

ANGUS COUNCIL

MINUTE of MEETING of the **NEIGHBOURHOOD SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 9 October 2008 at 4.00 pm.

Present: Councillors JIM MILLAR, COLIN BROWN, ALISON ANDREWS, FRANK ELLIS, MAIRI EVANS, DAVID FAIRWEATHER, DAVID MAY, BILL MIDDLETON, DONALD MORRISON, JOHN RYMER, MARK SALMOND, BOB SPINK, BOB MYLES, PAUL VALENTINE and SANDY WEST.

Councillor MILLAR, Convener, in the Chair.

1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Peter Nield, Margaret Thomson and Sheena Welsh with Councillors John Rymer, Bob Myles and Paul Valentine substituting respectively.

2. DECLARATIONS OF INTEREST/INTIMATIONS OF CONTACT

In terms of the Councillors Code of Conduct and the Council's Good Practice Guidelines, the following undernoted intimations of contact were made:-

- Each Councillor present intimated that they had received two emails in respect of item 14, Montrose Wheeled Sports Facility. They advised that they had not replied or expressed a view and would therefore be taking part in the discussion and voting.

3. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 21 August 2008](#) was approved as a correct record and signed by the Convener.

4. HOUSING CAPITAL AND PLANNED MAINTENANCE PROGRAMME – HRA BLOCK – 2008/2009

With reference to Article 4 of the minute of meeting of this Committee of 21 August 2008, there was submitted [Report No 958/08](#) by the Director of Corporate Services setting out the actual spend on the HRA Capital and Planned Maintenance Programmes for the period to 31 August 2008, together with year end spend projections and updated funding proposals.

The Report advised that the actual spend achieved to 31 August 2008 on the Housing Capital Programme was £2.890 million which equated to 29.3% of the original budget of £9.850 million. It was projected at this time that by the end of the 2008/2009 financial year, expenditure would amount to some £10.132 million which would represent an overspend of £282,000. This projection was based on actual spend level for the first five months of the financial year only and would be subject to further review as the year progressed.

With regard to the 2008/2009 Planned Maintenance Programme, the level of spend on all elements for the period to 31 August 2008 amounted to £421,000 which equated to 19.3% of the original budget of £2.180 million. It was projected at this time that, by the end of the 2008/2009 financial year, expenditure would amount to some £2.490 million which would represent an overspend of £310,000. The main reasons for this projected overspend were slippage of £134,000 from 2007/2008 in respect of the Door Replacement Programme brought forward into 2008/2009 and additional work required in respect of the Pre-Paints Programme as with the Capital Programme, the projections were based on the actual spend level for five months of the financial year only and would be subject to review as the year progressed. However, were the currently projected overspend on the Planned Maintenance Programme to be the actual position at the end of the financial year, it was likely that the additional funding required would be met from HRA balances.

The Committee, for its interest, agreed:-

- (i) to note the expenditure figures presented for the Housing Capital and Planned Maintenance Programmes for the period to 31 August 2008;
- (ii) to note the capital receipts position for the period to 31 August 2008;
- (iii) to note the projected year end capital and planned maintenance expenditure positions and the associated update of potential funding as detailed in the Report;
- (iv) to note that the relevant officers were endeavouring to identify measures to manage the currently projected capital programme and planned maintenance programme overspends within overall available resources; and
- (v) to note that the updated position including any corrective actions would be incorporated within future reports to Members.

5. IMPROVEMENT/REPAIRS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

With reference to Article 6 of the minute of meeting of this Committee of 21 August 2008, there was submitted and noted [Report No 959/08](#) by the Director of Infrastructure Services detailing grant applications in respect of improvement, repairs, window and gutter replacement and town centre refurbishments, all of which had been approved under delegated authority for the period 1 July - 31 August 2008.

6. ARREARS UPDATE INCLUDING SERIOUS ARREARS – HOUSING REVENUE ACCOUNT TENANTS

With reference to Article 7 of the minute of meeting of this Committee of 21 August 2008, there was submitted [Report No 960/08](#) by the Director of Neighbourhood Services updating the Committee on current rent arrears levels; bringing to their attention very serious arrears cases; seeking approval, on an individual basis, for further action which would include the ultimate sanction of eviction; and seeking approval to amend the current rent arrears policy and process with the intention of improving rent collection by Angus Council.

