

COMMUNITY SERVICES COMMITTEE

12th July 2001

PRESENT:-

Labour Group

Councillor Southern (Chair), Councillor Lauro (Vice-Chair) and Councillors Carroll, Dunn, Ford, Mrs. Mead, Stone, Taylor and Whyman.

Conservative Group

Councillors Hood and Lemmon.

In Attendance

Councillors Bell, Richards and Southerd (Labour Group) and Councillor Mrs. Robbins (Conservative Group).

APOLOGY

An apology for absence from the Meeting was received from Councillor Douglas (Conservative Group).

CS/1. **MINUTES**

The Open Minutes of the Housing & Environment Committee Meeting held on 5th April 2001 and of the Leisure Services Committee Meeting held on 12th April 2001 were taken as read, approved as true records and signed by the Chair.

CS/2. **PUBLIC QUESTION TIME**

Mrs. S. Hubbard, a member of the Tenants Advisory Consultation Team and a Resident Warden, questioned "why are the elderly in sheltered housing and some competent Wardens being made scapegoats for the totally incompetent and unprofessional senior management?".

The Chair felt that it was unfortunate that the question had been put in such a way and although inadequate notice had been provided he explained that the recent Best Value Review for Sheltered Housing had identified a number of weaknesses which the Council was addressing. Proposals had been made and were currently subject to consultation with employees, trade unions, social services, the health and voluntary sectors. As part of that consultation process, tenants and employees would have the chance to meet Members and air their views, before any decision was made.

CS/3. **HOUSING STRATEGY DEVELOPMENT WORKING PANEL**

The Minutes of the Meeting of the Housing Strategy Development Working Panel held on 17th April 2001, attached at Annexe 'A' were received.

MATTERS DELEGATED TO COMMITTEE**CS/4. INTRODUCTION OF FIXED PENALTY NOTICES FOR DOG FOULING**

It was reported that areas of South Derbyshire had been designated for the purposes of the Dogs (Fouling of Land) Act 1996. The Act enabled authorised officers to serve Fixed Penalty Notices for offences under the Act. As part of the Best Value Review of Cleansing the Environment, a benchmarking exercise had been undertaken with other authorities to compare levels of enforcement. This had revealed that a significant number of other authorities issued fixed penalty notices. It was proposed to bring into force the provisions relating to fixed penalty notices and the current specified level of fine was £25. It was suggested that the Dog Warden and other relevant members of staff within the Environmental Health Division be authorised initially to enforce these provisions and that other relevant persons be identified to maximise enforcement of the provisions. Members discussed the enforcement role and the use of discretion in certain instances.

RESOLVED:-

That the introduction of Fixed Penalty Notices under the provisions of Section 4 of the Dogs (Fouling of Land) Act 1996, be approved.

CS/5. AUTHORISATION OF OFFICERS FOR HEALTH & SAFETY AT WORK ETC. ACT 1974 AND FOOD SAFETY ACT 1990

The Committee was reminded of the powers available to an enforcing authority under the provisions of the above legislation. Amendments were required to the list of authorised officers following recent appointments and resignations from the Council.

RESOLVED:-

(1) That the Committee confirms the authorisation of Louise Miller and Mark Toplass and that they be authorised as Inspectors under the Health and Safety at Work Etc. Act 1974 to undertake the following duties:-

(a) As an Inspector under Section 19 of the Health and Safety at Work etc. Act 1974 for the purpose of administering the relevant provisions of Section 20(2) of the said Act, i.e. Section 20(2), (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m), and authorise them to institute legal proceedings in respect of contraventions arising out of the exercise of their duties under (b) Section 20 of the said Act.

(b) Further, that they be authorised to serve Improvement Notices under Section 21 and Prohibition Notices under Section 22 of the Act.

(c) Also that they be authorised for the purpose of:

