



AYLESBURY VALE DISTRICT COUNCIL

Democratic Services

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26 October 2015

ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

A meeting of the Environment and Living Scrutiny Committee will be held at **6.30 pm on Tuesday 3 November 2015** in **The Olympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

Membership: Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), P Agoro, M Bateman, A Bond, S Chapple, A Cole, S Cole, B Everitt, A Hetherington and T Hunter-Watts

Contact Officer for meeting arrangements: Charlotte Gordon; cgordon@aylesburyvaledc.gov.uk;

AGENDA

1. APOLOGIES

2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

3. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 22 September 2015, copy attached as an Appendix.

4. DECLARATIONS OF INTEREST

Members to declare any interests.

5. UPDATE REPORT ON THE FLOODING ON THE WILLOWS DEVELOPMENT (Pages 5 - 8)

6. WORK PROGRAMME (Pages 9 - 10)

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Environment and Living Scrutiny Committee

22 SEPTEMBER 2015

PRESENT: Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), M Bateman, A Bond, S Chapple, A Cole, S Cole, B Everitt and A Hetherington

IN ATTENDANCE: Councillors

APOLOGIES: Councillors T Hunter-Watts

1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 23 June 2015 be approved as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LICENSING ACT 2003 - REVIEW OF LICENSING POLICY

The Licensing Act 2003 required the Licensing Authority to prepare and publish a statement of its licensing policy every 5 years. The first licensing policy was published in January 2005, the second in January 2008 and the current policy for Aylesbury Vale District Council was published in 2011. Although it was not necessary for the policy to be reviewed until 2016, there had been significant changes in legislation and the statutory guidance to justify a review before 2016.

Members were informed that the saturation policy had been in place since 2005, due to a high density of licensed premises. Aylesbury was organised in squares, which increased loitering and localised points of disorder. Currently there were no issues near Waitrose or on the outskirts of Aylesbury. The hotspots for disorder were Kingsbury and Market Square. The policy prevented any new high risk premises, or late night extensions, which supported police resources. Members questioned whether the Council had considered introducing a late night levy on premises that traded beyond a certain time with the levy being used to support police resources. It was advised, however, that the levy would have to be imposed on a Vale wide basis, so may have a negative impact on other areas.

Councillors sought further information regarding the prevention of anti-social behaviour, which was stated to be an inevitable consequence of the late night economy in Aylesbury. There were different types of legislation that council be used to try to curb unlawful behaviour. No drinking zones were currently in place, which enabled police to confiscate open containers of alcohol. These abilities had been extended through the Public Spaces Protection Orders (PSPO), and this would allow spot fines for unlawful behaviour in the town centres.

Consultation evenings were held in both Aylesbury and Buckingham regarding the review of the Licensing Policy. All licensees in the areas were invited. Weatherspoons were the only licensee to attend the consultation evening in Aylesbury. The Buckingham consultation evening was better attended, and it was thought that this was due to the proposed introduction of a restraint policy in Buckingham. The proposed restraint policy in Buckingham was to refuse any applications beyond a 1.30am closing time. It was noted that noise complaints in Buckingham were not limited to the

immediate area surrounding a licensed property. Buckingham University had its own penalty system for private parties that resulted in a noise or disturbance complaint. While there was building pressure for premises with a 2am or 3am closing time in Buckingham, it was stated that a club premises existed on the university campus, and students would be likely to go to Milton Keynes for extended opening hours.

Following further consideration, it was –

RESOLVED –

- (1) That the draft 2016 Aylesbury Vale District Council Licensing Policy Statement be noted.
- (2) That the Scrutiny Committee supports the Licensing Committee, in recommending that the Council adopts the reviewed Licensing Policy Statement.

4. FOOD SERVICE PLAN 2015-2016

The Environment and Living Scrutiny Committee received a report outlining the Council's Food Service Plan for 2015-16. It was noted that under European food law, the Food Standards Agency (FSA) were deemed to be the competent authority, and that local authorities had to work within a framework developed by the agency. Part of the framework agreement included production of a food service plan. Plans were required to contain the following information:

- Service aims and objectives
- Background
- Service delivery
- Resources
- Quality assessment
- Review

Members were advised that there were 1714 registered food businesses in Aylesbury Vale. These included restaurants, and also shops, food manufacturers, child minders and egg packers. All premises were given a risk rating from A to E, with A being a high risk classification, and E low. This enabled resources to be focused at those premises with a high risk rating. It was also noted that the Council had a limited ability to change how the service was delivered due to the requirements of the Food Standards Agency.

It was questioned how the risk rating for each business was decided. The risks examined by inspectors included the number of people served, the type of food, and the processes in place. Some food processes could be complex, but could be deemed to be a low risk due to the processes put in place by the business. Other aspects of the business that would be examined were food hygiene concerns, the cleanliness of the property and any complaints that had been received by the Council. The food hygiene rating score was also derived from the same scheme. It was not compulsory for businesses to display the food hygiene rating score, and this was not something that could be required locally, as the regulations surrounding food hygiene rating decided nationally. It was noted that businesses were required to display their ratings in Wales from October 2014, and that this was about to come into force in Northern Ireland. The Food Standards Agency were monitoring any improvements to the standards of businesses in Wales to see if an improvement results from this.

