

Date: 17 October 2014
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To: Members of the Grounds Maintenance Task and Finish Forum:
(Susie Bond, Christine Drew, Douglas Hull, Jim Knight, Pat Rous,
Pauline Stott, Peter Sullivan)

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Sue Bewes – Landlord Services Manager
Dennis Boobier - Housing Needs and Strategy Manager
Pauline Druce – Street Scene Finance Officer
John Golding – Head of Housing
Andrew Hancock – Street Scene Manager
Andrew Harris – Street Scene Area Manager West
Tim Harris – Street Scene Area Manager East
Joyce Murphy – Estate Management Officer
Mark Pollard – Parks Development Officer
Graham Symington - Housing Asset & Business Development Officer
Mandy White - Accountant

For information:

Councillor Jill Elson – Portfolio Holder, Sustainable Homes and Communities
Councillor Stephanie Jones – Deputy Portfolio Holder, Sustainable Homes and Communities

Meeting of the Grounds Maintenance Task and Finish Forum
Friday 24 October 2014 at 10am
Room One, Knowle, Sidmouth

AGENDA

Page/s

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| 1. | To receive any apologies for absence. | |
| 2. | To receive the notes of the meeting held on 24 April 2014 | 4 - 6 |
| 3. | To receive any declarations of interest relating to items on the agenda. | |
| 4. | Update on re-measure housing areas – Paul Johns/Mark Pollard. | Verbal |
| 5. | Date of next meeting. | |

Decision making and equality duties

- The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions.

- An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports.
- Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken.
- Where there is a high or medium equalities impact Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Getting to the Meeting – for the benefit of visitors



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The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546

EAST DEVON DISTRICT COUNCIL

Notes of a meeting of the Grounds Maintenance Task and Finish Forum held at Knowle, Sidmouth on 25 April 2014

Present:

Councillors:
Christine Drew
Pauline Stott

Tenant:
Pat Rous

Officers:

Sue Bewes – Landlord Services Manager
Andrew Harris – Street Scene Area Manager, West
Tim Harris – Street Scene Area Manager, East
Andrew Hancock – Street Scene Manager
Mark Pollard – Parks Development Officer
Debbie Meakin - Democratic Services Officer
Graham Symington – Housing Asset & Business Development
Officer
Mandy White – Accountant

Apologies:

Councillors:
Susie Bond
Peter Sullivan

Officer:
Giles Salter - Solicitor

The meeting started at 10.00am and ended at 11.35am.

***33 Minutes**

The notes of the meeting held on 17 January 2014 were confirmed as a true record.

***34 Update on recruitment of grounds maintenance apprentice to re-measure housing areas**

Mark Pollard outlined the selection criteria for the post, and the background to the successful candidate who starts work on 28 April 2014. Maps and inventory location summaries were circulated to the Forum to illustrate what the newly appointed officer, Paul Johns, would be undertaking.

Technology provision had been made for the officer to update information on the inventory whilst on site; the Forum agreed that the IT kit provided must have the correct software to allow production of a GIS housing land overlay for future use for the Council. Officers would check to ensure that arc map software was on the

equipment provided to ensure that this work would be carried out. It was also felt useful to capture the present assumed size and location of land to compare to the actual data found at the end of the re-measuring exercise.

***35 Garden licences update**

Following the decision to regularise management of garden licences, work had progressed on the existing licences. The total now stood at 120, a reduction from 144 due to most being transferred to the Estates team for management as they are not on housing land. Once licence has been revoked, when the licensee gave up the running of their playgroup business.

Where land is housing land in non tenanted areas, the officer covering the work has established where income continues to outweigh the cost of maintenance.

Overall the aim is that licence fees will be increased at sign up and annual review, so that a regularised sum is charged according to the size of land under licence – work is underway with the Legal team to relate the charge per square metre.

Once the current licences are regularised, work will begin with the Housing Enabling Officer on areas that may be appropriate for new housing.

***36 Maintenance of previously sold Council housing land**

Sue Bewes reminded the Forum of the element of rent put towards grounds maintenance and the perceived unfair difference between the contribution from the tenant via rent plus council tax and the owner of a sold property just through council tax. Questions previously raised by the Forum in discussion on the topic were:

- Why this occurred
- It appeared morally wrong
- It appeared unfair to tenants
- Fewer tenants due to house sales meant that the academic contribution was higher per tenant

The Forum agreed that it was an emotive subject and were aware of the issue being frequently raised both by officers and tenants. The issue was summed up as tenants having to bear the costs of maintaining land which provides common amenity for people who bought their ex-council homes under the Right to Buy.

Examples of different estates, illustrating the different mix of sold properties, tenanted properties, and sheltered housing, were used to help the Forum understand the academic cost to tenants. In answer to a question, the debate on the issue was not for the intent of reducing rent – it was to have best use of the HRA account for the benefit of tenants.

The three options considered by the Forum were:

- Charge the purchaser under the right to buy scheme for grounds maintenance for future sales (cannot be enforced retrospectively);
- No change to current arrangements (as evidenced by social landlords elsewhere)
- Remove grounds maintenance provision for estates once entire estate has been sold under RTB

Legal advice had been prepared by Giles Salter, Solicitor, outlining findings from the Two Rivers case where retrospective service charges were found to be unenforceable. It was possible, legally to impose an estate maintenance charge in the future on any freeholder/leaseholder of right to buy properties, but there were administration implications. Concern was highlighted on the frequency that properties changed hands and the burden on monitoring and collection of charges. There was also the issue of if new RTBs should carry the burden of the costs of those who had bought in previous years. Some options outlined by Mr Salter covered:

- Reduced maintenance regimes
- Encouraging private owners to maintain communal areas but only at their own risk for insurance purposes
- Explore the setting up of an Estates Maintenance Management Company
- Using larger communal plots to build new housing
- Doing nothing.

Mandy White, Accountant, explained the practical implications to the Forum of the implementation of a new charge to those purchasing under the RTB scheme. It is not economic for the Council to raise an invoice for less than £50; and there were economic implications if an unpaid charge had to be taken to court to recover. There were also administrative implications that would be charged to the HRA account – would these charges, and the possibility of unpaid charges, plus the actual cost of the grounds maintenance, easily outweigh the income? If so, there was no point in introducing the charge.

The Forum discussed the options available once an entire estate had been sold. A previous case existed as good practice – Brinkburn Court – which could be used as an example of handing back the responsibility to the owners of the property. Cranbrook had already set up a management company for maintenance.

Overall, the Forum agreed that tenants received good value for their rent level, and this included grounds maintenance as one element of that charge. Private sector maintenance charges were considerably higher.

In conclusion the Forum felt that:

- Introducing a new charge for RTBs in the future would not be economical or practical due to the administration required, and the unfairness that may be perceived by some that retrospective charges cannot be put in place;
- The current system should continue
- Once a whole estate falls under leaseholders, and where a succinct boundary can be established, the area is considered for grounds maintenance withdrawal following the Brinkburn Court model.

*37 **Future meetings**

All issues raised by the Forum had now been addressed, with the exception of the measurement of housing areas. In light of the recent appointment of an officer to carry out the measurement, the Forum agreed that it would be helpful to receive an update on the work completed in September 2014, date and time to be agreed.