

Environment and Living Scrutiny Committee

25 JUNE 2019

PRESENT: Councillors B Everitt (Vice-Chairman), S Chapple, A Cole, S Cole, B Foster and R King.

IN ATTENDANCE: Councillors P Irwin, D Lyons, A Macpherson and M Winn.

APOLOGIES: Councillors M Bateman, P Cooper, T Hunter-Watts and S Jarvis.

1. ELECTION OF CHAIRMAN

RESOLVED –

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

2. APPOINTMENT OF VICE CHAIRMAN

RESOLVED –

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

3. MINUTES

RESOLVED –

That the minutes of the meeting held on 27 March, 2019 be approved as a correct record.

4. BUCKS COUNTY COUNCIL - HIGHWAYS UPDATE

The Committee welcomed Mr Keith Carpenter (Highways Asset Manager, Transport for Buckinghamshire) who had been invited to give an update on Buckinghamshire County Council's Highways Infrastructure Management Policies insofar as they related to Aylesbury Vale in particular and across the County generally. These policies described the principles adopted and applied to achieve the County Council's highways maintenance objectives. Mr Carpenter was accompanied by Councillor Irwin, the County Council's Deputy Cabinet Member for Transportation.

To give some context to the presentation, the Committee was advised as follows:-

- The County highways network stretched from busy areas inside the M25 to the more rural north of the County.
- There were around 3,200km of highways, over half of which were smaller roads, including 2,480km of footways, 6,000 illuminated signs, in excess of 28,000 street lights and 500 bridges.

The approved Asset Management Policy and Strategy set out how the County Council would maintain a safe road network, maximise carriageway availability, optimise the use of and protect natural resources and improve accessibility for all. There were a number of performance measures against which the success of dealing with defects within previously determined timescales could be assessed.

Road condition was measured for the classified road network using nationally recognised methods which recorded the condition of sections of road as red (worst), amber or green (best). Due to the timing of surveys they sometimes lagged behind the actual condition but the impact of increased investment was showing steady improvements across all classifications of roads over the last five years.

Unclassified roads were surveyed slightly differently, with categories being either poor or adequate. In 2013/2014, 33% of unclassified roads were in a poor condition compared to 29% in 2018/2019. Around 20% of footways were considered to be in poor condition, although for the more important footways, over 90% were either in good or fair condition.

Works to strategic roads were data led and by engagement with various stakeholders, including local elected Members and the County Council's own Local Area Technicians. From the data sources used, a list of potential or candidate schemes was created.

Every year a proportion of roads were surveyed. For local roads this involved a visual inspection which collected information such as cracking or subsidence. For strategic roads, a more sophisticated approach was taken, using a specialist vehicle which deployed remote monitoring equipment. The data was then loaded into specialist software and mapped against the condition of the rest of the network.

The data was converted to a scoring system as described earlier in this Minute. The software used the defects identified to suggest an appropriate treatment and give an indicative cost of repair. There were, at the time the Committee report had been prepared 1,393 potential schemes on the strategic network.

The maintenance strategy adopted by the County Council recognised that prevention was better than cure. There were some types of defect which could not be left for safety reasons, whilst others could be repaired temporarily (and more cheaply) to prevent further deterioration. The County Council ensured that a proportion of the overall budget was spent on preventative repair/maintenance. This explained why, on some occasions, work was seen to be undertaken on roads that did not look as bad as others. This offered best value for money.

Schemes were usually ranked as follows:-

- Classification hierarchy.
- Condition data.
- Public requests.
- Reactive spend.
- Insurance claims.
- Safety (skid resistance).

As previously indicated, for local roads, the condition data was cruder. Also experience had shown that local knowledge, particularly from elected Members, was vital in determining actions/priorities. Members were however also consulted in relation to strategic schemes within their areas. Indeed, they were often asked to suggest priorities.

In summary a balanced approach was taken between prevention and cure and a different strategy applied to strategic and local roads. This enabled a list of priorities to be created for each County Electoral Division. These priorities were then combined with all strategic schemes to create a four year rolling programme. This enabled opportunities for collaborative working with other areas to be explored. The rolling programme was renewed every year in the light of changing circumstances.

The County Council concentrated resources on dealing with footways considered to be in the worst condition. All highway structures were inspected periodically. Street lighting replacements were prioritised according to condition and much of the funding was invested in upgrades such as LED units. Traffic signal replacement and refurbishments were assessed against a range of factors such as age, condition and maintenance record.

