

Safer and Stronger Communities Scrutiny and Policy Development Committee

Meeting held 13 December 2018

PRESENT: Councillors Ben Curran (Chair), Penny Baker (Deputy Chair), Michelle Cook, Roger Davison, Terry Fox, George Lindars-Hammond, Karen McGowan, Zahira Naz, Kaltum Rivers, Richard Shaw and Colin Ross (Substitute Member)

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1. APOLOGIES FOR ABSENCE

- 1.1 Apologies for absence were received from Councillors Sue Auckland (with Councillor Colin Ross attending as her substitute), Dawn Dale, Keith Davis and Mark Jones.

2. EXCLUSION OF PUBLIC AND PRESS

- 2.1 No items were identified where resolutions may be moved to exclude the public and press.

3. DECLARATIONS OF INTEREST

- 3.1 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 8th November 2018, were approved as a correct record.

5. PUBLIC QUESTIONS AND PETITIONS

- 5.1 There were no questions raised or petitions submitted by members of the public.

6. LONDON ROAD, ABBEYDALE ROAD AND CHESTERFIELD ROAD SELECTIVE LICENSING - UPDATE POST IMPLEMENTATION

- 6.1 The Committee considered a project highlight report containing an update on the implementation of London Road, Abbeydale Road and Chesterfield Road Selective Licensing Scheme, which had been implemented on 1st November 2018.
- 6.2 In attendance for this item were Councillor Jim Steinke (Cabinet Member for Neighbourhoods and Community Safety) and Janet Sharpe (Director of Housing and Neighbourhoods Service).
- 6.3 The report set out information regarding the Scheme, which had been approved by the Cabinet at its meeting on 20th June 2018, the number of applications

received to date, the plans in terms of undertaking inspections and a summary of enforcement action taken to date.

6.4 Janet Sharpe reported that approximately 600 properties, including residential and commercial, were included in the Scheme, and as a result of effective communications and publicity, as well as a high level of co-operation by the landlords/letting agents, 363 applications had already been received. As expected, as part of the work, officers had already identified a number of problems, including finding a number of properties in a poor state of repair, some of which had tenants living there, which highlighted issues with regard to their health and safety, and wellbeing. She stated that all applications were checked thoroughly, then arrangements would be made for officers to inspect the properties. Although the Scheme had only been implemented on 1st November 2018, significant progress had been made, with arrangements in place to issue a number of Civil Penalty Notices for failure to licence. Ms Sharpe stated that the vast majority of landlords and letting agents were co-operating, and working closely with, the Council. Councillor Jim Steinke added that particular work was required, as part of the Scheme, to bring back the large number of vacant properties above shops, into occupation. He stated that the feedback from shopkeepers to date, had been mainly positive, with indications that it was benefiting their trade.

6.5 Members of the Committee raised questions, and the following responses were provided:-

- The figure 29 represented the actual number, not the percentage, of residential properties found empty as at the date the report was drafted.
- The policy giving the Council the necessary powers to issue Civil Penalty Notices on those landlords or shop owners who had failed to licence their properties had been introduced in 2017. Should a landlord or agent be found to be renting out a property without a licence, an investigation would take place, and appropriate action would be taken against them.
- The period from making an application, to the application being granted, would normally be around two months. Unless there were any extenuating circumstances, the landlords or shop owners were able to carry out their businesses in the meantime.
- There were seven full-time members of staff deployed to undertake the work under the Scheme, together with a number of support/administrative officers. There would also be input from officers in other Services, such as Environmental Health.
- If a property was found vacant, checks would be made with the owner or letting agent and, if required, further checks would be made for any illegal activities taking place at the property.
- Property owners had been informed, in writing, on 1st August, 2018, that the

scheme would be live with effect from 1st November, 2018, and an application form and guidance notes had been sent with the letter, with a reminder being sent out on 17th September, 2018. The licence fee structure was sent out with both letters, and confirmed that valid applications must be submitted by 1st November, 2018. The letter also indicated that not making a valid application by this deadline would be classed as a failure to licence, the consequence of which constituted a criminal offence, carrying an unlimited fine or conviction in a Magistrates' Court or a financial penalty (civil penalty) of up to £30,000 levied by the Council. To date, 15 civil penalties have been served for failure to licence, with investigations on other unlicensed properties progressing.

- As part of their investigations, officers would check the Electoral Roll, and other systems to verify ownership and occupancy.
- Representatives of the South Yorkshire Fire and Rescue Service were part of the multi-agency team working alongside the Council on the Scheme.
- When inspections had begun, those properties that showed evidence of disrepair, health and safety breaches or intimidation of tenants would be subject to enforcement action, during which, sufficient time would be given to resolve the issue.
- A considerable amount of work, including extensive consultation with property owners, had been undertaken prior to implementation of the scheme on 1st November 2018. There had been some objections, mainly with regard to the cost of the licence and potential cost of repair works required. During the targeted work, the investigating officers had been forced to deal with some very serious issues and, where required, had received the relevant support to deal with such circumstances.

