

# ANGUS COUNCIL

MINUTE of MEETING of the **NEIGHBOURHOOD SERVICES COMMITTEE** held in the Town and County Hall, Forfar on Thursday 29 May 2008 at 4.00 pm.

**Present:** Councillors JIM MILLAR, COLIN BROWN, ALISON ANDREWS, FRANK ELLIS, MAIRI EVANS, DAVID FAIRWEATHER, DAVID MAY, HELEN OSWALD, RALPH PALMER, PETER NIELD, MARK SALMOND, BOB SPINK, IAN MACKINTOSH, SHEENA WELSH and SANDY WEST.

Councillor MILLAR, Convener, in the Chair.

## 1. APOLOGIES/SUBSTITUTES

Apologies for absence were intimated on behalf of Councillors Bill Middleton, Donald Morrison and Margaret Thomson with Councillors Helen Oswald, Ralph Palmer and Ian Mackintosh substituting respectively.

## 2. DECLARATIONS OF INTEREST

Councillor Millar declared an interest in item 10 as he had received letters and been lobbied regarding the Mayfield flats, Arbroath.

Councillor Ellis declared an interest in item 11, having visited Starter Packs with a senior officer to return an item loaned to him. He had received an e-mail from Starter Packs. He also donated several items of furniture to the Forfar Resource Centre.

Councillor Oswald declared an interest in item 11 as she had made donations to the Forfar Resource Centre.

Councillor Welsh declared an interest in item 11 as a director of Starter Packs Angus and she had also donated to furniture recycling projects.

## 3. DEPUTATION

The Committee agreed, in accordance with Standing Order 12, to hear a deputation from Mrs Margot Reilly, Chairperson and Mrs Lynda Spink, Secretary, of the Association of Residents of Clifftown and Hayshead (ARCH).

On behalf of ARCH, Mrs Reilly, accompanied by Mrs Spink, stressed that it was ARCH's strong wish that the Committee agree to proceed with the demolition of the flats above the shops at Mayfield as recommended in Report No 498/08. Mrs Reilly pointed out that the Mayfield shops were the gateway to the Clifftown estate and completing Phase 4 of the Regeneration Project was essential. Mrs Spink advised that a petition had been signed by 1375 local residents and urged the Committee to listen to the community's wishes.

Following questions, the members of the deputation were thanked for their attendance and withdrew to the public benches.

## 4. MINUTE OF PREVIOUS MEETING

The [minute of meeting of this Committee of 17 April 2008](#) was approved as a correct record and signed by the Convener.

## 5. HOUSING CAPITAL AND PLANNED MAINTENANCE PROGRAMME – HRA BLOCK – 2007/2008

With reference to Article 4 of the minute of meeting of this Committee of 17 April 2008, there was submitted [Report No 493/08](#) by the Director of Corporate Services setting out the actual spend on the HRA Capital and Planned Maintenance Programmes for the period to 31 March 2008, together with year end spend projections and updated funding proposals.

The Report advised that the actual spend achieved to 31 March 2008 on the Housing Capital Programme was currently £9.770 million which represented an underspend of £80,000 against the original estimate of £9.850 million. It was currently projected that this would be the final capital position for 2007/2008, however, it was noted that at the time of finalising the Report some adjustments and accruals had still to be finalised as part of the ongoing final accounts process. This therefore meant that the actual expenditure outturn estimated figures contained within the Report might change, albeit no significant changes were currently expected.

With regard to the 2007/2008 Planned Maintenance Programme, the current expenditure to 31 March 2008 was £2.303 million which represented an overspend of £298,000 against the original estimate of £2.005 million. Brief reasons for this overspend, where applicable, were detailed in Appendix 2 to the Report. It had been intended that an earlier projected capital programme underspend would offset the planned maintenance overspend of £298,000. However, this was no longer an option given the impact of the level of actual capital spend and the capital receipt shortfall. The planned maintenance overspend would therefore be met from HRA balances as previously approved in principle by this Committee on 22 November 2007 (Report No 1083/07 refers).

