

# Public Document Pack



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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Text Relay Prefix your telephone number with 18001

2 June 2016

### ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

A meeting of the Environment and Living Scrutiny Committee will be held at **6.30 pm on Tuesday 14 June 2016** 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, B Foster and A Hetherington

Contact Officer for meeting arrangements: Craig Saunders; [csaunders@aylesburyvaledc.gov.uk](mailto:csaunders@aylesburyvaledc.gov.uk);

### AGENDA

#### 1. APOLOGIES

#### 2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

#### 3. MINUTES (Pages 3 - 8)

To approve as correct records the Minutes of the meetings held on 23 March 2016 and 18 May 2016, copies attached as appendices.

#### 4. DECLARATIONS OF INTEREST

Members to declare any interests.

#### 5. UPDATE FROM BUCKINGHAMSHIRE COUNTY COUNCIL ON ROAD REPAIRS (Pages 9 - 14)

Councillor Paul Irwin, the County Council's Deputy Cabinet Member for Transportation and Mr Keith Carpenter (Head of Asset Management) will be attending the meeting to update Members on the County Council's Highway Infrastructure Asset Management.

#### 6. ADOPTION OF THE RIVERINE CORRIDOR IN FAIRFORD LEYS (Pages 15 - 16)

To consider the report attached as an appendix.

Contact Officer: David Rowley (01296) 585883



**7. UPDATE OF ADDITIONAL HMO LICENSING** (Pages 17 - 20)

To consider the report attached as an appendix.

Contact officer: Neil Green (01296) 585160

**8. WORK PROGRAMME**

The future work programme is currently:

**20 September 2016**

- Update on flooding on the Willows Development
- Biodiversity update

**1 November 2016**

- No Items as yet

**20 December 2016**

- No items as yet

## ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

23 MARCH 2016

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

**IN ATTENDANCE:** Councillors C Adams, K Hewson and A Macpherson

**APOLOGIES:** Councillors P Agoro, A Bond and S Cole

### 1. MINUTES

The minutes of the meeting held on 11 February 2016 were agreed as a correct record.

### 2. DECLARATIONS OF INTEREST

Councillor A Macpherson declared a personal interest in Item 3: Vale of Aylesbury Housing Trust Update, as she is one of the Council's representatives on the Trust.

### 3. VALE OF AYLESBURY HOUSING TRUST UPDATE

Matthew Applegate, Chief Executive of the Vale of Aylesbury Housing Trust (VAHT) provided the Environment and Living Scrutiny Committee with an update on VAHT's operations over the past 12 months and also with a briefing on its strategic direction for the next year. The presentation received by the Committee is attached to these minutes.

Councillors were advised that new developments with more than 25 residences were required to provide at least 30% as affordable housing. This could be either shared ownership or affordable rented accommodation. It was noted that affordable rent was above social rent levels, but below market rent, and was typically round 80% of market rent levels. Vale of Aylesbury Housing Trust did not have any properties subject to a rural exception scheme, but it was noted that some exception schemes were in place in the Vale. This could increase, as rural exception schemes could be included in Neighbourhood Plans.

The Environment and Living Scrutiny Committee asked for clarification of the impact of the 'pay to stay' policy, whereby households with a combined income of £30,000 outside of London could be asked to pay rent at market rate levels. It was noted that this policy was voluntary for housing associations. VAHT would be looking into this policy, and would engage with HMRC regarding gaining information about residents' incomes so that a decision could be made about whether to charge the market rent. It was noted that there would be an increase in administration costs to implement the policy, and this would need to be offset by an increase in income. A decision would be made regarding implementation after the final legislation was known. It was questioned whether this could lead to rent arrears, or whether it could lead to more residents looking at purchasing their home rather than paying the rent at the market rate. There were concerns that this could lead to a loss of social housing.

Parish Councils had noted that new developments rarely included bungalows, and existing bungalows were regularly converted. It was stated that there was no established need for bungalows, and there was an increase in land cost for developers in relation to the living space of the property. Matthew Applegate informed the Committee that there were bungalows in VAHT's existing housing stock, and there were

no plans to convert these properties. There had been some new build bungalows on the Buckingham Park development.

VAHT's policy regarding garages was questioned, as there were concerns that some of the garage stock may be demolished and housing built in place. Members were advised that there was demand for garages, and that the policy was to renovate and improve existing garage stock. An additional 250 garages were now let that had previously been in a dilapidated state.

