

## SCRUTINY COMMITTEE - COMMUNITY

20 January 2009

### Present:

Councillor Dilys Baldwin (Chair)

Councillors Shiel, Branston, Choules, Mrs Danks, A Hannaford, Hobden, Newcombe, R Smith, Taghdissian, Thompson and Wardle

### Also present:

Director Community and Environment, Head of Leisure and Museums, Head of Housing Services, Head of Contracts and Direct Services, Head of Environmental Health Services and Member Services Officer (HB)

### Also present:

Councillor Mitchell - Portfolio Holder Environment and Leisure

#### 1 **Minutes**

The minutes of the meeting held on 11 November 2008 were taken as read and signed by the Chair as correct.

#### 2 **Declaration of Interests**

There were no declarations of interest.

#### 3 **Question from a Member of the Council under Standing Order 20**

In accordance with Standing Order 20, a question on the swimming pool was asked by a Member to which the Portfolio Holder for Environment and Leisure replied. The question and the reply from the portfolio holder is appended to the minutes.

### **ESTIMATES, CAPITAL BIDS AND FEES AND CHARGES 2009/2010**

#### 4 **Community - General Fund - Estimates/New Capital Bids/Fees and Charges**

The Director Community and Environment presented a report on the Community Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Community were also attached to the report.

The Director Community and Environment reported that since the estimates set out in the report had been compiled and discussed at the informal briefing for this Committee before Christmas, it had become apparent that it was unlikely that the Government was going to amend the concessionary travel reimbursement arrangements before the Council sets its council tax and budget for 2009/10. Because of this, the Council had to account for the estimated further shortfall of £1.3 million in reimbursement for 2009/10 in its budget. This required savings equivalent to this sum to be identified so that a balanced budget could be set by Council on 24

February 2009. The Strategic Management Team and Portfolio Holders were therefore urgently reviewing all budget heads in order to close the funding gap.

A number of Council-wide savings had been identified, such as providing for a reduced level of pay award in 2009/10 (which was included in the report), and all Directorate budgets were being reviewed. It was unlikely that all the required savings could be achieved without savings from reducing staffing levels but every effort was being made to ensure that any compulsory redundancies were minimised.

This urgent work was on-going and every effort would be made to report the overall proposed savings to the Scrutiny Committee - Resources (or its Budget Review Member Working Group if that was not possible) before submission to the Executive on 10 February and Council on 24 February 2009.

The details of any savings made as a result of the budget setting would be reported to the relevant Scrutiny Committee meetings in the March cycle, along with the position on any unresolved issues.

The Director emphasised that the process of finding savings and the review of the budget were in the early stages but that the protection of services was of paramount consideration. Obtaining best value for money and staff welfare were also vital and the Chair referred to the importance of maintaining staff morale. The Director advised that the pay award was negotiated nationally and that, in the past, figures settled on had been the same for the differing negotiating bodies. She also stated that the process would be as open as possible and that the information would be released as quickly as possible.

In response to a Member, who referred to a newspaper article that had stated that the cost of housing benefit in Exeter was the seventh highest in the country, the Head of Housing Services advised that the statistics had been distorted by an isolated case involving the re-housing of a very large family.

In answer to a question about the high differential between "commercial" and other "fees" for laying up boats on the Canal, the Head of Leisure and Museums explained that the commercial rates were intended to be applied to vessels trading - that is loading or unloading - in the canal, although the last use of this scale of charges had been several years ago. Recently a customer, probably for VAT purposes, had asked to be placed on a commercial rate, although this had not in fact happened. The Head of Leisure and Museums assured Members that there was not, and never had been, any intention to charge commercial rates for the storing of boats even those being restored or maintained by small local businesses.

The Head of Environmental Health Services, in response to a Member, confirmed that the pilot arrangements for the extension of the out of hours service were being put forward for consideration by Members later in the meeting.

The Chair concluded by emphasising the Committee's desire that the focus of the forthcoming review of the budget should be on service provision.

The Scrutiny Committee - Community noted the draft Revenue Estimates for 2009/10 and Fees and Charges for further consideration by the Executive.

(Report circulated)

## 5 **Community - Housing Revenue Account - Estimates/New Capital Bids/Fees and Charges**

The Director Community and Environment presented a report on the Housing Revenue Account Estimates and Fees and Charges, which outlined the strategic framework within which the estimates had been prepared, changes in accounting practices which affected all budgets and gave detailed reasons for major changes in the Management Unit estimates. Detailed schedules of the capital programme for Housing were also attached to the report.

The Head of Housing Services explained the restrictions on the Council in setting rents imposed by the requirements of the Housing Revenue Account Subsidy Determination and the background to the formula for calculating the rent. He explained the Government's rationale in respect of the nation's housing stock and the impact on the strategies of housing suppliers including Housing Associations.

The account was ring fenced and decisions in respect of the final Council budget would not therefore impact on the proposed rental levels.

The Scrutiny Committee - Community supported the draft Revenue Estimates for 2009/10 and Fees and Charges for approval by Executive, noting that any surplus resulting from a variance in the figures arising from change in that part of the estimates relating to the pay award, would be included within the repairs contribution fund.

