

COUNCIL – 3RD SEPTEMBER 2018

ITEM 10 QUESTIONS ON NOTICE

10.1 Councillor Hayes – Decent Homes Contract

Will the Leader please confirm or deny if the Council have received a claim from Wates, following the expiry date of the Decent Homes contract and if so the details of the claim?

The Leader, or his nominee, will respond:

The Council appointed Wates Construction Limited to provide maintenance services to the Council's residential housing assets under a 4 year framework agreement dated 31st March 2014. Following the expiry of the framework agreement, and conclusion of the underlying contracts, in March 2018, Wates submitted a draft final account to the Council, in accordance with normal industry practice, which seeks to reconcile payments which it considers are due to it under the contracts with payments received from the Council.

The Council is currently evaluating the merits of Wates interim final account and will respond to Wates with the Council's final valuation shortly.

10.2 Councillor Hayes – West of Loughborough Sustainable Urban Extension

Can the Lead Member for Planning tell the Council what arrangements have been put in place to protect the Council regarding the £100million pound gross development value Section 106 legal agreement with developers relating to the sustainable urban extension west of Loughborough to ensure it provides the people of Charnwood with a strong negotiated agreement, which has been delegated to the Head of Planning and Regeneration?

The Leader, or his nominee, will respond:

The Section 106 legal agreement has been drawn up based on the community benefits approved by the Plans Committee in September 2016. It has been signed and planning permission was therefore issued on 20 July 2018. The legal agreement is ultimately enforceable by the courts but includes arbitration clauses if there is any dispute over the interpretation of the legal obligations. The signatories to the agreement including the developer or the Council may invite the signatories to vary the agreement at any time (but all parties have to agree to the variation). The agreement provides a contributory sum to be paid to the Council to ensure that the legal agreement is monitored over the build out of the development.

10.3 Councillor Campsall – Security for Older People’s Bungalows

The Council provides valuable housing in the form of older people’s bungalows. However the layout of bungalows in the Garendon ward is such that there are no fences between them to prevent access to the rear of the properties. A number of residents, all of whom are older people, have experienced problems as a result. There have been cases of people accessing the rear of properties causing a substantial invasion of privacy as well as genuine fear and concern. There have also been two break-ins where access was made from the rear of the property, one of which also involved an assault. This has led to a number of people having to keep their windows closed even during the recent hot weather.

Would the Lead Member therefore look into taking steps to protect these vulnerable people by putting up appropriate fences to prevent access to the rear of their homes?

The Leader, or his nominee, will respond:

It is saddening to hear that the most vulnerable members of our community have been targeted.

The bungalows in the Garendon Ward do not suffer from many incidences of crime and anti-social behaviour.

A large scale fencing scheme at the bungalows is not a proportionate or necessary response to problems that residents may have experienced.

I would encourage residents to take simple steps to increase their personal safety at home, and advice in this respect can be found on the Leicestershire Police website.

The Council has a dedicated Landlord Services Anti-Social Behaviour (ASB) Team. Tenants experiencing ASB should report it to the Council either online at the Council’s website, or by telephone on 01509 634 666.

10.4 Councillor Bradshaw – Section 106 Payments

Would the Cabinet Lead Member give an update on how the group that meets to review Section 106 payments has performed over the last year?

And can the Cabinet Lead Member inform Full Council why the group does not look at Section 106 monies that have not been paid, for example where triggers in the agreement have not been reached or older applications, some of which are outstanding for many years longer than agreed?

The Leader, or his nominee, will respond:

Officers meet quarterly to monitor and report progress on spend. The group has good cross-directorate representation. The majority of

Section 106 contributions have been committed to a scheme or are being considered to be committed to “join up” separate contributions in a particular locality. The total amounts allocated and amounts already spent are identified by parish/ward so it is clear what has been achieved in each locality, as well as what is current.

Where contributions have been delayed in spend, the reasons are identified, e.g. to create a bigger scheme pot once more contributions have come “on line”, or the contribution spend is dependent upon a legal requirement which may have an uncertain end date, like land adoption. There are over 110 current agreements of which a handful of schemes (less than 10) have had refreshed timeframes agreed with the developer. Current agreements amount to approximately £3.6m and over half are already committed to schemes identified by parishes, health centres, community organisations etc.

The working group also works on forward planning for fresh Section 106 sums when new developments have been approved through the planning process. The need for forward planning across project schemes and maximising resources to the greatest benefit for an area will continue to form a key aspect of the remit of this working group. Considerable work continues with individual wards, parishes and community organisations on their proposals for Section 106 funds, but also “horizon scanning” for up and coming development and contributions that enable officers to plan early for consultation.

The quarterly report from the group is used to update the Lead Member on Section 106 matters on a quarterly basis. This information is also included in budget reporting at Cabinet and has also helped to inform questions at the Performance Scrutiny Panel and recent member training on Section 106 issues.

10.5 Councillor Draycott – Court Fees for Council Tax Summons

English local councils are set to be refunded money after they were overcharged for taking legal action over unpaid Council Tax. The Ministry of Justice has stated that court fees for Council Tax summons had been set too high since 2013/14 following an “administrative error” that charged an additional £2.50 per application.

As the Council’s policy is to pass on court costs how will the Council ensure the refunded money is paid back to each person concerned?

The Leader, or his nominee, will respond:

Legislation has recently been passed reducing the cost for Councils in making Summons applications to the Courts from £3.00 per case to £0.50 per case. This translates into a reduction in costs applied for from Magistrates Court of £2.50 which has reduced the level of costs applied to customer accounts following successful applications.

At present the Council is awaiting guidance and information regarding the potential to backdate this reduction in costs. Once this information

is received, the Council will then be in a position to confirm what action it will take with regards to this matter.

10.6 Councillor Draycott – Bring Sites

At Full Council on 25th June in a Position Statement requested by the Labour Group, Councillors were told that 70 bring sites would close in Loughborough and Charnwood. (item 8 on the agenda). Can the Cabinet Lead Member inform Council of the following:

- How many of the 70 sites have closed and of the remainder when will they close?
- How many will remain open and why?
- How many parish and town councils have chosen to pay for them to remain in their areas?
- How many will remain open at the University and how are they going to be paid for?

The Leader, or his nominee, will respond:

Please find my response to your questions below.

- *None of the sites have closed yet. It is anticipated that they will all be removed by end of September 2018.*
- *The banks for paper, card, cans and glass will all be removed. A small number of private textiles banks may remain on privately owned sites.*
- *I understand that two parish councils are considering running sites independently from the Borough Council.*
- *The Council is removing all bring banks from University sites and I understand that the University are considering making independent arrangements with private contractors for new banks. The University will be responsible for any costs.*

10.7 Councillor K. Harris – Reactive Contracts for Cleansing and Open Spaces

On several occasions recently I have had complaints from residents about streets not being cleaned or paths cleared and I have noticed and reported cases myself. On each occasion the Head of Service has got the work done promptly. As I was concerned about the number of complaints piling up, I asked about this and was told that the contracts are reactive. The procurement officer even told me that complaints are good because that gets the work done. Can the Lead Member reassure me and my residents that this is the best way to deliver services and that it is not just a measure to cut corners and save money?

The Leader, or his nominee, will respond:

Street Cleansing throughout the Borough is undertaken by the Council's Contractor, Serco, under the Environmental Services Contract. The contract requires Serco to keep all of public highways (including footpaths and cycleways), and Council Open Spaces free of

litter and detritus. The contractor deploys its resources pro-actively to ensure that all areas are maintained at the required standard. The graded standards used to monitor the cleanliness of areas are put into two categories; litter and refuse, and detritus (mud, soil, grit etc.)

The Contract has been operating in this way since 2009 and the performance has been consistently high throughout that period. The current levels of performance are:

- *Improved street & environmental cleanliness - levels of litter
2.4% of areas inspected falling below a Grade B*
- *Improved street & environmental cleanliness - levels of detritus
3.8% of areas inspected falling below a Grade B*
- *Percentage of people satisfied with cleanliness standards
71.53% of residents satisfied with the levels of street cleansing.*

Compliments for the service outnumber the number of complaints by a ratio of approximately 3 to 1.

Areas maintained by Charnwood have been classified into one of four main land zones, which are set out in the Code of Practice on Litter and Refuse. If a site falls to a grade C or D for either litter and refuse, or detritus, it is considered that the cleanliness is poor and classed as unacceptable, and should be handled within the set response times as laid out below

Zone	Description	Response Time
Zone 1 - high intensity of use	Busy public areas	Half a day.
Zone 2 - medium intensity of use	'Everyday' areas, including most housing areas occupied by people most of the time	1 day.
Zone 3 - low intensity of use	Lightly trafficked areas that do not impact upon most people's lives most of the time	14 days.
Zone 4 - Areas with special circumstances	Situations where issues of health and safety, reasonableness and practicality are dominant considerations when undertaking environmental maintenance work	28 days, or as soon as reasonably practicable

More information on this matter including grading standards can be found on the Council's website:

<https://www.charnwood.gov.uk/pages/streetcleaningandlitter>

Regular inspections are conducted by Serco and Council staff to ensure that a high level of cleanliness is maintained at all times. A significant number of inspections, and additional less formal monitoring takes place. However, the monitoring that is conducted can only be classed as a sample of the borough at any given time.

Residents and elected members are encouraged to report any areas of concern in order that an appropriate response can be made to each case.

Finally it is important to note that whilst the contract has brought significant efficiency savings to Charnwood, the contract was never awarded on the basis of cheapest option, with quality being a more significant factor.

10.8 Councillor Miah – Local Government in Leicestershire

Can the Leader inform Council what discussions have taken place with the County Council regarding a proposed unitary authority for Leicestershire? Can he also disclose to Council what discussions he has personally had with the Leader of Leicestershire County Council, Mr Nick Rushton, regarding the matter?

Has he or any member of his administration, or officers of the Council or anyone at his request, had any formal or informal discussions with any other Leader, member or officer of any other councils within Leicestershire regarding the matter of the proposed new unitary council or any other combination or formation of councils? And if so what was the outcome of those discussions?

The Leader, or his nominee, will respond:

Leicestershire County Council has had no discussions with members or officers of this Council regarding its proposals for a unitary authority for Leicestershire.

District Council Leaders in Leicestershire have discussed the model of local government in Leicestershire and published a joint statement on 27th July. This was reported to Cabinet at its meeting on 16th August.

Discussions are ongoing at Leader and Chief Executive level to adopt a collaborative approach with other Local Authorities in Leicestershire to examine what may be the best way of delivering local services for residents in the County, and in the wider context of the East Midlands region.

10.9 Councillor Hamilton – Anti-social Behaviour

Can the Lead Member inform Council what is being done about the anti-social behaviour being suffered by our residents? There has been a recent spate of incidents in Sileby, Shepshed and Loughborough including the town centre where gangs of youths can be seen hanging around and causing severe issues for residents. What specific actions

have officers taken in those three locations and what were the outcomes?

Can the Lead Member also inform Council how many reported incidents of anti-social behaviour have been logged by the Council in each ward within the Borough over the past twelve months?

The Leader, or his nominee, will respond:

Tackling anti-social behaviour (ASB) and improving the outcomes for victims is a key strategic priority for the Community Safety Partnership. Profiling of repeat locations, victims and perpetrators occurs on a monthly basis and is discussed at the multi-agency Joint Action Group (JAG).

Each high-risk case receives detailed discussion and there is a mandatory referral to Victim First. An incremental approach is taken in order to tackle perpetrators with outcomes ranging from: verbal / written warnings, Anti-Social Behaviour contracts, possession orders to evict (if tenants) and County Court Civil Injunctions. All of these tactical options have been utilised by the Council within the last 12 months. In terms of positive action being taken against perpetrators, the Partnership has seen a 60% increase in the first quarter of 2018/19.

Specifically in relation to Sileby, Shepshed and Loughborough town centre, all 3 locations have been referred to the JAG. Each has been referred to the Youth Offending Service who have deployed their IMPACT team to each location to engage with groups of youths. Offenders have been identified, multi-agency meetings have been convened and the above incremental approach is being applied to tackle persistent offenders. Further information can be found at:

https://www.charnwood.gov.uk/files/papers/smb_08_august_2018_item_07_crime_and_disorder_reduction_and_community_safety/SMB%2008%20August%202018%20Item%2007%20Crime%20and%20Disorder%20Reduction%20and%20Community%20Safety.pdf

Overall incidents of ASB across the Borough are down compared to last year. The table below breaks down the number of ASB incidents logged by the Council within the last 12 months by Police Beat:

Beat Area	19th August 2017 to 19th August 2018
Beat 56 Covers Woodhouse Eves, Newtown Linford, Cropston, Rothley and Quorn	61
Beat 57 Mountsorrel	41
Beat 58 Anstey	27
Beat 59 Covers Wymeswold, Hoton, Burton on Wolds, Barrow Upon Soar, Sileby, and Seagrave	99
Beat 60 Covers Birstall and Wanlip	17

Beat 61 Covers Queniborough, Syston, Thurmaston, Barkby, Beeby and South Croxton	132
Beat 62 Covers Ashby Road Estate, Loughborough University, Storer Road Area, Loughborough Town Centre and Loughborough College	221
Beat 63 Covers Nanpantan, The Outwoods and Shelthorpe	49
Beat 64 Covers Hathern, Shepshed and the Dishley Road Estate	94
Beat 65 Covers Bell Foundry Estate, Warwick Way Estate, Parts of Alan Moss Road, Meadow Lane, Sparrow Hill, Pinfold Gate, Leicester Road	195

QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE

- Councillors are required to submit a question on notice in writing by 12noon on the sixth working day prior to Council, the title of the question is published on the Council Agenda.
- Questions and responses will be published at the end of the previous working day (usually the Friday prior to a Council meeting on a Monday) and will be available at the Council meeting for Councillors, the press and the public.
- After the questions and responses are published Councillors may indicate that they wish to ask a supplementary question and/or make a statement by noon on the day of the Council meeting.
- The Mayor will invite those Councillors who have indicated that they wish to do so to ask a supplementary question and/or make a statement.
- The Leader (or relevant Lead Member on behalf of the Leader) or Chair of the Committee is able to respond.
- The total time each person can speak on a single question is time limited.