporate Health and Safety Policy and Strategy for its implementation be approved.
- (2) That the Director with responsibility for finance, after consultation as necessary with the Corporate Health and Safety Board and/or Cabinet Member for Environment and Waste be authorised to make any changes to reflect the views of the Finance and Services Scrutiny Committee and in particular:-
 - Changes in legislation and statutory requirements.
 - Changes in British Standards.
 - The introduction of new machinery or technology.
 - Changes in nominated responsible persons.
 - Changes in the responsibilities of nominated persons.
 - Changes in management policy and/or procedures.

7. TREASURY MANAGEMENT 2016-17 YEAR END AND 2017-18 MID YEAR REVIEW

Council received a report submitted also to the Finance and Services Scrutiny Committee on 5 September, 2017 and Cabinet on 6 September, 2017 giving a year end report (2016/17) and a mid year report (2017/18) on the performance of the Council's Treasury Management function. The detail of the report was summarised in the Minutes of Cabinet, whose recommendations took account of the views expressed by the Scrutiny Committee.

Proposed by Councillor Mordue, seconded by Councillor Fealey and

RESOLVED –

- (1) That the performance against the Treasury Management Action Plan for 2016/17 be noted.
- (2) That the performance against the Treasury Management Action Plan 2017/18 (at the mid year point) be noted also.

8. PROPOSED COMMERCIAL PROPERTY INVESTMENT STRATEGY

Council was invited to approve a Commercial Property Investment Strategy and proposals for its implementation. The Strategy had been developed to support the Council's commercial agenda to generate new income streams to help offset the significant cuts in Government support, and to ensure that sufficient finance was available to support the continued delivery of and investment in services to the local community.

A copy of the report submitted to the Finance and Services Scrutiny Committee on 5 September and Cabinet on 6 September, 2017, was appended to the Council report. The detail of the Strategy was summarised in the Cabinet Minutes. The detailed Strategy documents had been appended to the confidential part of the Council agenda due to their commercially sensitive nature. The Strategy had been the subject of a presentation at the Finance and Services Scrutiny Committee to which all Members of the Council had been invited, where a robust discussion had taken place on the practical operation of the proposed arrangements.

It was proposed by Councillor Bowles and seconded by Councillor Mrs Glover:-

“That the Report recommendations be approved and adopted”.

It was thereupon proposed by Councillor Christensen and seconded by Councillor Smith:-

“That the report recommendations be amended to read as follows (the proposed changes being shown in emboldened typeface):-

“That Council be recommended to:-

- (1) Approve the proposed Commercial Property Strategy described in the Council report, including a capital fund of £100m to be met from borrowing from the Public Works Loans Board, and a revenue budget of £100k from the New Homes Bonus (NHB) Fund, both to be reimbursed, together with the objectives, investment criteria and governance arrangements set out in Appendix 2 (contained in the confidential section of the Council report).

- (2) Approve the necessary changes required to the Council's current Authorised and Operational limits within the Council's Treasury Management Strategy to accommodate the additional borrowing and approve an amendment to the Capital Programme to reflect the commitment.
- (3) **Establish a Commercial Property Investments Board, the members of which will be the Chief Executive of the Council, the Director with responsibility for finance, the Leader and Deputy Leader of the Council, the Cabinet Member for Finance, Compliance and Resources, two members of the opposition groups represented on the Council and one external member with proven experience in commercial property investment. The latter post to be remunerated at a daily rate equivalent to that of the Director with responsibility for finance. The appointment to be made following a recruitment process overseen by the Council's Senior Appointments Committee.**
- (4) Authorise the Chief Executive in conjunction with the Director with responsibility for finance **and the external board member, to process** expenditure within the overall limit of the Strategy, subject to **a simple majority of the management board** being satisfied with the business case and risk assessment.
- (5) Require the officers to bring reports to Cabinet, the Finance and Services Scrutiny Committee and Council on the progress of the Strategy and also to provide whatever information might appropriately be included in the Quarterly Financial Digest. **An external audit of the Strategy's performance to be undertaken by an independent consultant on a bi-annual basis and submitted to full Council".**

Upon being put to the meeting the amendment was declared to be LOST. After further debate on the original Motion, it was declared to be CARRIED and accordingly it was,