The Committee, for its interest, agreed:-

- (i) to note the near final actual expenditure figures presented for the Housing Capital and Planned Maintenance Programmes for the period to 31 March 2008;
- (ii) to note the capital receipts position for the period to 31 March 2008; and
- (iii) to note the proposed funding approach as detailed in the Report.

## **6. COUNCIL HOUSE SALES**

With reference to Article 11 of the minute of meeting of this Committee of 28 February 2008, there was submitted and noted [Report No 494/08](#) by the Director of Corporate Services detailing individual Council house sales for the third quarter and cumulative figures for 2007/2008 to 31 March 2008.

## **7. IMPROVEMENT/REPAIRS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

With reference to Article 5 of the minute of meeting of this Committee of 17 April 2008, there was submitted and noted [Report No 495/08](#) 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- 31 March 2008.

## **8. SERIOUS ARREARS CASES – HOUSING REVENUE ACCOUNT TENANTS**

With reference to Article 6 of the minute of meeting of this Committee of 17 April 2008, there was submitted [Report No 496/08](#) by the Director of Neighbourhood Services regarding serious rent arrears cases in respect of 11 Council house tenants as detailed in Appendix A of the Report.

The Committee agreed that all the cases detailed in Appendix A be monitored and approval be given to evict if regular payments to reduce the arrears were not received.

## **9. PRIVATE SECTOR HOUSING GRANT**

There was submitted [Report No 497/08](#) by the Director of Neighbourhood Services advising the Committee of the resources available for the coming financial year 2008/2009 for private sector housing grant and setting out how these resources would be utilised to meet the terms of the offer of grant together with the new statutory requirements set out in the Housing (Scotland) Act 2006.

The Report indicated that the main purpose of the 2006 Act was to address, through encouragement and, where necessary, enforcement, problems of condition and quality of private sector housing, both owner occupied and private rented (although some provisions also related to the social rented sector). The underlying principles of the Act were detailed in the Report.

With regard to the new strategic and delivery responsibilities of the Act, a level of co-ordination was now required to take the strategic overview, and strategic and tactical delivery, and to ensure that this was co-ordinated via the appropriate Council committee. The Act made it clear that the strategic home for this work was the local Housing Strategy which was due to be re-written for 2009, and accordingly it was proposed that the strategic overview and strategic and tactical delivery be housed in the Neighbourhood Services Department, Housing Division and thereafter reported to this Committee. This would be delivered through the establishment of a team to co-ordinate this work utilising existing resources from the Housing Division, enhancing these with resources from the Private Sector Housing Grant funding in line with the offer of grant. This team would initially be temporary for a three year period subject to review.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to note the new requirements of the Housing (Scotland) Act 2006;
- (iii) to note that further reports would be brought to the Committee on the progress on delivering the 2006 Act;
- (iv) to homologate the decision of the Director of Neighbourhood Services to make a one off payment of £55,000 to Care and Repair for 2008/2009 to cover a shortfall in funding as a result of no Quality of Life funding being allocated to this project for 2008/2009, details of which were outlined in the Report; and
- (v) to instruct the Director of Neighbourhood Services to submit a further report on the details of the proposed new co-ordinating team to a future meeting of this Committee.

## 10. OPTIONS FOR MAYFIELD FLATS, ARBROATH

With reference to Article 14 of the minute of meeting of this Committee of 28 February 2008, there was submitted [Report No 498/08](#) by the Director of Neighbourhood Services providing the Committee with costed options on the future of the 24 flats above the shops at Mayfield Terrace, Arbroath and recommending the continuation of the Council's current policy to remove the flats above the shops and replace the pitched roof.

