

ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

14 JUNE 2016

PRESENT: Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), P Agoro, M Bateman, A Cole, S Cole, B Everitt, B Foster and A Hetherington. Councillor C Adams attended also.

APOLOGIES: Councillors A Bond and S Chapple

1. MINUTES

RESOLVED –

That the minutes of the meetings held on 23 March 2016 and 18 May 2016 be approved as correct records.

2. UPDATE FROM BUCKINGHAMSHIRE COUNTY COUNCIL ON ROAD REPAIRS

The Committee received a report which explained how Transport for Bucks prioritised capital carriageway schemes. Councillor Irwin, the County Council's Deputy Cabinet Member for Transportation and Mr Keith Carpenter (Head of Asset Management) at the County Council attended the meeting to update Members on the related policy and strategy and to answer questions.

The County Council's Highway Infrastructure Asset Management (HIAM) Policy described the principles adopted to achieve the authority's strategic objectives and the HIAM Strategy. This took a systematic approach that delivered most efficiently and effectively over the long term. The work programme was the outcome of the asset management planning process and was therefore aligned and sought to optimally achieve the performance targets and deliver the best value for money.

Members were informed that the Department for Transport's Incentive funding self-assessment questionnaire (22 questions) encouraged authorities to develop longer term programmes of works which were prioritised to best achieve the strategic objectives of the organisation. Having these longer term programmes allowed authorities to programme work efficiently to give best value and to inform the public and other stakeholders of future works improving satisfaction.

Transport for Bucks also took a balanced strategy to determining the carriageway programme and aimed 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 that were not in an acceptable condition.

It was explained that the road condition was measured for the classified road network using nationally recognised methods which recorded the condition of sections of road as either red (worst), amber or green (best). Due to the timing of the surveys, they inevitably slightly lagged behind the actual condition, but the impact of increased investment was 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 |

The survey used for the Unclassified roads was different and only recorded roads in poor or adequate condition. In 2013/14 33% of Unclassified Roads had been in poor condition and this had improved to 29% in 2014/15. Surveys were due to be undertaken again this year and were expected to show further improvement.

2015/16 had seen the largest capital carriageway programme in Buckinghamshire to date. This had 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. The programme budget for 2015/16 had been £28.3m (£26.4m roads, £1.8m footpaths) , which had been apportioned and achieved the following outcome(s):-

Roads

286 schemes treated
 Area treated: 1,135,735m²
 Approximately 97 miles in length

Footpaths

48 schemes treated
 Area treated 54,523m²
 Approximately 19 miles in length

The report had further explained how candidate schemes were identified and then prioritised before they could be place on the work programme. Part of this process adopted over the past 4 years had offered each County Councillor 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 that was available. The Local Area Technician were also available to assist the member and to provide additional local input. Most members also visited sites often with their LAFs either before or after the meetings.

County roads were 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 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.

The programme for 2016/17 had been put together having regard to selecting the highest priority candidate schemes for inclusion. Schemes on the Strategic Network had been prioritised using multi-criteria analysis that considered each scheme's contribution to achieving the corporate objectives. The prioritisation criteria listed below were 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 took into account of consultation feedback, engineering judgement and coordination with other programmes, and other customer feedback and contact throughout the year.

The programme budget for 2016/17 was £16m, apportioned as follows:-

- Roads - £13.2m for roads – over 200 schemes – (Resurfacing, Surface dressing, Micro-surfacing)
- Plane and Patch - £1.8m – a range of small scale repairs to local roads
- Footways – £1m – 7 schemes had been identified, with works to be concentrated on three key Town Centres of Aylesbury, High Wycombe and Chesham.

Once the work programme was identified it was then delivered as efficiently as possible, and to minimise the occupation of the network through operating the following principles:-

- 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).

Following approval of the 2016/17 programme, Transport for Bucks would complete development of a rolling 4 year programme in line with national best practice and update and reprioritise it each year as new data became available. Consultation and meetings with the Local Members to ensure BCC’s “Think Councillor” approach would also take place. Footway schemes for 2016/17 were currently targeted at key town centres. The future strategy for footway schemes was still to be determined and was due to be discussed this summer so that a rolling programme could be developed beginning in 2017

Member sought additional information and were informed:-

- (i) that TfB had appointed a contractor (Velocopatcher) to repair potholes in rural areas. Any repairs would be guaranteed for 12 months.
- (ii) that if the County experienced a harsh winter, then the County Council would have to consider taking money from reserves for further preventative or maintenance works. It was also possible that the Department for Transport would provide some additional monies to areas if there was a harsh winter.
- (c) that the County Council used their local Members to help prioritise capital carriageway and footway schemes. All Members had the same amount of money to allocate in their areas, although some had much larger areas than others. Members were able to identify 2 areas in their Wards in particular need of attention. All roads were also investigated and inspected periodically.
- (d) that the Department for Transport annually divided up £1bn of highways funding between local authorities based on a formula that took account of the number of assets (roads, bridges etc..). The other part of this assessment was based on the Incentive funding self-assessment questionnaire. Based on the overall assessment, local authorities received either some or all of their full funding. The County Council had received full funding for this year.

