

HOUSING AND COMMUNITY SERVICES COMMITTEE

22nd April 2010

PRESENT:-

Conservative Group

Councillor Grant (Vice-Chairman in the Chair) and Councillors Atkin, Harrison, Hewlett, Mrs. Hood, Murray and Watson (substitute for Councillor Lemmon).

Labour Group

Councillors Dunn (substitute for Councillor Mrs. Gillespie), Mrs. Lane, Rhind, Richards and Southerd (substitute for Councillor Shepherd).

APOLOGIES

Apologies for absence from the Meeting were received from Councillors Lemmon and Roberts (Conservative Group), and Councillors Mrs. Gillespie and Shepherd (Labour Group).

HCS/67. **MINUTES**

The Open Minutes of the Meeting held on 11th March 2010, were taken as read, approved as a true record and signed by the Chairman.

HCS/68. **DECLARATIONS OF INTEREST**

Councillors Dunn, Richards and Southerd declared personal interests in Minute No. HCS/77, Land at Swadlincote, as Members of the Development Control Committee.

HCS/69. **QUESTIONS BY MEMBERS OF THE COUNCIL PURSUANT TO COUNCIL PROCEDURE RULE NO. 11**

- (a) In accordance with Council Procedure Rule No. 11, Councillor Rhind had given notice of the following question:-

“Due to the continuing presence of travellers on Council land and the cost involved in cleaning up when they eventually move elsewhere, will the Chairman give an undertaking to Members, and more importantly the law abiding, tax paying residents of South Derbyshire, particularly in the Urban Core that, with officers, he will look at all available options to find the most cost effective and secure way of protecting our land from invasion by people who have nothing in common with, nor contribute anything to the communities they are continually plaguing?”

The Chairman responded that the Environmental Protection Manager had made it a priority to ensure that the sites of the recent encampments were provided with improved security measures.

In relation to the skate park off Woodhouse Street, the problem of security was not easy to tackle due to the need for access to the site for cars when residents were playing football or for access for Council maintenance vehicles. The site had been secured with double steel barriers secured with padlocks. The Environmental Protection Manager had now proposed that security was strengthened by placing concrete blocks at the entrance, in order to narrow the entry point so that only a vehicle the width of a car might pass through. Council maintenance vehicles would gain access via a different route. The Environmental Protection Manager had already been in contact with contractors over the supply of concrete blocks and was in the final stages of arranging for their delivery and placement. Following the placement of the blocks it was proposed to install steel brackets to bolt the blocks to the ground so that they were extremely difficult to move (it was noted that concrete blocks exceeding 2 tonnes had been moved in the past).

In relation to the common land off Blackshed Island, travellers vacated this area following enforcement action on Tuesday. Access was gained via John Street and it was apparent that a large boulder was moved to the side. The Environmental Protection Manager would be discussing improved security of this site with his colleagues in the Leisure Services Department, in the hope that a security measure could be put in place which was both appropriate for a park area and yet provided the increased security required. Following these recent incidents the Chief Executive and Director of Community Services had required that all Council sites were reconsidered in terms of improved security measures, and improvements made wherever possible.

- (b) In accordance with Council Procedure Rule No. 11, Councillor Richards had given notice of the following question:-

“Does the Chairman agree with me that the residents of South Derbyshire are sick to the back teeth and have exhausted their patience with the frequent occurrence of illegal traveller encampments, the length of time it takes to remove such travellers, the anti-social behaviour of some, the resulting debris and filth created and cleared at the tax payers expense, as well the perceived failure of the Police to use its power in assisting immediate evictions due to the availability of vacant accommodation on alternative legal sites within South Derbyshire?”

The Chairman responded that he agreed with Councillor Richards that illegal encampments by travellers did cause considerable disruption and nuisance to residents, and he shared his frustration when evictions from an illegal site took as much time and money as the recent incursions. He added that local residents were clearly extremely annoyed about the continued presence of travellers on land in South Derbyshire. However, whilst the travellers appeared to have no respect for the law, this Council must always act within the prescribed legal boundaries, and could not simply require the travellers to leave the moment they entered onto land.

Guidance provided by the Home Office had to be followed if the Council was to prevent serious delays, which could occur if the travellers mounted a legal challenge to the eviction. The Guidance also stated that in order to comply

with Human Rights legislation, welfare enquiries must be carried out to determine whether there were any pressing needs presented by the unauthorised campers.

In relation to the Police and use of their powers, this was a matter, which would be further discussed with the Police with a view to arranging some form of agreement on when these powers could or couldn't be enacted.

The issue of vacant accommodation on authorised sites was not totally clear cut, as the unauthorised encampments were sometimes occupied by travellers with a criminal record which would prevent them from accessing legal sites. Similarly, the Council could not force travellers to use legal sites if they chose not to. Unfortunately, their choosing not to use legal sites did not allow the Council to evict them more swiftly from illegal sites.

Councillor Richards then asked a supplementary question, asking if the Chairman was aware that there was a very old piece of legislation that stated that any vehicle that transported waste must be licensed and the local authority had the right to insist on seeing such licence, and if it was not valid, would also have the power to seize the vehicle. In addition, he added that the police also had further powers to direct persons under Section 61 of the 1994 Criminal Justice Act.

