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OVERVIEW SCRUTINY GROUP 14TH JANUARY 2019

PRESENT: The Chair (Councillor Capleton)
The Vice Chair (Councillor Ranson)
Councillors Bradshaw, Brookes, Gerrard and Paling

Councillors Mercer (Cabinet Lead Member for Housing), Harper-Davies (Cabinet Lead Member for Performance of Major Contracts) and Smidowicz (Cabinet Lead Member for Regulatory Services, Enforcement and Licensing)

Strategic Director for Neighbourhoods and Community Wellbeing
Head of Cleansing and Open Spaces
Head of Leisure and Culture
Head of Strategic Support
Democratic Services Officer (NA)

The Chair stated that the meeting would be recorded and the sound recording subsequently made available via the Council's website. He 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 meeting of the Group held on 10th December 2018 were confirmed as a correct record and signed.

43. DISCLOSURES OF PECUNIARY AND PERSONAL INTEREST

The following disclosures were made:

Councillor Ranson in respect of item 06A – a personal interest as her son managed the Loughborough Dynamo football club.

Councillor Brookes in respect of item 06C – a personal interest as a tenant of a Registered Provider property.

44. DECLARATIONS OF THE PARTY WHIP

No declarations were made.

45. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURES 11.16

No questions were submitted.

46. PLAYING PITCHES, OPEN SPACES AND BUILT FACILITIES STRATEGIES

A report of the Head of Cleansing and Open Spaces was considered (item 06A on the agenda filed with these minutes).

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.

RESOLVED 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.

47. DISCRETIONARY HOUSES IN MULTIPLE OCCUPATION LICENSING SCHEME OPTIONS

A report of the Head of Strategic and Private Sector Housing was considered (item 06B on the agenda filed with these minutes).

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.

RESOLVED 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.

48. TENANCY STRATEGY 2019 - 2024

A report of the Head of Strategic and Private Sector Housing seeking approval for the updated Tenancy Strategy was considered (item 06C on the agenda filed with these minutes).

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.

RESOLVED 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.

49. OVERVIEW SCRUTINY GROUP PRE-DECISION SCRUTINY - CABINET RESPONSE

A report of the Cabinet was considered setting out its responses to the recommendations of the Group on pre-decision scrutiny items (item 7 on the agenda filed with these minutes).

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

Reason

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

50. WORK PROGRAMME

A report of the Head of Strategic Support was considered, to enable the Group to consider its work programme and forthcoming Key Decisions and decisions to be taken in private by the Cabinet in order to schedule items for pre-decision scrutiny and to provide an opportunity for members of the Group to raise suggestions on issues for scrutiny (in addition to pre-decision scrutiny) which fell within the Group's remit, for scheduling by Scrutiny Management Board (item 8 on the agenda filed with these minutes).

The Group considered the report (and further information on the forthcoming Key Decisions and decisions to be taken in private by the Cabinet provided by the Chief Executive at this meeting) and agreed to schedule items for pre-decision scrutiny prior to the next Cabinet meeting, but that the following pre-decision scrutiny items should be added to its work programme at this stage:

- Council Tax – Amendment to Empty Homes Premium and Exemptions – February 2019

RESOLVED that the Group's current work programme be noted and updated following this meeting, in accordance with the decisions taken during consideration of this item and at this meeting and any items of pre-decision scrutiny that require changing due to their reprogramming by the Cabinet.

Reason

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.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 25th February 2019 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 Overview Scrutiny Group.