

**SCRUTINY COMMISSION
9TH OCTOBER 2023**

PRESENT: The Chair (Councillor Seaton)
Councillors Lennie, Infield, Monk and Rattray

Councillor Hamilton (Deputy Leader of the Council
and Lead Member for Public and Private Sector
Housing)

Director of Commercial and Economic
Development
Head of Planning and Growth
Head of Strategic Housing
Head of Governance and Human Resources
Team Leader Planning Enforcement
Democratic Services Officer (SW)

APOLOGIES: Councillors Needham, B. Gray, Harper-Davies
and N. Taylor

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. She also advised that, under the Openness of Local Government Bodies Regulations 2014, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

42. MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting of the Commission were approved.

43. DECLARATIONS OF PECUNIARY AND PERSONAL INTERESTS

No disclosures were made.

44. DECLARATIONS OF THE PARTY WHIP

No declarations were made.

45. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURES 11.16

No questions were submitted.

46. SELECTIVE LICENSING SCHEME UPDATE

Councillor Lennie arrived at the meeting at 6:03pm.

A report of the Head of Strategic Housing to provide an update in respect of the delivery of the private sector housing selective licensing scheme, and related housing licensing schemes, was submitted (item 6 on the agenda filed with these minutes).

The Lead Member for Public and Private Sector Housing (and Deputy Leader of the Council) and the Head of Strategic Housing assisted with the consideration of this item. The following summarises the discussion:

- i. The Council was recruiting four additional Housing Licensing Administration Officers on fixed term contracts up to 31st March 2024 to undertake the processing of Selective and Additional License applications, as there had been a higher number of applications than initially anticipated. There would be a further review of the staffing resources within the Housing Standards service before 1st April 2024, to determine whether these were sufficient for the ongoing delivery of the licensing schemes.
- ii. The fees decided for the Selective and Additional Licensing schemes were based on the Mandatory Licensing scheme fee. Some of the fees were for costs relating to receipt, processing and determination of license applications and some of the fees were for costs relating to compliance checks, including property inspections. Some discounts were available and consideration may be given to other possible discounts in the future, for example for landlords applying for licenses for multiple properties. It was possible that the fees may increase in the future, if the administration costs of the council increased.
- iii. There was no requirement to visit a property prior to a Licensing application being approved. Spot checking visits would likely be undertaken on properties with licensing in place. The Council had appointed two additional Housing Standards Officers to ensure compliance with the licensing schemes.
- iv. Landlords were able to rent out properties whilst waiting for a decision on their licensing application. The Head of Strategic Housing agreed to provide information about any action taken if the license was refused, when there was a tenant in situ, following the meeting.
- v. The standards required by the Additional and Selective Licensing Schemes were considered high standards and were similar to the standards required for council housing.
- vi. The Head of Strategic Housing agreed to circulate to all members the standards required as part of the Selective and Additional Licensing Schemes, following the meeting.
- vii. It was an offence to fail to apply for a license in a Selective Licensing Scheme area, and this could result in a fine and a criminal conviction. In cases where non-compliance was identified, the council would normally offer advice and support to Landlords to achieve compliance where appropriate, before enforcement routes were taken.
- viii. The Head of Strategic Housing agreed to look into the possibility of using the Council Tax mailing system to promote the schemes in the relevant areas.

- ix. The Scrutiny Commission felt that an update report in April 2024 would be beneficial to enable members to review the schemes one year after implementation.

RESOLVED

1. That the Scrutiny Commission considered the information provided and identified any further action that should be taken.
2. That the Head of Strategic Housing provide information about any action taken if the license was refused, when there was a tenant in situ, following the meeting.
3. The Head of Strategic Housing agreed to look into the possibility of using the Council Tax mailing system to promote the schemes in the relevant areas.
4. The Head of Strategic Husing agreed to circulate to all members the standards required as part of the Selective and Additional Licensing Schemes, following the meeting.
5. That the Scrutiny Commission receive a further update report on Selective and Additional Licensing Schemes in April 2024, one year after the implementation of the schemes.

