MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE REGENERATION AND SUSTAINABLE COMMUNITIES OVERVIEW AND SCRUTINY COMMITTEE MEETING HELD ON TUESDAY 24 NOVEMBER 2009

- **PRESENT:**Councillor Sherreard (Chairman)
Councillors Nelson-Gracie, Paine, Ross, Thick,
Moriarty, Vizzard and Robertson
- **APOLOGIES:** Apologies for absence was received from Councillor FitzGerald

69. The Committee to consider whether all items on the agenda should be web-cast

Resolved: That all items on the agenda be web-cast.

70. Apologies

Apologies were received from Councillors Beerling and FitzGerald.

71. Notification of Substitute Members

It was noted that Councillor Moriarty was substituting for Councillor Beerling for Agenda Item 8, 'Disabled Facilities Grants Review – The role of In Touch' and that Councillor M Robertson was substituting for Councillor Beerling for the remaining items on the Agenda.

72. Notification of Visiting Members

There were no visiting Members.

73. Disclosures by Members and Officers

Councillor Paine declared a personal interest in Agenda Item 9, 'Park and Ride Usage', by virtue of his friendship with Mr Kemp of Nu-Venture Coaches Limited.

74. To consider whether any items should be taken in private because of the possible disclosure of exempt information

Resolved: That all items on the agenda be taken in public as proposed.

75. Minutes of the Meeting held on 27 October 2009

Resolved: That the minutes of the meeting held on 27 October 2009 be agreed as a correct record and duly signed by the Chairman.

76. Disabled Facilities Grants Review - The Role of In Touch

The Chairman welcomed the Project Manager, David Eaton, the Caseworker, Tracy Topley and a service user, Gladys Walters, from In-Touch Home Improvement Agency, to the meeting and asked them to provide an overview of In-Touch's work.

<u>In-Touch</u>

Many of the Home Improvement Agencies (HIA) that operated across Kent, East Sussex and Hampshire were a part of the Hyde Housing Group. The role of the HIA was to help older, disabled and vulnerable people living across a range of tenures to repair, adapt or improve their homes to increase their independence, warmth, security and safety. The Maidstone HIA was part of In-Touch, Mid and West Kent HIA, having merged with the HIAs of Sevenoaks, Tunbridge Wells and Tonbridge and Malling. In-Touch was a non-profit organisation and registered as a charity. As part of the Supporting People Programme, Communities and Local Government (CLG) and Kent Adult Social Services funded approximately 53% of In-Touch's income. 40% of its income was received from Local Authorities and the rest was received from customer fees, usually included in the grant payment to cover the administration and technical support of its services.

In-Touch provided a wide range of services across all four Local Authority areas. This included the management and administration of technical support for Disabled Facilities Grants (DFGs) and Decent Home Grants. It also commissioned Private Works for residents who had not received grants but wanted technical assistance. In-Touch provided a handy person service, for which Maidstone Borough Council funded two posts. It was the first Local Authority in Kent to have funded handy persons to deliver different types of services that services users had asked for, including gardening and decorating. Maidstone Borough Council was also one of the few Local Authorities that financially supported a hospital discharge service for the Primary Care Trust through In-Touch's work. Patients who were unable to be discharged from hospital until their home was made safe were given the appropriate minor aids and adaptations to enable them to be discharged. This service, utilising In-Touch's handy persons, had been in operation since October 2008 and had successfully assisted in 95 cases. Another key area of In-Touch's work included the identification and procurement of Disability and Welfare benefits for customers who were unable or did not have the knowledge and skills to apply. In-Touch was able to serve as a single point of advice, encouraging users to take up every opportunity available to them. It had supported residents in securing $\pounds 83,000$ worth of income in 2008/09, including for entitlements to Attendance Allowance and Council Tax Benefit.

Client Base

In-Touch advertised its services to residents through the Council, charitable organisations and religious groups; it also worked closely with the Council to advertise in all its appropriate publications. In 2008/09 it had received 932 enquiries in the Maidstone area, which were processed

by four members of staff. The 932 enquiries were made up of the following client groups:

- 1.9% = Black Minority and Ethnic (BME) group (in line with Maidstone's BME average);
- 3 4% = Registered Social Landlord (RSL) Tenants;
- 8% = Rentals;
- 20% = Registered Disabled;
- 75% = Aged 55+; and
- 91% = Owner/Occupier.