The Report indicated that the Council was ensuring that every effort was being made to encourage and support tenants with rent payment. The Report therefore requested further improvement to the Council's arrears process seeking to assist tenants by intervening earlier in their arrears, thus trying to prevent the build up of significant arrears and offering the opportunity to re-pay arrears before they became unmanageable. There were 11 serious rent arrears cases in respect of Council house tenants as detailed in Appendix B of the Report.

The Council was committed to providing support with rent payment but ultimately where this was not utilised by tenants, it must enforce the tenancy conditions agreed through the Scottish Secure Tenancy Agreement and make it clear that rent payment was a priority and failure to keep up rent payments would result in the utilisation of the full range of sanctions available. There were no quick fixes to the level of arrears presented in the Report but if the measures outlined were adopted the opportunity of tackling the culture of non-payment and the belief that the Council would not tackle rent arrears would be enhanced. It was also noted that on-going work would be done to ensure that the momentum of tackling arrears was maintained and where further improvements could be made these would be thoroughly investigated.

Following a full discussion, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the current performance information provided in Appendix A to the Report;
- (iii) to give approval to evict as set out in Appendix B to the Report if substantial and regular payments to reduce the arrears were not received;

- * (iv) to approve the tightening up of the arrears procedure as set out in Section 6.3 of the Report and to recommend that the Council accepts the following amendment for inclusion in its final version of standing orders, currently under review, namely to section 7(b)(10), adding "*and to take the appropriate actions as agreed following the due legal process and in accordance with approved Council policy*";
- (v) to note that all tenants would be written to informing them of the changes to the rent arrears position; and
- (vi) to note that all tenants in arrears would be written to in strong terms giving them the opportunity to make repayment arrangements and clearly setting out that their tenancy may be at risk if they did not pay their rent and keep up repayment arrangements.

7. LOCAL HOUSING STRATEGY REVIEW 2007/2008

With reference to Article 11 of the minute of meeting of this Committee of 17 January 2008, there was submitted [Report No 961/08](#) by the Director of Neighbourhood Services advising the Committee of the progress made on the Local Housing Strategy priorities during 2007/2008 and its submission to the Scottish Government Housing and Regeneration Directorate. Approval was also sought on the Direction of Travel for the development of the Local Housing Strategy 2011.

The Report indicated that the Local Housing Strategy Review 2007/2008 was the fourth and last annual review of the current five year cycle 2004-2009 and provided an overview of its progress and impact on the Angus Housing Environment over the last five years. It also demonstrated the commitment, consistency and transparency of the Angus Council approach on housing issues.

The Scottish Government and COSLA had set out in the new Local Housing Strategy Guidance (June 2008) that the next Local Housing Strategy would be the sole strategic document produced by local authorities on housing, homelessness and housing support. In order to facilitate integration of the Local Housing Strategy and Development Plans, submission of the next Strategy would coincide with the completion of consultation on the Main Issues Report to be produced by the recently constituted Dundee, Perth, Angus and North Fife Strategic Development Planning Authority for the Dundee City Region. In the interim period, the Housing Division would develop a new Local Housing Strategy 2008/2009 based on the Angus Council Direction of Travel, details of which were contained in Appendix 1 of the Local Housing Strategy Review 2007/2008.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the Angus Local Housing Strategy Review 2007/2008, a copy of which was appended to the Report; and
- (iii) to approve the Direction of Travel, including comments from Members for development of the Local Housing Strategy 2011 as detailed in Appendix 1 of the Review.

8. IMPLEMENTATION OF SECTION 11 OF THE HOMELESSNESS ETC. (SCOTLAND) ACT 2003

With reference to Article 11 of the minute of meeting of this Committee of 29 May 2008, there was submitted [Report No 962/08](#) by the Director of Neighbourhood Services advising the Committee of the new duties arising from the implementation of Section 11 of the Homelessness etc (Scotland) Act 2003.

The Report indicated that Section 11 of the 2003 Act required all landlords (other than local authorities) and creditors to notify the relevant local authority when they raised possession proceedings or served certain other notices. The aim of placing this duty on landlords and creditors was to ensure that local authorities were alerted to households at risk of homelessness at an early stage. Local authorities may be able to respond on an individual basis to prevent homelessness occurring and the information contained in the notices could

also help inform strategic planning of prevention and homelessness services. The Report concluded that although the new duties were to be welcomed, to ensure the Council could meet these effectively and efficiently, additional resources would be required for the homelessness service.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to note the new duties arising from the implementation of Section 11 of the Homelessness etc (Scotland) Act 2003; and
- (iii) to note that any staffing and budget implications would be considered as part of the 2009/2010 budget setting process.

