

**POLICY SCRUTINY GROUP
6TH FEBRUARY 2018**

PRESENT: Councillor Seaton (Chair)
Councillor K. Harris (Vice-chair)
Councillors Gaskell, Hamilton, Murphy, Paling, Parton
Rollings and Shepherd

Councillor Mercer – Cabinet Lead Member for Housing (for
items 6 and 9 on the agenda)

Councillor Smidowicz – Cabinet Lead Member for
Regulatory Services, Enforcement and Licensing (for item 7
on the agenda)

Head of Landlord Services
Head of Planning and Regeneration
Head of Strategic and Private Sector Housing
Community Safety Manager
Team Leader – Enforcement
Head of Strategic Support
Democratic Services Officer (MH)

APOLOGIES: Councillors Brookes and Smith

The Chair stated that the meeting would be recorded and the recording made available on the Council's website¹, and that the meeting was being observed by a representative of the Centre for Public Scrutiny. The Group was also advised that since the publication of the agenda Councillor Jones had stepped down as a member of the Group.

29. MINUTES

The minutes of the meeting held on 21st November 2017 were confirmed and signed as a correct record of the meeting.

30. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

No disclosures of interests were made.

31. DECLARATIONS OF THE PARTY WHIP

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

32. QUESTIONS UNDER SCRUTINY COMMITTEE PROCEDURE 11.17

No questions had been submitted.

¹: Due to a technical problem the recording of this meeting failed.

33. HOMELESSNESS UPDATE AND REVIEW OF HOMELESSNESS STRATEGY 2018-2020

A report of the Head of Strategic and Private Sector Housing, providing an update on matters relating to homelessness and progress of the review and drafting of the Homelessness Strategy 2018-2020, was submitted (item 6 on the agenda filed with these minutes).

The Lead Member for Housing and the Head of Strategic and Private Sector Housing assisted with consideration of the item and provided the following responses to issues raised:

- (i) The Council had been provided with additional grant funding by the Government to support the implementation of the Homelessness Reduction Act 2017. That funding was not sufficient to cover the entire cost and a budget pressure had therefore been included in the draft 2018/19 budget.
- (ii) When homeless people were placed in accommodation outside the Borough consideration was given to their ability to maintain links with support networks and to travel back to Charnwood, for example by looking at locations that were on a bus route.
- (iii) The mobile phone application referred to in the draft strategy was being developed by a partnership between Leicester, Leicestershire and Rutland councils. and the software provider homeconnections. It was intended to provide advice on homelessness prevention and a self-help tool. It would provide an additional method of obtaining information to supplement existing means of accessing services provided by the Council and its partners.
- (iv) Information regarding the use of bed and breakfast accommodation would be recorded as part of the calculation of performance indicator 5 (number of homeless applicants who are placed into temporary accommodation) set out in the monitoring section of the draft strategy.
- (v) The Council was the lead authority for the Rough Sleeper Grant project. The funding of £400,000 would be spent over two years in Leicester, Leicestershire and Rutland. The figures quoted in the report of 38 individuals prevented from rough sleeping and 49 individuals accommodated having slept rough for quarter 2 of 2017/18 related just to Charnwood. A recent rough sleepers count in November 2017 had found no rough sleepers on that particular night.

Councillor Paling left the meeting at 6.30pm.

- (vi) There were ten challenges associated with the Gold Standard. To achieve a silver award the Council would have to meet five of the challenges; to achieve a gold award the Council would have to meet all ten. The Council was already doing many of the things required

by the standard but it took resources to prepare the evidence to demonstrate that. The Council would review whether to try to achieve the silver or gold awards after the implementation of the Homelessness Reduction Act.

- (vii) Funding to enable Registered Providers to replace houses from their stock purchased under the extended right to buy scheme was due to be provided by the sale of high value voids by local authorities. Regulations setting out how the sale of high value voids would operate had not yet been issued.
- (viii) The main new duties owed to homeless applicants contained in the Homelessness Reduction Act applied to all applicants equally and regardless of priority need. Priority need would only be considered when reaching stage 3 of the process or in relation to the duty to provide temporary accommodation. The Council could learn from the experience in Wales where similar legislation was already in place.

Members of the Group commented that the information set out in the draft strategy about the local context would be clearer if numbers or diagrams had been used rather than percentages, and that the description of the passing of the Gold standard review could also be made clearer. Members of the Group also commented that there was a lot of information contained in the report and it was sometimes repeated.

RESOLVED

1. that the report be noted;
2. that it be noted that officers would review how the information in the draft strategy about the local context and the Gold Standard could be made clearer;
3. that further details of the grant funding provided by the Government and the budget pressure to support the implementation of the Homelessness Reduction Act be provided to members of the Group;
4. that further details of how the funding for the Rough Sleeper Grant project would be allocated be provided to members of the Group.

Reasons

1. To acknowledge the information received.
2. To acknowledge how the comments made by the Group would be addressed.
- 3.&4. To provide the Group with further information about the matter.

34. PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

A report of the Head of Strategic and Private Sector Housing, enabling the Group to review the proposed Private Sector Housing Enforcement Policy, was submitted (item 7 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 assisted with consideration of the item and provided the following responses to issues raised:

- (i) The Council inspected all houses in multiple occupation that had a licence. The Council encouraged landlords to join the accreditation scheme run by DASH (Decent and Safe Homes). As part of the accreditation scheme DASH undertook its own inspections. Accredited landlords paid a reduced licence fee.
- (ii) The Council operated an enforcement group where services with enforcement functions could come together to discuss cases and what action could be taken.
- (iii) If tenants had concerns about retaliation for reporting concerns about properties or landlords they could seek advice from The Bridge. The Council was not aware that this was a significant problem.
- (iv) Changes to mandatory licensing and the work that had been undertaken to produce a database of student properties would be helpful to the Council. The Council had a number of powers that it could use to take action where that was necessary.
- (v) The Council had not pursued additional or selective licensing as there was insufficient evidence to demonstrate that they were needed based on an analysis of the number of complaints received by the Council.
- (vi) The Council could not state that it would always take formal action because each case needed to be considered on its own merits. The Council operated an incremental approach and further detail could be provided on the approach and the stages involved in the final version of the strategy.
- (vii) The Council was developing a corporate approach to enforcement so that enforcement activity across the Council would have regard to the principles of good regulation set out in the Legislative and Regulatory Reform Act 2006.

Members of the Group made the following comments:

- (i) It would be the more responsible landlords that would join the DASH accreditation scheme. It would be helpful to know what proportion of landlords were members of the scheme and how many took part in the landlords' forum.
- (ii) Clarification was requested in respect of Rent Repayment Orders and whether the Council could only apply for an Order so that it

could recover money paid through Housing Benefit or the housing element of Universal Credit. If the Council could apply for an Order on behalf of tenants then it should consider doing so.

- (iii) There was a perception that the Council was reluctant to make use of all of the formal powers that it had available to it. Alongside that, there appeared to be too many intermediary stages and warnings given in the approach used by the Council.

RESOLVED

1. that the report be noted;
2. that it be noted that officers would review how details of the stages involved in the incremental approach and how they would be applied could be made clearer in the final version of the policy;
3. **that it be recommended to the Cabinet** that the final version of the Private Sector Housing Enforcement Policy include as an objective that enforcement activity should involve the minimum of stages that was consistent with the Council's legal obligations and did not put the Council at risk;
4. that information regarding what proportion of landlords were members of the DASH accreditation scheme and how many took part in the landlords' forum be provided to members of the Group;
5. that information regarding the circumstances in which the Council could apply for Rent Repayment Orders on behalf of tenants be provided to members of the Group.

Reasons

1. To acknowledge the information received.
2. To acknowledge how the comments made by the Group would be addressed.
3. The Group was keen to ensure that enforcement activity was undertaken swiftly and effectively. If the preliminary part of the incremental approach did not lead to matters being rectified the Council should make use of its more formal legal powers without undue delay.
- 4.&5. To provide the Group with further information about the matter.

35. PLANNING ENFORCEMENT PLAN

A report of the Head of Planning and Regeneration, enabling the Group to review the proposed Planning Enforcement Plan and to inform the Group of

the proposed timetable for consultation and adoption, was submitted (item 8 on the agenda filed with these minutes).

The Head of Planning and Regeneration clarified that the revised Planning Enforcement Plan would be submitted to the Cabinet for approval following the approval of a set of corporate principles relating to enforcement to ensure that the plan was consistent with those principles.

The Head of Planning and Regeneration and the Team Leader – Enforcement assisted with consideration of the item and provided the following responses to issues raised:

- (i) Cases would be given a higher priority if the development presented an immediate risk of harm to the environment. Paragraph 6.3 of the draft plan set out how the Council considered whether enforcement action was proportionate. Some regard could be taken of the circumstances of people directly affected by the development. The Council would take formal action when that was necessary.
- (ii) The draft plan would be published on the Council's website for public consultation. The Council would also consider options such as an article in Charnwood News or making information available in the Council's reception area to publicise the consultation.
- (iii) Planning enforcement was a discretionary service and the resources available were sufficient to deliver the current level of service. If the team had more resources it would not necessarily result in more enforcement action being taken as the legal tests for taking action would still have to be met. There was an ongoing service review of the planning department and the results of that review would be reported to the Cabinet in due course.
- (iv) There were occasions when enforcement officers had been required to process planning applications. That took them away from their enforcement role but had been necessary when there were staff shortages in the development management team.
- (v) There had been some discussion during the meetings with Loughborough councillors on the Loughborough Special Expenses budget regarding whether additional resources for planning enforcement were required.
- (vi) The planning enforcement team had been able to conduct two proactive enforcement projects per year in each of the past two years. It was intended to formalise that approach to give more certainty to councillors and residents.
- (vii) Information about the differences between the proposed new plan and previous planning enforcement policies could be included in the planned briefing for councillors.

