

POLICY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 18 January 2011

Present: Councillor H Steen, (Chair)
Councillors A Barnes, Jackson, Milling, Morris, C Pilling
and Robertson (substituting for Kenyon)
K Pilkington, Co-opted Member

In Attendance: Rebecca Lawlor, Health and Housing Manager
Danny Dobson, Temporary Public Protection Officer
Councillor P Steen, Portfolio Holder, Environmental
Services
Pat Couch, Scrutiny Support Officer

Also in Attendance **1 Member of the Public**

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Kenyon and Councillor Challinor (Portfolio Holder for Regeneration).

2. MINUTES OF THE LAST MEETING

Resolved:

That the Minutes of the last meeting held on 9 November 2010 be agreed as a correct record and signed by the Chair.

3. DECLARATIONS OF INTEREST

Councillor H Steen declared an interest as a Member of the Licensing Committee.
Councillor Morris declared an interest as a Member of the Licensing Committee.

4. URGENT ITEMS OF BUSINESS

No urgent items were raised.

5. PUBLIC QUESTION TIME

There were no questions raised by the public

6. CHAIR'S UPDATE

The Chair informed Members of the following reports due to be presented to the Committee at the next meeting on 8 March 2011

- Food Standards

- Grants Funding Policy – Procedure and Terms of Reference

7. CONSULTATION ON PRIVATE SECTOR HOUSING ENFORCEMENT POLICY

The Health and Housing Manager presented the above Policy which included the following supplementary statements:

- The Landlords Guide Housing Standards for Rented Homes
- The Policy Statement for the Housing Health and Safety Rating System – Housing Act 2004

The Enforcement Policy provides a consistent approach for the Council, as well as a level of transparency to private landlords, tenants, members, peer agencies and appeal boards on the role of the Council in dealing with complaints of poor housing standards. It also provides potential avenues available to Officers for dealing with complaints and the consequences of not implementing remedial action.

The Council was required to use the Housing Health and Safety Hazard Rating System and the Policy Statement highlights 29 hazards that would be assessed as a basis for tackling the worst housing conditions in the area. These fell into 2 categories as follows:

Category 1 hazards – the Council must take action where necessary

Category 2 hazards – the Council may use discretion and can take action where necessary

The Landlords Guide provides clarification on what is required of their property. It also provides guidance to tenants on the standards they would expect the landlord to maintain in their property.

The Health and Housing Manager indicated that once the consultation period had ended and the policy had been adopted, the Council would invite landlords to attend workshop training sessions to highlight to them the standards and policies which they are required to adhere to.

Members asked for additional information to be included in the Policy and additional policy statements prior to being presented to Cabinet which included the following:

Appendix 1 – Enforcement Policy

- a) Simple Cautions – change the work ‘can’ to ‘will’ to ensure the Council are seen as positive when issuing cautions

Appendix 2 – Policy Statement for HHSRS

Look to include item around installing Carbon Monoxide Detectors(s)

Appendix 3 – Landlords Guide

Include list of 29 Hazards within Guide making reference to the Policy Statement.

Further actions associated with these documents were discussed which were:-

- Development of a Communication Strategy for notifying, not only Landlords but Tenants, of these policies and guides.
- Producing a leaflet / Guide aimed at notifying Tenants of Landlord Standards

There was a suggestion by a Member that a summary of the Rights for tenants/landlords be included with Council Tax bills.

Members were keen to be made aware of Private Sector Housing Issues and would like to be kept informed of progress and initiatives. Therefore, it was agreed that the Health and Housing Manager would work with Democratic Services to identify ways of notifying members and keeping them up to date.

A question was asked about the amount of Regional, County and District support identified for working with vulnerable people within all tenures. The Health and Housing Manager indicated that they were still waiting on determination of final budgets at Regional and County level before understanding the picture within Rossendale. It was expected that over the next 4 to 6 weeks she would be in a better position to comment on this question. Therefore, it was agreed that she would come back to a future meeting to provide an update on funding available for vulnerable people once budgets had been agreed.

