



**MINUTES OF A MEETING OF THE Sustainable Growth Scrutiny Committee HELD AT
THE Bourges/Viersen Room - Town Hall ON 13 October 2011**

Members Present: Councillors C Burton (Chairman), N Arculus, D Day, E Murphy, J Peach and N Sandford

Also Present: J Pusey, Peterborough Youth Council
Councillor D Seaton, Cabinet Member for Resources
D Martin, Regional Managing Director, Enterprise
R Oldfield, Transformation Director, Enterprise

Officers Present: John Harrison, Executive Director of Strategic Resources
Paul Phillipson, Executive Director of Operations
Simon Machen, Head of Planning, Transport and Environment
Anne Keogh,
Matthew Hogan,
Dania Castagliolo, Governance Officer
Jenny Harris, Lawyer - Property
Louise Tyers, Compliance Manager

1. Apologies for Absence

Apologies for absence were received from Councillors Allen and Fower. Councillor Sandford was present as substitute for the Liberal Democrat Group.

2. Declarations of Interest and Whipping Declarations

Councillor Sandford declared a personal interest in item 8 – Planning Policies Development Plan Document - as he was employed by the Woodland Trust.

3. Minutes of Meeting held on 6 September 2011

The minutes of the meeting held on 6 September 2011 were approved as a correct record.

4. Call In of any Cabinet, Cabinet Member or Key Officer Decisions

Peterborough City Council's Response to the Draft National Planning Policy Framework

A request for call-in of the decision made by the Cabinet Member for Housing, Neighbourhoods and Planning had been received from Councillors Murphy and Sandford.

The request for call-in stated that the decision had not followed the principles of good decision making as set out in Article 12 of the Council's Constitution, specifically that the Cabinet Member had not realistically considered all alternatives and, where reasonably possible, considered the views of the public.

In support of the request Councillor Sandford made the following points:

- The Cabinet Member did not consult with members of the public or other members of the Council.

- This was not an isolated incident and there needed to be a review of the process in responding to consultation documents so that the views of scrutiny could be put forward.
- Whilst accepting that in some cases there was an urgent need to respond to consultations this consultation had been published for three months.
- He had no major issues with the comments made in response to the consultation but his issues were around the process.
- The decision should be called in and referred back to the Cabinet Member to ensure that he took in the views of scrutiny.

Councillor Murphy supported the views made by Councillor Sandford. Planning policy was a big issue in Peterborough and it should have been expected that there would have been a higher level of consultation however he thought the response was excellent and challenging.

In responding to the request for call in, the Head of Planning, Transport and Environment made the following comments:

- He was pleased that the members were supportive of the comments made in the consultation response.
- Authority to respond to consultation documents was delegated to the Executive Director, however due to the importance of wider consultation in this case the Planning and Environmental Protection Committee had also been consulted and had made comments and this went above the Constitutional requirements.

Comments and observations were made around the following areas:

- Some members of the Committee shared the concerns that scrutiny had not been asked for their views, however they felt that this was not the appropriate forum to raise those concerns.
- The consultation document was open to public consultation by the Government and anyone could have put their views forward.
- Some members believed that the wrong grounds for call in had been used, should the correct reason be that the Cabinet Member had not followed procedures correctly and was not fair.
- Councillor Sandford advised that he was not aware that the document had been considered by the Planning and Environmental Protection Committee, however as that committee was responsible for making decisions on planning applications should they have been consulted. Planning policy should be scrutinised by scrutiny.
- The Head of Planning, Transport and Engineering advised that the consultation document was a material consideration when considering planning applications from the date it was published. Scrutiny should be responsible for scrutinising local planning policy.

Following the discussion on the merits of the call-in, Councillors Murphy and Sandford withdrew their request and therefore the decision was able to be implemented with immediate effect.

5. Draft Housing Strategy 2011-15 (Incorporating the Peterborough Strategic Tenancy Policy)

The report presented the Draft Peterborough Housing Strategy 2011-15 and incorporated the Peterborough Strategic Tenancy Policy.

The Housing Strategy was the overarching housing-related strategy in Peterborough and was a statutory requirement. The Strategy defined the key objectives for the housing agenda between 2011-15 and the priorities for action. It set out the role that the housing agenda would play in helping the Council and its partners to meet its key strategic objectives. The Strategy had been produced in collaboration with a wide range of partners.

