



## AYLESBURY VALE DISTRICT COUNCIL Democratic Services

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16 July 2018

### ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

A meeting of the Environment and Living Scrutiny Committee will be held at **7.00 pm on Tuesday 24 July 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, T Hunter-Watts, S Jarvis and R King

Contact Officer for meeting arrangements: Chris Ward; [cward@aylesburyvaledc.gov.uk](mailto:cward@aylesburyvaledc.gov.uk)

### AGENDA

1. **APOLOGIES**
2. **TEMPORARY AND PERMANENT CHANGES TO MEMBERSHIP**

Any changes will be reported at the meeting.

3. **ELECTION OF CHAIRMAN**
4. **APPOINTMENT OF VICE-CHAIRMAN**
5. **MINUTES** (Pages 3 - 6)
6. **DECLARATIONS OF INTEREST**
7. **ANTI SOCIAL BEHAVIOUR POLICY** (Pages 7 - 18)

To approve as a correct record the Minutes of the meeting held on 22 May 2018.

Members to declare any interests.

For Members to consider the attached report.

Contact officer: Chris Oliver 01296 585005

8. **STREET AND HORTICULTURAL CONTRACT**

For Members to consider the attached report.

Contact officer: Naomi Batson 01296 585506

## **9. WORK PROGRAMME**

To consider the future work programme. Meetings are scheduled as follows:-

**25 September 2018:**           Housing & Homelessness Strategy  
Approval of Gambling Policy 2019-2022  
Empty Homes Strategy  
Concessionary Transport Review  
Bucks Home Choice Housing Allocations

**19 December 2018:**       Air Quality update

Items previously mentioned by the Committee include:

- Enforcement update once IT software has been embedded
- Aylesbury Garden Town
- Demand management relating to policing
- Arts Strategy including a live music venue (associated with the redevelopment of the Aylesbury Town Centre)
- VAHT update (late 2018/early 2019)
- Central Area Growth Board

## **10. EXCLUSION OF THE PUBLIC**

The following matter is for consideration by Members "In Committee". It will therefore be necessary to

RESOLVE –

That under Section 100(A)(4) of the Local Government Act, 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the Paragraph indicated in Part 1 of Schedule 12A of the Act.

Paragraph 3: Street and Horticultural Contract

The public interest in maintaining the exemption outweighs the public interest in disclosing the information because the report contains information relating to the financial or business affairs of organisations (including the Authority holding that information) and disclosure of commercially sensitive information would prejudice negotiations for contracts and land disposals or transactions.

## **11. STREET AND HORTICULTURAL CONTRACT (Pages 19 - 112)**

For Members to consider the attached confidential report.

Contact officer: Naomi Batson 01296 585506

## Environment and Living Scrutiny Committee

22 MAY 2018

**PRESENT:** Councillor M Winn (Chairman); Councillors S Jenkins (Vice-Chairman), M Bateman, S Chapple, A Cole, S Cole, B Everitt, T Hunter-Watts and R King

**IN ATTENDANCE:** Councillor P Fealey

**APOLOGIES:** Councillors P Cooper, S Jarvis and Sir Beville Stanier Bt

### 1. ELECTION OF CHAIRMAN

RESOLVED –

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

### 2. ELECTION OF VICE CHAIRMAN

RESOLVED –

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

### 3. MINUTES

RESOLVED –

That the Minutes from the meeting held on 28 March 2018 be approved as a correct record.

### 4. UPDATE TO THE PRIVATE SECTOR HOUSING REGENERATION POLICY

The Environment and Living Scrutiny Committee received a report which updated the Private Sector Housing Regeneration Policy with the launch of a new 'Healthy Homes on Prescription Grant'. The report also contained a change to the Discretionary Disabled Facilities Grant (DFG) which would align AVDC's housing assistance measures with the other Buckinghamshire District Authorities.

The last census in 2011 reported 68,000 people in Buckinghamshire had limiting long term illness or disability which was an increase of 12.4% since the last census. In addition, the Director of Public Health for Buckinghamshire Annual Report 2012/13 noted that the aging population and those living with long term illness and disability would increase. Health and housing were linked as those living in poor quality housing were more likely to be afflicted with poor health compared to those living in good quality housing. Poorer quality housing was more likely to have the issues such as damp/mould, overcrowding and poor heating. In turn, these factors meant that the occupants were more likely to suffer heart disease, stroke, respiratory disease and mental illness, as well as an increased risk of mortality. Overcrowding also encouraged the spread of medical illness such as tuberculosis. Tackling these causal issues at the source would be better for patient care and prove more cost effective for the NHS.

