



MEETING OF THE COMMUNITY DEVELOPMENT & SCRUTINY PANEL

THURSDAY, 10 NOVEMBER 2005 10.00 AM

PANEL MEMBERS PRESENT

Councillor Mrs Joyce Gaffigan (Vice-Chairman)
Councillor David Brailsford
Councillor Yvonne Gibbins
Councillor Harrish Bisnauthsing
Councillor Stephen Hewerdine

Councillor Bob Sandall
Councillor Mrs Judy Smith
Councillor Gerald Taylor
Councillor Mrs Mary Wheat

OFFICERS

Corporate Director Regulatory Services
Corporate Manager Democratic and Legal
Services
Project Manager LSVT
Scrutiny Officer
Scrutiny Support Officer

OTHER MEMBERS PRESENT

Councillor Mrs Frances Cartwright
Councillor Peter Martin-Mayhew

35. COMMENTS FROM MEMBERS OF THE PUBLIC

The Vice-Chairman of the Panel indicated that she would take any comments from members of the Public now, but if they had any specific to the items on the agenda she would take those comments with the agenda item.

One resident referred to the recently published coloured pamphlet which concerned the LSVT and indicated that it was a waste of money as people would just throw the leaflet in the waste bin and she did not have access to any local recycling. She thought the council were looking at ways to save money.

Another resident referred to the cleaning of two specific alleyways in Stamford and although it did not come under the remit of the Community DSP the Mayor of Stamford, Councillor Judge indicated that the Town Council was aware of the problem and it was being looked into.

Two other residents referred to the problems of late night drinking and youths urinating against doors even in the middle of the town centre.

Another comment was made about the bad acoustics in the room and the Scrutiny Officer replied that a PA system was on order to be used at such meetings.

36. MEMBERSHIP

The Panel was notified that Councillor Brailsford was substituting for Councillor Mrs Bosworth for this meeting only.

37. APOLOGIES

Councillors Bisnauthsing and Brailsford sent apologies for their late arrival at the Panel meeting.

38. DECLARATIONS OF INTEREST

None declared.

39. ACTION NOTES

The action notes from the meeting held on 15th September 2005 were accepted as a correct record with the following typographical amendments:-

Top of page 3 line 3 - being should be beginning;

Top of page 5 line 3 - sort should be sought.

40. FEEDBACK FROM THE EXECUTIVE

None.

41. LARGE SCALE VOLUNTARY TRANSFER (LSVT) OF HOUSING STOCK

The Corporate Director Regulatory Services gave an overview of activity since September. The current work programme included work being undertaken by the tenant groups including the Independent Tenant Advisor (ITA) on capacity building work getting more tenants involved, ITA media training, media briefings had been held in the last couple of weeks, the first meeting of the joint member and tenant group to look at the Strategic Choice of Landlord would be held the following day, staff focus group understanding the strategic choice of landlord and what people expect the new landlord to provide. Joint Member and Tenant working group looking at specification and case study visits.

The working group looking at the strategic choice of landlord consisted of tenant, member and staff representation and their recommendation would be placed before a special meeting of the Council on 5th January 2006. There were three possible choices to consider: merge completely with an existing RSL, create a brand new organisation or create a new organisation within an existing RSL. The first choice had been ruled out by the Stock Option Appraisal as local autonomy and independence was required. Visits had been arranged to see the other two choices, the first one taking place on 14th November to Amber Valley Housing which was an independent RSL and the next visit on 28th November to Stort Housing Association which was a new organisation created within an existing RSL. The visits were a fact finding project for those involved to find out the issues what, where, why etc to help

them come to a recommendation concerning the preferred strategic choice of landlord. That is the only decision that will be made at the meeting on 5th January 2006.