Reasons

1. To provide effective scrutiny of the delivery of the selective licensing scheme.
2. To ensure the Scrutiny Commission was informed about the implications of the Additional and Selective Licensing Schemes.
3. To increase promotion of the schemes in the relevant areas of the Borough.
4. To ensure the Scrutiny Commission was informed about the implications of the Additional and Selective Licensing Schemes.
5. To enable the Commission to review the Selective and Additional Licensing schemes one year after implementation.

47. PRE-DECISION SCRUTINY OF ANY SPECIFIC FINANCIAL MATTERS TO BE CONSIDERED BY CABINET

There were no items of this nature on the Cabinet agenda for the Commission to consider.

48. CABINET ITEMS FOR PRE-DECISION SCRUTINY

49. CLIMATE CHANGE STRATEGY AND ACTION PLAN

A Cabinet report of the Director of Commercial and Economic Development to seek adoption of the Climate Change Strategy 2023-2030 and Climate Change Strategy Action Plan 2023-2030, was submitted (item 8a on the agenda filed with these minutes).

The Director of Commercial and Economic Development and the Head of Planning and Growth assisted with the consideration of this item. The following summarises the discussion:

- i. Members felt that the report was thorough and well presented.
- ii. Alternative travel methods such as public transport use, cycling and walking would be encouraged where appropriate.
- iii. The Sustainable Urban Developments referred to in the adopted Core Strategy Local Plan approved a number of years ago in accordance with council and national policy at that time. Since that time, there had been significant technological advancements in sustainable housing, which had not been included in the Sustainable Urban Developments. It was highlighted that the Draft Local Plan did include a number of policies to reduce impact on the climate, including policies concerned with sustainable construction and sustainable transport. The Planning Authority had limited control to demand the inclusion of sustainability measures, such as installing electric vehicle charging points and solar panels to new build properties, but could encourage this. Regulation was secured through the Building Act, rather than the Planning Acts.
- iv. The Council's draft Local Plan encouraged developers to use sustainable technologies. It was highlighted that it was a considerable task for the industry to adapt to incorporate newer technologies and that these changes were happening gradually.
- v. The Council consulted with a number of stakeholders when it prepared the draft Local Plan in order to understand the impact of developments identified, including their individual and cumulative flood risk. Following this process, the council could implement any mitigation measures required, such as urban drainage schemes, to ensure development was brought forward satisfactorily.

RESOLVED

That the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Director of Commercial and Economic Development.

Reason

The Commission, having carefully considered the report, felt the Cabinet should approve the recommendations set out.

50. REVIEW OF THE PLANNING ENFORCEMENT PLAN

A Cabinet report of the Head of Planning and Growth to seek approval of a revised Planning Enforcement Plan to guide officers in investigating alleged breaches of planning control, was submitted (item 8b on the agenda filed with these minutes).

The Head of Planning and Growth and the Team Leader Planning Enforcement assisted with the consideration of this item. The following summarises the discussion:

The harm system referred to in the Planning Enforcement Plan was a standardised approach, eliminating any ambiguity.

RESOLVED

That the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Planning and Growth.

Reason

The Commission, having carefully considered the report, felt the Cabinet should approve the recommendations set out.

51. CHANGES TO THE CONSTITUTION

A Cabinet report of the Head of Planning and Growth and the Head of Governance and Human Resources to propose changes to the Constitution relating to procedures for dealing with planning applications and other planning matters, and to the composition of the Audit Committee, was submitted (item 8c on the agenda filed with these minutes).

The Head of Planning and Growth and the Head of Governance and Human Resources assisted with the consideration of this item.

Members of the Scrutiny Commission made no comments on this item.

RESOLVED

That the Cabinet be informed that the Commission supports the recommendations as set out in the report of the Head of Planning and Growth and the Head of Governance and Human Resources.

Reason

The Commission, having carefully considered the report, felt the Cabinet should approve the recommendations set out.

52. PRE-DECISION SCRUTINY - CABINET RESPONSE

A report of the Cabinet was considered setting out its responses to the recommendations of the Commission on pre-decision scrutiny items, was submitted (item 9 on the agenda filed with these minutes).

The Head of Governance and Human Resources assisted with the consideration of this item.

RESOLVED that the Cabinet's responses to the Commission's recommendations be noted.

