

Committee: Health & Housing Committee
Date: 6 January, 2005
Agenda Item No: 5
Title: Chartered Institute of Housing Conference 2005
Author: Rod Chamberlain (01799) 510508

Summary

- 1 This report advises the Committee of the Chartered Institute of Housing Conference in June, 2005 and asks what level of representation the Council wishes to have at this conference.

Background

- 2 Each year, the Committee appoints representatives to attend the annual Chartered Institute of Housing Conference at Harrogate. In 2005 the conference will be held in mid June.
- 3 For the last conference, the Chair of the Committee and the Chair of the Tenant Forum accompanied the Executive Manager – Housing Services. In order to make the necessary bookings, it will now be necessary for the Committee to agree its level of representation at the conference.
- 4 If the Committee agrees that a Tenant Forum representative should be appointed, it is suggested that this should be the Chairman of the Forum.
- 5 The Executive Manager (Housing Services) has indicated that it is his intention to invite a senior member of his staff to attend in his place in order for that person to obtain further knowledge of the national housing situation.
- 6 With regard to the Member appointment, it is felt that this should be resolved at the meeting.

RECOMMENDED that the Committee determines its representation at the Housing Conference 2005

Background Papers: None.

Committee: Health and Housing
Date: 6 January 2005
Agenda Item No: 6
Title: Common/Single Housing Register
Author: Elizabeth Petrie (01799) 510 Ext 362

Summary

- 1 This report advises the Committee of the outcome of discussions with Registered Social Landlords (RSL's) regarding the possible introduction of a Common Housing Register.

Background

- 2 A Common Housing Register is a facility whereby an applicant for housing makes one application to any of the partner agencies, this allows for the application to be considered for any suitable vacancy that occurs within any of the partners housing stock.
- 3 As part of the Council's Quality of Life Corporate Plan, Officers were asked to investigate the possible creation of a Common/single Housing Register with a single application to either the Council and/or all RSL's who operate in partnership with the Council.
- 4 Senior representatives from all RSL's who have stock in the Uttlesford District were invited to attend a forum meeting to discuss the possible creation of a Common Housing Register. Of the 15 invitations sent out, 6 RSL's attended, which were Estuary Granta, Hastoe, Springboard, Rural Housing Trust and North British. However, outside the forum meeting there has been correspondence with all the RSLs.
- 5 The consultation has resulted in various concerns being raised, felt relevant to a Common Register such as; allocation policies would need to be reviewed and be compatible, as would point schemes. As all RSL's have different policies for allocation and this could prove to be difficult to achieve a single system at this time which would also be time consuming.
- 6 In addition, I.T systems would need to be compatible and there would be staffing and financial resource implications. Accordingly, most RSLs felt this would not be financially viable, especially in the smaller organisations.
- 7 It should be noted that the Council has a stock of about 3000 dwellings compared to a total RSL stock of about 700 in the District and currently the Council has access to more nominations than it is entitled to in accordance with various nomination agreements.

8 All RSL's felt that rather than introduce a Common Housing Register, and, in view of the fact there are good working relationships with the Council, it would be far more beneficial to see if there were other areas of work that could be improved on, such as:

- Allocation of accommodation to homeless applicants (time waiting for tenancy to commence)
- Need to have clear criteria with regard to refusal of nominations and lettings
- Review of nomination agreements,
- Information on issues of mutual concern
- New policy liaison work

9 The discussions with the RSL's have, it is felt, been helpful for officers understanding the respective issues that face RSLs and in turn the Council. Accordingly, there is now a better prospect of all the social housing providers in Uttlesford working closer in the future, outside the need to pursue a Common Housing Register. It will be important however to keep this issue under review

RECOMMENDED that no further action is taken regarding a Common Housing Register and the officers continue to work with RSL's to address the issues as outlined in the report.

Background Papers: Correspondence with RSL's 2004 Quality of Life Corporate Plan 2003/4

Committee: Health and Housing
Date: 6 January 2005
Agenda Item No: 7
Title: Private Sector Housing Capital Programme 2004/05
Author: Will Cockerell (01799) 510581

Summary

- 1 This report advises Members that the part of the capital allocation for Disabled Facilities Grants has been spent, but that flexibility is available from within the total allocation for private sector housing to enable the continued payment of the DFGs expected to be completed during the remainder of the financial year.
- 2 The report asks Members to recommend to the Resources Committee that subject to the overall total allocation remaining the same, that the allocation for DFGs be revised upwards, and that the bid for central government resources in future years be increased from £60 000 to £90 000.

