

CUSTOMER FOCUS SCRUTINY COMMITTEE

5 December 2019

Present:

Councillor Matthew Vizard (Chair)

Councillors Mitchell, M, Begley, Foggin, Mrs Henson, Mitchell, K, Oliver, Pattison, Quance, A, Sheldon, Wardle and Warwick

Apologies:

Councillor Quance, I

Also present:

Director (BA), Director (DB), Corporate Manager Democratic and Civic Support, Service Lead Housing Tenancy Services and Democratic Services Officer (HB)

In attendance:

Councillor Amal Ghusain	- Portfolio Holder for Equalities, Diversity and Communities
Councillor Rachel Sutton	- Portfolio Holder for Climate and Culture
Councillor Laura Wright	- Portfolio Holder for Council Housing Development and Services

1 Minutes

The minutes of the meeting of People Scrutiny Committee held on 5 September 2019 were taken as read, approved and signed by the Chair as correct.

2 Declarations of Interest

No declarations of interest were made.

3 New Scrutiny Progress

The Corporate Manager Democratic and Civic Support referred to the recent review of the Governance arrangements resulting in the establishment of two new Scrutiny Committees. He made the following points:-

- although there was no longer the role of pre-scrutiny with reports going direct to Executive, Scrutiny Committees would have an increased level of involvement such as a greater opportunity to hold Executive to task and to initiate a call-in of decisions;
- Scrutiny Committees would be encouraged to review the Forward Plan with a view to requesting information on programmed issues for consideration;
- Members would be able to suggest specific areas of study through the setting up of Task and Finish working groups for report to the relevant Committee which could then make recommendations to Executive; and

- the Scrutiny Programme Board, which was politically balanced, would consider requests from Scrutiny Committees for creating Task and Finish working groups in order to set priorities for the annual scrutiny work programme.

Members noted the presentation.

4 **Questions from the Public Under Standing Order 19**

No questions from members of the public were received.

5 **Questions from Members of the Council Under Standing Order 20**

No questions from Members were received.

6 **Petition regarding a request for repositioning a bank that has encroached on Alphington Allotments**

The Chair reported the receipt of the following petition of 31 signatories from the Alphington Allotment Holders and Residents:-

“We the allotment holders and residents are concerned about the loss of the trees on the bank between the allotments and the new development and the erection of a fence. Trees removed by a developer included a significant 100 year old oak tree along with other trees and a hedge. The developer has also levelled the old bank and repositioned the bank encroaching on allotment land owned by Exeter City Council as the Allotment boundary as shown on all relevant maps, The hedge was not maintained by the Council because “Rule 3 of the Allotment Rules states that if a tenant’s plot abuts a hedge then the tenant is responsible for the hedge”. Allotment holders for the last 50 years confirm this has been the practice.

We therefore request that Exeter City Council takes enforcement action regarding what the developer has done with the fence and hedge to get the owner to return the hedge and ditch to the position and state it was and plant trees of the same species native to Britain that were removed.”

Councillor Atkinson attended the meeting and spoke on this item having given notice under Standing Order No 44. Councillor Atkinson read from a detailed paper she had prepared referring to a further statement from one of the petitioners and to supporting photographs and plans. Her statement included:-

- a timeline of events;
- a series of concerns arising from the petition which she and her fellow ward Councillor had researched; and
- eight recommendations to address the issues she had highlighted in her paper.

The concerns raised by the petitioners included:-

- the loss of trees on the boundary between the allotments and a development of two self-build houses;
- a failure to protect trees by means of a Tree Preservation Order;
- a belief that the erection of the close boarded fence had encroached onto City Council land;
- need for the City Council to take appropriate enforcement; and
- no clear agreement on the boundary ownership with an inaccuracy in the conveyancing relating to the transfer of land to the initial developer in 1972.

The Portfolio Holder for Environment and City Management advised that, following a visit to the site and inspection of the relevant documentation, he was satisfied that there had been no encroachment onto City Council land, there were no trees protected by a Tree Preservation Order and that the documentation was correct.

In responding to Councillor Atkinson's comments, the Director made the following points:-

- it was an historic complaint on which a large number of questions had been answered by officers since 2013;
- there had been no encroachment onto council land as the land in question had been sold in 1972 including the boundary on which the trees were situated. There was no ambiguity in the conveyancing and no dispute between the Council (the seller) and the purchaser. The location of the boundary had also been agreed on site with the City Council allotments manager and the new owner. The replacement of this boundary with a fence had not therefore encroached on any City Council land;
- the diseased trees removed had been within the private residential garden and, as they had been removed by the homeowner, there had therefore been no breach of planning conditions. The trees had not been protected by a Tree Protection Order and therefore the homeowner had not required prior approval to do work to them and no offence had been committed;
- the City Council recognised the loss of screening to the allotment holders and would investigate options to plant a new hedge or trees along the allotment boundary; and
- the homeowner had planted new semi mature trees along the boundary in an effort to replace some of those lost. In addition, they had offered to plant more native trees to offer greater screening.

