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West Devon  
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Council

## WEST DEVON COMMUNITY SERVICES COMMITTEE - TUESDAY, 17TH JUNE, 2014

Agenda, Reports and Minutes for the meeting

### Agenda No    Item

1.    **Agenda Letter** (Pages 1 - 6)
2.    **Reports**  
      Reports to Community Services:
  - a)    Item 5 - Leisure Centre Contract Monitoring (Pages 7 - 12)
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3.    **Minutes** (Pages 33 - 36)

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# Agenda Item 1

## AGENDA – COMMUNITY SERVICES COMMITTEE – 17<sup>th</sup> JUNE 2014

### PART ONE – OPEN COMMITTEE

1. **Apologies for absence**
2. **Declarations of Interest**  
Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting.

If Councillors have any questions relating to predetermination, bias or interests in items on this Agenda, then please contact the Monitoring Officer in advance of the meeting.

3. **Items Requiring Urgent Attention**  
To consider those items which, in the opinion of the Chairman, should be considered by the Meeting as matters of urgency (if any).

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### MINUTES

4. **Confirmation of Minutes**  
Regular Meeting held on 11<sup>th</sup> March 2014 (previously circulated).

### OPERATIONAL

5. **Leisure Centre Contract Monitoring**  
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### PART TWO – ITEMS WHICH MAY BE TAKEN IN THE ABSENCE OF THE PUBLIC AND PRESS ON THE GROUNDS THAT EXEMPT INFORMATION MAY BE DISCLOSED (if any).

If any, the Committee is recommended to pass the following resolution:

“**RESOLVED** that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the Meeting on the grounds that exempt information may be disclosed as defined in the paragraph given in brackets below from Part I of Schedule 12(A) to the Act.”

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## **STRATEGIC RISK ASSESSMENT**

### **Reports to Members**

Members will be aware of the requirement to take account of strategic risk in decision making. This note is designed to support Members consider strategic risks as part of the assessment of reports from officers.

There are an increasing number of issues that we have a statutory requirement to take into account which affect all aspects of the Council's policies and service delivery (e.g. Human Rights Act). There are also discretionary issues we choose to highlight in our reports (e.g. Financial Implications, and Impact on Council Priorities and Targets). Common Law duty requires Local Authorities to take into account all things they need to take into account! The Courts hearing Judicial Review applications make this their starting point in deciding whether any decision is reasonable.

Officers have a responsibility to assess the implications of recommendations to Members. Members should ensure that before making a decision they have undertaken a similar consideration relating to the risks associated with the report.

Examples of risk to be considered:-

#### **Statutory Requirement :**

- Equalities and Discrimination, particularly Race Equality. (Consider the impact on each of the following equality areas: Race, Religion and Belief, Gender, Sexual Orientation, Disability, Age)
- Human Rights
- Crime and Disorder
- Health and Safety
- Employment Legislation
- Data Protection
- Freedom of Information
- Corporate activity with an impact on Areas of Outstanding Natural Beauty, National Parks, Sites of Special Scientific Interest, and biodiversity

#### **Corporate Requirement :**

- Impact on Council's Reputation
- Impact on Priorities, Cross-Cutting themes, Targets and / or Commitments
- Impact on Standing Orders / Financial Regulations
- Impact on Council's Assets
- Financial Risks
- Compliance with National Policies and Guidance
- Impact on Sustainability

Members' attention is drawn to the Risk Assessment section within each report. Members are encouraged to consider whether the report has satisfactorily identified all likely negative impacts and mitigating action that will be taken. Members also need to consider the opportunities presented by actions, noting that any change entails an element of risk. The challenge is to effectively manage that risk.

## RISK SCORING MATRIX

Impact/Severity		Target impact	Stakeholder impact	Finance impact
1	Insignificant	Low impact on outcome & target achievement & service delivery	Low stakeholder concern	Low financial risk
2	Minor	Minor impact on outcome & target achievement & service delivery	Minor stakeholder concern	Minor financial risk
3	Moderate	Moderate outcome & target achievement & service delivery	Moderate stakeholder concern	Moderate financial risk
4	Serious	High impact on outcome & target achievement & service delivery	High stakeholder concern	High financial risk
5	Very serious	Very high impact on outcome & target achievement & service delivery	Very high stakeholder concern	Very high financial risk
Likelihood/Probability		Risk	Opportunity	
1	Very low	Negligible chance of occurrence; has not occurred	Possible opportunity yet to be investigated with low likelihood of success	
2	Low	Low chance of occurrence; has occurred infrequently but within internal control	Opportunity being investigated with low likelihood of success	
3	Medium	Equal chance of occurrence or non occurrence; could occur more than once and be difficult to control due to external influences	Opportunity may be achievable with careful management	
4	High	More likely to occur than not occur; has occurred more than once and difficult to control due to external influences	Good opportunity which may be realised	
5	Very high	Very high chance of occurrence but not a certainty; has occurred recently	Clear reliable opportunity with reasonable certainty of achievement	

**Risk score = Impact/Severity x Likelihood/Probability**

<b>Likelihood</b>	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
	0	1	2	3	4	5
<b>Impact</b>						

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<b>NAME OF COMMITTEE</b>	<b>Community Services Committee</b>
<b>DATE</b>	<b>Tuesday 17<sup>th</sup> JUNE 2014</b>
<b>REPORT TITLE</b>	<b>Leisure Centre Contract Monitoring</b>
<b>Report of</b>	<b>Ross Kennerley – Natural Environment and Recreation Manager Jon Parkinson – Leisure Contracts Officer</b>
<b>WARDS AFFECTED</b>	<b>All</b>

**Summary of report:**

This report highlights current performance and key issues of the leisure centre management arrangements with Leisure Connection (LC).