Background

- 3 The current capital programme of £130 000 has two elements, the mandatory Disabled Facilities Grant (DFG) and the discretionary Housing Renewal Assistance (HRA).
- 4 The DFG part of the budget is £60 000 and central government pays a 60% subsidy up to this allocated amount (£36 000), the HRA budget is £70 000 and is fully funded by Uttlesford DC.
- 5 The position as at 01/12/04 is that Disabled Facilities Grants totally just over £60 000 have been paid in the current year and a further £70 000 has been approved but not paid, of this amount it is estimated that about £30 000 will be completed in the present financial year. No Housing Renewal Assistance have been paid in the current year however £20 000 has been approved and it is estimated that £15 000 will be completed in the current year.
- 6 It is suggested that the overall limit on capital expenditure be maintained, but to allow the proportion to vary between the two types of grants within this limit. It is also suggested that the bid for DFG funding from central government be increased in 2005/06 from £60 000 to £90 000 to reflect the increased activity in this area.

RECOMMENDED that the Committee recommend to the Resources Committee that the capital programme for private sector housing be amended as suggested.

Background Papers: None

Committee: Health and Housing
Date: 6 January 2005
Item No: 8
Title: Rowntree Way, Saffron Walden, Parking
Author: Rod Chamberlain (01799) 510 Ext 508

Summary

- 1 This report advises the Committee of the current position regarding the parking issues at 17-27 Rowntree Way Saffron Walden.

Background

- 2 The Committee has received several reports during the last 18 months concerning the unsatisfactory parking arrangements at 17-27 Rowntree Way, Saffron Walden. As previously reported some of the residents are parking on the grass/amenity area at the front of the properties. The land in question is

maintained by this Council however, the County Council, as the Highway Authority, has the final say on vehicle activity on this land.

- 3 At its meeting in November 2004 the Committee requested Officers to ascertain if plastic grass grid blocks would be acceptable to the County Council to use on the grassed area to achieve access to the tenants front gardens, this was in the hope that the cost could be within the £10,000 budget agreed.

The Current Position

- 4 Following discussions within the County Council it can now be confirmed that this material would not be accepted and that any crossover would have to be constructed to that Council's specification. The point has also been made that parking cannot be allowed on the crossovers and that this would again be difficult to enforce. The Committee is reminded that under no circumstances is the County Council prepared to allow any of this area to be used for the parking of vehicles.

The Way Forward

- 5 For the Council to provide 4 crossovers (it is understood one current tenant does not need the facility and one other resident is an owner occupier) would cost approximately £16,000 as none of the tenants have indicated a willingness to help fund the work (survey earlier in 2004).
- 6 The Committee needs to consider what future action is appropriate and the following options are suggested:
 - a. Increase the budget using money from the Decent Homes budget which will have a slight effect on the programme and be prepared to take enforcement action should parking occur on the crossovers on the grounds of safety. To carry out this work would require further consultation with the tenants and their co-operation will also be required regarding future parking.
 - b. Erect some form of obstruction to avoid parking on this area.
- 7 Should the Committee feel that option one is appropriate it is suggested that officers be authorised to proceed with consultations and if successful, authorise the work so that it is commenced in the current financial year.

Recommended that the Committee decide, of the 2 options outlined in the report, on which it wishes to make progress:

Background papers: Rowntree Way file 2004

Committee: Health and Housing
Date: 6 January 2005
Agenda Item No: 9
Title: Garage Sites – Policy Review
Author: Roz Millership

Summary

- 1 This report sets out options for investment and income relating to Council garage sites where car owners have provided their own garages.

Background

- 2 The council currently own 28 garage sites throughout the District on which car owners have erected their own garages, at their own expense. The Council has been charging what it refers to as a “ground rent” for these garages but no formal agreements exist. Many of the garage structures erected over the years are beyond economic repair.
- 3 There has been minimal Council investment in these sites as resources have been concentrated on improving and repairing the housing stock. There is currently no strategy for dealing with garage sites and it is now thought appropriate to initiate a planned programme of improvement and review for these sites.
- 4 Some of the sites are in prime locations and have development potential. This could be for affordable housing schemes where the value of the land could be the Council’s contribution to a scheme. In other cases, for instance where the site is too small to be of any economical interest to a Registered Social Landlord, the site could be sold privately and a proportion of the receipt put towards an affordable housing scheme or regeneration scheme elsewhere in the district.

