

SCRUTINY COMMITTEE - COMMUNITY

8 September 2015

Present:

Councillor Emma Morse (Chair)

Councillors George, Brimble, Buswell, Hannan, Holland, Packham, Raybould, Shiel and Vizard

Apologies:

Councillors Bull, Newby and Wardle

Also present:

Chief Executive & Growth Director, Assistant Director Environment, Assistant Director Customer Access, Community Involvement and Inclusion Officer, Service Lead Housing Customers, Housing Options Manager, Principal Accountant Service (PM), Technical Accounting Manager and Democratic Services Officer (Committees) (HB)

In attendance:

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| Councillor Keith Owen | - Exeter City Council (as Portfolio Holder for Health and Place) |
| Councillor Rob Hannaford | - Exeter City Council (as Portfolio Holder for the Housing Revenue Account) |

38 **Minutes**

The minutes of the meeting held on 16 June 2015, as amended by Council on 28 July 2015 in respect of Min. No. 29, - Portfolio Holders' Statements - were taken as read and signed by the Chair as correct.

39 **Declaration of Interests**

No declarations of interest were made.

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

In accordance with Standing Order No 20, a question was put by Councillor Holland on data provided in respect of community grants made by the Council. A copy of the question had previously been circulated to Members. He requested that all future spread sheets showing ward grants, New Homes Bonus Local Infrastructure Spend and City Wide Grants, include two further columns which would capture impact and outcome. The reason for his request had arisen following an earlier query made by him in respect of funding awarded jointly to the 2nd Exeter Scout Group and Park Life Heavitree to work up proposals for a community building in Heavitree Park. His question had been fully answered by officers but he was concerned that, because of the excessive cost, it was unlikely that the building would be built and that there had been insufficient feedback on the position and background.

The Community Involvement and Inclusion Officer advised that evaluation forms were sent to grant recipients and returned to the Council and that associated

information would be shared with the relevant Ward Members. Because of limited officer resources however, it would not be possible for comprehensive feedback to be provided.

The Chair remarked that individual Ward Councillors also had responsibility for tracking the results of grant awarded.

PRESENTATIONS TO COMMITTEE

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

The Chair welcomed Steve Paine, Immigration Officer at the Devon and Cornwall Immigration Office in Plymouth. He had been seconded to work at Torbay Council, two days a week, and had been re-engaged for a further 12 months. He enlarged on recent key changes involving the development of relationships with key stakeholders, protecting funds and services, dealing with exploitation and community engagement. Only five Officers were currently engaged covering the whole of Devon and Cornwall and parts of Somerset and Wiltshire, dealing with all nationalities.

Housing

Although his initial role at Torbay was part of a rogue landlord project, his role had widened considerably and he was now involved in every aspect of this work. Many of those illegally in the UK were vulnerable and at risk of exploitation, as were those who possessed valid visas working, for example, in the care and fishing sector. The Modern Day Slavery Act was an increasing area of work with close liaison with the Police to deal with those involved in trafficking and exploitation as well as procedures to deal with those identified as victims rather than “illegal’s” who needed to be removed. The Plymouth office was one of two piloting procedures for dealing with suspected victims.

Fire Service

There was also close working with the fire service with many joint visits following fires, reports of unsafe working environments, non-approved staff accommodation in lofts etc.

Licensing

He attended monthly meetings arranged by the City Council’s Environment and Licensing Manager and provided information on businesses found to be employing illegal workers to assist with the review of their licenses.

Business Support

Landlords retaining passports, not keeping records, paying below the minimum wage supplying sub standard accommodation etc. were liable for criminal prosecution. Fines for illegal employment had risen to £20,000 per person and failure to checks the status of tenants risked fines of £3,000.

Community Engagement

Information events on the work were being held across Devon and free training offered on employing people etc.

The following issues were also covered:-

- work undertaken by the office at the RD&E Hospital and the relevance of others, such as GP’s, obtaining identification, if relevant;
- cross referencing of records with other agencies such as the DVLA;

- requirement of EU nationals living in the UK to actively seek employment for up to five years;
- the potential for exploitation and the physical and psychological hardships experienced by those living illegally;
- role of Exeter and Plymouth as longstanding dispersal centres; and
- procedures for assisting spouses who had suffered from domestic violence to legally obtain visas which then opened up avenues for instigating other lawful applications.

42 **Damp Walls Spotlight Review**

In the absence of Councillor Bull, the Chair of a Damp Walls Spotlight Review suggested at the Annual Scrutiny Work Programme meeting, the Scrutiny Programme Officer reported that the main questions considered by the review had been:-

1. how many properties were affected and how many were dealt with under emergency provisions?; and
2. was the process too long winded?