Members were advised that all food service complaints received by the Council were investigated within three days. Complaints were monitored on an hourly basis, and if a complaint were deemed to be high risk then it could be dealt with on the day the complaint was received. Resources in the department were stretched. There had been

no increase in resources for three years and there had been an increase of 30 businesses during this time. A restructure of the department had recently taken place, and this should increase resilience for the team. It was noted that out of hours inspections would need to take place. All visits to properties were unannounced, but it may be necessary to return to the business in order to complete the full inspection.

Some of the inspections carried out by the Council were outsourced. The annual budget for this was a maximum of £10,000, and the total cost in the last financial year was £8,000. The company that carries out the outsourced inspections is audited by the department, and would only carry out inspections on the low risk businesses. It was noted that outsourcing was common amongst the Buckinghamshire authorities. The consultant uses the same documentation as Aylesbury Vale Officers when carrying out the inspections, and is assessed against the same competencies. If a revisit were required, this would be carried out by the Council's Officers.

Members questioned what the process was for closing a premise. It was noted that this was unusual, and that only one or two were closed each year. Premises can only be closed when they were a risk to public health. If there was some non-compliance then businesses would be given a timetable to comply. Businesses can offer to close. They would need to confirm this in writing, and this process would remove their right to compensation. If the Council closed down a premise, the business could apply to the Magistrates Court and receive compensation if it were decided that the business had been closed in error. It was noted that the Council did not publicise any closures, but it was likely that the local papers would report on a closure. If a business were prosecuted this would be publicised. Support and coaching would be available to some businesses with poor performance, and this was funded nationally. Businesses could only be kept closed while there remained to be a significant issue.

RESOLVED –

That the Food Service Plan 2015-16 be endorsed by the Committee.

5. WORK PROGRAMME

The Committee was provided with a work programme outlining the items that would be considered at future meetings. During discussions, it was agreed that the following items should be included onto the work programme:-

3 November

- Update report on the flooding on the Willows Development
- VAHT Update
- Aylesbury Homelessness Action Group

8 December

- Community Safety Partnership Update
 - Anti-Social Behaviour
 - Domestic Violence

11 February

- Five Ways to Wellbeing and Mental Health Update
- Encouraging the use of parks and open spaces

23 March

- Right to Buy Policy

To be timetabled

- Update on the rivering corridor and the status of its adoption in Fairford Leys
- Maintenance of the floor and fauna in Aylesbury Vale
- Anti-social behaviour and the ability to launch a community trigger

RESOLVED –

That the work programme of the scrutiny committee as discussed at the meeting be agreed.

FINAL UPDATE ON THE PROGRESS MADE AT THE WILLOWS, AYLESBURY

Tracey Aldworth

1 Purpose

- 1.1 To provide an update on the actions taken to prevent a recurrence of events that occurred at The Willows Estate during the flooding events in February 2014

2 Background

- 2.1 The Willows Estate is a housing estate to the West of Aylesbury. It is bound by the A418 Oxford Road, Ellen Road and the Stoke Brook. The Stoke Brook is a key feature of the Estate and is an open watercourse throughout. The Brook is classed as 'Main River' by the Environment Agency (EA), who are responsible for managing flooding from the Brook. AVDC have riparian owner responsibilities for the east bank of the Brook abutting the Willows Estate.
- 2.2 December 2013, The Willows Estate experienced a number of flooding incidents and although no properties were affected, car parking areas across the Estate became inundated with surface water. It is believed that this was due to the heavy rainfall experienced, ground water reserves being at full capacity and lack of maintenance to the existing surface water drainage system.
- 2.3 7 February 2014, the South East of England suffered from extreme rainfall with major flood incidents declared across the country. The Willows was once again affected and 80 properties suffered from internal flooding.
- 2.4 Following this and governed by the Flood and Water Management Act (2010) Buckinghamshire County Council (BCC) was legally bound to produce a Section 19 Flood Investigation Report, which was eventually published 30th April 2014.
- 2.5 As a response to the flooding events across the country, Central Government promised funding for those residents affected. This came in two streams:
 - a) Council Tax/Business Rate Rebates for the time residents were out of their homes or businesses.
 - b) 'Repair and Renewal Grant' (RRG); this is a maximum of £5000 to each flooded property to help improve their resilience to future flood events.

3 Repair and Renewal Grant

- 3.1 Central government started to produce information about the RRG scheme shortly after David Cameron announced additional funding would be available to help 'stop' flooding. The information that was sent to local authorities was, at first vague and prone to change over the following weeks.
- 3.2 The RRG gives each homeowner that suffered internal flooding a maximum of £5,000 to improve the resilience of their homes. From this, £500 can be used towards studies and or flood risk reports. Due to 80 properties flooding it allowed us to spend a maximum of £40k on feasibility work.