Legal Position

- 5 The legal situation is quite clear. The owner of land is also the legal owner of anything that is fixed to or becomes fixed to that land. Therefore, in legal terms any garages became the property and responsibility of the Council once constructed and the Council may be held responsible for loss or damage which is suffered by a third party arising from the condition of the structure
- 6 It is not legally possible for residents to sell or purchase these garages. However, it appears that some residents have ‘sold’ the garages along with their houses when moving from the area without informing the Council.

- 7 The only way a resident could own one of the garages, without purchasing it from the Council, would be to obtain possessory title. It would be necessary to show that the garage had been occupied for a period in excess of 12 years without paying any rent or acknowledging the ownership of any other person. However, records show that all of the garage owners have been paying their "ground rent".

Vacancy Rate

- 8 There is a significant vacancy rate at many of the sites. This reflects issues such as the condition of sites and low demand for many sites due to factors such as the desire for residents to have parking within the curtilage of their homes for reasons of security and convenience.

Income From Garage Sites

- 9 The Council are collecting an annual ground rent of £20 from approximately 130 tenants resulting in a net contribution of £2,600 investment in the housing stock. This is regarded as a very low return for the usage of the sites.

Development Potential

- 10 It is suggested that the Council embark on a review of the sites to examine any development potential of these sites. It is proposed that when a site has been identified for development potential it will be the subject of a report to the Committee. This work will need to be a rolling programme of investigation allowing careful consideration of the issues and the outcome of consultation on each site and is subject to resource pressures.

Issues and Options

- 11 As the Council are legally responsible for any structure built on land in their ownership there could be liability issues where structures are proved to be unsafe or used for incorrect purposes. Although no formal written agreements exist with car owners who have erected garages on these sites they will have acquired a tenancy implied by law as they have been paying a ground rent to the Council on an annual basis. It is felt that any tenant of such a structure should be given notice to end the implied tenancy at the earliest opportunity.
- 12 At sites where it is concluded there is no development potential it is felt that tenants are offered a formal tenancy agreement with good repair and maintenance terms and conditions. In addition measures will need to be put in place in these sites to minimise the effects of fly-tipping which is a common problem at present.
- 13 Investment of approximately £115,000 is required to bring all the garage sites up to a high standard of maintenance. This cannot be done without a very significant move of resources away from housing maintenance and towards garage sites. This would not be good practice nor prudent and is not recommended. However it is thought that this is an area of activity which should be included in the Planned Maintenance Programme but not at the expense of Decent Homes work.

- 14 Whilst garage site ground rents could be increased to cover the level of investment required on the sites any significant increase in rental levels has the potential effect of reducing demand and thereby income. However it is believed that if such increases are directly related to increased investment then occupancy levels in the more popular locations will increase and generate further income. Accordingly rents will need to be kept under review especially when work to improve the site has been undertaken.
- 15 Where sites are identified for redevelopment moral arguments could arise if it was proven that car owners were encouraged to build garages on these sites. The problem with resolving the issue on the basis of moral arguments is that the Council's power to dispose of land at anything other than full market value are subject to both statutory limitation and asset management controls. However if redevelopment is proposed, individual tenant issues would be included in any report submitted to the Committee.
- 16 In general terms there is an element of conflict where the sites with most development potential also have the highest demand for occupancy.

Recommended

That the Committee agrees with the policy issues outlined in the report as follows:

- Inform existing 'tenants' of the Council's new policy regarding garage sites
- Prepare a programme of reviewing garage sites subject to staff resources
- Accept no further 'ground rent' lettings until a review of all sites has been undertaken
- Begin a programme to review and update current 'tenancy agreements'. If appropriate for the site this will involve serving notice to terminate any implied tenancies and offering new formal tenancy agreements to include good repair and maintenance conditions.
- Review charges to reflect the costs of the improvement programme.

Background Papers - None.

Committee: Health and Housing
Date: 6 January 2005
Agenda Item No: 10
Title: Environmental Health costs directly attributable to Stansted Airport
Author: Will Cockerell (01799-510581) and Geoff Smith (01799-582)

Summary

- 1 At the previous meeting of the Committee a request was made by Members to identify those additional environmental health costs associated with having Stansted Airport within the District.
- 2 The purpose in identifying these costs is to draw to the attention of Central Government the financial burden placed on the local community, rather than the country as a whole, as a direct result of having an International Airport within its boundaries.

