

## **SCRUTINY COMMITTEE - COMMUNITY**

9 September 2014

### **Present:**

Councillor Shiel (Chair)

Councillors Newby, Branston, Brimble, Bull, Clark, Foggin, George, Holland, Morris, Raybould and Robson

### **Apology:**

Councillor Mitchell

### **Also present:**

Deputy Chief Executive, Assistant Director Environment, Assistant Director Housing, Assistant Director Public Realm, Service Manager, Service Lead Housing Customers, Service Improvement Lead (Payments), Principal Accountant and Democratic Services Officer (Committees) (HB)

#### **33 Minutes**

The minutes of the meeting held on 17 June 2014 were taken as read and signed by the Chair as correct.

#### **34 Declaration of Interests**

No declarations of disclosable pecuniary interest were made.

#### **35 Questions from the Public under Standing Order 19**

In accordance with Standing Order No. 19, questions in respect of allotments from Mark Robbins, John Lloyd and Christine Fraser were put to the Committee. Copies of the questions had been previously circulated to Members. The questions and replies from the Chair (in italics) are appended to the minutes.

All three questioners responded to the answers given.

The Chair thanked Mark Robbins, John Lloyd and Christine Fraser for attending the meeting and putting their questions.

## **ITEM FOR EXECUTIVE**

#### **36 Allotment Service Review**

The Assistant Director Public Realm presented the report setting out the current position with regard to the Council's provision of allotments and, in the light of consultation with service users, proposing a number of changes to the operation of the service and the rules governing current lettings. The report presented options for the devolved or shared management of the allotments sites.

Councillor Owen, the Portfolio Holder for Environment, Health and Wellbeing, spoke under Standing Order No. 44. He thanked the allotment holders for participating in the consultation process and contributing to the production of the report. He also

thanked officers for the report. On reflection, he felt that a better approach would have been to consult the allotment bodies prior to the start of the review. However, he was grateful for the full engagement of the ward councillors as the review progressed which had been very helpful. He wished to see a sustainable, long term future for the allotments in the City and welcomed the suggestion of establishing an Allotment Users' Forum.

The following responses were given to Members' queries:-

- a full audit of all allotment sites would be carried out as soon as possible and, following on from this, any necessary safety work undertaken as quickly as possible;
- as some plots have been in a poor condition for a number of years it is unlikely that all remedial work will be undertaken prior to the introduction of the new management system;
- initially, each site will be encouraged to have a site representative to liaise with City Council officers, prior to a more formal management system being considered;
- it is not proposed to introduce a deposit system;
- siblings inheriting a plot from parents is not considered appropriate but there will be engagement with allotment bodies on this issue;
- self management of allotments will still require adherence to constitutional issues such as an AGM, election of officers etc., but it is anticipated that the model to be widely adopted will be that of shared management between the Council and allotment bodies;
- the length of the hand over period of an allotment to a bereaved spouse will be examined;
- the format and remit of the proposed Allotment Users' Forum will be discussed with the allotment bodies;
- a significant rent increase had been agreed for 2013/14 for implementation from September 2014 and it is not anticipated that rent increases above inflation will be introduced in the future. The rent in Exeter reflects the market value of the land; and
- local knowledge is of great value as allotment representatives can advice on the special needs of some users and on the allotment conditions.

Councillor Bull moved and Councillor Newby seconded the creation of an Allotments Users' Forum. This was supported.

Scrutiny Committee - Community noted and supported the report and thanked all those who had been involved in the consultation process and requested Executive to:-

- 1) support the restriction of all new tenancies to those living in the City and who continued to do so;
- 2) support the restriction of all new tenancies in size to a maximum of ten rods (approx 250m<sup>2</sup>) per household;
- 3) support the bringing into line of payment arrangements for allotments rents within the range of payment options available for other council services, subject to such arrangements complying with the statutory provisions relating to allotments;
- 4) support discounts applying to current tenancies to remain for the duration of the individual tenancy and not to be transferable and that no discount be applied to new tenancies;

- 5) support changes being made to the service to reduce maintenance costs and bring the service into line with the proposed budget for 2015/16, as set out in the report;
- 6) agree to greater user participation being encouraged and to grant delegated authority to the Assistant Director Public Realm, in consultation with the Portfolio Holder for Environment, Health and Wellbeing, to enter into management agreements with duly elected Allotment Associations;
- 7) approve the changes in the Allotment Gardens Rules and Conditions as set out in the report and to grant delegated authority to the Service Manager with overall responsibility for allotments to interpret the rules in the case of a dispute;
- 8) support the issue of the Allotment Gardens Rules and Conditions from 1 October 2014 and to grant delegated authority to the Assistant Director Public Realm, in consultation with the Council's Monitoring Officer and the Portfolio Holder for Environment, Health and Wellbeing, to review annually thereafter and approve or amend the rules as necessary;
- 9) grant delegated authority to the Service Manager to permit a rent free period of up to a year where a new tenant is willing to accept an untidy plot or where a tenant is prepared to be the single representative overseeing the allotment site on behalf of the Council; and
- 10) an Allotment Users' Forum be established in liaison with the Allotment Bodies.