Communication was the second item on the work programme and a Tenant Communication Group has been formed to look at all the different aspects of communication. The Council must ensure that all tenants have the opportunity to make an informed decision, based on fact and use their vote accordingly. The Corporate Director Regulatory Services referred to the leaflet that had previously been highlighted by a member of the public as a waste of money. She said that the tenants communication group had approved the contents of the leaflet and that format. All written communications from the Council had to go through a series of strict bodies both internal and external from legal advisors to the ITA. The ITA were also creating a newsletter on behalf of the tenants to give an alternative impartial viewpoint. The recent media briefings had raised various issues such as the reasons for transfer, facts and figures, choice of landlord, rents, how tenants can get involved, tenants rights and the impact on staff. The Grantham Journals angle on the LSVT issue seemed to be a series comparing a council that kept its housing stock and a council that transferred its housing stock five years ago. As communications develop a communications strategy will also develop over the long term so that as much information as possible is given to tenants in order that they can make an informed decision when balloted. There is a telephone line to the ITA and it is hoped that the Council will have a freephone helpline installed in the offices in the near future.

The Corporate Director Regulatory Services reminded the panel that the Stock Option Appraisal Commission (SOAC) had recommended that the housing stock be transferred following the work that they had carried out from the end of last year beginning of this year as from 2012 the Council would not be able to sustain its business plan. She referred to sites where sheltered accommodation was situated and people still had to use communal bathing facilities. To remodel the sites required a substantial amount of finance and the Housing Revenue Account (HRA) had insufficient funds available over the next 30 year period to carry out the necessary work.

A key factor of the work carried out by the SOAC was the need for tenants to be involved in decision making. Stock transfer would provide tenants autonomy as they would have five representatives on the board of the decision making body. The board would be made up of five council representatives, five tenants and five independent representatives who would be selected by a recruitment process.

The other aspect of the Stock Option Appraisal Commission was investment in affordable housing which had been moved to a category A priority of the Council. Investment would come via section 106 Agreements but if the stock was transferred the capital receipts available from the transfer would enable more affordable housing to take place over and above the normal amount of houses.

The Corporate Director Regulatory Services reminded the Panel that not all housing services would be transferred, just the housing stock. The council would still be responsible for strategic and statutory functions including:

prevention of homelessness
providing housing advice to vulnerable persons
tenancy liaison support to vulnerable persons

Also the council needed to understand the housing needs of the whole district to enable a housing strategy to be delivered. Rents from both the council sector and the housing associations were on a parallel line so there would not be the difference in costs, as they would be worked out using the same mechanisms. The right to manage by tenants had not been taken up in south Kesteven, the Right to Buy (RTB) system on transfer is replaced by a right to acquire, which is based on a grant system rather than the discount system of the RTB.

The media briefings had touched on the impact to staff and TUPE - Transfer Of Undertakings (Protection Of Employment) Regulations 1981 would be put in place to preserve the rights of staff and their terms and conditions. The Corporate Director Regulatory Services then went on to give some facts and figures regarding the RTB receipts and rents from council dwellings which get redistributed around the country, unfortunately for the council it did not keep all the money that it collected from rents, £4.4 million went to the central housing fund and £3.5 million from the RTB receipts was taken back by government. If the stock was transferred that body would be able to keep the money collected, with none of it being redistributed around the country as the mechanisms used for RSL were different to that applied to the Council.

The Corporate Director Regulatory Services said that work towards forming a shadow board was starting although no board could come into being until a decision on the stock had been made. The ITA was working with tenants to help identify representatives to be appointed to the board and a recruitment mechanism was being put in place. The Council had asked if any member who had an interest in the area would like to be nominated to the board. The independent representatives would then be looked at with regard to skills that they possessed which filled the skills gap on the board. The ITA would be holding a seminar for those interested on being on the shadow board.

The Vice-Chairman thanked the Corporate Director Regulatory Services for a well informed presentation and asked the Panel if they had any questions.

