

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

17 APRIL 2019

PRESENT: Councillor S Renshell (Chairman); Councillors J Brandis (Vice-Chairman), B Adams, C Adams, M Bateman, N Blake, J Bloom, A Bond, S Bowles, C Branston, B Chapple OBE, S Chapple, J Chilver, A Cole, S Cole, M Collins, P Cooper, B Everitt, B Foster, N Glover, T Hussain, A Huxley, P Irwin, S Jarvis, S Jenkins, R Khan, R King, S Lambert, D Lyons, A Macpherson, T Mills, G Moore, H Mordue, S Morgan, R Newcombe, C Paternoster, C Poll, G Powell, W Raja, M Rand, B Russel, M Stamp, Sir Beville Stanier Bt, P Strachan, R Stuchbury, D Town, A Waite, J Ward, W Whyte and M Winn

APOLOGIES: Councillors J Blake, A Christensen, P Fealey, A Harrison, M Hawkett, T Hunter-Watts, L Monger, S Raven and M Smith

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 meeting of Council held on 27 February 2019, be approved as a correct record.

2. BY ELECTION: HADDENHAM AND STONE WARD

The Chief Executive reported formally the election of David Lyons as a Councillor for the Haddenham and Stone Ward at the by-election held on 7 March, 2019. The Chairman and Members extended a warm welcome to Councillor Lyons.

3. ANNOUNCEMENTS

Chairman of the Council

Annual Council Meeting

Members were advised that due to the need set up accommodation in connection with the EU Election (for the South-Eastern Region), it was necessary to bring forward the date of the Annual Meeting of the Council to **6.30pm on Wednesday, 15 May, 2019**. A reminder would be sent out to all Members later this week as part of the Members' Information Sheet.

Members were reminded that The "purdah" rules which applied to the use of Council resources for political purposes were currently in force and would last until after the election.

Leader and Cabinet Members

Cabinet Member for Finance and Resources

As part of the process to complete the accounts for 2018/19, members were required to complete a statement on the extent of any material transactions they might have had with third party interests. Members were reminded that if they had not already done so, they should complete return the form sent to them as soon as possible.

4. PETITIONS/DEPUTATIONS (IF ANY)

There were none.

5. WRITTEN QUESTIONS

Written questions received since the last meeting and the answers could be accessed at:

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

6. BUCKS HOME CHOICE ALLOCATIONS POLICY

The Council was a member of the Bucks Home Choice Partnership which comprised the four District Councils within Bucks. The Partnership managed the collective housing register and allocation of affordable rented accommodation. The Partnership's common allocations policy had been reviewed in response to changes made by recent case law following the Localism Act 2011, the Homeless Reduction Act, 2017, and also as a response to the demand for social housing and the need for intelligent use of the available stock.

The proposed changes summarised in the Council report and which could be viewed on the Council's web site, had no effect on existing local lettings policy. In particular, the local policy which ring fenced up to 50% of new lets and 25% of any subsequent lets, for applicants with a connection to the respective sub groups in Aylesbury Vale, had proved to be working effectively.

The Environment and Living Scrutiny Committee had considered the proposed changes at its meeting on 29 October, 2018, and having sought clarification around some specific aspects, had supported the proposals and had endorsed the public consultation undertaken in connection with them. The results of the consultation had been appended to the Council report and could be viewed on the Council's web site.

The proposed changes had a material effect on who did and who did not qualify for Bucks Home Choice. They would also affect the relative priority band awarded to certain types of applicant and introduce a new priority Band E in order to manage the changes effectively. In doing so, the Council sought to:-

- To respond to recent case law and Government guidance, so that the allocations policy was lawful.
- To better utilise the allocations policy as a homeless prevention tool.
- To continue to make best use of housing stock by allocating the largest properties to larger families, who needed it most.

As previously mentioned, the Environment and Living Scrutiny Committee had considered and had supported the proposed changes. Cabinet had considered the proposed changes at its meeting on 12 February, 2019 and with the exception of final qualification arrangements for those guilty of anti-social behaviour, concerning which legal advice was awaited, had also supported them. Cabinet had also sought clarification around the effect on the allocations policy of unitary local government. An equalities impact assessment had been completed and it had been determined that there would be no disproportionate impacts of the policy changes.

With regard to unitary local government arrangements, it was reported that the existing scheme, using the existing District Council boundaries for the award of a local connection, would continue to have force after 1 April, 2020, until such time as the new authority brought forward a new scheme. This would be a matter for the new authority.

It had been confirmed that applicants who would not qualify for Bucks Home Choice would be those guilty of “general” anti-social behaviour, but who fell within a reasonable preference category, subject to there being a further additional provision for discretion in exceptional cases, as recommended in a recent Counsel’s opinion obtained in relation to this particular aspect.

It was thereupon proposed by Councillor Winn and seconded by Councillor A Cole:-

“That the recommendations contained in the Council report be approved and adopted”.

It was thereupon proposed by Councillor Stuchbury and seconded by Councillor Bateman:-

“That the Motion be amended by the addition of the following recommendation:-

“That it be confirmed that, based upon the evidence, AVDC is of the view that the existing sub-allocation policy should be continued by the new Buckinghamshire Council because of the contribution it has made to social cohesion within the Vale since its inception”.