Some capital funding was provided by the Department for Transport, part of which was incentivised. The remainder was provided directly by the County Council. Different predictive models were used to inform decision making, thus allowing priorities to be balanced across the different asset groups. The Medium Term Financial Planning process was run each year to re-assess these priorities. It was indicated that at present funding levels, all of the assets, except carriageways, were in a slow but steady managed decline. For carriageways, the funding allowed for some improvements which could be concentrated on local roads. Overall, the condition of carriageways had improved for all categories over the last five years or so. For main roads, the condition was comparable to that of highways in neighbouring Counties.

There were teams dedicated to inspecting and repairing all the County's roads. Every road was inspected from a slow moving vehicle by a team of two trained inspectors. Minor roads were inspected once a year and main roads inspected once a month. All types of defects were identified – not just potholes. Each defect was assessed by the inspectors or Local Area Technician and a response time designated. These inspections were geared towards safety. Response times ranged from two hours (emergencies) to 28 days (low risk). In some cases however, a repair was not required immediately and could be included in future work programmes. Sometimes a repair necessitated the closure of the highway and therefore could not be undertaken immediately.

The County Council's maintenance regime had been accredited by the British Standards Institute and the County had received full funding from the Department for Transport. Proactive planning also took place in order ensure the future resilience of the highway network and to take account of factors such as climate change and in the Vale, significant housing growth. Although the roads had been improved over the last five years, it was acknowledged that there was no room for complacency. There were almost 1,400 potential schemes on strategic roads alone and probably 3,000 in total.

Mr Carpenter and Councillor Irwin, as appropriate, responded to a number of questions/comments from Committee members, including the following:-

- It was confirmed that (as outline above) visual checks were undertaken. It was emphasised that local knowledge and reporting was however invaluable.
- Use was being made of new technology. For example LED units in street lamps and new resurfacing materials.
- It was indicated that potentially, potholes of the type illustrated in the presentation material took around two days to remedy. However, those considered to be a serious safety hazard would be repaired often within two hours.

- Members appreciated being advised of the statistical data included within the presentation, which they felt would be helpful to them in explaining the highways maintenance strategies to Town/Parish Councils.
- Climate change and the need to protect the local environment was factored into the maintenance regime. However the variation in the climate could affect the determination of what type of works were undertaken. Winter and Summer weather was no longer easily predictable.
- It was confirmed that efforts were continually being made to change travel habits to more environmentally friendly modes of transport to reduce carbon dioxide emissions and other climate warming gasses. Consideration was being given to the viability of park and ride schemes and improvements were being made to cycle ways. The Highways Team was involved in the planning of Aylesbury as a Garden Town. Greater use was also being made of recycled aggregates.
- Consideration was being given within the resources available to increasing the number of electric vehicle charging points.
- It was confirmed that there was an on-going maintenance programme for highway signage. Also, efforts were being made to maintain safety standards through roadside tree surgery. However it needed to be recognised that it was not always possible to carry out this work when preferred as it was determined by the growing cycle.
- Wherever possible and where budgets allowed, every endeavour was being made to ensure that the repairs carried out had regard to the historic character of an area and the existing road materials.
- Where appropriate (and again within the limitations of the budget), and bearing in mind the positioning of underground utilities, tree planting along roadsides was undertaken.
- It was acknowledged that the transition to a unitary authority would improve the efficiency of future road maintenance planning.
- Reference was made to the need to engage with customers in connection with the number of likely vehicle movements associated with the transport of spoil and aggregates used in connection with the construction of the HS2 project. It was however indicated that getting firm information from HS2 Ltd on this aspect was proving to be difficult.
- Reference was made to the need to consider carefully the siting of controlled pedestrian crossings, which were often located close to roundabouts and other junctions.
- Brief reference was made to the decision to devolve some highway maintenance work to Parish Councils which was appreciated by local communities.

In conclusion, the Committee thanked Mr Carpenter and Councillor Irwin for allowing Members the opportunity to have a full and frank discussion on this matter.

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

House in multiple occupation could often be occupied by the most vulnerable in the community. The risk of fire, public health issues and overcrowding was greater than in other types of accommodation and resources were, in the main targeted at those which represented the highest risk.

The Housing Act, 2004 had first introduced the mandatory licensing of houses in multiple occupation (HMOs). The Act also provided for licensing to be extended by local authorities to include HMOs not covered by mandatory licensing, known commonly as additional licensing.

The Council had introduced an additional licensing scheme in September 2014. The additional licensing scheme had designated the whole of the District and the additional component was the inclusion of properties where there were three or more occupants, as opposed to the mandatory threshold at the time of five. Additional licensing schemes had to be reviewed to ensure that they continued to be of benefit to occupiers and the community. Such a designation could last for a maximum of five years and AVDC's additional licensing scheme would expire in September, 2019.

In order to make a new designation, the Council had to collect evidence to support its case, apply to the MHCLG, undertake consultation and then wait three months for the designation to come into effect.