9. CHANGES TO LEGISLATION AFFECTING ELIGIBILITY FOR PERSONS FROM ABROAD FOR SOCIAL HOUSING AND HOMELESSNESS ASSISTANCE IN SCOTLAND

There was submitted [Report No 963/08](#) by the Director of Neighbourhood Services alerting members to the changes in legislation affecting eligibility for persons from abroad for social housing and homelessness assistance in Scotland.

The Report indicated that the changes to the legislation affecting eligibility for persons from abroad for social housing and homelessness assistance in Scotland related to the amendments to the 2000 Order, creating the 2008 Order. The 2008 Order removed certain classes of persons subject to immigration control who were previously eligible for housing and homelessness assistance. It also stipulated that European Economic Area Nationals who were not exercising treaty rights had no right to reside and who were persons subject to immigration control and were not entitled to access housing authority accommodation or homelessness assistance. This Order therefore closed an anomalous situation and brought Scotland and Northern Ireland closer in line with existing legislation in England.

The Committee agreed to note the changes in legislation as detailed in the Report.

10. AGRICULTURAL WORKERS RIGHTS AND LOCAL SERVICES BOOKLET

There was submitted [Report No 964/08](#) by the Director of Neighbourhood Services advising the Committee of the Agricultural Workers Rights and Local Services Booklet which had been developed in partnership with Positive Action in Housing and contained information about rights and available services for International Workers from the agricultural sector in Angus.

The Report indicated that the booklet, a copy of which was attached to the Report, had been produced in five European languages namely Polish, Czech, Russian, Romanian and Bulgarian for distribution to European and International Workers during information sessions held on local farms and at multicultural events arranged by the Council and its partners. By contributing to the development of this booklet, the Council had demonstrated its commitment to enabling all the residents of Angus to access the essential services they required.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the distribution of the Agricultural Workers Rights and Local Services Booklet as widely as possible.

11. POLICY DEVELOPMENTS SUPPORTING THE HOUSE BUILDING INDUSTRY AND HOMEOWNERS IN MORTGAGE DIFFICULTIES

There was submitted [Report No 966/08](#) by the Director of Neighbourhood Services advising the Committee on Scottish and UK developments on tackling the downturn in the banking and housing sectors, including efforts made on mortgage rescue.

The Report highlighted the main policy and financial proposals being developed in Scotland and the UK. Further details on the operation and distribution of the resources was awaited and Angus Council would participate in those discussions through COSLA and its involvement with the Association of Local Authority Chief Housing Officers. Further details

were expected in the autumn of 2008 and a Report setting out the details would be presented to Committee once they were published.

The Committee agreed:-

- (i) to note the Scottish policy and financial developments along with those in the UK as detailed in the Report; and
- (ii) to instruct the Director of Neighbourhood Services to bring further Reports to Committee once details from the Scottish Government were published in the autumn of 2008.

12. ANGUS COMMUNITY VOICES

There was submitted [Report No 967/08](#) by the Director of Neighbourhood Services advising the Committee on the Angus Community Voices initiative and providing details on how this network would operate.

The Report indicated that Community Voices was based on an initiative fully supported by the Scottish Government's Tenant Participation Development Team. A number of local authorities were now using this method of consultation to encourage greater tenant and community involvement in a less formal way than existing methods. A remit, briefing note and nomination form for Angus Community Voices was appended to the Report and all paperwork would be distributed, records maintained and training provided by the Tenant and Community Participation Officer. An annual update would be reported to the Housing Division's Senior Management Team and the Neighbourhood Services Committee.

Following discussion with tenants at this years Tenant and Community Housing Team Conference, Angus Community Voices had been piloted in the Forfar and Kirriemuir Community Housing Team area.

Following discussion, the Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve, in principle, Angus Community Voices as a method whereby tenants, residents and community representatives could become involved in a less formal way; and
- (iii) to note that a seminar would be held for all Elected Members prior to the setting up of an Angus Community Voices Network.

13. ANNUAL COUNCIL HOUSE GARDEN COMPETITION 2008

With reference to Article 12 of the minute of meeting of this Committee of 11 October 2007, there was submitted [Report No 968/08](#) by the Director of Neighbourhood Services advising the Committee of the results of the Annual Council House Garden Competition for 2008, with the award ceremony having taken place earlier in the day.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note that a new prize would be awarded in future years entitled "Most Sustainable Garden"; and
- (iii) to congratulate and commend all those prize winners and entrants on their outstanding achievements.

