

COUNCIL – 26TH FEBRUARY 2024

ITEM 10 QUESTIONS ON NOTICE

10.1 Councillor Westley – Planning Application Call-In

The recent changes to the Constitution adopted by this Council in November 2023 and supported unanimously by the Labour/Green coalition has caused significant upset on this side and amongst our residents.

When calling-in a planning application on perfectly valid planning grounds, it is now a requirement per the Constitution for the Ward Councillor to state why the application is 'controversial' or 'of significant public interest'. Would the Lead Member clearly define both 'controversial' and 'of significant public interest' in the context of future planning applications, and provide examples?

The Leader or his nominee will respond:

This is a matter of fact and degree and for the ward councillors to explain in their submissions to the Planning Service. It is unlikely that a dispute between two neighbours could be considered controversial or in the wider public interest. By the same token, it would be difficult to argue that a scheme that had attracted petitions and media interest was not of significant public interest.

10.2 Councillor D Taylor – Audit

After reading the Audit Committee reports, there are a lot of delayed internal audits and over twenty-seven overdue recommendations not implemented. Can the leader explain why this is? What is the Leader doing about this? What is the risk to the council?

The Leader or his nominee will respond:

With regards the suggestion of a lot of delayed internal audits; there have been three postponed audits. Two of these were postponed due to service pressures but are still expected to be completed in time for the 2023/24 annual audit opinion, the report for this will be presented to Audit Committee at the July 2024 meeting. The final postponed audit is one that will be cancelled as the legislation in relation to this audit has yet to be finalised and therefore it is not possible to carry out this audit. An audit in this area will be completed following the legislation being given ascent.

With regards overdue recommendations not yet having been implemented; the progress report of the Internal Audit manager confirms that as at 31 December 2023, there were 3 overdue recommendations and 24 extended recommendations. Reports are submitted to Senior Leadership Team on a monthly basis to enable them to manage and monitor the status of audit recommendations. Additionally, where recommendations are of concern due to the extensions these are highlighted to the Audit Committee and they will request a further update from the relevant manager. If this is not satisfactory

the Audit Committee has the option to further refer this to Cabinet as an area of concern. The majority of extended recommendations are due to either the implementation of the control being more detailed than originally expected or due to staffing issues within the service.

Any particular areas of potential risk, including overdue recommendations, and how this is being managed, can also be discussed between portfolio holders and relevant Directors or Heads of Service.

10.3 Councillor D Taylor – Council Tax

Almost thirty councils are planning to make use of new powers to increase council tax on second homes. Councils can charge a council tax premium of up to 100% for any property left empty for more than 72 days a year. Can the Leader advise if there are any plans to amend the current charges on empty homes following the change in legislation and reduce the length of time a property is empty before additional council tax is charged?

The Leader or his nominee will respond:

Since the 1st April 2019 the Council has charged an empty homes premium. The empty homes premium is added to any property which has remained empty and unfurnished for longer than two years; regardless of how long the current owner has had the property. We are currently undertaking a review of the properties that have been empty for 1 -2 years to understand the implications of introducing the premium charge after 1 year instead of 2.

With regards to the second homes charge, at present we don't have any plans to introduce the additional charge for second homes within the borough. All homes that are furnished and unoccupied are charged the full Council Tax charge. To consider introducing any such additional premiums for 2nd homes the Council will firstly need to accurately identify the second homes within the borough as this is not a metric that is currently recorded within our system. The Council have requested that this information is captured so we can then assess this to determine if there is a need to introduce in the future.

10.4 Councillor D Taylor – Planning

Following my question to the Lead Member for Planning at the Council meeting on 6th November 2023 about the lead member only attending the Plans Committee meeting once since taking up the position in May 2023, the Lead Member responded:

She also said that Plans Committee meetings often coincided with meetings of the Cabinet which made it difficult for her to attend Plans Committee meetings on a regular basis.

There have been no clashes between the meetings of Plans Committee with Cabinet Meetings when I asked the question, so what the cabinet member told the Council is incorrect.

Can the Leader explain why the Lead Member for Planning gave information to the Council that was not true?

The Leader or his nominee will respond:

Members of Cabinet met on the following dates where there were clashes with Plans Committee:

27 July 23: Plans Committee and Forward Programme/CMB

28 Sept 23: Plans Committee and Forward Programme/CMB

14 Dec 23: Plans Committee and Cabinet (because the scheduled meeting of Plans Committee was brought forward by a week to avoid Christmas).