On 1 October, 2018, mandatory licensing had been extended to include properties with one or two stories, so that the standard test would 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 were additional mandatory tests which remained unchanged, namely:-

- Buildings converted to self contained flats comprising three or more self contained flats.
- Buildings converted to be a mixture of self contained flats and non self contained accommodation.

Finally, changes introduced in October, 2018 had included new conditions for national minimum sleeping room sizes and waste disposal requirements. These would all take effect when existing licenses expired and were renewed.

It was reported that none of the other Buckinghamshire Districts currently operated additional HMO licensing schemes and there was therefore the opportunity for the new Buckinghamshire Council to bring forward a scheme for either all of, or designated areas of the County in due course should it choose to do so. The Committee report gave details of the differences in the standards tests for the old mandatory scheme, the current additional scheme and the new mandatory regime.

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

Members were advised that there were two broad options:-

Option 1: That the Council allows 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. As a result of the legislation change, and without the existence of an additional licensing scheme, 43 of the properties currently licensed under the additional scheme, would no longer be licensed at all.

The Council could however still take action against landlords in respect of properties outside the requirements of the mandatory scheme by using the powers contained in the Housing Act, 2004. Additionally, the Housing and Planning Act, 2016, also included powers to deal with rogue landlords. This would satisfy the MHCLG's requirement that local authorities should have considered what other courses of action would be available to deal with issues not covered by additional licensing schemes.

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

The highest risk HMOs tended to be converted, older, three storey properties with more than five residents. These types of property would be covered by the new mandatory regime, but were often unlicensed. Anecdotally it was believed that less than half of the HMOs across the Vale were actually licensed and therefore resources would be better targeted at identifying and enforcing against unlicensed HMOs rather than additionally licensing lower risk properties.

There were transitional arrangements in place for existing additional licenses outside the scope of the new mandatory provisions, which meant that they would not automatically fall away in September, 2019. Instead they would run until the expiry of their five year additional license. This meant that conditions attached to these licences could still be enforced. Only seven of the 43 affected licenses expired before January, 2021, with many running for much longer.

Option 2: For the Council to proceed with exploring whether there was 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 assets.

If the Council were to proceed, it had to be convinced that there was a justified case to do so and also it would be necessary to follow the consultation process. It could be that during the course of this fresh consultation exploration exercise there was justification to designate the whole of the Vale for additional licensing. However it was thought that this was unlikely because of the shift in regulatory focus by the Government.

The process required to apply to the MHCLG (even if it commenced before the expiration date) might not be completed before the expiry of the current additional scheme. Given the amount of work required to prepare for vesting day for the new unitary authority, it was felt that resources could be better used elsewhere.

Committee Members had an opportunity comment/seek clarity on a number of issues, including:-

- Members were anxious to ensure that any decision not to renew the additional scheme would not result in any vulnerable individuals falling through the net. Members were assured that officers had and were continuing to work with other agencies working in this field (such as social care, HMRC, Bucks Fire & Rescue and a modern slavery task force) allowing for the sharing of intelligence to identify unlicensed HMOs.
- It was confirmed that the Council would continue to be vigilant and it was indicated that officers across the environmental health sector were working together to identify potential problems. For example, the Council carried out numerous food outlet inspections each year and checks are being made where appropriate on the use of accommodation above such outlets.
- The proposal not to pursue the additional licensing arrangements would allow greater scope to identify and concentrate on identifying HMOs that were not licensed at all, were likely to have poor standards and require enforcement action.
- Any proposal not to renew the additional licensing regime would afford the new unitary authority the opportunity to consider a whole County approach.

Members concluded that in the light of the information available, it would not be appropriate to pursue renewal of the additional licensing regime and accordingly it was,

RESOLVED –

- (1) That non renewal of the additional licensing regime for HMOs after the expiry of the existing scheme in September, 2019, is supported.
- (2) That it be noted that the private sector housing unitary work stream would commence work on collecting management data to inform the new Buckinghamshire Council's approach to additional licensing designation post vesting day.

6. WORK PROGRAMME

It was noted that the work programme provided for the following:-

Meeting on 24 September, 2019

- Update on the Housing and Homelessness Strategy 2019 – 2020
- Built Facilities Strategy
- Leisure Supplementary Guidance (subject to modifications consultation on the VALP)
- Food Service Plan (prior to a cabinet member Decision)

Meeting on 3 December, 2019

There were no items identified as yet, but merit was seen in receiving reports on the following:-

- Update on HS2 Infrastructure work

- Impact of changes made to the domestic household recycling sites, particularly in relation to fly tipping.
- Aylesbury Garden Town Update.