

**THE MORAY COUNCIL**

**MINUTE OF MEETING OF THE COMMUNITIES COMMITTEE**

**TUESDAY 24 MARCH 2009**

**COUNCIL OFFICE, ELGIN**

**PRESENT**

Councillors E. McGillivray (Chair), F. Murdoch (Deputy) J.S. Cree, J. Hogg, B. Jarvis, G. Leadbitter, M. McConachie, J. Mackay, I. Ogilvie, J. Russell, J. Sharp, R. Shepherd and D. Stewart.

**IN ATTENDANCE**

Chief Housing Officer, A. Scott, Principal Solicitor (Commercial & Conveyancing), Mrs D Bosworth, Principal Accountant, Mrs R Gunn, Senior Solicitor (Litigation & Licensing) (in respect of Item 11), Homelessness Strategy & Development Officer, Anti Social Behaviour Co-ordinator (in respect of Item 22), Housing Programmes Manager, General Manager Building Services, Housing Needs Manager, Senior Area Housing Manager and Mrs C. Carswell, Committee Services Officer.

**ALSO PRESENT**

Councillor A. Wright (Ex Officio)

**1. DECLARATION OF GROUP DECISIONS**

In terms of Standing Order 20 the meeting noted that there were no declarations from group leaders or spokespersons in regard to any prior decisions taken on how members will vote on any item on the Agenda.

**2. EXEMPT INFORMATION**

The Meeting agreed, in terms of Section 50A (4) and (5) of the Local Government (Scotland) Act 1973, as amended, that the public and media representatives be excluded from the Meeting during consideration of the Items of Business appearing at the relevant paragraphs of this Minute as specified below so as to avoid disclosure of exempt information of the class described in the appropriate paragraph of Part I of Schedule 7A of the Act.

Para No. of Minute

Para No. of Schedule 7A

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8 & 9

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### **3. WRITTEN QUESTIONS**

The Committee noted that there were no written questions submitted to the Committee.

### **4. PRIVATE SECTOR HOUSING GRANTS BUDGET 2009 / 2010**

There was submitted a report by the Director of Community Services seeking approval for the Private Sector Housing Grants (PSHG) Budget for 2009 / 2010 and to inform Committee of the Government's proposals for the future method of funding this service.

Following consideration, the Committee agreed to :-

- (i) approve the proposed Private Sector Housing Grants (PSHG) budget for 2009/10, as detailed in Appendix 1;
- (ii) note the changes in allocation methodology, grant rates and indicative funding allocations for 2010/11 to 2013/14; and
- (iii) note that a further report proposing a draft scheme of assistance would be presented to the Communities Committee on 11 August 2009.

### **5. INVESTING IN AFFORDABLE HOUSING**

There was submitted a report by the Director of Community Services presenting a proposed response to the Scottish Governments' consultation paper Investing in Affordable Housing. The paper proposes changes to the way subsidy is provided to Registered Social Landlords (RSL's) to provide affordable housing.

In response to a question from Councillor Cree querying why, under some of the questions, the Council has not put in any comments, the Chief Housing Officer advised that it was difficult to express views on the arrangements for Edinburgh and Glasgow as Moray does not have the same experience on management of the development programme. Councillor McGillivray advised that Housing would add an explanation of where no comments were included.

Following consideration, the Committee agreed to proposed response to the Scottish Governments' Consultation paper "Investing in Affordable Housing", subject to inclusion of explanations where, under some questions, no comments have been included.

### **6. DRAFT TEMPORARY ACCOMMODATION STRATEGY**

There was submitted a report by the Director of Community Services presenting the draft of the Temporary Accommodation Strategy for approval. The Chief Housing

Officer indicated that feedback from the Scottish Housing Regulator indicated their expectation that the Council comply with the Unsuitable Accommodation Order and in view of this, she proposed that the action plan be amended to reflect this.

Councillor Wright asked that priority be given to families within bed & breakfast accommodation and the Chief Housing Officer advised that the action plan could include this.

In response to a question from Councillor Jarvis regarding concern that temporary accommodation could become permanent, the Chief Housing Officer advised that a report would be forthcoming in May to look at how the Council's interim changes to the allocation policy have impacted on the length of time people have spent in temporary accommodation. There is a need to analyse the impact of the policy change and whether or not there were improvements in the process and the lengths of time people are spending in temporary accommodation.

In response to a question from Councillor Cree regarding the rise in young people finding themselves homeless, the Chief Housing Officer advised that there had been a report up at Committee in December 2008 and this had identified the increasing number of young people finding themselves homeless. and there would be a report coming to Committee for the current year analysis in August.

