

ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

22 September 2014

PRESENT: Councillor Hunter-Watts (Chairman); Councillors Mrs Brandis, Edmonds (in place of Mrs Russel), Fealey (Vice Chairman), Mrs Phipps (in place of Foster), Poll (in place of Mrs Chapple), Stuchbury, Mrs Takodra, Vick, Mrs J Ward and Winn. Councillors Mrs Harrison, Mordue and Sir Beville Stanier attended also.

APOLOGIES: Councillors Mrs Chapple, Mrs Russel and Foster.

1. WELCOME

Councillor Hunter-Watts welcomed everyone to the 'new look' Environment and Living Scrutiny Committee, which had a change in membership numbers from 15 to 11 Members.

2. MINUTES

RESOLVED –

That the minutes of the meeting held on 11 June 2014 be approved as a correct record.

3. DECLARATIONS OF INTEREST

The following prejudicial interests were declared regarding the Call-In: Community Centres – Future Business Model:-

Councillors Hunter-Watts, Mrs Takodra and Winn, as Members of the Aylesbury Town Council.

However, having regard to all the relevant circumstances, the Monitoring Officer had granted a dispensation to the above 3 Members under Section 33 of the Localism Act 2011, as Aylesbury Town Councillors to enable them to speak and vote on future arrangements for the management / operation of community centres, both at the Environment and Living Scrutiny Committee and Cabinet.

4. CALL-IN: COMMUNITY CENTRES – FUTURE BUSINESS MODEL

In accordance with the Council's scheme for public participation at meetings, one member of the public made a statement to the Committee prior to consideration of the call-in.

In September 2013, Cabinet had agreed to dispose of the Elmhurst Community Centre and requested that a report be prepared considering the approach to managing the remainder of the community centres it owned.

The Elmhurst Community Centre had been registered as a Community Asset by a community group in January 2014. The process to allow the community group to put a business plan and funding package together to acquire/bid for the site had still not been completed and it was anticipated that a report on this would be submitted to Cabinet in November 2014 with an evaluation of the bids received.

The disposal of the Elmhurst Community Centre left the Council with 8 community centres in Aylesbury. Five of these were directly managed by AVDC and 3 were managed by voluntary organisations who were supported with grant aid from AVDC.

The background to the ownership of the community centres and the financial position surrounding the operation of the community centres had been set out in the September 2013 Cabinet report and was again summarised in the July 2014 Cabinet report.

In reviewing the community centres provision the following broad principles had been followed:-

- To ensure that community centres continue to be available for the long term as asset for the community.
- To consider which organisation is best placed to operate the community centres in Aylesbury, as 'guardian' or 'best representative' of those assets for the communities they serve.
- To favour options that reduce the overall cost to the taxpayer.

Consultation with hirers and current users of the community centres was undertaken towards the end of 2013 and this information was included as Appendix 3 to the July 2014 Cabinet report. Consultation with the Parish and Town Councils in which the centres were located had resulted in the Aylesbury Town Council, at AVDC's request, submitting a business plan to take on the ownership and management of all the centres under review.

Following the consultations and review, four options had been identified to achieve the aims for the future centres provision. A SWOT analysis of these options was detailed in Appendix 4 to the July 2014 Cabinet report. However, only two of these options were considered to be practicable which was to either transfer the assets to the Aylesbury Town Council, or for AVDC to retain the ownership and operation of the centres.

A copy of the Aylesbury Town Council Business Plan for the Aylesbury Community Centres and a critical appraisal of the plan were included as a confidential appendix to the 8 July 2014 Cabinet report.

The Scrutiny Committee was advised that should Members wish to discuss information contained in the confidential report then it would be necessary to exclude the public from the meeting as they contained commercially sensitive information. The Scrutiny Committee resolved to exclude the public under section 100(A)(4) of the Local Government Act, 1972 (Paragraph 3 of Part 1 of Schedule 12A of the Act). The public interest in maintaining the exemption outweighed the public interest in disclosing the information because it related to the financial and business affairs of organisations.

Following consideration of all of this information, Cabinet had taken a decision at the 8 July, 2014 meeting – the responsible Cabinet Member is the Cabinet Member for Leisure – that the community centre assets in Aylesbury should be retained by AVDC, who would continue to operate them for the benefits of the residents of Aylesbury Vale. Further, additional investment and management improvements would be made to secure further savings.

