

THE MORAY COUNCIL
MINUTE OF MEETING OF THE COMMUNITIES COMMITTEE
TUESDAY 11 AUGUST 2009
COUNCIL OFFICE, ELGIN

PRESENT

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

ALSO PRESENT

Councillor Wright (ex-officio)

IN ATTENDANCE

Chief Housing Officer, Mrs A Scott, Principal Solicitor (Commercial & Conveyancing), Housing Needs Manager, Housing Programmes Manager, Mrs D Bosworth, Principal Accountant, Contracts and Commissioning Manager (in respect of Item 20) , Area Housing Manager (Elgin) (in respect of Item 7), Senior Area Housing Manager, Mrs R Gunn, Senior Solicitor (Litigation & Licensing) (in respect of Item 7), Mrs J Shennan, Homelessness Strategy & Development, Home Improvements Services Manager (in respect of Item 6), Anti-Social Behaviour Co-ordinator (in respect of Items 15 & 16), Local Authority Liaison Officer (in respect of Items 15 & 16) and Mrs C Carswell, Committee Services Officer as Clerk to the meeting.

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.

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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

19

Para No. of Schedule 7A

9

3. WRITTEN QUESTIONS

The Committee noted that no written questions had been submitted.

4. DRAFT HOUSING (SCOTLAND) BILL: A CONSULTATION

There was submitted a report by the Director of Community Services presenting the proposed Moray Council response to the Draft Housing (Scotland) Bill to Committee for its consideration.

Following consideration the Committee agreed:-

- (i) the proposed response to the Draft Bill, as detailed in Appendix 1 of the report; and
- (ii) that Officers submit a draft response to the subsequent consultation paper on private housing matters to Policy & Resources on 22 September 2009.

5. PRIVATE SECTOR HOUSING SCHEME OF ASSISTANCE

There was submitted a report by the Director of Community Services seeking approval for the draft Private Sector Housing Scheme of Assistance (SoFA) for implementation on 1 April 2010 and to inform Committee of the Government's proposals for the future operation of this service. This is to replace the existing Private Sector Housing Grant scheme.

Following consideration the Committee:

- (i) approved the draft "Scheme of Assistance" as detailed in Appendix I of the report for public consultation;
- (ii) noted that the draft "Scheme of Assistance" meets the Council's obligations under Section 72 of the Housing (Scotland) Act 2006;
- (iii) noted that the following consultation, a revised Scheme of Assistance will be presented to the Committee for approval in December 2009; and
- (iv) noted that further reports proposing supporting policy for the Scheme of Assistance will be presented to Communities Committee at a later date.

6. SCOTTISH GOVERNMENT HOUSING INVESTMENT IN MORAY 2008 / 09 AND 2009 / 10

There was submitted a report by the Director of Community Services providing Committee with details of the Scottish Government's funding of the Affordable Housing Investment Programme (AHIP) in Moray in 2008 / 09 and providing information on the projected level of investment in 2009 / 10.

The meeting noted the following answers from the Chief Housing Officer in response to members questions:-

- a) that there are contingencies in place to achieve spend and that the Council would wish to maximise site starts in the year;
- b) that Moray Housing Partnership had confirmed the transfer of land to Langstane and that would hopefully be achieved by the end of August.

Following consideration the Committee:

- (i) noted the outturn AHIP position for Moray for 2008 / 09;
- (ii) noted the indicative programme outlined in Section 4 of this report; and
- (iii) agreed the approach to ensure the delivery of projects identified as priorities within the Council's Strategic Housing Investment Programme (SHIP) in 2009 / 10.

7. UNAUTHORISED ENCAMPMENTS PROTOCOL

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

Councillor Hogg stated that there did not appear to be advice on unsuitable locations, maximum duration of stay and maximum number of families/vehicles allowed on sites at any one time and this required to be reflected in the code. Mrs Gunn, Senior Solicitor (Litigation & Licensing) advised that each case was looked at in its own merits and limiting numbers may be seen as contravening the Human Rights Act. The Chief Housing Officer advised that it was preferable to have a protocol which was enforceable.

Councillor Hogg put forward a motion to further revise the Code so that the code includes expectations to include information which explains wholly unacceptable locations, the number of families/vehicles per location and this to be reflected in the information leaflet as well as code. This may not be wholly legally enforceable but it would set out what the Council expectations were. There being no seconder the motion fell.

Following consideration the Committee agreed the terms of the revised protocol, which addresses concerns raised by Committee members on 24 March 2009.

Councillor Hogg wished his dissent to be recorded.

8. IMPACT OF RIGHT TO BUY SALES 2007 / 8 AND 2008 / 9

There was submitted a report by the Director of Community Services providing the Committee with details of the effects of Right to Buy (RTB) legislation with regard to Council house sales over the period April 2007 to March 2009.