Reason

The Commission was satisfied that it added value where appropriate and welcomed the Cabinet's consideration of the Commission's views and recommendations as part of its decision making process.

53. SCRUTINY PANELS

A report of the Head of Governance and Human Resources to consider updates on the work of scrutiny panels, was submitted (item 10 on the agenda filed with these minutes).

An agenda supplement containing a scoping document for the Public Transport Scrutiny Panel was published and circulated to Councillors in advance of the meeting.

The Head of Governance and Human Resources assisted with the consideration of this item. The following summarises the discussion:

- i. The Democratic Services Manager had discussed the Housing Needs Scrutiny Panel with officers and there had been a request to start this panel at a later date due to capacity issues within that service area. It was suggested that the Democratic Services Manager and the appointed Chair of the Housing Needs Scrutiny Panel, Councillor Monk, draft a scoping document, with a view to start the panel in February 2024.
- ii. The Public Transport Scrutiny Panel had previously been discussed as an Express panel. Following the scoping exercise, the appointed Chair of the panel, Councillor Maynard felt that the panel should be formal as there was a significant amount of research for the panel to consider. The Scrutiny Commission considered the Public Transport Scrutiny Panel scoping document and felt that a formal panel would be appropriate.

RESOLVED

1. That the Scrutiny Commission reviewed the progression of scrutiny Panels.
2. That the Public Transport Scrutiny Panel commenced.

Reasons

1&2. To ensure timely and effective scrutiny of the matter/subject.

54. SCRUTINY WORK PROGRAMME

A report of the Head of Governance and Human Resources enabling the Commission to review and agree the scrutiny work programme, was submitted (item 11 on the agenda filed with these minutes).

The Head of Governance and Human Resources assisted with the consideration of this item.

The Scrutiny Commission considered the discussion on Council Assets (Garages) at the meeting of the Finance and Performance Scrutiny Committee held on 12th September 2023. The Commission felt that further discussion with Councillor Charles (the original proposer of a Council Assets Scrutiny Panel) outside of the meeting was required to understand whether there was a need for a scrutiny panel on this topic.

RESOLVED

1. That the Scrutiny Commission review the Finance and Performance Scrutiny Work Programme and make any amendments the Commission feel necessary.
2. That the Scrutiny Commission agree that the Finance and Performance Scrutiny Work Programme be updated in accordance with the decisions taken during consideration of this item and any further decisions taken during this meeting.
3. That the Democratic Services Officer discusses the need for a Council Assets Scrutiny Panel with Councillor Charles outside of the meeting.

Reasons

- 1-3. To ensure timely and effective scrutiny of the matter/subject.
2. To ensure that the information contained within the Work Programme is up to date.

55. SCRUTINY COMMISSION WORK PROGRAMME

A report of the Head of Governance and Human Resources to review its own work programme, including considering the list of forthcoming Executive Key Decisions in order to schedule items for pre-decision scrutiny, was submitted (item 12 on the agenda filed with these minutes).

The Head of Governance and Human Resources assisted with the consideration of this item. The following summarises the discussion:

The Scrutiny Commission added the following item to their work programme:

- Pre-Decision Scrutiny - Interim Charnwood Transport Strategy (November 2023)

RESOLVED

1. That forthcoming Executive Key Decisions or decisions to be taken in private by the Executive, set out in Appendix 2 to the report, and scheduled scrutiny of those matters, be noted.
2. That the Commission's current work programme be noted.
3. That the following items be added to the Scrutiny Commission's work programme for pre-decision scrutiny:
 - Pre-Decision Scrutiny - Interim Charnwood Transport Strategy (November 2023)

Reasons

- 1&3 To ensure effective and timely scrutiny, either to provide Cabinet with advice prior to it taking a decision or to ensure that the Council and external public service providers and partners were operating effectively for the benefit of the Borough.
2. To ensure effective and timely scrutiny.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 6th November unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on the fifth working day following publication of these minutes.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Scrutiny Commission.
3. The following Lead Members and Officers attended the meeting via Microsoft Teams: The Deputy Leader of the Council and Lead Member for Public and Private Sector Housing, the Director of Commercial and Economic Development, the Head of Planning and Growth and the Team Leader Planning Enforcement. All other meeting participants attended the meeting in person.