Enforcement officers at AVDC were already trained to identify hazards when inspecting houses under the House Health and Safety Rating System. It was expected that referrals for the Health Homes on Prescription Grant would require an officer visit to

identify hazards and the required measures to rectify them. The maximum amount available to applicants was £5,000 per referral.

The Committee sought more information and were advised:-

- i. Referrals for Healthy Homes on Prescription Grants would be received through health/medical professionals. Some referrals would originate from GPs as they may be able to identify illnesses being caused by poor quality housing. An officer would then inspect the home and make improvement recommendations. As well as GPs, referrals to the service would come from clinics, occupational therapists or other health/medical professionals.
- ii. There was a 'Housing Health Cost Calculator' which worked out the savings that house modification generated for the NHS and wider public purse depending on the hazard resolved. For instance, a chairlift installation had the potential to save a resident from a trip or fall which would otherwise have resulted in a GP visit or an admission to hospital.
- iii. Healthy Homes on Prescription Grants were available in the private rented sector however where hazards are identified it would be the responsibility of the landlord to carry out the repairs. A lack of response from the landlord may result in enforcement action. Where the Healthy Homes on Prescription Grant was appropriate, there would need to be additional assurances that the applicant stayed in residence at the property after work completion.
- iv. There was a backlog in referrals from the BCC occupational health service last year which had delayed grant applications but now this was cleared. The number of referrals coming into the service was currently steady.
- v. The service referred applicants to relevant charities and other organisations, such as National Energy Foundation, if it was felt they could assist.
- vi. There were around 120 long term empty homes in Aylesbury Vale (long term being over 12 months) which was relatively low compared to the national average. More information would be available to Members when the Empty Home Policy comes to Scrutiny in September 2018.
- vii. Undertaking a private housing condition survey would be an expensive exercise and the other Districts had not shown interest in sharing these costs with AVDC. There was the possibility of undertaking a survey in specific areas associated with deprivation and targeting areas with high turnover. The results from any survey would then inform policy and potentially identify a stock of dwellings that may need improvement advice.
- viii. In October 2018 the definition of a House of Multiple Occupancy (HMO) would change to a dwelling with five or more people from two or more households. In Aylesbury Vale, these properties were already licensable under the Additional HMO Licensing scheme.

The Committee suggested that housing condition data could be collected through questionnaires for residents and liaison with Town Councils, and felt it should be an ongoing process rather than top-down. Members also felt that any potential savings to the NHS generated by the Healthy Homes on Prescription Grant should be publicised.

RESOLVED –

That the report be noted and the Committee's comments be considered by the Cabinet Member prior to the scheme's approval.

## **5. DEVELOPMENT MANAGEMENT UPDATE**

The Committee had received an update on the Development Management service at their meeting on 13 February 2018. At this meeting, it was agreed a report would come back to Committee with further information on staffing levels, recruitment activity and

workload with reference to additional workload anticipated as a result of the HS2 infrastructure project.

The service was still utilising contractors and agency staff to fill permanent, full time senior posts that were vacant. Salary grades for planning posts at AVDC ranged from SG2 to SG8 and the report contained a table outlining the number of posts employed full time and vacant. Also included was the number of post holders that held delegated authority. The scheme of delegation was important for applications to be signed off and the current number meant there was workload pressure on officers with delegation. Contractors and agency staff did not have delegation and this was not anticipated to change. It was expected that there would be no vacancies at Principal Planner level in two months as applicants had been offered and accepted the position. The one Associate Planner position had recently been approved and involved the reduction of Principal Planners from four to three. However, the Associate Planner position, which was common in the private sector, would keep the service competitive through the offering of professional development and a continuous career path for staff. Activities on recruitment were outlined which included agency headhunting, LinkedIn and financial incentives such as internal/external referrals and introductory relocation packages. The service also offered Open Days every Friday whereby potential applicants could visit the service to see the working environment and meet managers.

On National Infrastructure Projects, HS2 was being managed and led by the Corporate Planner, Susan Kitchen, and consultancy support was being funded by HS2 Ltd. This caseload was not expected to impact the day to day operations of the service. In future, the plan was for HS2 Ltd to fund one consultant post and one forward-funded post when additional workload reached this stage. The impact of East-West Rail and National Infrastructure Corridor were not yet known but it was felt that the ongoing graduate program would ensure the smooth running of the service as it developed. The plan for the next 6-9 months was to continue recruiting correctly, streamline the service through efficiencies, offer ongoing training to planners and delegate authority where appropriate.