In-Touch anticipated that the proportion of RSL tenants would increase in 2009/10 as Maidstone Housing Trust (MHT) and Maidstone Borough Council had piloted a trial for In-Touch to assist MHT tenants in processing DFG applications.

41 referrals in the Maidstone area had been made by In-Touch to the Occupational Therapy Bureau in 2008/09. The Occupational Therapy Bureau had made 319 customer referrals for In-Touch services. The rate of referrals had increased in 2009/10, particularly with more referrals for families with young children.

37 DFG Applications in Maidstone had been completed by In-Touch in 2008/09, amounting to £388,000 in grants. Customer satisfaction questionnaires had revealed that 67% of customers were very satisfied and 28% satisfied. The length of the process had been cited as the reason why some of the remaining customers had not been satisfied. Ms Toply highlighted that many clients had waited a number of months for their case to be progressed by the Occupational Therapy Bureau service prior to using In-Touch. 91% of In-Touch's closed cases had enabled customers to remain living independently in their homes as a direct result of In-Touch and its partners' interventions. Ms Topley felt that the practice of Maidstone Borough Council and In-Touch working together made customers feel more in control of the DFG process, with a level of impartiality being achieved for the customer from In-Touch.

Mrs Walters stated that she had significantly benefited from a DFGenabled adaptation to her bathroom. It had taken approximately 18 months from enquiry to completion of works. She informed Members that she had had difficulties in bathing and that the grant had enabled her to maintain a level of independence, and that it had significantly improved her lifestyle and made her feel safer in her home. Mrs Walters considered that the bathroom adaptation was of excellent quality and emphasised how grateful she was to have received In-Touch's assistance in achieving the adaptation. Mr Eaton highlighted to Members that the rate of falls in the home had a large impact on the NHS, with each occurrence costing in the region of £12,000 to £25,000, as well as the cost to quality of life.

Disabled Facilities Grants

In-Touch's role with regard to the administration of DFGs included assisting residents with the following: completion of forms; completion of feasibility studies and technical specifications; management of closed tendering processes, using a specialist list of contractors; management of building contracts; completion of tender reports and analysis on behalf of the Council; supervision of works, including sign-off of works in conjunction with the Grants Officer; preparation and processing of final payment documents; and provision of formal exit packs containing guarantees and work schedules. In addition to this, In-Touch ensured client satisfaction throughout the whole process through interim and final service questionnaires.

Closed DFG cases had taken an average of 60 weeks from enquiry to completion of works, as the DFG process was complex. The target time was 45 weeks. A Member queried what could be done to speed up the process and was advised that even if one aspect was improved, it was likely to be delayed at another point in the process. The Occupational Therapy Bureau was, however, able to offer interim solutions until the required works were completed, including temporary assistance. Maidstone Borough Council received electronic applications from In-Touch, which sped up the process by about a week, reduced costs and increased the security of applications. The other Local Authorities had been approached to follow Maidstone's example. In-Touch was also arranging a DFG Best Practice Forum in February 2010, to which relevant agencies would map their processes and procedures to assist in identifying the optimum service model. Mr Eaton emphasised the importance of ensuring a smooth service, as many of the customers who made applications for DFGs were already urgent cases. This was because many customers only applied as a last resort, as they had often been reluctant to accept that they needed help, and it was therefore vital to ensure the most effective and efficient process was in place.

In response to a question, Mr Eaton advised the Committee that the relationship with other agencies had not been ideal in the distant past but emphasised that the relationship had now become extremely positive, particularly with Maidstone Borough Council.

In response to a question regarding unforeseen works, Ms Topley advised Members that building surveyors were involved in the initial stages of determining required works and usually suggested a contingency sum if they suspected complications. The grant would be reduced if the contingency sum was not required. However, alternative sources of funding were sought if the awarded grant had been exhausted, including through the Occupational Therapy Bureau or private or charitable funding. Equity release schemes were not suggested as they took too long.

<u>Advice</u>

DFGs were means-tested and applications could be fast tracked if the customer was in receipt of means-tested benefits, such as Income Based Job Seekers Allowance or Guaranteed Pension Credit. Maidstone Borough Council applied the means test and required full financial statements if the customer was not on a means-tested benefit. In-Touch advised customers of what information was likely to be required for the assessment.

The grant process was explained to the service user on the caseworker's first visit; they explained that grant repayment levies may be sought, at the discretion of the Council, if the customer moved within ten years, and that this may be as a result of their health significantly deteriorating to the point where it was unviable for the customer to remain in their home. The grant condition was again explained and brought to the attention of the customer by the caseworker at the point of the customer making the application. The Committee asked the Overview and Scrutiny Officer to determine whether or not the Council had made a claim for any repayments of grant monies.