(i) Any Health and Safety Regulation

- (ii) *The provisions of the Acts mentioned in Schedule 1 of the Health and Safety at Work Etc Act 1974 which are specified in the third column of that Schedule and of the Regulations, Orders, or other instruments of a legislative character made or having effect under any provisions so specified.*
 - (d) *In respect of any act done by them in execution or purported execution of their duty, if they are satisfied that the officer honestly believed that they were acting within the powers and duties required by them.*
- (2) *That the Committee confirms the authorisation of Louise Miller and that she be authorised under the provisions of the Food Safety Act 1990 to undertake the following duties:-*
- (a) *Section 32(1)(a), (b) and (c) which are powers in relation to an officer's right to enter food premises.*
 - (b) *Section 9 – powers in relation to the inspection and seizure of suspected food.*
 - (c) *That she be Authorised to Serve Improvement Notices under Section 10 and Emergency Prohibition Notices under Sections 11 and 12 of the Act.*
 - (d) *That she be Authorised for the purpose of enforcing or executing any regulations or orders made under the Act.*
 - (e) *Section 29 – powers in relation to the procurement of samples.*
 - (f) *That in accordance with Section 44 of the Act, the Council indemnifies the officer in respect of any act done by her in execution or purported execution of her duty, if it is satisfied that the officer honestly believed that she was acting within the powers and duties required by them.*
- and that she be authorised to institute legal proceedings in respect of contraventions arising out of the exercise of her duties.*
- (3) *That the Committee confirms the authorisation of Mark Toplass and that he be authorised under the provisions of the Food Safety Act 1990 to undertake the following duties:-*
- (a) *Section 32(1)(a), (b) and (c) which are powers in relation to an officer's right to enter food premises.*
 - (b) *That in accordance with Section 44 of the Act, the Council indemnifies the officer in respect of any act done by him in execution or purported execution of his duty, if it is satisfied that the officer honestly believed that they were acting within the powers and duties required by them.*

- (4) That the following officers be deleted from the list of authorised officers for the Health and Safety at Work etc. Act 1974 and the Food Safety Act 1990:**

Karen Carpenter and Amanda Wilcox (from 14th July 2001)

CS/6. **BEST VALUE REVIEW – SHELTERED HOUSING AND THE WARDEN SERVICES – SHELTERED HOUSING AND THE WARDEN SERVICES**

It was reported that the Best Value Inspection Service published the final report into the Council's Sheltered Housing and Warden Services on 14th July 2001. A copy of the report had been circulated with the agenda. Following the interim challenge process an action plan had been prepared to improve the service, resulting in a revised scoring of a "poor service; unlikely to improve". The Committee was reminded of the key recommendations made by inspectors and the action taken to date.

Consideration was given to the inspection process and the review document itself. The document had been based on five days' on-site analysis whereas the Best Value Review Team had taken some twelve months in making its submission. There was a perception that the document had concentrated on negative aspects of the service without recognising examples of good practice and the dedicated service provided by Wardens. There was recognition of the inequalities in service provision and the need to examine and address various issues. Officers explained the proposals to work with others to ensure a standardised approach and minimum standards of service provision.

RESOLVED:-

- (1) That the findings of the Best Value Inspector's report be noted.**
- (2) That the Committee agrees the proposed minimum standards and service standards for the revised service.**
- (3) That further work on revising the allocation policy for sheltered housing and the standards of accommodation be undertaken as part of the Best Value Review of Housing Services due to start in September 2001.**

CS/7. **WALKING THE WAY TO HEALTH PROJECT**

At its Meeting on 7th December 2000, the Leisure Services Committee approved a pilot project called Walking the Way to Health/Green Gym. The project proved to be very successful and a detailed project report was provided. The Walking the Way to Health scheme had been developed by the Countryside Agency and the British Heart Foundation to use walking as a way to create a healthier nation. It was based on the formation of a local partnership to develop walking opportunities for people who would benefit from adopting increased levels of walking activity. The initiative included a programme of led walks, the establishment of walking groups and production of walks' leaflets. The Programme was radically affected by the Foot and Mouth outbreak with the closure of rural footpaths.

The "Green Gym" was a development of the exercise referral idea and used environmental activity such as tree planting, hedge laying and allotment

tending to achieve physical activity and a consequent health benefit. The pilot project received financial support and those partners involved wished to participate in a longer term initiative.

To develop the project, it was proposed to make an application to the New Opportunities Fund for assistance towards the cost of a three-year appointment of a part-time project co-ordinator/contractor. Meetings had taken place with the regional office of the Countryside Agency which was positive about the proposed expanded scheme. A Stage 1 application had been approved and encouragement provided on the submission of a Stage 2 bid based on the aims and objectives reported. Approaches had been made to a number of partners which were willing to invest financially in the proposed project. The total cost of delivering the project was £90,000 and the required contribution from the Council was £5,000 being £1,000 per year for 3 years from the Environmental Health Promotion budget and £2,000 underspend from the pilot project. In addition, the scheme would involve the provision of office and administration support from the Community and Leisure Development Unit.

RESOLVED:-

That a Stage 2 application be submitted to the New Opportunities Fund for funding towards this three year project.