The Report indicated that Phases 1, 2, 3 and 5 of the Regeneration Project were now substantially completed as planned, but Phase 4, the demolition of flats and replacement of the roof at 1-35 Mayfield Terrace, had proved the most complicated element of the project. To ensure that the project could proceed, the Council had been required to enter into formal legal agreements with the owners of seven units directly below the flats that were to be demolished, which had taken considerable time. However, as of mid March 2008, Angus Council's Law and Administration Division had finally secured agreement in principle with all parties following lengthy negotiations. It was a matter of regret that, despite repeated attempts to secure flexibility from the Scottish Government and Community Scotland, it had become clear that the resources previously earmarked for Housing Estates Renewal Fund (HERF) were not now available and, despite the project now being ready to proceed and the additional funding in place, the Minister for Communities and Sport would not grant the flexibility required to see the project in its original format, through to a successful conclusion as planned.

It was now important to assess the options available in respect of Phase 4, and what each option entailed, including the positives, negatives and costs, and these were detailed in the Report.

The Report concluded that the Council had remained committed to the regeneration programme in Cliffrburn and had shared in the disappointment of the local community that the lack of flexibility in the timescales of the HERF funding and the difficulties in securing legal agreement with the shop owners had resulted in the loss of an element of the HERF funding. The Report therefore pointed out that whichever option was progressed in respect of Phase 4, a funding gap was likely to exist and this would have to be met in full from the Housing Revenue Account resources, either from prudential borrowing, reprofiling of the current and future capital programmes, by using current HRA balances or by a combination of the three. The Committee was therefore asked to note that further detailed costing and funding information would be included in future reports to this Committee detailing the progress of whichever option was approved.

Following a full discussion, during which members thanked Mrs Reilly and Mrs Spink for their useful contribution, and the local community for their involvement through the Association of Residents of Clifftown and Hayshead, the Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to instruct the Director of Neighbourhood Services to proceed with the demolition of the flats above the shops at Mayfield Terrace, Arbroath and to renew the pitched roof following the successful conclusion of legal agreements with the respective shop owners concerned.

**\*11. TOWARDS 2012 – NATIONAL HOMELESSNESS TARGET TO ABOLISH PRIORITY NEED**

With reference to Article 9 of the minute of meeting of this Committee of 11 October 2007, there was submitted [Report No 499/08](#) by the Director of Neighbourhood Services drawing the Committee's attention to the key challenges in meeting the national homelessness target to abolish priority need by the year 2012 and setting out Angus Council's funding priorities for the next three years.

The Report indicated that a review of current spending priorities had highlighted a need to take some hard decisions about future strategy if the Council was to succeed in tackling homelessness. Priorities for 2008/2011 must be to get back to basics to improve performance and to meet statutory duties. This would be achieved by increasing the supply of temporary housing, by delivering an efficient and effective temporary accommodation service, by increasing the resources for assessing needs, and refocusing the work priorities of Strategy and Development Officers in conjunction with operation of staff to make sure the Council had sound policies and procedure in place to prevent and tackle homelessness. The Council would also continue to actively pursue the use of furniture recycling projects in creating permanent tenancies to promote sustainable resettlement.

The meeting heard from Councillor Glennis Middleton in her capacity as Chair of Forfar Resource Store as a representative of Starter Packs Angus and Arbroath Furniture Project, regarding the proposal within the Report to support the work of the three furniture projects and Starter Packs in Angus in promoting social inclusion by providing assistance to foster a culture of social enterprise which would include the introduction of a voucher of up to £450 for a single person and £650 for a couple to be issued to "purchase" a range of recycled goods allowing the household when moving out of temporary accommodation to set up a tenancy. This she believed would have an extremely detrimental effect on the furniture projects and Starter Packs Angus.

COUNCILLOR NIELD, SECONDED BY COUNCILLOR MACKINTOSH, MOVED THAT QUESTIONS ON THE REPORT BE SUBMITTED DIRECTLY TO THE DIRECTOR OF NEIGHBOURHOOD SERVICES.

Councillor Ellis, seconded by Councillor Oswald, moved, as an amendment, that the Committee consider the Report page by page to allow questions to be asked and debated.