A Member queried whether In-Touch provided advice to developers to assist them in designing out discrimination on new build houses, for example as part of the Kent Design Guide. Mr Eaton advised Members that the role of In-Touch was working with Local Authorities in processing grant applications, working with Occupational Therapists to support their recommendations and providing an advocacy service to customers. However, Hyde Housing Group, its parent organisation, did lobby Government with regard to designing out discrimination.

The Chairman thanked Mr Eaton, Ms Topley and Mrs Walters for an informative presentation and for assisting the Committee in its review.

The Committee felt that it had been particularly useful to hear about the true benefits of Disabled Facilities Grants to customers and requested that In-Touch be approached to assist in arranging home visits to service users as part of its review.

Resolved: That

- a) The information received be noted as part of the Committee's ongoing review of Disabled Facilities Grants;
- b) The Overview and Scrutiny Officer arrange a number of home visits to In-Touch service users with Disabled Facility Grant enabled adaptations for Committee Members; and
- c) The Private Sector Housing Manager advise the Committee about whether the Council had sought any grant repayment monies.

77. Park and Ride Usage

The Chairman welcomed the Assistant Director of Development and Community Strategy, Brian Morgan and the Public Transport Officer, Clive Cheeseman, to the meeting to discuss Park and Ride Usage.

The Committee was informed that there had been a gap in the 2008/09 budget of £61,000 for the Park and Ride Service. An increase in Park and Ride bus fare was subsequently introduced to meet the deficit. The full £61,000 was not realised as the increase was not introduced until February 2009. The Council had also sought to reduce the amount of subsidy from £431,000 to £256,000 by saving £110,000 on the new Park and Ride contract in March 2009, , and by reducing the number of Park and Ride attendants, achieving a saving of £100,000.

The leasing of additional space at the Sittingbourne Road Park and Ride site had been secured at additional cost, as cars were being turned away from the site towards the end of 2008. Mr Morgan informed Members that the usage at this site, as at other sites, has subsequently declined for a variety of reasons. He highlighted that there had been a monthly fall in usage of between 1% and 11% in the five months prior to the introduction of the new contract. The Committee was informed that there had been a number of issues with Park and Ride following the introduction of the new contract. Road works in a number of different locations had affected the reliability of the buses and had subsequently acted as a disincentive, particularly on the Sittingbourne Road route. Members had been concerned that the replacement of Park and Ride buses with Arriva service buses on the London Road route would be an issue, and surveys had therefore been undertaken to monitor customer views on the changes. This had not shown any substantial negative reaction to the change. However, the dedicated Park and Ride service buses were reinstated on the London Road route and the routing of buses was amended in response to issues with reliability.

Mr Morgan highlighted that Canterbury had seen a 7.54% reduction, Medway a 28.85% reduction, Norwich a 9.61% reduction, Salisbury a 4.5% reduction and Maidstone a 9.45% reduction in Park and Ride usage for the period October 2008 to September 2009. Winchester had however reported a 2.99% increase. Some of the reduction in usage may be attributed to the recession and the impact on people's town centre activities. The Committee considered how members of the public were getting into Maidstone town centre and noted that Maidstone Council's car parks had shown a 2% increase in usage between April 08 and October 09, and Town Centre Management had also revealed a reduction in footfalls for the Mall and Fremlin's Walk. This suggested that some Park and Ride users had either started driving and parking in the town centre, but also indicated that others had reduced their visits to the town centre. The reduction in Park and Ride usage had created a £195,755 deficit in the 2009/10 Park and Ride budget. Mr Cheeseman informed Members that weekly monitoring of Park and Ride usage was now being undertaken. The last two weeks had shown a reduction in usage of 9% compared to last year. Although this was a reduction, this was an improvement in comparison to the preceding weeks as it was less of a decline. Mr Cheeseman also informed Members that he considered the reduction in Park and Ride usage was partly attributable to more home working and reduced working hours during the recession, and more parking spaces had therefore become available for use in the town centre. He also noted that Southeastern Trains had reportedly been surprised by the high take up in High Speed Trains and that this suggested people valued their time to such a degree that they were willing to pay higher prices; paying more to park close to the town centre, rather than waiting for a Park and Ride bus which did not have dedicated bus lanes, could therefore be preferable.