**Financial implications:**

The overall operating costs for 2014/15 are approximately £407k, which includes the key costs of the contract management fee of £336k and £47k for repairs and maintenance. Spend for the year 13/14 has been within budget.

**RECOMMENDATION:**

It is recommended that the Committee notes the current contract performance and continued increases in usage figures.

**Officer contact:**

Jon Parkinson – [jon.parkinson@swdevon.gov.uk](mailto:jon.parkinson@swdevon.gov.uk) tel; 01803 861270

Ross Kennerley – [ross.kennerley@swdevon.gov.uk](mailto:ross.kennerley@swdevon.gov.uk) tel; 01803 861379

**1. BACKGROUND**

- 1.1 This report provides an update on current monitoring issues relating to the performance of the leisure contract with Leisure in The Community/Leisure Connection, for the provision of management services at both Meadowlands (Tavistock) and Parklands (Okehampton) Leisure Centres.
  
- 1.2 Members will note the Council’s approval of the extension of the leisure contract up to a maximum of 2 years to November 2016 back in April. This has also allowed a restructuring of the relationship between the Council, Leisure in The Community and Leisure Connection.

## 2. ISSUES FOR CONSIDERATION – CONTRACT PERFORMANCE

### Usage & Quality

- 2.1 Current usage figures for both leisure centres are outlined below during October through to April for the 2013/14 year (Oct 2013 – Sept 2014) with a comparison to previous years for the same period;

Site	2013/14	2012/13	2011/12
<b>Meadowlands – Swimming</b>	59,361	52,984	47,214
<b>Parklands – Swimming</b>	37,446	31,749	33,260
<b>Parklands – Fitness</b>	40,849	39,221	31,613

- 2.2 Meadowlands key usage figures;
- Overall usage up by 6,377 visits year to date, with wet and wild and swim school sessions having biggest increases.
  - Swim memberships have increased to 372.
  - Swim school numbers at the highest level recorded with 411 attending weekly.
- 2.3 Parklands key usage figures;
- Overall usage up by 5,544 visits year to date, with swim school and 50+ swimming having biggest increases.
  - Swim school numbers have increased again with 406 attending weekly.
  - Overall centre memberships stand at a record 991 members, helped with the introduction of additional fitness classes, such as 6 spinning classes.

### Repairs & Maintenance/Asset Management

- 2.4 Recent key works that have taken place at both sites are as follows with such works being part of Leisure Connection's maintenance costs and the Council's allocated revenue maintenance budget;

#### Meadowlands;

- Completed works;  
LC – All fixed electricals and emergency lighting works. New circulation pump and repairs to outdoor ride pumps. Dry side toilet refurbishment and re-decoration of entrance and reception area.  
WDBC – Works now finished on changing room grouting. Roof leaks and patio door leaks. Broken pool side window from vandalism – which has taken longer to replace due to works related to guttering. Car park bollards now in place.
- Proposed Works;  
LC; Repairs needed to outdoor slide.

### Parklands:

- Completed Works;  
LC; Air handling motor unit replaced on pool side with all air handling now controlled centrally, except dance studio. The swimming pool had to close on the 5<sup>th</sup> – 11<sup>th</sup> March due to the air handling unit failure and on the 24<sup>th</sup> March due to a faulty sensor. Gym and studio air conditioning units repaired. All fixed electrical and emergency lighting works. Plant room for pool, key pumps and dosing units replaced. New spinning bikes and gym equipment now installed.  
WDBC: Dance studio roof leaks repaired.
- Proposed Works;  
LC; New gym carpet and redecoration taking place 2<sup>nd</sup>-5<sup>th</sup> June.

## **Customer Feedback/User Groups**

2.5 Customer comments for January - April 2013 for both sites show;

Meadowlands;	51 positive	56 negative
Parklands;	51 positive	28 negative

### Meadowlands:

- Positive comments for aqua fit classes, overall pool experience and friendly staff.
- March had a high number of negative comments, 33, with most concerning pool temperatures and cold showers. This is a continuing problem at high demand times as well as being affected by design and service supply. Also at busy times keeping the changing rooms clean is a constant challenge for centre staff. Duty Managers to monitor temperature concerns closely, less complaints were received in April.

### Parklands:

- Overall more positive comments have been received this period, with good feedback on overall centre experience, friendly staff, variety of classes and cleaning standards.
- Negative comments were high in March relating to the poor air conditioning and pool air temperature. Repairs and improvements and now been made in these areas, which were reflected in April's positive comments.

2.6 Parklands User Group meetings were held in January and April. The January meet did highlight some specific cleaning concerns around the sports hall, gym and studio areas. These were picked up directly by the Contract Manager and action taken. Also the Manager indicated improvements were being made to the gym with better equipment and new carpet to be installed.

2.7 Meadowlands User Group held in April had a high attendance with swimming club reps and local Members meeting as well due to the recent concerns expressed about the future of the pool. It was a positive meeting with a clearer understanding of the key issues discussed.

## **Marketing Initiatives**

- 2.8 Leisure Connection has completed a major re-branding of its business through its '1 Life Live More Live Well' identity. This includes new promotional materials and signage for both centres and membership/user cards. Also a national '1 Life' Festival will be taking place.
- 2.9 Recent initiatives have included;
- Extension of swim school programme to 50 weeks and provision of an online programme for parents to monitor progress.
  - 50% off member joining fees and vouchers to win.
  - Free 7 day gym/pool passes during March.
  - Various retail promotions – goggles, swim clothing.
- 2.11 Leisure Connection has also developed a strong apprentice programme with the contract now having 6 apprentices with a further 8 on NVQs learning programme.

