

PETITION - GROUNDS MAINTENANCE AT PETER FAGAN HOUSE, GUINNESS CLOSE, HAYES

Cabinet Member(s)	Cllr Philip Corthorne
Cabinet Portfolio(s)	Social Care, Health & Housing
Officer Contact(s)	Rod Smith, Head of Estate Management
Papers with report	None

1. HEADLINE INFORMATION

Summary	A petition has been received from residents of Peter Fagan House regarding the delivery of the grounds maintenance service to the estate. The petition calls for charges made for this service to be refunded by the Council to residents.
Contribution to our plans and strategies	Healthy Communities, Older People and Housing
Financial Cost	The 2012/13 budget for scheduled grounds maintenance work in the Hayes and Harlington Contract area is £178,500.
Relevant Policy Overview Committee	Social Services, Health and Housing.
Ward(s) affected	Pinkwell

2. RECOMMENDATION

That the Cabinet Member:

- 1) Meets and discusses with petitioners their request for a refund in connection with their payment of a service charge for grounds maintenance at Peter Fagan House**
- 2) Subject to the outcome of Recommendation 1 above, considers this request together with advice given in the report by officers.**

Reasons for recommendation

In making his decision, the Cabinet Member will want to take into account the issues raised by petitioners as well as the following information from officers: The value of grounds maintenance services delivered at Peter Fagan House has not been reduced this year.

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The frequency of works delivered to secure an acceptable standard has however changed as a result of a number of factors. Less grass cutting has taken place but additional works have been undertaken to planted areas. It would therefore be inappropriate to refund any monies paid by residents.

Under the grounds maintenance specification for housing sites there is a requirement to undertake grass cutting on 16 occasions during the year between March and November and to undertake shrub pruning on 1 occasion during the year. Shrub pruning is normally undertaken as part of the 'winter works programme' which runs from October to March.

The shrub beds at Peter Fagan House were pruned on 25th August 2012 and were the subject of some follow up work during early September.

From records produced by the grounds maintenance contractor, the small grassed area to the rear of Peter Fagan House has received a total of 11 cuts between April and September 2012. A final cut was carried out at the end of September. The reduced number of cuts is associated with poor weather conditions at the start of the year.

Alternative options considered / risk management

The weather conditions during the period March to July 2012 have been exceptional. Authorities across the country, including Hillingdon, have experienced the wettest summer for 100 years. This has had a significant impact upon the delivery of grounds maintenance services. Notwithstanding this Officers within Green Spaces and Housing Services have worked jointly to ensure that priorities have been met and grounds maintenance services have been delivered to ensure that estates have been maintained to an acceptable standard. Throughout the period of poor weather the contractor has been paid by the Council. Where appropriate the contractor has been diverted to other work on estates to ensure that standards are maintained and value for money secured.

Policy Overview Committee comments

None at this stage

3. INFORMATION

Supporting Information

Peter Fagan House is a Council owned residential block which is managed by the Housing Service. There are a total of 28 flats in the building. There are no leaseholders within the building i.e. no flats have been sold under the Right to Buy.

There are a number of planted beds to the front of the building and around the off-street parking areas which are exclusive to residents. At the rear of the building is a small grassed area. The grounds maintenance service is managed by Green Spaces on behalf of the Housing Service. The current grounds maintenance service provider is OCS who provides the service on both the Hayes & Harlington and Uxbridge contract areas.

The grounds maintenance service was previously provided on these two contract areas by Connaught. In 2010 the contracts were taken over by Fountains Environmental due to financial difficulties being experienced by Connaught. In January 2012 Fountains Environmental went into administration and was subsequently purchased by OCS. OCS did not take on a loss making contract but entered into an interim arrangement with the Council on a 'cost plus' basis. This arrangement is still in place.

During the early part of 2012 OCS developed a mobilisation plan with a view to commencing works on housing sites from March 2012 in accordance with the existing grounds maintenance specification applicable to housing sites. This provides for attention to shrub beds on an annual basis and a total of 16 cuts to grassed areas. From the start of the growing period OCS [along with other grounds maintenance service providers across the country] experienced one of the wettest summers on record. The period from April to July was particularly wet with only one dry week in seventeen. As a direct result the grass cutting schedule experienced slippage and planted areas witnessed significant growth during wet and mild conditions.