Councillors asked for clarification regarding VAHT's financial position, and were informed that the company had a £44million turnover, and that £55million was due to be spent in the coming year. The shortfall in funding would be financed by bank loans, and this additional funding would enable development, which would in turn lead to an increase in turnover. This financial model had been in place for decades, and it was noted to be sustainable over the 30 year business plan.

It was noted that there was not a high level of demand from residents to buy the property they rented. It was questioned whether there was higher demand for more attractive properties in rural areas. Members were advised that the price of the properties in more rural locations was higher. Tenants would be entitled to a discount on the market price of the property, but it was likely that the majority of tenants would not be able to afford the rural properties even with the discount.

Members thanked Matthew Applegate for his attendance, and

RESOLVED –

That the report and update presented at the meeting be noted.

#### **4. THE IMPACT OF THE EXTENSION OF THE RIGHT TO BUY**

The Environment and Living Scrutiny received a report outlining the implications of the proposal legislative changes that would extend the Right to Buy to those with the Right to Acquire. It was noted that the Housing and Planning Bill proposed to extend the Right to Buy discount to all Housing Association tenants. This extension would be achieved through a voluntary agreement between the government and Housing Associations. It was anticipated that approximately 114 units in Aylesbury Vale would be sold in 2016/17 under Right to Buy and Right to Acquire combined, taking into consideration the extension of the Right to Buy discount. The Government has identified a 'one-for-one' replacement as a key element of this initiative. It was noted that it was not clear how the scheme would operate in areas such as Aylesbury Vale where a Large-Scale Voluntary Transfer of council housing stock had taken place.

The existing Right to Buy legislation applied to tenants of Council-owned housing stock, or residents of ex-Council stock who moved to a Housing Association as part of a large-scale stock transfer. In Aylesbury Vale, this would only apply to tenants of the Vale of Aylesbury Housing Trust who were tenants at the time of the transfer. Eligibility for the Right to Buy scheme gave tenants up to 70% discount on the Open Market Value of their property, capped at £77,900 outside of London. Another form of discounted purchase was available to residents of social housing via the Right to Acquire, which was available to housing association tenants living in a property built or bought by a housing association after 31 March 1997. It also applied for properties that were transferred from a local authority to a housing association after 31 March 1997. A tenant purchasing under the Right to Acquire would receive a flat rate of between £9,000 and £16,000 depending on the region the property is located.

The voluntary agreement between the Government and the National Housing Federation (NHF) proposed to extend the Right to Buy discount to all housing association tenants. In Aylesbury Vale, there were 11,613 tenants of Registered Providers/Housing Associations, and of these 9,497 lived in rented accommodation and would potentially have the Right to Buy/Right to Acquire. It was expected that there 5.7% of Registered Provider tenants in Aylesbury Vale may express an interest in taking up their entitlement to the Right to Buy discount, but this 'expression of interest' would not necessarily translate to a sale. The housing stock may fluctuate and could decrease. It was likely that there may be initial high level of demand to buy the property, as those who can afford to buy the property may do so quickly.

Members raised concerns about the ability to replace lost housing stock locally. It was noted that there were several large strategic developments which included some affordable housing, and that VAHT also had a development programme. Current properties were located in urban areas. Members were advised that over half VAHT's total housing stock had been lost to the Right to Buy scheme since its inception.

RESOLVED:

That the report be noted.

## **5. WORK PROGRAMME**

Members of the Environment and Living Scrutiny Committee considered the work programme and suggested items that they would like to be included at future committee meetings, and

RESOLVED

That the work programme be noted.

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## **ENVIRONMENT AND LIVING SCRUTINY COMMITTEE**

**18 MAY 2016**

**PRESENT:** Councillors P Agoro, M Bateman, J Bloom, A Bond, S Chapple, A Cole, S Cole, B Everitt, B Foster, A Hetherington, S Jenkins and M Winn.

### **1. ELECTION OF CHAIRMAN**

RESOLVED –

That Councillor Winn be elected Chairman of the Committee for the ensuing year.

### **2. APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED –

That Councillor Mrs Jenkins be appointed Vice-Chairman of the Committee for the ensuing year.

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## Transport for Buckinghamshire

### Prioritisation of Capital Carriageway Schemes

#### **Introduction**

The County Council's Highway Infrastructure Asset Management (HIAM) Policy describes the principles adopted to achieve the authority's strategic objectives and the HIAM Strategy sets out how this Policy is achieved by taking a systematic approach that delivers most efficiently and effectively over the long term.

The works programmes developed are the outcome from the asset management planning process. Works programmes are therefore aligned to the strategy and optimised to achieve the performance targets and deliver the best value for money.