## **3. LEGAL IMPLICATIONS**

- 3.1 The provision of leisure services is a discretionary activity. The Council has powers to deal with leisure facilities under the general power of competence provided by Section 1 of the Localism Act 2011 and s19 of the Local Government (Miscellaneous Provisions) Act 1976.

## **4. FINANCIAL IMPLICATIONS**

- 4.1 The Leisure Contract maintains its regular monthly financial payments to enable Leisure Connection to fulfil its business plans and operational arrangements for the running of both centres.
- 4.2 Ongoing repairs and maintenance obligations on WDBC are met from the allocated maintenance budgets. Anticipated capital works will be reported against the capital programme.
- 4.3 For this financial year and following a positive trading surplus of Leisure in The Community, the West Devon contract received a £10,000 grant to benefit local community programmes. This has been allocated to Okehampton Community Recreation Association and Tavistock Community Sports Centre to provide various new and extended activities.

## **5. CONCLUSION**

- 5.1 As previously reported the relationship and partnership work with Leisure Connection/LiTC has improved and contract performance continues to highlight increases in attendances and customer experiences.

## 6. RISK MANAGEMENT

No	Risk Title	Risk/ Opportunity Description	Inherent risk status				Mitigating & Management actions	Owner- ship
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Poor Contract Performance	Leisure Connections underperforms with financial and customer implications	5	2	10	↓	Regular contract performance monitoring and review measures implemented as required.	Head of Assets
2	Legislative changes on current financial arrangement	Failure of Council to receive full benefit of savings if finance or tax regime changes	4	2	8	↔	Early warning of legal changes that enable financial risk management	Head of Finance
3	Repairs, maintenance and life cycle costs	Ongoing costs of routine and lifecycle maintenance increase.	5	2	10	↓	Regular monitoring and inspections of centres. Overall asset management of centres, including site condition surveys. Cost benefit assessment of works in light of strategic review.	Head of Assets

<b>Corporate priorities engaged:</b>	Community Life
<b>Statutory powers:</b>	As above
<b>Considerations of equality and human rights:</b>	No issues identified
<b>Biodiversity considerations:</b>	No issues identified
<b>Sustainability considerations:</b>	Leisure Connection energy audit and carbon footprint reduction.
<b>Crime and disorder implications:</b>	Links to reduced crime and anti social behaviour.
<b>Background papers:</b>	Leisure Services Management Contract – Leisure Connection

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<b>NAME OF COMMITTEE</b>	<b>Community Services</b>
<b>DATE</b>	<b>17<sup>th</sup> June 2014</b>
<b>REPORT TITLE</b>	<b>Coach Parking in Mill Road car park, Okehampton</b>
<b>Report of</b>	<b>Street Scene Manager</b>
<b>WARDS AFFECTED</b>	<b>All Okehampton wards</b>

**Summary of report:**

This report makes a recommendation in respect the provision, and enforcement, of coach parking in Mill Road car park, Okehampton.

**Financial implications:**

The cost of providing coach parking bays was £1,200. However, at least half of this amount will be reimbursed by Devon County Councillors' Locality Funds. (Each County Councillor has an allocation of funds to enable them to respond to local needs in their divisions, supporting projects or activities that benefit the communities they represent). The cost of amending the Off-Street Parking Places Order to support this facility, and allow enforcement, is approximately £1,200. This will be met by the service budget.

**RECOMMENDATIONS:**

It is recommended this Committee resolve to recommend to Council that the provision of free coach parking in Mill Road car park, Okehampton, be formalised for three coaches, and that the Borough Council's Off-Street Parking Places Order is amended to reflect this.

**Officer contact:**

Cathy Aubertin, Street Scene Manager  
[Cathy.Aubertin@swdevon.gov.uk](mailto:Cathy.Aubertin@swdevon.gov.uk)

**1. BACKGROUND**

- 1.1 Okehampton Town Council and Okehampton Chamber of Trade have been calling for coach parking in the town for over 15 years, in order to increase footfall in the town and help boost the local economy, but the Borough Council has been unable to respond because it had no suitable land available.
- 1.2 However, in the past five years, parking habits nationally have changed dramatically and data from the our Pay & Display machine in Mill Road car park shows that the car park is no longer well used and is rarely, if ever, busy.

1.3 In addition, following the demolition of the public toilets in Mill Road car park, space became available that could be suitable for coach parking.

1.4 Therefore, in recent months, West Devon Borough Council has been working with Okehampton Town Council to finally bring coach parking to fruition.

## **2. PROGRESS TO DATE**

2.1 Initial work was undertaken earlier in the year in order to provide coach parking for this year's main holiday season. This was something the Town Council was keen to see happen.

2.2 A Council engineer drew up some preliminary plans, which showed that, although coach parking could be provided in Mill Road car park, the turning circle in the car park was tight and the 'swing' at the entrance to the car park was limited by vehicles being parked at the entrance, on land which is privately owned.

2.3 Therefore, prior to any further steps being taken, a local coach company was contacted and they kindly helped by driving a coach into the car park in order to 'test' the proposed layout. As a result it was demonstrated that the proposed layout was suitable for three coaches to park.

2.4 In addition, Dartmoor Windows, a business located at the entrance to the car park and who owns the land at the entrance, were approached and asked if they would consider parking their vehicles in Mill Road car park, using permits provided by the Borough Council. They agreed and, as a result, permits have been issued free of charge. This has eliminated the problem of vehicles being parked at the entrance, which prevented coaches from being able to enter the car park.

2.5 Because the town has waited for coach parking for so long, it was agreed that the initial works would be carried out, so that the town was able to benefit from the provision of coach parking for the coming holiday season.

