

BOURNEMOUTH, CHRISTCHURCH AND POOLE COUNCIL
OVERVIEW AND SCRUTINY BOARD

Minutes of the Meeting held on 07 October 2019 at 10.00 am

Present:-

Cllr P Broadhead – Chairman

Cllr M Haines – Vice-Chairman

Present: Cllr M Anderson, Cllr M F Brooke, Cllr M Earl, Cllr G Farquhar,
Cllr L Fear, Cllr M Iyengar, Cllr R Lawton, Cllr C Rigby, Cllr R Burton
and Cllr J J Butt

49. Apologies

Apologies were received from Cllrs S Bartlett, M Greene, N Greene, R Maidment and P Miles.

50. Substitute Members

Notification had been received from the appropriate group leaders of the following changes in membership for this meeting of the Board:
Councillor J Butt to act as substitute for M Greene.
Councillor R Burton to act as substitute for R Maidment.

51. Declarations of Interests

There were no declarations of disclosable pecuniary interest.
For transparency Councillor F Brooke declared for item 6, the Housing Delivery Action Plan, that he was a Board member of the Bournemouth Development Company.
For Transparency Councillor R Burton declared that he was a landlord, with a property for rent in the BCP area outside of the Discretionary Licensing Scheme area.

52. Confirmation of Minutes

The Board agreed as an accurate record the minutes of the meeting held on 9 September 2019.
The Board agreed an amendment, to include Councillor A Hadley as present, in the minutes of the meeting held on 8th July.

53. Action Sheet

The Board confirmed the Action Sheet without amendment.

54. Public Speaking

There were no public questions, statements or petitions received for this meeting.

55. Scrutiny of Housing Related Cabinet Reports

Housing Delivery Test Action Plan

The Portfolio Holders for Strategic Planning and Housing presented a report, a copy of which has been circulated and appears as Appendix 'A' of these minutes in the Minute Book.

It was explained that in February 2017 a white paper 'fixing our broken housing market' was published setting out the government's plan to increase housing supply. The White Paper set a national target of approximately 300,000 new homes annually.

A measure to assess whether councils were building enough homes locally was introduced and included a housing delivery target. Councils that fell below 95% of their housing delivery target were required to produce a Housing Delivery Test (HDT) Action Plan.

Cabinet were being asked to agree the publication of the BCP HDT Action Plan. The Plan identified 5 key strategic factors to help drive forward the delivery of housing.

The Plan would be implemented in 2019-2022 and would be monitored by a steering group jointly led by officers across Growth and Infrastructure and Housing. Progress on the Action Plan would be reported annually to Council and staffing resources would be increased to drive forward delivery. The Board were informed that between 2016 - 2019 Bournemouth, Christchurch and Poole Councils granted planning permission for 10,425 homes, 3,705 of these were delivered. It was therefore considered important to understand the barriers to development and to work with landowners and developers to help to progress developments.

It was also recognized that the national targets had some anomalies and further work was required to understand them, with some councils struggling to meet their targets whilst others were reaching circa 200%.

Two technical errors were highlighted. On page 165, under 2.4, the figure should read 730 not 722. Additionally, on page 181, 4.12 Christchurch Town Council should be replaced with Highcliffe and Watford Parish Council.

A number of questions were raised and discussed by members of the Board at the meeting, including;

- The figures for the number of units that needed to be delivered. This was available on page 167 of the report;
- Whether the target had been appealed, what was being done to appeal it and the cost of the work. Initially the Council would gather evidence to inform its Local Plan. The Local Plan would identify a housing delivery target for the BCP area. This target would form the basis of any challenge to the national target. The work would be carried out using legacy budgets;
- That environmental constraints would be taken into consideration when identifying a housing delivery target in the Local Plan and that the Council would work with neighbours under the Duty to Cooperate to deliver housing;

- That lobbying government was important and developing housing was on the LGA's agenda. It was highlighted that this area needed further discussion;
- That taking direct action and being proactive in engaging developers was important, particularly in relation to the communications plan and in developing an understanding of barriers and reasons why sites may have stalled;
- Why the Winter Gardens wasn't on the Cabinet Forward Plan. The application would not be moved forward until a suitable alternative natural greenspace (SANG) was in place;
- That there could be a benefit in bringing forward the Strategic Planning Forum;
- Whether planning could be more flexible, particularly in relation to car parking requirements;
- The impact increased resource would have on budgeting. Existing resource would be redirected to priority areas. There could be a need for additional staff, but this was not yet determined because the new councils restructure process was underway;
- The importance of ensuring delivery of housing because national government can intervene if targets aren't being met;
- The importance of the communications plan and the engagement of key stakeholders beyond the BCP geography;
- Whether the Board could receive yearly updates on this item.