- (e) that the condition report on roads and footways was made available to County Councillors, but there was not reason why this information couldn't be shared with District Councillors, and would assist them in answering questions from local residents.
- (f) that the amount of money that the County Council was able to allocate to the highways budget was limited by the statutory obligations to fund children's and social services.
- (g) that it was recognised that many pathways were in need of repair and may need to be patched (preventative measure) as was being done for roads. Four years of funding for footpaths had been spent in 2 years so it would be necessary to re-visit the programme.
- (h) that it would be possible to provide a cost breakdown of the £28.3m (for 2015/16) into materials, labour and other costs.
- (i) that reports on road in need of repairs were categorised and prioritised, although the time then taken to respond to an issue didn't start until it had been inspected.
- (j) that the Council was looking to introducing a better system to respond to customer reports regarding roads/footways and would be employing 3 additional administrative staff to answer customer queries.
- (k) that the County Council had looked into and decided against using PFI monies to fund capital carriageway schemes.

RESOLVED –

- (1) That Councillor Irwin and Mr Carpenter be thanked for attending the meeting and answering Members queries.
(Further requests for information had been made at points (e) and (h) above).
- (2) That the current position of the County Council's Highway Infrastructure Asset Management Policy / Strategy be noted.

3. ADOPTION OF THE RIVERINE CORRIDOR IN FAIRFORD LEYS

The Committee received a report which provided Members with an update on the Council's adoption of the Riverine Corridor on Fairford Leys under the terms of the related Section 106 agreements.

Outline planning permission for the Fairford Leys development had originally been granted in 1992. Common with such large scale development, S106 Agreements had been 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.

The position set out in the S106 Agreements was 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 had been 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.

Starting with the first three phases encompassing the centre of Fairford Leys, AVDC had been working with the Consortium's Consultant to try and prepare plans which would satisfy Land Registry requirements. The Council also undertook its own detailed tree survey as the one provided by the developers was inadequate.

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.

By early 2013, the Phase 1 transfer had been signed/sealed, the land was in an acceptable condition and AVDC 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 .

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 were still awaiting responses from Taylor Wimpey before they could agree any revised Transfer documentation. Once this has been resolved satisfactorily, any outstanding works could be undertaken allowing adoption by AVDC. It would then be possible to move onto the next phases.

When the development had started, the Council had a process whereby the majority of open space land would be adopted by the Council. However, this blanket adoption policy was no longer seen as an essential requirement as long as the land was provided to an approved standard. The Council now allowed developers to approach the local Parish Council or set up management companies to adopt or oversee future maintenance of these areas. This was the position with the Berryfields MDA and was also being look at for Buckingham Park.

In line with this, Coldharbour Parish Council had expressed a strong interest in taking on the future management of the Riverine Corridor and already carry out much of the maintenance which was currently Taylor Wimpey's responsibility. However, the S106 Agreement did not include any provision for a commuted sum payment for the future maintenance of the Riverine Corridor.

AVDC and Coldharbour Parish Council had 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.

It was explained to Members that the adoption of the Riverine Corridor created 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.

The Council had 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. Unfortunately, interest rates have remained stubbornly low over the past 7 years and so the income stream derived from the investment had not amassed to a significant sum. Currently, the sum held by the Council for the maintenance obligations is £850,000.

However, 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.

Members requested further information and were informed:-

- (i) that Officers had been pushing the developers as hard as they could so that the Riverine Corridor would be in a position to be able to be adopted. It was anticipated that once the first phase was completed that the further phases would proceed much quicker.
- (ii) that a number of flood alleviation measures had already been incorporated into the Riverine Corridor to mitigate the potential for possible future flooding.
- (iii) that AVDC and its Officers were committed to getting the scheme up to speed as soon as possible so that it could be adopted.

RESOLVED –

- (1) That the report and latest position regarding the Riverine Corridor at Fairford Leys be noted.
- (2) That Officers be thanked for the work that they had done to date, with it being hoped that the Riverine Corridor would soon be in a position to be able to be adopted.

4. UPDATE OF ADDITIONAL HMO LICENSING

The Committee received a report and 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.

The Council periodically carried out a condition survey of private sector housing stock, which had last been done in 2007. At this time the private sector housing stock in the Vale had numbered 61,500 dwellings, and this number had grown to 77,000 dwellings by 31/03/2015.

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 remained a need to improve the standards.

Houses in multiple occupation (HMO) made up the cheapest end of accommodation in the private rented sector. As a consequence of this they were often poorly maintained and inhabited by the most vulnerable individuals and families.

The HMO licensing regime provided improved standards in the sector for tenants in areas such as fire safety and remedying damp and mould issues, which all helped to reduce the risk of ill-health amongst occupants.