A Councillor noted his disappointment in the reduction in Park and Ride usage, particularly noting the 26% reduction at the London Road site

which he felt was partly attributable to the utilisation of an Arriva service bus for Park and Ride. He believed that the public was very dissatisfied with the service and that they had made this clear by finding alternatives methods to enter the town centre. He asserted that the public favoured a branded service and felt that money should be used to repaint the two unbranded Park and Ride buses back to the Maidstone Park and Ride livery. Mr Cheeseman informed Members that it would cost approximately £2-3,000 to repaint both the buses. The Committee felt that consistent Park and Ride branding was important, noting that many Park and Ride buses were branded. Members therefore agreed it would be useful to have a definitive quote for this work in order that an informed decision could be made. Members also noted the importance of service reliability.

A Member noted that Guildford Borough Council had referred to their attendants and the fact they had seen nil crime at their sites and queried whether the level of crime at Maidstone's Park and Sites had increased since the reduction in the number of attendants. Mr Morgan agreed to circulate this information to Members, in addition to information regarding the level of crime at the other local authority Park and Ride sites mentioned in the agenda, together with their district crime rates.

In response to a question, Mr Morgan advised Members that the issue of continued subsidy of Park and Ride was significant, but that this needed to be balanced with the significant contribution Park and Ride made in reducing congestion and managing traffic and pollution. A Transport Strategy was being produced as part of the Local Development Framework. The Committee requested future updates on this. Members noted the role of the County Council in other town centre Park and Ride services and felt that Kent County Council (KCC) should contribute to Maidstone's service. Members were disappointed that KCC's Integrated Transport Policy stated it supported Park and Ride, but did not commit to financially supporting it. Mr Morgan informed Members that KCC had been approached, but agreed to re-approach them.

In response to comments made by a member of the public, Members asked whether the Park and Ride service would be re-tendered. Mr Morgan advised the Committee that the current contract was over a three year period and the financial advantages of re-tendering would be considered when the contract came to its end.

The Chairman thanked Mr Morgan and Mr Cheeseman for updating the Committee on Park and Ride usage.

Resolved: That

- a) The Cabinet Member for Environment seek a quote for branding the two Park and Ride Service buses in Maidstone Borough Council Park and Ride livery;
- b) Updates on the Transport Strategy being produced as part of the Local Development Framework be provided to the Committee;
- c) The Assistant Director of Development and Community Strategy approach Kent County Council to financially support Maidstone's

Park and Ride Service to assist in meeting Park and Ride budget deficits in the short term and to secure its future provision;

- d) The Assistant Director of Development and Community Strategy circulate information regarding crime at Maidstone's Park and Ride sites to Members since the reduction in the number of attendants; and
- e) The Assistant Director of Development and Community Strategy circulate information to the Committee regarding the level of crime at the Park and Ride sites across Canterbury, Guildford, Medway, Norwich, Salisbury, Winchester and Maidstone, together with their district's crime rates.

78. Contaminated Land Strategy

The Chairman welcomed the Assistant Director of Environmental Services, Steve Goulette, the Pollution Team Leader, Steve Wilcock and the Senior Pollution Officer, John Newington to the meeting. The Committee received a presentation on the Contaminated Land Strategy, attached at Appendix A. This highlighted the statutory duties on the Council and the progress in reviewing the strategy. The existing strategy fulfilled the Council's duties and was in line with government guidance. It was, however, being updated as it had been produced in 2001 and processes and software in the Council had since changed.

The Council did not proactively look for contaminated land, but nevertheless pursued its statutory role under Part IIA of the Environment Protection Act (EPA) 1990. In response to a question, Mr Goulette advised Members that remediation of land would be undertaken as part of the Local Development Framework (LDF) process. He also highlighted that Section 106 Agreement (S106) money was a method in remedying contaminated land. The Committee agreed that the strategy should incorporate that a S106 be sought for remediation of land where appropriate.

Occasionally new information related to contamination within the Borough was highlighted through environmental searches for public conveyance checks or directly from the public. All information regarding suspected contamination was investigated and dealt with appropriately. The contaminated land 'prioritisation working list' was updated to reflect and new information.