Following consideration the Committee:-

- (i) agreed the draft Temporary Accommodation Strategy and Action Plan;
- (ii) agreed the target of a further 20 properties to be taken from the Council's own stock in 2009/10 for use as temporary accommodation;
- (iii) agreed the target of no breaches in the unsuitable accommodation order in 2009/10 with procedures instituted by officers to target the provision of appropriate temporary accommodation to families;
- (iv) agreed that authority to finalise the Temporary Accommodation Strategy is delegated to the Chief Housing Officer, in consultation with the Chairman and Vice Chairman of the Communities Committee;
- (v) agreed to note that further reports will be presented as actions are progressed;
- (vi) noted that a report would come to the next Committee regarding the impact of the Council's interim changes in the allocations policy; and
- (vii) noted that a report would come to the August Committee regarding the analysis of the current years homelessness.

## **7. RURAL HOUSING ENABLER PROJECT**

There was submitted a report by the Director of Community Services seeking agreement to extend funding for the Rural Housing Enabler Project for a further year.

Councillor McConnachie stated that, in his opinion, it would be helpful to have a presentation on the rural housing enabler project. The Chief Housing Officer advised that the presentation could be given to the Housing Sub-Committee with the Communities Committee members being invited along.

Following consideration the Committee agreed:-

- (i) to the continuation of funding for the Rural Housing Enabler Project for a further year;
- (ii) to the project expanding to include the Forres Rural Area and the coastal villages near Buckie; and
- (iii) to a presentation being given on the project to the Housing Sub-Committee with the Communities Committee members also being invited.

## **8. PRESSURED AREA STATUS FOR FORRES**

There was submitted a report by the Director of Community Services advising the Committee of the outcome of an application to the Scottish Government for Pressured Area Status for Forres

In response to a question from Councillor Jarvis regarding when the Scottish Government were going to end the right to buy, the Chief Housing Officer advised that she understood that there was a consultation paper coming out at the end of April and if, given a reasonable period of time to respond, a report would be brought to Committee on the Council's response for comment.

Following consideration, the Committee agreed:-

- (i) to note the Pressured Area Status designation for Forres;
- (ii) to note the actions taken to publicise this;
- (iii) that Officers would continue to monitor indicators with a view to identifying any areas which may justify further applications for Pressured Area Status;
- (iv) to note that Officers intend to present further analysis of the impact of right to buy sales to the Communities Committee in October 2009; and
- (v) that the Council's response to the forthcoming Scottish Government Consultation on Right to Buy be brought to Committee for comment.

## **9. FUEL POVERTY STRATEGY 2004 - 2009 REVIEW**

There was submitted a report by the Director of Community Services informing the Committee on the progress that has been made in implementing the Moray Fuel Poverty Strategy 2004 - 2009 and seeking Committee's approval for proposals to develop a Moray Fuel Poverty Strategy 2009 - 2014.

Following consideration, the Committee agreed to:-

- (i) approve the contents of the strategy review ; and
- (ii) approve proposals for the development of a Fuel Poverty Strategy 2009-2014.

## **10. UNAUTHORISED ENCAMPMENTS PROTOCOL**

There was submitted a report by the Director of Community Services presenting the Committee with a revised protocol for managing unauthorised encampments by Gypsies / Travellers in Moray.

Councillor Hogg stated that the report gave him cause for concern as the emphasis appeared to be in favour of those on unauthorised encampments and he could not see anything within the protocol which would protect householders interests. The Senior Area Housing Manager advised that the code of conduct sets out the expected standards of behaviour and this was not within the current protocol or guidance. Within Appendix I of the report there were a range of procedures which intended to tighten up on arrangements. The proposed case conferences seeks to bring together agencies quickly where there were breaches of the code of conduct and focuses on standards of behaviour and getting those on unauthorised encampments to take responsibility for their behaviour.

Councillor Russell stated that he considered, in his opinion, that the removal of the 10 day limit was wrong as it looked like that any consistent breaches could go on 6 weeks before any action would be taken and asked if there was a compromise between the timescales. The Senior Area Housing Manager advised that if encampments were likely to go on longer than 6 weeks, then a case conference would be convened and if there were breaches of conduct then these would be used as the basis on which to gather evidence for legal action to be taken but the Council would certainly not wait 6 weeks before taking action. Mrs Gunn, Senior Solicitor (Litigation & Licensing) advised that there were difficulties in adhering to strict time limits of 10 days, or any other defined period, as within Moray there are no authorised encampments. The difficulty which the Council would face, if going to court, would be that if the Council were seeking to move on those who were encamped peaceably for 10 days, the Court would take the view that it was not a proportionate response in the absence of any authorised site to direct travellers to.