CS/8. **CRIME AND DISORDER ACT (1998)**

Members were reminded of the Council's statutory responsibilities under Section 17 of the Crime and Disorder Act 1998. Essentially, Parish, District and County Councils were required to take into consideration the crime and disorder implications of everything they undertook. A further requirement of the Act was that councils must develop a corporate strategy for crime and disorder to identify responsible officers in each department and have an action plan for reducing crime. To ensure compliance with Section 17 of the Act a programme of training and strategy development was proposed to involve all Members, officers and staff of the Council. The new Community Safety officer would work closely with existing staff to undertake the work that was required to ensure Section 17 compliance.

The South Derbyshire Crime and Disorder Strategy was now in its third year of operation and a revised approach had been undertaken to address key crime and disorder issues throughout the District. A number of action groups had been established involving representatives from other agencies with a key interest in that area. Each group would be under the stewardship of a Chief Officer or member of the Crime and Disorder Strategic Group and would include elected Members to bring community representation to the issue. The action groups were domestic burglary, car crime, substance misuse, domestic violence, violent crime and youth nuisance and disorder. Consideration was also given to the Milestone document for the Crime and Disorder Partnership for 2001/02, a copy of which was appended to the report.

RESOLVED:-

- (1) That Members approve the programme for delivering Section 17 training across the Council and the process for ensuring that the policy and practice of the Council is compliant with Section 17 of the Crime and Disorder Act 1998.***
- (2) That the Crime and Disorder Partnerships 2001/02 Milestone Document be noted and that the new Action Groups be supported where appropriate.***
- (3) That Member nominations be sought for participation in the identified action groups.***

(Note: at 6.45 p.m. Councillor Lemmon left the Meeting).

CS/9. ANTI-SOCIAL BEHAVIOUR ORDERS

The Committee's approval was sought to the implementation of an Anti-Social Behaviour protocol for South Derbyshire. Anti-Social Behaviour Orders (ASBOs) were introduced by the Government in April 1999 with the aim of targeting and reducing activity of an anti-social nature. Orders could be requested for a wide variety of anti-social behaviour and details were provided of the types of offences and levels of punishment for breach of such an Order.

Guidelines had been produced to spread good practice in the use of ASBOs. It was recommended that each Crime and Disorder Partnership should have an agreed protocol and that there should be a designated ASBO Co-ordinator. Similarly, there should be a named person in each local authority to co-ordinate action on anti-social behaviour from the local authority's perspective. It was intended that the Police Liaison Officer who was part of the Partnership Support Team would act as the co-ordinator in South Derbyshire. It was also proposed that the Legal and Members' Services Manager be designated as the Local Authority Officer with the Community Safety Officer being responsible for collating evidence. A protocol had been prepared for the South Derbyshire Crime and Disorder Partnership which had been agreed by the Partnership's Strategic and Steering Groups and would specifically be used by the recently formed Youth, Nuisance and Disorder Action Group to reduce the incidence of anti-social behaviour in South Derbyshire.

RESOLVED:-

- (1) That approval be given in principle to the Crime and Disorder Partnership Protocol to address anti-social behaviour in South Derbyshire.***
- (2) That the Legal and Members' Services Manager be designated as the anti-social behaviour co-ordinator from a local authority perspective.***

CS/10. CONSULTATION ON PROPOSALS BY DERBYSHIRE DALES AND SOUTH DERBYSHIRE PCG

It was reported that the Derbyshire Dales and South Derbyshire Primary Care Group (PCG) was consulting on proposals to convert to Primary Care Trust status with its current boundaries and constituent general practice. A copy of the consultation document had been circulated previously and views were sought on the proposed changes to management arrangements within the area. The existing PCG had achieved improvements in primary care and the services available to local people by working in partnership with other agencies including the Council.

The Primary Care Trust (PCT) would be an independent statutory body and would have a choice on managing certain community health services provided by the local community NHS Trust. The PCG sought to deliver even more health benefits to local people and pledged that it would achieve specific objectives in year 1.

Comments were sought to a number of specific questions and these were detailed in the report with suggested responses. The PCG was holding two public meetings in South Derbyshire and details of those meetings were provided.

RESOLVED:-

- (1) That the Council supports the Derbyshire Dales and South Derbyshire Primary Care Group proposal to convert to Primary Care Trust status with the current boundaries and constituent general practices.***
- (2) That support be expressed for the proposed range of services that the Trust will manage.***

CS/11. LAND OFF WILLIAM NADINS WAY, SWADLINCOTE

Members were reminded of the existing objective to improve the visual amenity of principal routes into Swadlincote Town Centre. In this context, Groundwork Erewash Valley had been in negotiation with the owners of the Robian Way Industrial Estate to use part of the site for a landscape scheme adjacent to William Nadins Way. A scheme of woodland screen planting was proposed and this would be funded through grant aid from the SRB2 Facelift Programme. The first five years of maintenance would be met from a grant from the East Midlands Development Agency Environmental Fund.

