

Minutes of a Meeting of the Scrutiny Committee - Communities held in the John Meikle Room, The Deane House, Belvedere Road, Taunton TA1 1HE, on Wednesday, 14 February 2024 at 10.00 am

Present:

Cllr Gwil Wren (Chair)

Cllr Dawn Johnson (Vice-Chair)

Cllr Simon Coles

Cllr Dawn Denton

Cllr Pauline Ham

Cllr Susannah Hart

Cllr Edric Hobbs

Cllr Kathy Pearce

Cllr Hazel Prior-Sankey

Cllr Steve Ashton

Cllr Martin Lovell

In attendance:

Cllr Liz Leyshon

Cllr Federica Smith-Roberts

Other Members present remotely:

Cllr Andy Kendall

Cllr Norman Cavill

Cllr Caroline Ellis

Cllr John Hunt

Cllr Frances Nicholson

Cllr Sue Osborne

Cllr Sarah Wakefield

26 Apologies for Absence - Agenda Item 1

Apologies were received from Cllr Andy Dingwall (Cllr Steve Ashton as substitute), Cllr Wes Read (Cllr Martin Lovell as substitute), and Cllr Lance Duddridge.

27 Minutes from the Previous Meeting - Agenda Item 2

Resolved that the minutes of the Scrutiny Committee – Communities held on 13th December 2023 be confirmed as a correct record.

28 Declarations of Interest - Agenda Item 3

There were no new declarations of interest.

29 Public Question Time - Agenda Item 4

There were no public questions submitted.

30 Scrutiny Communities Work Programme - Agenda Item 5

The members discussed the items on the upcoming programme.

They queried the delays for the items Somerset Cultural Strategy and Gypsy, Romani, and Traveller Review, and were informed that the Somerset Cultural Strategy was linked with deadlines from Arts Council Funding and had been delayed due to the funding and a clash with the Financial Emergency Work. For the GRT Review, they were informed there was an issue with staff capacity in bringing that report to the committee.

31 Community Services Budget Monitoring Update - Agenda Item 6

Christian Evans, Strategic Manager – Finance and Business Partnering, gave a presentation on the month 9 budget monitoring report, which provided the latest budget position from December 2023. It gave an overview of the overall council position and the position in Communities specifically, with a predicted underspend of £300,000.

During the discussion, the following points were raised:

- What does the future look like for rough sleeping and homelessness if demand escalates and government funding increases? *The future is uncertain and pressures are increasing.*
- At a previous meeting, there was an anomaly in the budget that was impossible to remove – now there is a £300k underspend. How have we closed that gap? *We have managed that income within the service. We are not currently delivering to the normal standard we would expect. There is a*

cost pressure next year around that. A lot of work has gone on to balance all those figures and reduce those pressures.

- This directorate is under the least pressure finance wise but has had to do as much work as everyone else to save money – thank you for all the hard work.
- Are you hopeful the budget will squeeze further? *Some income generation items like the crematorium are demand led, it is difficult to predict. If we do find other savings there may also be other costs.*
- Housing and homelessness that are reliant on government grants – what happens if we aren't able to fund statutory services? *Homelessness is a statutory obligation, and also demand driven, so we will see a rise in overspend if there is demand on that.*
- Which budget headlines are statutory and which aren't? *It's not as simple as saying a service is or isn't – some services are blended, with statutory elements and enforcement actions. We will bring back a breakdown of which subsets are statutory.*

The committee noted the report.

32 Open Spaces Briefing - Agenda Item 8

Jonathan Stevens, Head of Operations, Regulatory, and Operational Services, and Sarah Dowden, Service Director – Regulatory and Operational, gave a presentation on open spaces, detailed the amount and different categories and how their maintenance was organised.

During the discussion, the following points were raised:

- Is there a mapping exercise and will councillors be approached to identify areas that are frequently missed or usually need chasing? *Yes, we need to know that – we are trying to compile lists of areas which keep getting missed.*
- It would be helpful to have clarity on which areas are highways' responsibility and which are open spaces, as it would minimise duplication of conversations. *We are trying to move away from work between this was district, this was highways. We are working on that.*
- It would be helpful to have communication and clarity around devolution. *We need to get that right – it is easier for bigger towns like Bridgwater with a new area, whereas smaller towns and parishes might be more difficult. We need to move our internal mapping system and get it online for councillors and public to see. This is a devolution challenge we have on the list to work through.*
- When equipment becomes unsafe, what is the council's responsibility for replacing anything? Who is responsible for defective equipment in a play

area? *If it's our park, we stop people from accessing unsafe equipment. There's no statutory duty to replace, but our play inspectors and supervisors will look at what things like a broken slide etc. can be replaced with. There is a budget for replacement parts. If it's a park that has been devolved that will fall to that town or parish council.*