2.6 However, it is now necessary for this facility to be formalised by this Committee so that the Off-Street Parking Places Order may be amended to reflect the provision of coach parking, and to enable enforcement to be undertaken in this respect.

2.7 Making the proposed amendment to the Off-Street Parking Places Order will include a formal 21-day public consultation exercise and Councillors should be aware that we have already received an objection to the provision of coach parking and there are likely to be further objections received during the consultation period.

2.8 It is proposed that parking for coaches be free of charge to mirror the current facility in the Bedford car park, Tavistock.



### **3. LEGAL IMPLICATIONS**

- 3.1 The Council has power to provide off-street parking under the Road Traffic Regulation Act 1984 (as amended).
- 3.2 The Council has the power to deal with the provision, management and control of car parks.
- 3.3 Council has the powers to provide this service under the General Powers of Competence in the Localism Act 2011.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 The cost of the work undertaken is £1,200, although some of this will be met through Devon County Councillors' Locality Funds. Each County Councillor has an allocation of funds to enable them to respond to local needs in their divisions, supporting projects or activities that benefit the communities they represent. The remainder will be met by the service budget.
- 4.2 The cost of placing legal notices in the press, which is a requirement in order to make any amendment to the Off-Street Parking Places Order, is approximately £1,200. Two notices are required – one to advertise the proposed amendments and a further 'Notice of Making' once any objections have been considered.

### **5. RISK MANAGEMENT**

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

<b>Corporate priorities engaged:</b>	Community well-being; Access to services; Towards excellence; Customer first
<b>Statutory powers:</b>	As stated in paragraph 3
<b>Considerations of equality and human rights:</b>	An equality impact assessment has been carried out and, as a result, no further actions are required.
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	None
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	None
<b>Appendices attached:</b>	None

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Amendment to car park layout	Because work to accommodate coaches in the car park has already been undertaken, the Council may be criticised for this during the public consultation period.	3	1	3	↓	Should the proposal to provide coach parking not proceed, it will be necessary to revert to the previous layout. However, the cost of this will be kept to a minimum.	C Aubertin

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Direction of travel symbols ↓ ↑

<b>NAME OF COMMITTEE</b>	<b>Community Services Committee</b>
<b>DATE</b>	<b>17<sup>th</sup> June 2014</b>
<b>REPORT TITLE</b>	<b>Public Toilet Service Review</b>
<b>Report of</b>	<b>Head of Environment Services</b>
<b>WARDS AFFECTED</b>	<b>All</b>

**Summary of report:**

This report considers the current public toilet service in West Devon and reviews the options available for delivering the service in the future. Information from the service budget, benchmarking against other authorities and property services analysis of costs have been used in recommending options to provide a sustainable, cost effective service in the future.

**Financial implications:**

**The cost of maintaining the service at the status quo requires a service budget in 2014/2015 of £184,514. If options suggested in the report are employed then the current service budget can be retained or bettered for future years.**

**RECOMMENDATIONS:**

It is recommended that the Committee considers the options presented in section 2 of this report and the supporting initial proposal shown at Appendix C. Options are not exclusive and so multiple options can be recommended as shown.

**Officer contact:**

Helen Dobby, Head of Environment Services [helen.dobby@swdevon.gov.uk](mailto:helen.dobby@swdevon.gov.uk) 1272  
 Stuart Jellings, Environment Services Manager [stuart.jellings@swdevon.gov.uk](mailto:stuart.jellings@swdevon.gov.uk) 1545

**1. BACKGROUND**

1.1 The public toilet service in West Devon has been subject to review over the past 14 years. As a discretionary service the number of toilets in West Devon has reduced over this period by over 50% to the current provision of 12 facilities. These facilities were recognised as key facilities within the Borough. The total cost of providing the service is approximately £185,000. Appendix A shows the public toilet provision across Devon (and Cornwall) to show the West Devon service in context.

- 1.1 Many of the toilets no longer managed by the authority are currently run by town and parish councils therefore managing to maintain a good overall level of provision for the public. This has been achieved through either asset transfer or lease arrangements over a period of time.
- 1.2 There is a £22,500 financial contribution to the Council for the annual running of the service from town and parish councils. The contributions paid in the last financial year are shown in the attached table at Appendix B.
- 1.3 The public toilets in Princetown were used as part of a trial in income generation and have generated a contribution to the local service of around £2,500 per annum during both 2012/2013 and 2013/2014.

## **2. OPTIONS**

- 2.1 There are a number of alternatives which might be considered to reduce the strain on the council's budget and these include:
  - A Increased contributions from town and parish councils
  - B Reduction in utility costs; water usage, heating costs etc.
  - C Increase in income from 'pay to use' facilities
  - D Seasonal opening for a greater number of facilities
  - E Reduction in overall provision through either closure or asset transfer where appropriate.
- 2.2
  - A** The current contribution from 7 town and parish councils is 30% of annual running costs. This amount was set a number of years ago and should be reviewed to reflect inflationary increases in contract payments and utility costs. (Current contributions are shown at Appendix B.)
  - B** Our Assets team are currently looking at the costs which might be saved within individual toilet units. The majority of the toilets currently have hot water provided and some units have also got winter heating systems. By contrast many other local authorities provide only cold water for hand wash which will provide a saving.
  - C** The Princetown toilet pilot scheme for pay to use facilities was introduced in 2012. This scheme has been successful with £2,500 per annum being raised towards to the upkeep of the facilities. The cost of the cost collection equipment was approximately £4,000. The scheme lends itself to those toilets with the highest footfall. There would be potential in looking at further pay on entry systems in toilets in Tavistock, Okehampton and Yelverton based upon current facility footfall and operational accessibility to service cash boxes. Where door entry systems are direct entry cash collection boxes would be required per cubicle.
  - D** Many local authorities are looking at the possibility of closing some of their facilities seasonally in order to reduce service costs. It should be noted that in the most part this action is being taken by authorities with a much

larger toilet stock in the first instance and prior to local contributions being made.

