

Executive Committee

Tuesday, 11 June 2019

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Juliet Brunner, Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett and Craig Warhurst

Officers:

Haroon Chaudhry, Mike Dunphy, Clare Flanagan, Rebecca Green, Sue Hanley and Jayne Pickering

Senior Democratic Services Officer:

Jess Bayley

1. APOLOGIES

An apology for absence was received on behalf of Councillor Mike Rouse.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. LEADER'S ANNOUNCEMENTS

The Chair circulated a list of announcements at the meeting.

During consideration of this item the Chair proposed that future meetings of the Executive Committee should start at 6.30pm. The same start time had been introduced the previous year for the Overview and Scrutiny Committee and had worked well. As Members confirmed they would be available at this time this proposal was agreed.

The Chair advised that the review of the Local Enterprise Partnerships (LEPs) was ongoing. Further information in respect of this matter would be available shortly.

4. MINUTES

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Chair

RESOLVED that

the minutes of the meeting of the Executive Committee held on 26th March 2019 be held as a correct record and signed by the Chair.

5. CIVIL PENALTY NOTICES POWERS - PRIVATE SECTOR HOUSING

The Environmental Health Practitioner for Private Sector Housing presented a report in respect of the proposal to introduce civil penalties for landlords who failed to comply with standards in the private rented sector. In the Housing and Planning Act 2016 the Government had introduced powers for local authorities to use financial penalties as an alternative to prosecution in cases where landlords did not comply with appropriate standards. The report detailed proposals in respect of how the powers in this legislation would be implemented and a financial penalty matrix had been developed in consultation with neighbouring local authorities to ensure there was consistency across the region.

The purpose of the civil penalty notices was to reduce the burden placed on local authorities when taking enforcement action against landlords. The alternative, prosecution through the courts, was time consuming and resource intensive. Civil penalty notices would only be issued in exceptional circumstances. Prior to issuing a civil penalty notice, Officers would present a letter of intent to the landlord which would provide landlords with notice that the Council would issue a civil penalty notice unless s/he took specific action. This action would only be taken by an officer following consultation with his/her manager. Once a civil penalty notice had been issued the landlord would be required to pay a fine. The maximum fine that could be paid would be £30,000, though the level of the fine would be determined on a case by case basis. The landlord would have the right to appeal, which could include appealing to a first tier tribunal. Landlords would be required to pay the fine within a certain period of time and if they failed to do so the Council could take action to recover the debt, including the enforced sale of the property where the debt was significant.

Following the presentation of the report Members discussed a number of points in detail:

- The need for the Council to demonstrate that it was serious about taking enforcement action against landlords who did not comply with standards. Once a few civil penalty notices had been issued by the Council it was likely that this would raise the profile of the process with local landlords.

- The number of properties in the private rented sector in the Borough of Redditch. Members were informed that there were 4,000 properties in the private rented sector.
- The extent to which civil penalty notices were likely to be issued in relation to local landlords. Members were advised that the majority of landlords in the private rented sector were fully compliant and it was likely that civil penalty notices would only need to be issued in relation to a small number of landlords.
- The number of landlords who had been taken to court by the Council in the last year. Members were advised that two landlords had been taken to court.
- The potential for enforcement action to be taken in respect of the standard of a property both inside and outside, as Members noted that sometimes when tenants left a property they left a lot of items behind outside their previous home, particularly with Houses of Multiple Occupation (HMOs).
- The length of time it had taken since the Housing and Planning Act 2016 to introduce civil penalty notices and the reasons for the delay. Members were advised that there had been a lot of consultation with other Councils in respect of the matrix for issuing fines as most authorities had recognised the need to adopt a consistent approach across the region.
- The amount of consultation that had been held with landlords in advance of the introduction of civil penalty notices. Members were advised that landlords had been informed about the introduction of civil penalty notices at meetings of the Landlords' Forum.
- The extent to which different Councils in the West Midlands would be adopting the same approach to issuing civil penalty notices. Members were advised that the matrix was the same so that landlords would encounter the same fine across the region. However, the policies varied to reflect local practice.
- The number of Councils that had already introduced civil penalty notices and the impact that these had had at a local level. The Committee was informed that civil penalty notices had been introduced by some Councils including Worcester City Council where a civil penalty notice had already been issued.