### **PRESENTATION TO COMMITTEE**

#### **37 Welfare Reform Update**

The Service Improvement Lead (Payments) presented the report informing Members of the impact on residents and the Council of the welfare reforms introduced since April 2013 and outlining actions taken to minimise this impact. She illustrated the operation of the new system through a presentation of three recent case studies.

She responded as follows to Members' queries:-

- the Welfare Support Fund had replaced the Social Fund previously administered by the Department of Work and Pensions. Although there had been an increase in numbers using the Food Bank, because of the operation of the Welfare Support Fund, the full impact of the changes were not known in detail. The Welfare Support Fund would end in March 2015;
- vouchers issued for use at Turntable could be re-issued if suitable items could not be immediately obtained; and
- work was currently in progress on a new corporate debt policy and new write off policy to standardise procedures across types of debt and would be reported to Members.

Scrutiny Committee - Community noted the contents of the report and noted that, in future, updates would be made through Members' briefings.

## **ITEMS FOR DISCUSSION**

### **38 Housing Revenue Account - Budget monitoring to June 2014**

The report of the Assistant Director Finance was submitted on major differences by management unit to the outturn forecast for the first three months of the financial year up to 30 June 2013. During this period, the total of the variances indicated that there would be a net deficit of £757,730. This represented a decrease of £108,820 compared to the revised budgeted deficit of £866,550 for 2014/15. It was estimated that the working balance would stand at £2,205,489 at 31 March 2015.

Scrutiny Committee - Community noted the report.

### **39 Community - Budget Monitoring to June 2014**

The report of the Assistant Director Finance was submitted advising Members of any major differences by management unit to the revised budget. The current forecast suggests that net expenditure for this Committee will decrease from the approved budget by a total of £2,560 which represents a variation of 0.03% from the approved budget. This included supplementary budgets of £10,130.

The current capital programme shows a forecast spend of £2,027,470 in 2014/15 with £77,820 deferred until 2015/16.

Scrutiny Committee - Community noted the report.

### **40 Local Air Quality Management Air Quality Action Plan 2011-2016 and 2014 Air Quality Progress Report**

The report of the Assistant Director Environment was submitted updating Members on the Council's duties relating to local air quality management and work being conducted on a Low Emissions Strategy.

Scrutiny Committee – Community:-

- 1) noted the progress on the Air Quality Action Plan;
- 2) supported the development of a Low Emissions Strategy to fulfil air quality objectives and to reduce the health effects of poor air quality; and
- 3) supported wide stakeholder consultation in the Low Emissions Strategy commencing 1 September 2014.

### **41 Review of the Contaminated Land Strategy**

The report of the Assistant Director Environment was submitted updating Members on the review of the Council's Contaminated Land Strategy and advising of proposed forthcoming consultation.

Scrutiny Committee - Community:

- 1) noted the draft revised Contaminated Land Strategy; and
- 2) supported consultation on the draft revised strategy.

## **ITEMS FOR INFORMATION ONLY**

### **42 Re-Cycling Plan - Interim Review**

The report of the Assistant Director Environment was submitted updating Members on the Re-cycling Plan and progress towards the main actions that were identified in the Review.

Scrutiny Committee - Community:-

- 1) noted progress made to date in implementing the Recycling Plan 2011-16; and
- 2) supported the ongoing actions planned for 2014, as set out in the report.

### **43 Local Government (Access to Information) Act 1985 - Exclusion of Press and Public**

**RESOLVED** that, under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph three of Part I of Schedule 12A of the Act.

## **ITEM FOR EXECUTIVE**

### **44 Water Ingress to Council Housing Stock**

The Assistant Director Housing presented the report setting out the impact the extreme weather conditions over the 2013/14 winter had on some Council homes and advising Members what work was required to tenanted and leasehold properties to make good the damage caused. The report also identified how this work could be funded and the likely scale of resources required.