**E** This option is presented for completeness but as can be seen from the benchmarking shown at Appendix A the Council has already much reduced its own public toilet stock with many facilities already transferred to town and parish councils. Where future transfers might be considered with local cleaning arrangements put in place it is important to note that the FCC contract for cleansing ends in April 2017.

2.3 It should be noted that West Devon has already pared back this service to a small number of key facilities and already relies on contributions and seasonal opening to provide its service. Appendix C outlines an initial proposal relating to the options above and which to public toilets they might apply.

### **3. LEGAL IMPLICATIONS**

3.1 The Council does not have a duty to provide public toilets but has discretionary powers (under the Public Health Act 1936 and the local Government Act 1972) whether to manage, set charge fees and on the usage of public conveniences as it sees fit.

### **4. FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications to this report, however future action may result in the betterment of the overall budget position for this service area.

### **5. RISK MANAGEMENT**

5.1 These are outlined in the risk template at the end of this report.

### **6. OTHER CONSIDERATIONS**

<b>Corporate priorities engaged:</b>	Environment; Economy; Community
<b>Considerations of equality and human rights:</b>	None
<b>Biodiversity considerations:</b>	None
<b>Sustainability considerations:</b>	n/a
<b>Crime and disorder implications:</b>	None
<b>Background papers:</b>	Previous reports on this service, budget information
<b>Appendices</b>	A – Current stock and Benchmarking information B – Contributions from town and parish councils C – Matrix of options

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Escalating costs of service as utility costs increase	To reduce usage and scale of resources.	↔	↑			Good communication to customers and partnership working.	Environment Services – Stuart Jellings
2	Lack of funds to provide discretionary services	Reduction in service	↑	↑			Continue to work with town and parish councils to provide as full a service as is possible within budgetary constraints.	Environment Services – Stuart Jellings

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Direction of travel symbols ↓ ↑ ↔

## Public Toilets

The Council operates public toilets at various locations throughout the Borough.

### Public toilets can be found at the following locations:

Brentor: (seasonal - 24 hours)

Chagford

Hatherleigh

Lydford: (seasonal - 24 hours)

Okehampton:

- Fairplace
- Market Street

Princetown (Pay on entry 20p)

Tavistock:

- Bedford car park
- Bus station (24 hours - unisex)
- Guildhall Square (24 hours - male/ female/ disabled)

Yelverton:

- Bedford Bridge (seasonal)
- Roundabout

### Opening hours:

Public toilets are open seven days a week, from 9am to 6pm. However, some are open 24 hours, as indicated above.

The seasonal facilities are open seven days a week, 9am to 6pm, from 1st April or Thursday before Easter (whichever is earlier) to 31st October each year.

### Further information:

All our public toilets are cleaned at least once per day and the busier ones twice per day.

There is a charge of 20p to enter Princetown toilets. There is no charge for the use of the other public toilets listed.

Disabled facilities (using Radar keys) are available at all our locations, with the exceptions of Brentor, Hatherleigh and Lydford. Radar keys are available from our Tavistock and Okehampton offices at a cost of £4.00. At Chagford there is a Radar lock controlled disabled facility access from the rear of the Jubilee Hall.

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**Contributions from parish and Town Councils 2013/14**

<b>Parish/Town Council</b>	<b>Contribution based upon running costs</b>
Buckland PC	£2795
Chagford PC	£1697
Dartmoor Forest PC	£3555.20 (reduced figure door entry income deducted)
Tavistock TC	£6193
Okehampton TC	£5964
Hatherleigh TC	£1054

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**Initial officer proposal**

<b>Public convenience</b>	<b>A – increase contribution</b>	<b>B – reduce utility costs</b>	<b>C – income generation potential</b>	<b>D – Seasonal opening *</b>	<b>E – Service reduction *</b>
Buckland Parish – Yelverton roundabout	Yes	Yes	Yes	No	Could apply to any facility
Chagford Parish toilets	Yes	Yes	No	No	Could apply to any facility
Dartmoor Parish – Princetown toilets	Yes	Yes	Already in place	No	Could apply to any facility
Tavistock Town Council – Guildhall Square	Yes	Yes	Yes	No	Could apply to any facility
Bedford car park toilets	Yes	Yes	Yes	No	Could apply to any facility
Bus station toilets	Yes	Yes	Yes	No	Could apply to any facility
Okehampton Town Council – Market Street toilets	Yes	Yes	Yes	No	Could apply to any facility
Fairplace toilets	Yes	Yes	Yes	No	Could apply to any facility
Hatherleigh Town council – Hatherleigh toilets	Yes	Yes	No	No	Could apply to any facility
Brentor	Seasonal	N/a	No	In place	Could apply to any facility
Lydford	Seasonal	Yes	Yes	In place	Could apply to any facility
Bedford Bridge	Seasonal	N/a	No	In place	Could apply to any facility

- Please note columns D and E are included for fullness of information. It is important to note that in the case of West Devon the stock of toilets has already been reduced which leaves little scope for further seasonal closure. Transfer arrangements might be considered from any community subject to negotiation with our Asset team under the requirements of the localism act.