Mr Wilcock informed Members that the majority of contaminated land was as a result of industrial activity, but that contamination conditions were also routinely put on agricultural land. Contaminated sites were continually monitored to ensure that risks of contamination did not change, pollutant linkages of the contamination source, its possible pathways and its receptors were therefore monitored to ensure that the receptor was not at risk of contamination. Receptors were living organisms, ecological systems or property which may be harmed by contamination. Remediation was not immediately required unless there was a significant risk of contamination to the receptor. When a potential risk was evidenced, remediation options were investigated in accordance with the Contaminated Land Strategy. A Member noted that internet based companies had previously raised unnecessary concern with regard to areas of mild contamination and asked if this continued to be the case. Members were advised that the information was commercially available to companies and that a number of companies had taken the information and provided customers their own interpretation on the data sets. However, the initial heightened public concern stemming from internet based companies had reduced significantly. Mr Goulette informed Members that initial investigations of the sites originally identified as having a potential contamination risk had resulted in the contaminated land list being reduced.

The Chairman thanked the witnesses for an informative presentation and agreed to consider the draft contaminated land strategy at its meeting on 26 January 2010.

Members noted that all suspected contaminated land was investigated and agreed that the strategy should incorporate a method for residents to report suspected contaminated land. Members also felt that as the Council's progress of remediation using its statutory function under Part IIA of the EPA 1990 legislation was necessarily cautious, time consuming and therefore slow, most progress was made through the use of the planning process and referrals of new cases. Members agreed that the strategy should reflect this and therefore should include how information was supplied to the public to help them to recognise and identify contaminated land. The Committee agreed to determine whether a further review of contaminated land was required after it had received the draft strategy. Members did however note that the Committee may duplicate the work of Local Development Document Advisory Group (LDDAG) by reviewing Contaminated Land, given that it was a process part of the LDF. The Committee therefore agreed that the Chairman should contact the Chair of LDDAG to determine whether this would be unnecessary duplication or if they felt that this would be a positive contribution.

Resolved: That

- a) The Contaminated Land Strategy highlight the role Section 106 Agreements have in assuring remediation of land where appropriate;
- b) The Contaminated Land Strategy incorporate a method for residents to report suspected contaminated land;
- c) The Contaminated Land Strategy highlight how information was supplied to the public to help them to recognise and identify sites of possible contamination;
- d) The Chairman contact the Chair of Local Development Document Advisory Group to determine whether the proposed review of contaminated land would duplicate its work or if they felt that the review would be a positive contribution.

79. Future Work Programme and Forward Plan of Key Decisions

The Overview and Scrutiny Officer informed Members that research had recently been published by the University of Bristol on Housing Associations and Home Adaptations. It had reached a number of conclusions including a possible Adaptation Policy with regard to Registered Social Landlords (RSLs), whereby it was recommended that RSLs would carry out works under £1,000, contribute 40% to DFGs up to £10,000 and would negotiate for costs above £10,000. The Committee felt this was of particular interest and requested that copies of the report be circulated to Committee Members.

The Chairman reminded the Committee that the meeting originally scheduled for 22 December meeting had been cancelled unless urgent business arose and therefore the Committee's next meeting would be on 26 January 2010. Mr Horton, Kent County Council's Road Safety Team Leader would be in attendance to update Members on Maidstone Road Safety issues.

The Committee noted the sections of the Forward Plan that were relevant to the Committee's remit and agreed to maintain a watching brief.

Resolved: That

- a) Copies of the 'Housing Associations and Home Adaptations: Making it Work Smoothly' Report be circulated to the Committee; and
- b) The Forward Plan be noted.

80. Duration of the meeting

6.30 pm to 9.05 pm.

Minute Item 78

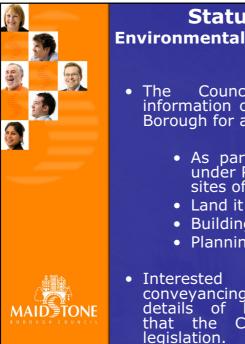


Regeneration and Sustainable Communities overview and scrutiny Committee meeting :

Contaminated Land Strategy

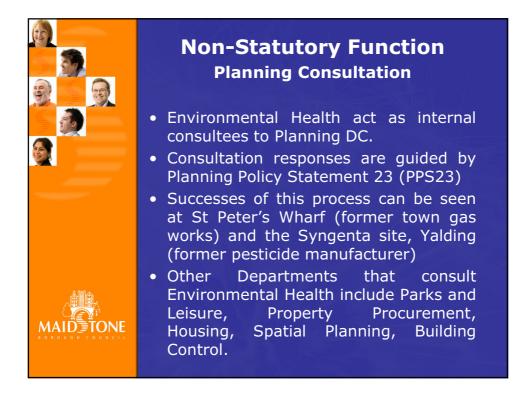
24th November 2009





Statutory Function Environmental Information Regulations (2004)

- The Council holds environmental information on areas of land across the Borough for a range of reasons:
 - As part of it's statutory function under Part IIA EPA 1990 related to sites of potential concern.
 - Land it owns or has owned
 - Building control records
 - Planning application records
- Interested parties, e.g. during a conveyancing process, can request details of Environmental information that the Council has through this legislation.





