



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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5 February 2018

### ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

A meeting of the Environment and Living Scrutiny Committee will be held at **6.30 pm on Tuesday 13 February 2018** 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), M Bateman, S Chapple, A Cole, S Cole, P Cooper, B Everitt, B Foster, T Hunter-Watts and R King

Contact Officer for meeting arrangements: Chris Ward; cward@aylesburyvaledc.gov.uk

### AGENDA

#### 1. APOLOGIES

#### 2. TEMPORARY CHANGES TO MEMBERSHIP

Any changes will be reported at the meeting.

#### 3. MINUTES (Pages 3 - 6)

To approve as a correct record the Minutes of the meeting held on 19 December 2017.

#### 4. DECLARATIONS OF INTEREST

Members to declare any interests.

#### 5. DEVELOPMENT MANAGEMENT SERVICE AND ENFORCEMENT UPDATE (Pages 7 - 8)

To consider the attached report.

Contact Officers:	Jeff Membery	01296 585316
	Lindsey Vallis	01296 585152
	Henry Allmand	01296 583320

#### 6. WORK PROGRAMME

For Members to consider the future work programme. Meetings are scheduled as follows:-

21 March 2018: Streets & Horticulture Strategy  
Community Safety Plan 2018-19

22 May 2018: No items as yet

25 September 2018: Housing & Homelessness Strategy

## Environment and Living Scrutiny Committee

19 DECEMBER 2017

**PRESENT:** Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), M Bateman, A Bond (In place of R King), P Cooper, B Everitt, B Foster and T Hunter-Watts

**IN ATTENDANCE:** Councillors J Brandis and Sir Beville Stanier Bt

**APOLOGIES:** Councillors S Chapple, A Cole and S Cole

### 1. MINUTES

RESOLVED –

That the Minutes of the meeting held on 2 November 2017 be approved as a correct record.

### 2. TAXI LICENSING FEES REVIEW

The Committee received a report which proposed a review of taxi and private hire fees and charges. This report came to Committee ahead of the Licensing Committee meeting in January 2018 whose membership would consult and implement the changes. It was explained that the item had come to Committee as the first stage of a consultation process and Member feedback would be appreciated to ensure additional governance.

Taxi and private hire license fees and charges had not been formally reviewed by AVDC for a number of years. Taxi licensing had been subject to a number of technological changes over the past two years in addition to changes in legislation and various initiatives brought in by Licensing Committee. AVDC was not allowed to make a profit from license fees and was obliged to carry forward any surplus or deficit to any future review of fees. LGA guidance was available [via this link](#) which aimed to provide Local Authorities with a breadth of considerations when assessing license fees. The LGA believed that regulatory services were at the heart of councils' economic growth and accounted to 50% of business' contact with the council. This guidance did not take into account specific statutory restrictions applicable to taxi and private hire fees so not all the costs listed were in the proposed fee structure.

The most significant change in fees were seen in the areas of hackney carriage and private hire driver licenses where the cost of a new three year license had risen from £156 to £193. This was due to the increased resource requirements imposed on local authorities by the Deregulation Act 2015 which enabled applicants from outside the Vale to apply for a driver license from AVDC. AVDC carried out a series of checks on all license applicants to determine whether they were fit and proper to drive and ensure they did not pose an unacceptable risk to the safety of the travelling public. These checks cost the authority staff resource and money in order to carry out.

It was proposed that hackney carriage vehicle and private hire vehicle license fees were reduced with new hackney carriage vehicle licence applications from £372 to £300 and new private hire vehicle licence applications from £342 to £307. This was due to the benefits of new digital technology which managed the bookings and issuing of licenses which had consequently reduced the necessary resource required for this service delivery. The fees themselves had originated from the cost of providing the service and took into account staff time as well as time for the administration of Licensing Committee

meetings. The service could not make a profit but did not need to operate at a loss. The fees would be reviewed periodically to ensure they were correctly priced.

Members sought more information and were advised:-

- i. Market testing had been undertaken and it had been found that the closest Local Authorities had fees similar to the proposed fee changes.
- ii. It was not expected, and indeed unlawful, that Local Authorities would compete for the service by reducing fees to obtain business.
- iii. Aylesbury Vale's license service had been popular due to its efficiency and online booking.
- iv. Licenses obtained from other Authorities were eligible to be used in Aylesbury Vale and vice versa due to changes introduced by the deregulation act.
- v. Changes in legislation related to deregulation were expected in future due to the impact providers, such as Uber, had had on the market and the scourge of child sexual exploitation.
- vi. A DBS check was a Disclosure and Barring Service check which was to help ensure that drivers were suitable to work with the public.
- vii. In early 2018 there would be the implementation of an enhanced test on all vehicles which would assess, amongst other factors, scratches, dents, upholstery and first aid provisions. Failures would lead to a pending suspension to ensure sufficient time for repairs and arrangements to be undertaken ahead of a re-test. Time measuring of this compliance would be assessed in due course but had already been taken into account in the fee calculation.
- viii. The taxi trade would be able to respond once assessed and approved by the Licensing Committee. After approval, there would be 28 days for comments and representation.
- ix. An external supplier provided the knowledge test and upon completion the applicant would receive a certificate which would be submitted to AVDC as part of the license application. Quality checks would be sporadically undertaken to ensure that the test met the expected standards of the license service.
- x. There was an online system for residents to make complaints of a minor nature about drivers, such as cutting up traffic or horn sounding. This allowed for driver trends to be monitored. More serious complaints required investigation by Officers in order for further action to be undertaken.

RESOLVED –

That Members agreed the fees and charges ahead of the Licensing Committee meeting in January 2018.

### **3. INSPECTION OF RESIDENTIAL BUILDINGS IN THE VALE TO REVIEW FIRE SAFETY**

On 20 September 2017, Members had received a report which updated on AVDC's response to the Grenfell Tower disaster which outlined actions taken by AVDC to mitigate the risk of any similar disaster occurring in the Vale. After Members discussed the report, it was then agreed that the Committee would be updated accordingly.

Since then DCLG had written to all local authorities on 18 October 2017 requesting information about privately owned residential buildings taller than 18 meters and with external cladding. AVDC responded via an online questionnaire within the requested lead time. DCLG had also advised that local authorities had enforcement powers relating to Health and Safety Rating System in relation to external cladding of tall residential buildings in their interpretation of the Housing Act 2004.

Friars House, also known as Great Western Street, was the only residential building over 18 meters tall in the district that was fitted with ACM cladding. DCLG's recommended action was to carry out additional testing on the insulation at Friars House in order to ascertain whether or not further action was necessary. Liaison was ongoing between Officers, the management company, building owners, VAHT and DCLG in this regard in addition to ensuring adherence to the most up to date advice and guidance. The responsible private sector party had refused to action any further work despite representation from AVDC and DCLG. Enforcement options were being considered by Officers in partnership with DCLG.

Numerous Freedom of Information requests had been received and responded to accordingly which had mainly originated from the Press and focused on social housing. It was felt that AVDC had not been targeted specifically in these FOIs but rather that the request had been sent en masse to Local Authorities across the UK. The requests had since tapered off.

Upon delivery of the update, Members asked further questions and were advised the following:-

- i. The Fire Service inspections took various aspects of building in to account but they were mostly internal factors such as fire doors. The Health and Safety Rating System was a prescribed test that produced a Category score whereby non-compliance was then actioned. It was difficult to challenge this scoring system.
- ii. Cladding sampling and testing would be difficult without cooperation from the management company.
- iii. There was the possibility of commercialising the knowledge gained by Officers in order to sell their experience to other Authorities but the main priority was the resolution of outstanding issues.
- iv. Lessons learnt were not eligible for building design as these were bound by national guidance and any deviation would be subject to challenge by developers. It was expected that national guidance would change over time.
- v. If remedial works were required then it was not expected that residents would need to be rehoused whilst the work was undertaken.

Members were assured that this work had the full attention of Officers at all levels in the Authority and that the safety of residents was their priority.