In response to a question from Councillor Leadbitter as to whether the reason for sales declines was due to mortgages being unobtainable, the Chief Housing Officer advised that there was not sufficient feedback to confirm this but she would be surprised if the wider economic status did not have some impact.

Following consideration the Committee:

- (i) noted the information presented;
- (ii) agreed to making a further application for pressured area status for the Cairngorms;
- (iii) agreed that further annual reports are presented to the Committee

9. ALLOCATIONS POLICY ANNUAL PERFORMANCE REPORT 2008 / 09

There was submitted a report by the Director of Community Services presenting annual performance in relation to the operation of the Council's Allocations Policy in 2008 / 09.

The meeting noted the following answers from the Chief Housing Officer in response to members questions:-

- a) in respect of moving people from supported accommodation, the type of accommodation required had not been available for let within the past 6 months and support has been provided where most needed.
- b) the Council would look at the implications regarding prioritisation in more detail with regard to the financial implications on the Council for temporary accommodation and the implications for other households with regard to the time they would have to wait.

Following consideration the Committee agreed:-

- (i) the allocation quotas for 2009 / 10 (paragraph 10.7) and

- (ii) that Officers develop revised procedures in relation to the allocation of ground floor housing as described in paragraph 10.7.
- (iii) that Officers should examine the priority to be given to applicants in supported accommodation.

10. HOMELESSNESS IN MORAY

There was submitted a report by the Director of Community Services presenting an analysis of homelessness in Moray during 2008 / 09 and comparing this with that of previous years.

The meeting noted the following answers from the Housing Needs Manager in response to members questions:-

- a) the information included in the table was how the Scottish Government wish the data structured;
- b) the reasons for the breakdown are as follows:-
 - 16-17 year olds were classed as automatic priority need
 - 18-25 were classed as young people and there may be issues of vulnerability
 - 26-59 were deemed as less vulnerable although there may be exceptional circumstances
 - 60 + vulnerability due to old age and classed as priority need
- c) this gives some information as to who we have legal obligations to house and those not featured in priority need.
- d) the Authority makes reasonable enquiries to parents when young people present themselves as homeless for reasons unless there was a threat of violence or abuse.

Following consideration the Committee noted the:-

- (i) analysis of homelessness detailed in this report; and
- (ii) criteria applied to assess homelessness as defined by the Housing (Scotland) Act 1987, as amended.

11. PROGRESS TOWARDS MEETING THE EXPANSION OF HOMELESSNESS PRIORITY NEED - 2009 / 2012

There was submitted a report by the Director of Community Services seeking to inform Communities Committee of the progress in meeting the Scottish Government's target for the abolition of priority need in 2012 and the interim target of reducing non-priority need assessments by 50% by 2009.

In response to a question from Councillor Wright regarding whether it would be worthwhile working with other Local Authorities who were in the same position, the Chief Housing Officer advised that the Scottish Government were carrying out a review of the progress being made towards 2012 and a report would be published. She was aware that some Authorities were in the same position, one of which was Edinburgh which would have different issues to Moray, but there were some rural Authorities which Moray could work with.

Following consideration the Committee:

- (i) noted the progress towards 2012;
- (ii) agreed that Officers develop a matrix of need that allows the Council to have a more flexible approach towards vulnerability; and
- (iii) agreed to seek a meeting with the Housing Minister to discuss the Council's difficulties in achieving the 2009 target.

12. COUNCIL HOUSE NEW BUILD

There was submitted a report by the Director of Community Services presenting a progress report on the development of a Council new build programme and informing the Committee of the further funding opportunities announced by the Scottish Government.

The meeting noted the following answers from the Chief Housing Officer in response to members questions:-

- a) the timing of the notices in the press were not perhaps ideal but it was with regard to the likely timescale for the bid. There has been contact in the past with contractors in Speyside and these and any future responses would be investigated.
- b) the department would be reviewing how large the second phase would be and how much could afford to be built. Decreases in the Right to Buy had an impact on the money which would require to be borrowed to carry out essential work to houses the Council already own. There was a need to ensure that the level of borrowing is affordable and ascertain how this would impact on rents.
- c) the bid would be framed in such a way as to indicate the number of properties that the Council wish to construct and the kind of financial assistance that was being sought. This was more important rather than defining location and the Scottish Government would take into account that this bid had to be submitted 15 months before work would be taking place and that the Council were trying to take advantage of opportunities.
- d) since the Council were asked to bid by the end of September for work not starting until at least the end of April 2011 there was potential in the bid to not have firm details but would reflect the aspirations. Over the next few weeks there would be

discussions as to whether there would be a likelihood that the Council would be able to deliver new build in Speyside but at present could not give categorical answer on locations or numbers.