Having indicated that this would ultimately be a matter for the new unitary authority, the proposer of the original Motion (Councillor Winn) agreed, with the consent of his seconder and Council as a whole to take on board the amendment

After debate during which clarification was sought from the Cabinet Member in relation to such issues as the provision of accommodation in cases of relationship breakdowns, domestic violence and the sharing of rooms by same sex siblings, it was,

RESOLVED –

- (1) That the revised allocations scheme (Bucks Home Choice Allocations Policy) be approved and adopted as part of the Council’s Policy Framework.
- (2) That approval be given for the Assistant Director for Customer Fulfilment, after consultation with the Cabinet Member for Communities, to make any necessary minor amendments to the Policy as might be appropriate to deal with any typographical amendments, clarification and to ensure compliance with current statutory provisions.
- (3) That it be confirmed that, based upon the evidence, AVDC is of the view that the existing sub-allocation policy should be continued by the new Buckinghamshire Council because of the contribution it has made to social cohesion within the Vale since its inception.

7. 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 executive Member was taking an executive decision. Provision also existed to enable decisions to be dealt with as a matter of urgency outside the specified timescales.

There were two such decisions taken this year. One had related to the Capital Programme which needed to be considered in conjunction with the budget setting process for 2019/2020. This had been to enable the revenue consequences of capital schemes to be taken into account in determining the revenue budget for the current financial year. The other item had related to the disposal of the Scout Hut at Buckingham, where a decision had been required urgently to facilitate the disposal.

The Council's Constitution made provision for items to be dealt with urgently, excluding call-in. Such arrangements had to be agreed with the Chairman of the relevant Scrutiny Committee. Again it was a requirement that any such decisions should be reported annually to full Council.

There had been one occasion this year when it had been necessary to waive the call-in procedure. This had related to the need to meet the deadline set by the Secretary of State for Housing, Communities and Local Government for a response to the Statutory Instrument to be laid before Parliament regarding the creation of a unitary council for Buckinghamshire.

Proposed by Councillor Mrs Macpherson, seconded by Councillor Bowles and

RESOLVED –

That the above report on the decisions taken by the Council as a matter of urgency, either in accordance with the statutory rules or in accordance with the Council's Constitution, be noted.

8. MEMBERS' CODE OF CONDUCT REVIEW

In response to specific events during the course of the last year, officers had been asked to carry out some refresher training for Members on the Code of Conduct. Three separate sessions had been arranged and had been well received. Coincidentally, the Council had commissioned an independent review of the activities of Aylesbury Vale Broadband (AVB). The Audit Committee had considered the AVB review recommendations and the actions taken in response to them had been agreed at the last Council meeting. One of the Audit Committee's recommendations was that any review of the Council's Code of Conduct should address the situation in relation to the handling of confidential material.

During the course of the Member training it had become apparent that there had been difficulty in interpreting the existing Code of Conduct. This was mainly due to the format, which involved quite a lot of cross referencing and the legal terminology used. Officers had been asked to look at the current Code and make it clearer. The Lead Legal and Monitoring Officer together with the Democratic Manager (also Deputy Monitoring Officer) had researched best practice across a wide spectrum of local authorities, but tailoring any changes to local circumstances.

The research had resulted in the production of a final draft which was considered by an informal panel of Members comprising the Chairmen of the Audit and Standards Committees and Councillor Powell. The resulting revised Code had then been considered by the Standards Committee and had been approved for adoption by Council. The revised Code had then been re-visited following publication of a number of best practice recommendations suggested by the Committee on Standards in Public Life which had been looking at how Codes of Conduct were being applied in local government. The Revised Code recommended for adoption by Council had subsequently been updated to include where appropriate these best practice recommendations.

Having acknowledged that there were a few typographical errors in the draft document, which would be corrected before publication, it was proposed by Councillor Mordue, seconded by Councillor Newcombe and

RESOLVED –

That the revised Code of Conduct appended to the Council report be approved and adopted.

9. STANDARDS COMMITTEE: ANNUAL REPORT

Council received the Annual report of the Chairman of the Standards Committee which summarised standards activity over the past 12 months or so. The report could be accessed in full on the Council's website.

It was reported that since May, 2018, there had been 11 complaints against Parish Councillors and one complaint against a District Councillor. Brief details were as follows:-

- Wing – 2 complaints (non declaration of interests). Both withdrawn.
- Drayton Parslow – 2 complaints (one about alleged disrespect, the other about damaging the reputation of the Council). Both went to Stage 2 under the Council's complaints procedure, where it was considered that no further action was necessary.
- Steeple Claydon – One complaint (non declaration of interest). Went to Stage 2 where it was decided no further action was necessary.
- Stowe – 4 complaints (various but mainly disrespect). Went to Stage two where it was felt that no further action was necessary.
- Nash – One complaint (acting in own interests). Awaiting determination.
- Stowe – One complaint (breach of legislation). Awaiting determination.
- District Councillor – (Failure to respond to residents). Went to Stage 2 where it was decided that no further action was necessary.