<b>NAME OF COMMITTEE</b>	<b>Community Services Committee</b>
<b>DATE</b>	<b>17<sup>th</sup> June 2014</b>
<b>REPORT TITLE</b>	<b>Localism Act and changes to powers under statutory homeless duty to accommodate</b>
<b>Report of</b>	<b>Housing Team Manager</b>
<b>WARDS AFFECTED</b>	<b>ALL</b>

**Summary of report:**

To seek Member approval on the proposed use of flexibilities created under the Localism Act 2011 by using the Private Rented Sector to discharge the statutory homeless duty.

**Financial implications:**

It is anticipated there may be some cost savings in the downturn in use of temporary accommodation within time. However there are no financial implications as a result of adopting these flexibilities.

**RECOMMENDATIONS:**

It is recommended that the Committee approves the use of the flexibilities of the Localism Act 2011 to discharge the homelessness duty into the private rented sector as set out below.

Isabel Blake Housing Team Manger [Isabel.blake@swdevon.gov.uk](mailto:Isabel.blake@swdevon.gov.uk) : 01822 813551)

**1. BACKGROUND**

- 1.1 There has been an historic link between Part 7 (Homelessness) and Part 6 (The allocation of affordable housing) of the Housing Act 1996. This link was enshrined in legislation through reasonable preference categories. This requires local authority allocations policies to give priority for social housing allocations to, among other prescribed groups, people who are homeless and to people owed the main homelessness duty under S193 of the Act.
  
- 1.2. The Department of Communities and Local Government advises that the changes to homelessness legislation included in the Localism Act 2011 enable local authorities to take a strategic view of all suitable accommodation available in their area in relation to homelessness duties and social housing allocations,

with the potential to make better use of available accommodation resources to meet housing need.

- 1.3 The intended outcome is to enable local authorities to make better use of the private rented sector to provide suitable accommodation as a settled home that can bring the homelessness duty to an end. This is likely to reduce the need for temporary accommodation and free up more social lets for other people in housing need on the housing register.
- 1.4 Although the numbers of homeless acceptances are low - 19 in 2013/14, we still have stays in temporary accommodation of on average 7 weeks. We are steadily increasing the instances of households where their homelessness was prevented by a move to private rented accommodation- 136 in 2013/14 – an increase from 79 in 2012/13. However once a full duty is owed to a household, in most cases they remain in temporary accommodation until a suitable property is available through Devon Home Choice.

## **2. ISSUES FOR CONSIDERATION**

- 2.1 The Localism Act permits local authorities to meet their homelessness duty by providing good quality private rented homes. This option can provide an appropriate solution for people experiencing a homelessness crisis, whilst freeing up social homes for people in real need on the waiting list (and quite possibly preventing them from becoming homeless in time). The provisions represent powers available to local authorities should they choose to adopt them – local authorities are not under a duty to adopt the provisions.
- 2.2 Private rented offers must meet the following criteria:
- The tenancy offered must be for at least 12 months
  - The accommodation must be suitable in the view of the Local Authority.
- 2.3 In order to maximise consistency across Devon the Devon Housing Options Partnership of the 10 Devon Local Authorities have agreed a property standard which needs to be met in order to discharge the homeless duty. This standard will apply for all homeless applicants in Devon. A copy of the standard is included at Appendix 1 to this report.
- 2.4 The definition of suitable will include whether the rent is affordable for the household based on a detailed analysis of their income and expenditure and that the rent is broadly in line with the Local Housing Allowance (formally Housing Benefit) where appropriate.
- 2.5 In addition to this, Local authorities will be under a ‘re-application’ duty if accommodation provided under the new S193(7F) of the Housing Act 1996 as amended is lost unintentionally within 2 years. This means we will automatically be required to provide accommodation to any household whose duty had been discharged into the private sector if they become homeless from the address through no fault of their own.

### 3. LEGAL IMPLICATIONS

- 3.1 Part 6 Of the Localism Act introduces discretionary powers for Councils to meet their obligations in this way and it is therefore necessary for Members to agree that the Council amends its policy accordingly.
- 3.2 Applicants have the right to request a review of the suitability of Private Rented Sector Offers and to appeal to the County Court on a point of law if they remain dissatisfied with the outcome of the review.

### 4. FINANCIAL IMPLICATIONS

- 4.1 It is not considered that there will be any additional cost to the council of implementing these changes as all applicants receiving this offer would be residing or about to reside in temporary accommodation in any case.

### 5. RISK MANAGEMENT

- 5.1 The Risk Management implications are shown at the end of this report in the Strategic Risks Template.

<b>Corporate priorities engaged:</b>	Community Life; Homes
<b>Statutory powers:</b>	Localism Act 2011 Housing Act 1996 Part 6 &7 (as amended)
<b>Considerations of equality and human rights:</b>	Any offer of accommodation must be deemed as “suitable” within the definition of the Housing Act 1996 (as amended)
<b>Biodiversity considerations:</b>	There are no biodiversity implications as a result of this report.
<b>Sustainability considerations:</b>	There are no sustainability implications as a result of this report
<b>Crime and disorder implications:</b>	There are no crime and disorder implications as a result of this report.
<b>Background papers:</b>	Localism Act 2011 DCLG Providing Social Housing for Local People
<b>Appendices attached:</b>	Appendix 1 Devon Minimum Property Standard.

## STRATEGIC RISKS TEMPLATE

No	Risk Title	Risk/Opportunity Description	Inherent risk status				Mitigating & Management actions	Ownership
			Impact of negative outcome	Chance of negative outcome	Risk score and direction of travel			
1	Members choose not to implement flexibilities granted under the localism Act 2011	Risk Less ability to house applicants in housing need from the register if social housing continues to be the only way to house homeless households who are owed the full housing duty by the Authority	3	3	9	↑	1. To adopt the flexibilities.  2. Review in 12 months to consider implications based on outcomes.	Housing Team Manager
		Risk Temporary accommodation costs and usage remains the same or rises due to increased approaches and lack of available social housing.	3	4	12	↑		

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Direction of travel symbols ↓ ↑ ⇄



## Devon minimum property standards

### December 2012 – detailed requirements

This standard has been developed by members of the DHOP and DPSHG; prior to the publication of The Homelessness (Suitability of Accommodation) (England) Order 2012 (SI 2601).