A scheme of additional licensing of HMO's had been introduced on 27 September 2014 which extended the principles of the mandatory licensing scheme already in operation within the district. The scheme covered the whole district and required HMO landlords not covered by mandatory licensing provisions to apply for a licence for their property. This was to ensure that such properties met current national and local standards for management and fire safety. Following the launch in September 2014, landlords were given an amnesty period until June 2015 during which they could license their HMO properties at a 30% discount on the standard fee.

It was further explained that the designation of a scheme of additional licensing was a discretionary power set out in Section 56 of the Housing Act 2004, which had been devolved from central government to local councils. 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.

It was currently the second year of the five year scheme, after which it would be subject to a further review to determine whether the objectives were been met. If after 5 years the objectives of the scheme had been met then it could be ended. If not, then the Council could choose to extend the scheme for a further period of time.

The number of HMO's in Aylesbury Vale was 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.

To date 40 additional HMO licenses had been issues, as well as 32 Mandatory HMO licenses. Some of the mandatory cases had been discovered as a result of the additional licensing. There were also 42 applications currently pending which had been risk rated and prioritised so that the highest risk properties would be inspected first.

Members were also informed on officer resources within the Environmental Health team and the steps that were being taken to ensure there was resilience and capacity with the team.

To date, 82 additional HMO's had been identified, so it was likely that the initial estimate of 600 HMO's within Aylesbury Vale had been overstated and was likely to be closer to 400. Various measures had been put in place in order to help identify unlicensed HMO's such as looking at information captured on food hygiene inspection forms and gaining referrals from Planning and Housing colleagues. Later this year Environmental Health and Licensing would be moving to a new systems provider which links to MyAccount (single customer record) which would also help with the identification of HMOs.

There had been some issues with landlords not applying for HMO licences until it was brought to their attention. Some landlords also required a significant investment of officer time to help them reach the point of making an application. The scheme was at a stage of implementation where, in line with our enforcement policy, the Council was beginning to take formal enforcement action against landlords who have failed to respond to an informal approach. A case of an unlicensed HMO in Aylesbury was currently going through court and, the outcome would be publicised to encourage other landlords to ensure that their properties are licensed.

Experience so far has also shown that most properties inspected require some works to make them safe. This usually involved enhancing the fire safety measures. Whilst this was expected and part of the justification for implementing the additional licensing scheme, it was likely in some cases that the time taken and costs incurred would exceed the income from the licence application fee.

As the scheme had been operating for a while a review of the costs incurred in processing applications needed to take place to help ensure that the fees charged for an application accurately reflected the costs incurred in processing the application and issuing the licence. Efforts would also be made to publicise the scheme and to encourage further landlords and residents to make applications.

In November 2015, the Department for Communities and Local Government (DCLG) had 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 was 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 was that this would bring most 'high risk' HMO's under a scheme of licensing without Local Authorities needing to adopt an additional licensing scheme. AVDC believed that it would not be greatly impacted by these new arrangements as some of the properties that would be affected by the change had 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, the Council was still awaiting the results of consultation.

Members requested further information and were informed:-

- (i) on the types of enforcement action that the Council would take (including prosecution and taking over the management of a property (in exceptional circumstances)) if landlords did not meet the conditions of their licence.
- (ii) that in the event that a HMO had to be closed down, then the Council would work with housing partners to assist people in being re-housed.
- (iii) that the Council did not have a policy/guidelines on where HMOs could be located, or on what might constitute a 'saturation' for particular areas. However, where permission was sought to convert a property in a HMO then the public would be able to comment on this as part of the planning process.
- (iv) that on receipt of a valid application for a HMO, the Council would decide whether to grant or refuse a license in accordance with the requirements set out in the Housing Act 2004 and associated regulations. The Council sought to inspect all licensable HMOs prior to issuing a licence, with the exception of those HMOs owned by accredited landlords or those HMOs known to be compliant based on a recent inspection.
- (v) that AVDC obtained information on HMOs from a number of sources including other Council Departments, community and voluntary sector groups, landlords and the public, as well as from responses to publicity drives.

RESOLVED –

- (1) That the levels of fees set for HMO licenses should be reviewed to ensure they accurately reflected the time spent on a license application.
- (2) That the application process for a new HMO license be reviewed to simplify the process for applicants.

5. WORK PROGRAMME

The Committee considered their work programme for the next 6-9 months and in addition to the items already scheduled also suggested items for consideration, as follows:-

- Waste & recycling update.
- Leisure facilities in the Vale.
- Pest Control.
- Pay to Stay (implications for AVDC from the new Housing Act).
- Vale of Aylesbury Housing Trust – annual update.

RESOLVED –

- (1) That the current work programme, as submitted to the meeting, be noted.

- (2) That Officers, in consultation with the Chairman, timetable the suggested items for the future work programme.