BCP Housing Strategy – approval to consult

The Portfolio Holder for Housing presented a report, a copy of which has been circulated and appears as Appendix 'B' of these minutes in the Minute Book.

The BCP Housing Strategy would be a key Policy for the Council. It would outline the local and national housing context and would assist in the funding and delivery of the Councils strategic priorities going forward.

The strategy would also anticipate future housing issues and would provide an action plan to address current local issues such as homelessness, new housing supply and private sector housing standards.

The Board were considering a report that set out the proposed consultation process to Cabinet. The proposal was for a consultation period of 12 weeks with high level communications across different channels, including a targeted interactive stakeholder consultation, engagement workshops and discussions at formal meetings.

A multi-disciplinary steering group would be established to manage the consultation process and the development of the strategy. The final strategy would be drafted in 2020 and then put to cabinet for endorsement and adoption.

A number of questions were raised and discussed by members of the Board at the meeting, including

- That the Overview and Scrutiny Board were keen to be engaged in the development of the strategy;

- That the document would benefit from incorporating passion, actions and outcomes, particularly in regard to the communications plan;
- That affordability of housing for young people should be included within the plan;
- That including ideas within the consultation process could help facilitate it.

Private Sector Housing Enforcement Policy

The Portfolio Holder for Housing presented a report, a copy of which has been circulated and appears as Appendix 'C' of these minutes in the Minute Book.

The Overview and Scrutiny Board were asked to review the BCP Private Sector Housing Enforcement Policy ahead of its consideration by Cabinet.

The BCP Private Sector Housing Enforcement Policy detailed how standards would be regulated in the Private Rented Sector and how empty homes would be tackled in Bournemouth, Christchurch and Poole.

The Policy included details of the legislation and its application across BCP. It also included information on the processes for formal and informal enforcement, risk assessments and financial penalties.

It was highlighted that the policy would also explain the service and approach that residents and landlords could expect from the private rented sector, including details of liability and expected standards. The Policy would also help to ensure a consistent approach from council officers.

The aim of the Policy was to raise standards in the Private Rented Sector by working alongside owners, landlords, letting agencies and tenants, whilst recognising that enforcement can be necessary to protect the public and the environment.

It was highlighted that there was a significant amount of legislation to support the regulation of housing conditions and the policy had aligned preceding policies with minimal change to the legislative functions and processes. It was proposed that the policy be reviewed in 24 months.

A number of questions were raised and discussed by members of the Board at the meeting, including;

- Changes to the Policy included the introduction of civil penalties and the tenant fee's act amendments;
- The aim of the policy was to work with landlords to improve housing standards informally without having to take formal action, outcomes of the previous policies included 100'000 civil penalties for offences committed;
- That owners of empty homes would be engaged as soon as possible. This could be through long-term support, advice and guidance. If the property was having a negative impact on the community there would be targeted action;
- Whether the policy was having the desired impact on landlord's behavior. It was highlighted that engagement included a landlord conference, direct emails and other methods that could promote awareness and provide skills and knowledge to landlords;

- The impact of changes to amenity standards. It was explained that partnership working was key to ensuring affordable and carbon neutral options;
- Gaps in data in The Equality Impact Assessment were due to the council not collecting personal details that weren't required for the job. It was highlighted that the policy was likely to have a positive impact on equality and where there could be a negative impact mitigation had been included within the policy;
- Details of risk assessments for Houses of Multiple Occupancy (HMO's);
- The Policy would be made available on the BCP website. There would also be signposting and work with partners to promote it;
- That a record was kept of landlords and agents who were repeatedly not managing properties effectively;
- Tenants having problems with their landlord could call the Councils helpline or contact their local Councillor;
- Whether enforcement policy had been an effective way of working with Private Sector Landlords;
- That prosecutions took up a disproportionate amount of time which meant resources for proactive work was limited;
- The Housing Health and Safety Rating System was being discussed nationally;

Discretionary Licensing

The Portfolio Holder for Housing presented a report, a copy of which has been circulated and appears as Appendix 'D' of these minutes in the Minute Book.

