

THE MORAY COUNCIL
MINUTE OF MEETING OF THE COMMUNITIES COMMITTEE

TUESDAY 16 FEBRUARY 2010

COUNCIL OFFICE, ELGIN

PRESENT

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

APOLOGIES

Apologies were received from Councillor M. McConachie

ALSO PRESENT

Councillor Wright (ex-officio)

IN ATTENDANCE

Chief Housing Officer, Housing Needs Manager, Capital Programmes Manager, Mrs D Bosworth, Principal Accountant, Home Improvements Services Manager, General Manager Building Services, Housing Programmes Manager, Housing Strategy & Policy Manager, Homelessness Strategy & Development Officer, Corporate Policy Unit Manager, Anti-Social Behaviour Co-ordinator, Mrs A Scott, Principal Solicitor (Commercial & Conveyancing), 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 Councillor Sharp declared a personal interest in Item 10 "Disabled Adaptations" as an employee of a company providing disabled adaptations which afforded him an insight into the issue under discussion. Thereafter 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.

3. WRITTEN QUESTIONS

The meeting noted the following written question submitted by Councillor Hogg and the Council's response thereto:

During a recent court case the Council was criticised by Sheriff Hendry for their policy of not recovering the costs of repairing damage to the Council's property from the party or parties responsible for that damage.

This appeared to be confirmed in an accompanying statement to the press by a spokesman for the Council.

1. Could the Council's policy on the recovering the costs of repairing criminal damage to Council property by a third party be explained to Committee?
2. Has the Council taken full cognisance of Sheriff Hendry's observations to Elgin Sheriff Court, and will the cost of damage recovery policy be amended accordingly?

COUNCIL RESPONSE

- 1) Where criminal damage occurs, the Council will seek to recover the costs from tenant if the third party was a visitor or resident. The tenant's Scottish Secure Tenancy (paragraph 5.10) clearly spells out that damage caused wilfully, accidentally or negligently by the tenant, people residing with him/her or visitors are their responsibility. Where the tenant alleges this was a result of vandalism, then the tenant would be expected to report this to the Police without delay and provide a crime reference number to support this. Where a third party is found guilty of such an offence, the Sheriff would consider awarding a compensation order to enable the costs to be recovered.
- 2) The Council has considered the Sheriff's observations and will ensure that that where there is supporting evidence or an admission of guilt by a third party, then staff will seek to recover sums promptly and directly from third parties. Current procedures allow for this.

4. RURAL HOUSING ENABLER PROJECT

Under reference to paragraph 7 of the Minute of the Communities Committee dated 24 March 2009, 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.

During discussion Councillor Hogg stated that in March 2009 he withdrew his opposition to extending the Project for a second year on the understanding that the service would cease at the end of this financial year and therefore moved not to extend the service by a further year. There being no seconder the motion fell.

Councillor Leadbitter asked that reports in future should look at affordable housing in rural areas being inextricably linked to economic development.

Following further lengthy discussions during which Officers responded to Members questions the committee agreed-

- (i) the continuation of funding for the Rural Housing Enabler Project for a further year; and
- (ii) that recommendations for future delivery of this type of service to rural areas are presented to a future Communities Committee.

5. PRESSURED AREA STATUS FOR CAIRNGORMS NATIONAL PARK

There was submitted a report by the Director of Community Services advising Committee of the outcome of analysis relating to an application for Pressured Area Status for Cairngorms National Park.

Following consideration the Committee agreed:

- (i) noted the outcome of analysis of data relevant to an application for Pressured Area Status for the Cairngorms National Park; and
- (ii) agreed that Officers submit an application to the Scottish Government for Pressured Area Status for the Speyside and Cairngorms National Park areas of Moray.

The Meeting also noted Councillor Hogg's opposition to Pressured Area Status as it excluded the opportunity of home ownership from those that can least afford it.

6. HOMELESSNESS REVIEWS AND APPEALS

There was submitted a report by the Director of Community Services reviewing the Council's current policy in relation to homelessness reviews and appeals.

During discussion Councillor Leadbitter stated that between 1 January and 31 December 2009 there had been twenty one requests for review and no cases had been submitted for appeal. This suggested that the system has a significant problem in terms of the actual appeals process. He was of the opinion that to go to a judicial review could put up barriers to those applicants who may already be in a vulnerable situation. He also stated that he was not clear on what the cost implications would be for the Council to enter into judicial reviews. He further stated that people have appealed the cases appears to have been resolved without reaching an appeals hearing which, in his opinion, suggests that the process does work and he was

unsure of the benefits of taking that process away. He stated that he would prefer to leave the appeals in and focus more on the performance of the reviews and moved to remove the first recommendation relating to the suggested amendment to the Homelessness Policy and this was seconded by Councillor Jarvis.

Following further discussion during which Officers responded to Members questions regarding the process, Councillor McGillivray, seconded by Councillor Russell, moved as an amendment to accept all the recommendations as detailed in the report.

