



## AYLESBURY VALE DISTRICT COUNCIL

### Democratic Services

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13 June 2019

### ENVIRONMENT AND LIVING SCRUTINY COMMITTEE

A meeting of the Environment and Living Scrutiny Committee will be held at **6.30 pm on Tuesday 25 June 2019** in **The Paralympic Room, Aylesbury Vale District Council, The Gateway, Gatehouse Road, Aylesbury, HP19 8FF**, when your attendance is requested.

**Membership:** Councillors M Bateman, S Chapple, A Cole, S Cole, P Cooper, B Everitt, B Foster, T Hunter-Watts, S Jarvis, S Jenkins and R King.

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. ELECTION OF CHAIRMAN**

**4. APPOINTMENT OF VICE CHAIRMAN**

**5. MINUTES** (Pages 3 - 8)

To approve as a correct record the Minutes of the meeting held on 27 March 2019, copy attached as an appendix.

**6. DECLARATIONS OF INTEREST**

Members to declare any interests.

**7. BUCKS COUNTY COUNCIL - HIGHWAYS UPDATE** (Pages 9 - 16)

To consider the attached report.

Note: Councillor Paul Irwin, the County Council's Deputy Cabinet Member for Transportation and Mr Keith Carpenter (Highways Asset Manager, Transport for Buckinghamshire) will be attending the meeting to provide Members with an update and to answer questions.

**8. PROPOSAL RELATING TO THE SCHEME OF ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION (HMOS) (Pages 17 - 20)**

To consider the attached report.

Contact Officer: Lucy Eaves (01296) 585028

**9. WORK PROGRAMME**

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

**24 September 2019**

- Update on Housing and Homelessness Strategy 2019-2022
- Built Facilities Strategy
- Leisure Supplementary Guidance (subject to modifications consultation on VALP)
- Food Service Plan (for Cabinet Member decision)

**3 December 2019**

No items as yet

Members have expressed an interest in the following coming to Committee:

- Aylesbury Garden Town Update
- Update on HS2 Infrastructure work

## Environment and Living Scrutiny Committee

27 MARCH 2019

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

**IN ATTENDANCE:** Councillors C Adams and M Winn

**APOLOGIES:** Councillors P Cooper and S Jarvis

### 1. MINUTES

RESOLVED –

That the minutes of the meeting held on 29 October 2019 be approved as a correct record.

### 2. COMMUNITY SAFETY UPDATE AND ANNUAL PLAN

The Committee received a report which informed Members of current crime levels, a summary of activity on the delivery of the Aylesbury Vale Community Safety Partnership (AVCSP) Plan 2018/19 and also updated on some of the recent and future changes taking place in connection with community safety. In summary, total recorded crime for the year to date showed an increase of 3% which equated to an increase of 318 crimes, as compared with the same period 2017/18. This upward trend was in keeping with national statistics which had increased for the second year running. The report detailed completed activities from the AVCSP 2018/19 action plan and provided an update on legislation relating to anti-social behaviour (ASB) intended to deter offending that impacts communities. There was also a table that provided year to date figures of crime categories and the percentage increase/decrease when compared to the same point last year.

Violent crime was of particular national interest currently and recent homicides amongst younger people involving knives had prompted debate on police resourcing and cuts to Local Authority spending. The incidence of knife crime in Aylesbury Vale remained low. However the exploitation of young people in dealing and handling illegal drugs was of concern. There had been an increase of domestic homicide of one compared to last year. In such cases, the Community Safety Partnership would conduct a Domestic Homicide Review (DHR) to investigate the circumstances of the deceased prior to their death. This review process was outlined in the report. There were currently three DHRs in progress with a fourth set to conclude and report to the Home Office. The cost and administrations of DHRs were covered by AVDC, with some funding secured through the PCC's annual community safety grant, however the administration had utilised considerable officer time. The cost of each DHR was a minimum of £6,000 and it was noted that the number of concurrent reviews was unprecedented locally.

AVDC's partnership working with the police and the Community Safety Partnership continued to focus on organised crime and a TVP initiative called Operation Stronghold. This initiative aimed to achieve better knowledge sharing and suitable resourcing to disrupt and prevent the work of organised crime gangs and provide safeguarding to the innocent victims caught up in the middle. Burglary to homes and thefts from work vans were often products of organised crime groups. It was felt that a recent seizure of two containers full of stolen power tools had made a huge impact and led to a temporary reduction in this crime type. Modern slavery remained a focus and a joint initiative called Hotel Watch had proven successful to raise awareness amongst staff and managers in

premises that may be used to commit exploitative crimes against young people. There was also a focus on Hate Crime which was being addressed by a new Interfaith Network made up of representatives from nearly all recognised religions groups in Aylesbury Vale. At a recent breakfast meeting hosted at the Gateway, the groups acknowledged that they had a role to play within their communities.

