

## OVERVIEW SCRUTINY GROUP – 11TH FEBRUARY 2019

### Report of the Cabinet

#### OVERVIEW SCRUTINY GROUP PRE-DECISION SCRUTINY – CABINET RESPONSE

##### Purpose of Report

To set out the Cabinet's responses to the recommendations of the Group on pre-decision scrutiny items.

##### Action Requested

To note the Cabinet's responses to the recommendations submitted by the Group on items considered for pre-decision scrutiny.

##### Policy Context

One of the principles of effective scrutiny, identified by the Centre for Public Scrutiny, is "provide a constructive critical friend challenge to the Executive".

##### Pre-decision Scrutiny

Since the May meeting of the Group, the Cabinet has considered the following items on which the Group undertook pre-decision scrutiny:

##### A. PLAYING PITCHES, OPEN SPACES AND BUILT FACILITIES STRATEGIES

##### B. DISCRETIONARY HOUSES IN MULTIPLE OCCUPATION LICENSING SCHEME OPTIONS

##### C. TENANCY STRATEGY

Details of the Group's consideration of the items as reported to the Cabinet on the 15th January 2019 are set out in the appendix to this report.

The Chair of the Group, Councillor Capleton, attended the Cabinet's meeting on the 15th January 2019 to present the Group's reports to the Cabinet.

##### Cabinet Response

The Cabinet considered the Group's reports and acknowledged the work undertaken and the views of the Group. In particular, the Cabinet responded as follows to the reports:

##### *Playing Pitches, Open Spaces and Built Facilities Strategies*

The Cabinet adopted the officer recommendations, which the Group had supported.

##### *Discretionary Houses in Multiple Occupation Licensing Scheme Options*

The Cabinet adopted the officer recommendations, which the Group had supported.

##### *Tenancy Strategy*

The Cabinet adopted the officer recommendations, which the Group had supported.

## Report Implications

The following implications have been identified for this report:

### *Financial Implications*

None.

### *Risk Management*

No risks have been identified in connection with this report.

Background Papers:       None

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PLAYING PITCHES, OPEN SPACES AND BUILT FACILITIES STRATEGIES

Recommendation of the Overview Scrutiny Group

That the Cabinet be informed that the Group supports the recommendations as set out in the report of the Head of Cleansing and Open Spaces.

Reason

Having considered the report and asked questions of the Lead Member for Performance of Major Contracts, the Strategic Director for Neighbourhoods and Community Wellbeing, the Head of Leisure and Culture and the Head of Cleansing and Open Spaces on the matter, the Group concluded that it would be appropriate for the Cabinet to approve the recommendations set out in the report.

Meeting Discussion

The Lead Member for Performance of Major Contracts, the Strategic Director for Neighbourhoods and Community Wellbeing, the Head of Leisure and Culture and the Head of Cleansing and Open Spaces attended the meeting to assist with consideration of the item and gave the following responses to issues raised:

- (i) Confirmation was given that in some cases the Council was not adopting new developments, rather they were being managed by not for profit organisations. The Council was happy with how the organisations were managing the spaces and there did not appear to be any issues with quality, although it was only the start of the programme.
- (ii) The Council had already committed resources to support some of the plans from the General Fund. Further funding would be secured through the SUE's and from partner organisations such as the FA (Football Association).
- (iii) A robust strategy was in place to ensure that Section 106 money was spent in time. Parish clerks were informed of the timescale and there was a planning officer in place to manage the Section 106 agreements and monitor the timescales.
- (iv) Reference was made to concerns from County Councillor Max Hunt regarding the strategies, which had been circulated to the Group prior to the meeting.
- (v) The Council was open to adopting land and open spaces if the developers were willing to pay the commuted sum required. Decisions were made on an individual basis.
- (vi) The strategy was created in line with National guidance which ensured there was a consistent approach.
- (vii) The Group was assured that there had been a very thorough public consultation with extensive communication to ensure involvement from members of the public and parish and town councils. The action plans would also continue to involve the public on an ongoing basis.

## DISCRETIONARY HOUSES IN MULTIPLE OCCUPATION LICENSING SCHEME OPTIONS

### Recommendations of the Overview Scrutiny Group

That the Cabinet be informed that although the Group disputes some of the data provided in the report the Group supports the recommendations as set out in the report of the Head of Strategic and Private Sector Housing.

### Reason

Having considered the report and asked questions of the Lead Member for Regulatory Services, Enforcement and Licensing and the Head of Strategic and Private Sector Housing on the matter, the Group concluded that it would be appropriate for the Cabinet to approve the recommendations set out in the report.

### Meeting Discussion

The Lead Member for Regulatory Services, Enforcement and Licensing and the Head of Strategic and Private Sector Housing attended the meeting to assist with consideration of the item and gave the following responses to issues raised:

- (i) The Group was advised that the evidence gathered for the report was based on the level of formal complaints received regarding HMO properties. In Charnwood the complaint level was under 20% whereas other Councils who had introduced a discretionary licensing scheme cited complaint levels of up to 45%. The Council had to ensure that there was sufficient demonstrable evidence to prove the need for a discretionary licensing scheme in the Borough and at present the evidence suggested that the need was not there. However, the Lead Member for Regulatory Services, Enforcement and Licensing referred to many Members having additional anecdotal evidence that problems with HMO's were much more widespread than as indicated by the available formal evidence.
- (ii) Funding of £65,000 from the Rogue Landlord Enforcement Scheme had been secured to carry out further research in the Borough relating to HMO's. The Group was advised that £15,000 would be used by the Planning Department and be invested in actions for the Local Plan. The other £50,000 would be used to pay for external staff to carry out research in the area, investigating properties and interviewing residents.
- (iii) The Group was advised that once further research evidence had been gathered it would be used to assess whether a discretionary licensing scheme could be justified. If so, this would involve setting license fees to cover the administration costs of the proposed scheme.
- (iv) The Council already had a Corporate Enforcement Policy in place to address complaints using an incremental approach which was replicated in service specific policies.
- (v) The Group was concerned that there was a void between the anecdotal evidence they had regarding HMO's and the evidence reported to the Council. There was an agreement that something needed to be done to gather the further evidence required to be able to introduce an appropriate scheme.

## TENANCY STRATEGY

### Recommendations of the Overview Scrutiny Group

That the Cabinet be informed that the Group supports the recommendations as set out in the report of the Head of Strategic and Private Sector Housing.

### Reason

Having considered the report and asked questions of the Lead Member for Housing and the Head of Strategic and Private Sector Housing on the matter, the Group concluded that it would be appropriate for the Cabinet to approve the recommendations set out in the report.

### Meeting Discussion

The Lead Member for Housing and the Head of Strategic and Private Sector Housing attended the meeting to assist with consideration of the item and gave the following responses to issues raised:

- (i) The Group was advised that under the Localism Act there was an option for local authorities and Registered Providers to use fixed term tenancies. The strategy made reference to the guidelines, but the Council had not yet decided whether to adopt the fixed term tenancies as part of their own policy.
- (ii) The report was commended for recognising the need to provide affordable housing for residents and the Group was pleased with the way the Council dealt with tenants on an individual basis.
- (iii) A separate Tenancy Policy would be presented to Cabinet after consultation had been completed with tenants to get their views.