

SCRUTINY COMMITTEE - COMMUNITY

4 March 2014

Present:

Councillor Norman Shiel (Chair)

Councillors Mitchell, Bowkett, Branston, Bull, Choules, Clark, Crow, Macdonald, Morris, Payne and Spackman

Apologies:

Councillor Mottram

Also present:

Chief Executive & Growth Director, Deputy Chief Executive, Assistant Director Environment, Assistant Director Housing, Assistant Director Public Realm, Principal Accountant (SR) and Democratic Services Officer (Committees) (HB)

In attendance:

Andrew White - Devon and Cornwall PCC

9 **Minutes**

Subject to the amendment of the third paragraph of Min. No. 8 to read "proposed for December 2012" rather than "December of last year", the minutes of the meeting held on 14 January 2014 were taken as read and signed by the Chair as correct.

10 **Declaration of Interests**

No declarations of disclosable pecuniary interests were declared.

11 **Questions from Members of the Council under Standing Order 20**

In accordance with Standing Order 20, Councillor Morris put a question to the Portfolio Holder for Housing and Customer Access in respect of Mobile Homes and a question to the Portfolio Holder for Environment, Health and Wellbeing in respect of play areas within developments. A copy of the questions had previously been circulated to Members.

In accordance with Standing Order 20, Councillor Mitchell put a question to the Portfolio Holder for Housing and Customer Access in respect of the HRA and questions to the Portfolio Holder for Environment, Health and Wellbeing in respect of Community Patrols and Re-cycling. A copy of the questions had previously been circulated to Members.

The questions and the replies from the Portfolio Holders (in italics) are appended to the minutes.

PRESENTATION TO COMMITTEE

12 **Devon and Cornwall PCC**

The Chair welcomed Andrew White, Chief Executive of the Devon and Cornwall PCC, to the meeting

Details of the draft Police and Crime Panel Plan 2014-17 were circulated.

Mr White set out the following six priority areas of the Police and Crime Plan:-

- to make our area safer;
- a focus on cutting alcohol-related harm;
- a renewed drive for efficiency and reducing cost;
- a more effective criminal justice system;
- establishing new victim support services; and
- to enable citizens to play their part in community safety.

His presentation also covered the new approach of the PCC to performance measurement, CSP funding, use of the small grants fund, the four year funding allocation, Force resource allocation and the officer and staff profile.

He responded as follows to Members' queries:-

- the number of police officers on the beat had remained at a consistent level and he suggested that there was only a perception of reduced numbers. Special Constables continued to be recruited and use was increasingly being made of their specialist skills in respect of areas such as cyber related crime;
- the wider population had an important role to play in crime prevention through, for example, Neighbourhood Watch and participation in general volunteering in the community such as youth groups, sports clubs etc. However, it was recognised that the Force could benefit from a greater willingness to embrace the public desire to become involved;
- there was a greater emphasis in encouraging the reporting of domestic violence and abuse but this impacted on overall crime figures. The PCC was keen not to discourage reporting and therefore disaggregated the reported figures from overall crime statistics. It was currently assessing Minister of Justice guidance on re-direction of funding to ensure that there would be minimal impact on the three existing refuges in Devon;
- the PCC would assume responsibility for Victim Services from April 2015 with the management of this role currently being determined;
- there was no intention of re-allocating police resources on the basis of comparative crime levels between Exeter and other parts of Devon;
- volunteers were a valuable resource and, because of rigorous assessment and an emphasis on confidentiality, access to data was not an issue. They offered excellent support and were utilised, for example, in areas such as review of CCTV evidence;
- information on the use of private companies by the Force and details of officers on restricted duties would be circulated separately to Members;
- 826 individuals had been detained in 2013 under Section 136 of the Mental Health Act, largely for their own safety. It was recognised that, given the absence of properly trained medical staff, the current system was not fit for purpose and the PCC was in dialogue with all CCG's to review this system and to ensure that the Mental Health concordat was being honoured. Ian Ansell, the Criminal

Justice, Partnership and Commissioning Manager was attending a conference at St. Mellon on this topic shortly;

- the PCC was collating all community safety initiatives across the City, the results to be released within the next six months;
- he acknowledged Members' confirmation that there was little consistency at Councillor briefings because of the frequent changes in personnel at Inspector level and above. He would take this concern back;
- although alcohol related violence and crime was a priority there was equal emphasis on drug related problems. Legal highs were now also a concern and this situation was being monitored closely. The dangers of legal and illegal drugs were explained in school visits;
- although the small grant fund had been utilised in the past to support CCTV provision, the overwhelming number of requests had led to all support for these facilities being withdrawn as it was not possible to fund one request over another; and
- changes in the Probation Service were being closely monitored. Ian Ansell served on the Minister of Justice Committee which was tasked with monitoring roll out across the country.