The Strategy had four objectives, which were:

- To support the delivery of substantial yet sustainable Growth
- To secure the regeneration and improvements to Peterborough's housing stock
- To meet existing and future housing needs
- To create mixed and sustainable communities

To Support the delivery of substantial yet sustainable Growth

The emerging proposals for this objective were to:

- Retain the Council's housing growth targets
- Adopt the Community Infrastructure Levy by 2012/13
- Encourage development and protect against loss of prestige homes
- Encourage growth of purpose built student accommodation
- Utilise council land to support growth
- Introduce the Local Authority Mortgage Scheme
- Support the accommodation requirements of the City Hospital

To secure the regeneration and improvements to Peterborough's housing stock

The emerging proposals for this objective were to:

- Remove all category one hazards from 350 private sector dwellings per annum
- Improve the thermal efficiency of 100 private dwellings per annum
- Bring 80 long term empty properties back into use per annum
- Produce a 'Green Deal' implementation strategy
- Introduce measures to encourage homeowners to improve the energy efficiency of their properties

To meet existing and future housing needs

The emerging proposals for this objective were to:

- Actively support the 'affordable rent' delivery model
- Review existing Section 106 agreements to facilitate new affordable homes
- Take a flexible approach to achieving the affordable housing tenure split as set out in the Core Strategy
- Adopt and publish a strategic tenancy policy
- Publish a new Homelessness Strategy

To create mixed and sustainable communities

The emerging proposals for this objective were to:

- Explore the feasibility of introducing a mechanism through the planning system that will help to manage the number and density of new Houses in Multiple Occupation in particular neighbourhoods
- Support community-led housing solutions
- Conduct a refresh of the current housing allocations policy

- Ensure that community sustainability is a key consideration at the master planning stage of new housing development

The Strategic Tenancy Policy was being developed as part of the Government's housing reforms in which Registered Social Landlords (RSLs) had been granted a range of additional flexibilities including:

- Being able to offer fixed term tenancies as well as lifetime tenancies
- Determining the length of tenancy offered to each tenant on an individual basis
- Devising criteria that would determine whether to renew a tenancy at the end of a fixed term
- Building new homes and converting existing stock on re-let to the new 'affordable rent' tenure

Whilst RSLs would be expected to set out their own policies on the new flexibilities, the Government was keen to ensure that local authorities retained a degree of strategic influence. The Strategic Tenancy Policy set out the broad objectives to be taken into consideration when RSLs were devising their policies but RSLs would be expected to give due regard to an authority's Strategic Tenancy Policy.

The Policy had four themes, which were:

- Ensuring Affordability
- Tenancy Flexibilities
- Appropriate Move-on
- Protecting Tenant Mobility

Ensuring Affordability

The key statement for this theme was that the Council wanted to ensure that rents remained affordable.

The Policy advocated:

- Rents charged for 'affordable rent' properties should not exceed the Local Housing Allowance (LHA). This would prevent excessive rents in high value areas.

Tenancy Flexibilities

The key statement for this theme was that flexibilities should be applied in a manner that did not undermine social investment in communities and provided stability to the most vulnerable tenants.

The Policy advocated:

- Fixed term tenancies should normally be for a minimum of five years
- Two year tenancies should only be used in exceptional circumstances
- Longer tenancies may be appropriate for those with long-term, but not life-long, support needs
- Lifetime tenancies should be retained for those with life-long needs
- Housing provided should seek to renew a tenancy at the end of a fixed term.

Appropriate Move-on

The key statement for this theme was that tenancy flexibilities should not be applied in a manner that increased homelessness.

The Policy advocated:

- RSLs providing advice and assistance to tenants whose tenancies they had decided not to renew
- That when not renewing a tenancy, RSLs liaised with the tenant at the earliest opportunity to make them aware of their intentions

Protecting Tenant Mobility

The key statement for this theme was that the Council wanted to ensure that the reforms did not restrict the mobility of existing tenants in the social rented sector.

The Policy advocated:

- Social rented tenants should be allowed to retain their existing security of tenure if they chose to transfer
- RSLs taking a responsible view when determining the type, size and location of the stock that they converted to the affordable rent tenure
- Housing providers were mindful of the impact of the conversions upon the tenure profile and overall sustainability of the communities in which they operate

The draft Strategy would be considered by Cabinet in November 2011 and would then undergo four weeks of consultation. The final Strategy would be considered again by Cabinet in February 2012.