The Department for Transport's Incentive funding self-assessment questionnaire encourages authorities to develop longer term programmes of works which are prioritised to best achieve the strategic objectives of the organisation. Having these longer term programmes allows authorities to programme work efficiently to give best value and to inform the public and other stakeholders of future works improving satisfaction.

TfB also takes a balanced strategy to determining the carriageway programme this aims to produce a mix of treatments targeted at both preventative treatments which offer the best value for money in the longer term and deeper resurfacing work to repair those roads which are not in an acceptable condition.

#### **Road Conditions**

Road condition is measured for the classified road network using nationally recognised methods which record the condition of sections of road as either red (worst), amber or green (best). Due to the timing of the surveys, they inevitably lag a little behind the actual condition, but the impact of increased investment is now becoming clear with steady improvements across all classifications of roads over the last 5 years as shown in the table below.

	2011		
	Red	Amber	Green
A	8	26	66
B	10	30	60
C	12	26	52

	2015		
	Red	Amber	Green
A	4	23	73
B	5	28	67
C	6	32	62



For the Unclassified roads the survey used is different and only records roads in poor or adequate condition. In 2013/14 33% of Unclassified Roads were in poor condition. This had improved to 29% in 2014/15. Surveys are due to be undertaken again this year and are expected to show continuing improvement.

### **2015 / 2016 Programme**

2015/16 saw the largest capital carriageway programme in Buckinghamshire to date. This resulted in the completion of all previously approved schemes and a number of schemes deferred from earlier rolling programmes. This allowed for a fresh start to the development of the future programme.

Overview of 2015/16:

#### **Budget (£28.3M)**

- Roads £26.4M
- Footways £1.9M

#### Roads

- 286 schemes treated
- Area treated 1,135,735m<sup>2</sup>
- Approximately 97 miles in length

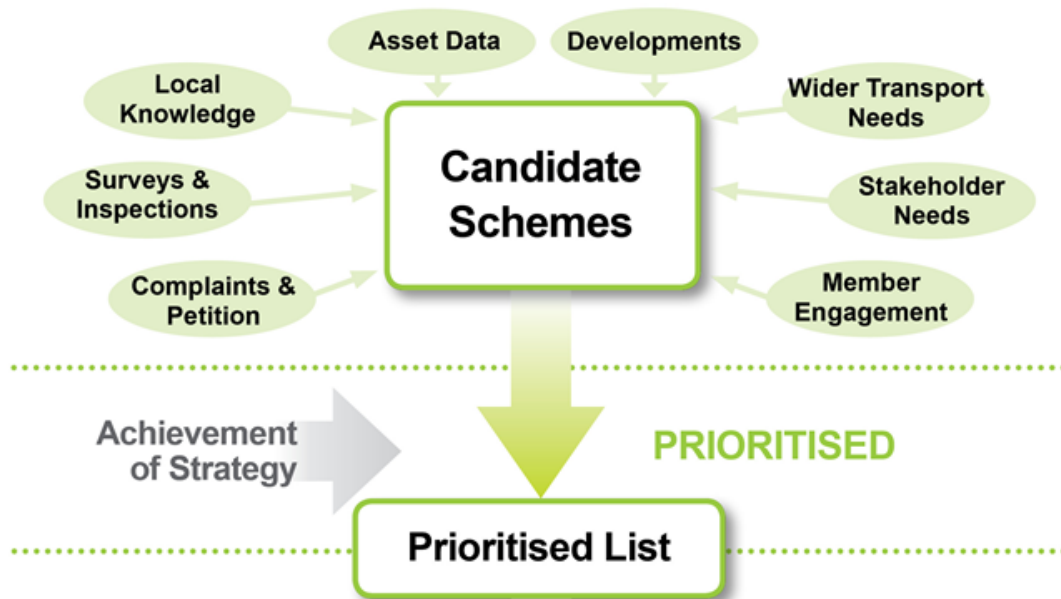
#### Footways

- 48 schemes treated
- Area treated 54,523m<sup>2</sup>
- Approximately 19 miles in length



Development of the 2016/17 Programme

**Candidate Schemes for Annual Programme**



Once the candidate schemes had been identified and prioritised a period of consultation was undertaken. In line with the process adopted over the past 4 years each County Councillor was offered a meeting to discuss the priorities for all roads in their Division. Alongside recommendations and suggestions for schemes in their division, Members were provided with information and maps for the works undertaken in the Division, the technical condition of roads, customer contacts, defects repaired and other information which is available. The Local Area Technician was also present to assist the member and to provide additional local input. Most members also visited sites often with their LATs either before or after the meetings.