On a vote being taken, the members voted:-

For the motion:

Councillors Millar, Brown, Andrews, Fairweather, May, Nield, Salmond and Mackintosh (8);

For the amendment:

Councillors Ellis, Evans, Oswald, Palmer, Spink, Welsh and West (7).

The motion was declared carried and became the finding of the meeting.

The Committee then agreed:-

- (i) to note the findings of the Homelessness Monitoring Group Report; and
- (ii) to approve the funding priorities to meet the 2012 target, as detailed in the Report.

*In accordance with the provisions of Standing Order 39(3)(i), Councillors Ellis and Oswald indicated that they wished the matter referred to the Council for a decision.*

## **12. COUNCIL LED DELIVERY OF AFFORDABLE HOUSING**

With reference to Article 23 of the minute of meeting of this Committee of 28 February 2008, there was submitted [Report No 500/08](#) by the Director of Neighbourhood Services seeking approval to progress new house building on two sites, one in Monifieth and one in Kirriemuir, harnessing the Council's capacity to prudentially borrow resources and utilise recently announced Government funds. The Report also sought approval to commission independent consultants to ascertain whether it was best value for the Council or Housing Associations to build on the sites identified in the Report. It also sought views on the potential for sites in the ownership of other Council and Community Planning Partners' accounts to be utilised for housing purposes.

The Report concluded that by approving in principle the development of the sites identified in Monifieth and Kirriemuir and harnessing its capacity to prudential borrow resources, Angus Council would clearly demonstrate its commitment to providing high quality affordable housing for the people of Angus. Also, by approving the commissioning of independent consultants to ascertain whether it was best value for the Council or Housing Associations to build on the further sites identified Angus would have paved the way for further high-quality affordable housing to be developed to meet local needs in the near future.

The Committee agreed:-

- (i) to note the contents of the Report;
- (ii) to approve, in principle, that Angus Council develop new affordable housing for rent on sites in Monifieth and Kirriemuir harnessing the Council's ability to prudentially borrow, and utilise the resources recently made available to Scottish Councils to support new build programmes, all subject to detailed costings being identified and affordable;
- (iii) to approve, in principle, investigating a second phase of Council led delivery of affordable housing, covering a total of up to eight sites; and the commissioning of suitably qualified independent consultants to conduct (in conjunction with relevant Council officers) a best value review development and financial review to ascertain the best model for development, and (again in consultation with relevant Council officers) whether or not it was better value for Angus Council to build, or for the Council to commission new-build homes through a partnership relationship; and
- (iv) to note the potential for development of sites in the ownership of other Council departments and community planning partners which would deliver a suitable financial receipt for the owners of the land, but which would also unlock the potential to meet identified housing needs for a range of markets.

## **\*13. ANGUS COUNCIL TENANT AND COMMUNITY PARTICIPATION STRATEGY 2008-2011**

With reference to Article 11 of the minute of meeting of this Committee of 12 June 2007, there was submitted [Report No 501/08](#) by the Director of Neighbourhood Services updating the Committee on the review of the Council's Tenant Participation Strategy 2003-2006 and presenting the new Tenant and Community Participation Strategy for 2008-2011.

The Report indicated that revision of the 2003-2006 Strategy had begun in August 2006 and had involved tenants and residents interested in developing an updated strategy. A "healthcheck" had also been carried out by way of a questionnaire to obtain a view on progress since the previous Tenant Participation Strategy had been published in 2003. The healthcheck results had provided a practical view of what needed to be focussed on when the new Strategy was being written and an Action Plan developed. A copy of the Action Plan for 2008-2011 was attached to the Report as Appendix I. The latest version of the Tenant and Community Participation Strategy had been approved by the Plain English Campaign and all tenants had been consulted on the Action Plan during September and October 2007.

The Convener, on behalf of the Committee, thanked the tenants for their willingness to work with the Council to produce the Strategy and for their promise to continue to work with Housing staff to develop tenant involvement across Angus in the future.

Councillor Ellis, seconded by Councillor Welsh, moved that a further report be brought back to the next Council meeting on the financial and legal implications of co-opting two tenants' representatives onto the Neighbourhood Services Committee.

