



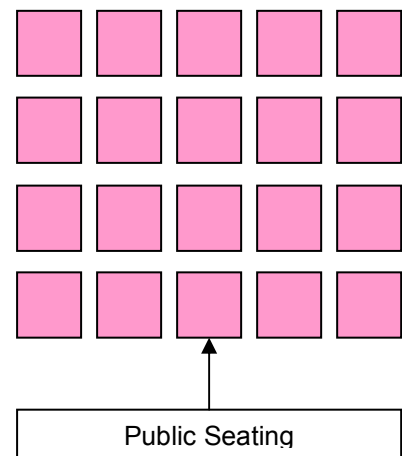
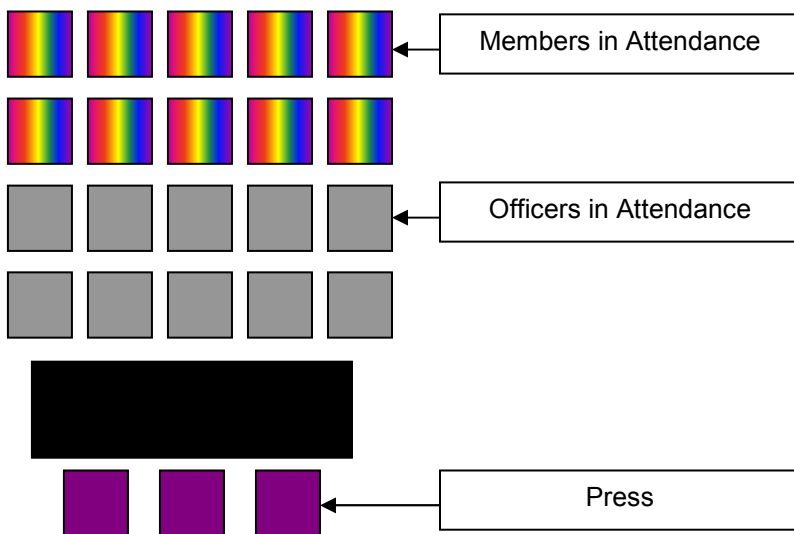
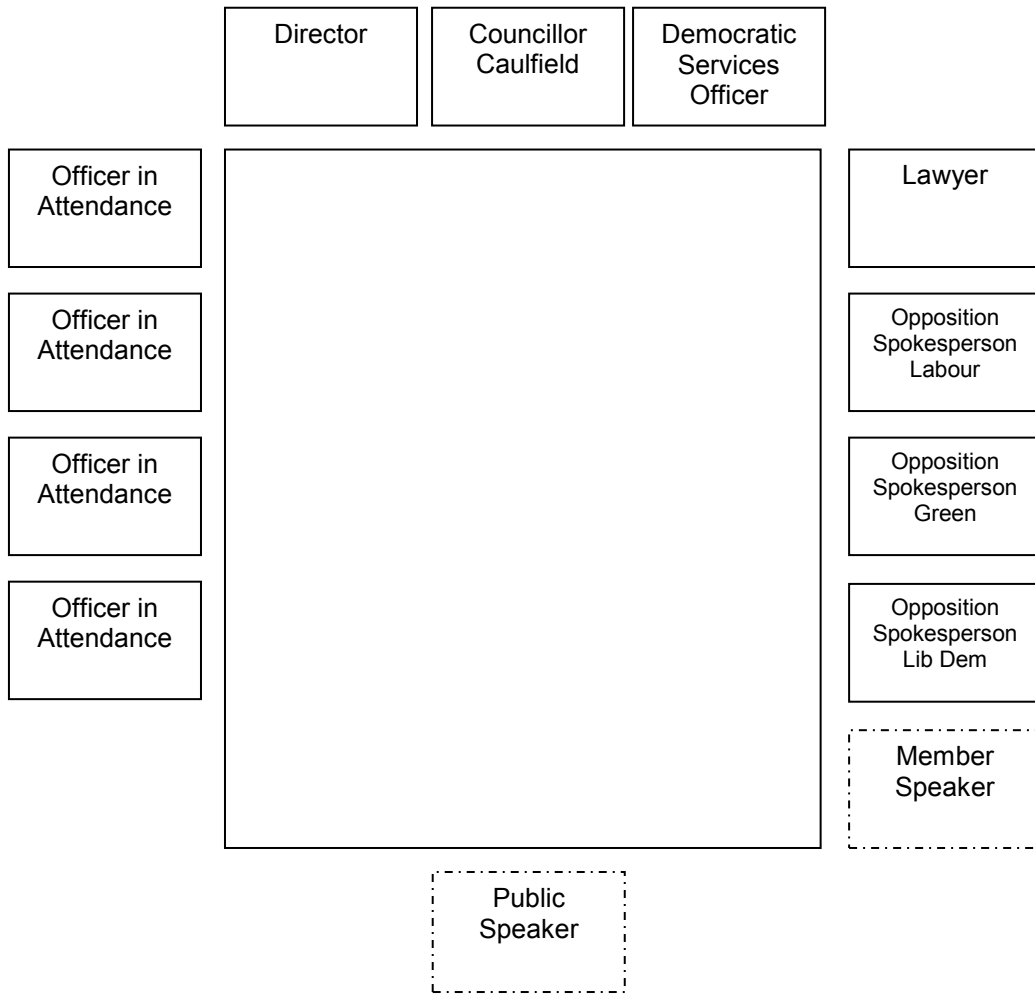
Brighton & Hove  
City Council

# Cabinet Member Meeting

Title:	<b>Housing Cabinet Member Meeting</b>
Date:	<b>26 May 2010</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillor:</b> Caulfield (Cabinet Member)
Contact:	<b>Caroline De Marco</b> Democratic Services Officer 01273 291063 caroline.demarco@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



**AGENDA**

**1. PROCEDURAL BUSINESS**

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

**2. MINUTES OF THE PREVIOUS MEETING**

**1 - 8**

Minutes of the Meeting held on 21 April 2010 (copy attached).

**3. CABINET MEMBER'S COMMUNICATIONS**

**4. ITEMS RESERVED FOR DISCUSSION**

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

**5. PETITIONS**

No petitions have been received by the date of publication.

**6. PUBLIC QUESTIONS**

(The closing date for receipt of public questions is 12 noon on 19 May 2020)

## HOUSING CABINET MEMBER MEETING

No public questions have been received by the date of publication.

### 7. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 19 May 2010)

No deputations have been received by the date of publication.

### 8. LETTERS FROM COUNCILLORS

No letters have been received.

### 9. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

### 10. NOTICES OF MOTIONS

No Notices of Motion have been referred.

### 11. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE 9 - 18

Minutes of the meeting held on 29 March 2010 (copy attached).

### 12. BEVENDEAN COMMUNITY GARDEN PROPOSAL 19 - 54

Report of Director of Housing, Culture & Enterprise (copy attached).

*Contact Officer:* Ododo Dafe *Tel:* 29-3201  
*Ward Affected:* Moulsecoomb &  
Bevendean;

### 13. TENANT AND LEASEHOLDER INVOLVEMENT SURVEY 55 - 62

Report of Director of Housing, Culture & Enterprise (copy attached).

*Contact Officer:* Ododo Dafe *Tel:* 29-3201  
*Ward Affected:* All Wards;

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The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

## HOUSING CABINET MEMBER MEETING

For further details and general enquiries about this meeting contact Caroline De Marco, (01273 291063, email [caroline.demarco@brighton-hove.gov.uk](mailto:caroline.demarco@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Tuesday, 18 May 2010



**BRIGHTON & HOVE CITY COUNCIL**

**HOUSING CABINET MEMBER MEETING**

**4.00pm 21 APRIL 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Fallon-Khan (Cabinet Member)

**Also in attendance:** Councillor Simpson (Opposition Spokesperson – Labour)

**PART ONE**

**97. PROCEDURAL BUSINESS**

**97 (a) Declarations of Interests**

97.1 There were none.

**97 (b) Exclusion of Press and Public**

97.2 In accordance with section 100A of the Local Government Act 1972 (“the Act”), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(1) of the Act).

97.3 **RESOLVED** - That the press and public be not excluded from the meeting.

**98. MINUTES OF THE PREVIOUS MEETING**

98.1 **RESOLVED** – That the minutes of the Housing Cabinet Member Meeting held on 3 March 2010 be agreed and signed by the Cabinet Member.

**99. CABINET MEMBER'S COMMUNICATIONS**

**Exceeding TA target NI156**

99.1 The Cabinet Member reported the following:

- Brighton and Hove City Council has exceeded the nationally set target (NI 156) to reduce the numbers of statutory homeless households living in temporary accommodation by half by 31<sup>st</sup> March 2010 over 5 year. Our final result is 316.
- This is a fantastic achievement as the levels of housing need in the city are relatively high and we have a very small social housing stock compared to other cities of a comparable size
- We did so by developing a homelessness strategy which refocused our existing resources on preventing homelessness rather than simply responding to it.
- We work with other agencies and our third sector partners in the city to ensure that we become aware of problems that people have that might lead to homelessness in the future. We can then intervene at an early stage to try to address these problems and prevent future homelessness.
- Together we have developed a range of housing options to prevent people losing their home wherever possible and if this is not possible by assisting the customer to source alternative suitable accommodation before they become homeless.
- We also worked with households in temporary accommodation to help them move on as quickly as possible.

### **Private Rented Sector Letting Agents**

- 99.2 The Cabinet Member reported that Council on 18 March considered a Notice of Motion concerning the findings of the national Citizens Advice report 'Let down' on the activities of private rented sector letting agents.
- 99.3 Citizens Advice proposals called for:
- The licensing of letting agents - who should be required to demonstrate professional competence, have adequate client money protection arrangements and operate a system for handling complaints and redress.
  - The introduction of regulations specifying that no additional charges should be made to tenants for activities that are part of the routine letting and management process.
- 92.4 The meeting carried the motion calling on the council to request the Chief Executive to:
1. Write to the Government and the major political parties seeking their support for the Citizens Advice proposals; and
  2. Ask the Office of Fair Trading to carry out an investigation into the activities of letting agents.
- 92.5 In light of the Citizens Advice report findings and the discussion at Council it was proposed that a cross party working group be set up to look into the issues raised and that this group feeds back to the Strategic Housing Partnership.



**100. ITEMS RESERVED FOR DISCUSSION**

100.1 **RESOLVED** – All items were reserved for discussion.

**101. PETITIONS**

101.1 There were none.

**102. PUBLIC QUESTIONS**

102.1 There were none.

**103. DEPUTATIONS**

103.1 There were none.

**104. LETTERS FROM COUNCILLORS**

104.1 There were none.

**105. WRITTEN QUESTIONS FROM COUNCILLORS**

105.1 There were none.

**106. NOTICES OF MOTIONS**

106.1 There were none.

**107. MINUTES OF THE ADULT SOCIAL CARE & HOUSING OVERVIEW & SCRUTINY COMMITTEE**

107.1 The Cabinet Member considered the minutes of the Adult Social Care & Housing Overview & Scrutiny Committee held on the 4 March 2010.