25 Jan 24: Plans Committee and Forward Programme/CMB

10.5 Councillor Snartt – Strategic Housing Needs

In my previous question to Council I asked two simple questions: The percentage of two bedroom homes built by year over the last five years and the number of bungalows built by year over the last five years. Disappointingly, the answer was the current Core Strategy was not set up to monitor this data.

The Core Strategy states: We need to increase the number of two bedroom homes and that to do this around 30-35% of all homes delivered should be smaller two bedroom homes. Accordingly, I ask the Leader:

1. How do the Council know if it is meeting the strategic housing needs of 30-35% of all homes delivered should be smaller two bedroom homes?
2. If the data is not monitored how does the Council know if it is meeting the needs of the Borough population, especially first time buyers and people needing to downsize?
3. Does the Leader agree with me that this data is too important to wait to be monitored until the new Local Plan, Core Strategy is in place?
4. Is the Council letting down first time buyers and people who need to downsize by not monitoring this data?

The Leader or his nominee will respond:

While it is agreed that this information is helpful, which is why the Council has put in place arrangements to collect it, the Council's planning policies require a range of factors to be considered when considering whether development proposals provide an appropriate mix of housing.

In relation to meeting housing needs, the key development plan policy is Core Strategy Policy CS3, which states that: "We will [meet our community's housing needs] by seeking an appropriate mix of types, tenures and sizes of homes, having regard to identified housing needs and the character of the area". The

introductory sentence of the policy also states that this will be done in the context of “having regard to market conditions, economic viability and other infrastructure requirements”. A scheme that diverges from the housing mix set out in the latest evidence (the 2020 Charnwood Housing Needs Assessment and the 2022 Leicester and Leicestershire Housing and Economic Needs Assessment) would therefore still comply with the policy if that divergence is justified by the character of the area or the context of the economics of bringing forward development.

The local plan inspectors have not sought main modifications to Policy H1 of the new local plan to remove or alter the policy wording that states that the suitability of the proposed housing mix on developments can in future use the extent to which needs have already been met as a consideration. It is to support this change in policy wording that this data is now being collected.

In the context of the current planning policy the Council has sufficient information to determine planning applications. To support the new local plan the Council has been collecting this information for ‘homes completed’ since April 2023 and will also be adding retrospective information for ‘homes completed’ from April 2021 onwards so that the available data corresponds to the plan period for the new local plan.

For the reasons set out above it is not considered that the Council is letting anyone down in relation to this issue.

10.6 Councillor Bokor– Responses to Supplementary Questions

Can the Leader explain why we are not receiving written responses to our questions in a timely manner and why we must continually chase for response.

We waited for a response from a question Cllr D. Taylor asked on 6th November 2023 until 31st January 2024. This is not acceptable in my opinion.

Can the Leader please ensure that promised written responses are provided promptly following a meeting and what he expects the time scale to be for response?

The Leader or his nominee will respond:

During this Council year, there have been eight supplementary questions requiring a written response following the Council meeting. Other than the example highlighted, there have not been any issues raised regarding the time taken to receive responses to supplementary questions. I apologise that in this instance the response was delayed.

Given the complex nature of some of the supplementary questions asked by members which require in depth research, six weeks is considered a fair time scale for responses to be received.

10.7 Councillor Bokor– Unlicensed HMOs

We understand there are 2000 unlicensed HMOs and that this is a Labour manifesto commitment. What is the Council's current strategy on HMO licensing and what is the income associated with it likely to be over the period of the MTFs?

The Leader or his nominee will respond:

3 housing licensing schemes currently operate within Charnwood:

- *Mandatory Licensing – for privately rented HMOs occupied by 5 or more households*
- *Additional Licensing - for privately rented HMOs occupied by 3 or more households*
- *Selective Licensing – for all types of privately rented properties occupied by 1 or more households within the Hastings and Lemyngton wards*

The mandatory licensing scheme came into force in 2004. The additional and selective licensing schemes were implemented on 1st April 2023 and opened for applications on 1st February 2023. The council has since received a total of 2,415 applications across the additional, selective and mandatory license schemes. 213 were applications for renewals for existing licensed properties and 2,202 were applications for new licenses for previously unlicensed properties.

When an application for a license is received officers from the housing standards team will assess and determine license applications. This assessment includes checks relating to the landlord and the property. When an application for a license has been approved a draft licence is issued with a 21 day cooling off period after which a full license can be issued.

