

# Questions on notice

Full Council meeting 17 April 2024

## **Question to Councillor Mark Winn, Cabinet Member for Homelessness and Regulatory Services, from Councillor Robin Stuchbury in relation to the Council's Street Trading Policy consultation**

"A public consultation on the Council's Street Trading policy is taking place until 28 April 2024. It appears that the intention and rationale of the policy is a one-size-fits-all approach. Can the Cabinet Member please explain whether it is intended that the policy will apply to all public events, how it will affect the cost, paperwork and criteria of obtaining a street trading consent, and how the policy would impact community activities organised in the county?"

## **Response**

"A new draft street trading policy was approved for public consultation by the Council's Licensing Committee on 27th February 2024.

The draft policy reflects the proposed approach to harmonising street trading by replacing the current regime and the various legacy district council arrangements with a single consistent approach. The proposal is to create a level playing field and to introduce street trading controls across all public freely accessible places, the rationale for this is set out in the policy. In summary the proposal will give the Council greater scope to determine where street trading can take place, the articles that may be sold and the way trading is conducted, and will help to support other Council plans in terms of how public spaces look, feel, and are used. The street trading regime can be used to promote healthy lifestyle choices and environmentally friendly activities and examples of this are set out in the policy such as restrictions on selling unhealthy foods near schools. A well-planned street trading policy also presents an opportunity to support economic prosperity.

Areas with vibrant street trading activity are likely to benefit not only traders themselves, but other businesses within the vicinity through attracting additional footfall. In addition, the ability to regulate street trading activity helps provide protection for existing businesses such as fixed site shops and food businesses from unfair competition. Finally, and importantly, the proposed approach ensures greater public protection through basic vetting checks.

For activities that are considered low risk the policy proposal contains a number of suggested dispensations where street trading consent will not be required, this includes non-commercial community events such as village fetes and school fundraising events. For community events which involve an element of commercial trading it is proposed that a single consent be required to cover all traders to reduce the administrative burden and cost.

In terms of costs, any fees will be calculated on a purely cost recovery basis but fee calculations will only be possible once a decision is made on the final content of the policy.

I would also emphasise that this is a draft policy and we would strongly encourage any parties with an interest in this matter to complete the online survey so all views can be considered when the matter is referred back to the Licensing Committee for further consideration later this year.

The survey link has been sent to all Council Members and is available together with a copy of the draft policy on Your Voice Bucks. The deadline for responding is 28th April 2024.”

**Question to Councillor Steve Broadbent, Deputy Leader and Cabinet Member for Transport from Councillor Adam Poland-Goodyer in relation to A418 Oxford Road**

“Since the commencement of HS2 works on the outskirts of Aylesbury, residents of Aylesbury West, Aylesbury as a whole and commuters have been suffering from a daily lottery of how bad the traffic will be on the A418 Oxford Road.

Recently these delays (leading to frequent gridlock in Aylesbury itself) have been compounded in recent months by issues involving both HS2 works and Thames Water.

Often, one set of works is completed by one organisation and then the following day/week the road has traffic restrictions placed on it again by the other organisation.

This has led to children arriving late to school, residents arriving late to work and an increase of traffic on ‘rat runs’ avoiding the area entirely.

Could Buckinghamshire Council please convene a meeting with HS2, Thames Water and local councillors to resolve the issues on the A418 once and for all so that disruption to residents in the future is minimised whilst the HS2 works take place.”

**Response**

“The A418 Oxford Road is undoubtedly a location that has seen considerable activity by HS2 and utilities which, unfortunately, has a disruptive impact on the highway network and the travelling public.