County roads are now split between Strategic (generally classified) roads and Local (generally unclassified) roads. For the more heavily trafficked Strategic roads Members were provided with a list of potential road repair schemes for their division over the next 3-4 years for their comment and input. For Local roads Members, assisted by Officers, determined their local priorities and lists of schemes in priority order were created and circulated.



**Finalising the 2016/17 Programme**

In finalising the 2016/17 programme we needed to select the highest priority candidate schemes for inclusion. Schemes on the Strategic Network have been prioritised using multi-criteria analysis that considers each scheme’s contribution to achieving the corporate objectives. The prioritisation criteria listed below are used to develop a Value for Money ranking for each scheme:

- Hierarchy
- Condition Data
- Requests from the Public
- Reactive spend
- Insurance Claims
- Safety (skidding resistance)

The 2016/17 programme also takes account of consultation feedback, engineering judgement and coordination with other programmes. Consultation takes place with County Councillors and internal teams. County Councillors regularly liaise with local stakeholder and the prioritisation process takes account of customer feedback and contact throughout the year.

**2016/17 Programme Overview**

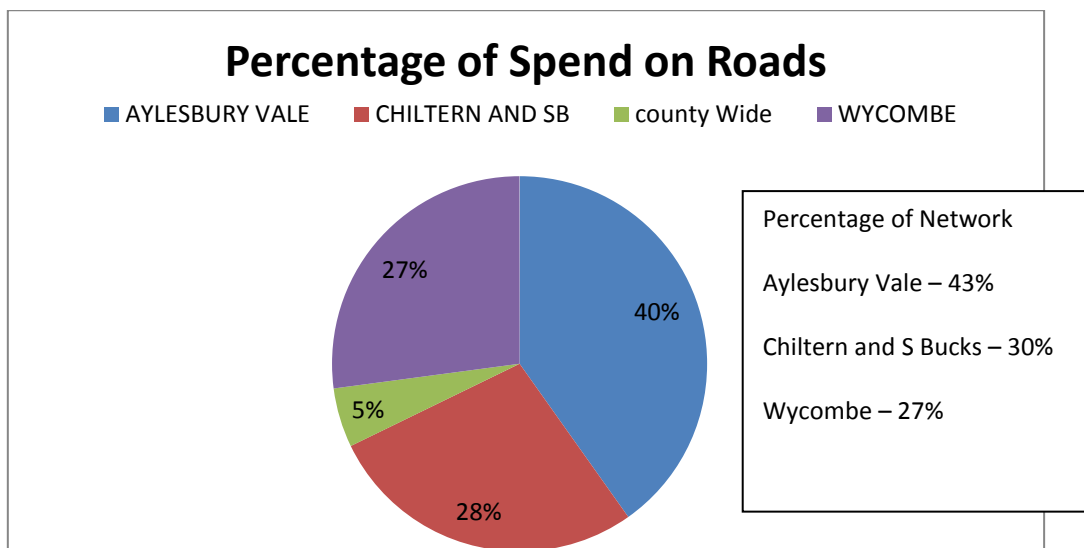
Reduced budget

- Roads £13.2M
- Plane & Patch £1.8M
- Footways £1M

Roads – over 200 schemes – (Resurfacing, Surface dressing, Micro-surfacing)

Plane & Patch – a range of small scale repairs to local roads

Footways – 7 schemes identified. Works will concentrate on three key Town Centres of Aylesbury, High Wycombe and Chesham.





### **Optimising the Programme**

Programmes are reviewed with our Supply Chain and opportunities for long term integration and collaborative working are identified and exploited whenever possible to deliver efficiencies and to minimise the occupation of the network.

The annual programme of works is delivered following the principles below:

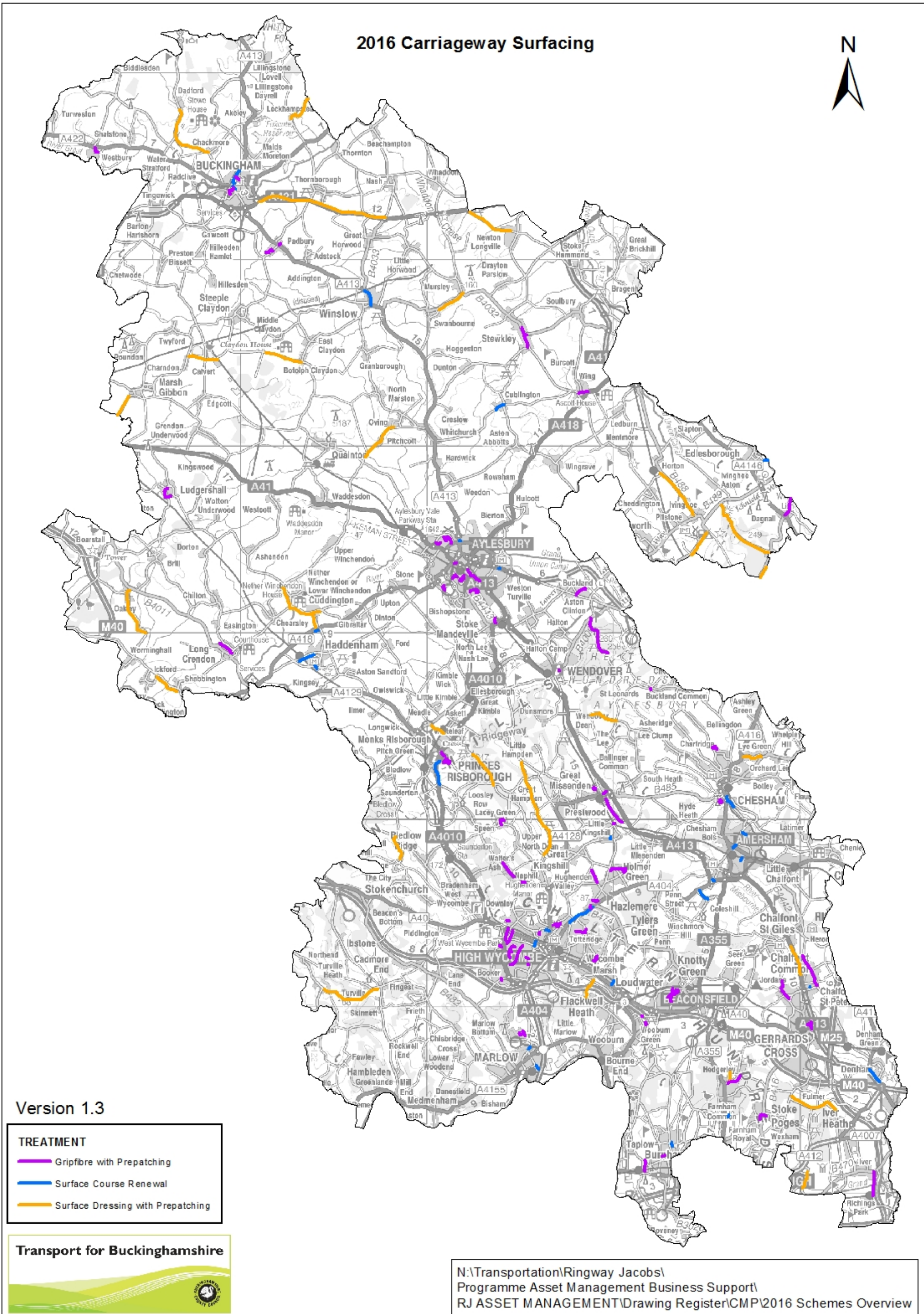
- To minimise disruption on the network
- Maximise opportunities for collaborative working between works programmes
- Offer the opportunity to integrate larger and smaller scale works.
- To provide collaboration opportunities for smaller scale maintenance minimising the number of road closures and reducing traffic management costs (“Fence to Fence” approach).

Indicative Programme Delivery Dates:

Treatment	From	To
Resurfacing	June	October
Surfacing Dressing Preparatory Work	April	May
Surface Dressing	May	June
Microsurfacing Preparatory Work	June	August
Microsurfacing	July	October
Plane and Patch	July	November
Jointing	August	September

### **Rolling Programme / Next Steps**

Following approval of the 2016/17 programme TfB will complete development of a rolling 4 year programme in line with national best practice. The programme will be updated and reprioritised each year as new data becomes available. Consultation will continue as outlined above, including meetings with the Local Members to ensure BCC’s “Think Councillor” approach is followed. The prioritisation process will be continually monitored, reviewed and improved. Footway schemes for 2016/17 are currently targeted at key town centres. The future strategy for footway schemes is still to be determined and is due to be discussed this summer so that a rolling programme can be developed beginning in 2017



## FAIRFORD LEYS RIVERINE CORRIDOR

### 1 Purpose

- 1.1 The purpose of this report is to provide an update on the Council's adoption of the Riverine Corridor on Fairford Leys under the terms of the related S106 Agreements.