6.6 RESOLVED: That the Committee:-

- (a) notes the progress made with regard to the London Road, Abbeydale Road and Chesterfield Road Selective Licensing Scheme, as detailed in the report now submitted, together with the responses to the questions raised;
- (b) endorses the highlight report template that will be used for monitoring the Scheme; and
- (c) requests that a further update report on the scheme be submitted to a meeting of the Committee to be held in six months' time.

7. COUNCILLORS' GUIDE ON SPENDING THE COMMUNITY INFRASTRUCTURE LEVY (CIL) NEIGHBOURHOOD PORTION (OR LOCAL CIL)

- 7.1 The Committee received a report setting out the Councillors' Guide on Spending the Community Infrastructure Levy (CIL) Neighbourhood Portion (or Local CIL).

- 7.2 In attendance for this item were Councillor Jim Steinke (Cabinet Member for Neighbourhoods and Community Safety), Dawn Shaw (Head of Libraries, Communities Services and Learning and Skills) and Richard Holmes (Principal Planning Officer).
- 7.3 The report had been requested by the Committee, at its last meeting held on 8th November 2018, as part of the resolution following its consideration of the call-in of the Cabinet Member Decision on this issue, to allow the Committee to scrutinise the Councillors' Guide. The Guide contained information on the background to the Community Infrastructure Levy and the 'Neighbourhood Portion' (Local CIL); how Councillors would be kept informed; how the Council would engage with local communities; and the decision-making process, and attached, as an appendix, the Local CIL allocation by Ward as at 30th September 2018. Additional information regarding how the calculations in terms of the allocation by Ward had been worked out was circulated at the meeting.
- 7.4 Councillor Jim Steinke introduced the report, indicating that the process would be informed by the importance of local Councillors identifying where the CIL priorities should be in their respective Wards. He stressed that it was important that, where there was cross-party representation in a Ward, the Councillors would have to work together to arrive at the best possible outcome for the local community. Dawn Shaw then took the Committee through the Guide. The National Planning Practice Guidance (NPPG) indicated that charging authorities should use existing community consultation and engagement processes.
- 7.5 Members of the Committee raised questions, and the following responses were provided:-
- The NPPG states that the CIL was the communities' money, therefore Ward Councillors would have to work with local communities to find out what the priorities in the area were that met the criteria for Neighbourhood CIL allocation. There may be a difference of opinion between local groups in terms of the projects that met the criteria and their priority. It would be up to the Ward Councillors, in liaison with the Locality Manager, to decide which projects/schemes should be recommended for funding. Details of the decision-making process, as set out in the Guide, were very general, with the final decision for recommendation on allocation being made by Ward Councillors.
 - It would be useful if Ward Councillors could start liaising with local community groups and organisations to identify possible projects/schemes to which the funding could be allocated, prior to the funding being available.
 - The CIL Regulations required local authorities to produce an annual report by the end of each calendar year, although this would not include a breakdown of the CIL collected by each Ward, as this was not required in the guidelines. This information, however, would be included in the quarterly reports, which would cover the previous three months up to the end of March, June,

September and December.

- The figures regarding the amount of CIL collected in each Ward was available at any given time, but it had been determined that such information should be included in the quarterly reports.
- Information was available in terms of what CIL had been collected, as well as what was guaranteed in terms of agreed developments, therefore it would be possible for Councillors to depend on future allocations, and add these amounts to existing CIL levels, if they chose to fund a larger project/scheme.
- In terms of the approval process with regard to the expenditure of the CIL, the emphasis was placed on ensuring that projects/schemes met the criteria set out in the guidance, and that it was what the local community wanted.
- A review of Local Area Partnerships had just commenced, and as part of the review, consideration would be given to the role of the Partnerships in terms of the CIL.
- With regard to larger amounts of the CIL, Councillors may wish to consider looking at 'Ward clusters' where amounts could be pooled in order to fund larger projects/schemes, particularly where they would cross-over, or have an impact on other, Council Wards.
- Further work was required in terms of looking at whether the CIL could be raised in the Peak District, the boundary of which was situated in a number of Council Wards. This had been identified as an anomaly, in that the Peak Park Planning Board was currently not charging a CIL in respect of developments in its area. It was suggested that the issue be raised with Councillor Mike Chaplin, the Council's representative on the Peak District national Park Planning Committee.
- Advice had been sought from the Council's Director of Legal and Governance, who had confirmed that the methodology being used in respect of the process was within the law.
- The Locality Teams would be expected to manage the consultation process and outcomes, and would receive relevant support to enable the process to run efficiently.
- It was hoped that the Cabinet would publish the Local Plan in the near future to enable Councillors and the Locality Teams to start making decisions in terms of prioritising the CIL allocations.
- Whilst it was accepted that Ecclesall Ward would receive the lowest allocation, the allocations were based on Indices of Multiple Deprivation (IMD), which is how they should be distributed in accordance with the guidelines. There had been considerable investment in Ecclesall in recent years, including the new Mercia School, as well as a number of road traffic

schemes in the area surrounding the school.

