

MINUTES of a meeting of the COMMUNITY SCRUTINY COMMITTEE held in the Virtual meeting on WEDNESDAY, 6 MAY 2020

Present: Councillor D Harrison (Chairman)

Councillors K Merrie MBE, C C Benfield, A J Bridgen, T Eynon, J Geary, B Harrison-Rushton, G Hoults, M B Wyatt and J Clarke (Substitute for Councillor D E J Tebbutt)

Portfolio Holders: Councillors R D Bayliss and R Blunt

Officers: Mr J Arnold, Mr T Delaney, Mr C Lambert, Mrs M Long, Mr D Moxon and Mr B Walford

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tebbutt and he was substituted by Councillor Clarke.

33. DECLARATION OF INTERESTS

A non-pecuniary interest was declared in relation to Item 5 - Appleby Magna Caravan Site by Councillor J Clarke in view of his links to the Boy Scout Movement and in Item 6 – Future High Streets Fund by both Councillor D Harrison in his role as County Councillor and C Benfield in his role as vice chair for the campaign to open the Ivanhoe line. These Members remained in the meeting for the debate and vote on these items.

A pecuniary interest was declared by Councillor M Wyatt in relation to Item 8 – Future High Streets Fund for reasons of him having a local business in the Town Centre. He left the meeting for this item and the vote thereon.

34. MINUTES

Consideration was given to the minutes of the meeting held on 12 February 2020.

It was moved, seconded and by affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 12 February 2020 be approved as a correct record.

35. PUBLIC QUESTION AND ANSWER SESSION

Two members of the public, Celia and Ken Hopkins had requested to speak on agenda item 6 in relation to Appleby Magna Caravan Site. It was noted that their written statement had been circulated to all Members ahead of the meeting.

The Chair welcomed them both to the meeting and invited them to address the Committee and ask their questions.

For clarity and completeness, the statement is set out in full below:-

“The residents would like to thank the Committee Members and Officers for the opportunity to submit a statement regarding the report for recommendations of redevelopment / modernisation of the caravan site at Appleby Magna.

The general perception of a “caravan site” is one of holiday lets or more often when in fixed locations, a site occupied by transient residents or ethnic groups such as the Gypsy

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community. The latter often attract negative reactions and perceptions of a lifestyle associated with these communities.

This would be a gross misrepresentation of the Appleby Magna site, which should be more accurately described as static mobile home site, protected by the Mobile Homes Act 2013. More importantly, for the purposes of this Committee, is to understand the residents of the site form are a long-standing close-knit community many of whom happily resided on the site in excess of thirty years.

Following a fire to one mobile home in 2011, an FRA was undertaken which identified that action would need to be taken to make the site conform to the regulations. Since that time 9 years ago, the residents have experienced continued ambiguity and indecision about the Councils plans for the site. At the time of the fire, two plots were vacant.

In 2014, the residents received a letter advising them the council were restricting their rights to sell or assign their homes and the licence to occupy the plots to another purchaser. This proposal was legally incorrect and caused considerable distress and anxiety to the all residents of the homes, but most acutely to the elderly residents of the site. Included in this letter was the offer to take up a council tenancy as an alternative to remaining on the site.

Despite the council retracting its restrictions on residents' rights, there have been long delays in progressing any proposals for the site. This uncertainty impacted on residents, and by the time of the first public meeting, not held until 2017, following several formal complaints only 10 residents remained. It was at this meeting the council first proposed alternative options for the site. All the residents at the meeting stated their intention to remain on the site and wanted the council to commit to improving the site and bringing it up to standard.

Protracted discussions and meetings about the site have continued over the last 9 years with no certainty over its future.

During this time, the site has deteriorated considerably; repairs have been poor or non-existent, contractors engaged have left the site in unacceptable and unsafe conditions, and the maintenance of the site and amenities have been neglected, including the main showering and toilet block, which has remained unrepaired since damaged in 2018.

It is rather disingenuous to suggest therefore that a large cohort of the residents have voluntarily relinquished their home. It was inevitable in these circumstances, that many elderly residents in their 70's exhausted by the continuing uncertainty and seeing their environment deteriorate have succumbed to the stress and the uncertainty of the future of their homes. They felt they had little option but to take the offer of alternative accommodation made to them by the council.

Whilst home loss offers were made, this is not universally the case. Notwithstanding the clear issue that residents homes and the plot value has deteriorated as a result of site neglect, and the uncertainty over its future; home loss represents a questionable approach to compensating the value of a home that could have been sold publicly or purchased by the council at an agreed valuation rate.

Further deterioration of the site followed when the decision to not re-let the vacant plots was taken. Inevitably, this would further impact on the viability of the site. There is no council record of this decision being taken as part of a formal decision-making process. 1.3 of the report states that management of a caravan site is not the council's core business, however this is a residential mobile homes site, owned and managed by the Council, and housing, of all tenures is the core business of the council. Re-letting of some

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of the plots could have achieved further affordable housing on the site if this had been the strategic aim of the council and mitigated the nominal £5k loss to the general fund per annum. This could still be an option open to the council.

Consideration for the committee not explicit within the report are the following factors:

- The residents have statutory rights that must be upheld in any decision the council makes.
- They hold a “Protected Site” agreement in accordance with the Mobile Homes (Selling & Gifting) (England) regulations 2013.
- Without an occupier’s consent, the occupier can only be required to move to another pitch on successful application to the appropriate judicial body and if and only if –
 - The appropriate judicial body is satisfied the other pitch is broadly comparable to the occupier’s original pitch and that it is reasonable for the mobile home to be stationed there.
 - Payment for moving and re siting of the mobile home is the responsibility of the site owner (the Council)

Residents Views:

Despite this long and difficult history over the site, the residents recognise the need for their site to be improved; they want to become proud owners again of their homes.

The remaining residents are a strong community who have positively engaged with the council officers in order to agree progress; they have engaged in drafting plans for the proposal, suggesting edits and offered compromise, of note is Option D.

Residents strongly support Option E in the report, the outcome they have sought for 9 years. They have a vision for its future. If they can remain, they have stated not only will some commit to invest in the renewal and repair of their existing homes, but they will be able to maintain the increased plot sizes, working with the Council and bringing the site back up to acceptable standards.

Not only is Option E the most financially viable for the Council it is morally the correct one. These are your residents, they are part of the local community, have spent most of their lives in Appleby Magna and wish to remain on the existing site; it is their home”. Was an alternative proposed by the residents that would facilitate the council being able to develop the existing site”.

Mr and Mrs Hopkins asked the following questions:-

1. Please explain the apparent contradiction between Option A in the table stating “the most economically advantageous option” compared to sec 6.6 “None of the options has a positive net impact on the councils overall financial position.
2. Option D in the table states this would be the most expensive, however the reasons for this are unclear – can this be explained?
3. Can officers give assurances that there is nothing contained within the confidential appendix that actively contradicts the recommendation in the public report for Option E?

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The Chairman thanked Mr and Mrs Hopkins for their statement and questions and invited Chris Lambert, Head of Housing to respond.

Mr Lambert too thanked Mr and Mrs Hopkins and the residents who he said had helped to shape the considerations by officers and the subsequent recommendations.

His responses to the questions are set out below:

1. Option A provided a combination of the highest number of properties for development with the lowest works cost due to the lower amount of groundworks required, leading to the comment that it was the most economically advantageous. We use Net Present Values (NPV) to assess the impact of proposals on the Councils overall financial position. All of the options produced a significant negative NPV assessment score, hence the comment regarding no positive net impact on the Councils overall financial position.
2. Option D included provision towards the relocation of the Scouts facility, which resulted in the costs being higher than the other three options where this was not necessary.
3. I can confirm there is nothing contradictory in the appendix.

Mr Lambert went on to state that he was not proud of this site and it was hoped that the recommendations within the report would help to fix the situation. Collectively we now had a way forward if the Scrutiny Committee was minded to support it.

36. APPLEBY MAGNA CARAVAN SITE

Mr Lambert, Head of Housing presented the report to the Committee. He took Members through the report in detail and emphasised the challenges, all of which were set out in the report.

The Chairman thanked Mr Lambert for his comprehensive report and took questions and comments from Members by inviting each one in turn to speak.

Councillor Benfield asked about the housing needs of the local residents and whether any consideration had been given to modular housing. Mr Lambert referred to paragraph 4.2 of the report which explained that housing needs in the village were not excessive due to the level of recent historic development, and that the council was looking for ways to introduce modular housing into our new build programme in the future. Councillor Bridgen asked if the scouts were happy with option D as well as option E to which he was advised that the scouts wanted certainty so by accepting option E, it would provide them with security and an option for an improved facility to be developed. Councillor Clarke asked if there was a risk that the existing five tenants would decrease in number further and thus any re-modelling would be undertaken with no residents on site. Mr Lambert advised that the tenancies could not be terminated by the council, and that the residents could sell the sites on which their caravan sits by assignment. He reassured the Committee that all those in situ were intent on remaining for the foreseeable future. Councillor Geary reported his dismay at his view of the site during a recent visit. He likened it to a refugee camp and argued that the Council should never have allowed it to get into such a state. Mr Lambert advised that he could not argue with this view and repeated that he was not proud of this site but that we were now moving forwards to do something about it.

Other Members echoed the comments made and the support of Option E as set out in the report. They felt it was a well argued report and hoped that the residents would be pleased to see the Committee's support of their preferred option.

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The Chairman invited Councillor Bayliss as the Portfolio Holder to speak. Councillor Bayliss reiterated some of the points raised by Mr Lambert and thanked the Committee for its valued input, the findings and conclusions of which would be reported to Cabinet on 26 May.

The Chairman advised that, as the recommendation was simply asking the Committee to note and comment on the report ahead of its submission to Cabinet, which included a recommendation that Option E be supported. He advised that he would take it by affirmation of the meeting that Members were happy to do this unless anyone objected. He asked if there were any objections. There were none.

The recommendation as set out on page 9 of the report was moved, seconded and by affirmation of the meeting it was

RESOLVED THAT:

The report be duly noted and Option E be supported. The comments made at this meeting will be reported to cabinet ahead of its meeting on 26 May where a decision would be made.

37. ITEMS FOR INCLUSION IN THE FUTURE WORK PROGRAMME

The Chairman referred Members to the Committee's Work Programme and the Cabinet's Executive Decision Notice together with the item action log, which enabled Members to see the progress of any items, put forward prior to being placed on the work programme.

Members were invited to make requests for additional items to be included.

Councillor Eynon asked that a report be submitted to a future meeting on the Council's response to COVID-19.

It was moved, seconded and by affirmation of the meeting

RESOLVED THAT:

The Committee's future work programme be updated in accordance with the request for the inclusion of an additional item and noted.

38. EXCLUSION OF PRESS AND PUBLIC

It was moved, seconded and by affirmation of the meeting it was

RESOLVED THAT:

The press and public should be excluded during consideration of the following item in accordance with section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information.

Members were reminded that they must have regard to the public interest test and must consider for each item whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.

The Chairman explained that it was necessary to move into confidential session and he thanked those who had joined the meeting for their participation.

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39. FUTURE HIGH STREETS FUND PROPERTY ACQUISITION

Councillor M Wyatt, having declared a pecuniary interest in this item, left the meeting at this point.

Mr J Arnold, Strategic Director, presented the report to the Committee. He reiterated the importance of ensuring that the details of the report and the discussion thereon remained confidential for the time being.

The Chairman invited each Member, in turn, to make a comment or ask a question.

A summary of their questions and officer's responses are attached to these minutes as a confidential appendix in order that these may be reported to Cabinet ahead of the decision on 26 May 2020.

The recommendation as set out on page 35 of the report was moved, seconded and by affirmation of the meeting it was:

RESOLVED THAT:

The report and the recommendations therein be duly noted and the comments made at this meeting be reported to cabinet ahead of its meeting on 26 May where a decision will be made.

The Chairman closed the meeting by thanking officers for setting up the virtual meeting and supporting him throughout; and to Members for their much valued input.

The meeting commenced at 3.00 pm

The Chairman closed the meeting at 5.15 pm

Chairman's signature