

PERTH AND KINROSS COUNCIL**Housing and Health Committee****27 January 2016****North Muirton Open Spaces****Report by Director (Housing and Community Care)****PURPOSE OF REPORT**

The purpose of this report is to explain the current situation in North Muirton in relation to managing open spaces in front of local houses. The report seeks committee approval to continue our approach for requests for fencing where none existed and to prohibit the sale of areas of open space in front of properties in North Muirton.

1. BACKGROUND / MAIN ISSUES

- 1.1 When Council houses were sold in North Muirton, Perth the open spaces at the front of properties were not included in the sale, with the exception of a very few cases. This was in order to preserve the amenity of the area and for ease of maintenance as the open spaces were maintained by the Council through grass cutting services. This followed a decision by the Council's Housing Committee in 1997 (Report No. 97/132 refers) to refuse permission to home owners in the area to erect fences, except in cases of end-terraced housing, and to continue with the policy to refuse consent to erect boundary fences where none existed. The exception for terraced properties was to prevent people taking short cuts over green spaces in front residents' windows.
- 1.2 More recently, changes to the Council's grass cutting services have resulted in an increase in requests from residents to purchase small areas of land and/or to erect boundary fences adjacent to their homes.
- 1.3 The North Muirton Community Council have however voiced concerns on behalf of residents about the potential detrimental impact to the amenity and appearance of the area of the sale and fencing-off of open spaces and would like the Council to re-affirm its position about this, given the original decision was made almost 20 years ago.
- 1.4 The previous agreement by the Housing Committee in 1997 focussed solely on requests to fence-off areas of ground and didn't give authority to requests to purchase land. The Head of Legal Services has advised that fresh authority should be requested about how both these issues should be dealt with by officers. The land is held on the Housing Revenue Account and the consent of the Scottish Ministers is needed in order to dispose of any asset held on that Account.

2. CURRENT POSITION

- 2.1 The reasons for the decision in 1997 are still relevant today. The estate was designed to be open-space, with back gardens fenced and the front remaining open, leaving tenants with a small strip of ground to manage at the front of the property. This was specified in the tenancy or sale documents.
- 2.2 Due to the level of interest and concern from local residents about a change to this position, a range of community engagement was undertaken during the summer of 2015 asking about the open spaces and future ownership. The results of a community questionnaire, focus groups and discussion at local events, where around 300 people were involved, showed that the open space design of the estate was very important to residents and many were concerned that if ownership of these spaces was handed over to residents, the aesthetic nature, appearance and uniformity of the area would suffer.
- 2.3 Local residents also raised concerns about who would be responsible for keeping boundary fences and gardens in good order. Some potential buyers were also involved in the engagement activities and indicated that they should be able to do what they wanted with the land if they bought it.
- 2.4 In terms of maintenance, although the Housing Service currently pays for some grass cutting in the area, the community has taken on much of the responsibility for maintaining the land maintaining its appearance. The Community Council have supported the development of the Take a Pride in North Muirton Group ("North Muirton Bloom"), and have made a bid through the Estate Based Initiative Scheme to buy a sit-on lawn mower to take on more grass-cutting work in the community. They have also established a Steering Group and a constitution to support this work.
- 2.5 If areas of open space were to be fenced off, the cost of maintaining the open spaces around fences would rise due to labour intensive strimming of grass at the edges of fences and the inability to use larger mowers in restricted spaces. This might also discourage those people and community groups who currently undertake grass cutting on a voluntary basis and increase future maintenance costs for the Council.
- 2.6 Around 30 homeowners have expressed an interest in buying land adjoining their properties and, although the sale of this land to home owners may initially seem a solution to lessen the Council's responsibility, it may incur greater costs in the long term for services in relation to estate management.
- 2.7 The legal, estates and administrative resources related to selling each area of land would be significant, unless these could be passed on to purchasers. The current requirement to obtain Scottish Minister's consent for each individual sale of HRA land, requires the Council to take account of the views of local tenants, among other things, and to any objections they might have. Given the current views gathered through community engagement activities, there is evidence to suggest that tenants might be opposed to sales, which could lead to a lengthy and prolonged process.

