

SCRUTINY COMMITTEE - COMMUNITY

Date: Tuesday 8 September 2015

Time: 5.30 pm

Venue: Rennes Room, Civic Centre, Paris Street, Exeter

Members are invited to attend the above meeting to consider the items of business.

If you have an enquiry regarding any items on this agenda, please contact Howard Bassett, Democratic Services Officer (Committees) on 01392 265107.

Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.

Membership -

Councillors Morse (Chair), George (Deputy Chair), Brimble, Bull, Buswell, Hannan, Holland, Newby, Packham, Raybould, Shiel, Vizard and Wardle

Agenda

Part I: Items suggested for discussion with the press and public present

1 Apologies

To receive apologies for absence from Committee members.

2 Minutes

To sign the minutes of the meeting held on 16 June 2015.

3 Declaration of Interests

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item.

Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

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

It is considered that the Committee would be unlikely to exclude the press and public during consideration of the items on this agenda, but if it should wish to do so, the following resolution should be passed:-

RECOMMENDED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting of the particular item(s) on the grounds that it (they) involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part I of Schedule 12A of the Act.

5 **Questions from the Public under Standing Order 19**

A period of up to 15 minutes will be set aside to deal with questions to the Committee from members of the public.

Details of questions should be notified to the Corporate Manager Democratic and Civic Support at least three working days prior to the meeting. Further information and a copy of the procedure are available from Democratic Services (Committees) (01392 265115) also on the Council web site.
<http://www.exeter.gov.uk/scrutinyquestions>

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

To receive questions from Members of the Council to appropriate Portfolio Holders.

PRESENTATIONS TO COMMITTEE

7 **UK Border Patrol - Presentation by Steve Paine of the Home Office**

8 **Damp Walls - Spotlight Review - Verbal Update by Councillor Bull**

9 **Portfolio Holders Report**

Councillor RM Hannaford (Portfolio Holder for Housing Revenue Account), Councillor Morris (Portfolio Holder for Customer Access) and Councillor Owen (Portfolio Holder for Health and Place) will present their respective work programmes and take questions.

(Pages 5 -
6)

ITEMS FOR DISCUSSION

10 **Housing Revenue Account - Budget Monitoring to June 2015**

To consider the report of the Assistant Director Finance.

(Pages 7 -
20)

11 **Community - Budget Monitoring to June 2014**

To consider the report of the Assistant Director Finance.

(Pages 21
- 30)

ITEMS FOR EXECUTIVE

12 **Review into the Council's Policy for Allocating Social Housing**

To consider the report of the Assistant Director Customer Access.

(Pages 31
- 38)

13 **Proposals for the Implementation of a Public Spaces Protection Order**

To consider the report of the Assistant Director Environment.

(Pages 39
- 52)

Date of Next Meeting

The next scheduled meeting of the Scrutiny Committee - Community will be held on **Tuesday** 10 November 2015 at 5.30 pm in the Civic Centre.

Find out more about Exeter City Council services by looking at our web site <http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Democratic Services Officer (Committees) on (01392) 265107 for further information.

Follow us:

www.twitter.com/ExeterCouncil

www.facebook.com/ExeterCityCouncil

Individual reports on this agenda can be produced in large print on request to Democratic Services (Committees) on 01392 265107.

This page is intentionally left blank

SCRUTINY COMMITTEE (COMMUNITY)

8 September 2015

Portfolio Holder Priorities 2015/16

The work programme for the Portfolio Holders for Housing Revenue Account, Customer Access and Health and Place is set out below.

Progress will be regularly monitored against each of these priorities and an update report will be presented back to this committee in January 2016.

HOUSING REVENUE ACCOUNT	
Portfolio Holder: Councillor Rob Hannaford	
We will:	
1	Finalise and approve a new Housing Strategy for the period 2015-2020.
2	Undertake a programme of further investment to improve standards in our social housing stock.
3	Undertake further work to improve the management of our housing assets and achieve greater value for money from housing contracts
4	Examine alternative options for communicating with and engaging with Council tenants.
CUSTOMER ACCESS	
Portfolio Holder: Councillor Heather Morris	
We will:	
1	Introduce a more disciplined approach to meeting homelessness demand to reduce spending
2	Ensure accuracy of claims to protect subsidy
3	Continue to work with external providers to drive efficiency and joined up service delivery through programmes such as the Troubled Families Programme, Integrated Care Exeter and the Exeter Community Hub to mobilise resources around individuals and families in need
4	Introduce further initiatives to improve standards in the private rented sector
5	Work with relevant partners to develop a Homelessness Strategy for Exeter
6	Develop proposals for the Local Council Tax Scheme 2017/18
7	Prepare for further Welfare Reform Changes, making Members aware of the impact on residents
8	Support residents back to financial independence by looking at closer working with Job Centre Plus, facilitating Credit Union provision and providing money management and debt advice
9	Implement a revised policy for the allocation of social housing
10	Continue to work with partners to redesign services to address rough sleeping in the city

HEALTH AND PLACE

Portfolio Holder: Councillor Keith Owen

We will:

1	Seek council approval for the implementation of a Public Spaces Protection Order to control anti-social behaviour in the wider city centre area
2	Increase the recycling rate from 34% (14/15) to 35% (15/16)
3	Improve cleansing of the city centre
4	Agree the required budget savings from the Public Realm budget and implement the changes necessary to deliver those savings without having a major impact on reputation
5	Agree a solution to the issue of excess weeds and highways verge growth in Exeter with Devon County Council
6	Resolve responsibilities for management of the Exe Estuary Harbour
7	Complete the restructure of the Public Realm directorate and implement the new ways of working to keep the city looking good
8	Support the further development of the Exwick Sports Hub through the transfer of playing fields to Exeter College
9	Have a renewed Gambling Policy approved by the Council that incorporates the latest guidance issued by the Gambling Commission in March 2015
10	Reduce the carbon footprint of our fleet vehicles by 3% from the 2014/15 level
11	Tailor the commercial waste service better to meet the needs of customers by i) examining the feasibility of early evening collections; ii) seeking to introduce by March 2016 an evening collection if justified in line with customer demand

REPORT TO: SCRUTINY COMMITTEE - COMMUNITY
DATE OF MEETING: 8 September 2015
REPORT OF: Assistant Director Finance
TITLE: Housing Revenue Account Budget Monitoring - June 2015

Is this a Key Decision?

No

Is this an Executive or Council Function?

No

1. What is the report about?

To advise Members of any major differences, by management unit, between the approved budget and the outturn forecast for the first three months of the financial year up to 30 June 2015 in respect of the Housing Revenue Account and the Council's new build schemes.

A budget monitoring update in respect of the HRA Capital Programme is also incorporated into this report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

In addition to the budgetary over/under-spends reported to this committee, Appendix 1 also highlights further areas of risk, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring, by officers.

2. Recommendations:

That Members of Scrutiny Committee – Community assure themselves that satisfactory actions are being undertaken by Officers to address the key areas of budgetary pressure highlighted in this report.

3. Reasons for the recommendation:

The Housing Revenue Account is a statutory account and local housing authorities have a duty to keep an HRA in accordance with proper accounting practices and to review the account throughout the year. This is the first quarterly financial update in respect of the HRA for 2015-16.

4. What are the resource implications including non financial resources

The financial resources required to deliver both housing services to Council tenants and to invest in new and existing housing stock during 2015-16 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the financial position of the Housing Revenue Account, as at 30 June 2015.

6. What are the legal aspects?

The Housing Revenue Account is framed by the Local Government and Housing Act 1989. This Act created the ring-fence and the structure within which the HRA operates and covers the detailed operation of the HRA, including the credits (income) and debits (expenditure) which make up the account.

7. Monitoring Officer Comments:

This report raises no issues for the Monitoring Officer.

8. Report Details:

HRA BUDGET MONITORING TO 30 JUNE 2015

8.1 Projected Surplus/Deficit

During this period the total budget variances indicate that there will be a net deficit of £2,333,791 in 2015-16. This represents a decrease of £625,391 compared to the revised budgeted deficit of £2,959,182 for 2015-16; the main deviations from budget are set out below. Please also refer to Appendix 2.