Councillor Atkinson responded that she remained of the view that the conveyancing issue was unclear.

In discussion, Members suggested that future housing developments should be subject to greater scrutiny to help avoid similar boundary disputes but also that local communities were better able to understand what issues the Council could take within its powers and which they might seek to influence but could not compel third parties to take a particular course of action. The Director (BA) advised that this was best addressed via the Council's communication and information to residents and that as part of the Liveable Exeter Garden City Vision, it was the intention to develop a variety of approaches for engaging with communities on new housing developments. She also stated that, once in post in the New Year, the new Project Director of Liveable Exeter Garden City would be asked to deliver a Members' Briefing on the Programme.

Customer Focus Scrutiny Committee noted the petition.

7 Petition regarding Hamlin Gardens Bin Store

The Chair reported the receipt of the following petition of 35 signatories from the residents of Hamlin Gardens:-

"We the undersigned residents of Hamlin Gardens oppose the locations and appearance of the new proposed waste storage facilities and insist that alternative solutions to both are sought."

The Director (BA) explained that, following the adoption of the Council's Fire Safety Management Policy in 2017, work had been carried out on the requirement for all shared areas and escape routes within flats to be kept free of any items that might impede residents leaving their properties in the event of a fire. Following Fire Risk Assessments for the bins in their current location they had been identified by independent experts as being a high/medium risk. The Housing Lead Tenancy Services spoke on a series of slides showing existing bin locations at Hamlin Gardens and images of the suggested new bin stores and their proposed locations.

The following responses were given to Members' queries:-

- an equality impact assessment had been carried out as part of the consultation and officers would continue to work to find reasonable solutions to support residents with mobility issues;
- all enquires had been responded to directly and no concerns had been raised from a similar type of bin and re-siting introduced at Lancelot Road; and
- the bin stores would be fire resistant, cleansing to be consulted on a suitable supplier with the selected stores to be future proofed.

Members requested that future consultation with residents be as wide as possible to ensure that the occupants of all possible neighbouring properties were advised alongside the Council's tenants.

Customer Focus Scrutiny Committee noted the petition.

8 Petition regarding a site adjacent to Faraday House, Exeter

The Chair reported the receipt of the following petition of 36 signatories from the residents of properties adjacent to Faraday House.

"Request the Council to implement legal action to enforce the landlord to completely clear the site. In addition we are concerned with the wellbeing and safety of the young children amongst all this rubbish."

The Chair stated that the Council was taking legal action in relation to this property and it would not be appropriate to discuss the petition. The outcome of the legal action would be reported back to the Committee when available.

Customer Focus Scrutiny Committee noted the petition.

9 Climate Emergency - Design of Citizens' Assembly

Scrutiny Committee considered a request for the City Council to comment on the University of Exeter's proposed design of a Citizens Assembly in respect of the Climate Emergency, comments to be reported to a meeting of the Devon Climate Emergency Response Group on 18 December. The City Council was represented on the Response Group by the Chief Executive & Growth Director.

Customer Focus Scrutiny Committee asked that the Response Group be requested to consider the following:-

- rather than one group of 100 citizens, an alternative number of citizens or more than one group could be considered;

- instead of meeting on four separate days on the weekend, Assembly meetings be held on fewer dates to include a midweek option and rather than four different locations, meetings be held in a minimum of two locations of greater accessibility to the participants;
- participants to be drawn from a random sample of Devon citizens to ensure representation from as wide a cross section of the community as possible rather than from existing groups, organisations etc.
- notwithstanding the proposal to live stream meetings, review the suggestion to hold the Assembly meetings in private; and
- look to review and reduce the estimated cost of the process.

10 **Items for Consideration for Future Meetings**

The Chair referred to the following possible topics for future consideration by the Scrutiny Committee:-

- Community Safety Partnership;
- Procurement - Update; and
- Re-cycling.

With regard to a suggestion for consideration to be given to the Local Council Tax Support Scheme, the Director (BA) advised that a report on this matter was to be considered at Executive on 10 December 2019. In addition to recommending to Members that the Scheme for 2020/21 remains the same as the existing Scheme, the report asked Members to note that officers would be developing proposals for a revised Scheme for 2021/22 at the earliest. Members would be involved at the early stages of developing the proposals as well as in consideration of the draft proposals.

Responding to a Member, the Corporate Manager Democratic and Civic Support, advised that it was the intention for the Scrutiny Programme Board to meet more frequently than the original two meetings scheduled to guide the scrutiny process going forward.

The following topics were proposed for future consideration:-

- Community Safety - specifically anti-social behaviour and drug related issues and their impact on communities; and
- Re-cycling – specifically waste reduction and the monitoring of the new kerbside re-cycling service.

Customer Focus Scrutiny Committee noted the items.

The meeting commenced at 5.30 pm and closed at 7.25 pm

Chair