When a report of a potential unlicensed property is received officers from the housing standards team will contact the landlord to advise them of the need to apply for a license and the process for applying for a license. Should the landlord refuse or fail to make an application enforcement action will be taken. The penalty for running an unlicensed property is up to £50,000.

There is a fee of up to £700 per licence under each of the mandatory, additional and selective licensing schemes. The fee is paid in 2 parts. Part A (£395) is due when the application is made. Part B (up to £305) is due when the licence is issued. Over £1.2 million in fees has been received since 1st February 2023, mostly from part 1 payments. A further £462,990 is expected to be received from part 2 payments once all of the license applications have been determined. The housing standards team are working to determine the remaining applications by 31st March 2024.

Income relating to license applications is used to fund the implementation and delivery of the licensing schemes. This includes, for example, advising landlords on licensing requirements, assessment and determination of license applications, issuing draft and full licenses, responding to reports of unlicensed properties, inspections of properties. The income has been used to fund an

application and management system, 6 housing licensing administration officers and 2 additional housing standards officers.

There are currently 852 fully licensed HMOs in Charnwood. A further 1,306 applications for HMO licenses have been received and are in the process of being determined.

10.8 Councillor Harper-Davies– Community Grants

Could the Leader explain how the £100,000 of community grants is to be allocated and why it is to be spent over 1 year rather than 2 or 3 years?

The Leader or his nominee will respond:

Budgets for community grants are set on an annual basis. A report setting out the approach to community grants in 2024/2025 is scheduled to be considered by Cabinet at its meeting on the 7th March 2024.

10.9 Councillor Harper-Davies – Community Safety Partnership Response to Anti-Social Behaviour

Our residents in Mountsorrel are concerned over the increase of crime and ASB, please can the lead member and chair of our Community Safety Partnership advise us of what actions they are taking with the police to address our residents' concerns?

The Leader or his nominee will respond:

The Community Safety Partnership places a statutory duty on the relevant authorities to work collaboratively with the aim of reducing crime and disorder. The partnership discharges this duty through its delivery operating model which takes a risk centred approach to tackling crime and anti-social behaviour.

The CSP also undertakes an annual Partnership Strategic Assessment (PSA) to identify any areas of emerging threat, risk and harm. The PSA in the first instance undertakes a scanning exercise collecting a wealth of data from different agencies such as the police and the council. Detailed analysis of that data forms the basis of the recommendations made to the CSP.

I can confirm that the 2023/24 Partnership Strategic Assessment identified a number of key locations in terms of crime and anti-social behaviour in Charnwood. However, in answering this question on notice, I can further confirm that Mountsorrel – (Police Beat 57), was not identified as an emerging location of concern. In fact, during Quarter 1 – Quarter 3 of the current 2023/24 performance year, the partnership has seen the following in respect of reported crime and anti-social behaviour within Mountsorrel:

- *-4.7% reduction in recorded crime*
- *-34.4% reduction in reported anti-social behaviour*

The partnership is alive to the public perception of crime and disorder and is currently working on creating an effective communications strategy to ensure our communities are aware of the excellent work that is delivered through the CSP, in order to tackle crime and disorder. We will be sure to prioritise Mountsorrel in our communications plan as it is clear that the public perception of crime and anti-social behaviour does not match the levels of reported incidents within that community.

10.10 Councillor Infield– Assessment of Flood Risk

With rapidly changing climate, Environment Agency flood maps can no longer be relied on. These maps are only updated every 6 years which is too infrequent, and research indicates that the way they model the impact of future rainfall is inadequate; for example, they do not factor in the impact of a succession of storms as has been experienced recently in the UK. How should the planning system respond in these circumstances when assessing flood risk for new build?

The Leader or his nominee will respond:

The matter of how the planning system should respond to the points raised is a broader matter for the government and its agencies to take forward. The Council has a duty to prepare its Local Plan and also makes decisions on planning applications in the context of the law, government policy and guidance. The Council has sought to ensure it uses the most relevant and up to date flood risk mapping by working with the Environment Agency together with expert flood risk consultants.

10.11 Councillor Snartt– Amendments to the National Planning Policy Framework

Recently the Conservative Government amended the National Planning Policy Framework (NPPF) to help Councils like Charnwood who have done ‘the right thing’ in developing a Local Plan. Therefore, I understand the Council have only to demonstrate a four year housing land supply against a five year supply.

Accordingly, so that Parish Councils, residents groups and residents understand the current position with this important area of the NPPF decision making process, would the Leader on behalf of the Labour/Green coalition give the following details.