- It was acknowledged that levels of consultation with local community groups and organisations, in connection with decisions regarding the allocation of the CIL, would vary between Wards. Although there may be some disagreements, particularly in those Wards with cross-party representation, there were plenty of areas where there was likely to be agreement, such as expenditure in parks.
- The Annual CIL Report for 2017/18 was in the process of being drafted, and would be published on the Council's website by the end of December 2018. A more detailed quarterly report for September 2018 was awaiting approval by Councillor Jack Scott (Cabinet Member for Transport and Development) and when approved, would be circulated to all Councillors.

7.6 RESOLVED: That the Committee:-

- (a) notes the contents of the report now submitted, together with the Councillors' Guide on Spending the Community Infrastructure Levy (CIL) Neighbourhood Portion (or Local CIL), as well as the responses to the questions now raised;
- (b) thanks Councillor Jim Steinke, Dawn Shaw and Richard Holmes for attending the meeting, and responding to the questions raised; and
- (c) requests:-
 - (i) the Cabinet to approve and publish the Local Plan at the earliest possible opportunity to allow for Councillors, in consultation with the local community, to make informed decisions with regard to the allocation of the Community Infrastructure Funding; and
 - (ii) details of the monies gathered through Community Infrastructure Levy, by Ward, be included on the appendix attached to the Quarterly/Annual Community Infrastructure Levy Reports.

8. CHALLENGE FOR CHANGE - HOW WELL IS ANTI-SOCIAL BEHAVIOUR DEALT WITH BY THE HOUSING SERVICE

- 8.1 The Committee received a report of the Challenge for Change Tenant Scrutiny Group containing details of the outcome of a review undertaken by the Group on how effective the Housing Service was in dealing with reports of anti-social behaviour.
- 8.2 In attendance for this item were Tina Gilbert (Performance and Risk Officer) and Rich Heaton and Jackie Taylor (Members of the Challenge for Change Tenant Scrutiny Group).
- 8.3 The report was supported by a presentation from Rich Heaton and Jackie Taylor. Ms Taylor reported on the objectives of the project, which had been to investigate

the effectiveness of the Council's Anti-Social Behaviour Strategy, to undertake a number of reality checks and to provide conclusions and recommendations on Challenge for Change's findings. She reported on the reality checks, which included holding a number of meetings with staff and management; undertaking a review of the Anti-Social Behaviour section on the Council website; reviewing feedback from customers; assessing procedures in place for both employees and reporters of anti-social behaviour; and undertaking a review of all the information received.

- 8.4 Mr Heaton referred to the conclusions of the project which included, amongst others, a need to review training for customer-facing staff to help build confidence and knowledge in dealing with anti-social behaviour; provide more visibility for the local communities; provide clearer, user-friendly information to reporters of anti-social behaviour; and to conduct further analysis of information gathered from customer satisfaction surveys, and publish the outcomes of improvements made. He reported on the Group's recommendations following the review.
- 8.5 Ms Taylor concluded the presentation by referring to the budget allocated to Challenge for Change in respect of the review, indicating that the Group had been supported well by officers throughout the process, and would be more than happy, if such support was to continue, to look at other issues in the future.
- 8.6 Tina Gilbert reported that managers in the Housing Service had started work on some of the issues raised, prior to the conclusion of the review.
- 8.7 RESOLVED: That the Committee:
- (a) notes the information reported as part of the presentation;
 - (b) agrees/concurs with the Group's recommendations set out in the report; and
 - (c) expresses its thanks and appreciation to (i) Rich Heaton and Jackie Taylor for attending the meeting and making the presentation and (ii) all members of the Challenge for Change Tenant Scrutiny Group for the excellent work undertaken by them in respect of the review.

9. WORK PROGRAMME 2018/19

- 9.1 The Committee received a report of the Policy and Improvement Officer, attaching the Committee's Work Programme for 2018/19.
- 9.2 The Policy and Improvement Officer (Alice Nicholson) reported that she had circulated information to Members of the Committee setting out a suggested format in terms of the scrutiny of the item on Gun and Knife Crime at its next meeting to be held on 10th January 2019.
- 9.3 RESOLVED: That approval be given to the Committee's Work Programme for 2018/19.

10. DATE OF NEXT MEETING

- 10.1 It was noted that the next meeting of the Committee would be held on Thursday, 10th January 2019, from 2.30 pm to 6.30 pm, in the Town Hall.