That decision had subsequently been called in by Councillors Cashman, Mrs Takodra and Vick. As Councillor Cashman was no longer a Member of the Committee, the other two Councillors explained the reasons for calling in the decision. In the

Committee report, responses had been provided to each of these reasons. The reasons for call-in and the responses were as follows: -

- (i) *Call-In Reason:* That the criteria and decision process was not clear.
Response: The criteria for the decision process was detailed in the Cabinet report at Section 4. Section 6.1 of that report set out why the option to retain was recommended.
- (ii) *Call-In Reason:* That the Cabinet Member had not fully considered the financial opportunity to this council to save over £200,000 a year as outlined in the business plans put forward.
Response: The financial savings identified in the Aylesbury Town Council business case were properly considered by Cabinet.
A copy of the Town Council's business plan and a commentary setting out Officers' principle concerns with the claimed savings in this plan were contained in the confidential section of the report.
- (iii) *Call-In Reason:* That not all the options had been fully explored or examined by this Council for the future management of community centres in Aylesbury.
Response: There were a total of four options explored with just two being considered feasible. The other two options were (i) transfer the facilities to community groups, or (ii) Tender the management of the facilities.
The consultation process demonstrated little or no appetite from any third parties that would have been required for either of these options to have been viable.

The Cabinet Member for Leisure stated that based on the Aylesbury Town Council's business case and some of the inaccuracies in it, Cabinet had decided that AVDC was still best placed at this time to continue to operate the community centre assets for the benefit of the residents of Aylesbury Vale. It was possible that this situation would change at some point in the future. As such, AVDC would continue to work with interested parties such as the Town Council to resolve issues that had arisen during this process and which might help to overcome any difficulties for a future transfer of assets.

Officers elaborated upon the information in the reports to Cabinet and, together with the Cabinet Member for Leisure, responded to questions from Members of the Committee as follows:-

- (a) that Cabinet had delayed making a decision after the Town Council had submitted the business case later than expected. Cabinet had then wanted to make a decision on the future management and operation of the community centres in Aylesbury, and this had not allowed time to go back to the Town Council to explain the weaknesses in their business plan.
- (b) that the three broad principles used in reviewing the community centre provision were detailed in the Cabinet report. Cabinet had not been satisfied that the ATC business plan would reduce the overall cost to the taxpayer.
- (c) an explanation was provided of the Aylesbury Special Expenses, and why transferring the community centres to ATC would leave Aylesbury Band D residents having to pay an extra £5.42 for the same facilities.
- (d) that the business plan submitted by ATC proposed to continue to operate the centres in much the same way as the District Council operated them. Their vision was practically the same as AVDC, the plan appeared to assume the

same staffing structures and the same hiring arrangements. However, the plan appeared to show a very different cost basis, which Officers believed was questionable and open to challenge.

Members discussed these differences and were particularly concerned about the proposed future arrangements for staff who would be TUPE transferred, future income forecasts, and the provisions that were being made for building maintenance and repairs, and for boilers maintenance and PAT testing.

Members commented:-

- an option that they would like to see considered in the future would be for a Community Trust to be established to operate the community centres.
- that it was important that detailed feedback and an explanation was provided to the Town Council so that they understood the concerns that AVDC had with their proposed Business Plan.

The Committee welcomed the comments from the Cabinet Member for Leisure that the Council would continue to work with the Aylesbury Town Council to help overcome any issues that might stand in the way of the community centres being transferred at some point in the future.

Having considered all the information available and having discussed the concerns expressed by the callers-in, the scrutiny committee was asked to consider whether it wished to concur with Cabinet's decision or to refer it back to Cabinet for further consideration, with reasons, in light of the views expressed by Members at the meeting.

As such, it was

RESOLVED –

That the Cabinet decision of 8 July 2014 relating to the management and operation for the community centres in Aylesbury be endorsed.

