

**HOMES POLICY DEVELOPMENT GROUP
19 JANUARY 2021**

GRASS VERGES LOCATED ON HOUSING REVENUE ACCOUNT LAND

Cabinet Member(s): Cllr Bob Evans
Responsible Officer: Simon Newcombe, Corporate Manager for Public Health, Regulation and Housing

Reason for Report and Recommendation: To set out a policy/ procedure relating to a decision-making framework which was agreed at the meeting of the Grass Verges Task and Finish Group held on 11 November 2020. The Policy Development Group is asked to recommend to the Cabinet that the following are agreed:

- a) **The procedure shown at Appendix A which is designed to ensure that the conflicting needs of stakeholders are taken into account when residents make requests regarding different maintenance arrangements/agreements relating to the upkeep of grass verges and other grassed areas on the housing estate.**
- b) **An increase in the Environmental Improvement Budget to £10,000 and a review of the procedures relating to it to ensure that it can be better used to support initiatives designed to encourage greater biodiversity**

Financial Implications: The management and maintenance of homes on our estates is funded through the Housing Revenue Account (HRA), which is ring-fenced. The main income into this account is derived from the rents/ charges paid by tenants/ leaseholders. Grounds maintenance on our housing estate land is also paid for out of the HRA.

Budget and Policy Framework: There is a budget set aside within the HRA to meet the costs of grounds maintenance and this includes a sum relating to the work to maintain the grassed areas on housing estates. The Council's Street Scene department provides grounds maintenance services to the Housing Service and this work is recharged to the HRA. A new service level agreement is in development as part a regular cyclical review of this work.

Devon County Council (DCC) is responsible for the upkeep of grass verges on land classified as Highways Maintained at Public Expense (HMPE). Previously, the County Council used to maintain such grass verges but halted this in 2015. Since then, the Housing Service has continued to maintain these verges. The cost of maintaining sightlines on verges to reduce the risk to motorists and other road-users four times a year is funded by DCC. The other cuts to maintain the sightlines are funded out of the HRA, typically up to a further three cuts each year.

Paragraph 3, Part III, Schedule 4 to the Local Government and Housing Act 1989 requires that where the costs for amenities, which are provided as part of the Housing Service within the HRA but the community as a whole benefits, then such costs should be shared between the HRA and the General fund. In recent guidance published on 10 November 2020, by the Ministry of Housing, Communities and Local Government (MHCLG), regarding the operation of the housing revenue account ring-fence, this requirement was reinforced with play and other recreational areas, grassed areas and

gardens and community centres being given as examples of the type of amenity which needs to be taken into account.

The Housing Service has a Neighbourhood Management policy and this contains provisions relating to grassed areas on housing estates.

Legal Implications: As a social landlord, the Council is subject to the regulatory framework for social housing and the Neighbourhood and Community Standard states that: “Registered Providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe”. The Housing Service is also expected to have a policy setting out the position relevant to neighbourhood management. In addition, the Tenant Involvement and Empowerment Standard contains provisions relating to the need to involve tenants in decision-making relating to service delivery.

On 17 November 2020, the MHCLG issued a Social Housing White Paper which contained a Charter for social housing residents and this sets out an intention to ensure that residents have their voice heard by landlords, and to ensure that homes and neighbourhoods provided by social landlords are kept in good repair.

Risk Assessment: As a social landlord, the Council is subject to the regulatory framework for social housing and the Neighbourhood and Community Standard which states that: “Registered Providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe”. The Housing Service is also expected to have a policy setting out the position relevant to neighbourhood management. In addition, the Tenant Involvement and Empowerment Standard contains provisions relating to the need to involve tenants in decision-making relating to service delivery.

Equality Impact Assessment: As required by the regulatory framework for social housing, the Housing Service has a policy relating to neighbourhood management and this ensures that there is a consistent approach to matters relating to grounds maintenance on the Council’s housing estates.

Relationship to Corporate Plan: Homes and the environment are both priorities for the Council.

Impact on Climate Change: There is a growing awareness of the benefits of allowing grass to grow longer and of encouraging the growth of wildflowers on verges. Without careful management, wildflowers on verges can be choked by brambles, scrub or vigorous coarse grasses, as stated in the DCC web pages. The Housing Service is aware that some residents on housing estates and nearby would welcome a new approach to the management of the grassed areas near to their homes and the proposal in this report is informed by recent comments and requests received from Members, local people and some residents who live on our estates.

Whilst Officers will endeavour to plan their work in advance in order to minimise environmental impact, there will be times when they have to make an urgent visit to a housing estate in order to respond to a pressing matter, such as a health and safety issue. In such cases, this work must take priority and will involve an unplanned journey to and from an area which cannot necessarily be organised to coincide with other visits elsewhere within the District.