The Chair thanked Mr White for his presentation.

ITEMS FOR DISCUSSION

13 Alternative Giving Scheme and Begging Enforcement Policy

The Chair advised that this report was deferred for consideration at a future meeting.

14 Housing Revenue Account Budget Monitoring to December 2013

The Chair welcomed the new reporting style and acknowledged the good work of the Financial Reporting Task and Finish Group. He advised that if Members had any difficulty with any areas of the report and which may not already have been addressed or if they had any further suggestions for improvement to contact the Scrutiny Programme Officer.

The Assistant Director Housing advised Members of any major differences by management unit to the revised budget. The total budget variances indicated that there would be a net deficit of £157,264 in 2013/14. This represented a decrease of £1,037,024 compared to the revised budgeted surplus of £879,760 for 2013-14. The main deviations from budget were set out in the report.

The Assistant Director emphasised the range of issues that were putting pressure on the HRA including welfare reform, new ways of working in terms of "designing against demand", limitations of an incremental approach to budget setting, an unexpectedly high level of voids, a very wet winter and the consequences of a deep recession. He responded in detail to Members' queries in respect of:-

- the new regime for the inspection of voids;
- kitchen replacements; and
- debt management and debt recovery in respect of unacceptable damage to assets.

Members welcomed the points set out in the Action Plan.

Scrutiny Committee - Community noted the report.

15 **Community Budget Monitoring to December 2013**

The Principal Accountant advised Members of any major differences by management unit to the outturn forecast for the first six months of the financial year up to 31 December 2013.

The current forecast suggested that net expenditure for this Committee would increase from the revised budget by a total of £150,910 after transfers from reserves and revenue contributions to capital, as set out in the report. This represented a variation of 1.67% from the revised budget. This included supplementary budgets of £19,950. Capital charges had been deducted from this to provide the total budget for management accounting purposes.

The following responses were given to Members' queries:-

- the redundancy cost relating to the Community Patroller Post had been previously reported to this Committee;
- £12,000 had been allocated for removal of illegal campers;
- recommendations on the £250,000 New Homes Bonus Local Infrastructure Fund (NHB LIF) were submitted to Executive after consideration by the new Major Grants and Homes Bonus Panel. The fund was intended for areas of the City with significant past or future growth. Therefore, applications should be for proposals needed as a result of development to meet existing deficiencies, additional pressures on existing facilities and/or to enhance community infrastructure. In addition, one of the criteria was that the proposal should be consistent with the principle of incentivising communities to accept growth. Applications which had been granted therefore did benefit communities that were under pressure from growth. Members were able to make further representations on the recommendations at Executive; and
- the presence or development of sustainable communities was important for new facilities to flourish.

Scrutiny Committee - Community noted the report.

16 **Re-cycling Plan Annual Review**

The Assistant Director Environment presented the report updating Members on progress with the Recycling Plan since its approval in 2011 and seeking ongoing support for recycling initiatives.

The report set out targets and the key reasons for reduction in kerbside dry re-cycling tonnages over the last few years, together with updates on garden waste collection, compost bin sales, trade recycling, bring banks, work with schools, communication and events.

Responding to the question in respect of re-cycling referred to in Min. No. 11 above, he detailed the performance of other authorities in comparison with Exeter. This is set out in the appendix to these minutes.

The following responses were given to Members' queries:-

- it was the intention to at least maintain the recycling rate as the economic climate continued to affect the purchasing of newspapers, etc. and manufacturers continued to reduce the weight of packaging;
- closer working with Devon County Council colleagues to encourage waste minimisation especially the minimisation of food waste, glass and garden waste. Information was available about what could be re-cycled, but it was planned to improve upon this;
- in respect of the recently circulated recycling leaflet, a response to the Member would be given in relation to the disposal of W.E.E. goods;
- ending the free Saturday bulk collections and encouraging the use of recycling centres will help reduce the huge amount of waste to landfill;
- consideration will be given to the management of slave bins;
- work closely with Housing Services to overcome barriers to recycling in a number of blocks of flats, by reviewing collection and storage points, providing micro bottle-banks, and engaging with tenants to understand their particular issues; and
- in collaboration with Devon County Council, work with the University and Guild to improve recycling with the student population.

