

**POLICY SCRUTINY GROUP
25TH SEPTEMBER 2018**

PRESENT: The Chair (Councillor Seaton)
The Vice-chair (Councillor K. Harris)
Councillors Brookes, Hamilton, Hunt, Murphy,
Paling, Parton, Shepherd and Tassell

Councillor Mercer (Cabinet Lead Member for
Housing) for item 7 (Housing Adaptations Policy
2018-2022)

Head of Cleansing and Open Spaces
Head of Landlord Services
Head of Regulatory Services
Licensing Manager
Policy and Green Spaces Development Manager
Democratic Services Manager
Democratic Services Officer (MH)

APOLOGIES: Councillors Gerrard and Smith

Councillor Harper-Davies (Cabinet Lead Member for
Performance of Major Contracts) for item 8 (Open
Spaces Strategy)

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.

11. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 10th July 2018 were confirmed as a correct record and signed.

12. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosures of interests were made:

- (i) by Councillor Seaton – a personal interest in all matters relating to Leicestershire County Council as a member of that authority;
- (ii) by Councillor Shepherd – personal interests in item 7 (Housing Adaptations Policy 2018-2022) and item 8 (Open Spaces Strategy) as a member of Leicestershire County Council.

13. DECLARATION OF THE PARTY WHIP

No declarations of the existence of the Party Whip were made.

14. QUESTIONS UNDER SCRUTINY PROCEDURE 11.17

No questions had been submitted.

15. GAMBLING STATEMENT OF PRINCIPLES

A report of the Head of Regulatory Services, enabling the Group to review the draft Statement of Principles made under the Gambling Act 2005, was submitted (item 6 on the agenda filed with these minutes).

The Head of Regulatory Services and the Licensing Manager assisted with consideration of the item and provided the following details of the representations that had been received on the draft Statement of Principles during the consultation period and responses to issues raised:

- (i) Representations had been received from Leicestershire Police clarifying that they should be referred to as Leicestershire Police rather than Leicestershire Constabulary.
- (ii) Representations had been received on behalf of the bookmaking industry proposing amendments to section 3.2, to provide clarification regarding the primary gambling activity of premises, and section 3.7, to remove reference to the licensing authority checking whether betting offices had appropriate planning permission.
- (iii) Representations had been received from GamCare, which was an organisation that worked with vulnerable people affected by problem gambling, suggesting matters that could be looked for when gambling premises were inspected.
- (iv) Gambling premises were inspected annually and the inspections were unannounced. Some premises were inspected more frequently because they were also subject to inspections arising from their liquor licence.
- (v) The Council no longer had a no casinos policy but the Gambling Commission was not currently inviting applications for additional casinos.
- (vi) Any enforcement activity undertaken by the Council would have to take the circumstances of each particular case into account. It was therefore not appropriate to state in the policy that a particular approach would always be followed.
- (vii) The Council only licensed premises in the Borough. The licensing of businesses and individuals was undertaken by the Gambling Commission. Online gambling was also regulated by the Gambling Commission.
- (viii) There were organisations that provided services, such as guidance and self-barring schemes, for people who had gambling problems. The possibility of those services being promoted by the Council and in licensed premises could be looked into. However, that would be outside the scope of the Statement of Principles. As part of the mandatory conditions attached to licences, premises had to display their licence and warnings about problem gambling and age restrictions.
- (ix) The Gambling Commission had not produced a template for local risk assessments but had produced guidance regarding what they should

contain. The Council could decide that a local risk assessment submitted in support of an application was inadequate.

- (x) There were arrangements in place that enabled gambling premises to share information about people who signed up for voluntary barring list schemes.

The following comments were made by members of the Group:

- (i) It was important that the Council checked that premises had the appropriate planning permission when a licensing application was received.
- (ii) Ward councillors had experience of residents who had chronic gambling problems. However this did not appear to be reflected in the information that was provided by the Public Health team.
- (iii) The work of GamCare in providing training for staff in licensed premises was supported and should be encouraged.

RESOLVED

1. that the report be noted;
2. that the following comments made by the Group on the draft Statement of Principles made under the Gambling Act 2005 be noted:
 - that section 3.1 should be amended to remove reference to a section on casinos as such a section was not included in the Statement;
 - that the reference in section 3.7.1 to the licensing authority checking whether planning permission had been obtained be retained in the Statement as that was good administrative practice;
 - that the consultation response by GamCare be supported and that, where possible, amendments be made to the Statement to encourage appropriate training of staff and allow staff training to be reviewed as part of the inspections of premises;
3. that it be noted that officers would discuss with the Gambling Commission and other Council departments the possibility of promoting services, such as guidance and self-barring schemes, for people who had gambling problems by the Council and in licensed premises;
4. that confirmation be provided to the Group regarding whether gambling premises in Charnwood operated a system to share information about people with gambling problems who were attempting to gamble.

Reasons

1. To acknowledge the information received.
2. To record the results of the Group's scrutiny of the matter.
3. To enable options for promoting the availability of support for people affected by gambling to be explored.