3. PROPOSALS

- 3.1 The outcome of community engagement activities found the majority of people wanted the Council to retain the open space in front of properties and preserve the original design and layout of North Muirton.
- 3.2 It is proposed that the original decision by the Council in 1997 to refuse permission for requests for fencing where none existed be reaffirmed and that a decision should be made to prohibit the sale of areas of open space in front of properties in North Muirton.

4. CONCLUSION AND RECOMMENDATION

- 4.1 This report has updated the Committee on the current situation in North Muirton and summarised the results of extensive community engagement with local residents about the maintenance of open spaces. It has highlighted the need to reaffirm the Council's position on erecting boundary fences and to establish the Council's position on the sale of areas of open space and adjoining individual houses in North Muirton.
- 4.2 It is recommended that the Committee delegates authority to the Director of Housing and Community Care to:
- (i) Continue to endorse the original decision to refuse permission for requests to erect fences, where none exist, with the exception of requests relating to end-terraced properties.
 - (ii) Continue to decline requests to purchase areas of open space in front of all properties in North Muirton.

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1. IMPLICATIONS, ASSESSMENTS, CONSULTATION AND COMMUNICATION

Strategic Implications	Yes / None
Community Plan / Single Outcome Agreement	Yes
Corporate Plan	Yes
Resource Implications	
Financial	None
Workforce	None
Asset Management (land, property, IST)	Yes
Assessments	
Equality Impact Assessment	None
Strategic Environmental Assessment	None
Sustainability (community, economic, environmental)	
Legal and Governance	Yes
Risk	None
Consultation	
Internal	Yes
External	Yes
Communication	
Communications Plan	Yes

1. Strategic Implications

Community Plan / Single Outcome Agreement

- 1.1 The contents of this report supports the achievement of the Perth and Kinross Community Plan / Single Outcome Agreement priority :

(v) *Creating a safe and sustainable place for future generations*

2. Resource Implications

- 2.1 None

3. Assessments

Equality Impact Assessment

- 3.1 Under the Equality Act 2010, the Council is required to eliminate discrimination, advance equality of opportunity, and foster good relations between equality groups. Carrying out Equality Impact Assessments for plans and policies allows the Council to demonstrate that it is meeting these duties. The Equality Impact Assessment undertaken in relation to this report can be viewed clicking [here](#).

This section should reflect that the proposals have been considered under the Corporate Equalities Impact Assessment process (EqIA) with the following outcome:

- (i) Assessed as **not relevant** for the purposes of EqIA

Strategic Environmental Assessment

- 3.2 The Environmental Assessment (Scotland) Act 2005 places a duty on the Council to identify and assess the environmental consequences of its proposals.

This section should reflect that the proposals have been considered under the Act and, no action is required as the Act does not apply to the matters presented in this report. This is because the Committee are requested to note the contents of the report only and the Committee are not being requested to approve, adopt or agree to an action or to set the framework for future decisions.

Legal and Governance

- 3.4 The Head of Legal services has been consulted and has commented on this report.

4. Consultation

Internal

- 4.1 Local elected members have been informed and consulted in the development of this report as well as Housing Services staff and the Environment Service.

External

- 4.2 North Muirton Community Council have been fully engaged in the preparation of the report.
- 4.3 There has been extensive community and tenant consultation in the development of this report. This has been undertaken by door to door community research, a postal survey to all tenants, attendance at Open Community Council Meetings, focus groups at events and at the North Muirton Gala Day.
- 4.4 Approximately 300 tenants and residents from North Muirton have been involved in the discussion and a presentation was made a public meeting of the North Muirton Community Council for people to hear the outcomes of the community engagement activities and results of the the questions asked about the open space in front of properties.

- 4.5 The Tenant Report Panel were consulted on this report. They agree with the purpose of this report and feel that to relax existing arrangements would be detrimental to the area.

5. Communication

- 5.1 The outcome of the decision of this Committee will be communicated to residents via a range of communication channels including the North Muirton Community Council, letters to tenants and to those who had expressed an interest in purchasing the land. The local ward elected members who do not participate in this Committee will also be informed.
- 5.2 Housing Services Staff will also be informed of the decision and an appropriate procedure will be created to ensure consistency of implementing the decision made by the Committee.