107.2 **RESOLVED** – That the minutes be noted.

**108. MINUTES OF THE HOUSING MANAGEMENT CONSULTATIVE COMMITTEE**

108.1 The Cabinet Member considered the minutes of the Housing Management Consultative Committee held on the 8 February 2010.

108.2 **RESOLVED** – That the minutes be noted.

**109. USE OF WELLBEING-POWER TO ACCOMMODATE HOUSEHOLDS IN EXCEPTIONAL HOUSING NEED**

109.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which set out proposals on using the Council's well-being power to reduce

homelessness in Brighton & Hove, and explained how this would support the 2020 Community Strategy and performance measured by Comprehensive Area Assessment.

109.2 The Service Improvement Manager explained that the well-being powers would be used to help ten categories of people. All groups would have to have a local connection except for homeless persons, subject to Multi Agency Public Protection Arrangements. The estimation of demand was 153 households per year.

109.3 Councillor Simpson asked if the council would be accommodating the people concerned in the council's temporary accommodation or in private rented accommodation. The Service Improvement Manager replied that the council would lease accommodation. The accommodation would be sourced on a case by case basis. The council would manage the accommodation and would pay the landlord a fee. The Assistant Director Housing Management explained that the council had a portfolio of accommodation it leased from the private sector.

109.4 Councillor Simpson raised concerns about the potential of an increase in demand that would use up accommodation that might be needed by people who were included in the legislation. The Service Improvement Manager explained that officers would always prioritise accommodation to meet statutory needs.

109.5 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (1) That it be agreed to use the council's well-being power to provide accommodation to the 10 categories of homeless persons who normally fall outside the protection of the various statutory schemes, as defined in paragraphs 3.5, 3.6, 3.7 and 3.8 of the report.
- (2) That it be agreed to work with the council's partners in developing arrangements to deliver accommodation to the identified groups.

#### **110. HOUSING MANAGEMENT FINANCIAL INCLUSION STRATEGY (CONSULTATION DRAFT)**

110.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which gave an update on the development of the Financial Inclusion Strategy for residents in Council housing.

110.2 The Assistant Director Housing Management informed the Cabinet Member that the report had been submitted to the Housing Management Consultative Committee on 29 March 2010 and had been well received. The final draft of the strategy would be submitted to the Housing Management Consultative Committee in September 2010 and to the Housing Cabinet Member meeting in October 2010.

110.3 Councillor Simpson welcomed the strategy, particularly with regard to the health checks for new tenants.

110.4 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That the consultation draft of the Financial Inclusion Strategy attached at Appendix 1 be approved.

#### **111. REVIEW OF CHOICE BASED LETTINGS**

- 111.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which set out the scope of the Review of Choice Based Lettings. Following consultation, a final report would be prepared for HMCC and the Housing Cabinet Member Meeting.
- 111.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:
  - (1) That the scope of the review and the timetable to achieve this, be noted.
  - (2) That it be noted that a report will be brought back to the Housing Cabinet Member Meeting in 6 months time to report the recommendations of the Review.

#### **112. TENANT SERVICES AUTHORITY ARRANGEMENTS FOR REGULATING THE COUNCIL'S LANDLORD SERVICES**

- 112.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which outlined the content of the regulatory framework for social housing in England from April 2010. The Tenant Services Authority became the regulator of the Council's landlord services on 1 April 2010 when it acquired responsibility for regulating all social housing landlords including stock retaining local authorities.
- 121.2 The Housing Stock Review Manager explained that the report had been discussed at the Housing Management Consultative Committee on 29 March 2010. There would be an annual report setting out how the council would meet the Tenant Services Authority standards.
- 112.3 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
  - (1) That the new regulatory framework for social housing in England from April 2010 be noted.

#### **113. PROCUREMENT OF PARKING ENFORCEMENT CONTRACT – HOUSING MANAGEMENT LAND**

- 113.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which presented proposals for the way Housing Management parking controls were enforced. The report also outlined the outcome of the recent parking procurement process.
- 113.2 Councillor Simpson suggested that the report be submitted to the Housing Management Consultative Committee for information. The Assistant Director of Housing Management replied that the report could be submitted to the HMCC on 10 May 2010.

113.3 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That the proposal to place a contract with Ethical Parking Management for three years be agreed.

**114. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER ON INDIVIDUAL PROPERTY UNDER EMPTY PROPERTY STRATEGY (PROPERTY A)**

114.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which sought approval to initiate formal compulsory purchase action on a privately owned long term empty property (Property A) as part of the council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.

114.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That formal action be approved, by means of a Compulsory Purchase Order (CPO), on this long term empty property and its subsequent disposal under Part II of the Housing Act 1985 Section 17.

**115. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY B)**

115.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which sought approval to initiate formal compulsory purchase action on a privately owned long term empty property (Property B) as part of the Council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.

115.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That formal action be approved, by means of a Compulsory Purchase Order (CPO), on this long term empty properties and subsequent disposal of the property under Part II of the Housing Act 1985 Section 17.

**116. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY C)**

116.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which sought approval to initiate formal compulsory purchase action on a privately owned long term empty property (Property C) as part of the Council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.

116.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That formal action be approved, by means of a Compulsory Purchase Order (CPO), on this long term empty property and subsequent disposal of the property under Part II of the Housing Act 1985 Section 17.

**117. EMPTY PROPERTY STRATEGY: COMPULSORY PURCHASE ORDER FOR A LONG TERM EMPTY PROPERTY (PROPERTY D)**

- 117.1 The Cabinet Member considered a report of the Director of Housing Culture & Enterprise which sought approval to initiate formal compulsory purchase action on a privately owned long term empty property (Property D) as part of the Council's Empty Property Strategy, and in accordance with the Compulsory Purchase Order (CPO) Policy approved in January 2006.
- 117.2 **RESOLVED** – Having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
  - (1) That formal action be agreed, by means of a Compulsory Purchase Order (CPO), on this long term empty property and subsequent disposal of the property under Part II of the Housing Act 1985 Section 17.

The meeting concluded at 4.40pm

Signed

Chair

Dated this

day of



### BRIGHTON & HOVE CITY COUNCIL

### HOUSING MANAGEMENT CONSULTATIVE COMMITTEE

3.00pm 29 MARCH 2010

COUNCIL CHAMBER, HOVE TOWN HALL

### MINUTES

**Present:** Councillors Caulfield (Chairman); Barnett, Carden, Davey, Fryer, Mears, Pidgeon, Simpson (Opposition Spokesperson) and Wells

**Tenant Representatives:** Stewart Gover (North & East Area Housing Management Panel), Ted Harman (Brighton East Area Housing Management Panel), Heather Hayes (North & East Area Housing Management Panel), Chris Kift (Central Area Housing Management Panel), David Murtagh (Brighton East Area Housing Management Panel), Beryl Snelling (Central Area Housing Management Panel), Muriel Briault (Leaseholder Action Group), Tom Whiting (Sheltered Housing Action Group), John Melson (Hi Rise Action Group) and Barry Kent (Tenant Disability Network)

### PART ONE

#### **71. PROCEDURAL BUSINESS**

##### **71A Declarations of Substitute Members**

71.1 There were none.

##### **71B Declarations of Interests**

71.2 Councillors Simpson and Wells, Heather Hayes and Ted Harman declared a personal interest in any discussion on the LDV as they are Board Members of Brighton and Hove Seaside Community Homes (the Local Delivery Vehicle).

##### **71C Exclusion of the Press and Public**

71.3 In accordance with section 100A(4) of the Local Government Act 1972, it was considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in section 100I (1) of the said Act.

71.4 **RESOLVED** - That the press and public be not excluded from the meeting.

## 72. MINUTES OF THE PREVIOUS MEETING

72.1 Councillor Simpson referred to paragraph 60.7 and asked why a report on mobility scooters had not been presented to this meeting. The Assistant Director Housing Management apologised and explained that officers were carrying out more work to ensure that a full report could be tabled at the HMCC. It was a complex issue with different solutions to different blocks. Progress was being made.

72.2 Tom Whiting mentioned that tenants in Leach Court who used mobility scooters wanted to put in an application for the use of a redundant building. The Assistant Director Housing Management said he would make the Housing Manager aware of the suggestion and would ensure a quick response.

72.3 Councillor Simpson referred to paragraphs 67.2 and 67.3 which related to the negative subsidy situation. She mentioned that the Housing Minister, John Healey had announced proposals to dismantle the current Housing Revenue Account system of funding council housing. This would mean that the council would have 10% more money available to maintain homes.

72.4 Councillor Mears stated that the council would be looking at the finer details of the proposals. There were issues with the paper and she believed that it was possible that councils could end up worse off than they were already.

72.5 **RESOLVED** – That the minutes of the meeting held on 8 February 2010 be approved and signed by the Chairman subject to an amendment to the first line of paragraph 69.2 which should read “John Melson made the point that some front line services were improving but stressed that the response *needed to be better.*”

## 73. CHAIRMAN'S COMMUNICATIONS

### New repairs contract

73.1 The Chairman explained that the new Repairs Partnership with Mears would go live on the 1<sup>st</sup> of April. This was a very exciting time for the service and the partnership offered an opportunity to improve the service to residents across the city and bring more homes up to the Decent Homes Standard. The mobilisation was progressing well and there were currently no major outstanding issues or concerns. The council were therefore confident that the contract will get off to a good start.

73.2 As well as the double page spread in the February edition of Homing in, all tenants should have received a flyer about the new contract with their annual rent statement. The flyer gave details for contacting the service (the only change was a new email address, but the old address would continue to be monitored). The new contract meant that repairs could now be reported 24 hours a day and the council had also introduced a local phone number so tenants with mobile phones could call without incurring further costs. The flyer also gave details of Mears ID cards, vans and uniforms.



- 73.3 The Cabinet Member was pleased that planning permission for the Supercentre in the Fairway trading Estate on Moulsecomb Way had now been achieved. This means the council could now start work on this exciting development, turning it into a state of the art operations centre for the partnership. The plan was to locate the retained council staff in this building as well as Mears, and to open the building in the summer.
- 73.4 A change of this size meant that the coming weeks were bound to see some teething problems and the council would appreciate the tenants' patience in helping the council to quickly resolve any issues that arose. The Cabinet Member thanked tenants for their continued support.