Consideration had been given to the renewal of Aylesbury Town's Purple Flag status as part of the new plan having been successfully renewed annually since 2010. A review had found that, on balance, Purple Flag status was not an effective use of CSP resources as it was not a well-known scheme nationally. The award itself did not attract sufficient national marketing from the Association of Town Centre Management; the awarding body. The Partnership's work towards high standards, for instance through the 'Night Moves' group, would continue as before.

There was a legal requirement for the AVCSP to produce a three year partnership strategy and annual action plans to achieve its strategy. The 2017-2020 strategy had two key priorities:

- Supporting communities and town centres to become safer, more resilient and cohesive places to live and work.
- Work closer in partnership to cut crimes that are of most concern to the public and to protect the most vulnerable members of our community.

The status of the actions planned for 2018/19 was outlined in the report as was a draft plan for 2019/20.

Members had further questions and were advised that:-

- i. A co-ordinated approach to tackling aggressive begging in Aylesbury Town Centre was considered a useful allocation of resources as it could identify those that need genuine help and could be assisted under the Rough Sleeper Initiative. Officers were mindful that interventions could be subject to scrutiny e.g. Oxford
- ii. Modern Slavery and procurement would be covered in the Council's upcoming policy statement.
- iii. The current terror threat was 'Severe' nationally and had been consistently for the last 3-4 years with some fluctuation up to 'Critical'. There was a protocol in place for the Council building in the event of an anticipated attack. Further assessments would be carried out regarding staff safety and the office building.

The Committee were supportive of the proposed plan and there was particular support of not renewing Purple Flag status due to its resource intensity. Other comments also included the need for sensitivity when managing aggressive begging. Overall, Members were satisfied with proposed content.

RESOLVED –

That the report be noted and the Committee's comments on the draft plan be considered by Cabinet.

### **3. SAFEGUARDING REPORT**

An internal audit had been carried out on AVDC's safeguarding policies and procedures. Since then, officers had been working to highlight the responsibility officers and members had in relation to Safeguarding. New, mandatory training had been rolled out to officers, with completion pushing 90%, and Members had received a presentation at full council in 2018. Since the training's introduction, referral numbers had increased.

The training had also included the waste crews as they visited every household across the Vale.

Officers also recommended that a new Modern Day Slavery statement be adopted by the council and publicised. The statement also included procurement in relation to contractors and service providers. Where the council awarded a new contract for goods services or works in which there was a significant risk of modern slavery abuse, AVDC would seek reassurance that the contractor had policies, procedures and training in place to detect and deter such abuse. There was a risk assessment process relating to larger contracts included within the procurement process. Officers advised that the statement had been drafted diligently and so that it could be followed rather than be a token gesture. The full safeguarding policy and full statement on modern day slavery were included in the report pack.

Following the officer presentation, Members sought more information and were advised that:-

- i. TVP carried out operations and investigations of businesses that may be linked to modern slavery such as car washes and nail bars. An operation had recently been carried out in Milton Keynes around December 2018 regarding car washes. The CSP were aware of potential public concerns about certain industries but did want to know any specific cases that individuals could refer.

Members were supportive of the safeguarding policy and the modern day slavery statement and had no further comments to add.

RESOLVED –

That the Committee comments be noted and referred to Cabinet for consideration.

#### **4. THAMES VALLEY POLICE LPA COMMANDER ANNUAL UPDATE**

Thames Valley Police were a key partner in the Council's joint working including the Aylesbury Vale Community Safety Partnership. Thames Valley Police Superintendent Tim Metcalfe, the Local Police Area Commander Aylesbury Vale, attended to update the Committee on the last year's local police operations and provide an overview on current and future priorities.

April – June 2018 had been a busy quarter for TVP with various events including the Royal Wedding in May and the visit of President Trump. Officers had been deployed from Aylesbury and Buckingham to Windsor and London. The quarter had also seen the carrying out of Operation Armenia which was targeting drug dealing. After considerable covert activity, there were six arrests, one kidnap victim rescued and one kidnap victim safeguarded. Weapons were also recovered and a vast amount of evidence was gathered. All six arrests were charged and given considerable custodial sentences. The Superintendent commented that the Vale was safer without these individuals in public. The quarter also touched on youth knife crime in Aylesbury in relation to the Walton Road attack in June 2018. This had received national media coverage; it was noted that the perpetrators were youths outside the education system.

The quarter July – September 2018 saw the carrying out of Op Advance in August which related to drugs in Southcourt. 22 street dealers were arrested in five days with the suspects having links to Birmingham. This operation was still ongoing. TVP Aylesbury Vale posted updates on social media regarding the operation which had been received positively by residents.

In the quarter October – December 2018 there had been cases of murder in Maids Moreton and attempted murder on North Drive, Aylesbury. Burglary enforcement was also highlighted and various cases were touched upon in Buckland, Wendover, Cheddington, Ivinghoe Aston and Stewkley. An arrest of three people in November 2018 was linked to total of 367 burglaries nationally. Burglary was often driven by substance abuse and the cases discussed by the Superintendent for this quarter were from perpetrators living outside the Vale which was an example of cross-border activities. The borders between Bedfordshire and Northants were common areas of movement. The Superintendent also updated Members on convictions for violence and GBH in this quarter. Drugs, gangs and vehicle theft interventions were also discussed. The interventions were often proactive police work.