RECOMMENDED that

- 1) power be delegated to the Head of Community Services to approve the use of Civil Penalties in appropriate housing related offences as an alternative to prosecution: and**
- 2) the financial penalty matrix be adopted.**

6. PRIVATE SECTOR HOME REPAIR ASSISTANCE POLICY UPDATE

The Housing Strategy Manager presented a report detailing proposed updates to the Private Sector Home Repairs Assistance Policy. Every year the Private Sector Housing Team was audited on its use of funding provided by the Government for Disabled Facilities Grants (DFGs) as this was always a significant amount of money. During the latest audit changes had been suggested to the policy to ensure that it corresponded with working practices. The changes to the policy detailed within the report were fairly minor but they did require Members' agreement.

During consideration of this item Members noted that the Overview and Scrutiny Committee had pre-scrutinised the report at a meeting on 6th June 2019 and had recommended that action needed to be taken to promote the availability of DFGs to the public. The Committee discussed this recommendation and in doing so Members commented that every year some funding for the DFGs had to be returned to the Government as only a proportion of the funding had been used. The budget for DFGs was ring-fenced and therefore the Council could not use this budget to support other Council services. There were likely to be a lot of residents who were eligible for DFG funding who were not aware of its existence or that they could access the funding. In this context Members agreed that the recommendation from the Overview and Scrutiny Committee should be approved.

Concerns were raised that the Private Sector Home Repair Assistance Policy was being updated in response to changes to working practices as ideally the changes should have occurred in the opposite order. However, as the proposed changes were minor there was general consensus that the updates to the policy should be approved.

RESOLVED that

- 1) the Executive Committee notes the changes made to the Private Sector Housing Assistance Policy and approves its implementation; and**
- 2) Officers explore options to communicate the availability of Disabled Facility Grants to the public.**

7. STATEMENT OF COMMON GROUND (SOCGS) APPROACH TO AGREEMENT WITH LOCAL AUTHORITIES

The Strategic Planning and Conservation Manager presented a report in respect of the Statement of Common Ground (SoCG)

approach to agreement with other local authorities for Members' consideration. Under the new revised national planning framework all Councils were required to have a SoCG which set out how the organisation would work with other local authorities in respect of their local plans. Redditch Borough Council was not in the process of reviewing the Local Plan, however, other Councils were reviewing their Local Plans and would be approaching the authority for a response. Officers were proposing that in cases where there were significant and potentially controversial implications arising from another Council's plans these should be presented for Members' consideration. Where there was no controversy it was suggested that Officers should have delegated authority to make a decision.

The proposals in respect of the SoCG had already been considered by Members at a meeting of the Planning Advisory Panel (PAP). During this meeting Members had been advised that there were very few examples of SoCGs in place at other local authorities. However, the SoCG had been introduced at this stage as it would help to provide transparency in respect of the Council's approach to working with other local authorities.

RESOLVED that

- 1) Members note officer attendance is required at Duty to Co-operate /Statements of Common Ground meetings where cross boundary issues and draft Statements of Common Ground agreements are discussed and prepared;**
- 2) Council delegates to the Leader and Portfolio Holder for Planning, to sign off all relevant Statements of Common Ground where cross boundary growth is not included; and**
- 3) all Statements of Common Ground which include agreements on cross boundary housing, employment or other development needs or any other key planning issues are reported to Council for consideration prior to signing.**

8. HIGH QUALITY DESIGN - SUPPLEMENTARY PLANNING DOCUMENT (SPD)

The Strategic Planning and Conservation Manager presented a proposed Supplementary Planning Document (SPD) in respect of high quality design. The SPD added further detail to the Council's Local Plan in respect of design quality. Requirements in respect of existing residential properties, new build housing, conversions,

shop front signage and non-residential properties had been included in the document. Officers anticipated that the document would help housing developers and architects through the Council's planning process.

The contents of the proposed SPD had already been considered by Members at a meeting of PAP. Members were advised that an updated version of this report would be presented for the consideration of Council on 24th June 2019. There would be no material changes to the document, though the presentation of the content would look different.

During consideration of this item Members noted that reference was made to provision of space in developments for cycle storage. The decision as to whether to incorporate cycle sheds and spaces into housing developments would be determined on a case by case basis and the SPD provided the authority with some flexibility in relation to this matter.

RESOLVED to note

- 1) **the 'Consultation Comments and Officer Responses' table made in response to consultation on the draft High Quality Design SPD, and the actions proposed by strategic planning officers to make subsequent revisions to the SPD;**
- 2) **the revised version of the High Quality Design SPD; and**

RECOMMENDED that

- 3) **the High Quality Design SPD be adopted at a meeting of Full Council.**

9. UPPER NORGROVE SITE, WEBHEATH - DEVELOPMENT OF LAND

The Principle Solicitor presented a report in respect of land located on the former Upper Norgrove House site in Webheath, which had been declared surplus some years previously. This was located at a strategic site for housing development, as detailed in the Council's Local Plan. The site was not large but it was important due to its location. There was the potential for the use of the site to contribute to meeting housing needs in the Borough but Officers were suggesting that flexibility was needed to explore all options further.