### 2 Recommendations

- |     |   |
|-----|---|
| 2.1 | Members are required to note the position and comment on any proposals going forward. |
|-----|---|

### 3 Supporting information

- 3.1 Outline planning permission for the Fairford Leys development was granted in 1992. Common with such large scale development, S106 Agreements were drawn up to ensure development, infrastructure and open space came forward in a managed and timely manner. A key element of the development was the provision of a Riverine Corridor through the development.
- 3.2 The position set out in the S106 Agreements is that AVDC was not required to take responsibility for any part of the Riverine Corridor until five years after the final section was completed. The final landscaping was completed in March 2006 so adoption could take place from March 2011 onwards. Given the size of the area, transfer of the Riverine Corridor was proposed to be split into seven phases.
- 3.3 Starting with the first three phases encompassing the centre of Fairford Leys, AVDC worked with the Consortium's Consultant to try and prepare plans which would satisfy Land Registry requirements. The Council also undertook it's own detailed tree survey as the one provided by the Developers was inadequate.
- 3.4 Due to the complexity in resolving title discrepancies for the three phases and the limited time Land Registry searches remained valid, the advice was to focus on completing just Phase 1 initially.
- 3.5 By early 2013, the Phase 1 Transfer had been signed/sealed, the land was in an acceptable condition and we were ready to complete. However, it was then discovered that a Certificate was required relating to a restriction imposed by the Ernest Cook Trust when the land was sold to Taylor Wimpey. The Ernest Cook Trust would not issue this Certificate until the final tranche of Highways had been adopted by Buckinghamshire County Council (BCC) – which at this time was still outstanding .
- 3.6 BCC Highway adoption did not complete until June 2015, leading to a significant delay in progressing the Riverine adoption. The Ernest Cook Trust were also seeking to alter the land included within Phase 1 creating fresh legal work. As a result of this HB Law are still awaiting responses from Taylor Wimpey before they can agree any revised Transfer documentation. Once this has been resolved satisfactorily, any outstanding works can be undertaken allowing adoption by AVDC. The opportunity is then available to move onto the next phases.
- 3.7 When this development started, the Council had a process whereby the majority of open space land would be adopted by the Council. As noted above this was endorsed in the S106 agreement signed with the planning

permission. The blanket adoption of open space land by the Council is no longer seen as an essential requirement as long as the land is provided to an approved standard. The Council now allows Developers to approach the local Parish Council or set up management companies to adopt or oversee future maintenance of these areas. This is the position with Berryfields MDA and something currently being looked at on Buckingham Park.

- 3.8 In this context, Coldharbour Parish Council have expressed a strong interest in taking on the future management of the Riverine Corridor and already carry out much of the maintenance which is currently Taylor Wimpey's responsibility.
- 3.9 The S106 Agreement does not include any provision for a commuted sum payment for the future maintenance of the Riverine Corridor
- 3.10 AVDC and Coldharbour Parish Council have discussed the possibility of passing future responsibility of this area to the Parish Council, however, until such time that the land is transferred to AVDC we are not able to transfer on to the Parish Council.

#### **4 Resource implications**

- 4.1 Adoption of the Riverine Corridor creates a significant financial obligation to the Council in terms of maintenance of the land and repair of the footpaths and bridges that cross the corridor.
- 4.2 The Council set aside a sum from the original Taylor Wimpey receipt for the purposes of investment, in order to generate an investment return, the proceeds of which could be used to fund the maintenance obligations.
- 4.3 Unfortunately, interest rates have remained stubbornly low over the past 7 years and so the income stream derived from the investment has not amassed to a significant sum. Currently, the sum held by the Council for the maintenance obligations is £850,000.
- 4.4 If Coldharbour Parish Council wished to accept responsibility for the Riverine Corridor and the Council was minded to transfer it, then the Council might also wish to consider whether it was prepared to transfer some or all of the sums held to the Parish Council.

Contact Officer	David Rowley (01296) 585883, Gareth Bird (01296) 585228
Background Documents	none



## REVIEW OF THE INTRODUCTION OF AN ADDITIONAL LICENSING SCHEME FOR HOUSES IN MULTIPLE OCCUPATION IN AYLESBURY VALE

### Purpose

- 1.1 To provide an update on the progress made following the introduction of a scheme of additional licensing for houses in multiple occupation across Aylesbury Vale in September 2014.