Scrutiny Committee Community:-

- (1) noted the progress that the Council had 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.

17 **Dog Enforcement Measures at Belmont Park**

The Assistant Director Public Realm presented the report advising Members of the enforcement options available to help deter future dog attacks at Belmont Park.

It was proposed to continue to allow dogs to be exercised off the lead in Belmont Park but to maintain CCTV coverage, in the short term, to compliment the ongoing high visibility patrols by Council staff.

The Portfolio Holder for Environment, Health and Wellbeing reported that he had attended the AGM of the Newtown Community Association as well as a further meeting when dog control had been discussed. Approximately 30% of attendees had been dog owners. At one of these meetings, of the 24 present, only one had requested that dogs be kept on leads. He explained that different regimes operated in different parks with dogs required to be kept on leads in the smaller parks such as Bury Meadow. The larger parks were designated as "Dogs On Leads by Direction" which provided the opportunity to deal with any problems. It was noted that this issue should be considered in the context of the loss of the Dog Warden's post and additional duties being required of the Community Patrollers.

Scrutiny Committee - Community noted the report.

ITEM FOR INFORMATION ONLY

18 Devon and Cornwall Police and Crime Panel

Details of Police and Crime Panel meetings were circulated after each meeting to Members of this Committee to enable them to raise any issues of concern or interest at these Scrutiny meetings. No issues were raised.

19 Sally Reeve - Principal Accountant

The Chair reported that this would be last Scrutiny Committee - Community meeting of Sally Reeve, Principal Accountant, who would be retiring. The Chair and Members thanked Sally for her hard work and service to the Council over the years and wished her well for her retirement.

The meeting commenced at 5.30 pm and closed at 8.50 pm

Chair

SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER UNDER STANDING ORDER NO.20

Question from Cllr Morris for the Portfolio Holder – Housing and Customer Access

The majority of changes to Legislation (amendments to the Mobile Homes Act) come into effect from next month, and the Forum has been a beneficial and essential way of keeping residents updated on the changes and also it has been a way of giving residents confidence to address problems within their sites and it has served to ensure that residents within Mobile Home Parks in Exeter no longer feel that they are the forgotten electorate. Could I therefore ask for your reassurance that you will continue to support the Mobile Homes Forum given our responsibility as the Local Authority responsible for issuing the licenses to Park Site Owners and also given that other Local Authorities have since followed our lead are have set up similar Forums within their areas.

Answer

I recognise the success of the Mobile Homes Forum in giving a stronger voice to the many Exeter residents who have made their home in one of Exeter's four licensed residential park home sites, and in linking with other park home associations across the peninsula. I can reassure Councillor Morris that her good work in helping to set up and Chair the Forum will not be lost, but will be continued in the future. The Forum has an important role to play as it is not felt that recent legislation has gone far enough.

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SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER
UNDERSTANDING ORDER NO.20

Question from Cllr Morris for the Portfolio Holder – Environment, Health and Wellbeing

Whilst this problem is potentially a planning matter, going forward; Do you think there is anything that we as a Council are able to do to ensure that developers inform purchasers that there are plans for Local Authority play areas within the developments

And

Furthermore, is there anything that we can do to get an agreement from developers that ECC be permitted to hold onsite consultations prior to them leaving the site leaving us as a Local Authority to deal with the residents that are now understandably upset

Answer

There are two ways that prospective purchasers usually find out about proposed open space on developments, through developer marketing information and local authority land charge searches.

Developers usually include details of open space on their marketing literature since it is a positive feature of most developments. Taylor Wimpey's Sylvan Heights brochure can still be found on the web (try <http://www.rightmove.co.uk/new-homes-for-sale/property-14519607.html>). It shows the 'communal open space' parkland and within that an area identified as 'LEAP'. That stands for Locally Equipped Area for Play. It might have been more helpful if they had spelled out what LEAP means.

Solicitors for prospective purchasers undertake land charges searches of the Council. These would reveal the existence of a S106 agreement on the site and any competent solicitor could be expected to inspect that document and brief his client on any implications such as open spaces and affordable housing.

There are therefore two avenues by which prospective purchasers can find out about proposed open space and how it will be provided.

Planning law provides that a local planning authority can require developers to make adequate arrangements for the provision and maintenance of open space, we cannot require that open space is offered to the Council for adoption.