COUNCILLOR MILLAR, SECONDED BY COUNCILLOR BROWN, MOVED, AS AN AMENDMENT, THAT THE COMMITTEE:-

- (i) NOTES THE CONTENTS OF THE REPORT;
- (ii) APPROVES THE LATEST VERSION OF THE TENANT AND COMMUNITY PARTICIPATION STRATEGY AND ACTION PLAN 2008-2011; AND
- (iii) NOTES THAT COPIES OF THE FULL TENANT AND COMMUNITY PARTICIPATION STRATEGY 2008-2011 WOULD BE PLACED IN THE MEMBERS' LOUNGE.

On a vote being taken, the members voted:

For the motion:

Councillors Ellis, Evans, Oswald, Palmer, Welsh and West (6);

For the amendment:

Councillors Millar, Brown, Andrews, Fairweather, May, Nield, Salmond, Spink and Mackintosh (9).

The amendment was declared carried and became the finding of the meeting.

*In accordance with the provisions of Standing Order 39(3)(i), Councillors Ellis and Welsh indicated that they wished the matter referred to the Council for a decision.*

#### **14. ANGUS COUNCIL HOUSE GARDEN COMPETITION**

With reference to Article 12 of the minute of meeting of this Committee of 11 October 2007, there was submitted [Report No 502/08](#) by the Director of Neighbourhood Services outlining the format for the 2008 Council House Garden Competition, including arrangements for the prize giving ceremony.

As in previous years, it was proposed that the competition be judged on a geographical basis, i.e. seven burgh areas and three landward areas. Each area would have a first, second and third prize winner, with an added prize for the overall winner. With the addition of the section for disabled tenants and the Director's special award, the total number of prizes would be 35, as detailed in Appendix 1 to the Report.

It was proposed that local housing visitors continue to nominate tenants' gardens to be judged. This ensured that the best gardens in each area were recognised and the tenants rewarded for their efforts. Details of the competition would feature in the next issue of "Housing News" which would be distributed to all tenants in July 2008.

The Committee agreed to note the arrangements for the 2008 Council House Garden Competition.

#### **15. SERIOUS ANTI-SOCIAL BEHAVIOUR CASE - HOUSING REVENUE ACCOUNT TENANTS**

There was submitted [Report No 550/08](#) by the Director of Neighbourhood Services advising the Committee of a case of serious anti-social behaviour and seeking approval, on an individual basis, to sanction eviction.

The Report indicated that anti-social behaviour blighted communities and created a de-stabilising effect that, if not addressed, could seriously affect the quality of life of neighbours as well as the reputation of communities. Angus Council had made it clear that, where behaviour was not modified, the full scope of the law would be used to tackle unacceptable behaviour. In the case detailed in the Report, repeated efforts to address and modify offending behaviour had been rebuffed and the final sanction of eviction was now the only way in which the needs and hopes of the wider community could be fulfilled.

The Committee agreed:-

- (i) to note that all management and support routes had been exhausted in this case; and
- (ii) to endorse the Court's legal sanction of eviction, as detailed in the Report.

#### **16. LEASE OF GROUND AT STRATHAIRLIE AVENUE, ARBROATH**

With reference to Article 13 of the minute of meeting of the Housing Committee of 18 November 2004, there was submitted [Report No 503/08](#) by the Director of Neighbourhood Services seeking approval to lease an area of ground at Strathairlie Avenue, Arbroath to SANA/AUGMENT for a nominal sum of £1 per year until 24 February 2011.

The Report indicated that the area of ground leased to SANA/AUGMENT continued to be surplus to Housing Revenue Account requirements. It was therefore recommended for the reasons detailed in the Report that the nominal sum of £1 per annum be charged for the next three years to assist SANA/AUGMENT in providing this valuable community facility.

The Committee agreed:-

- (i) to note the contents of the Report; and
- (ii) to approve the continuation of the lease at Strathairlie Avenue, Arbroath to SANA/AUGMENT for the nominal sum of £1 per annum until 24 February 2011.