### 2 Recommendations

- |   |
|---|
| <ol style="list-style-type: none"><li>2.1 That the levels of fees set for HMO licenses be reviewed to more accurately reflect the time spent on a license application.</li><li>2.2 The process of application for a new HMO license be reviewed to simplify the process for applicants.</li></ol> |
|---|

### 3 Supporting information

- 3.1 Periodically the Council carries out a stock condition survey of private sector housing stock. The last Private Sector Housing Condition Survey was carried out in 2007 and at this time private sector housing stock in the Vale numbered 61,500 dwellings (the total number of dwellings in the Vale as of 31/03/2015 was 77,000)
- 3.2 Of these 16.8% (10,355 dwellings) did not meet satisfactory of 'decent' standards (Category 1 HHSRS hazards, failure to be in reasonable repair, failure to provide reasonable modern amenities, failure to provide effective insulation and/or efficient heating all are considered to be indicators of non-decent housing). Although this figure is well below the national average (37.5%) there remains a need to improve standards in this area.
- 3.3 HMO's make up the cheapest end of accommodation in the private rented sector. As a consequence of this they are often poorly maintained and inhabited by the most vulnerable individuals and families.
- 3.4 The HMO licensing regime provides improved standards in the sector for tenants. The greatest risk to those living in HMO accommodation is the risk of fire. The HMO licensing regime requires the installation of fire safety equipment and alarms in HMOs. There are other significant benefits for tenants and the wider public purse. For example remedying damp and mould issues in HMOs reduces the risk of ill-health for occupants which can result in sickness absence from work and school and higher levels of GP appointments. Through licensing of our HMO's we aim to ensure that our most vulnerable residents are protected.
- 3.5 A scheme of additional licensing of HMO's was introduced on 27 September 2014 which extended the principles of the mandatory licensing scheme already in operation within the district. The scheme covers all of the district and requires landlords of HMOs not covered by mandatory licensing provisions to apply for a licence for their property. This ensures that such properties meet current national and local standards for management and fire safety. Following the launch in September 2014, landlords were given an amnesty period that lasted until June 2015 during which they could license their HMO properties at a 30% discount on the standard fee.
- 3.6 Designation of a scheme of additional licensing is a discretionary power set out in Section 56 of the Housing Act 2004, which has been devolved from central government to local councils.

- 3.7 The objective of implementing additional licensing was to improve conditions in the HMO sector, to make such housing safe, comfortable and well managed for tenants and to improve management for the benefit of neighbouring occupiers.
- 3.8 We are currently into the second year of the five year scheme, after which it will be subject to a further review to determine whether the objectives have been met. If after 5 years the objectives of the scheme have been met then it could be ended. If not then we could choose to extend the scheme for a further period of time.
- 3.9 The number of HMO's in Aylesbury Vale is unknown but it was estimated at the time that the additional licensing scheme was proposed that there could be 600 properties that would be included in an additional licensing scheme.

#### **4.0 Review**

- 4.1 To date we have issued 40 additional HMO licenses (we have also issued 32 Mandatory HMO licenses, some of which were discovered as a result of launching additional licensing in Aylesbury Vale).
- 4.2 We have 42 applications currently pending, of these:
- 16 of the pending applications are actively being dealt with by officers. This means that officers are either in the process of inspecting and checking required works are completed, or chasing up documentation required in order to issue a license.
  - 5 of the pending applications have received proposed applications and are awaiting the prescribed consultation period prior to the full license being issued.
  - 1 applicant has requested a refund as they no longer believe that they run an HMO. This is currently awaiting verification.
  - 20 applications are awaiting allocation to an officer to be processed. All of these applications have been risk rated and prioritised so that the highest risk properties will be inspected first (the rating scheme allows for circumstances where an immediate visit may be necessary because of the risk to health of the tenants posed by the property).
- 4.3 In order to provide adequate officer resources to administer and enforce the additional HMO licensing scheme it has been necessary to provide training and experience to the Environmental Health team in housing legislation and on practical HMO inspections. The issuing of a HMO license is not just an administrative task. We try to work with the landlords to ensure that their HMO's meet the minimum requirements for a suitable and safe HMO prior to us issuing the license. This does mean that in some cases there can be a gap between an application being made and a license being issued, however this method ensures that potentially dangerous premises can be identified and dealt with more quickly, and we can prioritise our workload according to risk.
- 4.4 Prior to the introduction of the additional licensing scheme two officers were experienced with HMO licensing enforcement. Following a departmental restructure in April 2015 we were left with one officer with experience in HMO enforcement. Therefore an ongoing challenge since then has been to train officers up in this new area of expertise and ensure that there is resilience and capacity within the team.
- 4.5 We have made good progress with officer training, all officers in the team are now managing their own caseload of HMO applications and we have two officers who have sufficient expertise to support others on the more complicated cases and lead enforcement action.

