
POLICY DEVELOPMENT AND REVIEW COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 13 February 2018 from 7.00pm - 9.26pm.

PRESENT: Councillors Sarah Aldridge, Andy Booth (Vice-Chairman), Lloyd Bowen (Chairman), Nicholas Hampshire, James Hunt, Peter Marchington, George Samuel and Ben Stokes.

OFFICERS PRESENT: Martyn Cassell, Philippa Davies, Mike Marsh, Bob Pullen, Graeme Tuff and Rebecca Walker.

ALSO IN ATTENDANCE: Councillors Cameron Beart and Ken Pugh (Cabinet Member for Housing and Wellbeing)

APOLOGY: Councillor David Simmons (Cabinet Member for Environment and Rural Affairs).

490 FIRE EVACUATION PROCEDURE

The Chairman drew attention to the fire evacuation procedure.

491 MINUTES

The Minutes of the Meeting held on 17 January 2018 (Minute Nos. 438 – 445) were taken as read, approved and signed by the Chairman as a correct record.

492 DECLARATIONS OF INTEREST

No interests were declared.

493 TENANCY STRATEGY REFRESH

The Chairman welcomed the Cabinet Member for Housing and Wellbeing and the Strategic Housing and Health Manager to the meeting.

The Cabinet Member for Housing and Wellbeing introduced the report which set-out the background to the Refreshed Tenancy Strategy, and the eight week consultation process. He advised that there were very few changes, and these included a few statistics. Local Authorities were required to have a tenancy strategy, even if they had no housing stock. The strategy enabled Swale Borough Council (SBC) to have a monitoring role in relation to the housing associations who had the housing stock. The Cabinet Member welcomed comments from Members on the refreshed strategy.

In response to a question, the Strategic Housing and Health Manager explained that the changes to the strategy were mainly data updates, particularly changes to rent levels. She drew Members' attention to paragraph 10.1 in the Tenancy

Strategy document which outlined the new Government grant programme, the Shared Ownership Affordable Homes Programme 2016-21 (SOAHP) which enabled Registered Providers (RP) to charge rents of up to 80% of local market rents. She also drew attention to paragraph 11.2.4 which required RPs to reduce social housing rents by 1% a year for four years.

In response to a question on the circumstances that RPs were required to grant lifetime tenancies to households whose circumstances were unlikely to change over time, the Strategic Housing and Health Manager explained that this would include anyone who had extra vulnerabilities or mobility issues, and could not sustain a tenancy on the open market. In response to a further question on whether in the situation of a lifetime tenancy, one person died, she explained that this was down to the individual housing association. They had individual tenancy policies, but generally, the tenancy would move to the other person if succession applied. If they were under-occupying they could apply to the Housing Register and bid on smaller homes when they became available. The person would not be evicted or made homeless.

A Member considered the wording in paragraph 7.2.1 in relation to two year tenancies only being issued in 'exceptional circumstances' was not strong enough, and asked what exceptional circumstances might be. He also asked whether further checks were made on any additional income coming into the household (paragraph 7.6.2). The Strategic Housing and Health Manager explained that a tenant could get a two or five-year fixed term tenancy, or a two-year which could be reviewed. This was carried out in a managed way, and was down to the individual housing associations. The standard tenancy was five-year fixed term. She also explained that with regard to income, a nominated person in the household would be verified, but if an income was not declared, this was difficult to follow-up.

A Member referred to the 1% decrease in rent over four years, and whether there was any scope for rent to increase in relation to changes in the open market, and whether these costs were passed on and the impact on viability. He suggested there needed to be links with the Planning Team with regard to the amount of affordable homes. The Strategic Housing and Health Manager explained that the 1% decrease was a legislative change, but that rents might still be unaffordable for some prospective tenants and could impact on who the housing associations accepted. Some may be by-passed because of the rent set as 80% of the local market rent, could still be unaffordable for some households. In response to a further question, she explained that shared ownership was not a true affordable housing option for many local families, and these homes could be sold to those with no connection to the local area. In partnership with Housing Associations it was often agreed that a cascade could be put-in-place to ensure that local families were given the option for three months to purchase and then it was put out to others.

There was some discussion on earnings that were not declared.

A Member suggested that paragraph 3.2 in relation to population growth in Swale needed to be strengthened. He raised concern with the lack of affordable homes available in the Borough, and suggested that the normal minimum 5-year tenancy term in Swale be changed in light of the impending housing crisis in the Borough. The Member asked how the figure compared with other local authorities. In

response, the Cabinet Member explained that the five-year term was recommended by Government, and the Strategic Housing and Health Manager stated that the standard term was also 5-years for the majority of housing associations in other local authorities. She further advised that housing associations could be asked to lower their fixed term, but there was no legislation to force them to do less than a five-year term. It would be onerous to undertake the administration and monitoring of a two-year term. The Cabinet Member confirmed that paragraph 3.2 could be strengthened. The Strategic Housing and Health Manager explained that she tried to get a maximum of affordable homes on each new development, but viability reports overrode planning policy, but the aim was to get a reasonable and proportional mix of housing.