Background

- 3 Stansted Airport comprises a large number of retail and catering outlets, major hotels, warehousing complexes, flight caterers, offices and service organisations, very many of which require environmental health staff to visit and inspect to ensure compliance with UK Food Safety and Health and Safety standards.
- 4 Imported food and other products of animal origin arrive from many locations outside the EU and require various levels of checking, sampling and inspection before being released to the importers.
- 5 Air quality standards and noise levels are monitored at locations near to the airport boundary, and there are also two petrol service stations and a concrete batching plant regulated under the provisions of the Environmental Protection Act.
- 6 Many aspects of environmental health associated with the airport require specialist knowledge and training, and there is a constant need to update the skills of officers to ensure the proper regulation of activities carried on within the airport complex.
- 7 The table below identifies the various environmental health service areas affected by the presence of the airport, and makes an estimate of the cost of providing them in the last financial year.

Environmental Health Costs Associated with Stansted Airport		
Service	Description	Estimated Costs in 2003/04
Border Inspection Post	Inspection of imported 'products of animal origin' arriving from outside the EU.	£21 000
Imported Food Controls	Inspection of imported 'products not of animal origin' arriving from outside the EU.	Neutral
Food Safety Inspections	Inspection of airside and landside food premises for compliance with Food Safety Standards.	£3 500
Health and Safety Inspections	Inspections of warehousing, retail and commercial premises for compliance with H&SW standards.	£2 000
Sampling	Analysis of food and water samples, both imported and locally produced.	£1 500
Port Health	Health checks on travellers and long stay visitors arriving at Stansted Airport.	Reimbursed by DoH
Environmental Monitoring	Monitoring of Air Quality and Noise Levels close to airport perimeter.	£1 500
Specialist Training and Liaison	Meetings and seminars with National and Local Government bodies (DEFRA, FSA, SASIG, APHA,).	£2 400
Airport Liaison	Contacts with Importers, Cargo Handlers, BAA, Immigration, Customs and Excise.	£750
Administration	Airside passes, security checks, car parking.	£1 700
Total Estimated Costs		£34 350

RECOMMENDED that the Committee notes the costs associated with the presence of an International Airport within its District and makes representations to Central Government to redress the financial burden which currently falls on the local community rather than the country as a whole.

Background Papers: None

PART II

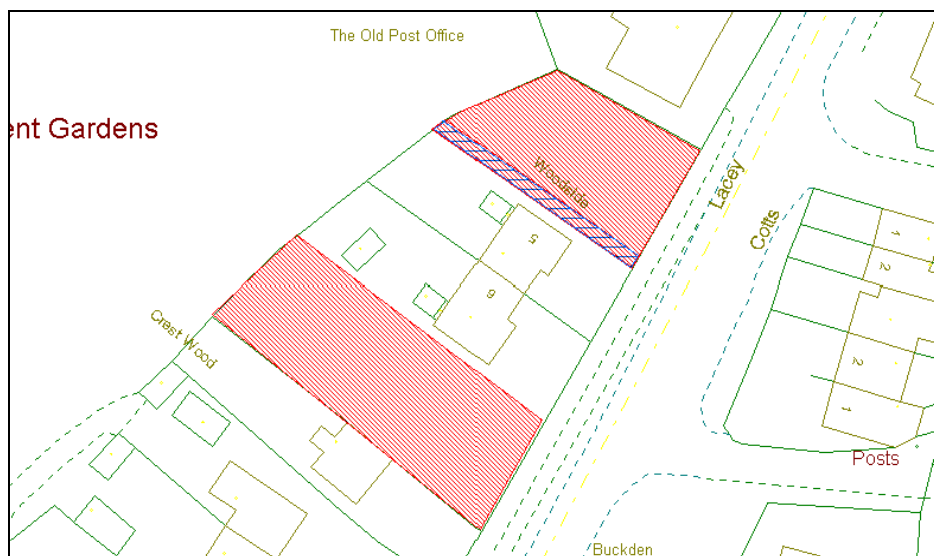
Committee: Health and Housing
Date: 6 January 2005
Agenda Item No: 11
Title: Right of Way Over Land Adjacent to 6 Woodside, Rickling
Author: Roz Millership (01799-510516)

Summary

- 1 This report advises the Committee of a request to acquire a right of way over an area of Council owned land adjacent to 6 Woodside, Rickling.