- 4.6 The training of officers to become competent in undertaking HMO inspections has also benefitted other areas of Environmental Health work. Many of the skills that have been developed through the inspections and enforcement of HMOs also apply to our nuisance investigations and accident investigations. For example Technical Officers previously had limited experience in preparing and serving legal notices, whereas much of the HMO licensing process involves serving legal notices that are subject to challenge. It has also helped Technical Officers understand the process of carrying out an effective inspection at a premises. Within the current Environmental Health structure this is something that all of our technical staff are involved in (i.e. the inspection of permitted processes, private sector housing and workplaces following accident investigations).
- 4.7 To date we have identified 82 additional HMO's. From the work that we have done so far we think that the initial estimate of there being 600 HMO's within Aylesbury Vale is likely to be overstated. Based on our experiences since the scheme began, the number of HMO's in Aylesbury Vale is likely to be closer to 400. 14.8 In order to find unlicensed HMO's we have put various measures in place to help identify these properties. For example information on residential properties attached to food premises is now captured on our food hygiene inspection forms to help us identify HMO's and we have raised awareness with other teams within the Council which has resulted in referrals from Planning and Housing colleagues. Later this year Environmental Health & Licensing will move to a new systems provider which links to MyAccount and will provide greater sharing of information across the Council via a single customer record. This may help with the identification of HMOs through increased reporting functionality.
- 4.9 Now that officers are more experienced with inspecting HMO's and the procedure for issuing licences, there is less need for joint visits and checking of work which has helped to speed up the process and allow more time for identifying unlicensed HMO's.
- 4.10 In order to manage the applications coming in we have found it necessary to prioritise which HMO's we deal with first. We do this by rating each known HMO according to risk. For example using criteria such as number of rooms, complaints received and any existing fire safety measures in place. This enables us to inspect the properties with tenants most at risk first whilst smaller HMO's thought to already be compliant are prioritised lower down the list.
- 4.11 There have been some issues with landlords not applying for HMO licences until it is brought to their attention. Some landlords have also required a significant investment of officer time to help them reach the point of making an application. The scheme is at a stage of implementation where, in line with our enforcement policy, we are beginning to take formal enforcement action against landlords who have failed to respond to an informal approach. We currently have a case of an unlicensed HMO in Aylesbury going through court (the landlord has pleaded not guilty and the trial is scheduled for August). We feel that we have a strong case against the landlord and, in the event of a successful prosecution we hope to publicise the case to encourage other landlords to ensure that their properties are licensed.
- 4.12 Experience so far has also shown that most properties inspected do require some works to make them safe. Frequently this will involve enhancing the fire safety measures in a property. Whilst this was expected and part of the justification for implementing the additional licensing scheme, we believe that the time taken means the costs incurred by AVDC may on some cases exceed the income from the charges for the licence application.

## **5.0 Future Plans**

- 5.1 Review of the costs incurred in processing applications needs to take place so that we ensure that the fees charged for an application accurately reflect the costs incurred by AVDC in processing the application and issuing the licence.
- 5.2 We will re-new our efforts at publicising the scheme. Prior to the launch of the scheme and through the amnesty period we had an influx of applications arising from advertising the scheme on council tax bills, at landlords forum and direct mailings to landlords and property managing agents. By repeating these and generating new ideas for publicity we can encourage further landlords and residents to make applications.
- 5.3 In November 2015 the Department for Communities and Local Government (DCLG) consulted Local Authorities on a proposal to extend the scope of mandatory licensing of HMO's and to streamline the process of making an application. The view of the DCLG is that Mandatory HMO's should include all properties with 5 or more residents from 2 or more households irrespective of how many storeys the property has. The intention is that this would bring most 'high risk' HMO's under a scheme of licensing without Local Authorities needing to adopt an additional licensing scheme. In our opinion this would not have a great impact on the scheme in Aylesbury Vale. In fact we would be ahead of many authorities as some of our affected properties would already have been inspected and licensed. Depending on the details of the scheme it could mean some additional administrative work to re-issue additional licenses as mandatory licenses. However we are currently awaiting the results of this consultation and to date nothing has been decided.

Contact Officer: Neil Green, Environmental Health Manager  
01296 585160