The Devon standard differs slightly from the Suitability Order, but the standard set is higher.

<b>Devon minimum standard</b>		<b>Explanatory notes</b>
1.	Property to be free from Category 1 hazards ( as defined by Housing Health and Safety Rating System) and in reasonable tenable condition	<p><u>Reasonable tenable condition means:</u></p> <ul style="list-style-type: none"> <li>• Must be in a reasonable state of repair</li> <li>• Is clean and in good decorative order</li> <li>• Floor coverings are in a reasonable condition and clean. The floor surface in the kitchen must be readily cleansable.</li> <li>• There are reasonably modern kitchen facilities (less than 20 years old), with adequate space, food storage and preparation surfaces and a suitable layout.</li> <li>• There is a reasonably modern (less than 30 years old) and appropriately located, bathroom and WC</li> <li>• All furniture supplied by the landlord complies with Furniture and Furnishings (Fire Safety) Regulations 1988</li> <li>• Electrical equipment supplied has an up to date PAT</li> <li>• Garden and outside areas are in good order, with suitable waste/recycling storage provided</li> </ul>
2.	Energy performance certificate (EPC) provided	Band E or higher rating i.e. 39 or above.

3.	Smoke detector present and suitably sited on every floor of the property	Must be 10 year sealed battery unit, or preferably hard wired.
4.	Suitably located audible carbon monoxide detectors are present, with British or European Kitemark or Loss Prevention Certificate board (LPCB) approval mark.	Needed where solid fuel or gas appliances present, but not for balanced fuel outlets. Annual testing of detectors required. The manufacturer's instructions should be followed in relation to the location of the detectors.
5.	A gas certificate is required	All gas appliances tested at least annually
6.	An electrical certificate is required	Dated within last 5 years, with at least 12 months remaining
7.	Bedroom sizes are adequate for the stated occupation	Minimum recommended bedroom sizes are: <ul style="list-style-type: none"> <li>• Single person – 6.5 sq metres for bedroom where communal living room available or 8 sq m where single bedsit with no communal living room</li> <li>• Two person – 10.22 sq metres = 110 sq ft</li> </ul>
8.	Separate electric and gas meters are provided to the property, where these services are supplied. A separate water meter is desirable, but if not present, the water charge payable by the tenant is clear.	

# Agenda Item 3

At a Meeting of the **COMMUNITY SERVICES COMMITTEE** held at the Council Chamber, Council Offices, Kilworthy Park, Drake Road, **TAVISTOCK** on **TUESDAY** the 17<sup>th</sup> day of **JUNE 2014** at **2.00 pm**.

**Present:** Cllr R F D Sampson – Chairman  
Cllr K Ball – Vice-Chairman  
Cllr M J R Benson Cllr K A Clish-Green  
Cllr D Cloke Cllr C Hall  
Cllr N Morgan Cllr M E Morse  
Cllr D E Moyse

**Substitute:** Cllr J Sheldon

Executive Director (Communities) & Head of Paid Service  
Head of Environmental Services  
Natural Environment & Recreation Manager  
Street Scene Manager  
Housing Team Manager  
Committee & Ombudsman Link Officer

**In attendance:** Cllr W G Cann OBE Cllr A Leech  
Cllr C Marsh Cllr R Musgrave  
Cllr T Pearce Cllr P Sanders

## **CS 1 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr M Morse and from Cllr R J Oxborough (Substitute Cllr J Sheldon).

## **\*CS 2 ITEM REQUIRING URGENT ATTENTION**

The Chairman invited the Natural Environment & Recreation Manager to report on a meeting of the Strategic Leisure Review Group which had taken place during the morning to keep the Committee up-to-date on procurement of future leisure provision within the Borough.

Consultants had been appointed to undertake a “soft market” test with users and user groups to formulate a view as to the way forward. General options indicated by the “soft market” test would then be developed for further investigation prior to a report being prepared for a future meeting of the Committee. Whilst information was still being sought from Mount Kelly and their proposals for an Olympic Legacy Pool, the Council’s procurement timetable to provide leisure facilities once the current contract expired in 2016 had flexibility built in to consider any firm proposals arising from Mount Kelly.

It was the Committee’s view that the proposals put forward by the consultants should all be real proposals and not just one main option with lesser valued alternatives in support and local delivery, if appropriate, should also be considered.

## **\*CS 3 CONFIRMATION OF MINUTES**

The Minutes of the Meeting held on 11<sup>th</sup> March 2014, were confirmed and signed by the Chairman as a correct record.

**\*CS 4**

**LEISURE CENTRE CONTRACT MONITORING**

Mr J Smith, Contract Manager for One Life, attended for this item.

The Natural Environment & Recreation Manager and the Leisure Contracts Officer presented a joint report (page 6 to the Agenda) on the current performance and key issues of the leisure centre management arrangements with Leisure Connection. The cost of operating the leisure centres during 2013/2014 had been within budget and the budget set for 2014/2015 was £407,000, equating to a management fee of £336,000 with £47,000 for repairs and maintenance.

Both leisure centres, Meadowlands and Parklands, had seen an increase in use during the period October 2013 to April 2014, of an additional 6,377 visits to Meadowlands and 5,544 to Parklands. Maintenance work had been carried out in accordance with contractual obligations and customer feedback showed that, for Meadowlands, there had been 51 positive and 56 negative comments and for Parklands, 51 positive and 28 negative comments.