Members had additional questions in relation to the Development Management service and were advised:-

- i. As an emerging document, VALP was starting to gain more weight. Once it was adopted, the plan was expected to reduce appeals and speculative applications which were a drain to resources. The lead time for adoption was unclear but it was hoped to be by the end of 2018 once the hearings throughout the summer were completed.
- ii. The type of work associated with the infrastructure projects were different to residential developments.
- iii. Applicants for posts were being told of unitary situation in Buckinghamshire. Initially this had been a negative impact, however applicants had realised that a new authority would still require planning officers.
- iv. Training of planners would include communicative skills such as delivering presentations at committee and public speaking. The training delivered would vary on the salary grade of post holder.

Members appreciated the update of the service and thanked the officer for his attendance.

RESOLVED –

That there were no recommendations for Development Management Committee and the report and presentation be noted.

## 6. WORK PROGRAMME

Published in the agenda were items coming to Committee for the rest of the year. In addition to this, an item on the Central Area Growth Board Joint Committee would be added. Members agreed that they wished to comment on the on the Joint Committee's governance structure, terms of reference and vision, and have the opportunity to comment on Joint Committee reports and minutes every six months. The next meeting was scheduled for 25 September 2018 so the Committee felt that a meeting ahead of that may be prudent. An update on Aylesbury Town Centre was already in the Work Programme and members reiterated this coming to committee in future.

The Committee also saw merit in adding the following to the work programme:-

- Air Quality with mention to the Greatmoor waste facility and the Government's recent Air Quality Strategy.
- Update on HS2 infrastructure work.

RESOLVED –

That the work programme, as discussed in the meeting, be approved.

## **ANTI SOCIAL BEHAVIOUR POLICY**

Will Rysdale

### **1 Purpose**

- 1.1 To consider the attached Anti Social Behaviour Policy.

### **2 Recommendations**

- 2.1 For the Environment and Living Scrutiny Committee to consider and submit any comments they wish to make to Cabinet on the Draft Anti Social Behaviour Policy.

### **3 Supporting information**

- 3.1 Community Safety is a priority for the Council so to introduce an Anti Social Behaviour policy to identify how the Council will deal with cases of ASB will make the process clearer for staff and residents.
- 3.2 Members of the Community Safety Partnership have been consulted on the draft policy and agree the terms included.

### **4 Options considered**

- 4.1 To approve the draft Anti Social Behaviour Policy – this option is recommended as it sets out the parameters that staff will use to deal with Anti Social Behaviour cases. It will also make the processes and procedures clear to residents and partners.
- 4.2 To not approve the draft Anti Social Behaviour Policy – this option is not recommended as it will leave the process for dealing with Anti Social Behaviour cases open to misinterpretation of processes and procedures by staff and residents reporting crimes.

### **5 Reasons for Recommendation**

- 5.1 To set out the parameters for staff to deal with Anti Social Behaviour cases in a timely and professional manner.

### **6 Resource implications**

- 6.1 A more efficient way of working for staff. No extra resource is required.

Contact Officer

Chris Oliver 01296 585005

### **Appendix 1**

Draft Anti Social Behaviour Policy

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# Aylesbury Vale District Council Anti Social Behaviour Policy

## What is anti-social behaviour?

Anti-social behaviour (ASB) is a definition for a wide range of issues from crime and serious nuisance to less severe but frequent and annoying behaviour. The meaning of the term anti-social behaviour (ASB) is described in the Anti Social Behaviour, Crime and Policing Act 2014 as “*conduct that has caused, or is likely to cause, harassment, alarm or distress to any person*”. This is the generally accepted term.

ASB is further defined under certain circumstances, as follows:

For the purposes of an application to the courts by a housing provider, local authority or the police for a civil injunction: “*conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises*”;

For the purposes of the housing management functions of a housing provider or local authority: “*conduct capable of causing housing-related nuisance or annoyance to any person*”

For the purposes of ASB case reviews (the “Community Trigger”): “*behaviour causing harassment, alarm or distress to members or any member of the public*”

Complaints regarding noise, artificial light, odour, insects, animals, smoke, fumes or gases, and accumulations or deposits may constitute a statutory nuisance and are dealt with by our Environmental Health department. The problem must be excessive or unreasonable rather than an annoyance, and would not include children playing, babies crying, ordinary domestic living noise or road traffic noise as these circumstances are outside the scope of the law. These behaviours are not addressed as a part of this policy, but more information regarding environmental nuisances and how to report them can be found on our website [here](#).

## AVDC’s responsibilities

AVDC has a range of responsibilities that arise from two distinct roles in dealing with ASB.