Questions and comments were then put to the Corporate Director Regulatory Services and the Project Manager and covered the following:

- Information given to tenants which included the words negative and positive as these words did influence how people perceived issues, would it not be better to use in favour of or against.
- Previous meetings had indicated that affordable housing would not be

affected by stock transfer – had this been rescinded?

- The fourth option was completely ignored, and questions were badly phrased such as “ Would you like a new bathroom every 20 years?” people were bound to say yes, where as saying “If you need a new bathroom one would be provided” would be more in keeping.
- Reference was made to the visits being held and whether a council that had not transferred its stock would be looked at. Also the location of the new RSL if the stock was transferred – would it be local?
- Clarification of the money that was sent to central government was asked for and what money would be paid to the shadow board.
- If the stock was transferred where would the money received go? Would it all go in the HRA or distributed elsewhere?
- Clarification was sought between the RTB scheme and the right to acquire scheme.
- Who would regulate the new RSL was asked together with why the number of people appointed to the shadow board had been agreed at 15.

Both the Corporate Director Regulatory Services and the Project Manager replied fully to all the questions and comments made.

A member of the panel asked if the shadow board would become the full running board or could the council change the board members. The tenants who were appointed to the board would continue through transfer and beyond. Training would be undertaken to run the organisation and councillors and independent appointees would fill the skills gap.

A member of the public representing a couple who were unable to attend the meeting told the panel that security measures had been made to their home by the Council and although they had had to pay for it, the Council had offered fantastic support. However, this couple did not wish to use the helpline service that was available and had written a letter instead as they were being targeted by someone in Stamford who wanted their house and they were receiving anonymous telephone calls. Also how did one get to know about the media meetings.

The Corporate Director Regulatory Services indicated that greater security was a right of the tenant and this would be included as part of the improvements that any new landlord would provide. The new RSL would be a non-profit making company; all money received from rents etc would be put back into the organisation. The new landlord would have all undertakings specified and an improvement timescale. All obligations would need to meet decent homes standard with a high standard of repairs and maintenance.

All communication was welcome whether it was by letter or telephone and issues would be responded to. There would be road shows and visits to various locations within the district next spring to inform the tenants and the ITA newsletter would give impartial information to every tenant. The media meetings were not public meetings.

A member of the public asked how tenants who were disabled or who only had partial vision would be catered for.

The Project Manager replied that currently people were being “drip fed” information because there was such a lot of information for them to take in. The offer to tenants would be a comprehensive document and a guide would be issued with the information being available in a range of mediums, from written to Braille, large print and a one to one basis. A door knocking exercise would be carried out so that tenants can voice concerns face to face. There would also be dvd’s and video tapes available.

The Corporate Director Regulatory Services said that if tenants were getting hassle then inform the council immediately and they would involve the police as the requests were not legitimate. The current waiting list stood at 6,500 however, currently for the first time in 10 years the waiting list was being reviewed and it was hoped that following the review a truer picture of those requiring a council property would be known.

A member of the public commented that the panel should have declared interests in the items that had been discussed at the meeting. The Corporate Manager Democratic and Legal Services replied that the panel did not need to declare an interest in general matters, it was only if a specific interest as a representative of an area such as in a planning application that the member needed to declare an interest.

42. STREET DRINKING

The Scrutiny Officer introduced the Corporate Manager Democratic & Legal Services who had been invited to the Panel meeting to give the legal position with regard to making byelaws banning street drinking following the work carried out by the street drinking working group.

The Corporate Manager Democratic and Legal Services advised the Panel on the general legal position with regard to the making of byelaws. He said that there was not a byelaw, which banned street drinking, and therefore other acts of parliament had to be looked at such as the general local government acts. The Home Office issued model guidance about the making of byelaws but there was a problem in that no specific guidance concerning the banning of street drinking had been drafted and any departure from the model byelaw guidance could lead to problems especially as the Home Office and Government had to approve any byelaw made. The new Criminal Justice and Police Act 2001 would be changing the law quite dramatically and if the Council did manage to pass a byelaw concerning street drinking, by October 2006 the byelaw would no longer be enforceable as the new act changes the whole process and byelaw enforcement.