Budget Heading	Forecast Budget Variance (Under)/Overspend	Explanation
Budgeted Deficit	£2,189,182	
Supplementary budget for continuation of Warden Service	£182,000	Executive approved 17 March 2015
Supplementary budget for Low Maintenance and Painting	£221,000	Executive approved 14 July 2015
Supplementary budget for Damp Ingress	£367,000	Executive approved 14 July 2015
Revised Budgeted Deficit	£2,959,182	
Management Costs	(£75,360)	<ul style="list-style-type: none"> • The introduction of mobile working in housing services is progressing with the acquisition of handheld devices and system interface work, however further spend is pending a wider review of the housing management IT system. It is therefore estimated that £50,000 of the budget will need to be deferred until 2016-17. • Savings in employee costs are expected due to vacant posts. • Initial community engagement research in respect of older residents has completed with a £5,000 saving.
Housing Customers	£10,000	<ul style="list-style-type: none"> • Additional employee costs have been incurred in respect of covering long term sickness.
Repairs and Maintenance	(£589,612)	<ul style="list-style-type: none"> • Significant savings are expected to be achieved in respect of the damp ingress

Programme		<p>contract following lower tender prices coupled with a lower level of remedial repairs compared to original estimates.</p> <p>Savings have also been achieved through utilising scaffolding already in place for the external painting programme, where possible.</p> <p>The budget also made allowance for unidentified flats and houses suffering damp ingress but the number of properties has remained relatively stable at approx 330.</p> <p>The final saving may increase as the estimated outturn figure still retains a contingency sum for poorer condition properties and additional properties to be dealt with.</p>
Capital Charges	£60,531	<ul style="list-style-type: none"> Depreciation charges are higher than budgeted due to a rise in the valuation of housing assets. Depreciation is a real cost to the HRA as it represents the amount of money which needs to be set aside in the Major Repairs Reserve to provide for the cost of future capital works or to repay debt
Housing Assets	(£30,950)	<ul style="list-style-type: none"> Savings in respect of the additional resources required to deliver the damp ingress works are expected to be achieved following the appointment of external consultants for the provision of quantity surveying and contract management services, as opposed to agency staff.
Total budget variances	(£625,391)	
Projected HRA deficit	£2,333,791	Transfer from HRA Working Balance

8.2 Impact on HRA Working Balance

The HRA Working Balance represents amounts set aside to help facilitate service improvements, repay debt or to provide investment in the stock in future financial years.

The forecast balance, as at 31 March 2016, is set out below:

Movement	2015/16
Opening HRA Working Balance, as at 1/4/15	£7,736,532
Deficit for 2015/16	(£2,333,791)
Balance resolved to be retained (HRA contingency)	(£3,000,000)
Balance Available, as at 31/3/16	£2,402,741

8.3 HRA Available Resources over the Medium Term

The forecast HRA available resources for delivering both housing services and capital investment have been significantly affected by the Government's announcement in the

Summer Budget that social rents are to be cut by 1% each year over the next 4 financial years; 2016/17 to 2019/20.

Appendix 3 sets out the total forecast HRA available resources up to 2019/20, which reflects the post Summer Budget position.

8.4 HRA Capital Programme

The 2015-16 HRA Capital Programme was approved by Council on 24 February 2015. Since that meeting the following changes have been made that have increased the programme.

Description	2015/16	Approval / Funding
HRA Capital Programme	£11,537,493	
Budgets carried forward from 2014/15 HRA Capital Programme	£1,784,170 £585,881	Executive 14 April 2015 Executive 15 July 2014
Acquisition of Social Housing	£3,210	Delegated powers
Revised HRA Capital Programme	£13,910,754	

8.5 Performance

The current HRA Capital Programme is detailed in Appendix 4. The appendix shows a total forecast spend of £10,706,690 compared to the £13,910,754 approved programme, a decrease of £3,204,064.

8.6 Capital Budget Variances

The details of key variances from budget are set out below.

Scheme	Forecast Overspend / (Underspend)	Explanation
MRA Fees	(£26,620)	The provision of quantity surveying support to the HRA by Property Services has ceased following their restructure, which will result in a reduced recharge. Recharges will remain for maintenance of the select list of contractors.
Faraday House Roof Replacement	£9,000	An overspend is expected to occur due to additional health and safety measures at Faraday House including the provision of a roof guard-rail. However, a compensating saving will be made in the re-roofing programme.
Re-roofing Programme	(£9,000)	
COB Phase 3 Professional Fees	(£9,200)	No further works will be undertaken in respect of COB Wave 3 until resources have been secured for development of the sites.

Rennes House Wider Site Development	(£7,050)	This budget provision was intended to provide for works to return 7 Hill Lane to a lettable standard, but such works were not required.
Scheme	Budget to be deferred to 2016/17	Explanation
LAINGS Refurbishments	£503,200	Currently seeking to appoint consultants to design, procure and manage the refurbishment of the LAINGS properties. It is hoped that works will commence on site towards the end of the financial year, but that significant spend will take place in 2016-17.
COB Wave 2 – Rennes House car park	£804,758	The budget for the development of this site has been re-profiled in accordance with the latest cash-flow projections. Further design work was undertaken in order to re-submit the scheme for planning approval, which has led to delays.
St Loyes Extra Care Scheme	£1,413,236	The scheme has been re-designed following consultation with Extra Care experts which has resulted in a significant re-profiling of expected cash-flow although the completion date is still no later than 31 March 2018 in accordance with Department of Health grant conditions.
Acquisition of Social Housing	£440,000	The Council has committed to buying 10 two bedroom dwellings for use as social housing; however they are not scheduled for completion by developers until 2017-18.

9. COUNCIL OWN BUILD BUDGET MONITORING TO 30 JUNE 2015

The Council's own build properties at Rowan House and Knights Place form part of the overall Housing Revenue Account, but separate income and expenditure budgets are maintained in order to ensure that they are self-financing.

9.1 Projected Surplus/Deficit

There are no projected variances to report, as at June. The budgeted net surplus of £37,800 is still projected to be achieved during 2015-16.

MU Code	Management Unit	Budget Variance Overspend /	Explanation
---------	-----------------	-----------------------------	-------------

		(Underspend)	
85B5	COB	£0	There are no significant variances from budget to report at this stage. However, the recovery of lost rental income and additional costs in previous financial years whilst snagging issues were resolved at Knights Place form part of a claim to the main contractor and have been highlighted as an area of budgetary risk.

10. How does the decision contribute to the Council's Corporate Plan?

The Housing Revenue Account contributes to two key purposes, as set out in the Corporate Plan; help me find somewhere suitable to live and maintain our property assets.

11. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted to committee as part of the quarterly budget monitoring updates. Appendix 1 sets out the risks identified, as at June.

12. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No impact

13. Are there any other options?

No

Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

(01392) 265275

AREAS OF BUDGETARY RISK

APPENDIX 1

A number of areas of budgetary risk have been identified within the HRA, as follows:

Budget Title	Approved Budget	Risk
General Maintenance	£1,850,000 (revenue)	Reduction in the number of reported faults in the first three months of the year (2,970) compared to the same time last year (3,272), if pattern continues it could result in a potential under-spend.
Repairs to Voids Properties	£1,270,000 (revenue)	The number of voids and condition of properties vacated may vary during the course of the financial year which may result in a deviation from budget. The number of void properties requiring repairs in the first three months (84) is higher compared to the same time last year (63).
Rental Income from Dwellings	£18,900,000 (revenue)	Right to Buy sales, number of new tenancies set at convergence rent levels, number of days lost through major works, rent lost in respect of void properties and welfare reform changes (for which an increased bad debt provision has been made) all impact on the annual rental income. Rental income is slightly behind profile due to a rise in the level of arrears and a rise in the amount of rent lost through void properties.
Kitchen Replacement Programme	£1,418,880 (capital)	The number of kitchens which can be replaced within approved budgets may vary dependent upon the cost of associated works such as electrical repairs and re-plastering, which varies per property. For 2015-16 it is planned that 261 kitchens will be replaced.
Bathroom Replacement Programme	£1,253,770 (capital)	The number of bathrooms which can be replaced within approved budgets may vary dependent upon the cost of associated works such as re-plastering, which varies per property. For 2015-16 it is planned that 379 bathrooms will be replaced.
Rennes House Structural Works	£485,840 (capital)	The budget is intended for lift replacements at Rennes House; however major capital works at this site are pending the outcome of an updated feasibility study for Rennes House in conjunction with the wider site development.
Cob Wave 2 – Whipton Methodist Church	£130,397 (capital)	There is a risk that a budget overspend may occur as a result of additional asbestos removal costs and seeking a European Protected Species licence prior to demolition. Total costs are pending agreement of the final contract sum.
Knights Place	No budget (capital)	Significant works have been required to resolve water penetration issues at Knights Place and the costs and associated lost rental income will form part of a claim from the main contractor.