1. *Our role as a statutory member of the Aylesbury Vale Community Safety Partnership*  
Under the Crime and Disorder Act 1998, we must work with the police and other agencies to reduce crime and disorder within Aylesbury Vale. In this role we play a key part in dealing with ASB and we have a dedicated ASB Officer within the Community Safety team.
2. *Our role in protecting the environment*  
The Council has a wide range of responsibilities to deal with environmental ASB such as noise nuisance, graffiti, litter and abandoned cars. These responsibilities arise from a number of Acts and local byelaws, but in particular from the Environmental Protection Act.

This policy document addresses our responsibility under our point 1 above, our role as a statutory member of the Aylesbury Vale Community Safety Partnership, however due to the nature of the issues it is noted that there are often overlaps between these roles. If you are unsure how best to report the type of ASB that you are suffering, please contact AVDC’s

ASB Officer who will guide you. Contact details can be found further down this document under the heading 'Reporting of ASB'. This policy also aligns with AVDC's mission to secure the economic, social and environmental wellbeing of the Vale.

### **Multi-agency partnerships: Responding to incidents**

In line with current government thinking, AVDC recognises that it may not always be the best avenue to respond to enquiries it receives. Many other local agencies respond to specific issues of ASB, such as registered social landlords, the Police and other services within local Councils (for example Environmental Health for statutory nuisances such as noise).

Within Aylesbury Vale, Thames Valley Police have an officer responsible for ASB who works in tandem with the council's ASB Officer. Reported incidents involving overlapping issues or which require a co-ordinated response, are best reported to the Neighbourhood Policing Team via 101, or 999 if a crime is in progress.

Incidents of ASB which require a partnership response are reviewed at case meetings. Cases are referred from partner agencies or services and will have been made by local residents to partner agencies or the team, or brought to their attention through other routes. Cases predominantly focus on individuals – both perpetrators and victims of ASB. The meetings will comprise of a varying selection of local representatives, dependant on the type of behaviour being considered, and will agree on the appropriate course of action in individual cases.

Where it occurs it is imperative to ensure these issues have been brought to the attention of the dedicated police/Council staff.

### **Reporting of ASB**

If the perpetrator of the anti-social behaviour is a social housing tenant, we would ask you in the first instance to contact their housing provider – contact details for housing providers operating within Aylesbury Vale can be found further down this document in Appendix A. We will work with the housing provider to support and offer assistance where appropriate.

Reports can be made to the Police non emergency telephone number 101 (or 999 if a crime is in progress), or to AVDC in writing, by telephone on 01296 585088, or by email to [communitysafety@aylesburyvaledc.gov.uk](mailto:communitysafety@aylesburyvaledc.gov.uk).

The agency receiving the initial complaint will take ownership of that case where appropriate. If, however, the complaint relates directly to behaviour where it would be most appropriate for another agency to take ownership, the officer will refer the person making the complaint to the appropriate organisation. If you are unsure who to report to in the first instance, please contact AVDC's ASB Officer as above who will direct you appropriately.

### **What service will we provide**

ASB will be dealt with firmly, fairly and proportionally with concerns taken seriously.

We will deal with the most serious cases of ASB as a matter of urgency, especially where vulnerable people are involved, either as the complainant or the perpetrator; and

We will use all available and appropriate powers to address and resolve ASB;

We will take a victim centred approach: If you are a victim of ongoing ASB we will ensure you are fully supported and kept informed of progress and action taken;

We will ask you to keep a log of all acts of ASB including dates, times and details;

We will share relevant information relating to ASB within the council or police and with other partner agencies to help resolve the issue.

### **We will work with other agencies in order to deliver an effective service across the community;**

Continue to be a member of the Aylesbury Vale Community Safety Partnership;

Work with housing associations, private landlords and businesses providing professional advice and support as required so that these agencies can act confidently to prevent or tackle ASB making use of their own resources. The AVDC Anti Social Behaviour Officer and Thames Valley Policy ASB Officer have attended the AVDC Landlord Forum for private landlords to inform them of the support they can be offered if they are dealing with a tenant who is displaying Anti Social Behaviour or if their tenant is experiencing anti social behaviour from neighbours.

### **We will provide a high quality service that meets people's identified needs, so we will:**

Ensure that staff dealing with ASB are qualified, trained and understand, and follow, agreed policies and procedures;

Regularly review this policy document at least once every two years;

Seek to ensure that all of our activities are prioritised and undertaken with regard to clear evidence of need, sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

When an initial report is made to the council we will respond within 3 working days. When a report is made directly to Thames Valley Police via the non-emergency number the report will be logged immediately via the police enquiry centre.

## **Confidentiality and Data Protection**

Effective partnership action requires information to be exchanged and shared with other agencies. It is important that the information shared is relevant, accurate and used for the purpose of reducing and detecting crime and disorder and reducing the fear of crime, thereby improving community safety.