The main factors for the time frame had been found to be:-

- a significant spend required which officers did not have the authority to spend without seeking Committee approval first. Therefore, the Water Ingress to Council Housing Stock report had been submitted to this Committee on 9 September and Executive on 16 September 2014;
- the process had to go out to tender because of the potential value of the contracts. This ensured compliance with the Law, Financial Regulations and the City Council policy;
- the work had to be carried out at the best time so success and speed was weather dependant; and
- there was great demand for contractors and scaffolding at the time because others were also having the same problem.

The facts found were:-

- 330 properties were affected and 49 were dealt with under the emergency provisions;
- the anticipated completion date for the work was still Autumn this year; and
- a press release would be arranged upon completion of the work.

The Group found that the City Council had been reliable with the cost figures and the projected time frame and was well within the authorised spend.

Members did not have any comments and noted the report.

43 **Portfolio Holders Report**

Councillors Owen and Hannaford presented their respective work programmes within the Health and Place Portfolio and the Housing Revenue Account Portfolio. Councillor Morris, Portfolio Holder for Customer Access, had submitted her apologies for the meeting but had circulated in advance to Members her comments on the points set out in her part of the report. A response would be provided on whether there were good examples of private sector landlords that could be referred to as part of the approach on improving standards in private rented sector.

Health and Place

The Portfolio Holder highlighted the following:-

- the proposed implementation of the Public Spaces Protection Order;
- budget savings and re-structuring relating to Public Realm; and
- renewal of the Gambling Policy.

Responding to a Member, he agreed that whilst an increase in re-cycling of 1% to 35% appeared modest it was quite challenging within the context of the current operational arrangements and infrastructure. However, he felt that this increase was achievable. A number of measures were being instigated to improve the rates including the introduction of mini bring-bank sites to expand the network of bring-banks, improved arrangements at communal bin sites such as those found with social housing flats and further information promoting re-cycling to University students. He also advised that a media release would be issued to explain the background to the relatively low rate compared with other local authorities with a food waste collection and added that Exeter, in fact, performed well in the relatively low amount of waste generated by each household.

A Member praised the work of the Council's Materials Reclamation Facility (MRF) at Oakwood House and recommended that fellow Members visit the MRF to better understand the operation in sorting re-cycled materials.

Housing Revenue Account

The Portfolio Holder highlighted:-

- finalisation of a new Housing Strategy in light of the results of the Housing Needs Survey;
- improvement of standards in the social housing stock;
- further improvement to management of the housing stock including approaching tenants' needs in proactive and appropriate ways;
- improved engagement with housing tenants, including the establishment of a Housing Performance Panel to replace the former Tenants' and Landlords' Committee; and
- look to balance the City's economic growth with equal emphasis on addressing social inequalities.

Scrutiny Committee - Community noted the reports.

ITEMS FOR DISCUSSION

44 Housing Revenue Account - Budget Monitoring to June 2015

The Technical Accounting Manager advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 30 June 2015 in respect of the Housing Revenue Account and the Council's new build schemes. An outturn update in respect of the HRA Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the Housing Revenue Account.

During this period, the total budget variances indicated that there would be a net deficit of £2,333,791 in 2015-16. This represented a decrease of £625,391 compared to the revised budgeted deficit of £2,959,182 for 2015-16.

The total amount of HRA capital expenditure for 2014/15 showed a total forecast spend of £10,706,690 compared to the £13,910,754 approved programme, a decrease of £3,204,064.

The Service Lead Housing (Customers) explained that the budget under-spend of £50,000 was the result of:-

- quotes received being lower than initial costs;
- a number of properties had dried out during benign spring conditions; and
- the anticipated additional properties requiring treatment did not materialise.

Scrutiny Committee - Community noted the report.

45 **Community - Budget Monitoring to June 2015**

The Principal Accountant advised Members of any major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2015 in respect of Community Services. An outturn update in respect of the Community Capital Programme was also incorporated in the report in order to help provide a comprehensive financial update in respect of the Scrutiny Committee - Community budgets.

The current forecast suggested that net expenditure would increase from the approved budget by a total of £62,080 after transfers from reserves and revenue contributions to capital. This represented a variation of 0.67% from the revised budget and included supplementary budgets of £116,500.

The 2015/16 Capital Programme, included commitments brought forward from 2014/15, was £2,076,700, as set out in the report.

The Scrutiny Committee - Community noted the report.

ITEMS FOR EXECUTIVE

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

The Assistant Director Customer Access presented the report on the findings and recommendations of the Task and Finish Group convened in 2014 to review the Council's allocation of social housing and the subsequent public consultation. The Task and Finish Group and the consultation had 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 had run for seven weeks with 240 responses received.

In the absence of the Portfolio Holder for Customer Access, the Portfolio Holder for the Housing Revenue Account remarked that, in the absence of the ability to build additional Council houses, it was important to work to meeting the needs of those in actual Housing Need and the Task and Finish Group had drawn on examples of good practice elsewhere. Where tenants had particular needs such as disability, language barriers and employment, the officer capacity was needed to assess these circumstances which, it was hoped, would be better achieved with the proposed removal of Band E which would allow greater officer capacity to work with individuals and families on their circumstances.