### **Ainsworth House**

- 73.5 The Cabinet Member explained that as previously reported to HMCC, last autumn the council made a bid to the Homes and Communities Agency for funding available to local authorities to deliver new council homes for social rent. Ainsworth House in Wellington Road, was identified as the best site to seek to develop with grant funding. The council submitted a bid to build 15 new council homes on this site.
- 73.6 The Council were advised by the HCA that, unfortunately, the bid did not go through as this was a competitive process and other bids offered better value for money which was a key criteria for the HCA.
- 73.7 The Council committed to follow up on further opportunities to develop new council homes on this site and, at that time, the HCA advised that they still wished to explore with the council how the scheme might be brought forward.

The Cabinet Member stressed that although the council were not successful with the bid, it did qualify as investment partners with the HCA. This gives the council the opportunity to bid for grant funding now under the National Affordable Housing Programme. The council also had subsequent discussions with the HCA about funding development of new council homes on the Ainsworth House site.

- 73.8 The council wanted to take this forward and were looking at a number of options in relation to how to procure the design and build services and at the value for money issues associated with each.
- 73.9 The council had made it very clear that any development would be council led with the new homes delivered owned and managed by the Council.
- 73.10 The council were committed to making sure that tenants are fully consulted and engaged in the plans from the start.

### **Self financing proposal for the Housing Revenue Account**

- 73.11 The Cabinet Member reported that last Friday the Housing Minister released the government's proposals on reform of the Housing Revenue Account (HRA). The press release for the offer stated that the deal would release additional money for managing council homes, but also that in return councils would have to accept a share of an additional £3.65bn debt.

- 73.12 The council welcomed moves to reform the unfair subsidy system which has meant that tenants have paid millions of pounds back to government each year. The offer might provide a genuine chance to resolve the long standing problem of the HRA Subsidy system, but the council would need to be cautious at this stage about whether this was a good deal for Brighton & Hove until officers had been able to give the offer detailed consideration. It was clear that the position of each Council would be different and the government had recognised this by giving the council until 6<sup>th</sup> July to respond.
- 73.13 The finance team would now begin to re-model the 30-year business plan on the basis of the proposals. There would be a report back to HMCC once there was a clearer understanding of how the opening debt figure would impact upon the business plan.

### **Update on the Local Delivery Vehicle**

- 73.14 The Cabinet Member reported that the LDV board received the council's offer on February 12<sup>th</sup>. The Cabinet Member had since met with John Regan as the Company Chair and also received a detailed letter providing the Cabinet Member with assurances as to the company's continued commitment to securing money which could be used for raising and improving the standard of homes in the city.
- 73.15 John Regan had wanted to attend the meeting to update the tenants personally, but was unable to do so due to prior commitments. John had written a letter giving members of HMCC an update of what had taken place so far. Roy Crowhurst was in attendance. Both John and the other members of the board had personally invested a lot of time in progressing the project and the Cabinet Member thank them for all the work that had been done and continue to be done.
- 73.16 John and the board had looked at the offer and except for one or two things were generally happy with it but want to come back to the council and formally propose a number of changes that they believed would enhance the deal. The board had asked the council for a little more time, to get the right financial advice so that the lender could assess how much money could be lent. Given all the time that CLG wasted when the council asked for express consent, the Cabinet Member thought that it was only right that the council gave the time he needed to get funding in place so that as much money as possible could be used to improve the city's homes. The Cabinet Member hoped that the tenants would also see that the company needed more time.
- 73.17 Roy Crowhurst informed members that the following letter had been circulated at the meeting.

Dear HMCC members

Roy Crowhurst and the other Tenant Board Members of Brighton & Hove Seaside Community Homes (the LDV) updated all the Area Housing Management Panels this month on progress with the project, as agreed. However, we welcome this opportunity to be able to provide all members of the HMCC with an update of where we're at as a board with the offer that the council gave to us on the 12<sup>th</sup> February. The board was extremely pleased to receive the offer which now allows us to speak to our funder and acquire the much needed investment to improve council homes and achieve the aims of the company.

Our main focus has been to acquire a financial advisor who can put together a business plan and enable the board to make a formal response to the council's offer.

At this point we will be in a position to negotiate those elements of the offer that we believe currently limit the banks ability to provide the company with significant sums. Ultimately we aim to provide the council with a substantial capital receipt and enable sufficient borrowing power to support the company's running costs and overheads.

The board is working as quickly as possible to secure a funding deal and recognise that you have been considering the project and the various requirements for a while and are anxious to see the project completed soon, however the board needs more time to obtain the information it needs before it can formally respond to the council's offer and move the project on.

I hope that you will allow us to continue to develop an offer response and to discuss the funding arrangements with our banker. I would like to keep you informed of developments directly from now on and would be happy to come back to HMCC when we have received a funding offer from the bank.

Yours sincerely,

John Regan

Chair  
Brighton & Hove Seaside Community Homes

- 73.19 Mr Crowhurst explained that the Board could not proceed further until a business plan was in place. They would then come back to the Council with an offer.
- 73.20 Chris Kift reported that there had still been no answer from John Denham, Secretary of State for Communities and Local Government. The Policy and Performance Manager suggested a follow up letter by recorded delivery would be the best way forward.
- 73.21 The Chairman asked the Assistant Director to set up a briefing session for members concerning the offer. There was a need to discuss the offer in detail.
- 73.22 Ted Harman invited members to a lunch on 26 April 2010 to meet members of the Board.

#### **74. CALLOVER**

- 74.1 The Chairman asked the Committee to consider which items listed on the agenda it wished to debate and determine in full.
- 74.2 **RESOLVED** - That all items be reserved for debate and determination.

#### **75. PETITIONS**

- 75.1 There were none.

**76. PUBLIC QUESTIONS**

76.1 There were none.

**77. DEPUTATIONS**

77.1 There were none.

**78. LETTERS FROM COUNCILLORS**

78.1 There were none.

**79. WRITTEN QUESTIONS FROM COUNCILLORS**

79.1 There were none.

**80. HOUSING MANAGEMENT FINANCIAL INCLUSION STRATEGY (CONSULTATION DRAFT)**

80.1 The Committee considered an update report of the Director of Housing, Culture & Enterprise concerning the development of the Financial Inclusion Strategy. The strategy aimed to address the interrelated issues experienced by financially excluded residents in Brighton & Hove.

80.2 Tom Whiting mentioned that the last meeting of the Housing Income Management Monitoring Group took place on the same day as several other meetings. Several other members also expressed concern about clashes of meetings. The Chairman asked the Policy and Performance Manager to look at this problem. She stressed the necessity of encouraging more tenants to become involved in meetings.

80.3 The Policy and Performance Manager reported that officers would be encouraging other tenants to attend and take part in tenant meetings.

80.4 **RESOLVED** - That the report and the comments of the HMCC be noted.

**81. TENANT SERVICES AUTHORITY ARRANGEMENTS FOR REGULATING THE COUNCIL'S LANDLORD SERVICES**

81.1 The Committee considered a report of the Director of Housing, Culture & Enterprise which explained that the Tenant Services Authority (TSA) would become the regulator of the council's landlord services from 1 April 2010 when, subject to the Secretary of state making a formal direction, it becomes responsible for regulating all social housing landlords including local authorities. After formal consultation, the TSA published its regulatory framework and standards for landlords on 16 March 2010. The report outlined the content of the regulatory framework for social housing in England from April 2010 for noting by the Committee.

81.2 The Assistant Director of Housing Management reported that the main issues were that the TSA had publicised six standards that landlords must meet. These were set out in Appendix 1 of the report. As a landlord, the Council needed to involve tenants in

deciding how to meet these standards. An annual report needed to be published by 1 October. There also needed to be a report on how the council met the standards.

- 81.3 Stewart Gover stated that tenants were worried about the powers of the TSA. The council could lose a lot if it did not meet their standards.
- 81.4 John Melson described the TSA as a landlord basher. It decided its own levels of what was considered satisfactory, and did not take on board what was decided by the tenants. He accepted that there needed to be a regulator but not one that did not consult with tenants.
- 81.5 Ted Harman mentioned that there were many uninhabitable properties in the city. The LDV needed to be up and running and properties needed to be upgraded or they would be lost.
- 81.6 Councillor Simpson considered that the council had nothing to fear from the TSA. It had been set up to improve the standards of tenants.
- 81.7 Councillor Mears disagreed with Councillor Simpson. She stressed that the council had spent three years trying to upgrade properties. It had been a struggle to get consent to take the LDV forward. The council had the red flag. The TSA were a quango with exceptional powers. The council had done everything in its power not to transfer stock. Councillor Mears suggested inviting the TSA to look at what the council was doing with the City Assembly. An invitation should be sent out to ask them to see how tenants groups meet in Brighton & Hove.
- 81.8 The Policy & Performance Manager agreed that this suggestion could be taken up through the Tenant Contact Monitoring Group.
- 81.9 Councillor Simpson mentioned a government press release regarding a report on house transfers. The report stated that self financing would create a level playing field for councils retaining stock. This would enable councils who retained stock to continue to maintain them. There would be more money in the HRA to spend on stock.
- 81.10 Councillor Mears said she had read the paper but she was concerned about a number of issues. One issue was the distribution of debt around the country. The council did not know how much debt it would inherit. If the council did not meet decent home standards by December, the TSA could take action.
- 81.11 Chris Kift stated that there was a need to communicate to the TSA that the council were doing well. John Melson concurred.
- 81.12 **RESOLVED** - That the contents of the report be noted.

## **82. REVIEW OF CHOICE BASED LETTINGS**

- 82.1 The Committee considered a report of the Director of Housing, Culture & Enterprise which set out the scope of the Review of Choice Based Lettings and systems for allocating accommodation. Following consultation, a final report would be prepared for HMCC and the Housing Cabinet Member Meeting.

- 82.2 The Chairman highlighted paragraph 3.3 of the report which stated that the review would be led by a focus group which would comprise tenants representatives. Two tenant representatives had been elected from each of the four area panels and a representative would also be elected from the Hi Rise Action Group and the Sheltered Housing Action Group. The Chairman was concerned that this had not yet been actioned, to enable the Focus Group to start meeting.
- 82.3 Chris Kift asked for the Tenant Disability Network to be included, and this was agreed by the Assistant Director Housing Management.
- 82.4 Tom Whiting stressed that the lower floors of sheltered housing should be used for disabled persons requiring adaptations, as they became vacant. He considered that there should be a policy to target that objective.
- 82.5 The Chairman replied that she was aware of this issue and suggested that it should be raised by the Sheltered Housing Action Group representative at the Focus Group.
- 82.6 Ted Harman expressed concern that adapted flats were being converted back to normal flats. The Assistant Director Housing Management assured Mr Harman that this was not the case. The council did not return adapted flats that were appropriate for disabled persons back as normal flats.
- 82.7 **RESOLVED** – (1) That the scope of the review and the timetable to achieve this be noted.
- (2) That a representative be elected from the Hi Rise Action Group, the Sheltered Housing Action Group and the Tenant Disability Network to serve on the Focus Group, to enable it to start meeting as soon as possible.