The Community Impact Assessment was noted by Members

Resolved:

1. That the Committee recommend that Cabinet adopt the Private Sector Housing Enforcement Policy and supplementary statements subject to the above inclusions agreed by Members.
2. That the Committee recommend to Cabinet that any future amendments to the Policy be delegated to the Head of Health, Housing and Regeneration in consultation with the Director of Business and Portfolio Holder for Regeneration.
3. That the Health and Housing Manager attend a future meeting when funding around Vulnerable People becomes clearer.

8. CONSULTATION ON THE ILLEGAL EVICTION AND HARASSMENT POLICY

The Health and Housing Manager presented the above Policy and informed Members that the Policy had been produced to enable the Council to notify relevant agencies on its role in dealing with cases of illegal eviction and harassment, as well as providing clarity to support agencies and tenants around the referral of potential cases.

The Health and Housing Manager indicated that she was in the process of producing a procedure flowchart which would form part of the final report for Cabinet.

A number of questions were raised by members including:

- The need for pro-active enforcement that needs to be publicised.
- Number of empty properties not fit for rent – the Council are at present working with landlords to address this problem and looking at numerous options and incentives for bringing these homes ‘fit for purpose’.
- Need for the Council to be seen as providing alternative options as a counterfoil to enforcement.
- Frequency of meetings with landlords – this was confirmed as previously being held quarterly but to move towards focussed sessions disseminating information to landlords as necessary such as the Local Housing Allowance.

The Health and Housing Manager indicated that a Rossendale Private Landlords Legal Question Time event was held in 2010. A Member asked that if further events of this kind were taking place it would be beneficial to inform Members.

The Community Impact Assessment was noted by Members

Resolved:

1. That the Committee recommend that Cabinet adopt the Rossendale Illegal Eviction and Harassment Policy.
2. That the Committee recommend to Cabinet that any future amendments to the Policy be delegated to the Head of Health, Housing and Regeneration in consultation with the Director of Business and Portfolio Holder for Regeneration.

9. PRIVATE WATER SUPPLIES REGULATIONS 2009 – POLICY AND FEES

The Health and Housing Manager asked Members to consider the duties on the Local Authority in relation to private drinking water supplies regarding the legislation and to recommend to Cabinet the defined policy and fees for implementing the legislation.

The Water Industry Act 1991 (the Act) places a responsibility on local authorities for checking the safety and sufficiency of all water supplies in their area. For public water supplies this means that local authorities must have effective working arrangements in place with all water companies who operate in their area.

The Private Water Supplies Regulations 2009 were brought into force in January 2010 and replaced the Private Water Supplies Regulations 1991. Both regulations were intended to ensure that water supplies were comparable to the quality of public water supply. Prior to the 1991 Regulations sampling of water supplies had largely taken place on an ad-hoc basis with those households who requested a visit having their water sampled. Those who made no request were left alone.

The 2009 Regulations made changes to the ways in which local authorities were expected to address the issue of water quality by requiring to undertake risk assessments of all private water supplies rather than those to a single dwelling not used as public buildings or commercial purposes. The Regulations introduce a

requirement to take formal action to ensure all private supplies meet the standards describe by the Regulations.

The Health and Housing Manager provided a breakdown on the number of private water supplies in the Borough and the different work required to comply with the Regulations.

A number of questions were raised to which the Health and Housing Manager responded which included:-

- How to get the message out to residents affected
- Possible challenges facing the Council from these residents
- Difficulties with accessing the properties

Where access to property and land was refused during the pursuit of these Regulations, the Council would take direct action in order to meet the statutory requirements.

It was suggested that Officers examine the possibility of linking to other data sources to improve the Rossendale Borough Council information and that this be incorporated into the Policy before being presented to Cabinet.

The Health and Housing Manager indicated that there would be programme of where properties would be sampled, so that each household was aware of when the visit would be undertaken.

Members discussed the proposed fees set out in the Regulations which specified the maximum that would be charged for each element of the service. Officers had estimated the reasonable amount that should be charged in the case of Rossendale Borough Council.