14. **MONTROSE WHEELED SPORTS FACILITY**

With reference to Article 11 of the minute of meeting of Angus Council of 15 May 2008, there was submitted [Report No 969/08](#) by the Director of Neighbourhood Services seeking approval to develop a Wheeled Sports Facility at the Ashie Car Park, Montrose and to seek tenders for its construction.

The Report reminded Members that Angus Council, at its meeting on 15 May 2008, had authorised Officers to investigate the suitability of the Ashie Car Park, Montrose as a site for a Wheeled Sports Facility in Montrose as part of the Council's Capital Investment Programme (Report No 877/08 refers). The Head of Community Services had since met with the Montrose Skatepark Committee and young people associated with this project and could confirm both their commitment and funding contribution to this project. The funding, in full, from the Montrose Skatepark Committee in the sum of £26,000 would require to be transferred to the Council prior to any tender being accepted. He had also negotiated an extension with the Big Lottery Fund to secure the offer of grant of £24,000 until 19 December 2008. This offer was subject to full planning permission having been achieved by this date, otherwise the grant would be withdrawn. On this basis, planning permission had been sought with an application submitted on 29 August 2008.

A revised cost for the project had been provided by the Property Division and reflected the necessary work identified to locate the facility at Ashie Car Park. The basis of the project's proposed cost had been taken from a quotation made by a company who specialised in projects of this nature. The quotation had been made in July 2007 and had been inflated using industry standard indices to arrive at the current expected cost. In line with the original funding proposal for Marine Avenue, any professional fees would be met from revenue budget contribution. The addition of floodlights had also been requested by the Montrose Skatepark Committee and users as they were of the view that given the remote location of the facility lighting would greatly enhance the time periods when they could use the area for their sport. The additional cost of floodlighting would be around £16,000 and this was seen as an additional requirement to the provision of a Wheeled Sports Facility and should therefore be considered as a possible Phase 2 development subject to additional external funding being available.

Following a full discussion, the Committee, for its interest agreed:-

- (i) to note the contents of the Report;
- (ii) to approve the development of the Ashie Car Park, Trail Drive, Montrose as a Wheeled Sports Facility;
- (iii) to approve that tenders be sought from suitable contractors; and
- (iv) to approve the successful tenderer be awarded the contract subject to the costs being contained within the funding package as detailed in the Financial Implications section of the Report.

Councillors Rymer, Andrews, Brown, Ellis, Fairweather, Salmond, Spink and Valentine, as members of the Development Standards Committee, indicated that they wished to reserve their position on the proposed development of the Ashie Car Park, Montrose.

15. **HMIE FULL FOLLOW-THROUGH INSPECTION OF SERVICES TO PROTECT CHILDREN IN THE ANGUS AREA**

With reference to Article 5 of the minute of meeting of the Social Work and Health Committee of 25 September 2008, there was submitted [Joint Report No 909/08](#) by the Director of Social Work and Health, the Director of Education and the Director of Neighbourhood Services advising the Committee of the notification by HMIE of the follow-through inspection of services to protect children in the Angus area.

The Committee, for its interest, agreed:-

- (i) to note the contents of the Report; and

- (ii) to instruct the Director of Neighbourhood Services to report to the Committee at a future date on the outcome of the follow-through inspection.

16. ADOPTION OF PUBLIC OPEN SPACE AT EAST HEMMING STREET, LETHAM

There was submitted [Report No 970/08](#) by the Director of Neighbourhood Services advising the Committee of a request by Scotia Homes to transfer land, ownership and maintenance responsibility of public open space at East Hemming Street, Letham.

The Report made reference to the policy which permitted a developer to transfer public open space upon payment of a sum equivalent to 20 times the annual maintenance. Scotia Homes had approached the Council requesting adoption of the area of public open space at East Hemming Street, Letham and had, in principle, agreed to meet the terms of the Council policy namely payment of a capitalised sum of £10,200, equivalent to the cost of 20 years maintenance cost; conveyance of ownership of land to Angus Council at no charge; and to meet all legal expenses incurred by the Council in the transaction.