1. Why did the Labour administration delay in implementing the December 2023 amendments to the NPPF, and was the Lead Member involved in this decision?
2. Is the Council now in a position to communicate the amendments to the public in a media release, confirming that the Council has a four year land supply and is compliant with the NPPF amendments?

3. Will the Labour administration give guidance to officers to review the current speculative planning applications, which do not fit with the Local Plan, bringing them forward for determination in line with the amended NPPF?
4. Does the Leader agree with me this is a good outcome for Councils like Charnwood who have done the right thing by producing a Local Plan, and congratulate the previous Conservative administration for moving this forward to the examination stage?
5. Does the Leader also agree with me this is a better Conservative way to reward Councils such as Charnwood who have done the right thing?

The Leader or his nominee will respond:

The Labour administration are not involved in the decision making process for planning applications and its worth reminding councillors that the Plans Committee is formed of balanced membership and is expected to be politically neutral.

The Local Planning Authority (LPA) is obliged to determine planning applications within statutory timeframes having regard to the development plan unless material considerations indicate otherwise. In this context, the government introduced a revised NPPF on 19 December 2023. This is a significant material consideration in making planning decisions and it came into immediate effect for planning decisions. Its impact was immediately felt given the deadline for officer reports for the 25 January 2024 Plans Committee was in early January.

Legal opinion was submitted by an applicant from leading Counsel on 20 December 2023 arguing a particular interpretation to be given to the NPPF and this view also had traction in the profession. Officers therefore obtained their own legal opinion, which was received on 15 January and confirmed that the four year supply should be calculated against a four year delivery period rather than five. This position was shared at the Plans Committee Training event on 22 January 2024. While it took two weeks to clarify the interpretation to be given to the revisions of the NPPF, there was no delay in implementing its provisions in relation to housing supply, as they related to decisions that were reserved to the Plans Committee on 25 January.

Subsequently on 5 February, DLUHC's Chief Planning Officer wrote to Local Planning Authorities to advise the Planning Practice Guide would be amended to confirm the government's intended policy in the NPPF. This action has been explained in a further briefing note from officers to Councillors issued on DATE 2024.

All planning applications waiting determination will be considered in light of the revised NPPF. As explained in the briefing note to Councillors, the demonstration of a four year supply does not on its own provide a pass/fail test for unplanned planning applications. The introduction of the four year supply is part of a package of measures that government have introduced in the revised

NPPF to support local decision making and acknowledge councils like Charnwood that have done the right thing by advancing a local plan.

10.12 Councillor Fryer – Carillon

Would the Leader explain and clarify why the Carillon can no longer be treated as a museum for the Leicestershire Yeomanry whose collection of about 4000 items has been exhibited there since 1988 with the full support of Charnwood Borough Council?

The Leader or his nominee will respond:

The Council allocated £250,000 of UK Shared Prosperity Funding for the full reinstallation of the Museum and appointed contractors to oversee the project. Liaison between the contractors and the Planning Service at Charnwood Borough Council revealed that no records exist suggesting the museum has never been granted the relevant planning or building regulations approval. The current approvals are limited to that of a scheduled monument although there is an established planning use for the museum.

Relevant permissions could be sought, however, informal conversations with the Council's building control inspectors have indicated that a museum located over more than the ground floor is very unlikely to be given approval due to the limited means of fire escape. This information has been shared with the Carillon War Memorial Museum Trustees.

It is also become apparent from council documents linked to an incident of suicide in 1985, that access to the balcony should be by supervised groups of limited number. This has not necessarily been the case more recently other than the overall numbers in the Tower being controlled. The view is that supervised visits might be operated in the future if sufficient controls are in place.

A number of alternative options may be available should the trust wish to explore them. Officers are waiting for the museum trustees to decide how they would like to proceed.

QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE

- **Councillors are required to submit a question on notice in writing by 12noon on the eighth working day prior to Council, the title of the question is published on the Council Agenda.**
- **Questions and responses will be published at the end of the previous working day (usually the Friday prior to a Council meeting on a Monday) and will be available at the Council meeting for Councillors, the press, and the public.**

- After the questions and responses are published **Councillors may indicate that they wish to ask a supplementary question by noon on the day of the Council meeting.**
- The Mayor will invite those Councillors who have indicated that they wish to do so to ask a supplementary question.
- The Leader (or relevant Lead Member on behalf of the Leader) or Chair of the Committee is able to respond.
- The total time each person can speak on a single question is time limited.