Where open space is offered to the Council it tends to be at the end of the development and it can take time for the land to be put in an acceptable condition. The S106 agreement can either require the developer to provide play equipment to a minimum standard or to pay a sum of money to the Council which will then use it to procure the equipment. Sylvan Heights uses this latter model, it has the advantage that the new community can then be consulted by the Council on the detailed design of the open space. The risk of earlier consultation might be raised community expectation of early delivery of open space when their might be difficult issues to sort out before the Council was prepared to accept the open

space. For example we would not wish to accept land with inadequate drainage or remediation of any contamination since we would be accepting the liability.

The Council's role in the design and adoption of open space does have a significant resource implication that can exceed the sums paid by developers. On many more recent developments, such as Redrow at Ibstock brickworks, the developer makes their own arrangements for layout and maintenance of open space. This often involves giving each property a share in a company responsible for long term maintenance. This model may enable open space to be provided earlier and gives residents greater long term control.

In summary, marketing and land charge searches provide a mechanism whereby purchasers should be aware of proposed open spaces, we are increasingly moving to models whereby developers directly provide open space.

SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER
UNDER STANDING ORDER NO.20

Question from Cllr Mitchell for the Portfolio Holder – Housing and Customer Access

At the September Scrutiny meeting a forecasted overspend of £254,015 to the HRA budget was reported to this committee.

At the following meeting in November a forecasted overspend of £588,860 was reported to this meeting.

Today a forecasted overspend of £1,037,024 is being reported to this committee under item 9 of the agenda.

In overall terms, the HRA has therefore moved from a budgeted surplus of £879,760 to a forecast deficit of £157,264, which represents a movement in percentage terms of minus 118%.

The recommendation asks us to assure ourselves that satisfactory actions are being taken by Officers to address these overspend.

However, as the Portfolio Holder responsible for this area may I ask what you have done to date to bring this budget under control?

Answer

Wide ranging actions have been encouraged and supported that are now being taken by officers to tackle the underlying issues that are putting pressure on the HRA. However, there are no easy solutions and the fact is that the HRA is having to cope with the combined effects of welfare reform, new ways of working in terms of 'designing against demand', the limitations of an incremental approach to budget setting (which isn't linked to actual demand), an unexpectedly high level of voids, the wettest winter for nearly 250 years and the consequences of a deep recession (and cuts to public services) that has left a number of marginalised and in some cases quite vulnerable people living in our properties who can't or won't look after them.

The Assistant Director Housing has been actively encouraged to look into the causes of the significant budget variations and start to put in place an action plan to tackle these, and that action plan is detailed in the report. The plan signals a fresh approach to the way the Council maintained and managed its council houses that would ultimately save the authority money in the long-run.

More regular visits to properties will be carried out in an attempt to nip problems in the bud. One of the wettest winters on record contributed to more repairs to leaks and damp problems than usual. This, along with a number of other factors such as the Coalition Government's welfare reforms, resulted in the Council's housing revenue account, which is wholly funded by the rents paid, spending £1 million more than anticipated. However, there is more than enough money in the HRA to meet this additional spending.

The action plan sets out 11 ways of better managing its stock and dealing with maintenance issues. These include:

- *Setting up a dedicated team to deal with properties that are becoming empty, keeping a close eye on costs*

- *Inspecting all properties when notice is received and advising the tenant on the work they need to complete at the property before moving. People will not be able to transfer to another Exeter City Council property if their current home is in a poor state of repair*
- *Work has been done to understand the reasons behind the overspend. The results are being used to plan a major restructure of housing, which will take place later in the year*
- *All homes will be visited more frequently and tenants advised what they need to do if they have not looked after their property well. Checks will be made to make sure the work is done and if it hasn't been then tenants run the risk of eviction*
- *Where tenants cause damage and don't put it right, follow up action will be taken to recover the money the Council has to spend. Recently an outgoing tenant received a bill for £2,336 following unauthorised work to their kitchen.*

In addition, it is proposed to set up a task and finish group so that the Members can fully understand all the complex issues and perhaps come up with some new ideas and fresh working practices that will help progress matters.

SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER
UNDER STANDING ORDER NO.20

Question from Cllr Mitchell for the Portfolio Holder – Environment, Health and Wellbeing

Last year under delegated powers and bypassing an opportunity for effective scrutiny from this Committee, the Community Patrol hours of operation were cut dramatically. Indeed now the service ceases operation every evening at 10pm - this is generally the time that noise becomes an issue.