This page is intentionally left blank

HOUSING REVENUE ACCOUNTS BUDGET MONITORING 2015-16

APPENDIX 2

APRIL 2015 TO JUNE 2015

ACTUAL TO DATE			YEAR END FORECAST			
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	Qrt 1 FORECAST VARIANCE	CURRENT OUTTURN FORECAST
£	£	£		£	£	£
147,419	124,582	(22,837)	85A1	1,267,390	(75,360)	1,192,030
239,544	239,718	174	85A2	1,239,920	10,000	1,249,920
4,697	1,495	(3,202)	85A3	274,230	0	274,230
2,167,936	900,682	(1,267,254)	85A4	8,680,512	(589,612)	8,090,900
0	0	0	85A5	5,771,930	0	5,771,930
2,484,370	2,544,901	60,531	85A6	2,484,370	60,531	2,544,901
243,093	176,458	(66,635)	85A7	1,222,550	(30,950)	1,191,600
(4,979,865)	(4,741,305)	238,560	85A8	(19,918,280)	0	(19,918,280)
0	0	0	85B2	1,936,560	0	1,936,560
			85B4	(2,959,182)	625,391	(2,333,791)
			Net Expenditure	0	0	0
			Working Balance	7,736,532	31 March 2016	5,402,741

Page 15

COUNCIL OWN BUILD SITES

PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	Code	APPROVED BUDGET	CURRENT OUTTURN FORECAST	CURRENT OUTTURN FORECAST
£	£	£		£	£	£
(2,422)	(3,711)	(1,289)	H006	(8,020)	0	(8,020)
(14,269)	(13,231)	1,038	H007	(47,870)	(301)	(48,171)
0	0	0	H008	6,890	0	6,890
11,200	11,501	301	H009	11,200	301	11,501
			H010	37,800	0	37,800
			Net Expenditure	0	0	0
			Working Balance	127,995	31 March 2016	165,795

This page is intentionally left blank

APPENDIX 3

HOUSING REVENUE ACCOUNT	2015-16 £	2016-17 £	2017-18 £	2018-19 £	2019-20 £	TOTAL £
CAPITAL RESOURCES AVAILABLE						
Usable Receipts Brought Forward						945,482
Major Repairs Reserve Brought Forward						5,192,878
Other HRA Sales	0	0	0	0	0	0
RTB sales	1,000,000	500,000	500,000	500,000	500,000	3,000,000
Major Repairs Reserve	2,544,901	2,484,370	2,484,370	2,484,370	2,484,370	12,482,381
Revenue Contributions to Capital	5,771,928	4,689,075	2,600,000	2,500,000	2,500,000	18,061,003
External contributions	0	0				0
HCA funding	0	700,000	700,000	0	0	1,400,000
Commuted sums	413,981	2,255,778	1,130,241	0	0	3,800,000
Total Resources available	9,730,810	10,629,223	7,414,611	5,484,370	5,484,370	44,881,744
CAPITAL PROGRAMME						
HRA Capital Programme	13,910,754	10,938,844	6,885,931	6,000,000	6,000,000	43,735,529
St Loyes Extra Care re-profiled		(1,220,571)	1,220,571			0
June - Overspends / (Savings)	(42,877)					(42,877)
June - Slippage	(3,161,194)	1,307,958	1,853,236			0
Total Housing Revenue Account	10,706,683	11,026,231	9,959,738	6,000,000	6,000,000	43,692,652
UNCOMMITTED CAPITAL RESOURCES:						
Usable Receipts Brought Forward	945,482	1,445,482	1,445,482	1,945,482	1,445,482	945,482
Major Repairs Reserve Brought Forward	5,192,878	3,717,005	3,319,997	274,870	259,240	5,192,878
Resources in Year	9,730,810	10,629,223	7,414,611	5,484,370	5,484,370	38,743,384
Less Estimated Spend	(10,706,683)	(11,026,231)	(9,959,738)	(6,000,000)	(6,000,000)	(43,692,652)
Uncommitted Capital Resources	5,162,487	4,765,479	2,220,352	1,704,722	1,189,092	1,189,092
WORKING BALANCE RESOURCES:						
Balance Brought Forward	7,736,532	5,402,741	5,476,111	6,812,576	7,379,520	7,736,532
HRA Balance Transfer - Surplus/(Deficit)	(2,959,182)	851,770	3,008,833	2,949,392	2,859,580	6,710,393
Impact of Budget Announcement re Rent Policy		(778,400)	(1,572,368)	(2,382,448)	(3,209,203)	(7,942,419)
Additional RCCO			(100,000)			(100,000)
June forecast revenue savings	625,391					625,391
Balance Carried Forward	5,402,741	5,476,111	6,812,576	7,379,520	7,029,897	7,029,897
Balance Resolved to be Retained	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)	(3,000,000)
	2,402,741	2,476,111	3,812,576	4,379,520	4,029,897	4,029,897
TOTAL AVAILABLE CAPITAL RESOURCES	7,565,228	7,241,590	6,032,928	6,084,242	5,218,989	5,218,989

This page is intentionally left blank

**2015-16
CAPITAL MONITORING TO 30 JUNE 2015**

		2015-16 Capital Programme	2015-16 Spend	2015-16 Forecast Spend	2015-16 Budget to be Carried Forward to Future Years	2015-16 Programme Variances Under ()
		£	£	£	£	£
HRA CAPITAL						
7HHOME	EVERYONE HAS A HOME					
Z4212	Adaptations	595,940	117,982	595,940		0
Z4402	Rendering of Council Dwellings	353,650	27,341	353,650		0
Z4502	MRA Fees	40,000	0	13,380		(26,620)
Z4702	Communal Door Entry System	13,440	0	13,440		0
Z4703	Environmental Improvements - General	59,080	3,919	59,080		0
Z4705	Programmed Re-roofing	120,000	9,970	111,000		(9,000)
Z4709	Energy Conservation	115,510	0	115,510		0
Z4717	Smoke Detector Replacements	158,040	80,747	158,040		0
Z4718	LAINGS Refurbishments	653,210	0	150,010	503,200	0
Z4719	Kitchen Replacement Programme	1,418,880	126,342	1,418,880		0
Z4724	Bathroom Replacements Programme	1,253,770	92,080	1,253,770		0
Z4740	Other Works	94,620	0	94,620		0
Z4742	Fire Precautionary Works to Flats	291,400	23,111	291,400		0
Z4743	Communal Areas	196,650	2,639	196,650		0
Z4745	Structural Repairs	262,940	750	262,940		0
Z4755	Rennes House Structural Works	485,840	0	485,840		0
Z4758	Common Area Footpath/Wall Improvements	269,430	4,186	269,430		0
Z4760	Lift Replacement 98 Sidwell Street	50,000	0	50,000		0
Z4761	Replacement Lead Water Mains	30,000	3,916	30,000		0
Z4763	Soil Vent Pipe Replacement	26,620	0	26,620		0
Z4764	Electrical Central Heating	21,630	7,419	21,630		0
Z4767	Faraday House Roof Replacement	125,000	0	134,000		9,000
Z4802	Electrical Re-wiring	1,147,970	137,112	1,147,970		0
Z4901	Central Heating Programme	33,000	9,958	39,600		6,600
Z4903	Boiler Replacement Programme	164,230	8,147	157,630		(6,600)
HOUSING REVENUE ACCOUNT TOTAL		7,980,850	655,619	7,451,030	503,200	(26,620)
COUNCIL OWN BUILD CAPITAL						
Z3214	COB Wave 2 - Rennes Car Park	1,710,813	150	906,055	804,758	0
Z3215	COB Wave 2 - Newport Road	622,138	203,936	622,138		0
Z3218	COB Wave 2 - Whipton Methodist Church	130,397	28,045	130,397		0
Z3219	COB Wave 2 - Bennett Square	158,279	83,487	158,279		0
Z3220	St Loyes ExtraCare	1,827,217	13,016	413,981	1,413,236	0
Z3248	Phase 3 Professional Fees	9,200	0			(9,200)
Z3249	Phase 2 St Andrews Road	10,230	0	10,230		0
Z3250	COB Land Purchase	300,000	0	300,000		0
Z3260	Rennes House Wider Site Development	7,050	0	0		(7,050)
Z4751	Acquisition of Social Housing	1,154,580	66,962	714,580	440,000	0
COUNCIL OWN BUILD TOTAL		5,929,904	395,596	3,255,660	2,657,994	(16,250)
OVERALL HOUSING REVENUE ACCOUNT TOTAL		13,910,754	1,051,215	10,706,690	3,161,194	(42,870)

This page is intentionally left blank

EXETER CITY COUNCIL

REPORT TO: SCRUTINY COMMITTEE - COMMUNITY
DATE OF MEETING: 8 SEPTEMBER 2015
REPORT OF: ASSISTANT DIRECTOR FINANCE
TITLE: BUDGET MONITORING REPORT TO 30 JUNE 2015

Is this a Key Decision?

No

Is this an Executive or Council Function?

Council

1. What is the report about?

This report advises Members of any material differences to the approved budget in respect of the Community Services revenue and capital budgets.

Potential areas of budgetary risk are also highlighted in this report, so that Members are aware that certain budgets have been identified as being vulnerable to factors beyond the control of the Council, which may result in potential deviations from budget, and are therefore subject to close monitoring by officers.

2. Recommendations:

That Members of Scrutiny Committee – Community note the content of this report in order to be satisfied that prudent steps are being taken to address the key areas of budgetary pressure highlighted in this report.

3. Reasons for the recommendation:

Local authorities have a statutory duty to set and monitor their budgets during the year and to take any actions necessary because of potential overspending or potential shortfalls in income. Members are therefore presented with a quarterly financial update in respect of Community Services.

4. What are the resource implications including non financial resources

The financial resources required to deliver Community Services during 2015/16 are set out in the body of this report.

5. Section 151 Officer comments:

This report has been prepared on behalf of the Section 151 Officer to set out the projected financial position of Community Services as at 31 March 2016.

6. What are the legal aspects?

Part 2 of the Local Government Act 2003 provides the legislative framework for the process of setting and managing budgets. In particular, Section 28 of the 2003 Act requires local authorities to monitor their budgets during the financial year.

7. Monitoring Officer comments:

This report raises no issues for the Monitoring Officer.