AVDC adopts the general principle that information should only be disclosed to individuals with legitimate and reasonable right to that information. In general, information received from victims and witnesses of ASB will be treated in confidence and will not be disclosed to third parties unless those providing the information have agreed that we may do so. We will advise witnesses that we will not disclose their details, but will advise that it may not always be possible to prevent their identity from becoming known (for example if there are specific allegations involved in reports).

Data obtained during the investigation of ASB cases will be kept by the police and AVDC officers. The length that this information is kept for differs. This includes information relating to any voluntary agreements (such as ABCs) or any voluntary undertakings made. All information will be handled within GDPR guidelines.

## **Information Exchange**

Under Section 115 of the Crime and Disorder Act 1998 'relevant authorities' are required to share information for the purposes of community safety. A 'Countywide Information Sharing Protocol', the Buckinghamshire Community Safety Partnership Information Sharing Protocol, has been signed by the key partner agencies, and is held by the Bucks County Council to facilitate this exchange of information.

## **Tackling ASB**

Most neighbour problems can be resolved by talking to each other in the first instance and we encourage this approach. A friendly approach to make your neighbour aware of the problem is often effective. In some circumstances this may not be possible, or may have been tried and the behaviour still continues. We will then look at other options available to us, placing an emphasis on prevention and early intervention. Options will be assessed on a case by case basis and only used when reasonable and proportionate to the ASB problem at hand.

We will pursue all available remedies by working with our partner agencies with a view to modifying the behaviour of offending individuals and affecting a lasting solution. Starting with low level early interventions such as visits and warning letters, if the problem does not cease or reduce to a reasonable level we will start to take increasingly stronger measures which may result in formal court action such as a Criminal Behaviour Order or Injunction if the informal and lower level interventions have been tried but do not have the desired effect. Formal action can only be taken immediately in exceptional circumstances where the case is serious enough to warrant this type of intervention.

Working with our partner agencies, these are some of the tools available to use when dealing with cases of Anti Social Behaviour. Support is given throughout the process and referrals to other organisations are made as and when appropriate.

### Warning Letter

Where a person is alleged to be committing anti-social behaviour, a warning letter will be sent to them. In the case of a young person the letter is given to the parent. This is a warning to that person to cease the behaviour and informs them of the nature and consequences of their behaviour.

As part of the warning the perpetrator can be asked to:

- Refrain from behaving in an anti-social manner
- Not to act in a way which may cause nuisance to the community
- Consider the impact of their behaviour on members of the community, respect people, their property and public places

It informs them that their conduct will continue to be monitored.

### ABC-Acceptable Behaviour Contract

An Acceptable Behaviour Contract (ABC) is entered into voluntarily and takes the form of a written agreement between an individual or household that has been involved in ASB and one or more local agencies whose role it is to prevent such behaviour. Various agencies are able to take the lead on drawing up an ABC, therefore each case should be considered individually and the lead agency determined according to who would achieve the greatest impact on reducing the unacceptable behaviour.

An ABC will normally last for six months, although since it is not a statutory document any reasonable period may be specified. If it is deemed necessary, the contract can be renewed after this period, particularly if breaches have occurred or other forms of ASB are continuing.

The contract should specify a list of anti-social acts in which the individual/household has been involved and which they agree not to continue, i.e. write graffiti, smash glass, engage in loud or abusive behaviour etc. It can also include positive action which they agree to take forward. These can be written as "I will not ....." or "I will ....." for positive agreements. E.g. I will attend my meetings with.....

The individual/household should agree the conditions as this may encourage them to realise the impact of their behaviour and take responsibility for their actions.

Assistance and support should be offered to anyone who has difficulty in understanding the ABC before they are requested to sign it. This may be with reference to reading, writing or comprehension of the ABC. Additional support should be considered for these situations, for example offering a picture ABC alongside a written ABC.

Parents or Carers should be informed and involved in the process when a young person under the age of 18 is being requested to sign an ABC. An ABC may run alongside another multi agency intervention if deemed appropriate.

There is no formal sanction associated with non-compliance to sign however this may contribute to evidence in court to issue a Civil Injunction or Criminal Behaviour Order to prevent future behaviour.

### Community Protection Notice

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over/business or organisation which negatively affects the community's quality of life by targeting those responsible. A CPN can be issued if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable. Council Officers, Police Officers, PCSOs or Social Landlords can all issue a CPN. The notice consists of a written warning to the individuals demanding them to desist with the listed behaviour including requirements to take reasonable steps so future incidents are avoided.

The CPN can be used against a wider range of perpetrators and can be used to deal with noise nuisance and litter on private land. Penalty of breach is a fixed penalty notice of up to £100 for an individual or up to £20,000 for businesses.