It was proposed that subsequent maintenance be incorporated into this Council's general maintenance programme. The Council's policy was normally to accept amenity land with a commuted sum equivalent to the cost of ten years maintenance. Negotiations were at a critical stage and the landowners were reluctant to offer more than the value of the land as their matched funding contribution to the grant. The transfer of the land at peppercorn would still involve the costs of conveyancing at an estimated £250 of staff time falling to Legal Services Section.

RESOLVED:-

That the Council accepts future maintenance liability for this proposed amenity land, five years from completion of the scheme and approves the proposed in-kind matched funding through the use of staff time.

CS/12. **2001 HOUSING INVESTMENT PROGRAMME**

(Note: At 7.25 p.m. Councillor Southerd and Richards left the Meeting).

It was reported that following consultation, the Government had put in place revised arrangements for the Housing Investment Programme. This followed the introduction of the Single Capital Pot and a new financial framework for Council housing, being the introduction of a major repairs allowance and housing revenue account business plans. There was an increased focus on the local authority's strategic housing role, particularly relating to community planning. The Housing Policy Statement "The Way Forward for Housing" stressed the importance of authorities' strategic housing role. The other key area of local authority housing activity was the landlord function and the Housing Policy Statement made it clear that authorities should have clear and separate objectives for the strategic and landlord functions. There had been a shift in the assessment of authority's performance on housing, which was now based around the quality of the Housing Strategy and where relevant, the HRA Business Plan. A second Housing Strategy Annual Update report was being prepared to reflect the latest guidance and the achievements made over the past twelve months. A copy of the draft document was appended to the report.

The Best Value Review of the Council's Housing Services would commence in September 2001 and this would inform a fundamental update of the Council's Housing Strategy. The Council was also required to submit detailed statistical appendices on a range of housing issues. The draft HRA Business Plan had been submitted last year and this document was being finalised based on feedback received on the draft document. To develop Members' understanding of the range of options available a seminar had been arranged for 25th July 2001. This would provide information on the range of strategic stock investment options and feed into the Best Value Review and future HRA Business Plans.

Members considered the financial implications and how resources were allocated through this process.

RESOLVED:-

- (1) That the detail of the required content of the 2001 Housing Investment Programme submission be noted.***
- (2) That the financial proposals for the Housing Capital Programme for the period 2001/02 – 2003/04 be approved for submission as part of the Housing Investment Programme and subsequent consideration as part of the Council's future Capital Programme under the Single Capital Pot.***

- (3) *That authority be delegated to the Head of Community Services and the Chief Finance Officer in consultation with the Chair and Vice-Chair of the Committee to finalise the 2001 Housing Investment Programme submission.*

CS/13. **LOCAL GOVERNMENT ACT 1972 (AS AMENDED BY THE LOCAL GOVERNMENT [ACCESS TO INFORMATION] ACT 1985)**

RESOLVED:-

That, in accordance with Section 100(A)(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraphs of Part 1 of the Schedule 12A of the Act indicated in brackets after each item.

MINUTES

The Exempt Minutes of the Housing & Environment Committee Meeting held on 5th April 2001 and of the Leisure Services Committee Meeting held on 12th April 2001 were received.

LAND OFF 27 WINDSOR CLOSE, NEWHALL (Paragraph 9)

The Committee agreed to dispose of an area of land on terms to be negotiated.

PLANNED MAINTENANCE WORKS 2001/02 CYCLE 4 (Paragraph 8)

The Committee approved options for the delivery of Cycle 4 of the Planned Maintenance Scheme.

HOUSING RECHARGEABLE REPAIRS AND ASSOCIATED WRITE-OFFS (Paragraph 7)

The Committee authorised the write-off of sums due to the Council and recommended that the Finance and Management Committee authorise the write-off of further accounts in accordance with Financial Regulations.

RESTRICTING THE RESALE OF SOCIAL HOUSING (Paragraph 13b)

The Committee agreed to submit an application to the Secretary of State to impose restrictions on the resale of social housing.

RIGHT TO BUY – COUNCIL HOUSE SALES (Paragraph 9)

The Committee authorised an extension to a contract for the preparation of conveyance plans associated with the sale of Council houses.

ROSLISTON FORESTRY CENTRE (Paragraph 7)

The Committee authorised the extension to the Management Contract and considered the introduction of car parking charges.

R.W. SOUTHERN

CHAIR