The report sought approval to launch a public consultation on the potential introduction of two Discretionary Licensing Schemes within the BCP area. These were Additional Licensing which is the licensing of Houses of Multiple Occupancy (HMO's) that fall outside of the mandatory licensing definition and Selective Licensing which is the licensing of units of private sector accommodation within a certain area.

It was highlighted that the private rented sector accounted for 22% of homes in Bournemouth, Christchurch and Poole compared to a national average of 19% of homes. In some areas up to 62% of homes were in the Private Rented Sector.

It was explained that high density, high population areas with high levels of private rented sector accommodation often suffered from a lack of community cohesion, tenants with challenging and chaotic lifestyles and high levels of anti-social behavior and crime.

It was recommended that Cabinet approve a 12-week consultation on the introduction of Discretionary Licensing due to the significance of this issue and the need to facilitate a greater impact than could be achieved through small-scale interventions and strategies.

The consultation process would include the development of a business case and options appraisals, that would outline the rationale for Discretionary Licensing. Residents, tenants, landlords, managing agents and members of

the community who live or operate businesses or services in the area would be consulted.

The consultation would cost £69,500. This cost would be recovered in Licensing fees if the scheme was agreed. If the scheme was not agreed the consultation response would be used to develop service responses and strategies to tackle issues that arose from the consultations evidence base. The scheme would require approval from the Secretary of State.

It was highlighted that if implemented effectively Discretionary Licensing could ensure landlords were a fit and proper person; there was good and fair management of tenancy relations; landlords had support to participate in regeneration and to tackle antisocial behavior effectively; there were protections for vulnerable tenants; strategic knowledge for targeted inspections and actions was developed; support for landlords to improve the worst properties was available; the number of occupants would be limited to the properties size and the properties would be properly maintained.

A number of questions were raised and discussed by members of the Board at the meeting, including

- That Bournemouth Council had previously looked at Selective Licensing and it was concluded through seeing it in action that positive results hadn't been seen in other councils;
- That there was no exact figure for the cost of the scheme to landlords because Cabinet approval was necessary before further work on costs could be undertaken, however the Chartered Institute of Housing said the average cost is £500 over 5 years. This is the equivalent of £1.92 a week but there was also the potential for savings, for example draft proofing could reduce energy bills;
- The costs and benefits of the scheme would be considered in the consultation;
- That the National Landlords Association and other bodies were against Discretionary Licensing;
- Whether there was a risk that the problem of bad landlords would not be resolved;
- The financial implications of the scheme, particularly considering enforcement would not be funded through the license fee. It was explained that enforcement officers were in place through existing budgets and it was expected that the need for enforcement action would reduce due to the continuous regulation of licenses;
- That persistent issues had been identified around private sector renting across BCP and a high-level analysis around whether Discretionary Licensing could support dealing with some of those issues had been carried out. The next step would be for Cabinet to agree the public consultation. Following the consultation, a detailed options appraisal would take place;
- There was concern that there was no evidence or proof that the scheme had worked elsewhere, and the Private Sector Housing Enforcement Policy covered this without the additional expense of the licensing;

- That there was evidence from different councils that Discretionary Licensing worked due to continuous regulation and the ability to target specific areas. It was also explained that having a regulatory body can engage landlords and help residents;
- Whether the increase in standards could lead to an increase in rents;
- That landlords may leave the area if licensing is introduced;
- The risk of landlord fees being higher than anticipated and of costs being passed on to tenants;
- Whether Discretionary Licensing would still require an enforcement route;
- The importance of signposting to the scheme;
- Whether or not residents were likely to benefit from the scheme;
- That an independent review by the Ministry of Housing, Communities and Local Government found Discretionary Licensing did not cause displacement of residents or landlords to move out of the area;
- That the Chartered Institute for Housing considered 50 cases of Selective Licensing across the country and said the scheme was not a quick win but many of the schemes delivered significant benefits;
- That targeted enforcement was a considerable cost to the Council and the consultation was not perusing the case for Selective Licensing but was intended to consider options;
- Whether more evidence for Discretionary Licensing should be considered before the outlay for the consultation.

RESOLVED that:-

That prior to the consultation period associated with Discretionary Licensing further information on the success of targeted enforcement be considered by Cabinet to determine whether Discretionary Licensing is necessary.

Vote: 6/5

56. Scrutiny of Transport Related Cabinet Reports

BCP Council Strategic Car Parking Review

The Portfolio Holder for Strategic Planning presented a report, a copy of which has been circulated and appears as Appendix 'E' of these minutes in the Minute Book.