The Superintendent touched upon engagement activity and the power of social media to reach out to people. Posting updates on activities were received positively by residents and had the ability to reach tens of thousands of people. An example was provided whereby one TVP Aylesbury Vale post engaged with 22,427 people and was reached by 72,188 people. March 2019 had seen the carrying out of Rural Crime Week whereby TVP organised events in communities in Northants, Bed/Herts/TVP Eastern Borders, Winslow, Buckingham, Haddenham, Long Crendon and Waddesdon.

A performance summary 2018-19 showed that:

- All recorded crime in Aylesbury Vale had increased 3% compared to 10% increase in TVP
  - Within that, victim based crime had reduced 0.3% whilst crimes against society had increased 23.7%. Crimes against society were also known as victimless crimes and an increase was associated with proactive police work, not reactive. For instance, removing a knife would be under this category due to there not being a victim.
- Residential burglary: AV 7% reduction (TVP 1% reduction)
- Violence with injury (excluding domestic abuse): AV 1% reduction (TVP 14% increase YTD)
- Domestic abuse with injury: AV 16% increase (TVP 20% increase YTD)
- Serious violence: AV 52% reduction (TVP 36% reduction)
- Theft from motor vehicle: AV 24% reduction (TVP 12% increase)
  - This had been achieved through the proactive scheme in Aylesbury Vale to suppress tool theft.
- Hate crime: AV 14% reduction (TVP 2% increase)
  - The Superintendent was very conscious of monitoring this trend

Information was provided on how TVP were managing anti-social behaviour with Criminal Behaviour Orders. These civil orders were intended to prevent ASB before it escalated further and allowed support to be given for underlying causes of the ASB such as substance abuse. Examples were given on how the Orders had been utilised in two ASB cases in Aylesbury.

Stop & Search was touched upon with statistics based on the amount of searches carried out 2015 – 2017 versus knife crime. The statistics showed that stop & searches had dropped and that knife crime had increased. Stop & search had to be evidence based and 24% of those carried out by TVP led to arrests. Results of stop & search had been posted on social media with examples of items seized but caution was exercised to ensure public fear was not generated. Intelligence led stop & search had led to further police operations and two cases were highlighted with regards to charges of possession with intent to supply. The Superintendent felt that stop & search was an important power for the police to have.

Looking forward to 2020-21, a new Superintendent would be arriving at the end of June along with a new Chief Constable. It was felt that key issues for 2019-20 would include hate crime, drugs markets and domestic abuse. An updated TVP Plan would also be published which intended to:

- Reduce crime and incidents through targeted and effective problem solving
- Bringing more criminals to justice by improving investigation quality and timeliness
- Improve protection of vulnerable through proactive measures and interventions
- Increase victim satisfaction by responding appropriately and improving communications

Following the presentation, Members had further questions. In response, Members were advised that:-

- i. The intention was to deter Class-A drug dealers from operating within Aylesbury through various operations. Drugs often motivated other criminal activities.
- ii. Instances of ASB outside the Grange School had been recorded and would be picked up in the TVP patrol plan. There may be other scope for further work depending on the plan's outcome.
- iii. Office usage of the Terrorist Act from a video recorded in 2014 was an inappropriate use of their powers. TVP were not considering posting videos on YouTube and would instead continue using social media.
- iv. The measures to reduce ASB were a better indicator of strategic success as 'before and after' data could be applied to specific cases e.g. number of call outs by individuals or households.
- v. Collaboration with mental health service providers, such as White Leaf Centre, had improved considerably over the past few years.
- vi. With the reduction of stop & search, alternative strategies were needed. To develop the strategies, work was done to understand why people carried knives. It was found that there were generally two types of people that carried a knife: 1) drug dealers for protection or 2) young people for status. TVP's anti-drug operations should reduce the first category organically. For young people then early intervention was key. It was also noted that a stop & search that resulted with nothing found may deter someone from carrying in future.
- vii. Police resourcing had been challenging but there was a gradual funding shift from national to local with council tax precepts. Precepts would mean better responses, more officers and further use of technology. TVP itself was a relatively lean organisation.
- viii. The growth agenda in Aylesbury Vale, such as the NIC and Expressway, were expected to have a significant impact. The HS2 development works had already attracted threat from criminals through the tools and plants used. The funding model by central government did not take local issues, such as growth and development, into account.

The Committee were also advised that the Superintendent was moving roles so this would be his last appearance at this Scrutiny Committee. Members thanked the Superintendent for his ongoing work and support and for coming to Committee annually to provide updates from TVP. The Members wished him well in his new role.

RESOLVED –

That the Police Superintendent be thanked for attending and the update be noted.