RESOLVED –

- (1) That approval be given to the proposed Commercial Property Investment Strategy as described in the papers submitted, including a capital fund of £100 million to be met from the Public Works Loan Board (PWLB), and a revenue budget of £100k from the New Homes Bonus (NHB), both to be reimbursed, together with the objectives, investment criteria and governance arrangements set out in the confidential papers.
- (2) Approve the necessary changes required to the Council's current Authorised and Operational limits within the Council's Treasury Management Strategy to accommodate the additional borrowing and approve an amendment to the Capital Programme to reflect the commitment.
- (3) That authority be given to the Chief Executive in conjunction with the Director with responsibility for finance, and after consultation with a Panel comprising the Leader and Deputy Leader of the Council, the Cabinet Member for Finance, Compliance and Resources and one Member to be nominated by the opposition groups represented on the Council, to approve expenditure within the overall limit of the Strategy, subject to them being satisfied with the business case and risk assessment.
- (4) That the Officers be required to bring annual reports to Cabinet, the Finance and Services Scrutiny Committee and Council on the progress of the Strategy and

also to provide whatever information might appropriately be included in the Quarterly Financial Digest.

9. NEW NOTICE OF MOTION: BUILDING FOR EQUALITY

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

“Legislation is in place which should, in theory, prevent inaccessible buildings and public spaces being created and enduring. The Equality Act, 2010 requires employers and bodies providing services to anticipate the need for reasonable adjustments so as not to discriminate against disabled people; this is relevant not only to the occupiers of buildings but also to the planning and building control process. However, the burden of ensuring that an accessible environment is achieved falls too heavily at present on individual disabled people, an approach that we consider to be neither morally nor practically sustainable. That burden needs to lie more obviously with the bodies that create, occupy and manage the environment.

The Government should make it easier for local planning authorities to follow this lead through revision and clarification of national planning policy and guidance. Local Plans should not be found sound without evidence that they address access for disabled people in terms of housing, public spaces and the wider built environment; to support this, the Equality and Human Rights Commission should investigate the Planning Inspectorate’s compliance with the Equality Act. Planning consent should only be given where there is evidence that a proposal makes sufficient provision for accessibility.

Buckingham Town Council has endorsed the Parliamentary report “Building for Equality: Disability and the Built Environment” and in recognition of previous agreements it is proposed:

“That AVDC incorporate the findings and recommendations of the report within the Vale of Aylesbury Local Plan (VALP).”

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

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

It was thereupon proposed by Councillor Mrs Paternoster and seconded by Councillor Mordue:-

“That the Motion be amended as follows:-

- “(1) That this Council notes that the VALP has been prepared in accordance with current Government policies and guidance.
- (2) That this Council also notes that the recommendations of the Commons Committee are addressed to Government and therefore fall outside the remit of Local Plans.
- (3) Therefore this Council, in confirming its commitment to the needs of the disabled, resolves that if the Commons Committee recommendations are adopted by Government and become Government policy, the VALP will be updated at the earliest opportunity to ensure that it remains fully policy compliant.”

After an explanation of the rationale for the amendment, the mover and seconder of the original Motion agreed to withdraw it in favour of the amendment.

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

10. QUESTION TIME

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

- (a) **Bowlers Field** (Councillor Winn) – the Cabinet Member for Communities agreed with the Member that excellent work had been done by the Council’s Officers in enabling the Bedgrove Dynamos football teams to be re-located to grass football pitches at Bowlers Field.
- (b) **Fairford Leys Riverine Corridor** (Councillor A Cole) – the Cabinet Member for Communities ensured Members that the Council’s Directors would as a matter of urgency be looking at how the relevant reserve held by AVDC could be transferred to the Coldharbour Parish Council.
- (c) **Modernising Local Government in Buckinghamshire** (Councillor Monger) – the Deputy Leader informed Members that Councils were still waiting for the Secretary of State for Communities and Local Government’s decision regarding the two unitary proposals for Buckinghamshire.
- (d) **Waste Service** (Councillor Everett) – the Cabinet Member for Environment and Waste informed Members that the Council did not take photos of refuse bins as a part of household refuse collections. However, cameras were fitted on refuse collection vehicles, both as a health and safety measure and to record issues refuse crews might have in accessing areas. Members were also informed that the Council kept a record of ‘bins not presented’ as it was expensive to return to properties to collect refuse.
- (e) **Modern Slavery** (Councillor Lambert) – the Cabinet Member for Communities explained that the Modern Slavery Act 2015 required commercial organisations supplying goods and services with a turnover of above £36m to prepare and publish an annual ‘Slavery and Human Trafficking Statement’. While this requirement did not extend to public organisations, the Council was proactive through its partnership work and membership of both the Community Safety Partnership and Safer and Stronger Bucks Partnership in ensuring that the issue was actively considered.
- (f) **Aylesbury Vale Broadband** (Councillor Lambert) – the Cabinet Member for Commercialisation and Business Transformation informed Members that following the recommendation from the Audit Committee, Councillor Mrs Blake had replaced Councillor Mordue as a Director on the AVB Board. Members were also informed that the Council had received expressions of interest in purchasing AVB and these were currently being assessed.
- (g) **Fair4All** (Councillor Hunter-Watts) – the Cabinet Member for Communities confirmed that AVDC was committed to ensuring that disabled people received fair and good quality service when accessing Council services. The Council would also continue to work with partners to ensure issues affecting disabled people were properly addressed.

