

## COUNCIL – 26TH JUNE 2017

### ITEM 10 QUESTIONS ON NOTICE

#### 10.1 Councillor Smidowicz – Certificates of Lawful Use or Development

Recently, we have seen headlines in the press relating to a discarded cigarette butt and a fine increased from £80 to £400 for non-payment. Could the Lead Member advise what actions we take on properties operating without a Certificate of Lawful Use or Development and how many enforcement actions have been attempted, and then successfully executed, in the past two years?

*The Leader, or his nominee, will respond:*

*It is not an offence to carry out development without planning permission unless it is a listed building and it is therefore not possible to impose on-the-spot fines or otherwise take instant action. Where a property is operating unlawfully the approach is to consider what harm it is causing. Following the initial investigation a recommendation will be made as to the appropriate course of action. It may be that the breach will be put right by the developer. Alternatively the officer may consider the breach can be regularised by a retrospective planning application. In cases where the breach cannot be remedied the ward councillors will be invited to consider if it would be expedient in the wider public interest to take enforcement action.*

*The following table provides an overview of investigations over the calendar years 1st January to 31st December from 2015.*

Calendar Year	Total number reported cases	Case outcome by type			
		No breach found	Breach resolved	Certificate of lawful use granted**	On-going action
2015	28	17	6	0	5
2016	33	22	3	1	7
2017*	2	0	0	0	2

*\* Position at June 2017.*

*\*\* Certificates granted as a consequence of enforcement investigation.*

#### 10.2 Councillor Parton – Southfields Park

Please could the Lead Member update the Council on the progress of works to Southfields Park, including all consultation dates with the public and members?

*The Leader, or his nominee, will respond:*

*The Southfields Park capital project is due to be delivered during 2018/19. Officers are currently working on the project details and ward members will be updated on the consultation arrangements in due course.*

### 10.3 Councillor Parton – Capital Spending on Projects

Please would the Leader confirm how many capital projects have been completed over the last five years, and provide details of their cost, delivery dates and any consultation that was undertaken?

*The Leader, or his nominee, will respond:*

*Details of the cost of capital projects and their indicative timings and completion dates can be found in the Capital Plan reports on the Council's website as follows:*

*Council reports: [http://www.charnwood.gov.uk/committees/the\\_council](http://www.charnwood.gov.uk/committees/the_council)*

*Cabinet reports: <http://www.charnwood.gov.uk/committees/cabinet>*

*The Council does not undertake consultation on many capital projects since the majority relate to internal operational matters. Where members of the public are affected, consultation takes place principally through existing Council processes and bodies such as the Policy Scrutiny Group and the Housing Management Advisory Board.*

### 10.4 Councillor Tillotson – Acceptable Living Standards for Council Tenants

Could the Lead Member describe what this Council considers to be the minimum acceptable living standards for our Council tenants? Does the Lead Member consider it to be acceptable for a parent to have to carry a small child and a pram up two flights of stairs? Should the same family be told they cannot have a bath because the previous tenant of their home required a shower and it is (they have been told) against Council policy to reinstate a bath? Does the Lead Member believe it is reasonable for tenants with small children to be denied a bath?

Does the Lead Member agree that every family should have a shared living space, so they can carry out normal family life and parenting? Or is it acceptable that the only living room has to be turned into a bedroom as a permanent solution to overcrowding?

*The Leader, or his nominee, will respond:*

*The minimum acceptable standards for Council housing are defined nationally through legislation and locally through the Charnwood Housing Standard 2013 to 2017.*

*Properties are allocated in accordance with the Council's Allocations Policy. Applicants select and bid on properties that they are eligible for.*

*Family accommodation in Charnwood is limited and is in high demand. The Council has a large number of applicants with young children who reside in upper floor flats and therefore priority on the housing register is not awarded solely on this basis. If an applicant cannot manage stairs for health reasons (for example due to a disability that affects mobility) they may qualify for a higher band on health grounds.*

*Some properties may be let with a bath, whilst others will be let with a shower. All properties will meet our lettable standards prior to the tenant moving in. Applicants have the choice to bid and accept properties that meet their eligibility criteria. The general policy for the Council is for applicants to accept the property as is, unless there are specific requirements of the household, evidenced by an Occupational Therapist Assessment for a shower to be replaced with a bath.*

*Secure tenants have the right to request the landlord's permission to carry out improvements to their homes. The Council will not unreasonably refuse a request of this nature.*

*An assessment of applicants and tenants who consider themselves to be overcrowded will be carried out by the Private Sector Housing team. The assessments will identify whether the household is considered to be overcrowded or statutorily overcrowded and a banding will be awarded accordingly.*

*Bands are awarded as follows:*

- Medium – one bed short*
- High – two or more bedrooms short*

*The Council does recognise that household circumstances may change over the life of a tenancy. Tenants who wish to move may apply for a transfer through the Council's Allocations Policy or can consider an application to exchange properties with another tenant of a social landlord.*

## **QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE**

- Councillors are required to submit a question on notice in writing by 12noon on the sixth 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 and/or make a statement 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 and/or make a statement.
- 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.