Background

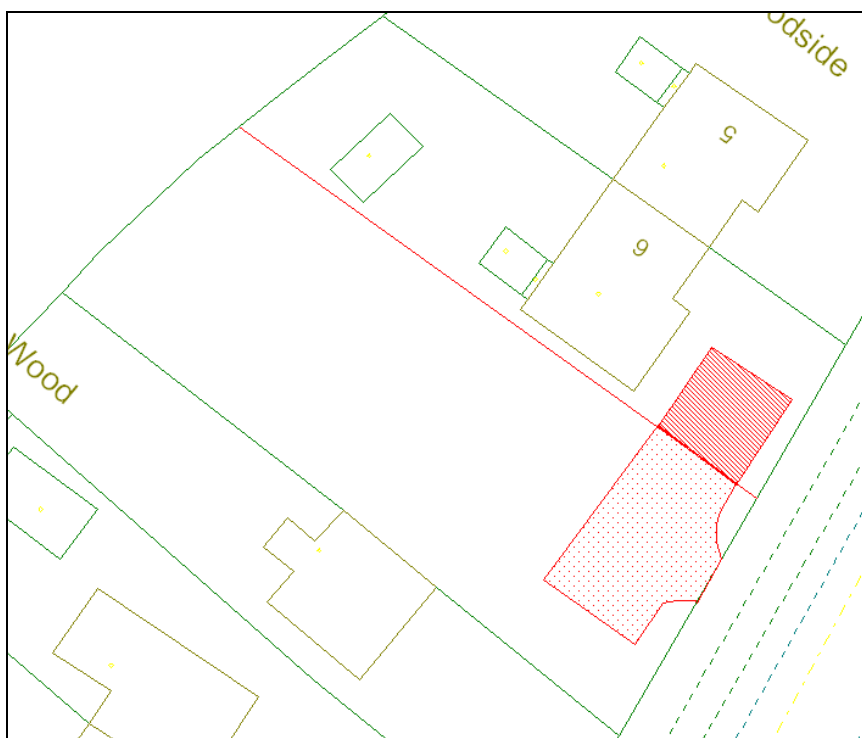
- 2 Housing Services have obtained planning permission on plots of land adjacent to 5 and 6 Woodside in Rickling. The sites, which are approximately 310m² and 450m² are shown hatched on the plan below:



- 3 At the Committee's meeting in September 2004 it was agreed that the plots be sold subject to Officers endeavouring to find a satisfactory parking solution for the tenants of number 6 Woodside which hopefully would have the support of all the relevant parties. The tenants currently have permission to temporarily park their vehicles on the building plot adjacent to their property. This land does not form part of their tenancy agreement.
- 4 When 6 Woodside was originally offered to the current tenants the Council agreed to provide two parking spaces in front of the property and were

awaiting the outcome of the planning application before commencing these works.

- 5 The situation has been complicated by the fact that the tenants at number 6 Woodside subsequently applied for the Right to Buy before the planning application was determined. Under normal circumstances no planned works are carried out once a Right to Buy application is received. Equally the Council cannot compel a tenant to agree to works during the Right to Buy process. However, the Council made a commitment to the tenants to provide off street parking and the tenants are keen that this facility is provided. Planning permission for this was granted, subject to conditions, and work by the Council can proceed. Consequently the property has been valued with the provision of off street parking with access over land in front of the property.
- 6 Officers have had several discussions with the tenant's surveyors to ensure that the parking spaces are provided to their satisfaction. One of the concerns was the removal of the established hedge at the front of the tenant's property to gain access to the new car parking spaces. Several proposals have been looked at to limit the removal of the hedge.
- 7 One option favoured by the tenant is to grant a vehicular access over the building plot as shown on the plan below, thereby creating a shared access with the new proposed property. A request has been made to the Council by the tenant's surveyors to approve this proposition.



- 8 It should be noted that under Right to Buy regulations the Council can only grant rights enjoyed by the tenant under their existing tenancy. Any additional rights would normally be subject to a separate valuation and conveyance. Accordingly if the request is approved the tenant at 6 Woodside would be

required to pay an amount determined by the District Valuer for shared vehicular access over the vacant building plot.

- 9 The Committee should note that the Council are under a statutory obligation to obtain the best possible price with regard to disposal of assets. If vehicular access were to be granted over the land it would significantly reduce the value of the building plot as a shared access will limit what a developer is willing to pay for the land.

RECOMMENDED that the Committee determine the request for vehicular access over the building plot adjacent to 6 Woodside, Rickling.

Background Papers: Health & Housing Committee Report 27 May 2004