### **83. SOCIAL INCLUSION PILOT - INTERIM REPORT**

- 83.1 The Committee considered a report of the Director of Housing, Culture & Enterprise on the work in progress on the Social Inclusion Strategy, currently in its second draft stage. Comments/feedback from key stakeholders, partners and council tenants would be sought before presenting a final draft to Cabinet for approval/agreement later this financial year. The Social Inclusion Manager informed members that the Anti-Social Behaviour Working Group would soon be set up.
- 83.2 Heather Hayes expressed concern about anti-social behaviour at weekends when no officers were on duty. She mentioned that there were drug and alcohol problems at Hollingdean and felt that there should be weekend cover especially in the summer. The Social Inclusion Manager said she would pass these comments back to the police.
- 83.3 The Chairman commented that it was her experience that the same people caused problems each weekend. These people were known to officers and there needed to be a tougher long term approach. Turning the Tide would be dealing with these problems and she hoped the strategy would be extended to cover the whole City.

- 83.4 Councillor Barnett expressed concern about the neglected and overgrown state of some gardens on the estates in her ward. Residents received letters but these were not followed up.
- 83.5 The Social Inclusion Officer explained that the strategy would ensure that there was a consistency across the city. The Anti-Social Behaviour Officer and the Supervising Housing Officer would make sure that letters were followed up. There would be a more assertive approach and action would be recorded. Officers would therefore be able to show evidence of action.
- 83.6 Councillor Carden stated that he would like to see more vigilant house inspections to ensure houses and gardens were kept in good order. He made the point that some people moved into houses with big gardens, and were not able to maintain them. The Chairman stated that this matter could be investigated under the Choice Based Lettings Review.
- 83.7 Chris Kift mentioned that Harvest had a scheme that provided help with gardens. He expressed concern that the Data Protection Act sometimes hindered work to deal with anti-social behaviour. For example, cameras recorded people smoking in lifts. He felt that there should be a way of allowing a nominated person to see the tape and identify the persons concerned. Beryl Snelling reported that this issue had been investigated and the tape could only be viewed if a crime had been committed and the matter had been reported to the police. The Chairman suggested that this issue should be discussed at the Anti-Social Behaviour Working Group.
- 83.8 Councillor Fryer welcomed the report. The strategy highlighted that prevention was better than cure and she stressed that the root causes of anti-social behaviour needed to be addressed. Councillor Fryer drew attention to the reference in the report about consultation with tenants, which was important for community engagement. She asked about timescales. The Social Inclusion Manager replied that the delivery of the service started in January. The pilot would finish in July. The Chairman explained that the pilot would be reviewed to see what worked and what did not work. There needed to be consistency across the city.
- 83.9 Concern was expressed about letters being sent out to some vulnerable tenants regarding the state of their properties. Councillor Simpson mentioned a case where a community warden visited an elderly couple in poor health. The Community Warden raised a number of issues with the housing officer, and the couple received a letter setting out six matters which needed attention. The Assistant Director Housing Management stated that he was aware of this case, and would be contacting the tenants concerned along with their tenant representative.
- 83.10 **RESOLVED** - (1) That the progress/achievements in Quarter One of the Social Inclusion Pilot be noted.

#### **84. HOUSING MANAGEMENT PERFORMANCE REPORT (QUARTER 3)**

- 84.1 The Committee had before them a report of the Director of Housing, Culture & Enterprise which set out the third quarter for Housing Management Performance for the financial year 2009/2010. The report included comparisons with the first and second quarter figures for this year, the end of year performance for the last financial year and

targets for future years. The areas covered included key Best Value (BV) performance indicators, by which the government measure and compare the council's performance in key service areas.

- 84.2 John Melson commented that officers sometimes limited their responses to tenants, as they were concerned about data protection legislation, when it was not always relevant.
- 84.3 Chris Kift raised concerns about the new type of front doors that had to be destroyed in order for emergency services to gain access. He was informed that this matter could be raised at the City Assembly.
- 84.4 This item was deferred to the next meeting as the Committee was not quorate.**

The meeting concluded at 6.02pm

Signed

Chairman

Dated this

day of



# HOUSING CABINET MEMBER MEETING

## Agenda Item 12

Brighton & Hove City Council

<b>Subject:</b>	<b>Bevendean Community Garden proposal</b>		
<b>Date of Meeting:</b>	<b>26 May 2010</b>		
<b>Report of:</b>	<b>Director of Housing, Culture &amp; Enterprise</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ododo Dafé</b>	<b>Tel:</b> <b>29-3201</b>
	<b>E-mail:</b>	Ododo.dafe@brighton-hove.gov.uk	
<b>Key Decision:</b>	No		
<b>Wards Affected:</b>	Moulsecoomb and Bevendean		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report informs Cabinet Members' Meeting of the proposal to lease land in Bevendean for food growing to the Bevendean Community Garden project group. It outlines feedback on the various consultations that have taken place, along with possible responses to them.

#### 2. RECOMMENDATIONS:

- (1) Consider the consultations that have been carried out on the proposal to grant a lease of land in Bevendean to the Bevendean Community Garden project group.
- (2) Consider the representations at Appendix 4 received in response to the statutory advertisement placed in the Argus.
- (3) Agree to the land being leased at a peppercorn rent to Bevendean Community Garden project group in line with the Heads of Terms in Appendix 3
- (4) Agree to delegate authority to the Director of Housing, Culture & Enterprise, in consultation with the Cabinet Member for Housing, to finalise the lease arrangements with the Bevendean Community Garden Project Group.

### **3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Council has been supportive of making available unused or underused land to local people wishing to grow food, and this initiative is supported by the Brighton and Hove Food Partnership. A report to the Sustainability Cabinet Committee from the then Director of Adult Social Care Housing on 21 January 2010 outlined this position.
- 3.2 The process of trying to support a local community project to establish a new food growing project on Housing land has been a first for the officers involved, and a first for Brighton & Hove. The process has come up against many issues, all of which have been captured in a document which will be used to streamline any future projects. The experience of trying to facilitate this project can then be used positively and learning will not be lost.
- 3.3 The Bevendean Community Garden group is made up of a few Bevendean residents who are passionate about growing food locally, and generally becoming more self sufficient as a community. In outlining their proposal they have stated that they would like to bring together people of all ages, share skills and knowledge, and work together for a common purpose on something as basic as growing food. It is their intention to work with local residents to achieve a highly productive fruit and vegetable garden, and to link this work with the local Bevendean primary school, which has expressed support for the project (please see Appendix 5). The group envisages having a core group of members, and opening the garden to local volunteers a couple of days of the week. Everyone involved would be the beneficiaries of the produce, with any surpluses either being distributed locally, or being sold with the small profit being ploughed back into the project.
- 3.4 The group have been seeking land for a couple of years to no avail, however late last year the land in Bevendean which is the subject of this report was raised as an option. The land was assessed as being suitable by colleagues in Cityparks & Allotments. Earlier this year the land needed to be checked for nestling birds. If none were found, it was advised that the clearance would need to take place almost immediately in order that nesting did not begin – in which case the land could not legally be cleared for another year.
- 3.5 Although the lease had not, and still has not been agreed, neighbouring residents had not been consulted when the land was cleared, and were therefore considerably concerned to find that their previous feeling of security and privacy from the shrub growth had been eroded with the clearance.
- 3.6 Council officers asked the community group to notify all residents that neighboured the site of proposals for the garden, which they did in February 2010. The letter mentioned clearing brambles. Unfortunately, most residents did not see or read the letter.
- 3.7 A community meeting had already been planned and advertised by the Bevendean Community Garden group for Sunday 28 March; however in the intervening time the clearance was arranged for the previous Sunday (21 March) when an environmental organisation was available to volunteer free assistance.

- 3.8 At the meeting of the Action for Bevendean Community (ABC) attended by two ward councillors, Councillor Caulfield and Councillor Marsh, on Monday 22 March the neighbouring residents expressed deep concern at the lack of council consultation. Explanations and apologies were made, and a plan for future meetings and consultations was agreed.
- 3.9 The meetings and consultations have taken place (please see Appendix 1 for findings of the questionnaire survey), and we are now in a position where most of the residents whose gardens immediately adjoin the proposed land are opposed to the project, but where the majority of people consulted are supportive of it.

#### **4. CONSULTATION**

4.1 Monday 22 March - Ododo Dafé, Head of Customer Access and Business Improvement, attended the meeting of Action for Bevendean Communities to hear the local community frustration about the lack of consultation and concern for the proposed project; and agree attendance at the consultation meeting on Sunday 28 March.

4.2 Wednesday 24 March - Cathy Bath, Housing Officer, visited all the residents (privately owned bungalows) backing onto the land. The concerns or questions raised were:-

- No consultation with those most affected.
- Residents had only read about it in the Argus on Saturday, and a couple of them had seen something in the Bevendean Bulletin.
- The plan on the 'Bevendean Community Garden' blog didn't look like a vegetable growing project – looked more like the Lewes Road garden.
- Concern about ponds on the plan when one on that land was previously filled in due to health and safety reasons.
- Number of people on site - will it attract street drinkers and associated anti-social behaviour?
- Would it be like the Lewes Road garden?
- Events, barbeques, parties - noise
- Why was the land cleared before the lease has been granted?

4.3 Sunday 28 March - community information meeting planned by 'Bevendean Community Garden', attended by Ododo Dafé and Francesca Illife (Sustainability Officer), and with representation from City Parks and the Brighton & Hove Food Partnership (BHFP). The council's consultation process and consultation period of four weeks was agreed. Residents neighbouring the site selected four of their group to represent them to meet with Ododo on 15 April. A public meeting was arranged for Thursday 22 April 2010, and then everyone visited the site. Similar concerns to those in the bullet points in 4.2 above were raised.

4.4 Monday 12 April - Cathy Bath, Housing Officer, visited many of the neighbouring properties to directly consult with each resident. Similar objections to those listed above were made.

- 4.5 Thursday 15 April - Ododo had a meeting, as arranged, with representatives from the neighbouring properties – three of the four attended. In conclusion, they would support the project if it was somewhere else. They had consulted locally and they all have objections. Residents had previously been fairly mixed, some were supportive, but now the overwhelming response was not in favour of the project being located directly behind their gardens.

If it were to go ahead Heath Hill Avenue residents have asked for the following concerns to be addressed:-

	<b>Concern/request</b>	<b>Initial response, possible remedy</b>
1	A buffer zone is essential – would like 3 – 4 meters between their back gardens and the perimeter fence for the site so that vegetation can grow back.	3-4 meters may be excessive due to the size of the land. BHFP are confident they can support successful fundraising for site security fencing.
2	Site fencing – want 2 meter (6' 6") high close board fencing to the backs of neighbouring gardens for privacy, security and noise reduction.	Fencing the perimeter is in the draft lease as the projects responsibility. Providing security to the rear of gardens is really the responsibility of residents, but it can be seen what additional measures might be negotiated. Front secure fence and buffer zone re-growth may meet this need.
3	Asbestos found on the land when rubbish removed, so site will be unsuitable. Concern regarding potentially buried asbestos.	Suitable soil testing would be carried out by the community group. BHFP: "The asbestos was in builders pipes dumped next to the fences backing onto the housing and the contractors removed it safely - there was no evidence of buried rubbish there but they will take due care before digging anything up (if they get to the digging up stage)."
4	Does Housing have 24 hour resource to be around and tackle any anti-social behaviour (ASB) immediately? They don't want any noise, or to have to wait two days for action.	Sorry, not a 24 hour presence, but the council and/or police response to any anti-social behaviour would be as for the rest of the city. In addition a named Housing Officer would be responsible for investigating any initial reports of ASB.
5	Why does the group need a children's play area, as shown on the map on their blog, when there's a park	The map on the blog has now been removed as it was only ever intended to give a general idea of what might be possible. The group did not intend for

	<b>Concern/request</b>	<b>Initial response, possible remedy</b>
	nearby?	it to be a final plan.
6	Limit educational visits to 9-1pm, Monday-Friday only. Don't want noise in the afternoon.	This might be unreasonable given that the school day finishes around 3pm. Perhaps tie visits in with school hours. In addition the group may like to do educational after-school activities.
7	Cooking only limited to school activities – no cooking for any other purpose.	The group may want to do demonstrations on open days, and this may be considered too restrictive when residents across the city can have barbeques at any time.
8	No-one on site before 9am.	If the group want to eg water the land before work, this may be unreasonable as long as it wasn't using machinery.
9	No-one on site after 9pm during the summer months.	Addressed in draft lease – could say no-one after dusk to cover all year.
10	If the site is simply used for growing, they wouldn't have all these concerns. They'd like a stipulation that 70% of site is used for growing.	This is reasonable as food growing is what council is looking to support. BHFP: might need to say 70% of useable land as some of it is sloped.
11	No music or undue noise on site. They don't want children running around, as their children were doing at the Sunday meeting.	No music is reasonable, but the children issue may be questionable. BHFP: It's reasonable that children will make noise, but there should be helping parents etc. The project group want children to enjoy the space and learn, and reasonably expect children to make noise.
12	No climbing trees	Health and safety issue.
13	No vehicular access	Can be in lease.
14	Use of site limited to Lower Bevendean residents only.	Not sure how reasonable this is. Open to all Bevendean residents might be more reasonable, although this then limits the possibility of other people being able to help on the site.
15	No drugs or alcohol on site	Will be in lease.
16	Only factory made sheds on site, nothing cobbled together with bits of corrugated iron.	Planning issue. Any sheds and fencing must seek planning permission and meet local policies which will demand appropriate materials and appearance.
17	Why do they need a meeting area as shown on the map on their Blog page when there's a community church	This might simply mean a space for chairs and a table when stopping for a cup of tea or some lunch.

	Concern/request	Initial response, possible remedy
	down the road?	
18	Why is a pond needed when one was filled due to health and safety reasons.	Some health and safety concerns remain even with a shallow pond, however the group see it as an integral part of this type of garden. This will require further discussion.

- 4.6 Week commencing 19 April - officers visited Heath Hill Avenue residents to complete questionnaires.
- 4.7 Tuesday 20 April - the legal consultation period from the advert published in the Argus ends. Five written responses were received objecting to the proposal on the following grounds:-
- Land being cleared before residents consulted
  - Loss of privacy
  - Loss of security
  - Site not suitable, project being too close to back gardens
  - Project plan looking more like a garden than a place for growing vegetables
  - Loss of peace and quiet – eg noise from excited children
  - Possible anti-social behaviour.

Responses to these concerns have been set out in the table above in section 4.5.

- 4.8 Thursday 22 April - Council organised community consultation meeting in Bevendean. This was a very well attended meeting with residents, ward councillors, officers from various council departments, representatives from the Brighton and Hove Food Partnership, and a resident from the growing project in Moulsecoomb offering some insight into how that project is run. Similar concerns to those already outlined above were raised and responded to, and additional questionnaires were completed.
- 4.9 Friday 23 April and Monday 26 April - attendance at the Bevendean Tenant's Association meeting and Bevendean Local Action Team (LAT) respectively to consult on the proposed project. There was concern expressed about the lack of consultation, but the feeling that the project was a good one, and needed in the Bevendean area.
- 4.10 If the council is minded to grant the lease, draft Heads of Terms have been revised (please see Appendix 3) to address issues raised during the various consultations. This would allow the project group to either accept or reject the offer of the lease based on the conditions within the draft Heads of Terms.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The lease is subject to negotiation, however it is proposed that the Housing owned land to be leased to the Bevendean Community Garden project group is leased at a peppercorn rent therefore there will be no rental income stream to the Council.

Fencing is the responsibility of the tenants, and the estimated cost of security fencing is approximately £3,000.

Finance Officer Consulted: Susie Allen

Date: 12.05.10

### Legal Implications:

- 5.2.1 S. 123 of the Local Government Act 1972 requires that proposals for disposal of public open space be advertised for two consecutive weeks in a local newspaper and that any objections received as a result of the adverts be considered by the council.
- 5.2.2 S 32 of The Housing Act 1985 also impacts upon this proposed disposal of housing land as it requires that Secretary of State consent must be sought. The Secretary of State has issued some general consents and Consent E3.2 of the General Housing Consents enables the council to grant the lease of this land to a non-profit making body for the benefit of residents of Bevendean.

Lawyer Consulted: Anna MacKenzie

Date: 12.05.10

### Equalities Implications:

- 5.3 The proposal to grow food on council land addresses a number of equalities issues. Some include making fresh food more easily accessible to a wider group of people in the Bevendean area; bringing people of different ages, skills, knowledge together; and offering opportunities for all local people to be involved through volunteering days.

### Sustainability Implications:

- 5.4 The sustainability benefits of this proposed project are considerable. They include: making productive use of land which is unused; increasing local food production and a more sustainable food system; increasing consumption of healthy, fresh produce; increasing outdoor activity; increasing community cohesion; and increasing skills and capacity in the community.

### Crime & Disorder Implications:

- 5.5 As outlined in the report, concern has been expressed by some of the residents neighbouring onto the land that the project might lead to crime and anti-social behaviour, and they are concerned about the lack of privacy the clearing of the land has afforded. If the lease is granted for this proposal, the Bevendean Community Garden project have been assured of funding for perimeter fencing of the site which will secure the site from intruders, and in so doing will offer protection to the neighbouring gardens.

In addition the project aims to involve school children and local people which will increase the sense of shared ownership of the space, as something to be valued within the community.

### Risk and Opportunity Management Implications:

- 5.6 The risk here is in balancing opposing views. In granting the lease, there is a risk that neighbouring residents opposed to the proposal will feel their views have not been heard and acknowledged. However, during consultation they have set out a number of stipulations they would want covered if the lease was granted, and the majority of their concerns can readily be addressed in the terms of the lease.

Security of the site will be the major risk of the project, managed by the provision of perimeter fencing.

The project affords an opportunity to increase knowledge of natural food production and local food growing in the Bevendean area.

### Corporate / Citywide Implications:

- 5.7 The experience and learning from this proposed project will be used to provide carefully considered responses and consultations when asked for use of council land for food growing in the future. Officers are already working with the Brighton and Hove Food Partnership to draw up guidance and a schema for future requests.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 There were other plots of land investigated for use by the Bevendean Community Garden project group, however they were deemed unsuitable and therefore not recommended for this project by Cityparks & Allotments and Ecology colleagues due to environmental and conservation factors.
- 6.2 In the event of the project not being granted a lease on this site, officers will endeavour to find an alternative site. However, no other site could offer the proximity to Bevendean Primary School that this site offers.



## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The project proposal has caused some local controversy because of lack of timely consultation by the council and fears of local residents that the seclusion and security they have enjoyed behind their properties will be disrupted by noise and nuisance created by a food project, and concerns about lack of security and privacy. However the project is committed to local food growing, and enabling use of its land for such activities is something the council has expressed support for. The land does not have a high conservation value, it is close to a local school, and has been disused for many years, and members of the wider community support the idea of a project sited at this location.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Report of questionnaire survey findings.
2. Questionnaire used for community consultation.
3. Draft Heads of Terms for lease
4. Representations in response to statutory notice
5. Letter from Bevendean Primary School

### **Documents In Members' Rooms**

1. None

### **Background Documents**

1. Sustainability Cabinet Committee; 21 January 2010; 'Food growing on council land'.



## **Appendix 1: Bevendean Community Garden: report of survey results**

### **1 Purpose of the survey**

1.1 The council is considering a request from a community group wishing to grow fruit and vegetables on a piece of land owned by Housing. The land immediately backs onto the gardens of properties in Heath Hill Avenue, and this questionnaire was designed to capture thoughts on the proposals from those residents as well as others living in the area.

1.2 The survey results will be considered along with feedback from other sources (eg the statutory notice placed in the Argus about the proposal) when making a decision as to whether to grant a lease for the use of this land.

### **2 Methodology**

The questionnaire was designed by staff, then consulted and tested with three residents from Heath Hill Avenue during a meeting on Thursday 15 April. Door-to-door completion to questionnaires was carried out with residents on Heath Hill Avenue, as it was important to gather feedback from those most directly impacted by the proposal, and the remaining questionnaires were completed at the following meetings:-

Council organised consultation meeting on the proposal - 22 April

Bevendean Tenants Association - 23 April

Bevendean Local Action Team (LAT) - 26 April

### **3 Responses**

In total 39 questionnaires have been used for the analysis of this survey. The breakdown is 13 respondents from Heath Hill Avenue, six from the Bevendean LAT, and 19 from the other meetings. Although five more questionnaires were completed, they have not been considered in this analysis as they did not contain address or postcode details as required on the questionnaire.

### **4 Survey findings**

All percentages reported below have been rounded up or down to the nearest whole number.

### **5 Involvement in the Bevendean Community Garden project**

Only one of the 13 Heath Hill Avenue residents expressed an interest in being involved in the project, however when looking at all the respondents, 44% (17 of the 39) expressed an interest. Two respondents, although not interested at present wanted some more information in case they are interested at a later time.

### **6 Support for the project**

6.1 Early in the questionnaire respondents were asked how likely they were to support the project based on what they know now. Only one of the Heath Hill Avenue respondents felt they were likely to, but taking all the responses together 54% (21 of the 39) were likely to support it.

6.2 At the end of the questionnaire, once people had been given the opportunity to see and comment upon proposed conditions of the lease, they were asked again whether or not they were likely to support the project. Only 33 people responded to this question of which 64% (21) said they were likely to support it and 30% (10) said they were unlikely to. The remaining two did not know.

## 7 How the land is used

7.1 Respondents were asked to select from the list below all the things they felt it was reasonable to allow when considering use of the land for growing. The percentage responses are given initially just for the Heath Hill Avenue respondents and then for all respondents.

**Table 1 – reasonable use of the land**

	Reasonable to allow	Heath Hill Avenue responses	All responses
1	To grow organic food	54%	77%
2	Food grown to be distributed within the group, donated to volunteers, and/or donated to the local school	54%	69%
3	Any food surplus can be sold in a local market, via a vegetable box scheme or to local businesses – with any proceeds going back into the project	38%	62%
4	To be run as a non profit organisation	62%	72%
5	Community initiative – residents working together	46%	72%
6	Provide education in food growing to local residents	46%	74%
7	Link with Bevendean Primary school	46%	74%
8	Link with other community groups	46%	69%

7.2 As Table 1 above shows, people living in Heath Hill Avenue were less likely than the total of all respondents to think that the proposed way in which the land could be used was reasonable. However overall the feedback does not present many strong responses apart from what should be done with any surplus food grown.

7.3 One comment was made in this section – that the project should only be linked with groups in the Bevendean area.

## 8 Length of the lease

8.1 The questionnaire asked whether a three-year lease was reasonable. Of the Heath Hill Avenue residents, 31% (4) agreed that it was, compared to 64% for all respondents.

8.2 While eight respondents in total did not agree with this, only one made an alternative suggestion, proposing that it should be for two years. Another respondent, agreeing with the three-year period felt however that it should be reviewed annually.

## 9 Access to the land

Asked about how access should be gained to the land, 36 people responded. The majority, 86%, felt that it should be by pedestrian access only, and 8% felt it should be pedestrian and car. There were a couple of comments added about vehicular access for deliveries, or only for necessary vehicles.

## 10 Notice to terminate the lease

If granted, respondents were asked if it is reasonable for the council to give six months notice to the growers if it wanted to end the lease. The majority of respondents, 83%, agreed this was reasonable, and the remaining 17% did not. A couple of people commented on allowing time for vegetables to be harvested.

## 11 Conditions of the lease

11.1 The survey sought to obtain views of proposed conditions or terms of the lease - allowing respondents to comment upon each, or add their own suggestions.

11.2 The table below shows the results for the Heath Hill Avenue residents, and then all respondents agreeing with each of the proposed conditions, along with a summary of the comments made.

11.3 It should be noted here for the Heath Hill Avenue responses that one respondent who was not at all supportive of the proposal simply wrote 'Don't want it' for all these possible conditions. This accounts for approximately 8% of the Heath Hill Avenue percentage, but there is no way of knowing whether the person would or would not have agreed with the possible lease conditions presented below.

**Table 2 – Possible conditions of the lease**

	<b>Possible conditions</b>	<b>Heath Hill Avenue responses (13)</b>	<b>All Responses (36)</b>
<b>1</b>	Install security fencing on woodland boundary.	<b>77% (10)</b>	<b>92% (33)</b>
Five comments were made suggesting that the fence should cover the whole perimeter of the site. Another felt that the security fencing should suit growers and residents alike, with a further one commenting that natural fencing would be a better long-term option.			
<b>2</b>	Boundary to be kept secure and safe with locked gates.	<b>77% (10)</b>	<b>97% (35)</b>
The only comment made here was that there should only be a few keyholders.			

	<b>Possible conditions</b>	<b>Heath Hill Avenue responses (13)</b>	<b>All Responses (36)</b>
<b>3</b>	Council to be provided with copies of keys for all access locks, and allowed access onto the site in case of any emergency or need for inspection.	<b>85% (11)</b>	<b>92% (33)</b>
<p>Two respondents' comments here related to access being gained from a key member/person of the committee; and another felt that the Community Police Support Officer should also have a key.</p>			
<b>4</b>	No more than 40 people to be accommodated within the land at any one time.	<b>46% (6)</b>	<b>56% (20)</b>
<p>There was less agreement with this condition than for the others, with 10 respondents proposing alternatives ranging from a maximum of 15 to a maximum of 30 people on the site.</p> <p>However, two people felt that the suggestion of a maximum of 4 people was too limiting for open days and for example during Brighton Festival.</p>			
<b>5</b>	Any training sessions, events or other circumstances with more than 30 people needs written council permission.	<b>62% (8)</b>	<b>58% (21)</b>
<p>Five comments were made on this point. Two suggested the figure is set too high and proposed 15 children plus the required number of adults for supervision and a maximum of 20 people respectively.</p> <p>Two people also felt it might be impractical and limiting for community involvement.</p>			
<b>6</b>	All school age children to be kept under supervision by adults at all times with an appropriate adult to child ratio according to ages of children and nature of activities.	<b>85% (11)</b>	<b>97% (35)</b>
<p>This condition received the highest support, and one respondent felt that children should be limited to one class at a time.</p>			
<b>7</b>	No events allowed after dusk.	<b>85% (11)</b>	<b>75% (27)</b>
<p>There were mixed comments on this condition - no events at all (2), depends on the event (2), events allowed only until 6pm in the summer (2), events only being allowed if organised well in advance and with prior written consent from neighbours and the council. One neighbouring respondent suggested that it might be okay to have one event per month in the summer months up to 9pm, but with no electricity.</p>			
<b>8</b>	No activity allowed after dusk.	<b>77% (10)</b>	<b>69% (25)</b>
<p>A comment here related to the type of activity.</p>			

	<b>Possible conditions</b>	<b>Heath Hill Avenue responses (13)</b>	<b>All Responses (36)</b>
<b>9</b>	Shed - max size of 40 sqm. No other structures (eg polytunnels or glasshouses) allowed without written council permission.	<b>77% (10)</b>	<b>60% (23)</b>
<p>One respondent felt that it should be for the community of growers to decide, while a further two pointed out that polytunnels, glasshouses or some form of protective cover might be needed for younger crops.</p>			
<b>10</b>	All dogs to be kept on leads at all times and barking or nuisance dogs not to be brought on site.	<b>69% (9)</b>	<b>78% (28)</b>
<p>This condition and the one below had the same numbers of people agreeing with them, and attracted a total of 12 comments. The strength of feeling was that neither dogs nor any animal should be on the site.</p> <p>Only one respondent commented that it should be for the community of growers to decide.</p>			
<b>8.11</b>	No animals to be kept on site without written permission from the council.	<b>69% (9)</b>	<b>78% (28)</b>
<p>As mentioned above the overwhelming response was that animals of any kind should not be on the site.</p>			
<b>12</b>	No illegal or immoral activities to be undertaken on the site.	<b>77% (10)</b>	<b>89% (32)</b>
<b>13</b>	No bonfires between 31 March and 1 November.	<b>77% (10)</b>	<b>67% (24)</b>
<p>This condition raised some questions around 5 November, other times of the year for the useful disposal of waste, whether the area was smoke free and therefore bonfires weren't allowed, and whether bonfires were allowed after 6pm.</p> <p>One neighbouring respondent thought it might be okay with prior consent from neighbours, and another one requested that any barbeques are sited at the furthest point of the site away from neighbours' gardens.</p>			
<b>14</b>	No waste material to be brought on site for composting.	<b>69% (9)</b>	<b>61% (22)</b>
<p>Twelve comments were made here, essentially advocating composting with suggestions that composting should be encouraged, and that volunteers living in the flats nearby should be able to bring their vegetable peelings.</p> <p>Only two comments were specifically made about not bringing waste onto the site.</p>			

	Possible conditions	Heath Hill Avenue responses (13)	All Responses (36)
15	Tree felling allowed only with the written approval of council's ecologist.	77% (10)	89% (32)
There was general consensus that no trees should be felled.			

## 12 Other conditions respondents would like to see

Given the opportunity to make further suggestions around conditions of the lease, the issues that came up were neighbours' privacy; land use to be restricted only to growing food – no parties, music or noise; respect for neighbours' property and fences; and the need for public liability insurance.

## 13 Action to be taken if the lease is granted and then any terms breached

Respondents were generally pleased that there would be a named person to contact regarding any breach of the terms of the lease, if granted - and cautioned that a speedy response would be needed right from the beginning.

## 14 Any further comment

Some concern was expressed about the suitability of the area for the project and neighbours now feeling exposed, although it was felt, in principle, to be a good idea.

## 15 Conclusions drawn from the questionnaire findings

It is clear that this project is not popular amongst residents of Heath Hill Avenue, where key concerns from the comments made are around privacy, security and noise disturbance. However the project is supported by a number of other Bevendean residents.

There is broad agreement with a three-year lease being the right period; access to the site essentially being pedestrian; and for most of the suggested lease conditions. There is less consensus on a few of the suggested lease conditions, namely around the maximum number of people to be allowed on the site, the issue of bonfires, and the matter of composting - where the question directly related to bringing materials onto the land for composting.

If a lease were to be granted, the responses to the survey usefully offer a number of issues that would need to be considered in the terms of the lease.

Ododo Dafé  
May 2010



## Appendix 2



Brighton & Hove  
City Council

# Seeking your views Bevendean Community Garden

**1 From what you know at present might you be interested in being involved in the Bevendean Community Garden?**

Yes	No	Don't know
-----	----	------------

**2 If no, would you like some more information in case you're interested later?**

Yes	No	Don't know
-----	----	------------

**3 From what you know now, are you likely or unlikely to support the Bevendean Community Garden?**

Likely	Unlikely	Don't know
--------	----------	------------

**4 Which of the following relating to how the land is used do you think is reasonable to allow - please tick all that apply**

<b>4.1</b>	To grow organic food	
<b>4.2</b>	Food grown to be distributed within the Bevendean Community Garden group, donated to volunteers of the Bevendean Community Group, and/or donated to the local school.	
<b>4.3</b>	Any food surplus to the requirements above can be sold in a local market, sold via a vegetable box scheme or sold to local businesses – with any proceeds going back into the project.	
<b>4.4</b>	To be run as a non profit organisation.	
<b>4.5</b>	Community initiative – residents working together	
<b>4.6</b>	Provide education in food growing to local residents	
<b>4.7</b>	Link with Bevendean Primary school	
<b>4.8</b>	Link with other community groups	

**5 If a lease is agreed, do you think a 3-year period is a reasonable time for it?**

Yes	No	Don't know
-----	----	------------

**6 How should access to the land be allowed, if it's agreed?**

Pedestrian access only	
Pedestrian and car access	
Not sure	

**7 If the lease is granted, do you think it is reasonable that the council should give the community group six months notice if it wants to end the lease?**

Yes	No	Don't know
-----	----	------------

**8 Please tick whether you agree or disagree with the following possible conditions, or if you don't know. There is a space below each one in case you want to comment on it.**

	Possible conditions	Agree	Disagree	Don't know
8.1	Install security fencing on woodland boundary.			
<b>Comment</b>				
8.2	Boundary to be kept secure and safe with locked gates.			
<b>Comment</b>				
8.3	Council to be provided with copies of keys for all access locks, and allowed access onto the site in case of any emergency or need for inspection.			
<b>Comment</b>				
8.4	No more than 40 people to be accommodated within the land at any one time.			
<b>Comment</b>				
8.5	Any training sessions, events or other circumstances with more than 30 people needs written council permission.			
<b>Comment</b>				
8.6	All school age children to be kept under supervision by adults at all times with an appropriate adult to child ratio according to ages of children and nature of activities.			
<b>Comment</b>				
8.7	No events allowed after dusk.			
<b>Comment</b>				

	Possible conditions	Agree	Disagree	Don't know
8.8	No activity allowed after dusk.			
<b>Comment</b>				
8.9	Shed - max size of 40 sqm. No other structures (eg polytunnels or glasshouses) allowed without written council permission.			
<b>Comment</b>				
8.10	All dogs to kept on leads at all times and barking or nuisance dogs not to be brought on site.			
<b>Comment</b>				
8.11	No animals to be kept on site without written permission from the council.			
<b>Comment</b>				
8.12	No illegal or immoral activities to be undertaken on the site.			
<b>Comment</b>				
8.13	No bonfires between 31 March and 1 November.			
<b>Comment</b>				
8.14	No waste material to be brought on site for composting.			
<b>Comment</b>				
8.15	Tree felling allowed only with the written approval of council's ecologist.			
<b>Comment</b>				

**9 Are there any other conditions you would like to see considered?**

.....

.....

.....

**10 If the lease is granted, and any conditions of the lease are later broken, residents can contact the local housing office and action would be taken by the Housing, Culture and Enterprise Department, with support from the councils Legal section as necessary.**

**Would you like to make any comment about this?**

.....  
.....

**11 Please accept my apologies for the land being cleared before our consultation started. Is there anything else you would like to add?**

.....  
.....  
.....  
.....

**12 If most of the conditions you've commented on above were able to be met, are you likely or unlikely to support the Bevendean Community Garden?**

Likely	Unlikely	Don't know
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**Thank you for completing this questionnaire. To have your views registered please complete below. It is intended that a decision will be made by the end of May. All views will be collated and considered in the final decision-making process.**

**Name.....**

**Name of road.....**

**Postcode.....**

**Tel: (optional) .....**

**Email address (optional) .....**

## Appendix 3

### Heads of Terms for Lease for Bevendean Community Garden

Landlord:	Brighton & Hove City Council
Tenant:	<p>Jeanette Thyrsson 40 Lower Bevendean Avenue Brighton BN2 4FE</p> <p>Mederic Duffort 40 Lower Bevendean Avenue Brighton BN2 4FE</p> <p>Liz Johnson-Artur 23 Lower Bevendean Avenue Brighton BN2 4FE</p> <p>Karen Bramley 106 Auckland Drive Brighton BN2 4JG</p>
Area:	As delineated on attached plan
Term:	3 years
Rent:	Peppercorn
Rent Review:	n/a
Permitted use:	<p>To grow organic food.</p> <p>Food grown to be distributed within the community, donated to the local school, donated to volunteers of the BCG, or other community organisations. Excess produce may be sold through local markets with proceeds re-invested in the project.</p> <p>No sales allowed on site.</p> <p>To be run as a non profit organisation.</p> <p>To benefit the local community through engagement and outreach with local and citywide residents, local tenant associations, community groups and schools.</p> <p>Provide education in food growing to local residents.</p>
Access:	Pedestrian access and vehicular access for deliveries only as marked on the plan
Break Clause:	Either party can terminate on 6 months notice
Alienation:	None permitted
Rates & Outgoings:	Payable by the tenant
Insurance:	Tenant to hold public liability insurance of £5m
Security of tenure:	To be excluded

<p>Conditions:</p>	<ol style="list-style-type: none"> <li>1. Appropriate security fencing, to be agreed with the council, to be erected as marked on the plan.</li> <li>2. Boundary, as marked on the plan, to be kept secure and safe with locked gates.</li> <li>3. Planted buffer zone to adjacent gardens of 1.5m depth to be established using thorny shrubs.</li> <li>4. Not less than 75% of useable land without tree cover to be under active cultivation being the growing of crops or preparing the ground to grow crops.</li> <li>5. Erection of any structure including sheds, polytunnels or glasshouses will require prior written consent of the council as well as planning permission.</li> <li>6. Re grading of existing soil profiles permitted with the prior written consent of the council.</li> <li>7. Composting of materials generated on site permitted.</li> <li>8. Small-scale (non commercial) community composting in compliance with environmental legislation is permitted.</li> <li>9. No material to be brought on site for burning.</li> <li>10. No open bonfires permitted. The use of an incinerator barrel permitted provided it does not create a nuisance to adjacent residents.</li> <li>11. Any cooking on site to be at furthestmost end from adjacent gardens.</li> <li>12. No events permitted after 6.00pm and/or darkness (whichever is the earlier) without the prior written consent of the council.</li> <li>13. Training events or functions with more than 30 people present permitted only with the prior written consent of the council.</li> <li>14. Children under 16 to be kept under supervision by adults at all times, and are not to climb trees.</li> <li>15. No water stored on site to be left uncovered or accessible by children.</li> <li>16. Small pond allowed only where security fencing prevents access by any unaccompanied children.</li> <li>17. No livestock to be kept on site.</li> <li>18. No dogs permitted on site.</li> <li>19. No over night camping.</li> <li>20. No illegal or immoral activities to be undertaken on the site.</li> <li>21. Site is to be kept free of litter and fouling.</li> <li>22. Council to be provided with copies of keys for all access locks where in existence.</li> <li>23. Council to be given access on reasonable notice to inspect and without notice in the event of an emergency.</li> <li>24. On termination of the lease, tenant to reinstate the land as required by the council.</li> </ol>
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	<p>25. *Standard clause requiring tenant to comply with planning legislation. <i>To be inserted</i></p> <p>26. *Standard clause requiring tenant to comply with Health and Safety legislation. <i>To be inserted</i></p> <p>27. *Standard clause to determine lease on tenant's breach. <i>To be inserted</i></p>
--	---





C. C. Angela

JH



11 Norwich Drive  
BRIGHTON  
BN2 4LA

15 April 2010

Ref: Jessica Hamilton

Re: Community Garden - Bevendean

The idea of a Community Organic Garden in Bevendean may well be a good one but I believe the chosen site is totally unsuitable - it being much too close to residential properties.

Both of the established Community Gardens in Whitehawk and the Forest (Moulescoomb) are well away from a built up area. I have visited the Forest Garden a number of times so am well aware of the noise a group of people - especially excited children - can make. So I feel the residents of Heath Hill Avenue that will obviously be affected will lose much of the peace and quiet they had in their own gardens - not to mention the privacy.

I believe there have been a number of anti-social problems with the Whitehawk Garden and although that's not to say the same will happen in Bevendean it is still something that needs to be considered.

Yours faithfully

A handwritten signature in blue ink that reads "Mrs. Butcher". The signature is written in a cursive style and is underlined with a single horizontal line.

Mrs Marilyn Butcher



C.C. Angerer



JR

P Hurrell

103 Heath Hill Ave

Lower Bevendean

Brighton

17th April '10

Dear Sirs,

Re. Bevendean Community Garden.

I would like you to consider my points when making your decision regarding this project.

1. This land was cleared prior to us the resident even being aware of this project and the brambles etc that have removed have been taken from have left us with no privacy or security. The project will be too close to the rear of our gardens.
2. In talks with various members of the project it seems more of a garden and less of place for organic vegetables we have been shown their future plans showing 2 ponds and a childrens garden play area and a meeting place for adults.

3. The plot of land is bordered on 2 sides by residential houses/bungalows 1 side the scout hut & the remaining side woods. We have had dumped motor byker and cars burnt in more open areas this would be an ideal spot for vandels. In the event of fire vandalism or other problems, how would the council deal with it.

4. If the project was to go ahead I believe that it should have a high fence round it, that it should not be close to our homes. That there should be times laid out for use and someone available at all times should a problem arise

Whilst talking to a project member it was brought to my attention that they removed asbestos rubbish from behind my property and that they will not be digging further into that section.

I am not happy that if this is the case this remaining behind my house, I would like it removed and I would hope that the site will be

checked thoroughly before anything is planted or eaten from that area.

Can you guarantee that this will be for Benevidan residents as they say? How can this be managed.

Overall the idea of growing organic ~~vegetable~~ vegetables and education use is a good idea but I feel it will be too close to houses and the site is not appropriate. There is no road, but to get to this site you have to go through the nature reserve which allows not vehicles or fires which again affects what is planned because they will need to dispose of rubbish.

Yours faithfully

P Murray



C.C. Angela

JH



111 Heath Hill Ave  
Lower Bevendean  
Brighton BN2 4FH

12<sup>th</sup> April 2010

To Jessica Hamilton Ref Community Garden Project

I have been a resident in Bevendean for in excess of thirty years and I am deeply concerned about the application in the Evening Argus regarding a 'community garden project.

My property 'backs' onto the proposed site and I object very strongly to the said proposal, the reason being my property security will be put at risk and my privacy will be affected.


Having visited the site I note that work on clearing the proposed area has already been done, how can this be??? NO PERMISSION HAS BEEN GIVEN.

If I were to carry out building works at my property without planning permission I would be acting outside the law and forced to stop or remove the offending construction, the group undertaking the 'garden project' has cleared the proposed site (without permission, therefore acting outside the law) by removing the natural security of several properties.

The action of the group has already put my property at risk from intruders, they have by their own admission acted outside the planning laws of the town I will be looking for a reduction in my council tax and a contribution towards the erection of a rear garden fence to increase the security.

PLEASE TAKE NOTE MY FAMILY AND I OBJECT TO THIS PROPOSAL

Your sincerely

  
Jeff Parsons  
Resident of Bevendean

97 Heath Hill Avenue  
Lower Bevendean  
Brighton BN2 4GH

12 April 2010

Attention: Jessica Hamilton  
Director of Finance & Resources  
Kings House  
Grand Avenue  
Hove BN3 2LS



Dear Ms Hamilton

**Proposal to grant a lease on land behind Heath Hill Avenue, Lower Bevendean**

I would object to the above proposal on the following grounds:-

1. Total lack on consultation with the residents most affected.
2. Site immediately abuts the back gardens of the houses and bungalows resulting in total loss of privacy and security.
3. Blatant encroachment onto the South Downs.  
The new South Downs National park abuts the third side of the site.  
Access to the site is through the National Park, creating a new track.
4. Creates several precedents, I do not believe that any other 'community garden' is sited so close to a residential area.
5. The area will immediately change from being a haven and tranquillity to one of noise pollution, antisocial behaviour and vandalism. (This has already started to happen since the clearance of the saplings and brambles).

Yours sincerely

A handwritten signature in black ink, appearing to read 'D F Richardson', written over a faint dotted line.

D F Richardson





91 HEATH HILL AVE  
BRIGHTON  
BN2.4FH  
8.4.10

RSP LAND BEHIND HEATH HILL AVE BEVENDEN

Dear Sir,

I would object to a lease being granted for the above site, until consultations with the residents adjoining the site. The Community Garden could cause an invasion of privacy, problems will arise, security, working hours and Health and Safety.

It is most disturbing that this site has already been cleared by the Bevenden Community Garden (25<sup>th</sup> MARCH) without any lease or planning application, also that the vegetation cut down was removed by City Council, at who's expense??

The lease for this land should not be granted until after due consultation with Brighton + Hove City Council, residents and Bevenden Community Garden Committee

K.A. Steiner





**Bevendean Primary  
School**

Heath Hill Avenue  
Lower Bevedean  
Brighton BN2 4PP  
Tel: 01273 661200  
Fax: 01273 652324  
E-mail: [admin@bevendean.brighton-hove.nhs.uk](mailto:admin@bevendean.brighton-hove.nhs.uk)

26/03/2010

Dear Jeanette,

I am writing to wish you the very best of luck with your community garden project and to assure you of the school's full support.

The idea of developing space for community use is one we endorse and hopefully the school's involvement in such a wonderful project will further develop children's pride in their community.

I'm sorry that I am unable to attend the consultation but hope it goes well.

Best wishes,

Wendy King  
Headteacher





# HOUSING CABINET MEMBER MEETING

## Agenda Item 13

Brighton & Hove City Council

<b>Subject:</b>	<b>Tenant and Leaseholder Involvement Survey</b>		
<b>Date of Meeting:</b>	<b>26 May 2010</b>		
<b>Report of:</b>	<b>Director of Housing, Culture &amp; Enterprise</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Ododo Dafe</b>	<b>Tel:</b> 29-3201
	<b>E-mail:</b>	Ododo.dafe@brighton-hove.gov.uk	
<b>Key Decision</b>	No		
<b>Wards Affected:</b>	All		

### FOR GENERAL RELEASE

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 This report shares with Housing Management Consultative Committee the research findings from the Tenant and Leaseholder Involvement Survey carried out in December 2009. It also highlights some ways in which the results will be used.
- 1.2 Housing Management are keen to ensure there are a variety of ways in which residents can influence decisions that affect them, and that the menu of options enables people to be involved in ways that best suit them. By so doing, we are better able to shape and deliver services having considered what matters most to as broad a range of residents as possible.

#### 2. RECOMMENDATIONS:

That the Cabinet Member for Housing:

- 2.1 (i) Notes the findings of the survey
- 2.2 (ii) Approves with the potential ways in which interested people can become more involved than they are at present.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

##### **Purpose of the survey**

- 3.1 The survey was carried out in order to achieve the following:-
  - To gain an understanding of why some tenants and leaseholders are not more actively involved in their local tenant and resident association.

- To establish how those residents who do not want to be involved in their local association, for whatever reason, would still like to play a role in influencing the services they receive.
- To establish the key issues or service areas that tenant and leaseholders would like to be involved in.
- To develop a database of those tenants and leaseholders who are interested in becoming involved, and the ways in which they would like that to happen.

### **Methodology**

3.2 A self completion questionnaire was sent to every tenant, joint tenant and leaseholder with the December edition of Homing In. Respondents were asked to confirm that their information could be held and used for the purposes of consulting and involving them, in ways that suit them best, to help improve the shape and delivery of our housing services.

### **Response**

3.3 Of the 2,091 people who returned their questionnaires, 1698 (81%) are tenants and 295 (14%) are leaseholders. This information was not included in the remaining 5% of questionnaires.

From those responding, 1,802 people (86%) gave consent for their data to held and used for the purpose of contacting them to be involved in service improvement.

### **Resident and tenant associations**

3.4 Among people who responded, 9% are active members of a local tenant or resident association, 11% are non active members, 7% are ex-members, and 74% have never been a member of a tenant or resident association.

3.5 The table below summarises, in descending order, the reasons given by the 1667 people who responded that they are not actively involved in their local tenant or resident association.

<b>Reason for not being actively involved in my local association</b>	<b>Number</b>	<b>Percentage</b>
I am happy with what the association is doing and don't need to get involved	516	31%
I just don't have the time	309	19%
I am just not interested	258	16%

<b>Reason for not being actively involved in my local association</b>	<b>Number</b>	<b>Percentage</b>
I don't know what they are	168	10%
I don't feel comfortable there	148	9%
I do not know when they meet	148	9%
I don't know of any local associations	146	9%
They meet at inconvenient times	139	8%
They are not representative of local people	77	5%
They are not for people like me	64	4%
Other	362	22%

3.6 The reasons given for not being involved in local associations varied by different demographic groups:-

- 40% of respondents under the age of 25 did not know what tenant and resident associations are. This compares to less than 5% of respondents age over 65. Similarly 23% of respondents under 25 also said that they did not know when they meet compared to less than 10% of those over 55.
- BME respondents are more than twice as likely to say that they don't know what tenant and resident associations are or don't know when they meet then are white British/Irish respondents.

### **Being involved**

3.7 Among those respondents who consented for us to use their details, almost three quarters (74%) wanted to be more involved in the decisions that affect their local area, and just over two thirds (68%) wanted to be involved in the decisions that affect them as tenants or leaseholders.

3.8 Issues that respondent most wanted to be involved in were repairs and maintenance (44%), and anti social behaviour (30%).

3.9 Respondents were asked to select the ways they would like to be consulted or involved. They could select as many as they liked, and the table below

summarises the findings in descending order starting with the most popular way.

<b>Ways I would like to be involved in decisions that affect me</b>	<b>Number of people</b>	<b>Percentage</b>
Questionnaires sent directly to your home	625	46%
Questionnaires sent with Homing In	437	32%
Local tenants associations	267	20%
Someone visiting you to discuss an issue	261	19%
Estate inspections	222	16%
Mystery shopping	204	15%
Established tenants groups	192	14%
Service review group or panels	188	14%
Informal residents groups	187	14%
Focus groups	164	12%
Electronic questionnaires via e-mail	164	12%
Residents conference	160	12%
Part of a citizens panel	157	12%
Someone phoning you and completing a survey	102	8%
Using twitter, Facebook or other on line media	68	5%
On line forums	65	5%
Other	29	2%

### **Demographic profile of people wanting to be involved in some way**

3.10 There was a good cross section of residents who wanted their details to be kept for possible involvement in future service improvement work. The 1,802 people are not completely representative of what we know of our total resident profile; however it is very encouraging that each of the categories in the groups below do contain residents who are interested in becoming involved.

- Gender
- Age
- Sexuality
- Ethnicity
- Religion
- Household composition
- Property type



While there is a broad range, the following categories within the groups are over-represented:-

- Age 45 – and over
- Residents with a long term limiting illness

And the following categories within the groups are under-represented:-

- Age 16 - 44
- Households with dependent children
- People from lesbian, gay, bi-sexual or transgender communities

### **Use of results**

- 3.11 As a result of carrying out this survey, we now have the flexibility of ensuring that our formal consultation process can be enhanced and informed by a wider variety of views and opinions. It also demonstrates that there is an enthusiasm and willingness of large numbers of residents to participate in shaping service delivery, when the opportunities are presented to them, in ways other than attending meetings. Examples of ways in which our consultation can now expand include more mystery shopping; increased testing of customer satisfaction; gathering suggestions on service improvement; and asking the same question to different audiences and through different channels to really obtain wide-ranging feedback.

## **4. CONSULTATION**

- 4.1 The premise of the survey work reported here was to enable us to consult and involve residents in ways that suit them, and about matters that are of interest or importance to them. We now have a database of 1,802 people that will help us achieve this in a way that will enhance our existing consultative and tenant participation structures.
- 4.2 The Tenant Compact Monitoring Group have held two workshops this year to lead on work on our new Resident Involvement Strategy, and the results of this survey has influenced the development of the strategy.
- 4.3 Extensive consultations will be taking place through the coming months, and the results, along with the new Resident Involvement Strategy and Tenant Compact will be presented to a future Housing management Consultative Committee.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 5.1 The costs of increasing resident involvement will come from existing resources within the 2010/11 Housing Revenue Account budget.

Finance Officer consulted: Monica Brooks

Date: 14 April 2010

Legal Implications:

- 5.2 Section 105 of the Housing Act 1985 imposes a duty on the Council to maintain such arrangements as it considers appropriate to enable its tenants who are likely to be substantially affected by a matter of housing management to be informed of the Council's proposals and to make their views known. The innovative consultation methods identified by the report, if adopted, will assist the Council in meeting that duty. No individual's rights are adversely affected by the report's recommendations.

Lawyer Consulted: Liz Woodley

Date: 16 April 2010

Equalities Implications:

- 5.3 The database of interested residents, created as a result of this survey, puts us in a better position to ensure we can obtain views from, and encourage involvement of, a much broader range of residents. Where groups may be under-represented in traditional engagement mechanisms, we now have easier access to people who can help residents achieve wider representation.

Sustainability Implications:

- 5.4 The sustainability implications of any chosen consultation and involvement methods need to be considered. This can include for example internet based methodologies with an increasing number of web based surveys and social media being encouraged as internet use continues to increase.

Crime & Disorder Implications:

- 5.5 Our survey results have informed us that anti-social behaviour is one of the main concerns of residents (behind repairs and maintenance issues). Our expectation is that we will continue to improve our responses to anti-social behaviour by better understanding and engaging with local residents.

Risk and Opportunity Management Implications:

- 5.6 Increased resident participation offers a number of opportunities for us to really put residents and their views at the heart of everything we do. There are some risks inherent in balancing opposing views or in meeting

expectations, but open engagement and communications can help mitigate this.

Corporate / Citywide Implications:

- 5.7 Any developments in our consultation and engagement mechanisms will be in line with our corporate Community Engagement Framework.

**6. EVALUATION OF ANY ALTERNATIVE OPTIONS**

- 6.1 The survey findings enable us to consider a range of options for involving a wider group of residents and in more alternative ways than is has previously been the case.

**7. REASONS FOR THE REPORT RECOMMENDATIONS**

- 7.1 To obtain formal approval for widening tenant consultation and involvement, which will enhance and extend the contribution made by our existing resident involvement framework.

**SUPPORTING DOCUMENTATION**

**Appendices:**

- 1. None

**Documents In Members' Rooms**

- 1. None

**Background Documents**

- 1. None