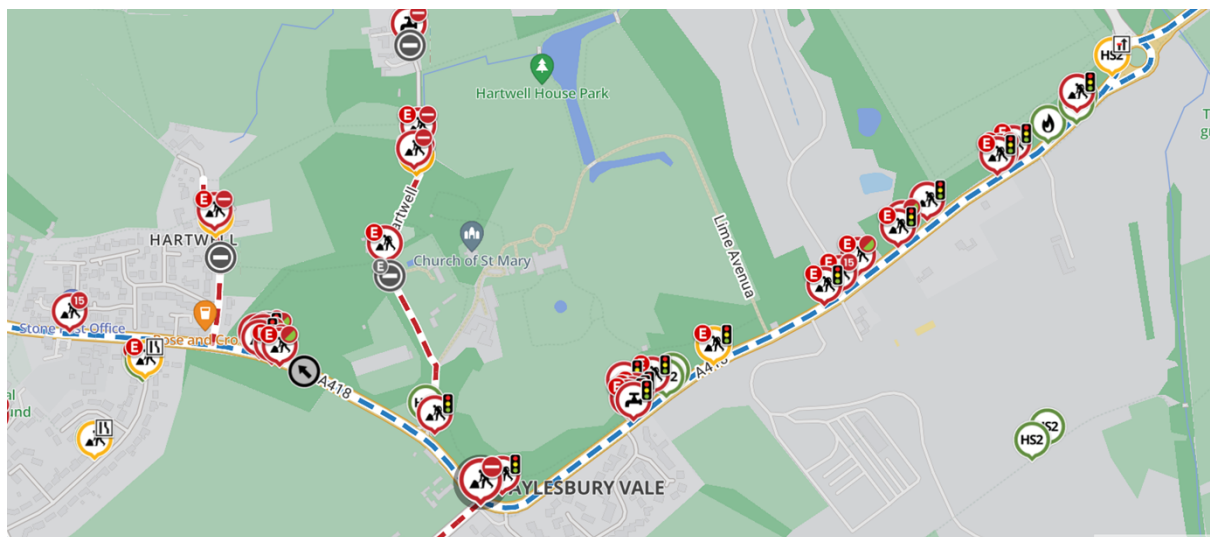
For expediency a summary of works in recent months is provided below:

During October 2023 – Thames Water had a complex emergency that caused considerable disruption to residents and road users and had to return to site several times before the incident was rectified. HS2 Ltd also had works taking place in October although not in direct conflict to cause delays.

In November 2023 HS2 Ltd had a weekend closure which started on the 17<sup>th</sup> November 2023, and we ensured that opportunities for collaborative works were explored to utilise the road closure.

Below is a list of HS2 works that have taken place so far this year on the Oxford Road.

				Date of	
TM Needed	Street Name	Start Date	End Date	Application	Times
Multi-Way Signals	Oxford Road	07/03/2024	07/03/2024	21/02/2024	Daytime Off Peak
Lane Closure	Oxford Road	08/03/2024	08/03/2024	05/03/2024	Daytime Off Peak
Multi-Way Signals	Oxford Road	06/04/2024	07/04/2024	19/03/2024	All Day
Multi-Way Signals	Oxford Road	08/04/2024	11/04/2024	25/03/2024	All Day



The screen shot above shows the permits received from January to date. Most works have been for Buckinghamshire Highways emergency pothole repairs requiring either traffic lights or stop and go and this has been continuous throughout the last few months. This is not unusual and over the same period because of the extremely wet weather, our road network has suffered significant deterioration requiring many urgent repairs to be carried out. The Thames Water permit was to install a new pressure relief valve and this work started in January and was completed in February 2024.

With respect to HS2 works, HS2 Ltd have powers within the HS2 Act which allows them to grant their own permissions where they are working within the Act limits without the requirement of the council's streetworks team to grant consent. Any permits we receive from HS2 Ltd are solely to notify us that they will be carrying out such works. They do, however, need to check that they are not creating any clashes on the network and coordination is secured through monthly meetings (Traffic Liaison Group) chaired by HS2 Ltd

and attended by the council, HS2 contractors, utilities, and emergency services. They can be contacted directly via email at [HS2enquiries@hs2.org.uk](mailto:HS2enquiries@hs2.org.uk).

In addition the council do have 2 officers who have sole responsibility for liaising and working with HS2 and their contractors (in this case EKFB) and they can be contacted on [EWRANDHS2enquiries@buckinghamshire.gov.uk](mailto:EWRANDHS2enquiries@buckinghamshire.gov.uk)

If you require to raise or discuss any matters directly related to HS2, in particular with respect to future works for HS2. At the request of the council, EKFB have been asked to regularly brief members on future works and an update is to be arranged in the near future. At present streetworks have no confirmed dates at the moment for any future permits.”

**Question to Councillor Peter Strachan, Cabinet Member for Planning and Regeneration from Councillor Adam Poland-Goodyer in relation to development at Prebendal Farm**

“The residents of Prebendal Farm and Rowland Way have been blighted in recent months by construction work taking place at the old Rothmans Building off of Fowler Road in Aylesbury.