- A list of which equipment is being replaced and dealt with would be helpful. *We have a long term plan in terms of which equipment is being replaced in ten or twenty years. In the past we have written to councillors about plans for replacing equipment in the next year, and this was helpful. The savings proposal CMS029 will pause the replacement of defective play equipment in 2024/25 unless externally funded by S106 or CIL agreements.*
- How do spaces stay in the system that are mapped? Community work around that would be great, if people want to rejuvenate open spaces or little parks.
- How are new developments dealt with? *We are closely aligned with planning services, and S106 and CIL funds help with that. With the restructure, we want to have someone who works between Open Spaces and Planning. When we take on open spaces, we need to make sure the trees have had surveys, it's safe, and we can afford it.*
- A play area in one area with a broken see-saw that was removed – we were told there was no money for a replacement. Surely there is CIL money from Taunton. All of the CIL money in Somerset Council is tied up in larger projects, while Taunton Town Council has money for smaller council, and because this park is owned by Somerset Council it can't be done. There are already barriers in place to this work. *CIL is very oversubscribed – most of the money in Somerset Council goes towards replacement schools and school placements. There are statutory requirements for education that are high priority. Unless there is a specific allocation towards offsite leisure, there isn't CIL allocation that we can call upon.*
- Long grass causes complaints from public – dog poo that is difficult to pick up and then children playing get it on their shoes, and the public don't understand why long grass is happening. *We are still learning about managing these concerns about long grass, we are only 3 or 4 years into the long grass programme.*
- The public see 'No Mow May' as an excuse not to do anything. *No Mow May has a positive message underlying it, and it does not literally mean no mowing – we still mow some areas. If we can provide the correct information, it would be helpful to have councillors to advocate for this. Please look up the Somerset Grass Management Strategy, as it explains this.*
- Many trees were planted for the Jubilee, and many of these were lost in the drought. Can we have assurance that they will be watered when needed? People are cross that public money went to planting trees and then they die. *We lost 50% of the trees planted. The survival rate is usually around 75%,*

Exmoor National Park Authority aim for 90-95% but they put a lot of resources in. We do water the trees, accessing some grants to allow us to employ people to water trees. We did plant a lot more saplings, they are cheaper so if we lose some we can replace them and they catch up to specimen trees.

- Hedges over a footway are not cut and even when it is owned by a private owner, highways don't ask them to cut it. There is an issue around public perception and the council doing nothing. Hedges around open spaces are also an issue. When is it acceptable and not acceptable to cut a hedge? When there are issues around bird nesting season etc? Where is the rub between wildlife and public safety? *Concerns from residents are understandable – we have only been able to reduce our budget by not doing things, and there are consequences for not doing things. People can see that things are not being done that historically have been done and that's what they are used to. We do avoid hedge trimming in bird nesting season, which is March to September currently, but may change due to climate change.*
- Financial constraints meaning that damaged play equipment can't be replaced – can you assure us damaged equipment will be removed as it's unsafe? *Yes, unsafe equipment is removed or it may be protected in situ so it can potentially be updated in later years.*
- Could you provide a list of which play areas can't be replaced so that we can seek alternate funding for this work?
- No Mow May – Why is May chosen? Isn't it weather dependent? Doesn't it cause greater work in June and beyond as there is a backlog to deal with? *We do still cut grass in May, we don't stop everything. We have moved to an annual programme of cutting.*
- 50% tree loss statistic is shocking, and shocked that 25% tree loss is standard and acceptable. Could we have information on trees and make people responsible for them? *With trees we can look at 'friends of' groups and working with the public.*
- Do play areas and equipment on new build estates, do they get automatically adopted to us? Do they have to be built to a certain standard? Do we also adopt the grass maintenance around them? *It's mixed. Traditionally we would inspect it and they would put it up for adoption. More recently, development companies have paid their own maintenance and are putting them up for adoption at the end of the period, they may charge rent for maintenance and development of those areas. We are adopting less and less public open space. We do adopt highways.*
- Road adoption on estates – there are estates where roads are not adopted, where they are 39 and 20 years old. I am given to understand that they are not made to the correct standard so they cannot be adopted. There are potential problems there. *Developer must put it up for adoption, and do it to a*

certain standard, and pay a commuted sum for its maintenance.

- This doesn't resolve the issue of the roads. *There is limited control over that process, it is the developers land and they are liable for it.*
- It would be useful to get communities more involved in e.g. friends groups for open spaces. How would we go about that to get them more involved, or is that for town and parish councils? *There are options around parish stewards and how they could work.*
- Could we get open spaces to be added to the highway stewards job description? *We are not aware of the detail of the highway stewards pilot running in LCNs, and we don't want to dilute that role.*
- On this issue of mapping – there are lots of separate map services. TPO on one map, listed buildings on another. A single map service which could have different overlays would be helpful to the public, with for example footpaths and issues with footpaths being added. *Now that all the districts and highways are linked, we are working on this as a project. It is a larger piece of work that sits outside Regulations and Operations/Communities. We would be happy to update you.*
- Road standards must be part of the planning permission of the estate, is it an issue of planning enforcement? *Planning laws and highways laws don't meet. We don't have the ability to enforce on highways, sports pitches, etc.*
- How far is devolution of open spaces assets proposing to go? *Because of the financial emergency, we are engaging with any towns and parish councils coming forward.*
- Where do statutory and discretionary lie with regard to open spaces? *There is no statutory responsibility and there is no minimum level of maintenance beyond safety*
- Worst comes to worst – could you see a situation where open spaces are closed to the public? *If a S114 is issued, we have a credible plan to manage that budget. Could they be closed? We would have to come to an agreement on what the health and safety minimum would be for open spaces. It would depend on the approach from government.*
- Adoption of roads – what about roads that belonged to district councils but were not adopted as part of a highway? E.g. Road in Dulverton from B3322 that previously belonged to district. *All assets of historical councils have transferred to us. It would be ours under highways, and we can direct you to the right person in highways to have a conversation about it. The adoption question doesn't arise.*