Members were reminded that Stage 1 involved trying to seek a local resolution. Stage 2 involved a review hearing by the Chairman of the Standards Committee and an Independent Person.

Proposed by Councillor Mordue, seconded by Councillor Everitt and

RESOLVED –

That the Annual Report of the Chairman of the Standards Committee be noted.

10. 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 by Scrutiny Committees over the previous twelve months. A copy of the Annual Report for 2018/2019, which had been approved by the Chairmen of the Scrutiny Committees, before being brought to this meeting, had been appended to the Council report and could be viewed on the Council's website.

Proposed by Councillor Mrs Renshell, seconded by Councillor Strachan and

RESOLVED –

That the Annual Scrutiny Committee Report for 2018/2019, be noted.

11. COMMITTEES - ALLOCATION OF SEATS

The distribution of seats on Committees to the political groups and non aligned Members on the Council was governed by Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990. AVDC had traditionally implemented the provisions of the Act on an informal basis, thus allowing Group Leaders to determine seat allocations in a flexible manner.

Group Leaders had met to consider the allocation of seats following the recent by-election and changes to political groups and had reached agreement as set out on the schedule appended to the Council report and which could be viewed on the Council's website.

Proposed by Councillor Mrs Macpherson, seconded by Councillor Mills and

RESOLVED –

That the allocation of seats on committees to each political group/non aligned Members, attached as an Appendix to the Council report be approved.

12. NEW NOTICE OF MOTION: HIGH SPEED 2

The following was proposed by Councillor Chilver and seconded by Councillor Mrs Macpherson:-

"This Council proposes that the Leader of the Council should write to Government to request that all enabling works for HS2 in the Aylesbury Vale District should be paused until Notice to Proceed to main works contractors has been approved. As required by the Department of Transport, Notice to Proceed should not be given until management capability, affordability of contracts and robustness of revised business case have all been proven. We see no reason why Aylesbury Vale District should suffer significant disruption and long term environmental destruction until detailed design and cost have been approved. We also ask that HS2 Ltd significantly improves the effectiveness of its community engagement with those impacted by the line".

During the course of debate a number of comments were made by Members which, the Leader and the mover of the proposition agreed could be included in the representations submitted in accordance with the Motion. These included:-

- Submission of representations also to the local Members of Parliament and the Secretary of State for the Environment.
- Seek serious consideration to the economic justification for continuing with the project.
- The pursuit of tangible and meaningful community consultation arrangements by HS2 Ltd.
- The pursuit of whatever actions were deemed necessary and appropriate to prevent the netting of trees and hedgerows which had a serious impact on wildlife and the countryside generally.

After having been put to the vote, the motion was declared to be CARRIED. It was therefore

RESOLVED –

That the Motion be adopted.

13. QUESTION TIME

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

- a) **Planning Service** (Councillor Poll) – the Cabinet Member for Planning and Enforcement informed Members that the Council received around 3,000 planning applications per annum and that some took longer due to their complexity and/or requirement for liaison with external agencies. The Cabinet Member would meet with the Member together with senior officers to discuss concerns on a specific application.
- b) **New Homes Bonus** (Councillor N Blake) – the Leader advised that the Council's community scheme was valued and would continue under business as usual up until 1 April 2020. Further discussions on this would be had by the Shadow Executive.
- c) **VALP** (Councillor Lambert) – the Cabinet Member for Strategic Planning and Infrastructure gave an undertaking to update Members on the status of VALP.
- d) **European Parliamentary Elections** (Councillor Lambert) – the Leader advised that UC1 forms had already been posted out to European electors in Aylesbury Vale.
- e) **Aylesbury Household Recycling Centre** (Councillor Huxley) – the Cabinet Member for Waste and Licensing advised the reduction in hours was a decision made by Buckinghamshire County Council. When the closures had been proposed, the Cabinet Member had raised concerns about the potential increase in fly-tipping.
- f) **Fun Fair at Ellen Road/Walton Court** (Councillor B Adams) – the Cabinet Member for Environment and Leisure was aware of noise complaints made by

residents regarding the fair and that officers were monitoring the situation. The Member advised that the fair's activity should cease by 9pm.

- g) **Rural Broadband** (Councillor B Adams) – the Leader would seek an update from the broadband providers and circulate an update to Members in due course.
- h) **Section 106 on Verney Park, Buckingham** (Councillor Stuchbury) – the Cabinet Member for Planning and Enforcement agreed to investigate concerns raised regarding the Section 106 agreement.
- i) **Tingewick Road** (Councillor Stuchbury) – the Cabinet Member for Planning and Enforcement gave an undertaking to discuss adoption from management companies of the Tingewick Road estate.
- j) **Elmhurst Community Centre** (Councillor Mrs Morgan) – the Cabinet Member for Environment and Leisure would investigate the Section 106 agreement and come back to the Member.
- k) **Litter Picking** (Councillor Everitt) – the Cabinet Member for Environment and Leisure advised that the 'Spring Clean' had received great support from volunteers. The Council had received funding which would go towards further cleaning schemes in the Parishes and local communities.