On a division there voted:-

For the motion (6) - Councillors Cree, Jarvis, Leadbitter, Ogilvie, Sharp and Stewart.

For the amendment(6) - Councillors Hogg, MacKay, McGillivray, Murdoch, Russell and Shepherd.

Abstentions (0)

There being an equality of votes the Chairman, in terms of Standing Order 50 (d) cast his casting vote in favour of the Amendment. Accordingly the Amendment became the finding of the Meeting and it was agreed:-

- (i) to approve the suggested amendment to the Homelessness Policy outlined in paragraph 8.1 and 8.2 of the report;
- (ii) the introduction of a target timescale for completion of reviews of 28 days; and
- (iii) that monitoring of the achievement of the target be incorporated into performance reports to Committee from 1 April 2010.

7. COMMON HOUSING REGISTER

Under reference to paragraph 10 of the Minute of the Meeting of the Community Services Committee dated 14 February 2007, there was submitted a report by the Director of Community Services presenting progress in developing a Common Housing Register (CHR) for Moray.

Following discussion, the Committee agreed:-

- (i) to note the progress report;
- (ii) to note the revised target date for implementation of the Common Housing Register; and
- (iii) that a further report would be presented to Committee on implementation of the Common Housing Register.

8. HOUSING ASSET MANAGEMENT STRATEGY

There was submitted a report by the Director of Community Services seeking approval of the draft Housing Asset Management Strategy for 2010-2013.

In response to questions raised by Members, it was agreed that in relation to the maintenance partnership, Officers within the partnership which consists of Housing, DLO and Property would look at the potential of a benchmarking report to be presented to a future meeting of this Committee and that information in regard to work previously undertaken relating to energy efficiency measures be collated and submitted to the Chairman of the Greener Strategic Group who would be attending the Moray Energy Efficiency Fair on the 24th March 2010 at the Town Hall.

Thereafter the Committee agreed to:

- (i) approve the draft Housing Asset Management Strategy 2010 - 2013;
- (ii) note the proposals within the Strategy for future monitoring and review;
- (iii) Officers investigating the potential of a benchmarking report to be presented to a future meeting of this committee, and
- (iv) the collation of work previously undertaken relating to energy efficiency measures to be submitted to the Chairman of the Greener Strategic Group who would be attending the Moray Energy Efficiency Fair on the 24th March 2010 at the Town Hall.

9. DISABLED ADAPTATIONS

Councillor Sharp declared a personal interest in this item but remained in the meeting and took part in the discussion.

There was submitted a report by the Director of Community Services highlighting the current position with the delivery of disabled adaptations to council housing stock for 2009/10 and seeking further discussion and comment on a range of suggested changes to both specifications and the extent of works carried out in future.

Following lengthy discussion, and in response to concerns raised regarding best value the Chief Housing Officer advised that she hoped that the potential benchmarking report as agreed in "Housing Asset Management Strategy" would enable committee to satisfy themselves and this would allow them to scrutinise the rates from the DLO which would be a matter of commercial sensitivity.

Following consideration, the Committee:

- (i) noted the current position of the 2009/2010 Adaptations Budget detailed within the report; and

- (ii) agreed with the five options on future delivery of disabled adaptations relating to shower curtains, wet wall, vinyl flooring contribution, agreed basic specification and decoration.

10. NEW BUILD COUNCIL HOUSING

There was submitted a report by the Director of Community Services providing a progress report on the progress of new build council housing projects.

The Chief Housing Officer advised that the Scottish Government had announced the next phase for bids with the deadline on the 30 April 2010 with a decision being announced mid-July. The level of subsidy had also increased from £20,000 to £30,000 which was good news.

Following consideration, the Committee agreed:

- (i) to note the progress report;
- (ii) the revised Rent Setting Policy detailed in Appendix I of the report; and
- (iii) the approach to the bid for Phase 3 funding, as outlined in Section 7 of the report.

11. PRIVATE SECTOR HOUSING GRANTS

There was submitted a report by the Director of Community Services seeking approval for proposed changes to the Housing Grants Scheme and for the Private Sector Housing Grants (PSHG) Budget for 2010/2011.

Following consideration, the Committee approved the proposed:-

- (i) changes to the Private Sector Housing Grant scheme; and
- (ii) Private Sector Housing Grants Budget for 2010/2011, as detailed in Appendix I of the report.

12. EQUALITIES UPDATE

There was submitted a report by the Chief Executive and Chief Legal Officer asking Committee to note the proposed introduction of a new Single Equality Duty and the establishment of an Equality & Diversity Advisory Forum to champion the requirements arising from this duty.

In response to Members concerns regarding the financial implications of the training strategy, Officers advised that the report advised that a Forum which comprised of officers across the Council, had been set up under the auspices of Corporate Management Team. The Forum were carrying out an audit of training currently

being done across the services. Officers are also investigating how this could be rolled out and at what level. A training strategy will be a requirement in some form to ensure that the Council are meeting their obligations under the legislation and this would be brought back to Committee so that members would have some control over the matter before it was implemented. In the current financial climate, Officers would ensure any training proposals were taken forward in a cost effective manner.