8. Report Details:

Community Services Budget Monitoring to 30 June 2015

8.1 Key Variations from Budget

The current forecast suggests that net expenditure for this committee will increase from the approved budget by a total of £62,080 after transfers from reserves and revenue

contributions to capital, as detailed in Appendix 1. This represents a variation of 0.67% from the revised budget. This includes supplementary budgets of £116,500 which have already been approved by Council.

8.2 The significant variations by management are:

MU Code	Management Unit	Over / (Underspend)	Detail
81A4	Public Safety	(51,000)	<ul style="list-style-type: none"> Contribution from the Housing Revenue Account towards the cost of continuing the Home Call Alarm service to residents in the Council's older persons accommodation
81D2	Domestic Refuse Collection	86,000	<ul style="list-style-type: none"> Agency costs are expected to exceed the estimates mainly as a result of significantly higher levels of absences (sickness, suspension and phased return) than assumed when calculating the budget. A target saving of £33,000 cannot be achieved
81D6	Cleansing Chargeable Services	42,000	<ul style="list-style-type: none"> Income from Trade Refuse expected to be less than the estimates, offset by reduced waste disposal costs. The contractor dealing with the processing of garden waste has gone into liquidation. While an alternative contractor has been engaged, the price has significantly increased Income from Trade Recycling expected to be less than estimated partially offset by some small cost savings.
81D8	Recycling	52,500	<ul style="list-style-type: none"> Prices achieved for reclaimed materials are below those estimated

9. Capital Budget Monitoring to 30 June 2015

To report the current position in respect of the Community Capital Programme and to update Members with any anticipated cost variances, acceleration of projects or slippage of schemes into future years.

9.1 Revisions to the Community Capital Programme

The 2015/16 Capital Programme, including commitments brought forward from 2014/15 is £2,076,700 and was last reported to Scrutiny Committee – Resources on 1 July 2015. There have been no revisions to the programme since that date.

9.2 Performance

The current Community Capital Programme is detailed in Appendix 2. The appendix shows a total spend of £93,675 in 2015/16 with £3,530 of the programme potentially deferred to 2016/17.

9.3 Capital Variances from Budget

No significant variances or issues concerning expenditure have arisen for this committee

9.4 Capital Budgets Deferred to 2016/17

No significant amounts have been identified as being wholly or partly deferred to 2016/17 and beyond.

9.5 Achievements

There are no significant achievements to report this quarter.

10. How does the decision contribute to the Council's Corporate Plan?

Community Service budgets contribute to 3 key purposes, as set out in the Corporate Plan; keep me/my environment safe and healthy, keep place looking good, help me find somewhere to live.

11. What risks are there and how can they be reduced?

Areas of budgetary risk are highlighted in this report. The key areas of budgetary risks within Community Services are attached as Appendix 3, for reference.

12. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

No impact.

13. Are there any other options?

No

David Hodgson

Assistant Director Finance

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:

None

Contact for enquiries:

Democratic Services (Committees)

Room 2.3

(01392) 265275

This page is intentionally left blank

**SCRUTINY COMMITTEE - COMMUNITY
BUDGET MONITORING**

APRIL 2015 TO JUNE 2015

ACTUAL TO DATE			YEAR END FORECAST			
PROFILED BUDGET	ACTUAL TO DATE	VARIANCE TO DATE	CODE	APPROVED BUDGET	CURRENT OUTTURN FORECAST	FORECAST VARIANCE
£	£	£		£	£	£
71,587	50,540	(21,047)	81A1	389,110	389,110	0
51,051	42,584	(8,467)	81A3	358,430	345,930	(12,500)
136,447	67,237	(69,210)	81A4	609,570	558,570	(51,000)
200,560	151,277	(49,283)	81A6	1,013,780	1,032,520	18,740
(28,021)	(47,719)	(19,698)	81B&C	(7,880)	(7,880)	0
206,533	140,867	(65,665)	81PRAC	1,350,830	1,350,830	0
43,871	57,692	13,821	81B2	265,440	265,440	0
194,375	137,304	(57,071)	81C2	1,197,340	1,171,540	(25,800)
45,745	48,326	2,581	81C3	155,660	155,660	0
(124,091)	(107,060)	17,031	81C4	103,770	116,270	12,500
85,210	85,210	0	81C5	85,210	85,210	0
(3,614)	(3,533)	81	81C9	0	0	0
378,890	372,921	(5,969)	81D2	1,802,420	1,888,420	86,000
307,690	267,759	(39,931)	81D4	1,384,280	1,384,280	0
35,452	39,694	4,242	81D5	203,820	203,820	0
(342,570)	(304,209)	38,361	81D6	(345,700)	(303,700)	42,000
59,616	45,130	(14,486)	81D7	287,990	282,990	(5,000)
49,454	43,160	(6,294)	81D8	170,160	222,660	52,500
295,664	221,051	(74,613)	81E1	182,890	182,890	0
1,663,849	1,308,232	(355,617)	NET EXPENDITURE	9,207,120	9,324,560	117,440

VARIANCES ON TRANSFERS TO / (FROM) EARMARKED RESERVES

81A6 - Expenditure funded by Redundancy Reserve	(58,540)
81A3 - Balance on Vehicle Licensing	3,180

OVERALL FORECAST EXPENDITURE FOR THE YEAR AFTER MOVEMENTS TO/FROM RESERVES	9,269,200
REVISED BUDGETS	9,207,120
ADJUSTED OUTTURN VARIANCE	62,080

This page is intentionally left blank

CAPITAL MONITORING TO 30 JUNE 2015

	2015/16 Capital Programme	2015/16 Spend to 30 June	2015/16 Forecast Spend	2015/16 Budget to be Carried Forward to 2016/17 and Beyond	2015/16 Programme Variances (Under)/Over
	£	£	£	£	£
COMMUNITY					
KEEP PLACE LOOKING GOOD					
Play Area Refurbishments	66,990		66,990		
Flowerpot Skate Park Lighting	33,650	175	26,500		(7,150)
Topsham Recreation Ground	3,530			3,530	
Refurbishment and Upgrade of Paddling Pools	2,420	754	754		(1,666)
Parks Improvements	9,430		9,430		
Neighbourhood Parks & Local Open Spaces	8,020		8,020		
Belmont Pleasure Ground - New Path	30,000		30,000		
Rougemont Gardens - Path & Railings	50,000		50,000		
KEEP ME/MY ENVIRONMENT SAFE & HEALTHY					
Vehicle Replacement Programme	630,000	18,532	630,000		
Exton Road Lighting	31,310	345	31,310		
Mincinglake Reed Beds and Storage Ponds	25,000		25,000		
HELP ME FIND SOMEWHERE TO LIVE					
Disabled Facility Grants	380,670	72,267	380,670		
Warm Up Exeter/PLEA Scheme	163,650		163,650		
Wessex Loan Scheme	140,830	1,602	140,830		
WHIL Empty Properties	194,000		194,000		
The Haven	7,200		7,200		
Temporary Accommodation Purchase	300,000		300,000		
COMMUNITY TOTAL	2,076,700	93,675	2,064,354	3,530	(8,816)

This page is intentionally left blank

AREAS OF BUDGETARY RISK

The table below identifies areas that have been identified as a budgetary risk within the Community Services revenue and capital budgets.

The revenue budget areas of risk are:

Budget Title	Approved Budget	Risk
Revenue: Private Sector Housing	(£70,000)	The introduction of a new licensing scheme for certain types of Houses in Multiple Occupation commenced on 23 February 2015. In order to achieve the budgeted income for 2015/16 work will need to be undertaken to identify landlords that have failed to apply for a licence.
Revenue: Private Sector Housing	(£20,000)	Fee income for assisting Disabled Facility Grant claimants with regards to preparing specifications, obtaining estimates and engaging contractors was anticipated following the end of Devon Care and Repair contract. The structures to introduce this additional support are still being reviewed.
Revenue : Recycling	£170,160	The budgets include estimated net income from the sale of reclaimed materials amounting to £950k. This income is subject to fluctuations in the market, and can be very volatile.

This page is intentionally left blank

REPORT TO Scrutiny Community

Date of Meeting: 8 September 2015

Report of: Assistant Director Customer Access

Title: Review into the Council's Policy for Allocating Social Housing

Is this a Key Decision? Yes

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

This is a policy change recommendation and therefore a Council function.

1. What is the report about?

This report presents the findings and recommendations of the Task and Finish Group convened to review the Council's allocation of social housing in 2014 and the subsequent public consultation. The group was chaired by Cllr Shiel and other Members included Cllrs Hannaford, Crow and Morris

2. Recommendations:

To amend the allocation policy for Exeter City Council in the following way:

- i. To restrict eligibility for housing to those with an evidenced housing need within the policy and thereby removing B and E;
- ii. To remove applications where people do not bid for 12 months or refuse three properties deemed suitable for their needs
- iii. To give additional priority for working households to bid for properties in areas where there are high levels of unemployment.

To not implement the following recommendations of the task and finish group:

- iv. To give additional priority to those who contribute to the local community.
- v. To implement a specific local connection criteria to Devon / Exeter.

3. Reasons for the recommendation:

The Task and Finish Group and the consultation have highlighted a desire for the allocation system to be clearer for those in housing need and to cut out waste within the system. The consultation ran for 7 weeks and received 240 responses.

