

**IMPROVING PLACES SELECT COMMISSION
28th November, 2012**

Present:- Councillor Whysall (in the Chair); Councillors Andrews, Astbury, Atkin, Dodson, Ellis, Falvey, Gosling, N. Hamilton, Jepson, Johnston, Read, P. A. Russell, Swift and Wallis; and Mr. B. Walker (co-opted member).

Apologies for absence were received from Councillors Foden, Havenhand and Sims, Councillor Smith (Cabinet Member for Regeneration and Development) and co-opted member Mr. D. Corkell.

34. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

35. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There were no questions from members of the public or the press.

36. COMMUNICATIONS

Consideration was given to a request from Councillor Wyatt for each Select Commission to nominate a Member to the Environment and Climate Change Strategy Group. It was agreed that Councillor Wallis be appointed to represent the Improving Places Select Commission.

37. MINUTES OF THE PREVIOUS MEETING OF THE IMPROVING PLACES SELECT COMMISSION HELD ON 17TH OCTOBER, 2012

Resolved:- That the minutes of the previous meeting of the Improving Places Select Commission, held on 17th October, 2012, be approved as a correct record for signature by the Chairman.

38. EXTENDING PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES: TECHNICAL CONSULTATION

Consideration was given to a report presented by the Planning Manager concerning HM Government's consultation document entitled "Extending permitted development rights for homeowners and businesses". The consultation proposes changes to increase permitted development rights for extensions to homes and business premises in non-protected areas.

The proposals would amend the Town and Country Planning (General Permitted Development) Order 1995 to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring a planning application to be made and also to allow quicker installation of broadband infrastructure.

The submitted report detailed the various questions being asked as part of this consultation, together with this Council's draft response. Comments had to be returned by the due date of 24th December, 2012.

Members discussed the impact of the proposals upon houses with small gardens, garage conversions, housing for very large families and issues affecting property boundaries.

Resolved: (1) That the report be received and its contents noted.

(2) That the suggested response to the consultation document, as now reported, be approved insofar as this Select Commission is concerned.

39. TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 106 PLANNING OBLIGATIONS

Further to Minute No. 24 of the meeting of the Improving Places Select Commission held on 5th September, 2012, consideration was given to a report presented by the Planning Manager concerning agreements made under the provisions of Section 106 of the Town and Country Planning Act 1990. The report stated that Section 106 agreements are a means of securing community benefits through the planning system. Members were informed of the way Rotherham implements Section 106 agreements, the benefits which accrue and the proposed changes to be made in the way the obligations are dealt with.

The submitted report highlighted the progress, to date, of the corporate Section 106 working party's review of this issue.

The report and Members' subsequent discussion referred to various salient issues:-

: the Section 106 planning obligations process;

: Section 106 funding is not a 'top-up' fund, but has to be used to mitigate pressures on infrastructure caused by new development;

: payment of Section 106 monies, by a developer to the local authority, after approval of the relevant planning permission; the local authorities' recording and accounting for monies received;

: Section 106 monies received by this Council, for example: a significant sum of money has been received in respect of the Waverley new community;

: use of Section 106 funds for improvements to highways, road junctions, bus routes, railway bridges, education provision, play areas for children and young people and for the provision of affordable housing;

: the HM Government proposal that Section 106 agreements will eventually be replaced by the Community Infrastructure Levy;

: the introduction of a Community Infrastructure Levy and Charging Schedule; the possible establishment of a working group of Councillors, officers and others whose role may include the allocation of funding;

: the current production of an Infrastructure Delivery Plan as part of the Rotherham Local Plan (nb: the Plan had not yet been adopted);

: the current pressure on early years' primary school provision, throughout the Borough area and the possible use of Section 106 funds to relieve some of that pressure;

: the historical use of Section 106 funding; freedom of information requests made, seeking this information;

: the Section 106 affordable housing requirements are always applied to new housing schemes – the policy is included in the Local Plan;

: Members referred to a number of locations throughout the Borough area (eg: highways, land, schools) which may benefit from improvements funded via a Section 106 agreement.

Resolved:- (1) That the report be received and its contents noted.