The Head of Community Services replied that South Derbyshire District Council checked waste licenses, and agreed to ask if Derbyshire Constabulary used the Act, which was referred to in Councillor Richards question.

- (c) In accordance with Council Procedure Rule No. 11 Councillor Rhind had given notice of the following question:-

“Due to increasing speculation regarding the grounds maintenance contract, would the Chairman give Members an update regarding the situation and could he confirm that the grounds staff would not have the chance to submit an in-house tender?”

The Chairman referred this question to the Director of Community Services, who responded that the most efficient means of providing all services was reviewed every three years and the grounds maintenance service was scheduled for review in 2010, according to the timetable accepted by Members in the Leisure and Community Development Service Plan. He added that due to the confidential nature of this query, if more detailed information was required, he would respond within the Exempt part of the Meeting, or, if requested, could provide a written reply directly to Councillor Rhind.

MATTERS DELEGATED TO COMMITTEE

HCS/70. HOUSING REVENUE ACCOUNT – BUSINESS PLAN

A report was submitted seeking Members approval for the preparation of an up to date Housing Revenue Account (HRA) Business Plan, and the process for producing the plan.

A HRA Business Plan was required to fully outline the opportunities and pressures on the service, to give strategic direction, and to project the business into the future. It was also a Government requirement.

The last HRA Business Plan was approved by the Government Office in 2006. In terms of the age of the current plan alone, it required updating, but that need was further accentuated by the funding shortfall currently projected on the HRA.

The two previous HRA Business Plans had been written utilising external financial expertise, and it was envisaged that up to 20 days of external support would be needed in preparation of the current plan, which was likely to cost in the region of £15,000. It was proposed that a budget of £15,000 be approved and taken from current HRA balances.

Councillor Rhind was nominated as the Opposition Group representative on the proposed Joint Stakeholder Group. Nominations from the Conservative Group were to be confirmed.

RESOLVED:-

- (1) That the preparation of an up to date Housing Revenue Account (HRA) Business Plan be approved.***
- (2) That a joint stakeholder group be appointed to oversee the preparation of the HRA Business Plan, to comprise three Councillors, three tenants and three staff. Councillor nominations to be agreed in the proportion of two (Controlling Group) and one (Opposition Group), to be nominated by the respective Group Leaders.***
- (3) That it be recommended to Finance and Management Committee that an external consultant be appointed to assist in the preparation of the plan and provide specialist best practice advise. A budget of £15,000 was agreed for this purpose.***

HCS/71. **THE FIRST YEAR OF CHOICE BASED LETTINGS AND THE NEW GOVERNMENT CODE OF GUIDANCE FOR ALLOCATIONS**

A report was submitted advising Members of the outcomes of the first year of the South Derbyshire Homefinder Choice Based Letting Scheme, under the new Code of Guidance for allocations, and the implications for South Derbyshire Homefinder. In addition, approval was sought for the proposed actions required to comply with the new Code of Guidance.

Members were reminded that they had approved the new Allocations Policy in June 2008 and Choice Based Lettings had begun on 1st December 2008. Details on the bands which reflected applicants circumstances and housing need were included within the report, along with details of the first year's allocations.

In December 2009, the Department for Communities and Local Government issued new statutory guidance on social housing allocations. Objectives which both must be met, and also those which should be met, were detailed within the report. In terms of meeting these objectives, the proposed actions, were also detailed.

The budget for the introduction of Choice Based Lettings had already been approved and was the subject of Grant Aid from the Government. There were no additional financial implications at this stage.

Members requested that further information be provided following the Meeting, including:-

- How many residents from within the District and outside the District had applied via Choice Based Lettings.
- Further information on where residents were moving from and to.
- Further information on residents who had been evicted.

It was requested that this information be circulated to all Members of Housing and Community Services Committee.

RESOLVED:-

That the outcomes of the first year of South Derbyshire Homefinder Choice Based Lettings Scheme be noted, and the proposed actions to ensure compliance with the new Code of Guidance, be agreed.

HCS/72. **WORK PROGRAMME**

Members were asked to consider the updated work programme and review its content where appropriate.

RESOLVED:-

That the updated work programme be approved.

HCS/73. **LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT ACT (ACCESS TO INFORMATION) ACT 1985**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Meeting held on 11th March 2010 were received.

FREE SWIMMING – CAPITAL MODERNISATION PROGRAMME
(Paragraph 3)

Members approved a shortlist of companies to be invited to tender.

COMMUNITY BUILDINGS – NEWHALL PARK (Paragraph 3)

Members agreed, in principle, to the request to extend community buildings.

LAND AT SWADLINCOTE (Paragraph 3)

Council land as detailed in an Appendix to the report was deemed surplus to requirements.

MIDLAND ROAD, SWADLINCOTE (Paragraph 3)

It was recommended to Finance and Management Committee that a property sale be approved.

LEISURE CENTRE MANAGEMENT CONTRACT (Paragraph 3)

The appointment of a working group was approved.

20 GUILDFORD AVENUE MIDWAY (Paragraph 3)

This item was deferred until the next Meeting of the Housing and Community Services Committee on 17th June 2010.

J. GRANT

VICE-CHAIRMAN IN THE CHAIR