- (h) **Museums at RAF Halton** (Councillor Hunter-Watts) – the Deputy Leader informed members of the work that was being done with a view to retaining the Trenchard Museum and other museums at RAF Halton in the local area when RAF Halton closed in 2022.
- (i) **Kingsbury** (Councillor Smith) – the Cabinet Member for Communities informed Members that the Council was putting together a design plan to improve the public space at Kingsbury, with a view to submitting an application to the Heritage Lottery Fund. AVDC would continue to work with landlords and local businesses to improve the overall condition of Kingsbury.
- (j) **Cotton End steps, Buckingham** (Councillor Stuchbury) – the Cabinet Member for Growth Strategy updated Members on this matter, and informed them that it was expected that Buckingham Town Council would be submitting an application to the Advisory New Homes Bonus Grant Panel for the installation of a fully accessible sloped footway at Cotton End.
- (k) **Public Toilets, Buckingham** (Councillor Stuchbury) – the Cabinet Members for Communities and for Civic Amenities agreed with the Member that it was very pleasing that these facilities had been completed and were open to the public.
- (l) **Brick Wall, Bicester Road** (Councillor C Adams) – the Cabinet Member for Environment and Waste gave an undertaking to look into who was responsible for the condition and maintenance of a section of brick wall located in Bicester Road, Aylesbury (opposite McDonalds).
- (m) **University College Aylesbury Vale** (Councillor C Adams) – the Deputy Leader informed Members that the university had been trying unsuccessfully to let the ground floor of the Aylesbury campus. It was now likely that the university would incorporate and use the ground floor as part of the campus.
- (n) **Council Tax Arrears** (Councillor Bateman) – the Cabinet Member for Resources, Governance and Compliance informed Members that the collection rates for Council Tax had fallen slightly over the last year or two. There was a discretionary fund that people could apply to if they were experiencing difficulties in paying their Council tax. The Council was also following all legal requirements in assisting people in paying their Council tax before any recovery action was taken.
- (o) **Parking** (Councillor B Adams) – the Cabinet Member for Environment and Waste informed Members that the police were responsible for dealing with cars that might be parked on a public road causing an obstruction.
- (p) **Waste Service for Public Events** (Councillor Cooper) – the Cabinet Member for Environment and Waste informed Members that it was the Council's policy to charge public events which required a waste collection. However, public events were usually given a substantially discounted rate for using this service.
- (q) **Alfred Rose Park** (Councillor Khan) – the Cabinet Member for Communities informed the Member on actions that had been taken to reduce the incidences of anti-social behaviour occurring in the Park. While the Cabinet Member could not commit to returning to paying a keyholder to lock up the park overnight, she was happy to meet with the local Member to discuss his concerns.
- (r) **Commercial AVDC Programme** (Councillor Khan) – the Deputy Leader informed Members that the Programme was still in the process of being finalised

and recruitment was taking place to fill vacant posts. Further information on the costs of the programme could be reported to Members in due course.

11. EXCLUSION OF THE PUBLIC

RESOLVED –

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in the Paragraph indicated in Part 1 of Schedule 12A of the Act:-

Proposed Commercial Property Investment Strategy (Paragraph 3).

The public interest in maintaining the exemption outweighed the public interest in disclosing the information because the report contained information relating to the financial or business affairs of organisations (including the Authority holding that information) and disclosure of commercially sensitive information would prejudice negotiations for contracts and land disposals and transactions.

12. PROPOSED COMMERCIAL PROPERTY INVESTMENT STRATEGY

In connection with the decisions reached earlier during the meeting, consideration was given to the proposed Strategy documentation.