

# COMMUNITY SCRUTINY COMMITTEE

Thursday, 29 September 2016

**PRESENT:** Councillor D.M. Cundy (Chair)

**Councillors:**

J.M. Charles, G.B. Thomas, J. Thomas, S.L. Davies, T. Devichand, S. Matthews, W.R.A. Davies, H.I. Jones, H.B. Shepardson and E.G. Thomas

**Also Present:**

**Councillor L.D. Evans – Executive Board Member for Housing**

**The following Officers were in attendance:**

I. Jones – Head of Leisure  
R. Staines – Head of Housing and Public Protection  
H. Morgan – Economic Development Manager  
J. Morgan – Housing Services Manager – Investment and Support  
D. Eldred – Group Accountant  
G. Williams – Team Leader  
I. Llewellyn – Forward Planning Manager  
R. Bowen – Contributions Officer  
D. Philips – Press and Communications Officer  
K. Thomas – Democratic services Officer

**Chamber, County Hall, Carmarthen - 10.00 am - 12.35 pm**

**1. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor J.K. Howell.

**2. DECLARATIONS OF PERSONAL INTERESTS**

<b>Councillor</b>	<b>Minute Number</b>	<b>Nature of Interest</b>
T. Devichand	7 – National Licensing of Landlords and Agents	Landlord
G.B. Thomas	7 – National Licensing of Landlords and Agents	Landlord
H.B. Shepardson	7 – National Licensing of Landlords and Agents	Secretary of a social club in Burry Port that rents out properties

**3. DECLARATION OF PROHIBITED PARTY WHIPS**

There were no declarations of prohibited party whips.

**4. PUBLIC QUESTIONS (NONE RECEIVED)**

No public questions had been received.

**5. FORTHCOMING ITEMS**

The Committee received a list of forthcoming items to be considered at its meeting to be held on the 3<sup>rd</sup> November, 2016.

The Chair referred to the meeting of Council held the previous day, and to the discussion undertaken on a Notice of Motion calling upon the Welsh Government to draw up a new national strategy to deal with large empty properties e.g. old chapels, churches, halls etc, and to provide local authorities with additional funding to facilitate their conversion into flats for rent or sale. As part of the discussion on the Notice of Motion, a suggestion was made that the Community Scrutiny Committee may wish to consider establishing a task and finish group to look at such buildings that were blighting town centres.

Reference was made to the Review of Access to the Social Housing Policy to be considered at the next meeting, and whether it would be possible for the report to include references to homelessness. The Head of Housing and Public Protection advised that although the report had been drafted in preparation for its imminent progression through the Council's political process, he would, if possible, arrange for data held by the department on the numbers of homeless and the time taken to house them to be included within the report.

#### **UNANIMOUSLY RESOLVED**

**5.1 That the report be received**

**5.2 That a Task and Finish Group be established to look at large empty buildings i.e. old churches/ chapels, halls etc that were blighting town centres, and to the options available for their conversion into flats for rent/sale.**

### **6. AFFORDABLE HOMES NEW BUILD PROGRAMME PHASE 1 2016-2017**

The Committee received for consideration a report on the Council's Affordable Homes New Build Programme - Phase 1 for 2016-17 detailing how the Authority proposed to maximise funding opportunities available over the next two years to deliver, in conjunction with the Housing Associations, over 200 new homes, with a total investment of over £15m.

Initially, the Council's delivery plan had been committed to investing £5.6m into building 45 new homes over the next five years. However, following additional funding made available by the Welsh Government, it was now proposed to provide 61 new homes over the next two years at Dylan Llwynhendy, Garreglwyd Pembrey, Maespiode Llandybie and Pantycelyn, Llandovery, which had been prioritised on housing need, development costs, land availability and deliverability. Thereafter, subject to any additional finance being forthcoming, the plan included provision for an additional 68 homes on three sites at Y Waun Llwynhendy, Nantydderwen Drefach and Gwynfryn Ammanford.

The following issues were raised during consideration of the report:

- Reference was made to the proposal to build 26 homes on land at Y Waun, and to recent flooding difficulties encountered in the Llwynhendy area. Views were expressed that prior to any development of the site, detailed investigations should be undertaken to ensure the current flooding issues were not exacerbated to the detriment of the wider community.

The Head of Housing and Public Protection advised that Y Waun was not included within the first four sites, and further investigatory works would need to be undertaken before it could be progressed.

- Further reference was made to the proposals for the development at Y Waun and the Committee was advised of residents' concerns that the development would result in the loss of the last green space in the area on which children could play.

The Head of Housing and Public Protection advised those concerns could be addressed via the planning process and in conjunction with the local member. There may also be an opportunity for a compromise to be reached and consultations could be undertaken with the residents in that regard.