5. LANDLORDS AND TENANTS – PROVISION OF DEBT ADVICE

A Notice of Motion on the provision of debt advice by AVDC to landlords and tenants had been submitted by Councillor Vick to the Council meeting on 14 May 2014, and had been referred to the Environment and Living Scrutiny Committee to be added to the work programme. The Scrutiny Committee was asked to report back to Cabinet in due course on any changes considered necessary to address any gaps in current arrangements for providing housing tenants with advice.

The Notice of Motion referred by Council had RESOLVED –

1. To Investigate what improvements can be made to the process of getting debt and homelessness advice to tenants as early as possible in Aylesbury Vale.
2. To engage with the public and landlords and any relevant others in Aylesbury Vale, to inform, advise and guide better understanding and implementation, of best practice in getting debt and homelessness advice to tenants as early as possible.
3. To consider, having provided early information about debt and homelessness, how AVDC can persuade those experiencing initial problems, to engage with AVDC as early as possible”.

The Committee received a report in which the Housing Advice Team welcomed the opportunity to support this review, and to help ensure its aim that the service operated at its most efficient level in preventing homelessness. There was a clear link between preventing homelessness and cost saving to AVDC and, as such, it was essential to have an effective homelessness prevention team, including a dedicated and proactive Housing Debt Advice team.

While the motion referred to landlords, there was a clear difference between private and social landlords. Many social landlords provided a low level of debt advice in order to manage their arrears and some also employed a dedicated resource.

AVDC employed 3 full time Housing Debt Advisors and 4 Housing Advisors. In 2013-2014 the first team had received 867 referrals and the latter team 1,827 referrals. Having a dedicated Housing Debt Advice team helped support the view that AVDC was committed to providing the most effective homelessness prevention service. This had helped to prevent 327 out of a total of 359 cases from becoming homeless in the same financial year, and ensure that the AVDC did not have to make use of Bed and Breakfast accommodation.

AVDC's Housing Debt Advisors were one of the highest performing teams nationally in referring clients to the Government's Mortgage Rescue Scheme and had been recognised by the Department for Communities and Local Government. This supported the view that AVDC was providing a level of service above the statutory minimum.

Tenants were encouraged to seek both housing debt and homelessness advice as soon as possible through self referrals and the fact that social landlords had a duty to adopt the Pre-action Protocol for Possession Claims based on rent arrears. As it was possible that rent arrears was part of a general debt problem, the protocol encouraged landlords to advise tenants to seek assistance as soon as possible from CAB, debt advice agencies or other appropriate agencies. As AVDC employed 'Institute of Money Advice' qualified debt advisors, the majority of social landlords operating within the District did refer potential homelessness cases to them.

Referrals were also received from mortgage lenders who had a duty to inform local authorities where they were seeking repossession of a property on the grounds of arrears. Additionally, Housing Debt Advisors attended the local County Court to run a pro-active Court Desk advice service on issues including threatened re-possession, eviction due to rent arrears, all of which helped to reduce instances of homelessness.

AVDC website had a range of tenant's information including a self help pack, although the service recognised that it needed to improve the ease in accessing the information.

The Housing Service engaged with a wide range of organisations, both voluntary and statutory, to advise them of the services that AVDC could provide. For example, the Council attended the quarterly Landlords' Forum, the Homeless Prevention Group meetings and the Registered Providers Management Forum. The report also provided examples of active partnership working with other agencies.

The Housing Service would also look to provide housing advice, housing debt advice and homelessness advice as soon as a tenant was served notice, in order to provide tenants or home owners with the best possible chance of remaining in the property or accessing a suitable alternative. This meant that the Council would have at least two

months to assist people, although officially the Council was not required to do so until someone was threatened with becoming homelessness within 28 days.

Finally, Members were advised that given current resourcing constraints, it would be very difficult for the Housing Advisors or Housing Debt Advisors to intervene at earlier points in matters than was currently being done.

Members requested further information and were informed as follows:-

- (i) that they would be provided with information on the out of hours emergency contact number.
- (ii) that the Council worked hard to actively engage with letting agents, the public, and with social and public sector landlords.
- (iii) that the Council would be working to improve the level of information and accessibility to it on AVDC's website.

Members commented that they were confident that the Council was providing a high standard of service and that AVDC was operating an efficient and effective Housing Debt advice service and, it was

RESOLVED –

- (1) that Officers be thanked for attending the meeting and explaining how debt and homelessness advice was provided to local people.
- (2) that the Housing Service should continue to look at ways to improve access to the Housing Debt Advice self help pack.
- (3) that Members supported efforts of the Housing Service to increase AVDC's active engagement with the public, landlords and any other relevant parties, and to continue to work closely with both social and private sector landlords.

6. FOOD SERVICE PLAN 2014-2015

Under European food law the Food Standards Agency (FSA) was deemed to be the competent authority. To ensure these powers were exercised consistently across the country by local authorities the FSA had developed a framework agreement part of which included the production by each local authority of a food service plan.

Services plans were seen as an important part of the process to ensure that national priorities and standards were addressed and delivered locally. The details to be contained in the plan were specified by the FSA, with plans having to contain the following information:-

- Service Aims and Objectives
- Background
- Service Delivery
- Resources
- Quality Assessment
- Review

The Aylesbury Vale Food Service Plan for 2014-2015 was attached to the report as Appendix 1. It contained the following key features:-

- There were 1713 registered food businesses in Aylesbury Vale.

- All premises are given a risk rating between A to E. Priority is given to using our limited resources to ensure that all higher risk premises (A, B, Non-compliant C and Unrated) were inspected in accordance with the FSA Code of Practice.
- In 2013/14, 96.7% of programmed inspections of A, B and C rated premises were carried out.
- A new strategy for dealing with lower risk (D and E rated) premises was introduced in 2013/14 resulting in an increase in total interventions over the previous year of over 40%.
- Improvements to the service identified in the plan included providing better information on the website for food businesses and investigating opportunities to allow businesses to complete information in relation to alternative enforcement strategy questionnaires on-line.

This Food Service Plan was a development of the 2012/13 plan updated to reflect the current situation and legislative changes. The 2012/13 Food Service Plan was subject to a full audit by the FSA in October 2012 and found to be adequate.

Members were informed that qualified contractors were used to undertake some of the low risk food control inspections, which also assisted in reducing the number of new unrated premises awaiting inspection. Examples of low risk new premises were child minders that did not prepare or handle open high-risk foods, small-scale domestic cake-makers, and halls and sports clubs used for community use/hire. However, if a complaint was received regarding one of these premises it would likely trigger an inspection or intervention.

A number of registrations were received each year (44 last year) from people who wanted to start up a business, e.g. small-scale domestic cake-makers, but then changed their mind and did not proceed.

The Committee was also informed that the Environmental Health and Licensing Division was currently undergoing a review and re-structure process, which was looking at issues including workloads and the resilience of the service. Officers were confident that any new arrangements would ensure that food service work and inspections continued to operate efficiently and met the requirements of the FSA Code of Practice.

RESOLVED –

That the contents of the 2014-2015 Food Service Plan be noted.

7. JOINT WASTE STRATEGY FOR BUCKINGHAMSHIRE 2014-2020

A Joint Municipal Waste Strategy for Buckinghamshire was last adopted by AVDC (along with other Buckinghamshire authorities) on 29 November 2006, superseding a previous strategy adopted in 2002.

The strategy sought to set out a shared vision, policies and core strategy for future waste management activities in Buckinghamshire. It was designed to:-

- Provide a clearer picture as to how municipal waste is managed.
- Provide a clear programme to reduce the use of landfill.
- Improve the sustainability of municipal waste management.

- Secure ongoing public understanding and support.
- Lay down future initiatives to deliver on all of the above.

Legislation had previously placed a statutory duty on all authorities in two tier areas to work together and to produce a joint waste strategy but this had now been revoked. Nevertheless, it made absolute sense for all such authorities who worked together to continue to identify objectives and policies which they were collectively willing to sign up to, and to bring these together into a shared statement of strategy.

A Joint Waste Committee for Buckinghamshire operated and provided direction and leadership for this joint waste strategy, and as a forum for exchanging and sharing views. Two AVDC Members, including the relevant Cabinet Member, attended this committee. The Joint Committee, and the officers who supported it, collectively worked together under the umbrella brand of the Waste Partnership for Buckinghamshire.