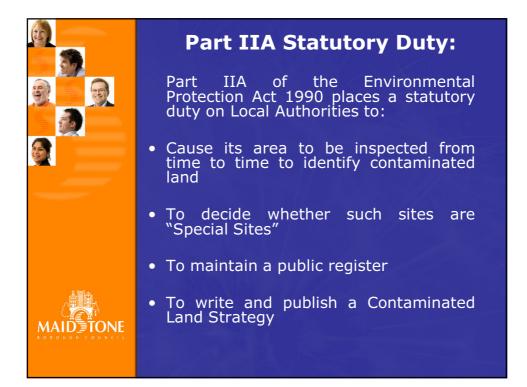
The Contaminated Land Strategy Key Aims

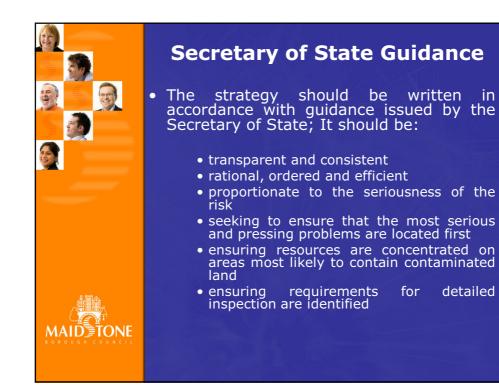
• The Strategy must clearly set out a Council's approach to dealing with potentially grossly contaminated sites which may trigger investigation under Part IIA EPA 1990.

Definition of contaminated land:

"any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land, that – a) Significant harm is being caused, or there is a significant possibility of such harm being caused; or b) Pollution of controlled water is being, or is likely to be caused."

Provide a guide to the authority on all aspects relating to contamination to ensure continuity of approach across overlapping regimes.



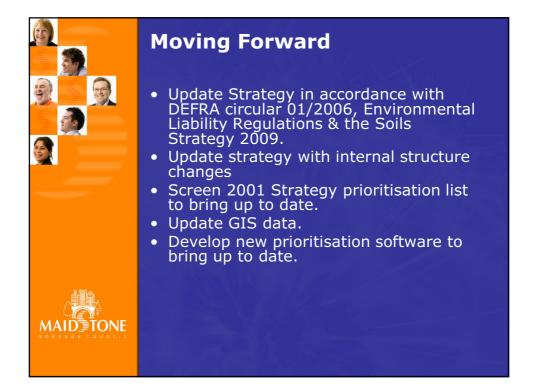




- Written to comply with statutory duty and secretary of state guidance
- It provided a framework which detailed how the Council would identify, prioritise and remediate potentially grossly contaminated sites that may fall into the Part IIA definition of contaminated land
- It provided guidance on how the council would manage contamination through the planning process
- It provided guidance on partnership working with the Environment Agency
- It provided guidance on how the council would manage it's own assets

MAID

	Progress Since 2001
	 Formally determined Furfield Quarry as "Contaminated Land" in 2002. Remediation of site secured through Planning process.
	 Secured 220 Contaminated Land conditions on developments in the Borough between 2001 and today.
	 Secured £13K grant funding from DEFRA Capital grants scheme for Meades Close site investigation 2003/04.
	 Provided approximately 580 Environmental Information Regulation requests.
盖 圖盘.	 Secured range of improvements to LA owned or managed landfills.
MAID	 Landfill gas monitoring carried out around LA owned/managed sites.
BÖROUGH COUNCIL	 Managed BVPI 216a&b databases during and after it was discredited in 2007.



Action Plan
 Re-draft Strategy incorporating changes (Jan 2010) Submit draft strategy to Management team (Jan 2010) Submit draft strategy to scruting
 Submit draft strategy to scrutiny (Jan 2010) Send draft strategy for external consultation (minimum of 6/8 weeks) (Feb 2010) Preliminary work updating GIS data
 polygonising post 1945 source data Screening of source data points to ensure up to date (March 2010)
 Upgrade prioritisation software to CONSEPT by BGS in accordance with 2009 Strategy (April 2010) Publish Updated Contaminated Land Strategy (April 2010)