Following consideration the Committee agreed to:-

- (i) note the proposed introduction of a new Single Equality Duty and the establishment of the Equality & Diversity Advisory Forum to champion the requirements arising from the proposal throughout the Council; and
- (ii) the development of a Training Strategy to meet the requirements of the legislation and that this would be brought back to a future Committee.

13. HOUSING SERVICE IMPROVEMENT PLAN 2009/10 - QUARTER 3 PROGRESS

There was submitted and noted a report by the Director of Community Services presenting a progress report on the achievement of priorities identified in the Community Services Improvement Plan as it relates to the Council's Housing Service.

14. HOUSING BUDGET MONITORING - 2009/10

There was submitted and noted a report by the Director of Community Services presenting budget monitoring for the Housing Revenue Account (HRA) and General Services Other Housing Budget for the period to 31 December 2009.

15. HOUSING INVESTMENT 2009/10

There was submitted and noted a report by the Director of Community Services presenting the Communities Committee of the position to 31 December 2009 for the Housing Investment Programme for 2009/10.

16. HOUSING QUARTERLY PERFORMANCE REPORT - 3RD QUARTER 2009/10

There was submitted and noted a report by the Director of Community Services outlining the performance of the Housing Service for the period 1 October to 31 December 2010 and the actions being taken to seek improvements where required.

17. FLOODING IMPACT ON RESIDENTS AND HOUSING

There was submitted a report by the Director of Community Services providing an update to the Committee of the consequences of the recent flooding in Moray for the Council's housing stock in affected areas and for the Council's wider responsibilities in relation to housing affected.

The Chief Housing Officer provide a verbal update to the Committee and advised that works to all properties to which the tenants are returning have been completed and they would be back in their properties shortly. Fifty eight properties have now been completed and the remainder would be completed by the end of February and this had been done within six months. The number of households within Bishopmill House were down to single figures and most of these were private owners or tenants of war veteran properties and it was projected that these properties would be completed within the coming weeks.

She further advised that the report identifies seventeen tenants who did not wish to return to their homes have now been rehoused and there were a further two where consideration was being given to offers. The report also highlighted that there were four tenants where it would take longer to find accommodation and in particular two cases where the projection of timescale was beyond three months. The proposal within the report was that given the small number of tenants who were in this position then the Committee would not require them to return to their homes in advance of an offer of alternative accommodation. The Council was seeking to extend existing leases with Defence Housing Executive.

The Committee thanked staff for all their hard work done to date.

Following consideration, the Committee:

- (i) welcomed the progress achieved in remedial works and the projected completion periods for remedial works;
- (ii) agreed the approach described for tenants seeking permanent moves; and
- (iii) agreed that a further progress report would be presented to the next Communities Committee meeting.

18. COMMUNITY WARDEN - ACTIVITIES UNDERTAKEN BY COMMUNITY WARDENS IN MORAY

There was submitted and noted a report by the Chief Executive highlighting activities undertaken by the Community Wardens in Moray for the period 1 April 2009 until 31 December 2009 and the initiatives carried out to address priorities identified in the Community Safety Citizens Panel Survey.

19. SCOTTISH GOVERNMENT REPORT - PROMOTING POSITIVE OUTCOMES: WORKING TOGETHER TO PREVENT ANTISOCIAL BEHAVIOUR

There was submitted a report by the Chief Executive bringing to the attention of the Communities Committee the recently published Scottish Government report Promoting Positive Outcomes - Working together to Prevent Antisocial Behaviour in Scotland.

Following consideration, the Committee noted:-

- (i) the strategic aims identified in the Promoting Positive Outcomes report and the strong links between tackling Antisocial Behaviour and achieving the National Outcomes 9, 10 and 11;
- (ii) the measures The Moray Council have had in place since the introduction of the 2004 Act to prevent antisocial behaviour and the additional initiative to demonstrate the Council's commitment to deal with antisocial behaviour in a robust but fair manner; and
- (iii) that a full evaluation of the campaign will be reported to a future Committee.

20. "DIVERSITY DAY" COMMUNITY ENGAGEMENT EXERCISE

There was submitted a report by the Chief Executive and Chief Legal Officer asking the Committee to note the success of an exercise to engage with partner groups within Moray to identify issues experienced by them which are of relevance to the Council and its services.

Following consideration the Committee agreed to note the following issues identified by members of the Equalities Forum:

- (i) access
- (ii) communication
- (iii) transport
- (iv) employment
- (v) emotional support

21. SAFER STREETS CAMPAIGN - DECEMBER 2009

There was submitted and noted a report by the Chief Executive highlighting the actions taken in relation to the December Safer Streets Campaign 2009 to reduce alcohol fuelled street disorder.

22. QUESTION TIME

The Committee noted that there were no questions raised.

23. BUILDING SERVICES TRADING OPERATION BUDGET 2009/10 - BUDGET MONITORING [Para 9]

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