The implementation of these recommendations will allow the officers involved in managing the applications more time to provide advice and assistance to those in housing need and clarity in housing options for those deemed not to be in housing need.

4. What are the resource implications including non financial resources.

i) If Members agree recommendation above, changes would need to be made to the IT system to ensure that applicants in B and E are no longer able to apply or bid for Exeter properties. An estimated price from the IT provider is £675.

ii) Concern has been raised by partner housing associations to what they see as unilateral changes being made by local authorities to the Devon Home Choice policy, previously common across Devon. The Devon Home Choice Partnership Agreement includes a clause stipulating that if a local authority takes a unilateral decision to exclude any group in their area (such as households in Band E) partner housing associations may consider vacancies as nominations and require the local authority to cover the advertisement cost (£25 per property advertised). Such an approach would only be taken following negotiations between the local authority and individual housing associations. Initial conversations with the main housing association in the City suggest that this will not be implemented unless there is a significant impact upon their business processes. Based on the costs and lettings from 2014/15 this would equate to a maximum of £6,000 per annum. The advert fee has since been reduced.

iii) There is a significant amount of administration that underpins the DHC Scheme. Given that those applicants in B and E have very little chance of securing social housing, there is significant waste work. Therefore, removing B and E would have a positive impact on staff resources, allowing officers more time to do value work such as giving greater assistance to those in housing need.

5. Section 151 Officer comments:

Although there is potentially a small requirement for additional resources, it is expected that these can be contained within the existing budget of the service.

6. What are the legal aspects?

The Localism Act 2011 has removed the requirement to hold an open register of clients wanting to apply for social housing and allowing local priorities to be added to the assessment criteria. The Housing Act 1996 part VI highlighted reasonable preference criteria which needed to be considered in the allocation of housing. These have not been repealed and will continue to be the main basis of the allocation policy.

Concern has been raised by partner housing associations to what they see as unilateral changes being made by local authorities to the Devon Home Choice policy, previously common across Devon. The Devon Home Choice Partnership Agreement includes a clause stipulating that if a local authority takes a unilateral decision to exclude any group in their area (such as households in B and E) partner housing associations may consider vacancies as nominations and require the local authority to cover the advertisement cost (£25 per property advertised). Such an approach would only be taken following negotiations between

the local authority and individual housing associations. Initial conversations with the main housing association in the City suggest that this will not be implemented unless there is a significant impact upon their business processes. Based on the costs and lettings from 2014/15 this would equate to a maximum of £6,000 per annum. The advert fee has since been reduced.

7. Monitoring Officer's comments:

Legal Services have not been asked to advise on the content of the Devon Home Choice Partnership Agreement nor this issue generally and so the Monitoring Officer is not in a position to comment on the content of this report. Having said that, on the face of it, the recommendations appear to be sensible.

8. Report details:

Detailed below is the rationale behind the recommendations including the results of the public consultation.

i. Restricting eligibility for housing to those with an evidenced housing need within the policy, thereby removing B and E applicants

Currently applicants with no evidenced housing need (e.g. they are assessed to live in a property that is adequate to meet their housing need in terms of property type, size and facilities) are placed in B and E. Band E also includes those with a housing need but who have an income or savings above a certain level, or who have a reduced banding due to rent arrears or previous anti-social behaviour.

As of the 1 April 2015, there were 2,437 households in B and E. This represented just over half (51%) of all households registered with Exeter City Council.

Given the demand for a council and housing association home it is unsurprising that only a very small proportion of homes in Exeter have been let to applicants in Band E. Only 15 (2.5%) of the 616 homes let in Exeter between 1 April 2014 and 31 March 2015 were allocated to households in Band E

50% of the respondents of the consultation were in support of removing B and E. Comments received and comments from the public highlighted that they would prefer to hear from the beginning if social housing wasn't an option.

It is argued that as B and E applications account for just over half of all active Exeter applications, staff time will be released to manage higher priority cases more proactively. This will also allow advice officers more time in explaining the wider housing options which may be suitable, such as low cost home ownership, money advice to resolve affordability concerns or mutual exchanges for current social housing tenants wishing to move area.

Teignbridge District Council and Torbay Council have removed B and E following consultations in their areas. The impact has been positive with few complaints from those impacted, who also receive a more individualised approach to their advice options.

Concern has been raised by partner housing associations of the changes being made by local authorities to the Devon Home Choice policy that was previously common across

Devon. In relation to the removal of Band E the concern has been connected to being unable to find tenants for less desirable properties. The Housing Needs Team is confident that, should a property not be let from band A-D under the usual process, there are sufficient homeless households in temporary accommodation to enable direct matches to those properties.

ii) Removing applications where people do not bid or refuse properties

Analysis of the housing register reveals that over half of all applicants registered with Exeter City Council have not bid since registering with Devon Home Choice (see the table below).

	Has not bid
Band	%
Band A	0%
Band B	44%
Band C	35%
Band D	54%
Band E	72%
Total	60%

Concern has been raised that a large amount of staff time and resource has gone into registering applications for households who do not bid or engage in the Devon Home Choice Scheme.

It is therefore proposed to remove households from the register who have not bid within the previous 12 months, where it is felt that there have been appropriate properties for them to bid for. Households would be contacted to inform them of their removal and to advise them that that they can reapply if they wish to after a reasonable period. This approach was supported by 67% of the consultation respondents.

An assisted bidding scheme is in place already to assist vulnerable applicants to access Devon Home Choice. The implementation of the recommendations will allow for the scheme to be expanded and review why applicants in high need (B and B) have not bid for accommodation available.

The current Devon Home Choice policy states that:

‘Applicants who refuse a number of homes that they have bid for and been offered will have their case reviewed by the local authority managing their case. They will be offered advice and assistance to take part in Devon Home Choice effectively. If it is found that they continue to refuse what are considered to be suitable homes they will have their priority reduced to the No housing need band (Band E)’

It is proposed that Exeter City Council informs applicants that if they refuse three homes that are considered to be suitable for them, they will be removed from the housing register. This will be done through reviewing paperwork and the offer process. It is proposed that the suitability guidance for homelessness is considered as the test of a ‘reasonable’ refusal. Applicants will have a right of review against any decision to remove them from the register. 60% of respondents are in favour of this approach with a further 10% advising that they neither agree or disagree. Currently there are 56 applicants who have refused 3 or more

properties. This equates to 202 wasted offer processes in the last 12 months which would be avoided if the application had been closed after 3 offers.

iii) Introduce additional priority for working households those who work.

In the National Housing Strategy published Autumn 2011, the government recommended that local authorities consider giving additional priority for social housing to working households.

Awarding additional banding to working applicants has not proven popular and has highlighted concern in relation to those with disabilities or with young children being disadvantaged by this policy approach.

An alternative approach was consulted on whereby limited priority can be awarded to working clients for a proportion of properties located in areas where there is a high level of worklessness. This approach was popular amongst respondents with only 28% opposed.

This approach can be implemented through local agreement and does not require an amendment to the Devon Home Choice policy. To implement the plan the economic status of current tenants would be used to map areas of low employment and 30% of properties in these areas would be advertised as preference given to working households.

iv) To not introduce additional priority for those who contribute to the local community.

The Task and Finish Group recommended that the Council recognise residents who contribute to the local community through social housing allocation.

During the consultation 54% of respondents supported the approach, however there was disagreement about how community contribution could be defined. This issue has been debated around the country as local authorities have considered implementation. The government has declined to offer definition resulting in variation nationally.

Examples from elsewhere in the country, notably Manchester, Dartford and Teignbridge have found its introduction complicated and labour intensive.

It is recommended that this not be pursued further. There are other elements of the Devon Home Choice allocation policy which recognise many of the suggested 'community contribution' categories. For example, additional priority for veterans, bedroom allowances for foster carers and health and well being banding for carers.

v) To not implement a specific local connection criteria to Devon / Exeter.

The Localism Act 2011 removed the duty on the local authority to hold an open housing register and therefore gave the ability to prioritise local homes for local people.

74% of respondents are supportive of prioritising access to social housing to applicants with a local connection to Devon. Respondents were positive to the Devon wide approach to allocating property, citing the opportunity to move for work or to bordering towns as an advantage.

Rather than adopting an individual local connection test, it is recommended that Exeter City Council remain within the Devon Home Choice policy that already includes a 2 year local connection test to Devon. This approach is recommended given that more applicants move out of Exeter to other local authority areas where they have no local connection than applicants without local connection moving into Exeter.

9. How does the decision contribute to the Council's Corporate Plan?

This review relates directly to the Council's priority of revising the Council's policy for the allocation of social housing

10. What risks are there and how can they be reduced?

As stated above, concern has been raised by partner housing associations regarding the removal of Band E and a move away from a consistent Devon Home Choice policy across the county. There are two current examples of changes: Teignbridge and Torbay. The severity of the change has influenced how the registered partners have responded. These recommendations are not significantly different from the changes implemented in Teignbridge where there has been no cost implication.

Once clarity is in place regarding the recommendations, negotiations with partner housing associations will continue. It is envisaged that the improvements in the management of applicants that refuse properties will provide benefit to the partners rather than additional work to let less desirable properties.