Resolved:

1. That the committee note the proposed changes for the implementation of the new Private Water Supplies Regulations 2009 together with the new duties and responsibilities associated with these regulations.
2. That the Committee recommend to Cabinet the adoption of the proposed fees.
3. That the Committee recommend to Cabinet that any amendments to the Policy be delegated to the Head of Health, Housing and Regeneration in consultation with the Portfolio Holder.

10. TAXI LICENSING POLICY

The Temporary Public Protection Officer presented a Policy for the licensing of hackney carriage drivers and vehicle and private hire operators, drivers and vehicles for the Borough of Rossendale.

At present the Council have no written procedures and therefore the Policy draws

together those procedures already in force and at the same time introduce new changes.

There had been a six week consultation period which produced one comment from a member of the public, none from organisations and a letter from the trade representatives indicating that they would make their comments direct to the Licensing Committee Meeting on 24 January 2011.

All the proposed changes were discussed, but the following two produced lengthy debates.

Rossendale Test

Currently, when an application is made for a vehicle to be licensed or renewed, the vehicle is brought to the Licensing Unit by appointment, together with a new MOT certificate, current insurance and the vehicle registration document. At the same time authorised Council officers conduct a 'Rossendale Test' which checks the condition, bodywork and interior of vehicle and the accuracy of the taximeter.

To make the process purely an administrative procedure and to make the best use of officer time, it was proposed that the test be conducted at the same time as the MOT at a Council authorised testing garage, within four weeks preceding the licensing application and also at the 6 month test.

Points on Driving Licence

The Council are also introducing a system where an accumulation of 6 points or more on a DVLA driving licence will trigger a further DSA test within 3 months to establish that the driver's skills are adequate to drive members of the public.

A number of questions/comments were raised by Members as follows, to which the Temporary Public Protection Officer responded:

- Fairness of having to re-take their test after receiving 6 points in 12mths
- Whether other authorities do a 6 point retest – is this common practice
- The need to work with the taxi trade
- Had discussions taken place at a Taxi Liaison Meeting regarding proposed changes
- Benefits for both the Council and the taxi trade to come to a mutual agreement
- The need for the authority to provide safe services to the public

Members agreed that there was a need for constructive negotiations between the Council and the taxi trade, now and in the future.

Resolved:

That the Committee recommend to Council the adoption of the Policy for the Licensing of hackney carriage drivers and vehicles and private hire operator drivers and vehicles and the Rossendale Test proposal.

11. ENFORCEMENT POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS, VEHICLES AND OPERATORS

The Temporary Public Protection Officer presented an Enforcement Policy for the Borough of Rossendale in respect of hackney carriage and private hire operators, drivers and proprietors.

The Council currently has no written Policy regarding the way it decides when to take enforcement action in respect of hackney carriage and private hire trade. As such the Council were subject to legal challenge should our decision making not be proportionate or consistent.

The Policy clarifies exactly what customers should expect if they breached legislation and enables a consistency of approach to be adopted, departing from the policy only when exceptional circumstances appertain. In those instances, the reasons would be recorded and be available for scrutiny.

Following the six week consultation period, which was published on the Council's website and copies sent to Councillors as well as every licensed vehicle proprietor, driver and operator, there were no relevant responses.

Resolved:

That the Committee recommend to Council the adoption of the Enforcement Policy.

12. Forward Plan – 1st January 2011 to 30th April 2011

The Scrutiny Support Officer presented the Forward Plan, giving members the opportunity to request to see Policies which would be presented to either Cabinet or Council during the a four month period.

Members requested that they look at the Tourism Strategy and it was agreed to speak to the relevant Officer to ask if this was possible.

Clarification was also sought on whether the item being presented to Cabinet in January was the same as was on the Forward Plan to be presented to Policy Overview and Scrutiny in March, which was in relation to Community Grants. Once clarification had been sought this would be fed back to Members.

The meeting closed at 8.45pm

Signed
(Chair)

Date