- The Head of Housing and Public Protection in response to concerns expressed that the recent flooding difficulties within the Llwynhendy area could also impact on proposals for the Dylan site, advised that the Council's technical staff had assessed that site and it was ready for development. However, if issues were to arise after its commencement, they would be addressed as the site progressed.
- Reference was made to the proposals within the report for the Bro Myrddin and the Pobl Group to provide 144 homes over the next two years and clarification sought on how those two Associations had been chosen.

The Head of Housing and Public Protection advised that the Welsh Government had identified zones throughout Wales and stipulated which housing associations would be permitted to build within those zones. For Carmarthenshire, only two Registered Social Landlords had been identified, being Bro Myrddin and the Pobl Group. If the Council wished the number of associations to be increased, representations would need to be made to the Welsh Government accordingly.

- In response to a question on the type of homes to be provided, the Housing Services Manager - Investment and support advised that the first phase would comprise 2 and 4 bedroomed homes reflecting the majority of need. It did not include provision for single bedroomed homes, as a report was currently being prepared on single persons need throughout the county.
- Reference was made to the fact the seven council sites identified within the report were within the urban areas and a concern expressed at the lack of proposals for new homes within the rural areas.

The Head of Housing and Public Protection advised that with regard to rural provision, it was generally the case people did not place their names on the housing register on the basis of limited availability of social housing in those areas. The Council had however, commissioned an external rural expert to examine social housing need in rural areas, and a report thereon would come back to the Council in due course, possible via a presentation to members.

- In response to a question relating to the 98 homes to be provided in Carmarthen by Bro Myrddin and the Pobl group it was confirmed that an analysis, including use of deprivation index data, had been undertaken to establish those areas most in need of social housing and Carmarthen had topped that list. As part of that exercise, clarity had also been provided on the priority areas for phase 2.

- Reference was made to the proposal to build 200 new homes at a cost of £15m or £75k per property and clarification sought on whether the figure per property was accurate.

The Housing Services Manager - Investment and support advised that the sum quoted did not include the investment being made by the Housing Associations. With regard to the 61 homes to be built by the Council the estimated £130k cost per property had been placed at the higher end of the construction scale, and it was anticipated the cost would reduce.

- Whilst the investment in new homes was welcomed, reference was made to the number of former council homes for sale in the Llanelli area ranging from £54k - £114k and to whether it may be more cost effective to purchase and renovate those properties.

The Head of Housing and Public Protection advised that to date the Council had re-purchased 21 such homes and consideration could be afforded to acquiring additional properties in the future, if it was cost effective to do so.

- In response to a question relating to the final cost of the new bungalows recently built in Llanelli and Kidwelly via use of the contractor framework, the Head of Housing and Public Protection confirmed that lessons had been learnt and that for the next phases of development the department would be opening the contract to competitive tender. Notwithstanding the lessons of the previous contract, he reminded the committee that there were advantages to using the framework in terms of local job creation and working relationships.
- Reference was made to previous discussion on the establishment of an Arms' Length Local Authority Housing Company to access the Social Housing Grant and information sought on the current position with regard thereto.

The Head of Housing and Public Protection advised that if the Council were to establish such a company, it would not be able to apply for the Social Housing Grant, as that was only available to Housing Associations. However, the Welsh Government was currently examining that position.

- In response to a question on Value for Money and to private versus public sector housing provision, the Head of Housing and Public Protection advised that comparisons should not be drawn between the two. For example, the council, via the contractor framework was able to require contractors to train apprentices, the specifications for the council's homes were different in that it built properties with double bedrooms, the private sector had smaller bedrooms, Council properties also included, where possible, solar panels. Whilst there were differences between the two sectors, the Council was still required to operate cost effectively.

**RESOLVED that the Committee endorse the report and the Executive Board be recommended to:**

- 6.1 Confirm that the Council New Build Programme will begin by developing 61 affordable homes at the four highest priority sites, as identified in the report (Dylan, Llwynhendy, Garreglwyd, Pembrey, Maespiode Llandybie and Pantycelyn Llandoverly)**
- 6.2 Confirm the timescale for the delivery of affordable homes on part of the Pantycelyn site is aligned with the school development proposals**

- 6.3 That the sites within priority 5,6 and 7 in the report (Y Waun Llwynhendy, Nantydderwen Drefach and Gwynfryn Ammanford) would be developed in order of priority when funding became available
- 6.4 Confirm that the specification used for Council new build homes would be traditional construction, with all new homes built to meet the Code for Sustainable Homes Level 3 plus, Design Quality Requirements and the Life Time Homes Standard
- 6.5 Confirm that Phase 1 of the Council new build programme was procured through the South West Wales Regional Contractors Framework
- 6.6 Confirm that consideration would be given to setting up a specific new build framework contract to procure Phase 2 of the Council new build programme
- 6.7 Confirm that Social Housing Grant could be used in 2016/17 to purchase seven private sector homes
- 6.8 Confirm that the Council's Housing Association Partners could prioritise their new build schemes on the eight sites listed in the report and utilise Social Housing Grant to support the development, if required
- 6.9 Continue with a flexible approach around rent levels with Social Housing Grant developments
- 6.10 Confirm that the Council could apply to the Welsh Government to revise the current zoning arrangements for the county, if there was a significant risk of not taking up grant funding and other regeneration opportunities.