Construction traffic (large lorries in particular) are arriving on site before it opens, parking in the road awaiting access. Unfortunately this blocks the road to the only access/egress to this area and forces residents into oncoming traffic.

Workers on site are parking on grass verges, ruining the ground (when there is supposed parking on site) and swearing openly alongside residential properties with young children.

The fire alarm frequently goes off with false alarms and disrupts both residents of the building and those surrounding the area.

This construction site has already once had their work paused by the council.

Local residents have tried to engage with the building company and our own planning department but their responses have been unsympathetic. It is further compounded with the discovery that the developer wants to reduce the S106 contributions for this development. Considering the disruption to residents and strain on local services, this is unacceptable.

Can the member please meet with the local residents group (Prebendal Farm Street Association) to hear their concerns and try and make this construction site a more accommodating neighbour.”

## Response

“Whilst these concerns appear to ‘emanate’ from work being undertaken at a development site, the only issue raised that is within the control of the Local Planning Authority is the alleged construction traffic delivery times. The other issues are a mixture of a civil matter, which is outside the Council’s control, and issues that may be investigated by other council services. Therefore, I have forwarded your email to the relevant cabinet members as appropriate for information and recommend those matters be picked up as appropriate.

Taking in turn the points raised, I can advise that the planning enforcement team have a pre-existing case on this site and have previously investigated alleged breaches of planning conditions relating to the site’s operating hours, on-street parking and delivery times. With the exception of one breach of condition, the enforcement team are satisfied that the planning conditions imposed on the permission and the associated Construction Traffic Management Plan are being complied with. If, however, you or any of the local residents have any additional information relating to alleged breaches of condition at this site then please contact the Planning Enforcement team directly who will happily investigate those points again.

In the meantime, whilst I recognise that construction workers verbal conduct is likely to be concerning, particularly in the earshot of children, this is not something that is within the control of the Council.

In relation to parking on grass verges, vehicles arriving and waiting in the area before the site opens and the reported fire alarm frequently going off, these matters ‘may’ be able to be investigated by our colleagues in the parking services and environmental health respectively.

Firstly though, it should be borne in mind that there is no breach of planning control occurring if construction traffic arrives outside a site ‘early’, parks lawfully and awaits the site to open to carry out a delivery. If your residents have concerns relating to any unauthorised parking then I can only recommend that they report those concerns to the parking team using the [fixmystreet](#) webpage. In the meantime, I understand that the planning enforcement team has contacted the local ward members advising of the planning situation regarding site operative parking.

Whilst some noise is inevitable from construction sites, Environmental Health are able to [investigate noise from building works](#) (including noise from alarms) where the noise is unreasonably impacting those living nearby. I can confirm that Environmental Health have visited the site and have made clear the Council’s expectations regarding noise and the importance of the proactive management of impacts from works on neighbouring residents, particularly at the weekends and on bank holidays.

As the Cabinet Member for Planning and Regeneration I will continue working with Cabinet Colleagues, Local Members and Officers to resolve issues such as it when they fall within the remit of the Council.”

**Question to Councillor John Chilver, Cabinet Member for Accessible Housing and Resources from Councillor Adam Poland-Goodyer in relation to Fairford Leys Riverine Corridor**

“In the Full Council meeting of the 6<sup>th</sup> December 2023 I asked about the delay in handover of S106 money and the Riverine Corridor to Coldharbour Parish Council. In the reply it was stated that *‘be assured that our Legal Department is treating this matter as a priority’* and that *‘We would be open to a meeting to share an understanding of any outstanding issues and the way ahead. Given the need for our legal team to review the case file any meeting will need to be scheduled between the relevant legal teams in January’*.

It is now April and this meeting has not happened and we are still in the same back and forth that Coldharbour Parish Council have been in for the last 15 years. This is continuing to cost taxpayers across Buckinghamshire money and in particular those Council taxpayers in Coldharbour. Although there appears to be difficulties between the 3 parties we are no further along, so for a second time, I am asking for you to convene a meeting to get this resolved once and for all.

**Response**

“By way of update since this matter was last the subject of a question to Council, I can assure you the Council’s legal officers have continued to progress this matter with due diligence in what is a multi-party and quite complex transaction and have made progress since the discussion at Council. The purpose of the transaction is to secure the land (the Riverine Corridor) which traverses the Fairford Leys development is transferred to the Parish Council.