The Committee agreed to remit to the Director of Neighbourhood Services to proceed with the adoption of the public open space at East Hemming street, Letham subject to Scotia Homes making the prescribed payment.

17. TYRE MANAGEMENT POLICY

There was submitted [Report No 972/08](#) by the Director of Neighbourhood Services seeking approval to accept the pre-qualification results for the management of the Council's Fleet and Plant Tyre Policy.

The Report indicated that the agreement between the Council and the supplier for the Tyre Management Policy for the Council's Vehicle and Plant Fleet had been terminated at the end of August 2008 due to the poor performance of the supplier over the last six months. A Pre-Qualification Questionnaire had been issued to four other local tyre suppliers and following assessment, Angus Tyres had come out best on service support, geographical cover and the basic prices for tyres. In the short term therefore to ensure continuity of service provision to the Council Departments, Angus Tyres had been asked to manage the Tyre Policy for the Council's Vehicles and Plant through a short term agreement until the end of the financial year 2008/2009. This would also allow evaluation of their company performance.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve acceptance of the pre-qualification results for the management of the Council's Fleet and Plant Tyre Policy as detailed in the Report.

***18. RECREATION SEASONAL EXTENDED TOILET OPENING HOURS 2008**

With reference to Article 8 of the minute of meeting of this Committee of 28 February 2008, there was submitted [Report No 975/08](#) by the Director of Neighbourhood Services seeking approval of the proposed extended seasonal opening times of the Council's public toilets at certain outdoor recreations during the 2008 season.

The Report indicated that the opening times agreed at a meeting of this Committee on 28 February 2008 specified the closure of the public toilets at Arbroath West Links, Monifieth Blue Seaway and Montrose Seafront Splash on Sunday 21 September 2008 (Report No 193/08 refers). After careful consideration, it was proposed that the toilets at Arbroath West Links, Monifieth Blue Seaway and Montrose Seafront Splash remain open to give an extended period of service to the public, particularly over the school holidays. The following opening hours were proposed:- Saturday 27 September and Sunday 28 September from 1.00 pm to 5.00 pm (2 days); and Saturday 4 October to Sunday 19 October from 1.00 pm to 5.00 pm (16 days).

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to homologate the decision of the Convener and the Director of Neighbourhood Services to extend seasonal opening hours of the public toilets at the outdoor recreations as detailed in the Report.

19. PUBLIC BUILDING CLEANING - CLIENT MONITORING 2007/2008

With reference to Article 14 of the minute of meeting of the Corporate Services Committee of 4 September 2008, there was submitted [Report No 863/08](#) by the Director of Corporate Services outlining the monitoring of notified complaints in respect of the Public Building Cleaning contract carried out by Community Services, Direct Services - Waste Operations and indicating that, on the basis of only one complaint recorded, which was of a minor nature, it was clear that Community Services continued to provide a very satisfactory standard of service in accordance with the terms of the contract.

The Committee, for its interest, agreed to note the contents of the Report.

20. DEMOLITION OF FLATS AND FORMATION OF NEW PITCHED ROOF OVER SHOPS, MAYFIELD TERRACE, ARBROATH - REVISED TENDER LIST.

With reference to Article 10 of the minute of meeting of this Committee of 29 May 2008, there was submitted [Report No 973/08](#) by the Director of Corporate Services advising the Committee of a list of contractors to be invited to tender for the demolition of flats and formation of a new pitched roof over the shops at Mayfield Terrace, Arbroath.

The Committee agreed;-

- (i) to note the contents of the Report; and
- (ii) to approve the five contractors detailed in the Report and that they be invited to tender for the demolition of flats and formation of new pitched roof over the shops, Mayfield Terrace, Arbroath, subject to any financial assessment as required by the Head of Finance in consultation with the Head of Property.

21. EXCLUSION OF PUBLIC AND PRESS

The Committee resolved, in terms of Standing Order 27(2) that the public and press be excluded during consideration of the following item, so as to avoid the possible disclosure of information which was exempt in terms of Part 1 of Schedule 7A to the Local Government (Scotland) Act 1973, paragraphs 6, 8 and 9.

22. IMPROVEMENTS/ADAPTATIONS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY

With reference to Article 5, above, there was submitted [Report No 974/08](#) by the Director of Infrastructure Services detailing grant applications in respect of improvements and adaptations, all of which had been approved under delegated authority for the period 1 July to 31 August 2008, in respect of vulnerable people.

The Committee agreed to note the contents of the Report.