4. To provide the Group with further information regarding the matter.

16. HOUSING ADAPTATIONS POLICY 2018-2022

A report of the Head of Landlord Services, enabling the Group to review the draft Housing Adaptations Policy 2018-2022, was submitted (item 7 on the agenda filed with these minutes).

The Cabinet Lead Member for Housing and the Head of Landlord Services assisted with consideration of the item and provided the following details of the comments on the draft policy that had been made by the Housing Management Advisory Board and responses to issues raised:

- (i) The Housing Management Advisory Board had been provided with reassurance that when adaptations were refused, and tenants encouraged to seek more suitable accommodation, their transfer applications would be prioritised.
- (ii) Other issues considered by the Housing Management Advisory Board were: there was general agreement that requests for level access showers should be considered on a case by case basis, whether sufficient resources had been identified to meet the need for adaptations, the issue of adapting non-standard properties would be tackled by moving tenants to more suitable accommodation where possible, stair lifts in communal areas could cause problems as they created a potential obstacle, and the ongoing review of the Council's sheltered housing stock.
- (iii) Each request would be considered on its own merits based on the needs of the tenant, cost and the best use of the Council's housing stock.
- (iv) Once the new policy was adopted arrangements for monitoring the performance measures set out in the policy would be put in place. That would be part of a wider performance management framework, some of which was already in place. Performance was currently reported to the Housing Management Advisory Board but was not currently benchmarked against other organisations. Performance information could be requested by the Performance Scrutiny Panel as part of its work programme.
- (v) It was recognised that the response times for dealing with requests needed to be improved. It was hoped that the new policy would speed up decision making by providing a clear decision making process. For example if a request for an adaptation was outside the policy that could be more quickly identified. The Council was also working with its contractors in relation to timeliness.
- (vi) There were occasions where adaptations were reversed, for example showers being replaced by a bath. However, there were significant costs associated with that and wherever possible the Council sought to match the needs of applicants to suitable properties when making housing allocations.
- (vii) The amount of funding required to meet the Council's statutory responsibilities in terms of making adaptations to its housing stock was not expected to change significantly in the medium term. In order to ensure that mandatory work could be undertaken, money could be and was vired from other budgets into the adaptations budget when necessary. In

exceptional circumstances work could be deferred to the following financial year.

- (viii) The Council used a specialist provider to supply the equipment for adaptations. It was not known whether the provider used new or refurbished equipment.
- (ix) Where it was not possible because of the configuration of a property to install a ramp to provide access, the possibility of installing a platform lift would be considered. That was an option that had been suggested as an amendment to the policy by occupational therapists.

RESOLVED

1. that the report be noted;
2. that further information be provided to the Group regarding whether its specialist contractor made use of refurbished equipment for adaptations in Charnwood.

Reasons

1. To acknowledge the information received.
2. To provide the Group with further information regarding the matter.

17. OPEN SPACES STRATEGY

A report of the Head of Cleansing and Open Spaces, providing an update on work to deliver the adopted Open Spaces Strategy 2013-2028 and the need to produce a revised Strategy and action plan, was submitted (item 8 on the agenda filed with these minutes).

The Head of Cleansing and Open Spaces and the Policy and Green Spaces Development Manager assisted with consideration of the item and provided the following responses to issues raised:

- (i) There was no requirement for developers to offer open spaces to the Council for adoption. For the Council to adopt an area of open space the developer was required to pay a commuted sum equivalent to 20 years of maintenance costs which would be secured through a Section 106 Agreement. It was becoming more common for developers to choose to transfer open spaces to a management company which could levy a service charge on residents to cover the cost of maintenance. Service charges could also be levied to fund the cost of maintenance of other communal facilities such as lighting, parking and unadopted roads.
- (ii) Consultants had been used to undertake the revised assessment of open spaces within the Borough because this was a specialist, technical area that required a planning background in order to undertake it, and involved visiting every area of open space in the Borough. Using consultants also ensured that the study had a degree of independence. The work had included consultation with parish and town councils and residents had been

invited to put forward their views. The costs of using consultants for the work were not yet known.

- (iii) The development of the revised Strategy would be undertaken by Council officers as they had the required skills and local knowledge.
- (iv) The Council's standards required children's play areas to be fenced and provided with a self-closing gate so that dogs could be excluded before the Council would adopt them.
- (v) Where parish or town councils owned areas of open space that required investment the Borough Council could provide advice regarding potential sources of funding. It was unlikely that Section 106 contributions could be used to fund the investment as it was a pre-existing need. It was also difficult to justify diverting Borough Council resources away from projects on Borough Council land.
- (vi) The majority of the Council's land holdings were in Loughborough. Where the Council was the landowner projects were under the Council's control and those projects were identified in the report. That was not to say that projects to enhance open space provision in the rest of the Borough were not important.
- (vii) Alongside the review of the Strategy a new action plan would be developed for the next five year period. The format of the action plan would also be looked at so that it could be made easier to read.
- (viii) Since the Open Spaces Strategy had been adopted the Council had reviewed its approach to the management of trees that it was responsible for. As a result it had been recognised that the Council's trees could cause quality of life issues for residents and extra funding had been secured to enable the Council to deal with those cases. However a proportion of those trees were on the Council's housing land and operational decisions regarding the management of those trees were taken by Landlord Services. In addition, people had the right to prune trees overhanging their property back to the boundary of their property provided that the trees were not covered by a Tree Preservation Order.

