

OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 4th December 2017

Present: Cllr Lythgoe (in the Chair)
Cllrs Bromley, James Eaton, Johnson, Kempson, Kenyon,
Morris, Procter and Robertson

In Attendance: Sam Plum, Director of Communities
Clare Law, Hr Manager
Annette Riley, Senior Environmental Health Officer
Jenni Cook, Committee & Member Services Officer

Also Present: Cllrs Ashworth, A. Barnes, Essex and Haworth
2 public
0 press



1. APOLOGIES FOR ABSENCE

- 1.1 Apologies were given by Councillor Janet Eaton who was substituted by Councillor James Eaton and Councillor Stansfield.

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 13th November 2017 were agreed as a correct record.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

- 4.1 There were no urgent items of business.

5. PUBLIC QUESTION TIME

- 5.1 The Chair agreed to deviate from the Procedure for Public Speaking and allow members of the public to ask questions as the reports were discussed.

6. CHAIR'S UPDATE

The Chair confirmed there was nothing to update.

7. ADOPTION OF POLICIES IN RELATION TO HOUSING STANDARDS

7.1 The Senior Environmental Health Officer introduced the report which set out new enforcement powers, protocols, and legislative changes which had resulted in the need to set out new protocols, statements and policies and to review existing ones. A brief overview of the changes to each policy and a discussion on the same took place as follows:-

7.2 Statement of Principles for determining financial penalties for the Smoke and Carbon Monoxide Alarm (England) Regulations 2015 – this was an update on the 2012 policies and had been altered to take into account new legislation and new powers, in particular the option to issue fixed penalty notices instead of prosecution. Discussion points on this item included:-

- Advice leaflets regarding landlords were still available.
- There was no current requirement to have a register of landlords and the council relied on tenants reporting issues.
- Social housing providers were answerable to national standards and were not therefore included in this policy. However action could be taken if the provision was felt to be inadequate.
- Electrical wiring of smoke detectors in new builds was likely to fall under building regulations.
- A typographical error on page 2 was noted.
- Lancashire Fire and Rescue carried out good work with regard to awareness for smoke alarms. Smoke alarms can be installed free of charge by the Fire Service for members of the public, however they were reluctant to do so for landlords, as they had a statutory duty to provide them.
- Clarification was given with regards to the process for issuing fixed penalty notices.
- The HSE was the enforcing authority with regards to gas safety certificates.

7.3 Policy on Civil Penalties as an Alternative to Prosecution under the Housing and Planning Act 2016 – amendments had been made to the policy to take into account new offences under the Housing and Planning Act 2016, in particular rent repayment orders and banning orders. Penalties could be issued taking into account aggravating factors and mitigating circumstances, similar to the Magistrates Court format. Discussion points on this item included:-

- Examples were given of mitigating circumstances.
- The legislation set the fixed penalty amounts that could be issued.
- Staff would be trained to issue fixed penalties.
- Officers took note of decisions issued by the various Tribunals and the policy would be reviewed and kept up to date.

7.4 Illegal Eviction and Harassment Policy – this policy had also been updated to include new legislation and powers, in particular the inability of a landlord to service an eviction notice once the council had served an improvement notice (retaliatory eviction). Discussion points on this item included:-

- A list of contact links had been taken out. This was due to contact details frequently changing and being out of date. Consideration would be given to putting a contact number back in.

- The policy was excellent and it was a tricky balance between protecting tenants and the rights of landlords.

7.5 Housing Enforcement Policy – this was an update on the 2011 policy to take into account new legislation, in particular new enforcement options when tackling landlords. Discussion points on this item included:-

- This was not a new policy; the work was already being undertaken. Calls were frequently received by the Housing Options and Environmental Health Teams regarding landlords and every case was investigated.
- There were currently 1400 unoccupied properties in Rossendale and an officer was allocated to dealing with this issue.

7.6 All policies would be checked to ensure that revision dates were clear.

Resolved:

1. That Overview and Scrutiny recommends the following to Cabinet:-

- That the Director of Communities is authorised to carry out functions under the Smoke and Carbon Monoxide (England) Regulations 2015.
- That the Smoke and Carbon Monoxide (England) Regulations 2015 Statement of Principles for determining financial penalties is approved.
- That the Director of Communities is authorised to carry out functions under the Housing and Planning Act 2016.
- That the Housing and Planning Act Policy on Civil Penalties as an alternative to prosecution for relevant housing offences is approved.
- That the Rossendale Illegal Eviction and Harassment Policy 2018 is approved.
- That the Housing Enforcement Policy 2018 is approved.

2. That Overview and Scrutiny recommends to Cabinet that all future minor amendments to the policies named above and supporting protocols are delegated to the relevant Director in consultation with the Portfolio Holder.

8. QUARTER 1 AND QUARTER 2 PERFORMANCE REPORT (APRIL TO JUNE 2017 AND JULY TO SEPTEMBER 2017)

8.1 The Chair introduced the report which was the newly-format performance report. The report covered two quarters and incorporated the new priorities and targets as guided by the Council's Corporate Strategy 2017-2021.

8.2 Members and members of the public discussed the report as follows:-

- Members welcomed the new format which was felt to be clearer and more informative.
- The structure and format of the report will evolve over time.
- The chair acknowledged the vast amount of work carried out by the relevant officers in moving away from Covalent.
- The target list would be added as a separate column.
- Fly-tipping and dog-fouling – more figures such as calls received would be added as the reporting process continued. There had been some recent high-profile prosecutions and PSPOs were being considered going into 2018 which

would include the ability to issue fines if a dog owner was not carrying a means of disposing of dog waste.

- The layout of the report was clarified.
- Discussion took place regarding parks in Haslingden.
- With regards to flooding it was clarified that cleaning of gullies and culverts was the responsibility of Lancashire County Council. Rossendale Borough Council took on the role of second responding, including directing residents to rest centres and the clean-up of flooded areas.
- The new homes bonus applicable should a property empty for over 6 months be brought back into use was clarified.
- Discussion took place on reporting of fly tipping and how closely the council worked with the Police. It was noted that there was an information sharing protocol in place.
- With regards to % of undisputed invoices, the disputed/undisputed invoices would be recorded separately going forward.
- On page 14 an explanation was required in future reports with regards to why the % council tax collected figure was amber.
- It was clarified that the % of waste recycled was 23.5% plus the 15% sent for composting.

Resolved:

1. That the report is noted.

9. THE FORWARD PLAN

The Committee and Member Services Officer noted changes to the Forward Plan and outlined the agenda for the next meeting in January 2018.

Resolved:

The update was noted.

The meeting commenced at 6.30pm and finished at 7.45pm