Comments and observations were made around the following areas:

- The draft Strategy needed to be proof read fully before it was considered by the Cabinet.
- Policy HS34 makes reference to ensuring effective integration of affordable housing provision in developments through a 'pepper potting approach'. What was meant by 'pepper potting'? *It was about taking the wider needs of an area into account and avoiding a whole area being identified as an affordable housing site.*
- What was the validity of Policy HS34 being in the document? The Council's policy was to look for a step up in the quality of developments and in some developments clusters of housing association homes could depress the quality, prestige and price of a development. *The Affordable Housing Strategy was set by the Core Strategy and not the Housing Strategy. The Policy was about avoiding an over concentration of certain tenures by trying to create mixed communities. It was about getting the right balance however in some areas it might not be appropriate to include affordable housing.*
- What evidence was there that 'Pepper Potting' worked? *Work had been undertaken around studies of large developments and the tensions within those communities.*
- The interpretation of 'Pepper Potting' needed to be clarified within the document. *It was suggested that the wording of the paragraph before the policy and the policy could be amended to read:*

Furthermore, to promote social cohesion Council encourages an integrated approach to affordable housing provision on new development rather than social segregation. This involves the Council working with developers and housing association partners to create a mix of affordable housing dwellings and private dwellings throughout the

development in an attempt to minimise social exclusion and encourage mixed communities.

Policy HS34

In its role as housing enabler, the Council will work with developers and housing associations to ensure affordable housing provision is effectively integrated into new development.

- How would the Strategy be affected by uncontrollable issues such as Government changes in policy, for example rent restrictions? *The Strategy did make reference to the changes in the benefit system and that was also referred to in the draft Strategic Tenancy Policy.*
- The Strategy made reference to only supporting residential development proposals which made a clear contribution to our Home of Environment Capital aspirations; however it was vague on the importance of open space. *Open space was dealt with through the Planning Policies and not the Housing Strategy. A report on the draft Planning Policies would be considered later on the agenda.*
- Were we achieving the current 30% requirement for affordable housing in developments? *We were currently in a position where we were delivering more affordable housing but that was because of the current market position. 30% was a starting point but issues around viability needed to be considered. In the future we may be in a different position but flexibility was needed in the Policy.*
- The Strategy says that the Council would make land available to deliver housing growth, what land would be made available and would this lead to the loss of open space and allotment land? *Planning policies already protected open space from development. If we were to allow development on allotments we would be required to obtain approval from the Secretary of State and prove that the allotments were not required.*
- A number of Motions around Green Deal and renewable energy had been approved by Council, why were they not mentioned in the Strategy? *This was an area of planning policy and a Supplementary Planning Document would be coming forward around this issue. We could however signpost in the Housing Strategy to the forthcoming Planning Document.*
- Is the government land which is to the West of Castor included within the document? *That area of land is the government's however they had indicated that they would sell of surplus land. Allocation of the land for housing would be dealt with through the Local Development Framework and not this Strategy.*
- Should the Housing Strategy and Strategic Tenancy Policy be two separate documents? *They were two distinct policies but at the moment the Strategic Tenancy Policy was an appendix to the Housing Strategy.*
- Does the Strategic Tenancy Policy enable landlords to move towards fixed term tenancies and flexibility of rents? *Affordable rent would only be able to be applied if the RSL received funding from the HCA, in Peterborough this would only apply to Cross Keys Homes. Cross Keys were still developing their own policy and wanted to make it work.*
- The Policy did not include criteria for assessing people made involuntary homeless. When a tenant received a notice to quit the Council should get involved at an early stage. A statement should be included on how the Council would deal with these

cases. *Homelessness was not dealt with within this Policy as it was already dealt with through Statute and case law. A revised Homelessness Strategy would be coming to scrutiny in the near future and that was the appropriate document to deal with homelessness issues. The Allocations Policy also determined the priority for housing.*

- The policies were lined as it was a balancing of the rights of private landlords and the speed at which action would be taken to rehouse tenants. *The Strategic Tenancy Policy related to the housing reforms and was the link between the Council's needs and the RSLs. The Homelessness Strategy covered the process leading up to someone being made homeless and not just dealing with them when they were homeless.*

RECOMMENDATIONS

- (i) That Cabinet be recommended that the final paragraph of the section 'Ensuring a varied housing offer that supports mixed communities' and Policy HS34 be amended as follows:

Furthermore, to promote social cohesion Council encourages an integrated approach to affordable housing provision on new development rather than social segregation. This involves the Council working with developers and housing association partners to create a mix of affordable housing dwellings and private dwellings throughout the development in an attempt to minimise social exclusion and encourage mixed communities.

Policy HS34

In its role as housing enabler, the Council will work with developers and housing associations to ensure affordable housing provision is effectively integrated into new development.