(Report and Community and Housing Estimates and Fees and Charges circulated)

### **MATTERS TO BE CONSIDERED BY EXECUTIVE**

## 6 **Tree and Woodland Strategy**

The Head of Contracts and Direct Services presented the report on the final draft of the Exeter Tree and Woodland Strategy for adoption by Council.

In response to a Member, he advised that proposals for new developments were assessed with regard to impact on existing trees and that the quality of the proposed landscaping was an important consideration in bringing forward a scheme. Both Planning Services and the County Council Highways section had contributed to the development of a protocol for tree management which was used to assess new developments. The strategy also embraced bio-diversity and general environmental issues as well as tree management. He advised that the preservation of existing trees fell within the remit of the Landscape and Tree Officer within the Planning section.

He reported that some 10,000 trees had been planted over the past two years across the City and he would investigate the concerns raised by a Member regarding trees in the Pinhoe ward. He advised that the proposed Tree Wardens would be encouraged to monitor general environmental conditions and not just trees. He confirmed, in response to the Chair, that the budget for dealing with dangerous trees would not be changed.

A Councillor, who had been a member of the Trees Working Group, welcomed the strategy. She remarked that the fact that Exeter did not possess as many trees as some Cities was not immediately apparent but that on closer analysis it was evident

that the majority of trees within the urban setting were located within residential gardens and not on the highways.

Scrutiny Committee - Community supported the report and requested Executive to approve the adoption of the Tree and Woodland Strategy.

(Report circulated)

## **7 Housing Rents 2009/10**

The Head of Housing Services presented a report recommending a rent increase from 1 April 2009 for council dwellings.

In response to a Member, the Head of Housing Services confirmed that rent convergence was a Government requirement for both local authorities and housing associations. However, the date for full convergence to be achieved had now been put back to 2024/25.

It was noted that there would be an average rise of £4.26 per collection week for 2009/10 rather than £3.77 as set out in the report.

The Scrutiny Committee - Community noted the report, including the amended figure in respect of the average rent collected per week, and recommended Executive approve that rents of Council dwellings are increased from 1 April 2009 by an average of 6.2%, which includes a general increase of 5.0%, together with the phased introduction of the Government's rent restructuring proposals.

(Report circulated)

## **8 Review of Tenancy Agreement**

The Head of Housing Services presented the report seeking approval for implementing a revised secure tenancy agreement for tenants of the City Council following a comprehensive consultation exercise.

In response to a Member, the Head of Housing Services advised that the revised agreement tightened up procedures in respect of dealing with anti social behaviour. It set out clearly the rights and responsibilities of tenants and, where those responsibilities were not being met, unambiguous evidence could now be put before the courts. Cases of breaches in tenancy agreements were now handled by a dedicated Solicitor and a focused team within Tenant Services. With regard to obstructions in communal areas, revised management arrangements were being developed, partly in response to new fire regulations. There were some 500 blocks of flats across the City with 300 communal areas which would be assessed on an incremental basis for appropriate action to be taken.

Scrutiny Committee - Community supported the report and requested Executive approve the implementation and introduction of the revised tenancy agreement from April 2009.

(Report circulated)

## 9 **Affordable Housing and the Housing Market**

The Head of Housing Services presented the report setting out the implications of the housing market downturn and the Council's response, particularly in relation to the provision of affordable housing.

A Member referred to the importance of sheltered and supported accommodation for the elderly within their local areas.

In response to another Member, the Head of Housing Services explained the policies relating to affordable housing provision including the split between affordable and market value properties within developments and the different types of affordable housing being offered. The current requirement was 25% and although consideration had been given as part of the Local Development Framework process to increase the affordable housing requirement for development to 35% this was unlikely to be pursued at present. Developers were now seeking to progress with affordable housing provision in order to utilise Government grants and thus maintain their turnover until the market improved. They were presently unwilling to build houses for sale at market value and were focusing on social housing provision. As part of this process, they were also offering to increase social housing provision above that agreed in the planning permission. Detailed discussions were therefore necessary with developers to reach agreement on both planning and management issues. The distribution of social housing throughout a site was an issue, with developers reluctant to pepper-pot throughout a site. Housing staff were working closely with developers and housing associations in the City to offer help and advice, where possible, to enable the completion of developments currently on site or to start schemes with planning consent on sites with Section 106 agreements attached.

The Head of Housing Services also explained the policies relating to property acquisition for the provision of social housing. In particular, the Council, with local housing associations, were looking to acquire extra units from developers to give them certainty of sales and therefore the confidence to either continue on site or progress towards a start-on-site date. He also briefly referred to policies in respect of the management of existing stock.