**Background**

- The S106 agreement provides for the land to be first transferred from the Developers (Admiral Homes, Bryant Homes, Taylor Wimpey Holdings and Taylor Wimpey UK) to this Council. This Council (BC) has then agreed to transfer the land to Coldharbour Parish Council (CPC). The rights and obligations in the documents that transfer the land to this Council will be mirrored in the documents which transfer the land to CPC. This means there are three sets of lawyers and six clients involved in both transactions, and each transfer document must be agreed by all parties.
- This is being undertaken in a series of phased transactions. Phases 1 to 3 were completed quite some time ago and Phases 4-7 are yet to complete. These final four Phases are being dealt with in two separate transactions, (4-5 and 6-7).

#### By way of an update

- The documentation to facilitate the transfer of land for phases 6-7 from the Developers to BC is in an agreed form and has been sealed by BC. It has been with the lawyers for TW since early March. They are arranging for it to be sealed by the Developers. We have no control over how long this will take, but each company has its own governance procedures to be adhered to in advance of execution.
- The transfer document for Phase 4 - 5 is also now agreed and was sealed by BC today (10/04/2024) and has been sent to the Solicitors for the Developers for execution by their clients i.e. Taylor Wimpey UK Limited and 3 other Developers.

#### Next Steps

- Now the initial documents are finalised, the documents to transfer the land from BC to Coldharbour Parish Council have been sent to Rebecca Oliver for final approval by CPC. Once all four documents are executed by all parties, we can progress to a completion.
- As regards the suggestion of a meeting, on three separate occasions (10th and 22nd January and 15th February) BC Legal Officers have extended an invitation to the Parish Council, (via their lawyers to meet), but no response was received. Given the position now, it is not considered a meeting would be of any benefit but the offer remains if the Parish Council wishes to meet.”

#### **Question to Councillor Thomas Broom, Cabinet Member for Climate Change and Environment, from Councillor Robin Stuchbury in relation to the pollution incident in 2018 in the Great River Ouse, Buckingham**

“In 2018 there was a pollution incident along a stretch of the Great River Ouse, Buckingham that killed thousands of fish. Buckinghamshire Council is the riparian owner of large stretches of the river. Could the Cabinet Member please provide an update on the investigation of this river pollution incident, including the Council’s communication with the Environment Agency, and comment why there is no public information available?”

#### **Response**

“The pollution event in question was caused by chemicals entering the river at Brackley and resulted in more than 800 dead fish including, bullheads, sticklebacks, crayfish, lamprey and roach. During the pollution incident the Environment Agency advised that as a precaution people should stay out of the River Great Ouse. This was acted on by the Parks & Green Spaces team who passed on these messages to the public using our land.

The legal investigation is being led by the Environment Agency. They supplied us and the local community with regular updates following the incident until 2021. The updates included drop in meetings and a newsletter, this also led on to a partnership group working together to improve the River through fish restocking and restoration works.

As a response to a number of pollution incidents in rivers and chalk streams in Buckinghamshire the Transport, Environment and Climate Change (TECC) Select Committee undertook a Rapid Review of Pollution in Buckinghamshire's Rivers and Chalk Stream in November 2022. [TECC Rivers Report.pdf \(modern.gov.co.uk\)](#) with a number of recommendations. The latest progress report on the recommendations is here: [Water Quality Recommendation Response Table - 12 month update November 2023.pdf \(modern.gov.co.uk\)](#)"

Below is the Environment Agency's response on the matter.

*"We have accepted an Enforcement Undertaking from Biolink Ltd in relation to the pollution of the River Great Ouse on or about 27 June 2018. An Enforcement Undertaking is a voluntary offer by an offender to put right the effects of their offending and to make sure it doesn't happen again. It is a civil sanction that is an alternative to a prosecution. As part of their offer, Biolink Ltd has donated £11,038 to the Canal & Rivers Trust charity to fund a project on the Northampton Arm of the Grand Union Canal for reed cutting to improve water flow and quality and to improve the habitat for aquatic invertebrates, fish and plant-life. As well as the donation to the Canal & Rivers Trust, Biolink Ltd has also paid the costs accrued by the Environment Agency in attending and investigating the incident of £117,033.74. The company is no longer based at Brackley. The site was cleared following the fire and is no longer considered a pollution risk. However, the company undertook a number of improvements at its Hull site to prevent a similar incident occurring there. This included improved infrastructure, improved fire safety equipment, staff training and new written procedures. Biolink Ltd has complied with all the actions in the Enforcement Undertaking and the case is now closed."*