## 7. NATIONAL LICENSING OF LANDLORDS AND AGENTS

(NOTE: Councillor T. Devichand, H.B Shepardson and G.B Thomas having earlier declared an interest in this item left the meeting during its consideration)

The Committee, in accordance with minute 5 of its meeting held on the 20<sup>th</sup> June, 2016 received an update report on The Housing (Wales) Act 2014 and the requirement for all landlords and agents to register and obtain a licence by the 23<sup>rd</sup> November, 2016 if they owned or managed private rented properties.

The following issues were raised during consideration of the report:

- Reference was made to the fact only 43% of the known landlords within Carmarthenshire were registered/licenced and clarification sought on what action the Council would take after the 23<sup>rd</sup> November on those who had not registered or commenced the registration process.

The Head of Housing and Public Protection advised that each case would be examined on its merit with the initial approach being one of education. If, subsequently, landlords were not prepared to engage in the process appropriate action would be taken.

- In response to a question, the Committee was advised that a licence, once granted, would be valid for a five year period. However, if a landlord appointed an agent to act on his behalf, he would only need to register as a landlord and would not require a licence.

**RESOLVED that the report be received.**

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The Committee received an update report on the progress being achieved on the Council's consideration of adopting a Community Infrastructure Levy (CIL) for Carmarthenshire in light of recent legislative changes limiting the scope of Section 106 legal agreements, and the fact that if a CIL was not adopted it would result in the Council losing out on contributions from developers to help fund vital infrastructure works required to implement both the Local Development Plan allocations and the regeneration plans. It was noted that the first stage in establishing a CIL was the publication of a Preliminary Draft Charging Schedule detailing proposed charging rates. That schedule was currently subject to public consultation, ending on 4<sup>th</sup> November, 2016 following which, a report would be submitted to Council for determination on whether it wished to proceed with the CIL and consult on a Draft Charging Schedule for subsequent submission for examination.

The following issues were raised on the report:-

- Reference was made to the proposed 15/85 apportionment of contributions between Town and Community Councils and the County Council, and views expressed that, based on that apportionment, local communities could lose out significantly if a CIL were to be adopted

The Forward Planning Manager advised the Committee that if the Council were to agree to introduce a CIL, it would sit alongside but not replace, a Section 106 Agreement. The difference between the two was that Section 106 could only be used to directly fund community benefits arising from a development e.g. highways improvements, play areas etc as set out in legislation. The CIL would be used to fund strategic infrastructure works countywide.

- In response to a question on apportionment, the Forward Planning Manager advised that in relation to the viability or otherwise of adopting a CIL, the Welsh Government Inspector would not allow the Council to proceed with its adoption if the levy would hinder/restrict development occurring. Accordingly, any levy would need to be set appropriately so as to not hinder development by setting it too high or, render it worthless by setting it too low.
- In response to a question on amendments to the S106 criteria, the Forward Planning Manager advised that the new legislation was more prescribed on the type of benefits that could be subject to a charge and that if there was need for example for strategic leisure facilities in an area, it would be unlikely the Council could require a developer to make a contribution.
- It was confirmed that under current policy, developments in excess of 5 or more dwellings were required to enter into Section 106 Agreements for parks and open space contributions where needed, and developments of 10 or more dwellings were required to enter into a Section 106 Agreement for education contributions where needed. The CIL could be applied to all developments including single dwellings, except where those were self-build where no contribution would be required if the property was lived in for three years. The provision of Affordable Housing would also stay within the parameters of a S106 Agreement.



- The contributions officer, for clarification, advised that the purpose of a Section 106 Agreement was to make a development which would otherwise be unacceptable acceptable to an area by providing contributions for specific community benefits arising from the impacts of that development, and the type of schemes for which contributions could be requested were limited by regulation. The CIL, however, could utilise financial contributions on a county wide basis and would not be confined to the area in which the development occurred thereby providing flexibility to provide strategic developments where they were most needed. That flexibility also allowed the Council to alter its priority list to adjust to changing needs. Additionally, if Section 106 contributions were not utilised within a 5 year period, the developer could request that the funds be returned where a claw back clause had been agreed.
- Reference was made to the current procedure for negotiating Section 106 Agreements involving consultations with the local member and to whether that would continue if a CIL were to be adopted.