### Civil Injunction

A tool to stop/prevent individuals engaging in anti-social behaviour, by nipping problems in the bud before they escalate. Local Councils, Social Landlords and Police can all apply for an Injunction. A Civil Injunction may be used when the individuals behaviour is likely to cause harassment, alarm or distress or capable of causing nuisance or annoyance. It is issued by the County Court or under 18s the Youth Court. The injunction sets a clear standard of behaviour and includes prohibitions and can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach is not a criminal offence but breach must be proven to a criminal standard. Perpetrators aged over 18 who breach the terms of the injunction would be in civil contempt of court and face an unlimited fine or up to two years in prison. Under 18s penalties could be a supervision order or at the last resort a civil detention order of up to three months for 14-17 year olds.

### Criminal Behaviour Order

A CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (in summary an anti-social individual commits a criminal offence and is prosecuted), for example a person being persistently drunk and aggressive in public.

The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements). It must also be determined what is needed within the CBO to tackle the underlying cause of the behaviour.

Penalty on breach, upon summary conviction, may result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. For under 18s they would be called in front of a youth court which could result in a 2 year detention and training order.

### Closure Notice & Closure Order

The Closure Powers allow the police or council to swiftly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and disorder is related to the premises in question.

A Closure Notice is issued out of court first (closure up to 48 hours but can not stop those who habitually reside there accessing premises). A Closure Order (up to 6 months and restricts all access) can be sought through court after the Closure Notice.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public.

Breach of either is a criminal offence with penalties including:

Notice- Up to 3 months in prison

Order-Up to 6 months in prison

Both- An unlimited fine

### Public Spaces Protection Order

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

Restrictions and requirements are set by the council after consultation with the Police, PCC and other relevant bodies. A PSPO may include stopping certain behaviours or restricting access to certain areas of a locality. Breach is a criminal offence and enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. An important add-on is that more than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wide range of behaviours than the orders it replaces.

### Community Trigger

The Community Trigger, or case review, allows anyone to ask for their case to be reviewed if the local threshold is met. The local threshold for Aylesbury Vale is met if:

- an individual makes 3 or more reports of anti social behaviour within a 6 month period and they consider no, or inappropriate, action has been taken, or
- or a group of 5 or more individuals from the local community have separately reported incidents of anti social behaviour within the last 6 months that they deem no, or inappropriate, action has been taken.

More information regarding AVDC's Community Trigger Policy can be found [here](#)

Each stage will be communicated with the victim to let them know if they qualify for a review and what the next steps will be.

## **Appendix A**

### **Useful Information for reporting anti-social behaviour:**

#### **If it's a hate crime (racial/homophobic/disablist incident) or suspected domestic violence**

Report the incident to Thames Valley Police on 101 or 999 in an emergency.

#### **If the problem is due to excessive, persistent noise or public health issues**

Please [click here](#) for details

#### **If you want to report an abandoned vehicle**

Please [click here](#) for details

#### **To report graffiti**

Please complete [this form](#)

We can only remove graffiti that's on AVDC land; if it's on private property, we can make the owner aware and request them to remove it.

#### **To report a concern about the safety of a child**

You may want to contact Social Services on 01296 383999 or out of hours the Social Services Care Line on 0800 137915.

To report a concern about the safety of a vulnerable adult

You may want to contact Adult Social Care Services on 0800 137915

If you are suffering from Domestic Violence you can look for advice [here](#)

#### **If the person responsible for the ASB is a tenant**

Contact their landlord. If it is a private landlord or there is a management company, contact them in the first instance.

Where the landlord is unknown please contact the Police on 101 (or 999 if a crime is in progress) or the Anti Social Behaviour Officer at AVDC by telephone 01296 585088 or email [asb@aylesburyvaledc.gov.uk](mailto:asb@aylesburyvaledc.gov.uk).

Please see the list below for contact details for social landlords within Aylesbury Vale. They will take the lead for cases of anti social behaviour which involve their tenants. AVDC no longer have a housing stock, all council houses were transferred to the Vale of Aylesbury Housing Trust in 2006.

Please contact the individual organisation for a copy of their ASB policy and for details of support they can offer.