With regard to negotiations with developers, it would be necessary to adopt a flexible approach to the negotiation of existing Section 106 agreements to ensure that opportunities to procure new affordable housing were maximised and that developers were helped to regain the confidence to start building. The Head of Planning and Building Control already had powers to agree minor variations to the terms of existing and proposed Section 106 agreements in consultation with the Head of Legal Services and the Chair of the Planning Committee. To ensure speed in responding to requests to vary Section 106 agreements, it was proposed that the scheme of delegations continue where such changes are supported by the Head of Housing Services and the Portfolio Holder for Housing and Social Inclusion. Given the fast moving situation within the housing market and the need to respond quickly and flexibly, it was important that officers had the ability to negotiate such deals with developers and vary existing Section 106 agreements where necessary.

A Member expressed concern that Member involvement would be limited to those set out in the recommendation and suggested that Ward Members could be involved and possibly the Planning Committee Area Working Parties. He suggested that Executive should be made aware of this concern, particularly the need to involve Members of the Planning Committee more, and that it should be asked to put forward alternative option(s) to the proposed delegation for further consideration by this Scrutiny Committee.

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

- (1) maintain a flexible approach to renegotiate and vary existing Section 106 agreements and consents to encourage the development of affordable housing wherever possible;
- (2) agree that variations to the specific terms of Section 106 agreements regarding affordable housing, where neither the overall proportion of affordable housing nor the proportion of affordable housing for rent is reduced, should be treated as minor and therefore included in the scheme of delegations; and
- (3) give consideration to amending the following proposed change to the scheme of delegations:-

authorise the Head of Planning and Building Control, in consultation with the Head of Legal Services and the Chair of the Planning Committee and subject to the support of the Head of Housing Services and the Portfolio Holder for Housing and Social Inclusion to make decisions as set out in (2) above.

(Report circulated)

### **MATTER CONSIDERED BY SCRUTINY COMMITTEE - COMMUNITY**

#### **10 Pilot Arrangements for Late Night Working by Community Patrol in respect of Noise Nuisance**

The Head of Environmental Health Services presented the report informing Members of the recently introduced pilot arrangements for Community Patrol, in response to late night noise occurring beyond midnight.

The following responses were given to Members' queries:-

- the Community Patrollers' role in gathering evidence has been strengthened beyond just an intervention role. Where judged to be safe, the patrollers would also intervene and visit the noise-maker on the night, if necessary, in conjunction with the Police. The patrollers were not trained to serve noise abatement notices but their evidence could be used by the Environmental Health Officer to take enforcement action, including the seizure of equipment;
- a good relationship is enjoyed with the University and with its Community Relations Officer. Arrangements for joint working have been set up. Where students have caused noise and disturbance they have been reprimanded and served notices by both the University and the Council;
- sanctions for noise problems include court fines of up to £5,000 for each breach of an abatement notice and seizure of equipment;
- the extension of the arrangements for late night working and the publishing of the availability of appropriate measures to control late night noise is undertaken in a variety of ways through press releases, newsheets and targeted information; a

recent example was of details of a noise prosecution appearing in the Express and Echo and the local free newspaper;

- as noise problems are caused by a cross section of society, not just students, other measures are taken to promote the importance of responsible behaviour in respect of noise. For example, newsletters are circulated to landlords of houses in multiple occupation which cover issues such as noise and rubbish. The Council also works with these owners in its role as a regulatory body dealing with issues of poor management of houses in multiple occupation;
- all ten Community Patrollers are involved in the pilot scheme and changes have been made to their working hours. The patrollers work in pairs when dealing with late night noise and they risk assess each call to avoid putting themselves in unsafe situations. They operate on a City wide basis and necessarily have to prioritise visits when complaints are received. Priority is given to visiting those properties where complaints have been received in the past and notices served; and
- the issue of statutory noise nuisance emanating from premises is a Council not a Police matter but joint work is being developed to make better use of both agencies' resources.

Scrutiny Committee - Community noted the pilot arrangements for late night working.

(Report circulated)

(The meeting commenced at 5.30 pm and closed at 8.10 pm)

Chair

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**SCRUTINY COMMITTEE - COMMUNITY - 20 JANUARY 2009**

**QUESTION FOR PORTFOLIO HOLDER**  
**UNDER STANDING ORDER NO.20**

Question from Cllr Branston for the Portfolio Holder - Environment and Leisure

If a new swimming pool has not been built by 2019 would you please advise how much you estimate will be spent in this 10 year period on improving current facilities, repair and renovation.

*Answer*

*If a new swimming facility is not built by 2019 then the Pyramids will require a substantial refurbishment to ensure it remains operational certainly within 5 years. Previously a cost analysis was undertaken to assist with an option appraisal to determine the cost of refurbishing the Pyramids or providing a new facility. Both appraisals were based over a twenty year period to ensure comparative equality.*

*A refurbishment will provide a similar facility to the existing building for twenty years but will not enhance its existing programme or cater for future population growth as its programme is already saturated.*

*A recent Condition Survey has been used to identify the building structural condition and mechanical and electrical condition was well as the Pool Plant. The projected twenty year appraisal conclusion is that with the refurbishment and ongoing costs the Pyramids will cost £12,958,674.*

*As the five year refurbishment would be essential it is difficult to answer the question of cost over ten years. Once the refurbishment has been undertaken the facility would have a twenty year projected lifespan.*