Because of the extreme wet weather conditions as well as exceptionally strong winds approximately 330 of the Council's housing properties had been affected by significant water ingress and damp issues. The damp had penetrated the external envelope of certain buildings, affecting the internal surfaces/decorations which in some cases caused significant mould growth. The remedial work was unplanned and outside the major works programme.

He responded as follows to Members queries:-

- the main works would likely commence in early Spring 2015 because of the necessary tendering procedure, the need to ensure that the walls had properly dried out and the need to avoid working during the winter months when further wet periods were likely;
- emergency works had already been carried out through the reactive repair contract. These were cases where a member of the household's health or wellbeing was compromised by the damp ingress and/or where living conditions are clearly unreasonable. These cases had been agreed by the Portfolio Holder for Housing and Customer Access. The costs had been contained within the re-active repairs budget to date; and
- necessary internal redecorations would also be undertaken as part of the project.

Scrutiny Committee - Community supported the report and requested Executive to:-

- 1) allocate total funding from HRA balances as set out in the report to carry out the required building works to remedy the damp ingress, an element of this budget to be added to the External Painting and Rendering budgets to cover the work that could be carried out in conjunction with work already planned by the Council's current contractors in 2014/15;
- 2) agree to the variation of the existing contractual arrangements with the contractors as a consequence of the above recommendation;
- 3) approve the criteria previously agreed with the Portfolio Holder for Housing and Customer Access, as set out in the report, for 'fast tracking' works or other interventions where there were medical or other exceptional circumstances; and
- 4) support the recharging of the value of the works as set out in the report to the leaseholders as a service charge to cover elements of work that were planned (and would normally be charged to the leaseholder) but were being completed ahead of programme at the same time as the damp ingress works to ensure cost efficiencies. These would only be reasonable costs and only following the appropriate consultation process.

The meeting commenced at 5.30 pm and closed at 7.04 pm

Chair

## QUESTION FROM A MEMBER OF PUBLIC

### UNDER STANDING ORDER NO.19

#### SCRUTINY COMMITTEE - COMMUNITY – 9 SEPTEMBER 2014

### QUESTION FROM MARK ROBINS

Does the Committee have the full information to hand in this paper to:

a) fully understand the Councils legal responsibilities (more than just a reference to the key legislative roots [as at 7.1 in the paper])??

b) understand the role, function and social welfare value and impact that allotments have in the community health and well being of citizens in the City?

c) understand b) in terms of the Councils stated goals, eg in its Core Strategy, or any Community Development Strategy, it has?

In other words, does the Scrutiny Committee feel fully informed about the role and value of allotments to the citizens of Exeter, including in terms of its own policy goals, so that it can adequately scrutinise the current Committee paper and make comments of real value to the Executive Committee?

### Answer

*The Committee has full information to hand to enable it to understand the councils legal responsibilities : to understand the role function and value allotments have in terms of health and well being and to understand this in terms of the councils overall purposes ---"to provide great things for me to do, see and visit" and this includes the more specific objective---"to work with partners to protect and improve habitats for wild life across the city, protect allotments and explore the use of open spaces for community food production"*

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**QUESTION FROM A MEMBER OF PUBLIC**

**UNDER STANDING ORDER NO.19**

**SCRUTINY COMMITTEE - COMMUNITY – 9 SEPTEMBER 2014**

**QUESTION FROM JOHN LLOYD**

Given that there has been considerable confusion about the costs and income of allotments, may we be given an assurance that before any new management agreement is reached, that accurate accounts are produced to show all heads of expenditure and all income, because without these, we will not be able to calculate an appropriate rent and or subsidies nor to calculate whether the charges across all leisure activities are equitably levied - as is required in law.

**Answer**

*Yes : Whatever may or may not have been the case in the past accurate accounts are now available.*

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**QUESTION FROM A MEMBER OF PUBLIC**

**UNDER STANDING ORDER NO.19**

**SCRUTINY COMMITTEE - COMMUNITY – 9 SEPTEMBER 2014**

**QUESTION FROM CHRISTINE FRASER**

Given the difficulty in conducting a consultation on allotment services, a difficulty acknowledged in the Report to Scrutiny Committee (9.3 refers), and given the diversity of experience of the allotment service across the City's 26 allotment sites, would the Committee support the creation of a user-based Forum with representatives from all the sites to provide not only a helpful channel of communication between the Council and the allotment gardeners, but to highlight best practice, ensure information reaches all tenants, and establish a representative user-group which would assist in the monitoring of the proposed changes over the 2 year period referred to in 13.2, and engage with a further review at the end of that period?

**Answer**

*Yes : All these suggestions seem entirely positive and reasonable.*

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