The Upper Norgrove House site was owned by the Council, with .82 acres held by the Housing Revenue Account (HRA) and 2.2 acres

held by the General Fund. Officers were proposing that the costs associated with further work in respect of this site should continue to be funded from both.

There had been a number of reports to Committee in respect of the site over the past ten years and Members agreed that it was important to make progress in respect of developing the area. The Council needed the flexibility to respond quickly to any approach from the developers who owned the land adjoining the site and for this reason it would be helpful to delegate the Head of Legal, Equalities and Democratic Services with the power to enter into negotiations with other relevant organisations about this site, rather than requiring all points to be referred back to Committee.

During consideration of this item Councillor Bill Hartnett proposed an amendment to the first recommendation detailed in the report. This amendment was seconded by Councillor Greg Chance.

The amendment proposed that the word “social” should be inserted into the recommendation so that it would read as follows:

“The Council-owned site at Upper Norgrove House be included in a scheme for the provision of social housing, in co-operation with adjoining landowners who wish to secure planning permission to develop their land in collaboration with the Council”.

In proposing the amendment Councillor Bill Hartnett noted that at paragraph 3.7 to the report it was recognised that the Council could explore options to use the site to increase the Council’s housing stock, but this was not then reflected in the wording of the recommendations. The insertion of “social” into the recommendation would help to ensure that the Council gave consideration to the development of social housing on the site.

In seconding the proposed amendment Councillor Greg Chance commented that it was important to ensure that funding from the HRA was invested in social housing wherever possible. The Council had previously committed to increasing the number of Council houses in the Borough through the Housing Growth Programme and this amendment would help to support that programme.

Members subsequently discussed the proposed amendment. Concerns were raised that this amendment could restrict the options available to the Council and create complications that would have an impact on the Council’s ability to negotiate a good deal with housing developers. Should a housing development be agreed for the site this would be subject to the planning process and the Council’s Planning Officers would set out the Council’s expectations

in terms of social housing in line with requirements detailed in the Local Plan. Members noted that it was important to achieve best value for the site and concerns were raised that the amendment could undermine this objective.

On being put to the vote the amendment was lost.

RESOLVED that

- 1) **the Council-owned site at Upper Norgrove House be included in a scheme for the provision of housing, in co-operation with adjoining land owners who wish to secure planning permission to develop their land in collaboration with the Council;**
- 2) **authority be delegated to the Head of Legal Equalities and Democratic Services and the Chief Executive, following consultation with the Leader, to negotiate and enter into collaboration agreements with those adjacent owners (and third parties identified as necessary), to deliver the proposal if approved;**
- 3) **the Head of Legal, Equalities and Democratic Services be delegated authority to agree the appointment of an external legal advisor as a member of the development group, and an independent legal advisor and other necessary professional support to advise the Council in relation to the implementation of the decision and the legal arrangements required to deliver it; and**

RECOMMENDED that

- 4) **the associated cost of £25k is funded from General Fund Balances (£17k) and HRA reserves (£8k).**

10. PERFORMANCE REPORT - HELP ME BE FINANCIALLY INDEPENDENT

The Executive Director of Finance and Corporate Resources presented the Performance Report focusing on the strategic purpose 'Help me be financially independent'. During the presentation of the report the following matters were highlighted for Members' consideration:

- The Financial Inclusion Team (FIT) had worked hard to resolve complex benefits cases and had dealt with 195 cases in recent months, half of which involved Council tenants.

- The majority of residents who had been provided with support by the FIT team were seeking help to manage debt and managing their household budgets.
- Every resident who was supported by the FIT team were asked for feedback when their case was resolved. Whilst not all responded 82 of those residents had reported that the support had helped to improve their circumstances.
- The Council had previously received £45,000 funding from the Department for Work and Pensions (DWP) to provide debt advice. This had subsequently been withdrawn and reallocated to the CAB. The Council worked closely with the CAB to ensure that the needs of local residents were met.
- The Council had been working with the DWP to reduce the amount of time that was taken by Officers to resolve benefits cases. The DWP's benchmark was 22 days and the Council had reduced its timeframes to 25 days, though further progress needed to be made.
- The structure of the Customer Service and Financial Support team was in the process of being review. There would be job opportunities for existing staff in the new structure.
- The Council continued to provide financial support to residents where needed from the Essential Living Fund (ELF). Generally this financial support was used to support residents whilst they waited for their first Universal Credit payment, though there were signs that the delays that had been experienced with Universal Credit initially were reducing.
- Whilst financial support was available to residents both face-to-face and by telephone the Council was exploring opportunities to automate responses to simpler enquiries.
- The Council had an Energy Efficiency Fund which was used to support people experiencing difficulties due to fuel poverty.
- Officers had been working with local high schools to help young people learn about financial management.