11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

The potential changes to the allocation of social housing highlighted in this report do not have any negative impact in terms of gender, ethnicity, sexuality and religion. There is a potential negative impact in terms of disability and age due to the reliance on technology for continued engagement in bidding in choice based lettings. This can be mitigated through the provision of the assisted bidding scheme.

The removal of Band E applicants would give capacity for closer working with the households in Band A-D, which are in the greatest housing need. This client group includes vulnerable adults, households with safeguarding issues and those with health and wellbeing needs.

12. Are there any other options?

The alternative is to leave the allocation policy as it is now and continue to manage dormant applications. This would have capacity issues for staff struggling to manage current caseloads.

Assistant Director Customer Access

Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

None

Contact for enquires:

Democratic Services (Committees)

Room 2.3

01392 265275

REPORT TO SCRUTINY COMMUNITY

Date of Meeting: 8 September 2015

REPORT TO EXECUTIVE

Date of Meeting: 15 September 2015

Report of: Assistant Director Environment

Title: Proposals for the Implementation of a Public Spaces Protection Order

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Council

1. What is the report about?

- 1.1 To advise Scrutiny Community Members on the process and consideration given to date, to the implementation of a Public Spaces Protection Order in the City Centre area of Exeter.
- 1.2 To seek agreement of Executive to enter into consultation with the public and relevant stakeholders on the draft proposals for a Public Spaces Protection Order (PSPO); and
- 1.3 To bring a report back to Scrutiny Community, Executive and Council at the end of this year, with recommendations as to the implementation or otherwise of a Public Spaces Protection Order.

2. Recommendations:

- 2.1 That Scrutiny Community notes and Executive approves:
 - a) the content of the draft Public Space Protection Orders, in the area defined by the attached map (Appendix I), with the prohibitions and actions (contained in Appendix II); and
 - b) that officers seek the views of the public and other stakeholders through public consultation, with a view to reporting back to Scrutiny Community, Executive and Council at the end of 2015; and
 - c) that officers make recommendations in that report on the adoption or otherwise of a Public Spaces Protection Order for approval by Council.

3. Reasons for the recommendation:

- 3.1 The justification for this area is based on intelligence from Devon & Cornwall Police and the Council's Control Room, together with public views canvassed from complaints to the Council and from a recent survey. From this intelligence it is clear that the prevalence of anti-social behaviour from the issues that the proposed PSPO seeks to control, is relatively high in comparison with other parts of the city, and at a level where the control mechanisms offered by the proposed PSPO will enable either

a control method where one does not exist at present, or a more effective control measure that is more easily used by agencies, and one that does not necessarily criminalise a perpetrator in breach of the PSPO.

- 3.2 From complaints to the Police and Council, together with views collated through a recent survey, there is evidence that these anti-social behaviours are having a detrimental impact on the quality of life of those residents, workers and visitors situated within the proposed PSPO area.
- 3.3 The anti-social behaviours that the proposed PSPO would seek to control within the defined area of public space include:
- the taking of intoxicants (alcohol, legal highs and other stimulants);
 - groups causing anti-social behaviour;
 - begging;
 - urinating in the street; and
 - bivouacs, bedding and encampments in the street.

4. What are the resource implications including non-financial resources.

- 4.1 It is anticipated that the Police will be the principal agency making use of the PSPO powers, and in most instances will allow a more efficient intervention than their existing powers, and avoid the need for arrest and prosecution (e.g. in controlling begging). Any enforcement costs in pursuit of breaches of this Order will be met by existing Police and/or Council resources. Currently both the Assistant Directors Environment and Public Realm can authorise officers to act under this Order.
- 4.2 There were some internal costs for consultation and a small cost associated with the publication of the Order and stationary for fixed penalty notices (FPNs), along with the installation of appropriate signage. These will be met from within existing budgets.
- 4.3 Income derived from FPNs is expected to be small but may be used to help cover the associated costs of implementing the Order.
- 4.4 At present it is unknown what legal resource may be needed to deal with matters requiring pursuance through the courts.

5. Section 151 Officer comments:

- 5.1 There are no significant financial implications contained within this report.

6. What are the legal aspects?

- 6.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20 October 2014. This Act contains the provisions for the Public Space Protection Order, which was enacted by order of the Secretary of State on the 20 October 2014.
- 6.2 Local authorities have the power to make Public Spaces Protection Orders if satisfied on reasonable grounds that two conditions are met. The first condition is that:
- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or

b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

6.3 The second condition is that the effect, or likely effect, of the activities:

- a) is, or is likely to be, of a persistent or continuing nature,
- b) is, or is likely to be, such as to make the activities unreasonable, and
- c) justifies the restrictions imposed by the notice.

Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect).

6.4 A Public Space Protection Order is an order that identifies the space to which it applies (“the restricted area” within which the impact has or is likely to occur[ed]) and can make requirements, or prohibitions, or both within the area. This means that the local authority can, by virtue of the order, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues is still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.

6.5 Failure to comply with either a prohibition, or requirement, within the order is an offence. Upon summary conviction (offences heard within the Magistrates Courts) defendants can face a fine not exceeding level three on the standard scale (currently £1000). The defendant cannot be found guilty of an offence under a prohibition/requirement where the local authority did not have the power to include it in the order. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN).

6.6 Consumption of alcohol, contrary to the terms of any order made, is a separate issue and is not in itself an offence, the offence is committed by failure to comply with a request to surrender the alcohol, from an authorised person.

6.7 The Act is not overly descriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust.

6.8 Implementation of this order, legally, would require a public notice to be published. This would be done through a formal notice in the local newspaper, notification on our website and press releases through media outlets.

6.9 Although not necessarily a statutory requirement, signage would normally be required in the area explaining the order in plain English and what it means in practical terms. This is to provide support for the enforcement and prevent risks of mitigation pleas from those found to be in breach. Such signage would be small and concise, and would ordinarily be on all major access points to the prescribed area

covered by the Order, replacing the existing 'Designated Public Place Order (DPPO) signage.

6.10 As with any new legislation of its type, this is untested ground and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any order in the High Court. This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks, beginning on the day the Order is made or varied. There are grounds upon which a challenge could be made, these are:

- that the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied);
- that a requirement under this part of the legislation was not complied with in relation to the order or variation.

The High Court has the power to suspend, quash, amend or uphold the order.

6.11 The penalty for breaches of this Order relate to fines alone, which may lead to significant levels of non-payment. The suite of new powers available however would allow officers to utilise a range of measures for those identified as persistently breaching the Order, for example:

- Community Protection Notices could be issued against the individuals;
- a Civil Injunction could be sought against individuals, which carries tougher sanctions;
- a Criminal Behaviour Order could be sought; (breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions such as requiring support for substance misuse issues).

7. Monitoring Officer's comments:

7.1 The MO has no issues concerning the need to make an order. However, she is concerned about the lack of capacity in her team to support any enforcement action. No provision has been made for this additional work load. The legal team is currently working at full capacity and has no resource to be able to support this worthwhile initiative.

8. Report details:

8.1 In October 2014 the Secretary of State enacted new powers from the Anti-Social Behaviour, Crime and Policing Act, relevant to tackling Anti-Social Behaviour. These new powers also make changes to some of the relevant existing legislation and the Council is required, within the period of three years, to reconsider its Designated Public Place Orders (DPPOs) and either withdraw or replace them with new Public Space Protection Orders (PSPOs).

8.2 The new orders are more flexible and can be applied to a much broader range of issues, with local authorities having the ability to design and implement their own prohibitions or requirements where certain conditions are met. These conditions centre on the impact to the quality of life in the locality, persistence, and whether

the impact makes the behaviour unreasonable.

- 8.3 Exeter, much like other towns and cities nationally, has a recurring issue with street drinking, in particular in the summer months. Whilst a number of initiatives have helped to reduce the impact and prevalence of this behaviour, along with having a positive impact on reporting, there is concern about loss of the ability to enforce provision relating to alcohol should the DPPO be withdrawn without replacement.
- 8.4 New Psychoactive Substances (NPS), often referred to as 'legal highs', have become a major concern to local agencies over the last three years. Two shops within the City attracted significant attention, leading to numerous Police and multi-agency actions. These issues in particular had an impact in the City Centre. The lower section of the High Street, South Street, Cathedral Green and Fore Street suffered increases in Anti-Social Behaviour directly related to the prevalence of these two shops selling these substances. Although one shop has since been closed following Police action and another has ceased selling NPS's over the counter, sales of NPS's are still taking place from other outlets, leading to consumption in public spaces.
- 8.6 Officers from a range of local agencies, but in particular Devon and Cornwall Police and Exeter City Council, have considered the potential use of the new powers to address the current issues within the City Centre. Based upon the model adopted by the City of Lincoln, they have developed a proposal designed to provide opportunities to significantly impact, through enforcement (ultimately backed by support and interventions), the issues caused by use of intoxicating substances, in public, in the City Centre area.
- 8.7 In order to make the Public Space Protection Order, members would need to be satisfied that the legal conditions, laid out above, have been met. Officers' view is that these requirements have been met based on:
- Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area attached as Appendix III
 - Figures from the police relating to legal highs.
 - Complaints received from the public.
- 8.8 In relation to enforcement of these orders there are two fundamental differences compared with enforcement conducted under the Designated Public Place Orders. These differences are that both Police Community Support Officers and Council Officers can enforce the Order and not just Police Officers.
- 9. How does the decision contribute to the Council's Corporate Plan?**
- 9.1 The main contribution of the designation of a Public Spaces Protection Order is to support the purpose of Keep me / my environment safe and healthy and building a stronger City. In achieving this, it is necessary to work with partners who make up the Community Safety Partnership to ensure that this is effectively implemented.
- 10. What risks are there and how can they be reduced?**
- 10.1 If the correct process to introduce a PSPO is not followed this could lead to a challenge which will mean the Authority could face legal costs and reputational damage.