The committee noted the presentation.

33 Growth/New Housing - Agenda Item 7

The committee received a presentation from Christopher Brown, Service Director of Housing, on the demand and supply for housing, the challenges around affordable housing delivery, and the local pressures.

During the discussion, the following points were raised:

- Right to Buy – is there evidence of who is buying? Anecdotally, it may be an elderly couple who have children that have become affluent and buy the house for their parent or parents? Presumably it only goes in the name of the tenants, do we have a handle on how often that is the case? An awful lot of ex-council houses are let privately, do we know how much that happens and if there's anything we can do? *Once something has purchased for right to buy, the council doesn't have any control, aside from where the council is still the leaseholder. It is difficult to get data on this.*
- Is there a current pressure from developers not doing affordable housing because they only get 15% profit? *Planning applications have dropped significantly and have been held there because of the phosphates challenge. It's easier to develop elsewhere as they don't have to invest in phosphate solutions. There are also issues around skilled labour effecting developers. 15% profit is the benchmark for a requirement to make social housing. Developers are squeezing their budgets and they are the ones evidencing their costs as they offer the development so that does impact development of affordable housing. Planning would be better to go through that.*
- Pop up housing – does the HRA have a stock of land it can use for modular housing? *There are clusters of 8 units, that are low energy/net zero carbon. They are appropriate for garage sites and single story buildings, so we can continue to use the available HRA garage sites for small developments. There aren't large pockets of land to build larger schemes. We are looking at a model with Adult Services with Corporate Assets – where we are selling a lot of land, can we identify some of that which could be put to a different use and save us revenue funding. If we put 60 houses on it, it would be a huge offer. Half of it would be a good offer for providers. Where land can be put into the pool, it needs to be large enough for developers to make a profit. We were talking last week with Homes England, Adults, and Childrens, and Homes England have asked if we would like some money to investigate these sites. Larger schemes will take several years as they are complex joint ventures.*
- Pressure on rough sleeping budget – when does the money come out, when is the next tranche of money due? *The current funding for rough sleeping will run out at the end of 2025. There is a budget for 24/25, and will be putting a new bid in to the government in the summer. We would expect some funding*

to continue.

- *Is the 405 based on this? No, it is based on planning applications that we expect to be completed.*
- *There are questions around the viability of the notional profit – 15% 30 years ago, now 20%. They pay a lot of money for land and everything else gets squeezed out. The government should get a handle on this.*
- *Occasionally there is a philanthropic landowner who comes forward with land under market rate to facilitate housing. Clearly a registered provider must come forward to do it. Are we able to consider being a registered provider to take those on at below market rates? Yes, we can consider purchases of S106. Number of housing associations/registered providers are not interested in small development. We do have providers who are interested in rural provision. It's more helpful if the providers purchase these properties, as the council only has so much money it can use. For S106 activity, there may be a discounted price but we can't use our 40% grant. Building with grant funding can be more affordable. We have to think about where S106 fits in the strategy for the Housing Revenue Account. There are also alternatives to property being maintained as a social rented property – we prefer that, but if we may lose the property, we have the option of discounted market sale.*
- *Reducing the number of people on the waiting list – two components to this challenge, the first is more properties, and the other is churn. How many properties come vacant every year? Up to 10% churn per year. Hopefully we are all living longer, that churn may be steady and not increase. There will still be a challenge with that churn, and as we deliver longer there will be extra needs. We are hoping for additional funding with Hinkley Point C for potentially another 4 years, which may lead to initiatives like downsizing which can be successful. We want to make the best use of our accommodation.*
- *Where a parent dies and there is a child of a tenant, this doesn't reduce the waiting list. Sometimes the child of a tenant has a right of succession, but that doesn't necessarily mean that property, if the needs are different they may have right of succession to a different property.*

The committee noted the report.

34 Review of Street Cleansing and Groundcare Operations - Agenda Item 9

The committee resolved under 12A of the Local Government Act 1972 to exclude the press and public from the meeting, on the basis that if they were present during the business to be transacted there would be a likelihood of disclosure of exempt information, within the meaning of 12A to the Local Government Act 1972:

Reason: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

(The meeting ended at 12.48 pm)

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CHAIR