There was further discussion on when affordable housing was applied for, that this reflected the current growth in population in the Borough, and that the policy needed to be more substantial. The Cabinet Member agreed that this could be looked into further.

A Member referred to paragraph 7.5.5 and asked that if tenants had to move because the property was under-occupied, would the new property be in the same area, or would they have to move away? He also asked what happened if a landlord did not cover all the bullet points listed in paragraph 6.1.2. The Strategic Housing and Health Manager explained that tenants were not forced to move, but they could bid for available properties on the housing register. She stated that every Housing Association needed a policy and they were required to take into account SBC's strategy.

In response to a question, the Strategic Housing and Health Manager explained that shared ownership housing was included within the affordable housing figures outlined in paragraph 4.2. She added that she was consulted on every large development site with regard to affordable housing and shared ownership. In response to further questions, she stated that possible security of tenure after five years could be achieved by the fixed term becoming rolling tenancies after review; and that Right to Buy enabled tenants to purchase at a reduced rate, but this was down to the individual housing association.

A Member asked what could be done to help young people get onto the private housing market. The Cabinet Member stated that it was recognised that tenants could also be saving for the future, and the Strategic Housing and Health Manager outlined other options such as Rent to Buy, and shared ownership.

A Member asked if SBC looked at other housing associations, such as English Rural? The Strategic Housing and Health Manager stated that they actively sought to work with other housing associations and were open to working with as many housing associations as possible.

The Cabinet Member for Housing and Wellbeing thanked Members for their comments.

The Chairman thanked the Cabinet Member for Housing and Wellbeing and the Strategic Housing and Health Manager for attending for this item and explained that

the refreshed Tenancy Strategy was out to consultation until 23 March 2018, and would be considered by Cabinet later in 2018.

Recommendation for consideration by the Cabinet Member:

(1) That the comments made by the Committee be considered by the Cabinet Member for the final Tenancy Strategy document.

494 REVISED OPEN SPACES/PLAY STRATEGY

The Chairman welcomed the Head of Commissioning and Customer Contact, the Leisure and Technical Services Manager, and the Greenspaces Manager to the meeting.

The Head of Commissioning and Customer Contact introduced the report which set out the Open Spaces and Play Strategy 2017-22 and the processes undertaken to arrive at the final draft and what happened next. He outlined the following: a suggestion that the timeframe of the Strategy be changed to 2018-23; that they had tried to combine technical evidence in the Strategy so that it was more streamlined; the Strategy brought the Play Areas and Open Spaces together in one document; the consultation commenced on 12 March 2018 and would be circulated to residents, partner organisations and regional organisations; and the Strategy would be considered at Cabinet on 30 May 2018 for formal adoption. The Head of Commissioning and Customer Contact explained that the Strategy was based on technical assessments made in 2016/17, and was evidence-based in relation to the Local Plan. He stated that it was a move away from previous strategies, as the Council was seeing a decrease in resources, together with a greater demand on the Council. He considered it to be a fundamental policy change.

The Chairman invited consideration and questions from the Committee and suggested the document be split into sections for discussion.

The Report, pages 19 – 24

The following points were raised:

- The Strategy was linked to other departments at SBC in relation to Section 106 agreements and Community Infrastructure Levy (CIL), and this would dictate how it went forward;
- Welcomed decision to **not** have a play area on every new development;
- Welcomed £100,000 investment per year for five years on other existing open spaces as noted in paragraph 2.8; and
- Needed to remember and consider small sites as well.

A Member asked how funding was going to be achieved for this. The Head of Commissioning and Customer Contact stated that there were two elements, either Section 106 monies or CIL. The Council had not adopted the CIL approach, so this left the Section 106 option. He explained that the date of 2017-22 fell in-line with the Local Plan process, so the targets and demands were running together. He added that it was not possible to maintain all the present and potential play areas if

there was one on each development site. The same amount of funding would be requested, so there would be quality instead of quantity.

A Member asked if the consultant's report had been made public yet. The Head of Commissioning and Customer Contact advised that it was not public at the moment as the process was not at that stage yet, and the report would be used to enable a set of principles to be signed-up to. It provided technical guidance and would be referred to on how decisions had been made.

The Head of Commissioning and Customer Contact outlined the process put in place to fund open spaces which included working on a formula based on the type and number of houses; and whether there were any open spaces nearby, and the condition they were in. Not all Section 106 Agreements had deadlines, but priority was given to any deadline, plus any need to de-commission for safety reasons. The Green Spaces Manager met regularly with Planning Officers, and sometimes there might be Parish or Town Council involvement.

In response to a question, the Green Spaces Manager advised that Section 106 monitoring had improved over the years.

A Member asked how open spaces that were surplus to requirements were assessed and raised concern that fewer play areas could have an impact on obesity issues. The Head of Commissioning and Customer Contact advised that a nationally recognised assessment process was used for the criteria of both open spaces and play areas. These were plotted on GIS maps to determine walked catchment areas. The principle of potentially losing an open space would be discussed with the Cabinet Member and Ward Member(s). He also outlined asset transfer options where local community groups could manage the land. He advised that this option in relation to open spaces was more contentious because of the varying opinions in relation to maintenance standards of the land in question. Complete disposal of an open space, e.g. for housing was very difficult and would normally only take place if there was over-provision, and would be a last resort option.