The Chief Housing Officer advised that it was not the existence of unauthorised encampments which gives rise to legal action but unreasonable behaviour on encampments. This was the issue being dealt with in the protocol and strengthening

procedures already in place and also seeking to work with gypsy travellers to take responsibility for their own actions. If the code was then breached it would be proportionate to take action. Councillor Russell advised that he took comfort from Officers responses and was reassured that if there were consistent breaches of the protocol then action could be taken within 10 days.

Councillor Cree welcomed the code of conduct and the work towards establishing a framework and set of rules and wondered what level of consultation had taken place with the travellers. The Senior Area Housing Manager advised that there had been limited discussion with travellers but that Aberdeenshire and Aberdeen City have a similar protocol and that there had been wide consultation with travellers and it was widely accepted.

Councillor Cree raised the issue of clear up costs upon the termination of an encampment which the Council has to cover and queried if a deposit could be received from the travellers which would be forfeited. Mrs Gunn, Senior Solicitor (Litigation & Licensing) advised that the Council could not seek monies if it was an unauthorised site.

In response to a question from Councillor Russell as to whether the Council could include a line in the Gypsies/Travellers Information Leaflet to state that “Gypsy/Travellers recognise that:- the Moray Council will take enforcement action if there are consistent breaches of guidelines/protocols”, the Chief Housing Officer advised that she would be happy to look at improving the wording.

In response to issues raised by Councillors regarding termination of encampments, Mrs Gunn, Senior Solicitor (Litigation & Licensing) advised that, in terms of the then Scottish Executive guidance provided in 2004, there was emphasis laid on the need to pursue all enforcement avenues before either a referral to the Procurator Fiscal or civil court proceedings are instigated. Therefore a number of approaches should be considered at a multi-agency meeting and it would be inadvisable to fetter that discretion as in a great number of cases the other enforcement actions can address the problem without seeking to institute civil action or prosecute.

Councillor Hogg, seconded by Councillor Jarvis moved that the draft protocol be referred back to Committee so that all safeguards can be made clear and for greater clarity in the document.

Councillor McGillivray, seconded by Councillor Murdoch moved to agree the terms of the revised protocol to manage unauthorised encampments in future, subject to improvements to the information leaflet at Appendix 6 of the report.

On a division there voted:-

Motion (8) - Councillors Hogg, Jarvis, Leadbitter, J Mackay, McConnachie, Ogilvie, Shepherd and Stewart .

Amendment (5) - Councillors Cree, McGillivray, Murdoch, Russell and Sharp

Abstentions (0)

Accordingly, the motion became the finding of the meeting and it was agreed that the draft protocol be referred back to Committee so that all safeguards can be made clear and for greater clarity in the document.

#### **11. AFFORDABLE HOUSING INVESTMENT PROGRAMME 2009 / 10**

There was submitted a report by the Director of Community Services providing the Communities Committee with details of the recently announced Affordable Housing Investment Programme (AHIP) for Moray in 2009 / 10.

Following consideration, the Committee welcomed the Affordable Housing Investment Programme resources identified for Moray in 2009/10.

#### **12. HOUSING REVENUE ACCOUNT AND OTHER HOUSING BUDGET MONITORING 2008 / 09**

There was submitted and noted a report by the Director of Community Services presenting budget monitoring information for the period to 31 January 2009 in respect of the Housing Revenue Account (HRA) and other housing budget.

#### **13. HOUSING INVESTMENT 2008 / 09**

There was submitted a report by the Director of Community Services informing the Communities Committee of the position to 31 January 2009 for the Housing Investment Programme for 2008 / 09

Councillor Leadbitter questioned whether an assessment has been done regarding the lack of available mortgages and the impact this has had on the housing investment programme, the Chief Housing Officer advised that the reduction in capital receipts the Council receives on the sale of properties is considered as a risk factor within the Housing Business Plan. Monitoring is required as there would be financial implications if house sales drop significantly over the next year and this would impact on the funding which requires to be put in place for the capital programme and it would also have an impact on the financial feasibility of carrying out Council new build.

Following consideration, the Committee agreed to note the position with regards to the Housing Investment Programme for 2008/09.

#### **14. HOUSING QUARTERLY PERFORMANCE REPORT - 3<sup>RD</sup> QUARTER 2008 / 09**

There was submitted a report by the Director of Community Services outlining the performance of the Housing Service for the period 1 October to 31 December 2008

Following consideration, the Committee agreed to note the actions being taken to seek improvements where required.

### **15. SCOTTISH HOUSING REGULATOR - IMPROVEMENT PLAN**

There was submitted a report by the Director of Community Services presenting an Improvement Plan to be submitted to the Scottish Housing Regulator for approval.