Members of the Group commented that undertaking two targeted proactive projects per year to address identified problems was to be welcomed. The briefing to councillors on the revised plan would also be helpful.

RESOLVED

1. that the report be noted;
2. that the support of the Group for the planning enforcement team to undertake two targeted proactive enforcement projects per year to address identified problems be noted.

Reasons

1. To acknowledge the information received.
2. To formally record the Group's view on the matter.

36. CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY AND HATE INCIDENT POLICY 2018-2021

A report of the Head of Landlord Services and the Head of Neighbourhood Services, enabling the Group to review a draft of the new Corporate Anti-Social Behaviour and Hate Incident Policy 2018-2021, was submitted (item 9 on the agenda filed with these minutes).

The Lead Member for Housing, the Head of Landlord Services and the Community Safety Manager assisted with consideration of the item and provided the following responses to issues raised:

- (i) The policy only covered the Council's responses to anti-social behaviour, not the responses of other agencies. The new policy did, however, cover all departments within the Council with the aim of making the approach that the Council adopted consistent and transparent. The new policy also further embedded the new powers provided by the Anti-Social Behaviour, Crime and Policing Act 2014 into the Council's approach to dealing with anti-social behaviour.
- (ii) Previously the Council had prepared a policy and procedure setting out how it would deal with anti-social behaviour relating to its own housing stock. That was a lengthy document as it set out the procedures that would be followed in detail.
- (iii) In the draft policy, the Council had chosen to include categories for the definition of what constituted a hate incident which were additional to the definition set out by the Home Office, including that of 'Other'. That had been done because there could be a variety of reasons why people were targeted.
- (iv) All incidents of anti-social behaviour reported to the Council were recorded on the Council's case management system. The Police also had access to that system but it did not appear that all cases of anti-social behaviour reported to the Police were recorded on the system. The Police had stated that in the future all cases of anti-

social behaviour reported to them would be recorded but it was unclear when that would happen as work to develop a firewall was still required before the Police could do so.

- (v) The Council had followed Home Office guidance in developing its procedure for dealing with Community Triggers. There had been six Community Triggers since 2015. Five of those had been by individuals and one was location based and had been submitted by a group.
- (vi) The Council undertook proactive measures to reduce anti-social behaviour. Examples included publicity campaigns regarding being a good neighbour, offering a mediation service and upgrading security doors. Work to security doors could be prioritised according to both the condition of the doors and identified anti-social behaviour hotspots.
- (vii) The Council operated an enforcement group where different teams across the Council with powers to deal with anti-social behaviour could come together and share information. Council officers also had regular meetings with the Police.
- (viii) If there were concerns regarding anti-social behaviour in private housing or housing managed by Registered Providers they could be discussed at meetings of the Joint Action Group (JAG). If tenants of Registered Providers were dissatisfied with how anti-social behaviour was being dealt with they could make use of the Community Trigger.

Members of the Group made the following comments:

- (i) The draft strategy was welcomed as it provided a clear statement of the Council's approach to dealing with anti-social behaviour across a number of services. As a result, residents would be aware of how cases would be dealt with and the legislative framework in which the Council operated. The draft strategy was also easy to read
- (ii) The incremental approach set out in the draft strategy was supported and set out clearly.

RESOLVED

1. that the report be noted;
2. **that it be reported to the Cabinet** that the Group supports the draft Corporate Anti-Social Behaviour and Hate Incident Policy 2018-2021.

Reasons

1. To acknowledge the information received.
2. Having scrutinised the draft policy the Group considered that the draft policy provided a clear statement of the Council's approach to dealing

with anti-social behaviour by the different teams across the Council with powers to deal with anti-social behaviour. As a result, residents would be aware of how cases would be dealt with and the legislative framework in which the Council operated.

37. 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 10 on the agenda filed with these minutes).

The Head of Strategic Support assisted with consideration of the item.

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.

38. 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 11 on the agenda filed with these minutes).

The Head of Strategic Support 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 current position with the Group's work programme and the Notice of Key Decisions and Decisions to be Taken in Private be noted;
3. **that it be recommended to the Scrutiny Management Board** that the item in the Group's work programme in respect of the Asset Management Strategy 2018-19 to 2022-23 be deleted.

Reasons

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

2. To make the Group aware of the current position with its work programme and the Notice of Key Decisions and Decisions to be Taken in Private.
3. The Scrutiny Management Board had recently added the matter to the work programme of the Overview Scrutiny Group and the timing of the submission of the report to the Cabinet had been brought forward. It was not necessary for the matter to be scrutinised by two different groups and it was more timely for the matter to be considered by the Overview Scrutiny Group.

NOTES:

1. No reference may be made to these minutes at the Council meeting on 30th April 2018 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on 27th February 2018.
2. These minutes are subject to confirmation as a correct record at the next meeting of the Group.