The report informed the Board that parking in the BCP area had previously been managed by four councils. The report proposed a BCP Council Strategic Review in order to form a new single strategy for the provision, operation, pricing and enforcement of parking across the highway network and car parks in the area.

The plan would be linked to the BCP Council Parking Policy and the Local Plan. There would be three stages to the review. These would include the gathering of information and consultation, the assessment of data and preparation of recommendations and finally the formation of the recommendations. It was anticipated that the recommendations would go through Council in October 2020.

A number of questions were raised and discussed by members of the Board at the meeting, including

- The possible benefit of introducing variable charging rates within a carpark;
- The importance of considering competitor carpark rates and the impact charges have on commercial activity;
- The benefit of considering charging principles outside of the BCP area;
- That stakeholders including businesses, trading associations, major employers and members of the public would be engaged;
- That the report would benefit from incorporating clear benefits to focus the discussion and facilitate clear feedback.
- The role of the proposed steering group in setting the direction of the consultation;
- That a member of the Overview and Scrutiny Board should be on the Steering Group;
- That Neighborhood Forums could be engaged by Councillors and through the communications programme;
- The importance of protecting income from carparks;
- The importance of considering the aim of the policy, for example whether the intention is to make money or support sustainable travel;
- Details regarding what the Council is permitted to charge;
- The importance of rationalizing car park spaces to ensure maximum benefit;
- That disabled people should be considered key stakeholders. That some councils do not charge for off-road disabled spaces;
- That differential rates depending on the type of vehicle should be considered, some authorities include a surcharge for cars with heavy emissions.

RESOLVED that:-

That the Steering Group that considers the BCP Council Strategic Car Parking Strategy include a member of the Overview and Scrutiny Board.

Vote: Unanimous

57. Scrutiny of Environment and Climate Change Related Cabinet Reports

Revised Policy and Practice for Unauthorized Encampments

The Portfolio Holder for Environment and Climate Change presented a report, a copy of which has been circulated and appears as Appendix 'F' of these minutes in the Minute Book.

The report informed the Board that there were variation between the existing policies and practices for unauthorized encampments across Bournemouth, Christchurch and Poole.

The report recommended that a cross party working group was established to align the policies and procedures across the BCP Council area. The unified policy for unauthorized encampments would then return to Cabinet for further consideration.

A number of questions were raised and discussed by members of the Board at the meeting, including

- Potential reasons for the differing number of incursions between Bournemouth, Christchurch and Poole, particularly why there were less incursions in Christchurch;

- The environmental impact and the cost of decontaminating and cleaning following incursions;
- The impact of height barriers and target hardening;
- The differing approaches to incursions by predecessor councils, particularly the provision of toilets and skips in Poole;
- Whether the approach would be to make incursions difficult or to provide facilities, this would be determined following an evidence gathering process;
- That the policy was urgent and important and whether some decisions could be made more quickly to meet the needs of gypsies and residents earlier;
- The large amount of work involved;
- The importance of providing training to ensure members of the Working Group had a broad knowledge and understanding of the issue;
- That the cost of the methods used by legacy councils should be considered when making a decision;
- The importance of considering whether an option is good value for money, manages public expectations and can be delivered effectively within budget;
- Whether or not a transit camp could make a difference and whether parliament should be lobbied to allow the police powers to direct to the Dorset site;
- Whether quarterly meetings with MP's would be beneficial in order to discuss items on the agenda;
- Whether pre-emptive injunctions should be considered first by the Working Group and the implications this had on other policies;
- Whether the number of Councillors on the Working Group should be reduced to allow a swifter response;

RESOLVED that:-

To suggest to Cabinet an amendment to the recommendation included within the report, as follows:

It is recommended that Cabinet establish a cross-party member working group, as outlined in para 27, to

- 1. expedite actions as a matter of urgency in anticipation of incursions for summer 2020,**
- 2. consider the alignment of policies and procedures across the council area and report back to Cabinet.**

Vote: 11/0 Abstention 1

The Chairman left the meeting. The Vice-Chairman stepped into the Chair.

Response to the Climate Change Emergency

The Portfolio Holder for Environment and Climate Change presented a report, a copy of which has been circulated and appears as Appendix 'G' of these minutes in the Minute Book.