- (ii) That the Peterborough Strategic Tenancy Policy be recommended to the Cabinet.

ACTION AGREED

That officers ensure that the draft document be fully proof read and corrected before being presented to Cabinet.

6. Enterprise Peterborough

The Chairman welcomed Dave Martin, Regional Managing Director and Richard Oldfield, Transformation Director from Enterprise to the meeting.

The Enterprise Peterborough partnership had been launched just over six months ago. Generally the partnership had worked well and there had been progress in a number of service areas and successes. Due to the nature of the partnership, there had been a few challenges in the early and where such challenges had emerged, the Council had worked hard with Enterprise to understand the issues, resolve them, learn from them and move forward.

The following were an example of some of the key service delivery and improvements that had taken place in during the first six months:

- There were some 102 key performance indicators for Enterprise to meet under the partnership and no defaults had been recorded for failure to perform;

- Recycling levels averaged 44.25% per month against a 46% target for 2011/12;
- An average of 64.59 tonnes of fly-tipped waste had been collected each month;
- Enterprise had worked closely with the Council's enforcement team to gather evidence to assist in enforcement action against unlawful fly tipping;
- Action had to be taken to remove 36 unauthorised travellers encampments within the Council's boundaries;
- Enterprise had responded to a number of media enquiries on travellers in anticipation of the eviction of the travellers in Essex;
- Central Park and Itter Park had been awarded Green Flags for the ninth and fifth times respectively, recognising the high standards being maintained at those Parks;
- A media event was held with Friends of the Parks and Enterprise;
- New 'Street Care' initiative was introduced which involved:-
 - multi-skilled integrated teams in five areas of the city to mirror the neighbourhood areas to provide a more localised and responsive service;
 - teams were able to tackle more maintenance and cleansing operations in one pass through; and
 - increased use of mechanised equipment.
- Deep cleanses of the Cathedral Square which involved:-
 - longer cleaning presence (6am to 6pm) in the city centre;
 - re-introducing the mechanical street washer;
 - increased use of mechanical sweepers; and
 - additional cleanses on top of the regular daily bin emptying, litter picking and street sweeping.
- Enterprise highlighted the need to change people's behaviour on dropping gum through the media and a multi-agency approach was now planned;
- Immediate action by Enterprise and its supply chain to make trees safe and keep roads clear when there were two heavy storms in September which caused damage with Enterprise pro-actively reminding people of the importance of being aware of tree damage during and following high winds.

Monitoring complaints was part of the day to day management of the partnership and the following table indicated the number of service complaints received by Enterprise Peterborough in the first seven months since the partnership began. These had been compared to a similar period last year when the services were carried out by Peterborough City Services. It needed to be remembered that front-line services such as those provided by Enterprise were more likely to attract complaints because of the visibility of the services.

	2011	2010
March	0	48
April	2	52
May	6	15
June	26	33
July	31	31
August	60	30
September	49	27

Comments and observations were made around the following areas:

- It would be useful if for future reports more detail could be included to show what service areas the complaints were about. *That information could be circulated but approximately 50% of the complaints were in relation to bins.*
- The City Council had a three stage complaints procedure what was the complaint procedure for Enterprise? *A complaint was received, then logged and investigated. Complaints came from a number of different sources. The City Council had a definition of what a complaint was and they were recorded accordingly.*