Aldwyck Housing Group	0300 500 6262	<a href="mailto:info@aldwyck.co.uk">info@aldwyck.co.uk</a>
Bromford Housing Group	0330 1234 034	
Catalyst	0300 456 2099	<a href="mailto:contactcatalyst@chg.org.uk">contactcatalyst@chg.org.uk</a>
Haig Homes	020 8685 5777	<a href="mailto:enquiries@haighousing.org.uk">enquiries@haighousing.org.uk</a>

Guinness Partnership	0303 123 1890	<a href="mailto:customerservice@guinness.org.uk">customerservice@guinness.org.uk</a>
Hastoe Housing	0300 123 2250	
Hightown Housing Association	01442 292300	<a href="mailto:housingservices@hightownha.org.uk">housingservices@hightownha.org.uk</a>
Home Group Ltd	0345 141 4663	
Orbit Housing Association	0800 678 1221	
Paradigm	0300 303 1010	<a href="mailto:enquiries@paradigmhousing.co.uk">enquiries@paradigmhousing.co.uk</a>
Places for People	0845 850 9571 01772 667002	
Sanctuary Housing	0800 916 1522 or 0300 123 3568	<a href="mailto:contactus@sanctuary-housing.co.uk">contactus@sanctuary-housing.co.uk</a>
Thames Valley Housing Association	0300 456 2929	<a href="mailto:info@tvha.co.uk">info@tvha.co.uk</a>
Thrive Homes	0800 917 6077 or 020 8428 4428	<a href="mailto:enquiries@thrivehomes.org.uk">enquiries@thrivehomes.org.uk</a>
Vale of Aylesbury Housing Trust (VAHT)	01296 732600	<a href="mailto:asbteam@vaht.co.uk">asbteam@vaht.co.uk</a>

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## STREET CLEANSING AND HORTICULTURE SERVICES

Tracey Aldworth

### 1 Purpose

- 1.1 This report is to inform Members of the Environment and Living Scrutiny Committee of the recommendation contained within this report and the attached appendices following the recent appraisal process for future service delivery.

### 2 Recommendations

- 2.1 That the Committee note the recommendation and consider whether any comments should be forwarded to the relevant Cabinet Member prior to going through Cabinet and Council in September 2018.

### 3 Executive summary

- 3.1 The existing street cleansing and horticulture contract is due to end in January 2020. Work began in January 2018 to determine how these services can be delivered when the contract expires.
- 3.2 Summary of services in scope

Street Cleansing	Horticulture
Litter Picking, emptying of litter/dog bins	Play area inspection/maintenance
Mechanical Sweeping	Maintenance of grass, shrubs, hedges (AVDC land only)
Clearance of fly tips, graffiti, dead animals	Tree Work
De-icing (AVDC land only)	Football/Cricket pitch maintenance/booking system
Seasonal leaf clearance	Management of sports grounds and facilities
Car Park cleansing	
Market erecting/dismantling	

- 3.3 The existing contract does include an extension option (for up to a period of two years). This can only be put in place with mutual agreement between AVDC and the contractor, (Suez UK and John O'Connor working in partnership) and will require extensive investment for new fleet and equipment.
- 3.4 A workshop was held in February for Cabinet Members and Officers. The purpose of this was to explore: Current service provision, its strengths and weaknesses, benchmarking in the market place and other Council services, and an appraisal of delivery options for the service. The workshop was an opportunity for Members and Officers to set out an early steer on the strategic

direction of the service and to explore the framework in which a preferred solution could be identified.

3.5 The initial discussion at the workshop indicated a preference for either a direct provision of services (in-house) or re-procurement through an OJEU compliant tender process. The following options were explored:

- Street and Horticultural Services (as is). Either in-house service or full procurement process of joint services.
- Waste, Street and Horticultural Services. Either in-house service or full procurement of joint services.
- Waste and Street Services. Either in-house service or full procurement process. With Horticultural Services delivered separately, either in-house or contracted.

The option for including the wider waste services in a procurement exercise was discounted for a number of reasons because:

- There was no political appetite for outsourcing the service.
- A preference to maintain flexibility and direct control of one of the councils' primary and highly regarded customer facing services.
- To continue to build on the commercial and transformational successes of the Waste & Recycling Service and demonstrable value for money.

A key output of the workshop was a set of strategic priorities and principles that set out the assessment methodology criteria to score the potential delivery options against.

3.6 Following the workshop the high level options document (Appendix A) was produced, along with the scoring matrix (Appendix B). Association for Public Service Excellence (APSE) also provided a state of the market survey for both services (Appendix E and F). The outline figures are as follows:

- 88% of local authorities who took part deliver their street cleansing services in-house.
- 73% of local authorities who took part delivery their parks and horticulture service in-house.
- 63% of local authorities jointly managed and delivered both street cleansing and horticulture services.

- 3.7 The documents were presented at the Waste Transformation Board in May 2018 where the weightings and scoring for each option were discussed in detail and agreed. The board consists of Tracey Aldworth (Chair) Sir Beville Stanier (Cabinet Member) and Officers.