## **5. WORK PROGRAMME**

The Committee considered the work programme that had been included on the agenda. Members saw merit in an enforcement update coming to committee which should also include information from the Environment team regarding fly tipping following the charges introduced at County household recycling centres. It was felt December would be a suitable time for this update.

The Committee were advised that a final report on would VAHT be scheduled into the work programme.

RESOLVED –

That the work programme be noted.



## Transport for Buckinghamshire

### Carriageway & Footway Maintenance Schemes

#### Introduction

This report builds on a report and presentation given to Aylesbury Vale District Council's Environment and Living Committee in 2016. The original report focussed on carriageway scheme prioritisation, this report refreshes that information and includes commentary on footway maintenance and safety inspection and repairs.

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 seeks to deliver 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 structural condition.

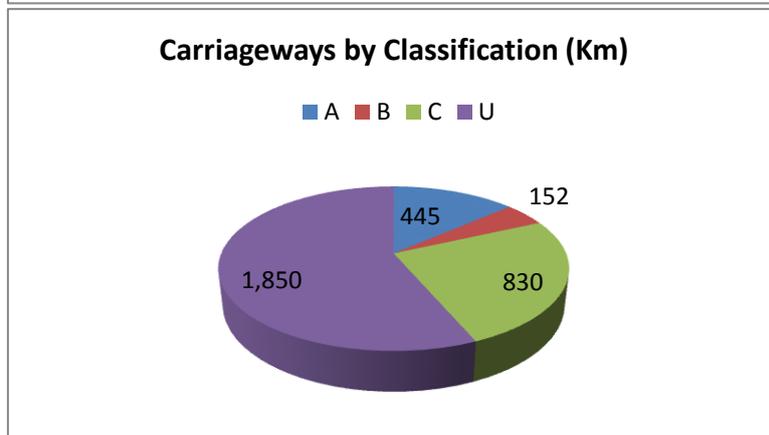
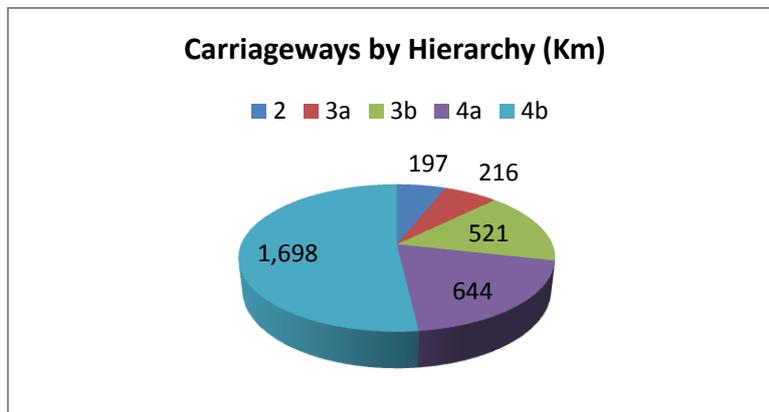
In line with the national Code of Practice (Well Managed Highways) TfB operates a programme of safety inspections of the highway to identify defects. Defects in excess of certain thresholds are risk assessed and prioritised for repair based on the danger they pose to users of the highway. Very dangerous defects could be repaired immediately or within 2 hours and those which are very unlikely to cause injury or accident may be included in future programmes of work. TfB also has frequent contact from the public identifying potential defects which are inspected and repaired in accordance with the same risk assessed principle.



**Our Network**

There are over 3200km of carriageways in Buckinghamshire, the majority of which are low use rural roads and estate roads. In contrast, the majority of traffic uses our more important A and B class roads. The classification system is historic and difficult to amend. TfB has therefore categorised all of our roads into a Maintenance Hierarchy. This reflects the actual use and importance of the roads and allows us to target our limited budgets on the roads which are the most important. The table below shows in broad terms how the hierarchies have been determined. In a few cases some Unclassified roads sit in the highest hierarchies. The pie charts below show how the carriageways are split by Classification and Hierarchy.

Hierarchy Category	Hierarchy Name	General Description
2	Strategic Route	The Most Heavily Trafficked generally A roads
3a	Main Distributor	Other heavily trafficked roads
3b	Secondary Distributor	Lightly trafficked A Roads, Most B Roads, busy C Roads and traffic-sensitive bus routes
4a	Local Interconnecting Link Roads	Most other C roads and non traffic-sensitive bus routes
4b	Local Access Roads	Roads providing local access





In addition to the carriageways we also have 2200km of footways. These are also split into four hierarchies ranging from Primary and Secondary Walking routes to linked and local access footways. We also have a number of estate and remote footways which are currently being assessed.