#### **17. DISPOSAL OF AREA OF GROUND AT 14 NEWMANSWALLS AVENUE, MONTROSE**

There was submitted [Report No 504/08](#) by the Director of Neighbourhood Services seeking approval for the disposal of an area of ground at 14 Newmanswalls Avenue, Montrose.

The Committee agreed, subject to Section 12 Consent being received from Scottish Ministers and planning permission for change of use being granted:-

- (i) that the area of ground adjacent to 14 Newmanswalls Avenue, Montrose be sold to the owners of 14 Newmanswalls Avenue, Montrose for the sum of £800 on appropriate terms and conditions; and
- (ii) that the purchaser be responsible for meeting all the Council's legal and survey costs.

#### **18. DISPOSAL OF AREA OF GROUND AT KINLOCH STREET, CARNOUSTIE**

There was submitted [Report No 505/08](#) by the Director of Neighbourhood Services seeking approval for the disposal of an area of ground at Kinloch Street, Carnoustie.

The Committee agreed, subject to Section 12 Consent being received from Scottish Ministers and planning permission for change of use being granted:-

- (i) that the area of ground adjacent to 12 Kinloch Street, Carnoustie be sold to the owner of 12 Kinloch Street, Carnoustie for the sum of £300 on appropriate terms and conditions; and
- (ii) that the purchaser be responsible for meeting all the Council's legal and survey costs.

#### **19. PROVISION OF MONTROSE SWIMMING POOL (CONSULTANTS AND GENERAL UPDATE)**

With reference to Article 18 of the minute of meeting of this Committee of 17 January 2008, there was submitted [Joint Report No 510/08](#) by the Director of Neighbourhood Services and the Director of Corporate Services updating the Committee on indicative costs and funding implications of the Montrose Swimming Pool project and seeking approval to appoint specialist swimming pool consultants. In addition, the Report outlined the phasing of the project and the key milestones that required to be achieved in order to deliver a new Montrose swimming pool for public use on the proposed sports centre/school campus in 2012.

Having heard Councillors May, Salmond and West welcome the Report, the Committee, for its interest, agreed:-

- (i) to delegate authority to the Director of Neighbourhood Services, in consultation with the Director of Corporate Services and the Head of Property, to appoint specialist swimming pool consultants to assist in the progression of the project since the anticipated fee level was likely to exceed delegated authority, with the outcome to be detailed in a subsequent report;
- (ii) to note the contents of the Report taking particular cognisance of the following specific areas of interest:-
  - the need for the project would be subject to a capital project appraisal in accordance with Council policy
  - the current funding that was in place
  - any capital receipt/additional funding would require to be used to reduce overall borrowing
  - the intention to review the phasing of the project in the financial plan when more detailed costing information was available
  - the key milestones

## **20. 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 items, 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.

## **21. CLAIM FOR COMPENSATION FOR IMPROVEMENTS IN EDZELL**

There was submitted [Report No 507/08](#) by the Director of Neighbourhood Services giving details of improvements carried out by a former tenant to Council property not covered by the Statutory Compensation Scheme.

The Committee agreed to authorise an ex gratia payment of £3,365.76 to the executor of the former tenant.

## **22. CLAIM FOR COMPENSATION FOR IMPROVEMENTS IN CARNOUSTIE**

There was submitted [Report No 508/08](#) by the Director of Neighbourhood Services giving details of improvements carried out by a former tenant to Council property not covered by the Statutory Compensation Scheme.

The Committee agreed to authorise an ex gratia payment of £2,953.00 to the former tenant.

## **23. IMPROVEMENTS/ADAPTATIONS GRANT APPLICATIONS APPROVED UNDER DELEGATED AUTHORITY**

With reference to Article 7 above, there was submitted [Report No 509/08](#) 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 1-31 March 2008, in respect of vulnerable people.

The Committee agreed to note the contents of the Report.