The following responses were given to Members' queries:-

- the implementation of the recommendations would 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;
- Band E included those with a housing need but who had an income or savings above a certain level, or, in some cases, did not have a housing need but were on the list as security;
- only a very small proportion of homes in Exeter had been let to applicants in Band E;
- although administrative officers inputted data independently of advising applicants for housing, there was no conflict in advice from housing officers in terms of the Devon Home Choice system which governed the allocation of social housing in Exeter; and
- the Government had introduced the "Right to Move" which allows tenants in social housing additional priority to move to the area if they have secured a settled job here. As this is a mandatory change, the Devon Home Choice policy has already been amended.

Scrutiny Committee - Community noted and supported the report and requested Executive to amend the allocation policy for Exeter City Council in the following ways:-

- (a) to restrict eligibility for housing to those with an evidenced housing need within the policy and thereby removing Band E;
- (b) to remove applications where people do not bid for 12 months or refuse three properties deemed suitable for their needs; and
- (c) 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:-

- (a) to give additional priority to those who contribute to the local community; and
- (b) to implement a specific local connection criteria to Devon/Exeter.

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

The Assistant Director Environment presented the report advising Members on the process and consideration towards the implementation of a Public Spaces Protection Order in the City Centre area of Exeter. The report sought agreement to enter into consultation with the public and relevant stakeholders on the draft proposals for a Public Spaces Protection Order (PSPO) and for a report to be brought back to this Committee, Executive and Council at the end of this year, with recommendations as to the implementation, or otherwise, of a Public Spaces Protection Order.

The justification for the identified area was based on intelligence from the Devon and Cornwall Police and the Council's Control Room, together with views canvassed from the public. It was considered that, within the City Centre, the prevalence of anti-social behaviour was relatively high in comparison with other parts of the city, and at a level where the mechanisms offered by the proposed PSPO would enable, either a control

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

He explained that the proposed boundaries of the PSPO detailed in the report may change in light of representations, for example, some Members had already asked for the inclusion of Belmont Park and the open space in Bonhay Road. He outlined the following procedures and actions contained within the proposed PSPO and gave examples of what they sought to control and what they did not intend to intervene over:-

- surrender of any intoxicants (alcohol, legal highs and other stimulants);
- urinating in the street;
- begging;
- removing encampments, bedding and associated paraphernalia in public spaces; and
- dispersing groups or individuals causing anti-social behaviour;

He advised that guidance would be developed alongside the PSPO to inform agencies and the public and responded as follows to Members' queries:-

- because of the draconian nature of the new powers there was a need for clear justification to be shown when introducing an Order, therefore it was not appropriate for the whole of the City to be covered, as there were many parts where such anti-social behaviour problems did not exist to the same extent. It's application should be surgical in nature rather than the wholesale, but this did not mean that there were not other specific areas of the City where a PSPO would be justified in the future;
- Home Office guidance for the implementation of a PSPO identified the requirement for public consultation;
- In terms of exercising the tools of the PSPO, the Police and Police Community Support Officer would be the main agents of intervention. The expectation was that interventions/incidents would be recorded by the Police, together with incidents recorded by the City Council's CCTV Control Room. Incidents of anti social behaviour outside the PSPO area would be reviewed to identify potential dispersal;
- the University would be one of the consultees;
- close liaison with Customer Access Housing Needs would continue because of the relationship between anti social behaviour and rough sleeping, begging etc. A new outreach provider 'Julian House', was starting in October to engage rough sleepers and assist them to access support and accommodation services. It was recognised that a minority were difficult to engage and often resisted offers of accommodation. It was noted that encouraging their engagement was the adopted approach but that a line was drawn when behaviour became intolerable. It would be at this point that enforcement action would be used. It was also highlighted that a recent review had shown only around 20% of those begging were homeless, and therefore the issue needed to be addressed in a wider arena than the outreach team; and
- it would not be practicable to store confiscated encampment paraphernalia for potential reclaiming by rough sleepers because of difficulties in storage, identification with owner, and administration of such a facility.

Scrutiny Committee Community noted and supported the report and asked Executive to:-

- (1) agree the contents of the draft Public Space Protection Orders, in the area defined by the map in the report (Appendix I), together with the prohibitions and actions contained in Appendix II of the report;
- (2) instruct officers to seek the views of the public and other stakeholders through public consultation, with a view to reporting back to Scrutiny Committee - Community, Executive and Council at the end of 2015; and
- (3) recommendations to be made in that report on the adoption or otherwise of a Public Spaces Protection Order for approval by Council.

The meeting commenced at 5.30 pm and closed at 7.26 pm

Chair