A review of the county-wide Joint Strategy had been undertaken over the last year, including consultation events, and had been used to put together the proposed new strategy (Appendix 1 to the Committee report) that the five Buckinghamshire Councils would now be asked to adopt. Its proposed new objectives were:-

- Communicating and delivering an excellent service to local residents and businesses.
- Taking a commercial approach to our business, to maximise income and provide value-for-money for residents.
- High environmental performance is a priority for our partnership.
- Effective education is fundamental to our approach.

These objectives were supported by a plan, which stated ambitions and actions to ensure adequate delivery of the four objectives in the 2014-2020 period.

Key targets and monitoring indicators had also been set. The Waste Partnership proposed to set a minimum of 60% recycling, reuse or composting by 2020, and to reduce residual waste generated per household by 2020. It would also monitor food waste tonnages and landfill diversion, although Joint Waste Committee members were clear that targets in these areas were not appropriate.

The Committee report also contained details of the significant progress that had been made over the past five years in Buckinghamshire on waste management issues, such as commissioning a new 'Energy from Waste' plant, and all District Councils rolling out new services which were saving money and improving recycling.

Finally, the strategy briefly set out membership and governance arrangements for the partnership. Officer groups were defined, as were partnership support and the jointly-funded roles.

The Memorandum of Understanding had also undergone a refresh, and set out the working principles and practices of the partnership. This document was currently being developed by officers at all partnership authorities, to ensure that the document was acceptable to all parties. Following discussions between Members, no further work would be done on the document that was previously referred to as the Bucks Waste Inter-Authority Agreement.

Members requested further information and were informed as follows:-

- (i) Officers would speak with the County Council, as it was believed that the external lights on the Energy from Waste (EfW) plant at Calvert were on all night, which was disturbing local wildlife including Beckstein bats.
- (ii) that the Council had written to BCC requesting that the Section 106 for the EfW plant be altered to allow AVDC refuse collection vehicles to travel on local roads to deliver waste to the plant.
(If AVDC vehicles were required to only travel on 'A' roads to deliver waste then it would mean the Council would have to buy two extra trucks, employ 8 extra staff and travel an extra 34,000 miles per annum to service the same waste collection rounds).
- (iii) that the number of trade waste customers had increased from 750 to 950 over the last two years. A new trade recycling service had also signed up 300 customers.

Members also commented:-

- (a) that the Council should be lobbying central Government to reduce the amount of plastic wrap used on food packaging.
- (b) that they were fully supportive of effective education programmes being put in place, as this was fundamental to achieving a sustainable future.
- (c) that collection vehicles from other areas bring waste to the new EfW plant would likely increase the number of collection vehicle movements and polluting effect of them, which seemed to go against the high environmental performance objective of the partnership.

RESOLVED –

- (1) That the proposed Joint Waste Strategy for Buckinghamshire 2014-2020 be noted, and Cabinet be asked to recommend to Council that it be adopted by AVDC.
- (2) That the comments on the Strategy be passed to Cabinet, for consideration in finalising their report and recommendations to Council.

8. SCRUTINY WORK PROGRAMME

The Committee considered their work programme for the period up until March 2015. As previously discussed by the Committee the work programme included a Recommendations Tracker, to assist the Committee in monitoring recommendations and the implementation of actions agreed at previous meetings, and to help in questioning decision makers.

Members commented:-

- that they would like the Biodiversity Service update in February 2015 to include information on the implications of the National Planning Policy framework on their work.
- that the items on the 'Future of affordable housing provision in the Vale / Council as a housing developer' and 'Changing need of the aging population / provision of facilities for young people' be deferred for further clarification from Members on what they would like to see included in the reports to scrutiny.

It was commented that it would be sensible for the second item to be looked at by the Vale of Aylesbury Local Plan Scrutiny Committee.

Agenda items for future meetings were re-arranged as follows:-

- (i) 5 November 2014 meeting
 - Public Health update / District contribution to public health agenda.
 - Flooding update.
 - TEEP and Revised Waste Framework Directive.

- (ii) 9 December 2014 meeting
 - Thames Valley Police update.
 - Thames Valley Police and Crime Panel – update.
 - VAHT Annual Performance Review.
 - Green Deal – update.

RESOLVED –

That the work programme be agreed, as discussed at the meeting.