**Network 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.

	2013		
	Red	Amber	Green
A	6	24	70
B	7	30	63
C	8	32	60

	2018		
	Red	Amber	Green
A	4	26	70
B	3	26	71
C	5	29	66

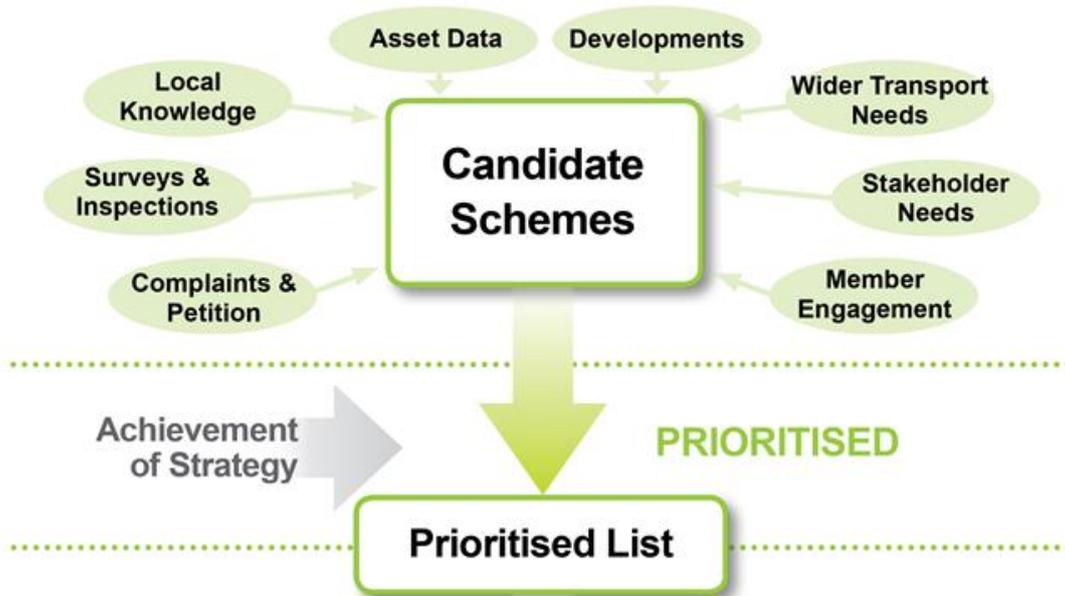
For the Unclassified roads the survey used is different and only records roads in poor or adequate condition. In 2013/14 33% of Unclassified Roads were in poor condition. This had improved to 29% in 2018/19.

For our main roads our condition is similar to our neighbours, however, overall our Unclassified roads are worse than our neighbours.

For our footways overall around 20% are in poor condition although for our more important footways over 90% are in good or fair condition.

**Development of the Programmes**

**Candidate Schemes for Annual Programme**



Once the candidate schemes have been identified using various technical data, including our collected condition data, a period of consultation is undertaken. As well as other teams in TfB, each County Councillor and his Local Area Technician (LAT) have a meeting to discuss the priorities for all roads in their respective Division. Alongside recommendations and suggestions for schemes in their division, Members are 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. Most members also visited sites often with their LATs either before or after the meetings.

For the more heavily trafficked higher hierarchy roads Members are 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, determine their local priorities and lists of schemes in priority order are created and circulated.

Schemes on the Strategic Network are 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)

A four year rolling programme is developed taking account of consultation feedback, engineering judgement and coordination with other programmes. County Councillors regularly liaise with local stakeholders and the prioritisation process takes account of customer feedback and contact throughout the year.

For footways our condition data is more crude and there are fewer defects and customer contacts to consider. Therefore, candidate schemes are generally identified through the consultation process with local Members and their LATs. They are prioritised in a similar manner to the carriageway schemes and a four year rolling programme is developed.

### **Capital Maintenance Programme Overview**

Budgets are typically £15M per Annum for carriageways and £1.5M per annum for footways. In addition smaller “plane and patch” programmes are also funded. In 2018/19 one off funding from the DfT allowed a larger plane and patch programme in excess of £4M.

The overarching strategy is for Strategic Roads to remain at their current condition (steady state) and to target remaining funds at the Local Roads which are, in general, in a worse condition. The developed programme of work balances preventative treatments with the need to repair roads which have failed. The approach is informed by data, a requirement of the DfT’s questionnaire, but also ensures BCC’s Members and TfB Local Area Technicians (LATs) are fully involved in decision making and that localism is at the core of the way we develop and implement our programmes. The balanced approach has been shown to give the best overall value for money in the longer term when compared with either a worst first or preventative maintenance only approach.

TfB also tries to ensure that the budget is spent across the County although the more heavily trafficked roads in the south of the County generally attract slightly more spend as they deteriorate more quickly.

In 2019 there will be approximately 58 Local Road schemes and 32 Strategic Road schemes, although this is subject to detailed design and assessment. A plan showing the indicative 4 year rolling programme is included as Appendix 1. It must be emphasised that this programme is subject to annual review and changes to budget so amendments to the programme are inevitable. We are currently planning 21 footway schemes around the County.