RESOLVED –

That the update in the report be noted and a further update come to Committee when it is ready.

#### **4. WORK PROGRAMME**

A summary of the upcoming work programme and topics raised previously were provided to Members of the Committee. Members were advised that the Food Service Plan 2017/18 Commercial Proposition would not be coming to committee on 31 March 2018 and, instead, was likely to be included amongst an item relating to business ideas later in the year. The ASB leaflet work was ongoing and would not require a future agenda item at Committee.

After discussion, additional future topics were suggested:

- Planning Enforcement Update including processes and outcomes.
- Update on the Planning Service in general with a focus on Development Management.

- Aylesbury Garden Town (after Member session in 2018).
- Update on Anti-Social Behaviour which would include Aylesbury Town Centre.

RESOLVED –

That the work programme be noted.

## **UPDATE ON DEVELOPMENT MANAGEMENT AND PLANNING ENFORCEMENT SERVICES**

Tracey Aldworth

### **1 Purpose**

- 1.1 To provide members with an update on the progress of the Council's Development Management and Planning Enforcement services.

### **2 Recommendations/for decision**

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| 2.1 That the Environment & Living Scrutiny Committee note the contents of the report and associated presentation. |
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### **3 Supporting information**

AVDC is a growth area for planning and we have seen a regular significant increase in the workload of the Development Management team over the last few years.

- 3.1 This already challenging planning environment is exacerbated by the impact of national projects such as HS2, East West Rail and the National Infrastructure Corridor and the associated planning applications.
- 3.2 The increasing workload is best perhaps best illustrated by the large number of major applications that the Council has to decide. These have more than doubled since 2013 and the category of applications that AVDC receives are often for large numbers of houses or high investment retail developments.
- 3.3 The nature of major applications are such that they are often complex and controversial with both developers and objectors likely to be very vocal where actions of the Development Management team are perceived to not be to their advantage. This creates a challenging working environment where actions and of planning officers are subject to intense inspection from all sides and decisions are often challenged both informally and formally.
- 3.4 The increasing number of planning applications received also impacts the Planning Enforcement service where the number of complaints is high and has increased year on year over the last three years. Complaints regarding breach of planning consent are received from residents across the Vale. However in some areas there is a geographical increase that likely reflects the high level of development activity in that particular area and where developments have been particularly controversial at planning stage.
- 3.5 Like all Councils, AVDC has to contend with the national shortage of skilled Planning and Planning Enforcement Officers. Although a wide range of innovative non- traditional recruitment arrangements have been piloted within the service, recruitment in to senior planning roles has moved more slowly than we would have liked. As a consequence, the service has continued to make a reduced, but still significant, use of planning consultants and agency staff to support our slowly increasing number of permanent planners.
- 3.6 Despite the challenges identified above, AVDC continues to be one of the best performing Councils in terms of deciding planning applications on time, far exceeding both current and proposed Government targets.
- 3.7 The introduction of Account Managers to field planning enquiries from developers - and Parish Liaison Officers to provide the same service for Parishes - also allows valuable Planning Officers and Enforcement Officers to focus on processing and determining applications and investigating potential

breaches of consent whilst allowing stakeholders to access information quickly and easily.

- 3.8 There is still room for improvement, however, and the management have implemented an ongoing continuous improvement programme to further optimise the efficient use of the available resource and make the best of opportunities presented by emerging technology.
- 3.9 A new modern computer system – called “Built Environment” is being introduced to the service in 2018 to provide an up to date back office system combined with a flexible web-based enquiry system that representatives of the parishes will be involved in developing. Members will shortly receive an invitation to a workshop on this new application to see early demonstrations of the software and to discuss how they can make best use of it when it is introduced.

The presentation at committee will explore the issues raised in this report in more depth, provide the committee with the latest performance information and allow members to ask questions about the management of the Development Management and Planning Enforcement service.

#### **4 Options considered**

- 4.1 None

#### **5 Reasons for Recommendation**

- 5.1 Development Management and planning Enforcement are high profile services that impact considerably on the environment of the Vale.

#### **6 Resource implications**

None

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