After October 2006 there will be new procedures concerning banning street drinking in designated areas with the primary duty resting on the police as they will be the enforcement body.

One member of the panel disagreed with the Corporate Manager Democratic and Legal Services indicating places that had already imposed bans such as Peterborough City Council. The Community Support Officers were also due to be getting more powers to search people under the age of 18 for drink if they suspected them of carrying alcohol on their person.

The Corporate Manager Democratic and Legal Services indicated that orders were starting to come forward concerning banning street drinking in designated areas but three quarters of the orders failed at the last hurdle which was enforcement which had to be carried out by the police. One member asked if the Town Council could make byelaws but the Corporate Manager Democratic and Legal Services said that their powers were more limited than the District Councils and stressed that the police needed to be onboard if any designated area to ban street drinking was to be made.

A general discussion then ensued with members discussing the selling of alcohol by supermarkets and the drinking carried out in the meadows in Stamford and the lack of police resources. The Scrutiny Officer indicated that the working group had primarily focused on St Peter's Hill, Grantham and perhaps they needed to do more work with regard to Stamford and invite the Community Support Officer and the Anti Social Behaviour Officer to a future meeting.

The Portfolio Holder responsible for community safety referred to the proposed changes concerning the police and informed the panel that ODPM had said that 59 new Community Police Support Officer units would be deployed in the country, however he could not say if any would be deployed in Lincolnshire but he stressed that the District Council needed to keep close partnership working with the police.

43. REPORTS FROM WORKING GROUPS

The Scrutiny Officer informed the panel that a difficult to let property had still to be found in the Deepings area. He then circulated an up to date copy of the Strategic Housing Action Plan for members' information.

The Corporate Director of Regulatory Services informed members of the recruiting problems that were being experienced which had impacted on the action plan timetable and had therefore resulted in one or two targets being revised. She informed the Panel that one of the lead housing inspectors was coming back for an interim visit in December to offer advice, support and guidance in respect of the work that was being carried out, it would not be used in re-inspection.

Two areas that had been identified at the previous inspection for focus on were affordable housing and homelessness prevention. Although it was early days a special advisor from the ODPM, who had a housing background, had been in touch about carrying out some training to focus on these issues. He had advised the Council to open the training to neighbouring authorities as this

helped to get SKDC “on the map” and by hosting the event the Council could be seen as being proactive.

The Corporate Director of Regulatory Services concluded that although progress was being made it was slow partly due to the inability to recruit the relevant staff however; she was cautious but confident that the necessary work would be completed.

Members were sceptical about the visit by the housing inspector and the reasons behind it, but the Corporate Director of Regulatory Services reiterated that it was only one inspector and they were coming to offer advice and support.

44. BEST VALUE PERFORMANCE INDICATORS

A copy of the Best Value Performance Indicators (BVPI's) to September had been circulated with the agenda. The Scrutiny Officer advised members that if they had a particular concern about a PI they should speak to the relevant officer, having said that he then proceeded to go through the indicators giving a brief comment on indicators which needed more clarification. Questions were asked about the anti-social behaviour indicators, the number of affordable units planned and the % of stock void to which the Scrutiny Officer, the Corporate Manager Democratic and Legal Services and the Director of Regulatory Services replied.

45. WORK PROGRAMME

A copy of the Community DSP's work programme had been circulated with the agenda. The Scrutiny Officer highlighted various issues that had been included from the Forward Plan. The Corporate Director Regulatory Services indicated that some of the dates in the Forward Plan would be amended to show later dates for the decisions to be made. The panel agreed that they already had a busy programme with the LSVT and the work associated with it.

46. REPRESENTATIVES ON OUTSIDE BODIES

Nothing to report.

47. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

None.

48. CLOSE OF MEETING

The meeting closed at 12.50pm.