- 10.2 There is also a risk that public expectations will be raised by this Order that agencies cannot fully meet; the Order is unlikely to remove the issues in total.
- 10.3 Implementation of this Order could lead to displacement. Officers have considered this and think that the area of the proposed Order is sufficiently large to reduce any problems arising from displacement.
- 10.4 The order will be reviewed by the Community Safety Partnership 6 months after implementation, and annually thereafter in order to mitigate the prevalence of any of the associated risks.
- 11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**
- 11.1 This report identifies a proposal that has the potential to deliver a significant positive community impact if 'policed' and enforced to its full potential.
- 12. Are there any other options?**
- 12.1 **Maintain the status quo** – the current Designated Public Place Order could be left unchanged for a further period of three years. This option was disregarded due to both the ambiguity of the Act and the associated issues, along with the clear need to tackle issues relating to use of new psychoactive substances and other anti-social behaviours.
- 12.2 **Replace the DPPO** with a simple alcohol related PSPO. This was again disregarded due to the ambition and need to tackle new psychoactive substances, and the linked anti-social behaviour around street drinking and intoxication in a public place.

Assistant Director Environment

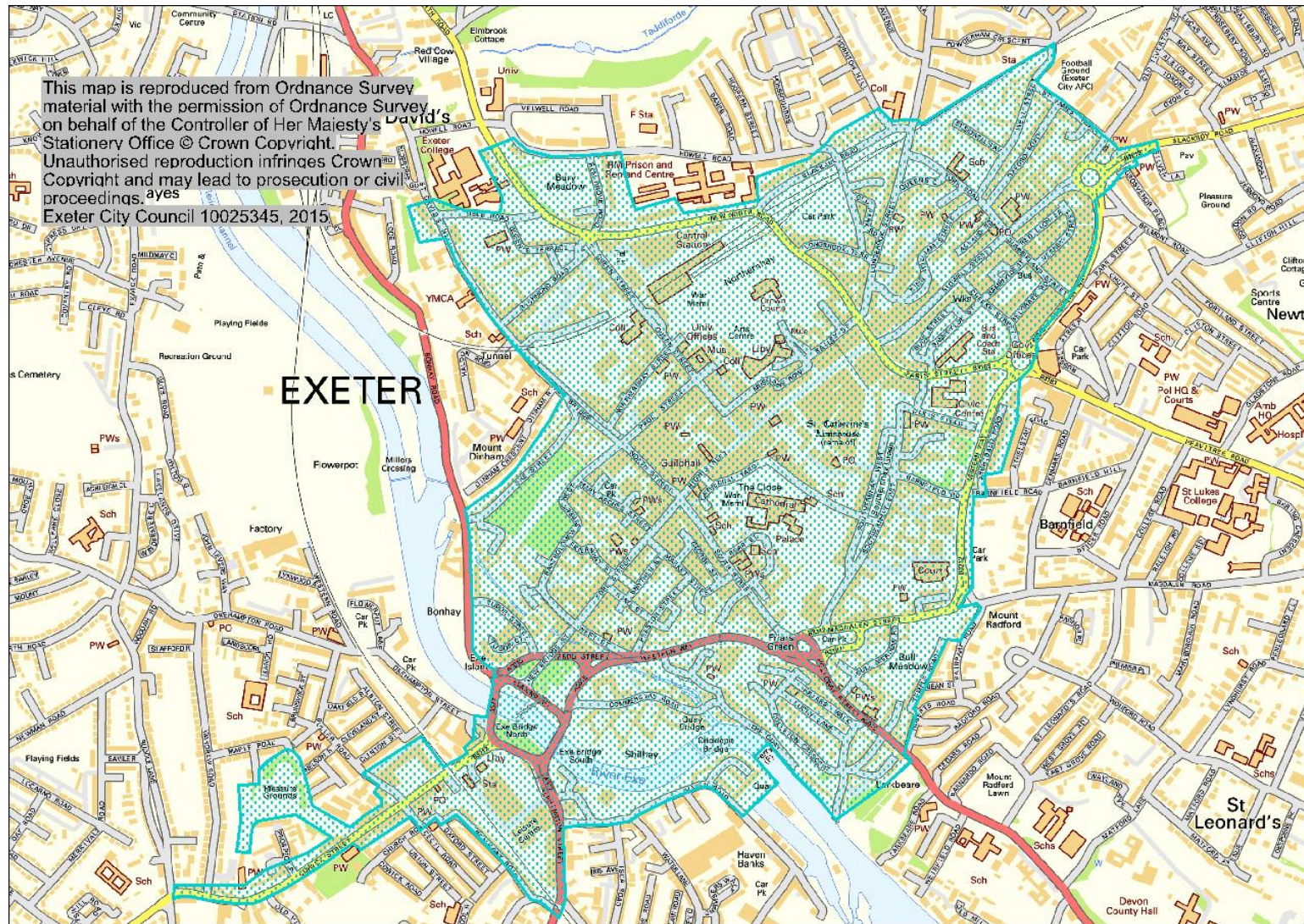
Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

- Home Office (October 2014) New Psychoactive Substances Review: Report of the Expert Panel
- Lincoln City Council (January 2015) Executive Report Proposals for the Implementation of a Public Space Protection Order
- Highways Act 1980

Contact for enquires:
Democratic Services (Committees)
Room 2.3
01392 265275

Appendix I – Map of area being considered for a Public Spaces Protection Order



Appendix II

Prohibitions and requirements contained in Public Spaces Protection Order

Person(s) within this area, whilst situated in the street or other public space where the public have access without payment shall:

- 1) Surrender any intoxicating substance in their possession to an authorised person on request, if they are found to be ingesting, inhaling, injecting, smoking or otherwise using intoxicating substances, or are in possession of such intoxicating substances with the intent of using such intoxicating substances within this area, where the authorised person has reasonable grounds to believe that such person is using or intends to use the intoxicating substance within the said area.**

Intoxicating Substances is given the following definition (which includes Alcohol and what are commonly referred to as 'legal highs'): Substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes or vaporisers (tobacco products), or are food stuffs regulated by food safety legislation, or where the use of the intoxicating substances fall within the curtilage of a premises licenced for the sale and consumption of alcohol, and within the operating hours of such.

An authorised person shall be a Police Constable, Police Community Support Officer or Exeter City Council Officer, who must be able to present their authority upon request.

- 2) Not urinate in a street or public open space**

The term 'street' includes any road, footway, beach or other area to which the public have access without payment. It also includes a service area as defined in Section 329 of the Highways Act 1980. Other areas will include parks and retail car parks to which the public have access to without payment.

Exemptions shall apply where authorised temporary public urinals/toilets have been provided in accordance with any specification issued by Exeter City Council, and with its agreement.

- 3) To the satisfaction of an authorised person, clear away and remove from this area without delay, any unauthorised bivouac, bedding or encampment formed in a street together with any associated paraphernalia, when requested to do so by an authorised person. An authorised person may confiscate and dispose of any unauthorised bivouac, bedding or encampment found within this area, with or without the permission of its owner.**

For these purposes, bivouac, bedding and encampment mean any portable shelter used for camping or outdoor sleeping, and include materials used for shelter against the elements, weather or ground.

For this purpose 'unauthorised' means by without the express written consent of any owner or person having control or interest in the land in question.

- 4) Not make unsolicited and or unauthorised request(s) (whether expressly requested or impliedly requested by conduct), in a public place, for money from persons not known to the perpetrator.**

For this purpose 'unauthorised' means by without the express written consent of any owner or person having control or interest in the land in question.