### **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).

Typical Indicative Programme Delivery Dates:

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

### **Reactive Maintenance**

TfB operates a programme of safety inspection on all highways. The establishment of an effective regime of inspection, assessment, recording and prioritisation of defect repairs is a crucial component of highway maintenance, providing a robust framework to address key objectives to maintain the highway in a safe and serviceable manner, as required by Section 41 of the Highways Act 1980, and is consistent with the overall Asset Management Strategy. These inspections involve a driven site inspection where defects (not just potholes) are recorded, risk assessed and prioritised for repair. The table below shows the inspection frequencies for different hierarchies of roads and footways.

<i>Carriageway Hierarchy Classification</i>	<i>Frequency of safety inspection</i>	<i>Hierarchy Category</i>
1	Not currently used	
2	Monthly	Strategic Road
3A	Monthly	Main Distributor Road
3B	Monthly	Secondary Distributor Road
4A	Quarterly	Local Link Road
4B	Annually	Local Access Road



<b>Footway Classification</b>	<b>Hierarchy</b>	<b>Frequency of safety inspection</b>	<b>Hierarchy Category</b>
1		Monthly	Primary Walking Route
2		Quarterly	Secondary Walking Route and Safer Routes to School
3		Annually	Linked Footway
4		Annually	Local Access Footway

Each defect above certain thresholds is risk assessed and a category assigned which dictates the response to be made. This is shown in the table below:

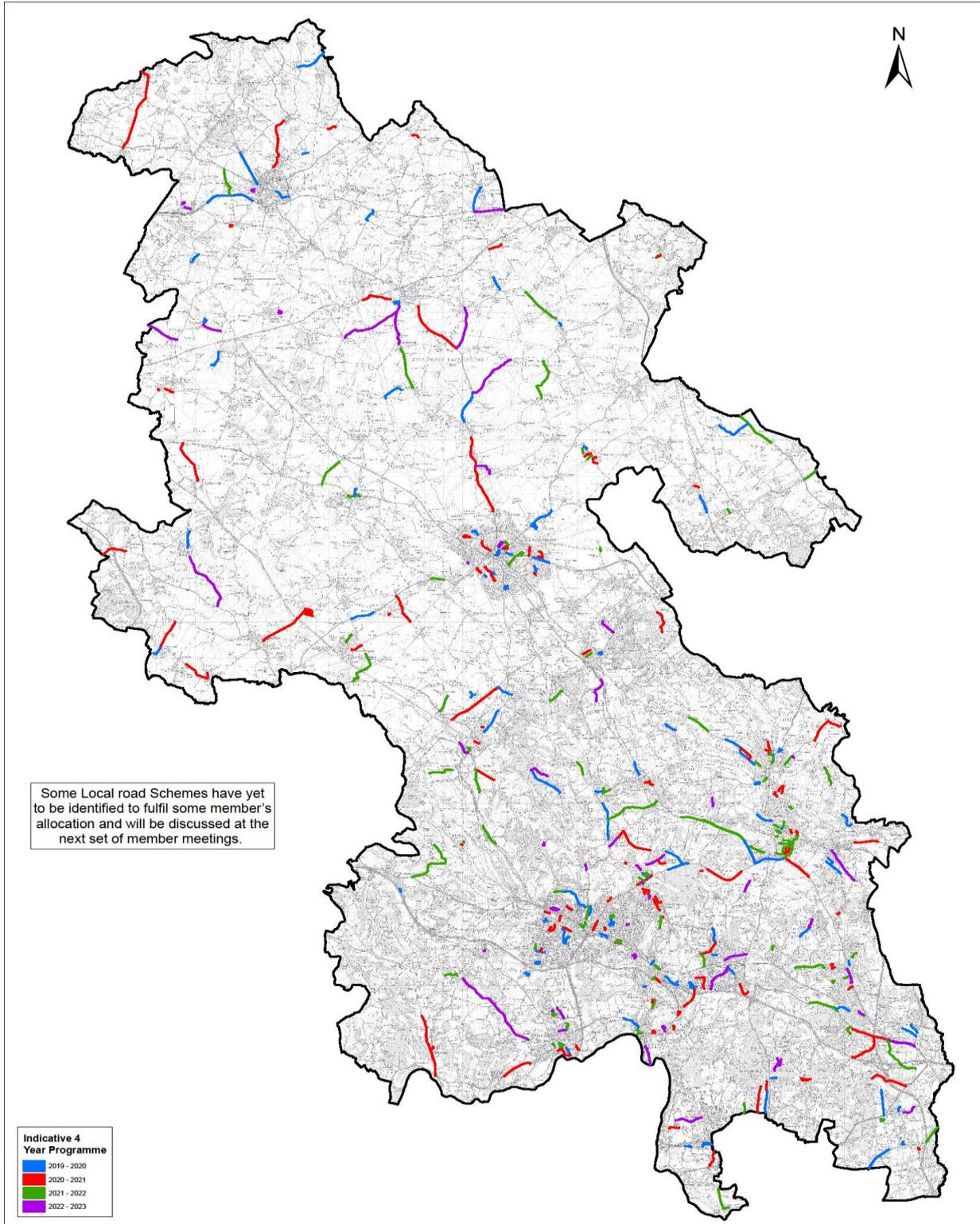
<b>Cat 2L</b>	N/A	Consider repair within future programmes of planned maintenance works
<b>Cat 2M</b>	28 DAYS	No temporary repair necessary. Attend and permanently repair within 28 working days
<b>Cat 2H</b>	5 DAY	Attend within 5 working days and make safe or permanently repair. If repair is temporary then raise additional P3 defect for permanent repair within 28 working days
<b>Cat 1</b>	2 DAY	Attend within 2 working days and make safe or permanently repair. If repair is temporary then raise additional P3 defect for permanent repair within 28 working days
<b>Emergency</b>	2 HOUR	Attend within 2 hours and subsequently make safe or permanently repair. If repair is temporary then raise additional P3 defect for permanent repair within 28 working days