Following consideration the Committee:-

- (i) welcomed the additional financial assistance from the Scottish Government detailed in paragraph 4.1
- (ii) noted the progress achieved to date, and
- (iii) delegated authority to the Chief Housing Officer in consultation with the Chair of the Communities Committee and the Chair of the Policy and Resources Committee, to submit a bid for funding to the Scottish Government in respect of Phase 2.

Councillor Ogilvie left the meeting during discussion of this item.

13. HOUSING INVESTMENT 2008 / 09

There was submitted a report by the Director of Community Services informing the Communities Committee of the unaudited position to 31 March 2009 for the Housing Investment Programme for 2008 / 09, and proposing minor revisions to the proposed budgets within the Investment Strategy for 2009 / 10.

The meeting noted the following answers from the Chief Housing Officer in response to members questions:-

- a) detailed discussion were taking place with Occupational Therapists regarding, demand, eligibility and specifications of equipment to see if aspects of the work can be omitted or reduced in order to enable more to be done for the budget provided. A report would come to Committee in October on disabled adaptations;
- b) the reason for only 11% of the budget being spent on installing smoke detectors was due to a scheduling issue but this would be investigated and Councillor Leadbitter advised; and
- c) the budget for play areas had newly been introduced and at present the department is collating information on play areas for inclusion in the programme and it was hoped that the monies would be spent in the current financial year.

Following consideration the Committee:

- (i) noted the unaudited position with regards to the outturn on the Housing Investment Programme for 2008 / 09;
- (ii) agreed the minor revisions to individual budgets within the Investment Strategy for 2009 / 10; and

- (iii) noted that a report on disabled adaptations would be brought to the meeting in October.

14. HOUSING BUDGET MONITORING - UNAUDITED OUTTURN 2008 / 09

There was submitted and noted a report by the Director of Community Services presenting the unaudited Housing Revenue Account (HRA) and General Services Other Housing Budget outturn for 2008 / 09.

15. CUSTOMER SATISFACTION RESULTS FOR ANTISOCIAL BEHAVIOUR SERVICE

There was submitted a report by the Chief Executive asking the Committee to note the satisfaction of customers using the Antisocial Behaviour and Community Warden Services.

Councillor Cree stated that he was pleased to see that the the Community Wardens had received good feedback as they did a lot of good work in the communities and this should be recognised.

Following consideration the Committee noted the progress being made by the antisocial behaviour service in terms of the satisfaction of customers using the antisocial behaviour and community warden services.

16. CONGREGATION OF YOUTHS IN ELGIN AREA

There was submitted a report by the Chief Executive highlighting the actions taken when youths congregate in various locations in Moray on a Friday and Saturday night and the associated issues.

Councillor Jarvis stated that the detached youth workers do a fantastic job of keeping young people out of trouble. In response to his question as to whether anything had been done to provide for lighting at Cooper Park to allow the CCTV to catch any activities, the Anti-Social Behaviour Co-ordinator advised that good lighting was an advantage for workers and CCTV but if an area was lit up then it attracted people but the Roads service were currently looking at the lighting issue.

Councillor Leadbitter stated that there may be feasibility in including a lighting project whilst the flood alleviation works were being carried out. He advised that it was a through route to Bishopmill therefore there were safety issues involved and it may also reduce vandalism to premises.

Following consideration the Committee noted the identified issues in relation to congregations of youths within communities throughout Moray and the actions taken by the various agencies to address any identified issues occurring.

Councillor Hogg left the meeting at the end of this item.

17. CLOVENSIDE, FORRES

There was submitted a report by the Director of Community Services seeking the Communities Committee's consent to declare 38 Clovenside, Forres surplus to Housing Revenue Account requirements.

Following consideration the Committee:

- (i) declared 38 Clovenside, Forres surplus to its Housing Revenue Account requirements, and
- (ii) referred the property to the Asset Management Working Group to establish whether the property should be retained to support Council services or disposed of, subject to obtaining appropriate consent from Scottish Ministers.

18. QUESTION TIME

The Committee noted that no questions were raised during question time.

19. BUILDING SERVICES TRADING OPERATION BUDGET 2008 / 09 - BUDGET MONITORING (Para 9)

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

20. CURRENT STATUS OF HOUSING SUPPORT CONTRACTS (Para 9)

There was submitted a report by the Director of Community Services informing the Communities Committee of the current contracting status of Housing Support providers for 2009 / 2010.

Following consideration the Committee approved the contracts and their funding levels that have been negotiated and detailed in APPENDIX I of this report.