Members noted that many of the issues that had been raised in the report had also been discussed during a recent Member training session in respect of the dashboard. Whilst automated services could be useful in some areas, Members commented that it would be useful to retain face-to-face services wherever possible as there were some residents who did not have access to a computer.

RESOLVED that

the report be noted.

11. PERFORMANCE REPORT - HELP ME RUN A SUCCESSFUL BUSINESS

The Executive Director of Finance and Corporate Resources presented a performance report that focused on the strategic purpose 'Help me run a successful business'. During the presentation of this report a number of points were highlighted for Members' consideration:

- The North Worcestershire Economic Development Unit (NWEDR) provided economic development and regeneration services on behalf of the Council.
- The NWEDR was working on plans to regenerate the four quarters of the town centre.
- The first of these, the railway and residential quarter, was progressing well. It was anticipated that there could be up to 600 residential units developed in this area and the Council was working in partnership with other organisations to progress the plans for this area.
- The second quarter, the enterprise area, was located close to HOW College and on the location of Redditch Police Station. Partners were exploring the potential for this to become a technology hub.
- The third quarter, the leisure and retail area, incorporated both the Kingfisher Shopping Centre and retail units located outside the centre. The proposals to introduce a Business Improvement District (BID) formed an integral part of the plans for this quarter.
- The final quarter, the community and public sector hub, was focused on the Town Hall. Redditch Borough Council, Worcestershire County Council, including the Library, and local health services had all expressed an interest in co-locating within a public sector hub.
- The redevelopment of Matchborough and Winyates District Centres continued to be reviewed. There were a range of regeneration options available, though the process was likely to be complex, particularly as there were a number of different landowners at both sites.
- The NWEDR team were promoting a number of business grants to local entrepreneurs and continued to provide business advice to local businesses.
- Sickness data for staff employed by the Council had also been included in this report. Training had been provided in respect of the Council's HR21 system, used to record sickness absence, and fourth-tier managers were considering return to work arrangements and how best to support staff who had been on long-term sick leave back into work.

Following the presentation of the report Members briefly discussed the regeneration of the town centre and noted that this project had been planned a few years previously and would take some time to deliver. Questions were raised about the stage that had been

reached with the Redditch BID, which had been supported by the Council some time ago, and whether the ballot of local business had yet taken place. Officers agreed to provide further information in respect of this matter after the meeting.

RESOLVED that

the report be noted.

12. OVERVIEW AND SCRUTINY COMMITTEE

Members were advised that there were no outstanding recommendations from the Overview and Scrutiny Committee for consideration.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 21st March 2019 be noted.

13. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

There were no additional referrals from the Overview and Scrutiny Committee or from any other Committees.

14. ADVISORY PANELS - UPDATE REPORT

The following updates were provided:

- a) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer confirmed that the following meeting of the Constitutional Review Working Party would take place on 16th July 2019.

- b) Corporate Parenting Steering Board – Council Representative, Councillor Juliet Brunner

Councillor Brunner advised that there would be a meeting of the Corporate Parenting Steering Board on 13th June 2019.

- c) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer advised that a meeting of the group was due to take place on Tuesday 18th June 2019. As agreed at the previous meeting of the group a survey had been

circulated in respect of Members' requirements of Council IT equipment. Members were urged to complete the survey, copies of which had been circulated both electronically and in paper form, prior to the meeting.

d) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer explained that a meeting of the Planning Advisory Panel had taken place on 29th May. During this meeting Members had considered the Statement of Common Ground (SoCGs) Approach to Agreement with Local Authorities and the High Quality Design Supplementary Planning Document, which had also been considered at the Executive Committee meeting.

15. INVESTMENT OPPORTUNITY (REPORT TO FOLLOW)

The Executive Director of Finance and Corporate Resources explained that Officers had identified a potential investment opportunity for the Council. An offer had been made to purchase a particular asset from an external organisation. No decision had yet been taken on this offer and therefore there was no report available for consideration at the meeting. Should the offer be excepted Members would be invited to make a decision on the matter.

The Meeting commenced at 7.00 pm
and closed at 8.15 pm