This is obviously of concern to the residents of the ward we both represent and to the Exeter Population as a whole.

Until recently partner agencies including the University Estate Patrol were unaware of the cut in hours and until only a few weeks ago incorrect hours of operation were still present on the City Council website.

Does he agree that the implementation of this cut in service was not effectively communicated or scrutinised and is he willing to consider extending the hours again in the future?

Answer

The proposed cut in the Community Patrol service was reported to this Scrutiny Committee in the first instance. However, I was not aware of the fact that the University were not advised of the cut in hours and I will therefore contact them about this. I cannot at this stage agree whether the change to the hours was effectively communicated.

I am willing to consider any way for improving the service to residents if this can be achieved within available resources. At present there are severe pressures on the City Council budget.

I am willing to serve on the Task and Finish Group on Community Patrol if asked to do so.

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SCRUTINY COMMITTEE - COMMUNITY – 4 MARCH 2014

QUESTION FOR PORTFOLIO HOLDER
UNDER STANDING ORDER NO.20

Question from Cllr Mitchell for the Portfolio Holder – Environment, Health and Wellbeing

The figures in the table below are a comparison of Exeter's recycling/waste performance against 15 other local authorities listed by CIPFA as having similar population and characteristics to Exeter. Five of those authorities are out-performing us in both the amount sent for recycling and within the amount of waste sent for disposal. Have we made contact with those authorities to learn from their best practice and if not would you be willing to ensure we do so?

Percentage of household waste sent for recycling or composting

Warwick	57%
Cheltenham	45%
Ipswich	45%
Carlisle	45%
Oxford	45%
Taunton	45%
Deane	
Lincoln	44%
Cambridge	43%
Watford	40%
Colchester	40%
Gloucester	38%
Worcester	37%
Exeter	35%
Preston	35%
Wyre Forest	32%
Rushmoor	26%

Waste reduction: Non-recycled waste sent for disposal (kg per household)

Warwick	345
Taunton	
Deane	390
Ipswich	416
Oxford	421
Worcester	432
Exeter	442
Colchester	459
Cheltenham	459
Carlisle	459
Lincoln	482

Gloucester	486
Cambridge	498
Watford	500
Preston	506
Wyre Forest	529
Rushmoor	592

Answer

Of those 12 LA's that have better recycling rates than Exeter's (35%), all but 4 have a food waste collection service, which Exeter does not have – we only collect dry co-mingled recyclates from the front-gate, with glass being taken to recycling bring banks. Of these 4 that out-perform Exeter, have similar collection techniques, but do something different from Exeter which may account for a difference:

- *Lincoln (44%) provides a door-step collection of glass;*
- *Ipswich (45%) limit residual bins to 180 litre, provides a free brown bin composting scheme for garden waste, pet sawdust, kitchen peelings, fruit, tea-bags, as well as a bulky garden waste collection service (this is paid for, and is for bundled and tied prunings, etc);*
- *Carlisle (45%) – free garden waste collection, together with a kerbside collection of glass;*
- *Worcester (37% and most similar in collection method to Exeter) – a policy of 190 litre residual bin per household as opposed to 240 litre bin, and in addition a kerb-side collection.*

The amount of glass in Exeter's residual bins is 4%, which compares favourably with others such as Teignbridge DC that has a kerb-side collection of glass and still has 3% of glass in its residual bin. Garden waste accounts for 11% and food waste 35% in Exeter's grey bins.

What is known to happen with the introduction of any new collection of recyclate (e.g. glass) is that the public responds favourably and there is a knock-on effect with better recycling of other recyclates – i.e. it increases participation in recycling generally. The effect of robustly limiting the size of the residual bin to a size smaller than 240 litre is thought to bring about behavioural change, making people take more care in the amount of residual waste they produced and recycling more (conversely 240 litre was the de facto standard when wheelie bins were first introduced, resulting in a big increase in volumes of waste being generated as people filled the bin). In Exeter we have recently introduced 180 litre bins as the 'standard' for 3-4 person households, which is the biggest category of household size in Exeter. The proportion of 180 litre bins in Exeter is relatively small at present, as 240 litre bins are being replaced incrementally when a bin is replaced, or a new home is occupied.

There are learning points to glean from our comparator LA's and officers will be examining how good practice elsewhere can be transposed to Exeter.