(2) That, after the corporate Section 106 working party has completed its review, the first annual report will be submitted to a meeting of this Select Commission early in 2013; thereafter, annual reports and brief quarterly progress reports will continue to be submitted to meetings of this Select Commission.

(3) That the Planning Manager and other appropriate officers shall submit a further report to a future meeting of this Select Commission listing all of the Section 106 agreements which the Council has made within a period of at least the last six years, for which financial records exist; and such report shall include the following information:-

(a) amounts outstanding from existing Section 106 agreements, which the Council has not yet received from developers;

(b) the amounts of money receivable from existing Section 106 agreements which have already been received by the Council;

(c) the amounts of Section 106 money which the Council has subsequently spent on improvement schemes (ie: the report shall identify both the scheme and the Council service budget which has utilised the Section 106 funds).

(4) That, at a future meeting, this Select Commission shall determine whether to establish a review group to undertake a scrutiny review of the Council's use of funding received by the Council as part of Section 106 agreements.

40. LOCALISM ACT 2011 - STRATEGIC TENANCY POLICY

Further to Minute No. 33(3) of the meeting of the Improving Places Select Commission held on 17th October, 2012, consideration was given to a report presented by the Director of Housing and Neighbourhood Services stating that, by means of the Localism Act, 2011 and other legislation concerning social housing reform, the coalition Government has introduced a number of options for social housing landlords to allocate and manage their housing stock.

The report stated that it is a requirement of the Localism Act 2011 that local authority landlords publish a Strategic Tenancy Policy, which sets out the authority's approach to the use of fixed term tenancies (sometimes referred to

as flexible tenancies], by January 2013. The consultation feedback on this issue has clearly demonstrated a strong opposition to the widespread use of fixed term tenancies across the Borough. The conclusion of this consultation was that shorter-term, fixed term tenancies would make it difficult for people to settle and invest in an area and would undermine neighbourhood sustainability.

Members noted that feedback in respect of the use of long term, fixed term tenancies for the 1.3% of Rotherham's housing stock of 4 (and more) bedroom homes is less clear and further guidance was being sought on this issue, from Elected Members.

Members discussed the following salient issues:-

: the proposed changes will not insist that existing Council tenants shall move house, nor have to relinquish their existing tenancy;

: the desire of families to remain in their local area;

: the majority of the stock of Council housing comprises two- and three-bedroom properties;

: the various advantages and disadvantages of fixed term tenancies;

: providing assistance to existing tenants who are required to move house, for example, if they are down-sizing their properties;

: the strategic tenancy policy is to be considered by the Cabinet member for Safe and Attractive Neighbourhoods.

Resolved:- (1) That the report be received and its contents noted.

(2) That this Select Commission is generally supportive of the strategic tenancy policy proposal to introduce fixed term tenancies, including those in respect of Council housing properties which have four (and more) bedrooms.

(3) That this Select Commission expresses the view that there shall be sensitive treatment and support provided by the Council to tenants when they are required to move home as a consequence of the strategic tenancy policy.

41. HOUSING REPAIRS AND MAINTENANCE : UPDATE

Further to Minute No. 33(3) of the meeting of the Improving Places Select Commission held on 17th October, 2012, consideration was given to a report presented by the Director of Housing and Neighbourhood Services containing a summary update of the repairs and maintenance service provided for the Council's housing stock during the period of two years since the externalisation of the service to private sector companies.

Select Commission Members discussed the following salient issues:-

: the transfer of responsibility for the delivery of the service to the Morrison and the Willmott Dixon companies (nb: Morrison have recently been taken over by the Mears company);

: issues of finance, risk and profit-sharing; the use of open book accounting;

: customer feedback and complaints; performance management;

: responsive repairs; emergency repairs; repairs to void properties, enabling them to be available for re-letting; gas safety and cyclical works; planned works; investment in capital works; aids and adaptations to properties;

: repairs and maintenance undertaken during the Winter months and during periods of severe weather (previously, there has been a specific problem with the performance of condensation boilers in freezing temperatures);

: rationalisation of the out-of-hours telephone service;

: the importance of repairs being completed on time and the impact upon tenants and upon service delivery of delays in completing repairs.

Resolved:- That the report be received and its contents noted.