- 5) Not form in groups of two or more persons and behave in a manner that has or is likely to result in any member of the public being intimidated, harassed, alarmed or distressed by that behaviour.**
- 6) Persons within this area who breach this prohibition (Prohibition 5) shall, where a Police Officer or Police Community Support Officer, or Exeter City Council Officer, has reasonable grounds for believing that the presence or behaviour of a group of two or more persons in any public place in this area has resulted or is likely to result in any member of the public being intimidated, harassed alarmed or distressed, the officer may require the persons in the group to disperse either immediately; or by such time as may be specified; and in such way as may be specified.**

Appendix III - Evidence gathered by the Council itself, and from other associated agencies including the Police, recording crime and ASB statistics for the area

Date	Incident Type	Road
05-Jul-14	Causing Disturbance / Nuisance	Sidwell Street
05-Jul-14	Violence - Fighting	Fore Street
07-Jul-14	Drug related	Guinea Street
10-Jul-14	Drink related	Sidwell Street
12-Jul-14	Drug dealing suspected	Not listed – City Centre
12-Jul-14	Violence - Fighting	Fore Street
13-Jul-14	Criminal Damage	Longbrook Street
13-Jul-14	Violence - Fighting	High Street
15-Jul-14	Suspicious Behaviour	Sidwell Street
16-Jul-14	Causing Disturbance / Nuisance	Sidwell Street
16-Jul-14	Drug related	Fore Street
19-Jul-14	Drug related	North Street
22-Jul-14	Drink related	Sidwell Street
07-Aug-14	Drink related	Cathedral Yard
11-Aug-14	Anti Social Behaviour	Fore Street
12-Aug-14	Drug related	Rougemont Gardens
12-Aug-14	Causing Disturbance / Nuisance	High Street
16-Aug-14	Drug related	Fore Street
21-Aug-14	Drug related	Cathedral Yard
26-Aug-14	Causing Disturbance / Nuisance	Guildhall Shopping Centre
03-Sep-14	Begging	Queen Street
05-Sep-14	Misc / Other	Sidwell Street
07-Sep-14	Drug related	Bear Street
07-Sep-14	Violence - Assault	Fore Street
11-Sep-14	Anti Social Behaviour	Cathedral Yard
12-Sep-14	Anti Social Behaviour	Cathedral Yard
12-Sep-14	Anti Social Behaviour	Cathedral Yard
19-Sep-14	Drug related	Fore Street
23-Sep-14	Drug related	Rougemont Gardens
23-Sep-14	Violence - Fighting	Fore Street
25-Sep-14	Violence - Threatening Behaviour	Longbrook Street
25-Sep-14	Anti Social Behaviour	High Street
06-Oct-14	Drug related	Cathedral Yard
10-Oct-14	Misc / Other	Sidwell Street
13-Oct-14	Anti Social Behaviour	King William Street
13-Oct-14	Anti Social Behaviour	King William Street
19-Oct-14	Begging	High Street

20-Oct-14	Anti Social Behaviour	St Thomas PG
21-Oct-14	Anti Social Behaviour	King William Street
24-Oct-14	Drug related	Paris Street
25-Oct-14	Violence - Fighting	Summerland Street
25-Oct-14	Violence - Fighting	Fore Street
25-Oct-14	Violence - Fighting	Fore Street
25-Oct-14	Violence - Fighting	George Street
25-Oct-14	Violence - Fighting	Fore Street
27-Oct-14	Anti Social Behaviour	Paris Street
28-Oct-14	Dog nuisance	St Thomas PG
30-Oct-14	Anti Social Behaviour	High Street
31-Oct-14	Anti Social Behaviour	King William Street
31-Oct-14	Causing Disturbance / Nuisance	High Street
01-Nov-14	Violence - Assault	Fore Street
01-Nov-14	Violence - Fighting	York Road
03-Nov-14	Anti Social Behaviour	High Street
05-Nov-14	Missing Person Hi-Risk	High Street
06-Nov-14	Violence - Threatening Behaviour	George Street
08-Nov-14	Anti Social Behaviour	Gandy Street
09-Nov-14	Violence - Fighting	Fore Street
18-Nov-14	Causing Disturbance / Nuisance	Guildhall Car Park
19-Nov-14	Causing Disturbance / Nuisance	Paul Street
20-Nov-14	Drink related	High Street
23-Nov-14	Violence - Assault	High Street
27-Nov-14	Drug related	Paul Street
27-Nov-14	Drug related	King William Street Car Park
27-Nov-14	Drug related	Paul Street
28-Nov-14	Anti Social Behaviour	Western Way
28-Nov-14	Anti Social Behaviour	Western Way
28-Nov-14	Anti Social Behaviour	Paul Street
28-Nov-14	Anti Social Behaviour	High Street
29-Nov-14	Anti Social Behaviour	Cathedral Yard
06-Dec-14	Criminal Damage	Paris Street
06-Dec-14	Violence - Fighting	High Street
13-Dec-14	Indecent Exposure	Market Street
19-Dec-14	Anti Social Behaviour	George Street
20-Dec-14	Drug dealing suspected	Cathedral Yard
20-Dec-14	Violence - Abusive Behaviour	Fore Street
25-Dec-14	Drug related	Martins Lane
03-Jan-15	Drug dealing suspected	Smythen Street
08-Jan-15	Drug related	Fore Street
08-Jan-15	Drug related	Fore Street

17-Jan-15	Anti Social Behaviour	Sidwell Street
18-Jan-15	Collapsed Person	Cathedral Yard
19-Jan-15	Drug dealing suspected	Cathedral Yard
20-Jan-15	Drug dealing suspected	Longbrook Street
02-Feb-15	Causing Disturbance / Nuisance	Smythen Street
02-Feb-15	Drug related	Paul Street
03-Feb-15	Drink related	Sidwell Street
03-Feb-15	Drug dealing suspected	Queen Street
03-Feb-15	Drink related	Sidwell Street
04-Feb-15	Drug related	Fore Street
11-Feb-15	Drug related	Bedford Street
17-Feb-15	Drug related	George Street
17-Feb-15	Drug dealing suspected	Gandy Street
03-Mar-15	Causing Disturbance / Nuisance	Cathedral Yard
18-Mar-15	Misc / Other	Sidwell Street
24-Mar-15	Drug related	Bampfylde Street
31-Mar-15	Drug related	King William Street Car Park
11-Apr-15	Drug related	Smythen Street
13-Apr-15	Drink related	Cathedral Yard
15-Apr-15	Drug dealing suspected	Sidwell Street
22-Apr-15	Drug dealing suspected	Musgrave Row
23-Apr-15	Drug dealing suspected	Coombe Street
26-Apr-15	Drink related	Cathedral Yard
12-May-15	Drink related	Quay Hill
13-May-15	Anti Social Behaviour	High Street
14-May-15	Drink related	High Street
14-May-15	Drug dealing suspected	Gandy Street
15-May-15	Anti Social Behaviour	South Street
22-May-15	Drug dealing suspected	Smythen Street
04-Jun-15	Anti Social Behaviour	Fore Street
05-Jun-15	Drug dealing suspected	Market Street
08-Jun-15	Drug dealing suspected	Cathedral Yard
08-Jun-15	Drug dealing suspected	Cathedral Yard
11-Jun-15	Drug dealing suspected	Cathedral Yard
19-Jun-15	Anti Social Behaviour	Sidwell Street
20-Jun-15	Drug related	High Street
21-Jun-15	Drink related	Cathedral Yard
24-Jun-15	Drink related	Cathedral Yard
24-Jun-15	Drink related	Princesshay
24-Jun-15	Drink related	Cathedral Yard
24-Jun-15	Drink related	Cathedral Yard
24-Jun-15	Collapsed Person	High Street

24-Jun-15	Drug related	Cathedral Yard
24-Jun-15	Anti Social Behaviour	North Street
26-Jun-15	Anti Social Behaviour	Cathedral Yard
27-Jun-15	Anti Social Behaviour	Cathedral Yard
27-Jun-15	Drug related	Smythen Street
27-Jun-15	Drug related	Cathedral Yard
02-Jul-15	Anti Social Behaviour	Market Street
02-Jul-15	Anti Social Behaviour	Cathedral Yard
02-Jul-15	Anti Social Behaviour	Cathedral Yard
02-Jul-15	Anti Social Behaviour	Smythen Street
02-Jul-15	Drug dealing suspected	High Street
02-Jul-15	Drug dealing suspected	Fore Street
02-Jul-15	Drug related	Sidwell Street
02-Jul-15	Anti Social Behaviour	Cathedral Yard
03-Jul-15	Collapsed Person	Bampfylde Street
03-Jul-15	Anti Social Behaviour	Cathedral Yard
03-Jul-15	Anti Social Behaviour	High Street
06-Jul-15	Drug related	Cathedral Yard
06-Jul-15	Drug related	Mary Arches Street
06-Jul-15	Drug related	North Street
06-Jul-15	Drug related	St Thomas PG
06-Jul-15	Drug related	Cathedral Yard
06-Jul-15	Drug related	St Thomas PG
08-Jul-15	Drug related	High Street
10-Jul-15	Anti Social Behaviour	Cathedral Yard
11-Jul-15	Anti Social Behaviour	Cathedral Yard
12-Jul-15	Drug dealing suspected	Guinea Street
12-Jul-15	Violence - Threatening Behaviour	Fore Street
13-Jul-15	Drug related	Guinea Street
18-Jul-15	Anti Social Behaviour	Sidwell Street
18-Jul-15	Traffic - Possible DIC	George Street
18-Jul-15	Anti Social Behaviour	High Street
18-Jul-15	Anti Social Behaviour	High Street
18-Jul-15	Causing Disturbance / Nuisance	Gandy Street
19-Jul-15	Causing Disturbance / Nuisance	Queen Street
20-Jul-15	Obs for individual	Sidwell Street
21-Jul-15	Drug related	High Street

This page is intentionally left blank