The Contributions Officer advised that under the CIL Regulations, the 15% contribution would be made available to the Town and Community Councils to spend as they deemed appropriate within their areas subject to compliance with the regulations. However, the local member would still participate at the application stage through consultation which would inform the negotiations on the Heads of Terms of the Agreements.

**RESOLVED that the report be received.**

## **9. 2016/17 IMPROVEMENT PLAN PERFORMANCE MONITORING REPORT - QUARTER 1 - 1ST APRIL TO 30TH JUNE 2016**

The Committee received for consideration the 2016/17 Improvement Plan Performance Monitoring Report for Quarter 1 in respect of the period 1<sup>st</sup> April to 30<sup>th</sup> June 2016.

The Following issues were raised on the report:

- Reference was made to the number of attendances at sporting opportunities facilitated by the Sport and Leisure Officers and clarification sought on the reason for the variance between actual and target results.

The Head of Leisure advised that the variance was attributable to the previous participation generated by the employment of a rugby development officer. That post had now been removed from the structure as it was being funded by the WRU. As a consequence, the Council could no longer count the number of those participants within its figures. However, every effort was being made to improve performance against the target.

- In response to a question on the number of properties being managed by the internal social lettings agency, the committee was advised that the new leasing product offered incentives to encourage landlords to improve their properties thereby increasing the number of affordable homes within the County. With regard to the operation of the agency, that currently managed approximately 130 properties. However, as the authority was now able to utilise the HRA in connection with its operation, an additional officer would

be appointed to increase the unit's capabilities whereby it was hoped the number of managed properties could increase to approximately 180.

- The Head of Housing and Public Protection referred to a question on the average number of days being taken between initial contact for an adaptation and receipt of an Occupational Therapist assessment across all forms of tenure. He advised that for the previous quarter the average number of days taken had been 70 compared to the target of 91. Whilst that represented an improvement on the average 98 days in the same quarter for 2015/16, the department was bidding for resources to employ an additional Occupational Therapist to further reduce the assessment times.

**RESOLVED that the report be received.**

## **10. REVENUE AND CAPITAL BUDGET MONITORING 2016/17**

The Committee considered the 2016/17 Revenue & Capital Budget Monitoring reports for the Housing, Regeneration, Planning and Leisure and Recreation Services for the period up to the 30<sup>th</sup> June 2016.

The following issues were discussed during consideration of the report:

- In response to a question on the projected shortfall in sales at the Pembrey Ski Shop, the Head of Leisure Services reminded the Committee that was attributable to a previous decision to cease operating the shop, apart from possibly the sale of gloves and ski helmets, and to concentrate on the ski slope becoming an activity hub within Pembrey Country Park. The reduced income therefore reflected a reduction in the value of the remaining stock held at the centre, which was now some 4 years old.
- The Head of Leisure referred to the operation of the mobile library service and confirmed that a review had been taken of the network with a view to ensuring service provision across the county. It was also hoped the new vehicles to deliver that service would be available by the new year.
- Reference was made to the £400k cost of dredging Burry Port Harbour and clarification sought on the involvement of the Friends of Burry Port Harbour on those works.

The Head of Leisure confirmed that the £400k was solely funded from the council's capital programme and related to not only dredging works, but also included a requirement for the Council's consultants to examine both sustainable options for the future together with the condition of the harbour walls.

- The Interim Economic Development Manager referred to a question on the anticipated Welsh Government funding (Property Development Fund) for the Cross Hands East Office Development and advised that discussions were ongoing with the Welsh Government to obtain approval for the scheme by the 21<sup>st</sup> November, 2016 as the funding for all schemes confirmed by that date would be honoured by the Treasury should the UK leaving the Single European Market prior to 2020

**RESOLVED**

**10.1 That the report be received**

**10.2 That a report be submitted to a future meeting of the Committee on the future options for Burry Port Harbour**



**11. EXPLANATION FOR NON-SUBMISSION OF SCRUTINY REPORT**

The Committee considered the explanations provided for the non-submission of four reports.

**RESOLVED** that the non-submission report be noted.

**12. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS HELD ON:-**

**12.1. 20TH JUNE, 2016;**

**RESOLVED** that the minutes of the meeting held on the 20<sup>th</sup> June, 2016 be signed as a correct record.

**12.2. 20TH JULY 2016**

**RESOLVED** that the minutes of the meeting of the Committee held on the 20<sup>th</sup> July 2016 be signed as a correct record.

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**CHAIR**

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**DATE**