A Member raised concern with the use of management companies and whether there was another way of dealing with this and he asked, what the 'overwhelming case' was, referred to in recommendation (f) on page 21 of the report. In response, the Head of Commissioning and Customer Contact outlined the process of a commuted sum, and then liability of the land sitting with the Council. He explained that the Council would need to see the proposals of any management company, and advised that the Council could not keep inheriting more spaces for maintenance. The Member suggested that the process be looked into and to work with the developers initially, then a management company, without a management company coming in first. The Head of Commissioning and Customer Contact stated that the process of the developer talking to Planning Officers at the pre-application stage would not change. He suggested that in terms of management companies being taken to account, that conditions could be added to Section 106 Agreements. In response, the Greenspaces Manager advised that there were stringent requirements around management companies in terms of Section 106 Agreements. They were required to supply a management plan and commit the

funding and put a company in place and this would then be monitored going forward.

Members agreed that the term of the Strategy should be amended to 2018-22.

Members agreed that Ward Members be involved in determining recommendation (f).

The Strategy

Section 1: Introduction and Executive Summary, pages 25 – 37

In response to a question, the Head of Commissioning and Customer Contact explained that it was an **external** assessment in relation to play areas that were considered to be low quality (paragraph 1.4).

The Head of Commissioning and Customer Contact agreed to find out more information in terms of who took responsibility for Local Green Spaces.

Section 2: The way forward, pages 37-44

The following points were raised:

- Flagship Play Sites (page 40) – Sheppey was not a town;
- There was confusion as to who was in charge of the maintenance of different plots of land;
- Safeguards were needed in relation to management companies; and
- Consultation with Ward Members was needed under paragraph 2.3.

The Head of Commissioning and Customer Contact agreed to look at the wording in relation to the named places for Flagship Play Sites. He advised that there would be one per major conurbation, not multiple sites. In response to a question, he advised that this concept was about delivering a range of facilities around the area that was stipulated.

The Head of Commissioning and Customer Contact agreed to look further into management companies, who was responsible for what and also look at national guidelines. The Leisure and Technical Services Manager confirmed that he would speak to legal and planning to look into making management companies more 'water-tight'.

In response to a question, the Head of Commissioning and Customer Contact agreed to strengthen the wording in relation to facilities for disabled people, and to also look into facilities for adults for an emotional/holistic approach.

*Members agreed that under paragraph 2.5 (b) that the sentence be amended to read: 'To achieve **at least** 3 Green Flag parks and open spaces in the next five years'.*

Members agreed that Ward Members should be included in discussions when play areas were considered for disposal.

Section 3 – Funding the improvements – pages 44-46

In response to a question, the Head of Commissioning and Customer Contact reported that options for Green Flag parks were being pursued, and this included Faversham Recreation Ground.

A Member asked how it was determined what facility went into each play area. The Head of Commissioning and Customer Contact explained that reference was made to an active strategy 2016-26, and some sites were historic in their facility provision.

In response to a question on whether there would be car parking charges, the Head of Commissioning and Customer Contact advised that no decision had been made on this yet, and models around the country would be looked at. Destination venues provided options for commercial use as well, i.e. a café. He explained that the Strategy focused on how to protect the Council's assets, and commercialism had to be an option. He further stated that the Strategy was looking to re-classify into local and flagship schemes, and the benefit of a destination site was that it could be added to in the future.

Appendix A – SBC play area criteria

A Member queried whether the wording 'within 20 minutes walking distance' should be included as he considered there were good places to visit beyond that distance. He also considered that parking should be included.

The Head of Commissioning and Customer Contact agreed to look further into the 20 minutes walking distance, and also to add parking to the criteria. In response to a query, he also agreed to reconsider the Appendix to look more closely at the criteria, and specifically destination open spaces.

The Head of Commissioning and Customer Contact thanked Members for their comments and advised that the suggested changes would be made prior to the start of the consultation period on 12 March 2018.

The Chairman thanked the Head of Commissioning and Customer Contact, the Leisure and Technical Services Manager and the Greenspaces Manager for attending for this item. He explained that the draft Strategy would shortly go out to public consultation and would be adopted by Cabinet on 30 May 2018.

Recommendation for consideration by the Cabinet Member:

(1) That the comments made by the Committee be considered by the Cabinet Member for the final Open Spaces and Play Strategy 2018-22.

495 COMMITTEE WORK PROGRAMME

The Policy and Performance Officer drew attention to the updated (tabled) work programme and advised that together with the new meeting on 10 April 2018, an additional meeting would also be required. The items for these two meetings included:

- Digital Strategy
- Regeneration Strategy
- Swale Strategic Air Quality Action Plan 2018-22
- Debt Recovery and Discretionary Housing Payment policies.

Resolved:

(1) That the Work Programme be noted.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel