

Communities and Neighbourhoods Overview and Scrutiny Committee

Minutes of the meeting held on 11 January 2011

Present:

Councillor Flanagan - In the Chair
Councillors Bracegirdle, Curley, Kirkpatrick, Lewis, Loughman, Morrison, E. Newman, O'Connor, Pritchard (Items CN/11/03 onwards) and Ryan.

Councillor Amesbury, Executive Member for Arts and Leisure
Councillor Andrews, Executive Member for Neighbourhood Services
Councillor R Battle, Assistant Executive Member for Arts and Leisure
Councillor N Murphy, Executive Member for Environment
Councillor Royle, Assistant Executive Member for Environment

Councillor Ashley
Councillor Firth

Councillor Tim Pickstone, Bury Council

Apologies:

Councillor Barnes, Helsby, Hennigan and Karney

CN/11/01 Minutes

Decision:

To approve minutes of the meeting held on 14 December 2010 as a correct record.

CN/11/02 Information and Overview Report

A report of the Governance and Scrutiny Support Unit was submitted providing information about future key decisions within the Committee's remit. Members were asked to note the responses to the Committee's previous recommendations.

The Committee discussed the work programme. At its December meeting, the Committee decided to defer selecting business plans for scrutiny until this meeting in order to consider which would be most appropriate to consider in the light of item CN/11/04. The Chair informed the Committee that this item had now been withdrawn as the City Treasurer was not in a position to provide further details of the effects the financial settlement on areas within the Committee's remit beyond those included in the report submitted for this item. The Chair informed members that no business plans would be available for the January meetings. He suggested that a special meeting of the Committee take place at the end of February in order to carry out this business, and to select business plans for scrutiny at the ordinary meeting in February. The Committee agreed.

Decision:

To hold a special meeting of the Committee at the end of February to scrutinise business plans. To select business plans for scrutiny at the ordinary meeting of the Committee in February.

CN/11/03 Call in: Section 123(1), (2A) of the Local Government Act 1972 Disposal of open space land adjacent to existing bowls and croquet facility at Heaton Park, Blackley

On 7 December 2010, the Chief Executive made the decision, under delegated powers, to dispose of land at Heaton Park, Blackley to Goals Soccer Centres PLC. The decision was called in by Councillors Ashley, Bethell, Firth, Glover and Ramsbottom, in accordance with paragraph 13 of the Overview and Scrutiny Procedure Rules.

The Committee received the report of the Head of Corporate Property and the City Solicitor, which had been relied upon by the Chief Executive to make the decision, and the notice of the decision taken.

The terms of the call in were as follows: "On behalf of the Liberal Democrat Group, we are calling in the above key decision on the following grounds:

1. Almost 2,000 residents objected to the original proposals to sell off this land to a private company. This is a controversial proposal and needs to be considered in a public and transparent way.
2. 32 residents made objections to the sale after the advertisement appeared, and 6 issues not previously considered through the planning process were raised. There has previously been no public scrutiny around these six issues.
3. Complaints have been made to the Local Government Ombudsman regarding whether the Council has followed due process in this case. We would like to investigate whether these complaints are valid."

The call in was received on the 13 December 2010. As the next meeting of the Committee was the following day, consideration of the call in was deferred until the next meeting in order to allow members sufficient time to read the reports for this item.

A member asked for clarification on reason 3 of the call in, on whether the Committee should investigate whether the complaints made to the Local Government Ombudsman are valid. The Committee's remit was to scrutinise the decision of the Chief Executive rather than look into the investigation by the Ombudsman who would report his findings in due course.

The Chair asked Councillor Ashley to expand on the reasons for the call in. Councillor Ashley informed the Committee that the six matters that were raised during the consultation had not been considered in a public forum prior to the Chief

Executive making the decision. He felt that these matters were important and merited public scrutiny.

Councillor Ashley also thought that the site chosen for the development was not the most suitable and was not certain that full consideration had been given to other sites, further from residential areas. He was not opposed to developments of this kind taking place in parks on principle, but thought that a different site might be found which could be better placed for members of the public while retaining the commercial benefits.

Councillor Firth told the Committee that she had asked a question at the meeting of the Executive in July about whether the development was in the most appropriate place and whether there was sufficient evidence that local people were satisfied that the decision was taken based on the benefit to for them rather than commercial benefit.

The Committee welcomed Councillor Tim Pickstone from Bury Council to the meeting. The Chair invited Councillor Pickstone to address the Committee. Councillor Pickstone thanked the Chair and Committee for hearing him. He informed the Committee he was a member of Bury Council for Holyrood Ward, which shared a border with Heaton Park and was near the proposed development site. He felt the development itself was potentially excellent, but that the area chosen was the wrong one. The development was planned for the edge of the park, near quiet residential streets, that already suffered from heavy traffic, and this development was only likely to exacerbate the situation. He urged that an alternative site be identified. He thought that green space and parkland were a precious resource and should not be sacrificed lightly. He informed the Committee that the Local Government Ombudsman was considering a complaint, and felt that the disposal of the land should not take place while that was still under consideration.

The Chair asked the Chief Executive to address the Committee on the reasons the decision was taken and the matters raised by Councillors Ashley and Firth and Councillor Pickstone. The Chief Executive explained that he had taken his decision in accordance with the terms of the Local Government Act 1972 having considered representations made in response to the advertisement and whether the loss of public open space was justified. He was satisfied that there would no substantial detriment to other park users by the loss of space this development would entail. The planning decision made by the Planning and Highways Committee following professional advice could not be re-opened.

He told the Committee he welcomed the opportunity to explain his reasons and discuss the six issues that were raised during the consultation fully in a public forum. The report which has informed his decision identified these six issues and he considered that he had given sufficient weight to their consideration in making the decision. In relation to the question of private gain arising from the development he stated that his judgement was that a proper balance had been struck between public access and insuring the long-term viability of the facilities for which a need had been established. Extensive areas of the Park would remain open for informal recreation. He added that the facilities would be available for local schools and community groups for 60% of their opening hours.

The Chief Executive noted that a number of the objections included the misconception that Heaton Park had been gifted to the people of Manchester. The Council purchased the Park for a sum that would equate to £13M today with no restrictions attached to the conveyance which would prevent the proposed disposal.

Regarding the decision setting a precedent for further leasing of land to private companies for development, the Chief Executive stated that future developments would need to be considered on their own merits, would require planning permission which would need to go through due process and be tested against relevant planning policies including those relating to the Green Belt, biodiversity and geological conservation, transport, historic buildings, conservation areas, as well as against the Council's regeneration frameworks. Separate consideration would also need to be given to any proposed disposal of open space following a statutory consultation, as in this case. The Chief Executive also responded to matters raised in relation to the situation of the land in Blackley Ward and the locus standi of Prestwich residents in relation to development proposals in the Park.

Regarding the matter of complaints made to the Ombudsman about the process, representatives of the Chief Executive's department had responded to the Ombudsman. The Chief Executive and the City Solicitor are satisfied that proper process was followed in determining the planning application. The planning decision could not be re-opened by the Council and is not subject to the scrutiny process.

Members asked whether Bury Metropolitan Borough Council (MBC) had contributed any funds to the development or had been approached to do so. Councillor Pickstone said it had not been approached nor had it contributed funds.

A member asked Councillor Pickstone if he agreed with the view in the report that there were a significant number of people living in Prestwich who did not know that they lived in Bury and Heaton Park was in Manchester. Councillor Pickstone said he did not think this was the case. A member asked what areas of the conurbation the objections had tended to come from. Councillor Pickstone replied that a statutory consultation had taken place on the planning decision. 2000 objections to the development had been lodged which was the largest number that he had experienced.

A member asked whether the signatories and Councillor Pickstone considered this development as being privatisation of the park. Councillor Pickstone said the football pitches would cost between £40 and £50 per hour to hire, which most families could not afford. He added that the 60% free time was mainly during school hours which was not convenient for families to use. The Executive Member for Arts and Leisure said that he understood that the proposed cost of hiring a football pitch was actually £33 per hour.

Members asked whether the signatories or Councillor Pickstone had a different area in mind that they thought was more suitable. Councillor Pickstone said a site outside the park was preferable, as park land was precious. Councillor Ashley had no objection in principle to proceeding with the development within the park, but thought a site further from residential areas could be identified. He informed the Committee

that a number of sites in the city had been identified during a review carried out in 2004-5 in order to identify a site to build a school, and suggested they should be considered for the development in question. Members pointed out that developing the land within the park did not necessarily mean a net loss of parkland in the conurbation, as Manchester City Council had recently created two new parks within the boundaries of the city.

The Chair noted that Planning Officers of Bury Metropolitan Borough Council and the Council itself did not object to the proposal, and asked Councillor Pickstone if he disagreed with their opinion. Councillor Pickstone said the officers had raised a number of objections and felt that the representation of their position in the report was overly simplistic.

A member asked the Chief Executive whether he had received an indication that the Ombudsman would not decide in favour of the Council, or whether he had been asked to cease proceeding with implementing the decision, which was in his power. The Chief Executive replied no to both and informed the Committee that the period in which the planning decision could have been subjected to judicial review had passed. The Chief Executive assured the Committee that reports from Ombudsman were always taken seriously, and that the findings of his report would be referred to the Executive if it contained matters of which they should be made aware.

Members asked whether those objections that had not been considered as part of the planning process had now been fully considered, including the letter from the Garden Historical Society with 10,000 objections. The Chief Executive clarified that the letter from the Garden Historical Society had in fact been considered by the Planning and Highways Committee as a late representation, although it was alleged in the complaint to the Ombudsman that it had not.

A member asked what measures had been put in place to ensure that the planned outcomes for communities were delivered. The Chief Executive responded that a partnership board had been established which included representation from the Council from the Head of Leisure Services and Executive Member for Culture and Leisure. The Council's representatives on the board would ensure that the community outcomes were delivered.

The Executive Member for Arts and Leisure informed the Committee that Bury Council had identified a need for this kind of facility in the area, and this site had been identified as the most suitable in the 1990s.

A motion was proposed that the Committee endorse the decision taken by the Chief Executive. This motion was seconded. Following a vote the motion was passed.

Decision

To endorse the decision of the Chief Executive taken on 7 December 2010.

[Councillor Amesbury declared a prejudicial interest in this item; the Committee requested that he remain in the meeting to answer questions in accordance with Section 21(13)(a) of the Local Government Act 2000]

[Councillor Pritchard declared a personal interest in this item as he had represented an employee of Goals Soccer Centres PLC in his role as a Trade Union Officer. He decided not to take part in the discussion of this item.]

**CN/11/04 Impact of the Financial Settlement on areas within
the Committee's remit**

This item was withdrawn from the agenda.

CN/11/05 Private Sector Rented Housing

A report of the Director of Neighbourhood Services on private sector rented housing in the city was submitted to the Committee. The Head of Private Sector Housing introduced the report, which gave an overview of the sector and informed the Committee of changes to relevant legislation. The developments included changes to housing benefits and new rules for licensing landlords.

A member thanked the Head of Private Sector Housing for a report that gave such an honest picture of the situation in the city. He expressed regret that the attempts to limit the problem of unscrupulous landlords had so far been unsuccessful, but welcomed further efforts to improve the situation.

A member asked what tools the Council would have in preventing the spread of houses in multiple occupancy (HMO) since the government halted plans to change the classification of HMOs from six or more unrelated adults living together to three. The Head of Private Sector Housing informed the Committee that the Council was proceeding with the Article 4 Direction to remove permitted development rights for change of use from a dwelling house to a HMO within Manchester. This would allow the Council to have more control of the spread of HMOs in the city.

The Committee felt that there was little point in having Article 4 and selective licensing without effective enforcement. The Head of Private Sector Housing acknowledged that selective licensing had not been as successful as hoped and it was no longer the intention to extend it. Limited resources meant that it would not be achievable to prosecute every landlord transgressing the rules. More effective use of the available resources was desirable in order to target the worst offenders and demonstrate that it is worthwhile to provide a good service. This would be publicised through news stories of prosecutions in the local media, and through the naming of prosecuted landlords.

The Head of Private Sector Housing acknowledged that the number of prosecutions was low, but informed the Committee that the Council was currently working on a number of cases and expected the numbers to be higher in the future.

The Committee asked what incentive there was for landlords to be licensed. The Head of Private Sector Housing said this was an issue that needed addressing. Feedback from licensed landlords was that they wanted either a reward for being licensed, or a focus on prosecuting unscrupulous landlords. Currently there was

neither and too much time was being spent on the bureaucracy of licensing, with not enough spent on enforcement and prosecution.

A member noted that covenants had been used in the sale of properties in Grove Village in order to restrict the ability of owners to rent out properties in an amateur or poor quality manner, and asked how well this had worked. The Director of Housing explained that enforcing this had been the responsibility of the Grove Village Management. The Council was concerned with their application of this and were planning to return the responsibility back to the Council.

The Committee discussed the changes to Housing Benefits. The Head of Private Sector Housing said that the changes will mean that people receiving housing benefits will only be able to afford to rent in certain parts of the city, and within those parts there will be a high demand. This will mean there will be less incentive to provide decent quality houses for those tenants. The Council can advise people of their rights, but had no influence on contracts between tenants and landlords. These changes to housing benefits will fundamentally change private rented sector housing in the city.

The Head of Private Sector Housing went on to say that in the past a rent officer would have been able to set the rent for a property based upon the local housing market. This would no longer be possible as the maximum rent allowable will be set as the 30th percentile of a rental area. A member asked if it remained a problem that housing benefit was, in general, paid to tenants instead of directly to landlords. The Head of Private Sector Housing said that landlords still found this a problem and would like it to change. The Committee agreed to refer the matter of the impact of the changes to housing benefits to the Housing Subgroup.

Decision:

To refer the scrutiny of the changes of housing benefits and the impact it will have on the city to the Housing Subgroup.

**CN/11/06 Visit to Longley Lane Facility, Greater Manchester
Waste Disposal Authority**

A report of the Governance and Scrutiny Support Unit was submitted which gave an overview of the visit of the Committee to the facility at Longley Lane on 14 December 2010. The Committee welcomed Paul Dunn from Greater Manchester Waste Disposal Authority to the meeting.

Members who attended the visit noted that the extent of the services available at Longley Lane was very broad and modern, and that the facilities were impressive

A member informed the Committee that the original plans had included trees being planted to screen the facility from surrounding residential areas, and asked how this was progressing. Mr Dunn explained the planting programme was going ahead in October or November 2011 because it was necessary to plant trees at the right time of year in order to grow.

Members thanked Mr Dunn for attending the meeting, and officers at the facility for providing such an informative visit.

Decision:

To note the report.

CN/11/07 Newton Heath Market

The Head of Trading Services provided an oral report on the circumstances which had led to the closure of Newton Heath Market. The market entered Manchester City Council's portfolio in March 2008. It was found not to comply with health and safety regulations and a programme of improvement was undertaken. This was completed in four days and the market continued trading throughout. Manchester Markets introduced daily liaisons with the traders and a weekly newsletter. One to one meetings were available for those who wished to have them. An improvement programme was implemented, however this did not result in increased footfall to the market. A marketing campaign was deployed, which also had little effect.

In October 2008 a review of operations and consultation with partners led to additional improvements being made to the market from January 2009. However, footfall did not increase. A further review was undertaken in July 2009, from which the primary recommendation was closure. The market traders were balloted on three options: to remain open under Manchester Markets; to form a traders' co-operative; or to close. The traders chose to form a co-operative. The traders received support and advice from Blue Orchid, an agency that supports small businesses, the Council and Manchester Markets. The co-operative was formed in August 2009.

In July 2010 the co-operative issued a written notice to cease trading. This led to discussion with traders to investigate reasons why and to offer further support if appropriate. The asset returned to Manchester Markets, for reintegration in to the Council's corporate property portfolio. The Council subsequently received interest from private operators regarding a local product market and a Christmas Market. Business plans were requested to inform viability and sustainability. No plans have been submitted.

The Committee discussed the reasons for the continued lack of increase in footfall. Members agreed that the market failed to attract business despite the improvements that were made following the Council taking it over. A number of traders had moved to other markets where they could make more money, which exacerbated the issue. Members acknowledged that the Council had done a great deal to attempt to assist the market in attracting more business, but this had been unsuccessful.

The Executive Member for Neighbourhood Services informed the Committee that the improvements to Newton Heath Market since it had been taken on by Manchester Markets had cost £200,000, and had not had the desired effect. He offered to investigate any further suggestions to improve the market, provided they did not result in further costs to Manchester City Council.

The Committee thanked the Head of Trading Services for her report.

Decision:

To note the report.