1.0 Introduction/Background

- 1.1 At the meeting of the Homes Policy Development Group (PDG) in September 2020, Members agreed the establishment of a task and finish group to discuss the many strands associated with service delivery in relation to grounds maintenance, in general, and grass cutting on housing estates, in particular. The task and finish group was formed from Members of the Homes and Environment PDGs. The aim of this group was to make recommendations regarding a new procedure for agreeing local arrangements relating to maintenance of grassed areas in the ownership of the Housing Service.
- 1.2 The task and finish group met on three occasions and Members were able to agree a decision-making framework which could be used by Officers in the Estates team when considering requests made by different stakeholders.
- 1.3 The task and finish group also took account of arguments relating to the need to increase biodiversity, the need to ensure that the Housing Service delivers a balanced budget and the obligation to undertake consultation with those living on our estates.

2.0 Policy Considerations

- 2.1 The Neighbourhood Management policy applies to the management of grassed areas on the housing estate and it is envisaged that the new decision-making framework will provide a procedure which can be used in support of this. The aim is to deliver a consistent approach taking account of a number of relevant factors including those relating to health and safety, cost, tenure and the need to undertake consultation.

3.0 The Draft Decision-Making Framework

- 3.1 There are some areas where residents are unhappy with a “one-size-fits-all” approach to grounds maintenance. In such cases, Officers will need to work together with local residents on the estate to create and maintain communal spaces that are safe, clean, tidy and welcoming.
- 3.2 Whilst there are some general service standards which would normally be maintained, some residents may request more/less frequent visits to achieve this standard.
- 3.3 It is proposed that residents should make any request for a change in writing and that such requests can be received by email.
- 3.4 It is also proposed that Neighbourhood Officers refer to the procedure set out in appendix one when considering any such requests for a change to the way in which any grass verge or other grassed area on a housing estate is managed. The chart will prompt consideration of several factors which must be taken into account when any requests are received.

- 3.5 The Neighbourhood Officers have delegated authority to make decisions relating to grounds maintenance on the estates owned by the landlord service and therefore it is proposed that they have authority to agree any requests for change in line with the procedure set out in appendix one.
- 3.6 Any concerns arising from a decision made by a Neighbourhood Officer in connection with such a request will be managed through the Council's complaints procedure and these will be investigated by a Neighbourhood Team Leader in the first instance. Should these be escalated, the service manager will review the original response in an effort to resolve the matter.
- 3.7 It should be noted that during the national emergency arising from the pandemic, the Neighbourhood Officers in the Estates team have had to manage a number of conflicting priorities which have impacted their ability to undertake more routine work. In order to help them to manage their workloads, they have been given a direct management instruction. In line with this, they will give priority to any work which involves safeguarding issues, health and safety or serious anti-social behaviour. Consequently, it is important that all stakeholders are given a clear indication about how long it might reasonably take for an Officer to review an application for a change and to provide information on the outcome of their deliberations. Officers will need to manage expectations and will therefore provide clear information about timescales on the basis that compliance with the consumer standards imposed by the regulator must take precedence over non-statutory work such as this.
- 3.8 If agreed, the procedure will be used by Neighbourhood Officers to inform decisions over the next 12 months with a review after that time to take account of any difficulties experienced in operating it and/ or any resourcing implications or other issues which may occur during the initial period of operation.
- 3.9 The Neighbourhood Officers will monitor any new arrangements agreed and implemented by undertaking a visual inspection once every calendar month. These visits will be fitted into their schedules as part of their routine estate inspections. However, more frequent visits may take place should there be any complaints or other issues raised by local people or their Ward Members. Officers will be expected to undertake a visual inspection in order to gain an understanding of the issues being reported to them.
- 3.10 Complaints relating to health and safety, on-going maintenance, tidiness or any other issues will be managed through the Council's complaints procedure.

4.0 Initiatives to Increase Biodiversity

- 4.1 The task and finish Group is also recommending the PDG to approve an increased budget relating to environmental improvements for 2021/22 together with a review of the procedures associated with this. It is proposed that the budget is increased from £6,000 during 2020/21 to £10,000 for 2021/22 and that the monies available are used to support green initiatives such as:

- Putting up nest boxes for native bird species
- Installing hedgehog houses
- Making insect homes

- Supporting local residents to purchase wildflower seeds and/or other equipment if a proposal for them to take over management of a grassed area or verge is agreed.

5.0 Recommendation

5.1 The Policy Development Group is asked to recommend to the Cabinet that the following are agreed:

- a) The procedure shown at Appendix A which was designed to ensure that the conflicting needs of stakeholders are taken into account when residents make requests regarding different maintenance arrangements/agreements relating to the upkeep of grass verges and other grassed areas on the housing estate.
- b) An increase in the Environmental Improvement Budget to £10,000 and a review of the procedures relating to it to ensure that it can be better used to support initiatives designed to encourage greater biodiversity.

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Circulation of the Report:

Cllr Bob Evans, Cabinet Member for Housing, seen and approved
Cabinet
Leadership Team seen and approved
Corporate Management Team
Legal Services

List of Background Papers:

Housing Service Neighbourhood Management Policy
<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper/the-charter-for-social-housing-residents-social-housing-white-paper>

Ministry of Housing, Communities and Local Government, The Charter for Social Housing Residents, 17 November 2020
<https://www.gov.uk/government/publications/the-charter-for-social-housing-residents-social-housing-white-paper/the-charter-for-social-housing-residents-social-housing-white-paper>