Whilst the number of defects is generally decreasing the number occurring is still high and is very weather dependent. Over the last 6 months TfB have repaired 19,705 defects including street lights and less urgent repair. The table below shows the more urgent defects from the last 6 months. These will predominantly be carriageway defects.

	Nov-18	Dec-18	Jan-19	Feb-19	Mar-19	Apr-19
Cat 1 defects repaired (2 days)	82	118	81	140	114	48
Cat 2H defects repaired (5 days)	956	1042	750	1059	1504	1229
2 and 5 day defects repaired (combined)	1038	1160	831	1199	1618	1277



**Appendix 1.**



W:\bucksc\bc\_net\Transportation\Ringway Assets  
Programme Asset Management Business Support\RJ ASSET MANAGEMENT\Works Programmes\  
Councillor Hub - October 2018\Future Scheme Plans

**Indicative 2019-23  
Carriageway Programme  
Strategic & Local Schemes  
County Overview**



## PROPOSAL RELATING TO THE SCHEME OF ADDITIONAL LICENSING FOR HOUSES IN MULTIPLE OCCUPATION (HMOS)

### 1 Purpose

- 1.1 To seek the views of the Committee on whether to allow for the expiration of the current scheme of additional licensing of HMOs (due to expire in late September 2019).

### 2 Recommendations/for decision

- 2.1 That the Scrutiny Committee offer any feedback on the proposal that the current additional Houses in Multiple Occupation (HMO) licensing scheme, covering the whole of Aylesbury Vale be allowed to expire, without re designation in September 2019.
- 2.2 That Scrutiny Committee note that the private sector housing unitary work stream commence work on collecting management data to inform the Buckinghamshire Council's approach to additional HMO licensing designation post vesting day.

### 3 Executive Summary

- 3.1 Given the extension of the statutory mandatory HMO licensing arrangements (introduced on 1 October 2018) the Council needs to decide whether to re designate an additional HMO licensing scheme, when it expires in late September this year. It is proposed that the additional licensing scheme not be re designated for the following reasons;
- Government has legislated to extend mandatory licensing for properties that it considers the highest risk and therefore priority for regulation/enforcement activity.
  - The new statutory mandatory licensing scheme now covers around 75% of all existing mandatory and additional licenses in the Vale. The old mandatory scheme would only have covered 25%.
  - The work required to designate all or part of the District for an additional licensing scheme would have a minimum lead time of four months and take a significant amount of preparatory work at a time when resources should be focused on identifying unregistered HMO's, general housing enforcement work, and ensuring services are safe and legal for vesting day of the new Buckinghamshire Council.
  - Whilst authorities can continue to designate additional licensing schemes, there must be a clear and demonstrable need, alongside a local policy framework to support such a scheme. No other Buckinghamshire Districts have an additional HMO licensing scheme and the new Buckinghamshire Council

will therefore be able to take a broader strategic view as to the potential benefits in due course.

#### **4 Supporting information**

- 4.1 Houses in Multiple Occupation (HMOs) can often be occupied by the most vulnerable in society. The risk of fire, public health issues and overcrowding is greater than other types of accommodation and resources should therefore be targeted at those which represent the highest risk.
- 4.2 The Housing Act 2004 first introduced the mandatory licensing of houses in multiple occupation (HMOs). The Act also provided for licensing to be extended by a local authority to include HMOs not covered by mandatory licensing (additional licensing).
- 4.3 The Council introduced an additional licensing scheme on 27 September 2014. The additional licensing scheme designated the whole of the district and the 'additional' component was to include properties where there are three or more occupants (as opposed to the mandatory threshold at the time of five). Additional licensing schemes must be reviewed to ensure the continued benefit to occupiers and the community. A designation can last for a maximum of five years and accordingly AVDC's additional licensing scheme expires in late September 2019.
- 4.4 In order to make a new designation for additional HMO licensing, the Council must collect evidence to support their case, apply to MHCLG, undertake consultation and then wait for three months for the designation to come into effect.
- 4.5 On 1 October 2018 mandatory licensing was extended to include properties with one or two storeys, so that the standard test will now simply include a threshold of properties accommodating two or more households and five or more persons in total. In addition to the standard test there are additional mandatory tests which are unchanged;
- Buildings converted to self contained flats comprising three or more self-contained flats.
  - Buildings converted to be a mixture of self contained flat(s) and non self contained accommodation.
- Finally, changes introduced in October 2018 introduced new conditions for national minimum sleeping room sizes and waste disposal provision requirements. These will all take effect when existing licenses expire and are renewed.
- 4.6 None of the other Buckinghamshire Districts currently operate additional HMO licensing scheme and there is therefore an opportunity for the Buckinghamshire Council to bring forward a scheme for either all of, or designated areas of Buckinghamshire in due course, should it wish to do so.
- 4.7 The difference in the standards tests for the old mandatory regime, current additional scheme and new mandatory regime is set out below.

	Old mandatory threshold	AVDC 'additional' threshold	New mandatory threshold
Number of storeys	3 or more	3 or more	No minimum
Number of people	5 or more	3 or more	5 or more
Number of households	2 or more	2 or more	2 or more

4.8 Of the 163 properties currently licensed by AVDC (mandatory *and* additional licensing) only 43 would not be covered by the newer mandatory provisions. These are predominantly three/four bedroom, three/four person properties with concentrations in the Wards of Buckingham North (14) and Buckingham South (7).

## 5. Options considered

5.1 Two broad options have been considered before making recommendations to Committee.

5.2 Option 1 - That the Council allow the additional licensing scheme for the Vale to expire in September 2019, without commencing the process to re designate part of, or all of the District.

5.3 As a result of the legislation change, and without the existence of an additional licensing scheme, 43 of the properties currently licensed (as taken from data at March 2019) under the additional scheme would no longer be required to be licensed at all.

5.4 It is important to consider that properties that remain outside of the requirements of the mandatory licensing scheme are still subject to HMO management regulations and the council can still take action against the Landlord to remove any significant hazards found, by using existing powers in the Housing Act 2004.

5.5 Additionally the Housing and Planning Act 2016 also introduced new powers to deal with rogue landlords, such as Civil Penalties and the Rogue landlord database. This satisfies the MHCLG requirement for the local authority to have considered what other courses of action would be available that could deal with any issues not covered by additional licensing schemes.

5.6 Those properties that would no longer require a license represent a lower risk and do not tend to be properties that require intensive enforcement activity. There is no reason to believe that this will change just because the additional licensing scheme is allowed to expire. Less than 3% of complaints received last year (3/119) related to those currently additionally licensed HMO's which will no longer be covered by mandatory licensing. Of these three complaints, one related to the HMO exceeding its additional license conditions relating to the number of residents (meaning it will become mandatorily licensed anyway). The other two complaints did not require any enforcement action.

5.7 Highest risk HMOs tend to be converted, older, three storey properties with more than five persons resident. These types of properties will be covered by the new mandatory regime, but are often unlicensed. Anecdotally, we believe less than half of the HMO's across the Vale are actually licensed and therefore resources would be better targeted at

identifying and enforcing against unlicensed HMO's rather than additionally licensing lower risk properties.

- 5.8 There are transitional arrangements in place for existing additional licenses outside the scope of new mandatory provisions, which mean they would not automatically fall away in September 2019, rather they would run until the expiry of their five year additional license. This means conditions attached to these licenses can still be enforced against if required. Only seven of the forty three affected licenses expire before January 2021, with many running for much longer.
- 5.9 Option 2 - For the Council to proceed with exploring whether there is enough evidence to justify a specific area of the Vale for additional licensing (as opposed to the whole of the Vale), focusing on local intelligence and data matching of other Council held datasets.
- 5.10 To subsequently proceed, the Council must be convinced there is a justified case to do so and also follow the consultation process. It could be during the course of this fresh exploration exercise that it is established that there is justification to designate the whole of the Vale for an additional scheme, but this is thought unlikely because of the shift in regulatory focus by government.
- 5.11 The process required to apply to MHCLG (even if it commenced before the current scheme's expiration date), may not be completed before the expiry of the current additional scheme. This fact is not a reason to not pursue continuing the scheme in itself (if it is deemed necessary), but given the amount of work required to prepare for vesting day of the new Buckinghamshire Council it is likely that resources be better used elsewhere, especially given the extended scope of mandatory licensing.
- 5.12 The second recommendation proposed in this paper is that the Committee supports officers from across all Districts commencing research to establish if there is a clear need to establish a new additional scheme for the new Buckinghamshire Council to subsequently bring forward.

## **6 Resource implications**

- 6.1 The local authority has charged for additional HMO licenses but this is to cover the cost of the work, with no profit allowed to be included. This means letting the scheme expire would result in minimal detrimental impact because the officer time will no longer be spent on processing additional licenses. This officer time will be better spent on proactive housing enforcement work on higher risk properties.

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Background Documents

Houses in Multiple Occupation and residential property licensing reform (MHCLG)

Approval steps for additional and selective licensing designations in England (MHCLG)