The following comments were made by members of the Group:

- (i) The levying of service charges for the maintenance of open spaces could come as a shock to residents. There were also concerns regarding the way in which service charges increased and the quality of the work that was undertaken to maintain some open spaces managed in that way.
- (ii) It would require a change in the law to require developers to offer open spaces to councils. Given the increasing use of management companies rather than adoption by councils and concerns about that model it would be appropriate for the Borough Council to ask the Government to consider amending the law.

RESOLVED

1. that the report be noted;

2. **that it be recommended to the Scrutiny Management** that the following recommendations be submitted to the Cabinet in respect of the Open Spaces Strategy:
- a) that the Cabinet be asked to note that the fact that developers could choose not to offer open spaces for adoption by the Council and the increasing use of management companies to manage open space on developments as an alternative to adoption by the Council were of concern to the Policy Scrutiny Group;
 - b) that the Cabinet be asked to also note that the Group identified the following particular issues with the operation of the management company model in addition to its general concerns:
 - the service charges that were levied by management companies could be significant for local residents affected by them;
 - there could be a lack of transparency in the way in which service charges were increased;
 - there was no consideration of ability to pay when service charges were levied;
 - there was evidence that maintenance work was of low quality in some cases;
 - c) that the Cabinet be asked to draw the attention of local MPs and the Government to the issues identified above so that a change in the law could be considered to require developers to offer areas of open space to local authorities for adoption.

Reasons

1. To acknowledge the information received.
2. To draw the Cabinet's attention to an area of concern and, acknowledging that the current system could only be altered through a change in the law, to request that the Cabinet seek to influence Government policy regarding the matter.

18. PROGRESS WITH PANEL WORK

A report of the Head of Strategic Support, providing an update on the current position with scrutiny panels, was submitted (item 9 on the agenda filed with these minutes).

The Democratic Services Manager assisted with consideration of the item and provided the following information:

- (i) The Five Year Housing Land Supply Panel had completed its evidence gathering and would be having a further meeting on 3rd October prior to submitting its report to the meeting of the Scrutiny Management Board scheduled for later in October 2018.
- (ii) Work had been undertaken with Councillor Parsons to develop a scope document for a potential scrutiny panel on the impact on the health and wellbeing of residents of the new waste incinerator site near the M1. The proposal would be considered by the Scrutiny Management Board at its meeting scheduled for later in October 2018.

Councillor Tassell stated that should a scrutiny panel relating to the waste incinerator site be established she would like to a member of the panel as she was the Borough Council's representative on the liaison group relating to the site.

The Chair stated that panels had done a significant amount of valuable work in reviewing policies and improving ways of working. If members of the Group had ideas for potential future panels they should put them forward to the Democratic Services Manager.

RESOLVED that the current position with scrutiny panels be noted.

Reason

To ensure that the Group was aware of the current position with scrutiny panels.

19. WORK PROGRAMME

A report of the Head of Strategic Support, enabling the Group to consider its work programme and propose to the Scrutiny Management Board any additions, deletions and amendments as appropriate, was submitted (item 10 on the agenda filed with these minutes). A supplementary report, setting out the Notice of Key Decisions and Decisions to be Taken in Private which had been published after the agenda for the Group's meeting was published, was also submitted (also filed with these minutes).

The Democratic Services Manager assisted with consideration of the item.

RESOLVED

1. that the changes made by the Scrutiny Management Board and the Chair and Vice-chair of the Group to the Group's work programme be noted;
2. that the item on the Group's work programme on the Tenancy Support Policy be rescheduled from the Group's meeting on 5th February 2019 to the meeting on 13th November 2018;
3. that the current position with the Group's work programme and the Notice of Key Decisions and Decisions to be Taken in Private be noted;
4. that the item on the Group's work programme in relation to the Houses in Multiple Occupation Licensing Policy be scheduled for the Group's meeting on 13th November 2018, subject to consultation with the Head of Strategic and Private Sector Housing.

Reasons

1. To acknowledge the decisions made by the Board and the Chair and Vice-chair of the Group.

2. To ensure that there is a manageable number of items on the agenda for each meeting of the Group.
3. To make the Group aware of the current position with its work programme.
4. To enable the Group to scrutinise the matter prior to the consideration by the Cabinet of a report in respect of Licensing Scheme Options on 13th December 2018, as identified in the Notice of Key Decisions and Decisions to be Taken in Private, providing that is feasible.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 5th November 2018 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 Policy Scrutiny Group.