The criteria scored includes:

• Agility	• External Income Generation
• Capacity	• Human Resource Resilience
• Control	• Innovation
• Cost	• Value for Money

The Waste Programme Board agreed:

- Control and flexibility – This is considered to be a high priority. Having both services in-house would mean Members could determine how these are delivered and would be more readily able to adapt to changing circumstances. The option for in-house would mean new processes can be implemented and efficiencies made without the need for potentially expensive contract variations.
- Quality – this was a main factor in the decision making process. Street Cleansing and Horticultural Services are vital and involve mostly statutory functions. Ensuring high standards in these areas is a crucial part to the AVDC Commercial Programme, making Aylesbury Vale more attractive to residents and organisations. During an APSE survey (Appendix E), 88% of respondents delivered services in-house, with higher standards resulting in better quality.
- Financials – either option (in-house or outsourced) would mean initial investment is needed. To bring services in-house requires expertise and set up costs and likewise the same to run a successful procurement process. Having an already established and effective in-house waste collection service means that existing resources can be utilised. Having a fully functioning depot and commercial workshop is an advantage. If the services were to be outsourced again the service provider would build the costs of providing a depot into the contracted rates (if AVDC weren't to provide for them). With the in-house option, despite higher staff costs (allowing for pension contributions) and the initial investment needed it was recognised that delivering both services in-house would maximise income generation potential in line with our Commercial Programme. Any profit would be 100% retained by AVDC and go towards offsetting the costs of the statutory duties.

It was also recognised that with the existing contract costs being well below average (APSE benchmarking exercise) (Appendix A) there is a strong likelihood that an OJEU tender exercise could return higher costs.

- Resources – already providing a successful in-house waste collection services means AVDC have internal expertise and knowledge to operate successful direct provision service. Resources that are already in place, such as a depot, workshop, fleet management, software systems, health & safety, training, personnel support, IT, and finance can support the delivery of the new services. Recruitment can be improved given our employee benefits, which are often more attractive than the private sector offering. There is also the flexibility to use procurement frameworks, one off small contracts, and local suppliers to carry out the more specialised tree surgery, meadow maintenance, and sport pitch work.

### **Outcome of scoring**

The scoring exercise identified Option 1.A (see Appendix B) as the preferred option, which provides the greatest commercial opportunities balanced with cost, flexibility and service quality. Summary of scoring as follows:

Option	Results (out of 100)
Option 1.A	82
Option 3	77.5

### **Recommendation**

The two high scoring options (Option 1.A & Option 3) and the risks/mitigation for each of the options were discussed with the Cabinet Member in June. The cost analysis (Appendix D) for the options both show potential to achieve significant savings. However, to best achieve the desired criteria, as set out above paragraph 3.4, a preference for Option 1.A was agreed.

Information regarding the risks associated with each option is reflected in the Strengths, Weaknesses, Options, Threats analysis provided in Appendix C and the risk register Appendix G.

The Average risk scoring for each option is as follows:

Option	Average Risk Score (out of 25)
Option 1.A	6.91
Option 3	8.65

The timeline for implementation of the recommended Option 1.A is achievable. However, a single unitary decision on the future arrangements of local authorities in Buckinghamshire and the subsequent direction may clash with the implementation of the councils preferred solution. Should this be the case the Council does have the option to extend the existing contract for up to a period of 2 years, until January 2022 (subject to agreement of the existing contractor).

The potential option to extend the existing contract mitigates the risk of non-service delivery in the event that any new body managing the transition to a unitary council decides to pause or cease the programme, or measures put in by Central Government have a restrictive impact.

Business Continuity is required to deliver these statutory services therefore it was discussed during the informal Cabinet Briefing that this recommendation needs to continue despite the pending unitary decision.

#### **Next Steps:**

Following the Environment and Living Scrutiny Committee meeting the final document is scheduled to go to Cabinet and Council in September.

A programme team and steering group will be formed immediately to begin work on scoping the multiple projects that will form the programme.

#### **4 Supporting information**

- 4.1 Appendix A – Options Appraisal Document
- 4.2 Appendix B – New Delivery Models Scoring Matrix
- 4.3 Appendix C – SWOT Analysis
- 4.4 Appendix D – Costing Model
- 4.5 Appendix E – APSE State of the Market, Street Cleansing
- 4.6 Appendix F – APSE State of the Market, Parks
- 4.7 Appendix G – Risk Register

#### **5 Resource implications**

- 5.1 Implementation costs and resources are to be identified once the programme team and steering group are established. It has been identified that internal expertise is available to deliver the programme, however, it is likely that some additional resource will be required depending on other prioritise/workloads.

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