- With the City Council complaints process, complainants received a written response to the complaint, with Enterprise people were not aware their issue had been recorded as a complaint. Also, a number of residents had complained that they had not been able to get through to Enterprise. *Officers would investigate but in many cases it was often a request for service.*
- Councillor Seaton, Cabinet Member for Resources advised that if complaints were not being resolved let him or Councillor Lee know.
- Councillor Sandford advised that he had already met with the Chief Executive and Richard Pearn but still did not have responses to his complaints around travellers in his ward, rubbish in Cathedral Square, collection of litter in housing areas and landscape management specifications. *The Executive Director of Operations advised that they were working hard with local residents around travellers but members should speak to him if they had any concerns. With regards to Cathedral Square, the Council was working with Enterprise and Osbornes about putting additional bins in. The process around collection and cleaning was also being reviewed. Additional resources would also be going in around prosecutions.*
- Councillor Seaton gave an undertaking that the issues raised by Councillor Sandford tonight would be looked into by the end of Monday. He would also email the Committee with the complaints procedure and would welcome feedback on it before it was sent out to all members.
- The jury was still out as to whether this had been the right decision. The bidders for the partnership had given a number of presentations to councillors about the growth of the business but now senior managers had gone.
- Dave Martin, Regional Managing Director confirmed that no people had been escorted off the premises, all had been given options about what they wanted to do. From the beginning it was recognised that this would not be a quick fix solutions but improvements had been made and a transformation was underway but Enterprise had always been clear that it could be 18 months. There were a number of cultural issues to work through for example over 400 complaints had been self reported around the waste service but there was now technology being used for managing complaints which the teams had embraced. Complaints were being monitored but it needed to be remembered that it equated to two complaints per 100,000 service transactions. It was believed that street care services were slightly ahead of where it was expected to be but some quick changes were needed to develop an integrated street care service. Overall Enterprise believed that they were ahead of where they thought they should be. They are also engaging about working on a neighbourhood basis and how that would shape the service.
- Did Enterprise believe that they bid the right amount? *Enterprise provided an innovative solution and hoped innovative value for money. They believe that they got the bid right. It would be a stabilised cost environment for 23 years.*
- Most members of the public would not be bothered how the service was run, however the perception was that there was now more litter on the streets and it was not quite as tidy. The Council used to undertake a spring clean each year which had a very positive affect on areas. *It was hoped by improving the general street care programme it would avoid one off blitzing programmes but this was a work in progress.*
- There had been complaints about weeding in some areas, however in some cases Enterprise had done a good job, however the perception was things had got worse, particularly around Ravensthorpe, Westwood and the Central area especially around bins being left out, weeding, rubbish in verges and street cleaning. *The issue was mainly around visibility as areas were clean. It was acknowledged that weeds was an issue to resolve and the way they were dealt with had changed and an effective control programme had been introduced. There had been two sprays of the city and it was hoped to get one more in by the end of the year. Issues around bins being left out can now be reported to and from the vehicles. A transition service change was taking place and it was necessary to ensure clear outcomes when deploying resources and Enterprise would be looking to cement working processes over the*

winter. Responsibility for grass verges was a difficult issue as it was dependent where they were and members were asked to flag up any which were not on the maintenance schedule.

- What was the feedback about the work Enterprise did for the Council, for example property maintenance? *It had not been raised as an issue and the feedback had been neutral.*
- The Biodiversity Strategy makes a commitment to minimise the use of herbicides. *Enterprise was aware of the Strategy and were looking to minimise the use. A practical programme was now in place.*
- It was a concern if Enterprise were not complying with our policies. Enterprise needed to show they are complying, for example show the amount of herbicide used compared to the Council. *We are complying. The strategy says to limit the use of herbicides but it was a balance between limiting the use and outcomes. A detailed update can be brought when the Committee receives the next update. An allegation has been made that there is a breach of the contract and officers would look into and address if necessary.*
- How did Enterprise propose to introduce neighbourhood working? *Enterprise was looking to break down the street care programme into wards and neighbourhoods to focus resources however there were differences between the neighbourhoods. A strategy would be developed on how to take this forward, including walking the patch but perhaps we needed to be more visible. We would look to engage with neighbourhoods and communities.*
- Jeff Pusey, Peterborough Youth Council asked what the strategy was around dealing with litter around schools. *Schools would form part of the actions plan to target resources but Enterprise would ask Jeff to feed into the schools about not dropping litter.*
- Did Enterprise employ apprentices? *Yes, and there are plans to recruit more.*

ACTION AGREED

- (i) That Enterprise and the relevant Cabinet Members return to a future meeting of the Committee to report further on progress in a number of months time.
- (ii) That the next report include enhanced complaint recording by breaking complaints down into wards and services.
- (iii) To congratulate Enterprise on their proposed approach to neighbourhood working.
- (iv) That feedback on Enterprise's compliance with the Biodiversity Policy be included in the next report.

7. Adjournment

Due to the time it was proposed to adjourn the meeting until Tuesday 18 October 2011 at 7pm.

Before agreeing to adjourn Members asked whether there was a deadline for consideration of the item on Manor Drive.

The Executive Director of Strategic Resources advised that he had now made a recommendation on the preferred bidder and the proposed Cabinet Member Decision Notice had now been published for its five day consideration period. The decision had not yet been made and was expected to be taken on 20 October 2011. Once the decision had been made it would then be subject to the call in process.

On being put to the vote it was agreed 4 votes for, 0 against and 2 not voting to adjourn the meeting until 7pm on Tuesday 18 October 2011.

CHAIRMAN
7.05 - 10.33 pm