The Portfolio Holder highlighted that the world was on course for a temperature rise of 3-4 degrees and that climate change should be at the heart of everything the council did. This was applicable to carbon reduction but also food security, transport equality, health and clean air.

The report outlined arrangements to help facilitate the development of a Climate Change Emergency Action Plan. The Plan would be considered by Council in December 2019. The report particularly highlighted the proposed governance structure and the launch of a behavioral change campaign. It included the introduction of a Zero-Carbon Emissions Support Officer.

A number of questions were raised and discussed by members of the Board at the meeting, including

- The cost of the additional staff member and where they would be located;
- The cost of additional resources;
- The potential for savings, for example through encouraging digital access instead of using paper;
- The importance of not over promising and under delivering, and the impact this could have on the Councils reputation;
- That having climate change and sustainability at the heart of everything the council did would lead to huge changes. It was therefore important to be clear and well-informed before agreeing to take it forward;
- Whether an additional member of staff was sufficient to deliver the change needed;
- That the Council should lead by example and focus on educating the workforce to be leading the way;
- That introducing a Citizens Assembly was well received by the public gallery and the timescales for its implementation. The draft Action Plan would be put to Council in December and could include the timescale;
- Whether a Green Credentials Report which examined the council's environmental impact should be produced;
- Whether the ecological emergency should also be considered and how to reduce the environmental impact of BCP as a whole;
- How the councils work on this would be communicated to residents, this could be included within the plan;
- Whether the key mission and objectives should underpin all the Councils policies and operations;
- That the cost implications in regard to the carbon footprint would be included in all impact assessments;

RESOLVED that:-

An additional recommendation is set out in the report under (a) iv that the Council produce an annual Green Credentials Report, which may be considered by Cabinet and Overview and Scrutiny to monitor the Council's performance against targets in this respect.

Vote: unanimous

58. Scrutiny of Finance Related Cabinet Reports

The Medium-Term Financial Plan Update Report

The Portfolio Holder for Finance presented a report, a copy of which has been circulated and appears as Appendix 'H' of these minutes in the Minute Book.

The report outlined the refresh of the Medium-Term Financial Plan (MTFP) and informed the Board of the progress made towards delivering a balanced budget for 2020/21.

The report included information on the financial risks faced by the Council, progress with the disaggregation of the 31 March Dorset County Council balance sheet and details of grants available from the government to support the potential cost to the Council following the decision for the UK to leave the European Union.

It was highlighted that the forecast funding gap for 2020/21 had reduced from 15,000,000 to 7,700,000. The main changes included an additional 3,000,000 in savings and efficiencies identified by service areas, the inclusion of the Councils share of extra funding from the Adult and Children's Social Care Grant, the deferred implementation of the Negative Revenue Support Grant and the recognition of additional spending pressures.

It was highlighted that no decision had been made on whether to increase Council Tax by 4% in 2020/21, as per the government strategy to fund social care. The increase in the MTFP remained at 2.99%.

The Board were informed that delivering the resources needed for the Capital Programme and the transformation agenda were key risks. Additionally, the Schools Forum and Council were required to deliver a balanced budget for the high needs block of the Dedicated Schools Grant. More information on this would be available following further consideration on 5 November.

A number of questions were raised and discussed by members of the Board at the meeting, including

- The importance of recognising that 3,000,000 of the reduced funding gap was from savings and efficiencies and the rest was from grants and a government decision;
- That government needed to be lobbied and work needed to continue to ensure support for the high needs block within the Dedicated Schools Grant;
- That the savings and efficiencies in service areas was mostly from efficiencies and the restructuring of the Council. There would also be an increase due to inflation but tax payers would not see an increase that is much higher than inflation;
- When the council would consider its assets and buildings surplus to requirement;
- Whether the Council would pay for Dorset County Council's debts. Disaggregation was covered in paragraph 18-21 of the report;
- That the settlement announcement was usually in December but due to turbulence in national government it could be later;
- The importance of having a sustainable budget and not relying on grants;

59. Forward Plan

Members agreed the Forward Plan at their meeting on 4 October 2019. Any additions from this meeting would be agreed by the Chairman and Vice-Chairman in advance of the November meeting.

60. Future Meeting Dates

It was highlighted to the Board that a meeting to consider 5G would take place on Monday 11th November 2019.

A date had not been confirmed for the next meeting that would consider Cabinet reports. It was explained that members would be consulted if there were various options for a future date.

The meeting ended at 2.47 pm

CHAIRMAN