Following consideration, the Committee agreed:-

- (i) the Improvement Plan (Appendix I of the report) subject to comment from the Scottish Housing Regulator;
- (ii) that authority would be delegated to the Chief Housing Officer, consultation, with the Chairman and Vice Chairman of the Committee, to agree any changes required by the Regulator to the Plan;
- (iii) the arrangements detailed to consult on and publicise the improvement plans with tenants and other stakeholders;
- (iv) that progress monitoring reports are submitted six monthly to the Communities Committee and Housing Sub-Committee;
- (v) to note that the Audit & Performance Review Committee has requested six monthly progress monitoring reports to be submitted for scrutiny; and
- (vi) that the finalised improvement plan be brought back to Committee in May with the changes highlighted.

### **16. SERVICE IMPROVEMENT PRIORITIES - HOUSING - 2009 / 10**

There was submitted a report by the Director of Community Services presenting proposed Service Improvement priorities for Housing in 2009 / 10 for the Committee's approval.

Following consideration, the Committee agreed to:

- (i) approve the Service Improvement priorities for Housing in 2009/10; and
- (ii) note that quarterly monitoring reports would be presented to future meetings.

### **17. QUESTION TIME**

Councillor Russell asked whether there was an incentive for owners of commercial properties in the High Street to convert the upper storeys of their buildings into accommodation to rent, or even for the Council to use as temporary accommodation. He further stated that High Street regeneration through the Elgin Business

Improvement District and the Moray Town Partnership is a high priority for the Council and this idea would assist that process and asked if there was such an incentive scheme, how was it publicised and would there be likely to be any interest.

The Chief Housing Officer advised that they have not embarked on an initiative within Elgin, but there are schemes in other areas with mixed success. There would be a potential for funding to be available through the private sector housing grant and anything which would increase availability of accommodation suitable for meeting the needs of homeless people or other people requiring accommodation would be welcome. It would also be welcome if it contributes to the wider Elgin regeneration and she advised that she would be happy to look into whether this could be a project, the feasibility and draw on experience of earlier attempts that may be existed and bring back an interim report to the next Committee.

#### **18. BUILDING SERVICES TRADING OPERATION BUDGET 2008 / 09 - BUDGET MONITORING (Para 8)**

There was submitted a report by the Director of Community Services presenting budget monitoring information for the period to 31 January 2009 for the Building Services Trading Operation.

In response to a question from Councillor Hogg regarding overhead costs, Mrs Bosworth, Principal Accountant, advised that it was agreed that budget monitoring reports would be given at each cycle and that overhead costs are at the year end as they can fluctuate.

Following consideration the Committee agreed to note the financial information.

#### **19. BUILDING SERVICES TRADING OPERATION BUDGET 2009 / 10 (Para 8)**

There was submitted a report by the Director of Community Services presenting the Budget Services Trading Operation Budget for 2009 / 10 to the Communities Committee for approval.

Following consideration, the Committee agreed to:-

- (i) the proposed Building Services Trading Operation Budget for 2009/10; and
- (ii) note the three year budget projection to 31 March 2012.

#### **20. SITE AT LAND STREET, ROTHES (Paras 8 & 9)**

There was submitted a report by the Head of Estates Services asking the Committee to homologate a decision taken by the Head of Estates Services in consultation with the Chair and Vice Chair of this Committee to approve amended arrangements for the sale of a plot at Land Street, Rothes to Mr & Mrs Binnie.

In response to a question from Councillor McConnachie regarding the gas pipe's position, Mrs Scott, Principal Solicitor (Commercial & Conveyancing) advised that gas company had now clarified the location of the pipe and this would be made clear in any sales information.

Following consideration, the Committee agreed to:-

- (i) homologate the Head of Estates Services decision taken in consultation with the Chair and Vice Chair of this Committee to sell the plot extending to 555m<sup>2</sup> or thereby at Land Street, Rothes as shown on Appendix 1 of the report to Mr & Mrs Binnie on the terms set out in para 4.3;
- (ii) note that the remainder of the Land Street site will be marketed for sale; and
- (iii) note that the costs referred to in para 5c) of the report would be a cost to the Rothes Flood Alleviation Scheme.

## **21. GRAFFITI - REQUEST FOR ADDITIONAL INFORMATION (Para 6)**

There was submitted a report by the Chief Executive asking the Communities Committee to note the additional information requested regarding graffiti removal in Moray.

In response to a question from Councillor Russell regarding making the public aware of the costs in removing graffiti, it was agreed that the Anti-Social Behaviour Co-ordinator could look at how the information was presented in an appropriate format and issue to community groups.

Following consideration, the Committee agreed to:-

- (i) approve the additional information requested at a previous meeting of the Communities Committee, regarding graffiti removal; and
- (ii) approve the purchase of portable graffiti removal kits for use by the Community Wardens in their area to remove small scale graffiti.