- 3.3 It was agreed with Central Government that the money could be pooled and put towards a community scheme if this was deemed as more cost effective as was the case with the Willows Estate.
- 3.4 The original date for the RRG funding to close was 31st March 2015, however due to multiple Authorities writing to the Secretary of State (including ourselves) it was extended to 30th June 2015.

4 Feasibility Study

- 4.1 AVDC approached our partner authorities, BCC, EA, Transport for Buckinghamshire (TfB) and Thames Water Utilities Limited, on 9th June 2014 and asked if they would be interested in working cooperatively. BCC requested at the first partner meeting that the scope of the works should be extended to include the whole of the upper catchment of the Stoke Brook. This raised the original estimate for the feasibility study from £16,000 to over £27,000. The study works were stalled for a number of weeks due to these additional costs, as we tried to get match funding from the partner Authorities but to no avail.
- 4.2 With cooperation of HS2 Ltd and the EA's modelling team, we have managed to reduce the financial burden of the study by reducing the required topographical surveys. However, as our consultants do not hold the base data of this information they have to allow for any slight inaccuracies that may have occurred by others.
- 4.3 The affected homeowners were sent a letter from AVDC to see if they would be interested in this approach of a community based scheme. During this time we held a multi-agency Flood Surgery which allowed residents the opportunity to talk about the flood event and how we could all move forward. The outcome of this surgery was that 67 out of 80 residents agreed that their RRG could be pooled, allowing £33,500 to be used for the feasibility study work.
- 4.4 We agreed a scope and Hydro Consultancy was commissioned to carry out the study. They constructed a computer model of the flooding scenarios using the complex mix of surface water and fluvial flows that caused the February flood event. From this model, 3 options have been determined that would help reduce the flood risk to the Willows Estate. One option (as agreed by the steering group) would then be developed into the preliminary design stage. The cost of this model and report was £12,250.
- 4.5 For the model to be as accurate as possible some additional topographical survey data was required including threshold levels of those houses adjacent to the open space. We approached Global Surveys to undertake the work and they completed the survey the week commencing 20th January 2015. The cost of the topographic surveys was £4,650.
- 4.6 Due to the tight time constraints we asked for one of the options to be in the form of temporary defences. However to ensure that there is a future plan for the Willows that will reduce flood risk in the long term without the risk of temporary defences not being deployed in time, we asked Hydro Consultancy to develop a long term flood alleviation scheme to preliminary design stage. This was for an additional £2,750.
- 4.7 We have been presented with a final report. In the report there are three options; 1 – Temporary defences, 2 – Temporary defences with some capital works, 3 – A long term capital scheme.

- 4.8 To ensure The Willows Estate could make the most out of the RRG money, temporary defences were the chosen solution.

5 Temporary Defences and the Future

- 5.1 The temporary defences are to be stored at TfB's Rabans Lane Depot.
- 5.2 The defences will only be deployed when there is predicted heavy rainfall along with a raised water level in the brook. The formal triggers are still being set by BCC. When a formal warning is released AVDC, EA, BCC along with the resident group will be notified via text and email.
- 5.3 The residents will deploy the temporary defences, which are simply rolled out along the length of the brook. TfB will deploy and maintain the pumps during the flood event.
- 5.4 The feasibility report has produced a long term capital scheme that can be commenced with a small amount of detailed design if funding is available at a later date.
- 5.5 The latest HS2 plans show that the land to the West of the Stoke Brook may be set aside for mitigation works from the major infrastructure scheme and AVDC are in talks with HS2 Ltd to find the best solution for the Willows Estate. The outcome with HS2 Ltd may mean the capital scheme developed within the feasibility study is made redundant.

6 Community Launch Event for The Willows

- 6.1 To help promote the use of temporary defences and to show how the resident's RRG money had been spent, the steering group arranged a launch event on 12 September 2015. The event was well attended with nearly 100 residents attending.
- 6.2 The launch event gave the group an opportunity to explain how the defences work and the ease of them being deployed.

7 Resource implications

- 7.1 None

Contact Officer	Emma Chilton (01296) 585784 David Thomas (01296) 585158
Background Documents	Names of Background documents

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ENVIRONMENT AND LIVING SCRUTINY COMMITTEE WORK PROGRAMME 2015/16

8 DECEMBER 2015

		2015										2016		
Item	Contact Officer	A	M	J	J	A	S	O	N	D		J	F	M
Community Safety Partnership Update	Kay Aitken									X				
VAHT Update	Will Rysdale									X				

11 February 2015

		2015										2016		
Item	Contact Officer	A	M	J	J	A	S	O	N	D		J	F	M
Five Ways to Wellbeing and Mental Health Update													X	
Encouraging the use of parks and open spaces													X	

23 MARCH 2015

		2015										2016		
Item	Contact Officer	A	M	J	J	A	S	O	N	D	J	F	M	
Right to Buy Policy	Will Rysdale												X	