Grass cutting on housing sites takes place between March and September each year with a final cut in October. The annual shrub pruning takes place as an integral part of the winter works programme which runs from October through to March the following year. Due to the mild and wet conditions during the summer OCS undertook shrub reduction work across housing sites due to the unprecedented growth. This took place at Peter Fagan House on 25th August 2012 with some follow-up work concluding in early September. This work was essential to address shrub growth across estate footpaths and where sight-lines were obscured. Notwithstanding this work, the shrub beds at Peter Fagan House will still be the subject of pruning works during the forthcoming winter works programme this year. This will mean that the shrub beds have actually received attention on two occasions this year. The specification only requires pruning on one occasion each year. The cost of shrub reduction works at Peter Fagan House is £386.40 per occasion.

Due to the exceptional weather conditions it was only possible for OCS to cut the grass on 11 occasions between March and September. The cost of each cut is in the region of £25.00. The value of grass cutting works not undertaken this year is currently in the region of £125.00. Officers are satisfied that this unavoidable reduction in service was more than offset by the additional shrub pruning works which were carried out during August and September this year.

Tenants at Peter Fagan House pay service charges in addition to their rent. These service charges relate to the provision of services such as caretaking, maintenance of the door entry system and grounds maintenance. Petitioners make reference to a charge of £6.00 per week. There is a charge of £6.50 per week for caretaking and a charge of £5.92 per week for the communal heating and hot water system. On average tenants pay £1.80 per week service charge for grounds maintenance.

Financial Implications

There are no financial implications arising from following the recommendation within this report. We have paid the contractor for the work that has been done and have collected income from the tenants to fund this service. If the recommendation is not followed, this will lead to a loss of income for the HRA.

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4. EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES

What will be the effect of the recommendation?

The proposed recommendation, whilst maximising revenue to the Housing Service, ensures that the external shared areas of Peter Fagan House remain safe and attractive places for residents. The grounds maintenance service delivered has been responsive to the needs of residents during a period of exceptional weather.

Consultation Carried Out or Required

No consultation was carried out. The delivery of grounds maintenance services at Peter Fagan House has been closely monitored by Officers from Green Spaces and the Housing Service over the summer period. Officers responded to residents concerns following the shrub pruning works in August 2012 and instructed OCS to return to site and complete pruning to a number of small beds which had been missed.

5. CORPORATE IMPLICATIONS

Corporate Finance

Corporate Finance have reviewed this report and concur with the financial comments within the report.

Legal

The Cabinet Member has before them a Recommendation that:

- (a) a request for a refund (of an unspecified amount) to the residents of Peter Fagan House in respect of the grounds maintenance charge is refused.

The tenancy agreements for Peter Fagan House contain no specific obligations on the Council with regard to grounds maintenance. Grounds maintenance should be carried out in line with Council policy and residents should receive service equivalent to the value of their ground maintenance charge.

Under Article 7.08(d) of the Council Constitution, Cabinet Members have a general delegation to deal with petitions in their portfolio area and on the recommendation of the appropriate corporate director, to agree compensation payments above £1,000 under the Council's complaints procedure or following a request from the Ombudsman.

As the compensation payment is recommended for refusal by officers, the Recommendation should be followed as to agree the refund would fall outside the Cabinet Member's scheme of delegation. The compensation is also for an unspecified amount and could represent a sum lower than £1,000. Power to make compensation payments not exceeding £1000 is delegated to the officers under Part 3 of the Constitution.

Article 13 of the Council Constitution requires that all key decisions taken by Cabinet Members follow the seven principles set out therein.

Relevant Service Groups

Consultation has taken place with the Green Spaces, Sport & Leisure Senior Manager in reporting on this petition. The Housing Service have been working closely with colleagues in Green Spaces from the inception of the OCS mobilisation plan and throughout the summer period.

6. BACKGROUND PAPERS

Petition received – 19th September 2012