Leisure in the Community had achieved a positive trading surplus and, in so doing, had awarded the West Devon contract a grant in the sum of £10,000 to benefit local community programmes. This grant had been allocated to the Okehampton Community Recreation Association and the Tavistock Community Sports Centre to provide various new and extended activities.

The Committee noted that 1 Life was now the organisation delivering leisure activities in West Devon, being a new branding of Leisure Connection. 1 Life aimed to enhance activities already provided and to increase them to encompass other community based activities. Activities were advertised through an outreach programme and use of parish magazines. A new admission programme was enabling 1 Life to gather data on all users, in terms of activities undertaken, to help plan and provide future programmes.

It was **RESOLVED** that the current contract performance and continued increase in usage be noted and 1 Life's expanding commitment to the residents of West Devon be welcomed.

**CS 5**

**COACH PARKING IN MILL ROAD CAR PARK, OKEHAMPTON**

Arising from Minute No P&L 33 – 2012/2013, the Street Scene Manager presented a report (page 11 to the Agenda) seeking the Committee's approval to amend the Borough Council's Off-Street Car Parking Order to enable coaches to make use of the Mill Road car park in Okehampton, free of charge. The provision of coach parking had been an issue in Okehampton for many years and a decrease in use of the Mill Road car park together with the opportunity to demolish the former public toilet building provided space to park two coaches. Three spaces had been planned but testing with a 60-seat vehicle had shown that space restriction with a large vehicle would create access difficulties but providing just two spaces would resolve that issue.

Also, negotiations with a local business, who owned land at the entrance to the car park, had provided easier access to the Mill Road car park in return for a number of free parking permits.

It was necessary to undertake a public consultation exercise for 21 days on the proposed change to the Car Parking Order and it was anticipated that there would be objections as a number had been received already. The consultation exercise would begin when Council approved the proposal.

The Committee noted that free parking was to be offered in the Mill Road car park as free coach parking was offered in Tavistock.

It was **RESOLVED** to **RECOMMEND** that that the Council approves the provision of free coach parking in the Mill Road car park in Okehampton and that the Off-Street Car Parking Order be amended accordingly subject to public consultation.

**\*CS 6**

**PUBLIC TOILET SERVICE REVIEW**

The Head of Environmental Services presented a report (page 15 to the Agenda) on the current public toilet service within the Borough together with options for future provision to make the service more cost effective. The total annual cost of providing the service in West Devon was £185,000 with contributions from Town and Parish Councils of, currently, £22,500.

Three appendices were presented with the report. Appendix A (page 19 to the Agenda) detailed the public toilets operated by the Borough Council and their respective locations; Appendix B (page 20 to the Agenda) detailed the Town and Parish Council contributions; and Appendix C (page 21 to the Agenda) showing five potential proposals to revise the service.

The five potential options as presented in the officer's report were:

- (i) The current contribution from seven town and parish councils was 30% of annual running costs. This amount was set a number of years ago and should be reviewed to reflect inflationary increases in contract payments and utility costs. (Current contributions are shown at Appendix B.)
- (ii) The Council's Assets team was currently looking at the costs which might be saved within individual toilet units. The majority of the toilets currently have hot water provided and some units have also got winter heating systems. By contrast many other local authorities provide only cold water for hand wash which will provide a saving.
- (iii) The Princetown toilet pilot scheme for pay to use facilities was introduced in 2012. This scheme was been successful with £2,500 per annum being raised towards to the upkeep of the facilities. The cost of the cost collection equipment was approximately £4,000. The scheme lends itself to those toilets with the highest footfall. There would be potential in looking at further pay on entry systems in toilets in Tavistock, Okehampton

and Yelverton based upon current facility footfall and operational accessibility to service cash boxes. Where door entry systems are direct entry, cash collection boxes would be required per cubicle.

- (iv) Many local authorities were looking at the possibility of closing some of their facilities seasonally in order to reduce service costs. It should be noted that in the most part this action is being taken by authorities with a much larger toilet stock in the first instance and prior to local contributions being made.
- (v) This option was presented for completeness but as was seen from the benchmarking shown at Appendix A, the Council had already much reduced its own public toilet stock with many facilities transferred to town and parish councils. Where future transfers might be considered with local cleaning arrangements put in place it is important to note that the FCC contract for cleansing ends in April 2017.

It was **RESOLVED** that officer explore further the proposals in Option C and report back to a future meeting of the Committee.

**\*CS 7**

#### **LOCALISM ACT AND CHANGES TO POWERS UNDER STATUTORY HOMELESS DUTY TO ACCOMMODATE**

The Housing Team Manager presented a report (page 23 to the Agenda) requesting the Committee's approval on the proposed use of flexibilities created under the Localism Act 2011 to make use of the Private Rented Sector to discharge, where necessary, the Council's statutory homeless duty.

The Localism Act enabled local housing authorities to meet their homelessness duty by providing good quality rented accommodation should they choose to do so. The Devon Housing Options Partnership made up of the 10 Devon Local Authorities had agreed a minimum housing standard which would need to be met by landlords to allow the housing authority to discharge its homelessness duty. In addition, landlords would need to agree to an initial tenancy of 12 months; 6 months being the normal short-hold tenancy operated in the private rented sector.

A copy of the Devon Minimum Property Standard was presented at Appendix 1 (page 27 to the Agenda).

It was **RESOLVED** that the use of the flexibilities within the Localism Act 2011 to enable discharge of the homelessness duty into the private rented sector be approved.

(The Meeting terminated at 3.37 pm.)