

MINUTES

HOUSING AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

WEDNESDAY 8 JULY 2015

Present:

Councillors:

Banks	Timmis
Bassadone	Imarni
Conway	Mahmood (Chairman)
Hearn	Silwal
Howard	W Wyatt-Lowe

Councillor Marshall (Portfolio Holder for Environmental, Sustainability and Regulatory Services) and Councillor Harden (Portfolio Holder for Residents & Corporate Services)

Officers:

John Howard	TLC Co-Opted Substitute Member
Chris Troy	Group Manager, Regulatory Services
Nicholas Egerton	Team Leader Environment Protection & Housing
Kayley Johnston	Member Support Officer (Minutes)

The meeting began at: 7:30pm.

OS/143/15 MINUTES

The minutes of the Housing and Community OSC meeting on Wednesday 10 June 2015 were agreed by members.

At the last meeting there were questions on drones. Cllr Mahmood circulated an email covering this. The committee agreed that all information was covered.

OS/144/15 APOLOGIES FOR ABSENCE

Apologies received from Cllr S Adshead, Cllr Mclean, Cllr Fethney, Cllr Link and Co-Opted TLC Members Cook and Horn.

OS/145/15 DECLARATIONS OF INTEREST

There was no declaration of interest.

OS/146/15 PUBLIC PARTICIPATION

There was no public participation.

OS/147/15 CONSIDERATION OF ANY MATTER REFERRED TO THE COMMITTEE IN RELATION TO CALL IN

None.

Nicholas presented the Mobile Homes Policy which sets out how fees and charges will be administered for inspections and licensing. Failure to comply with this requirement could leave this authority open to legal challenges. This policy is drafted in accordance with the Mobile Homes Act 2013.

Nicholas highlighted an error with the dates on page 5 and will amend these and was happy to take questions on the report.

J Howard referred to page 9, 3.2 – site Licencing fees point 3, if they don't confirm will they lose their licence.

Nicholas said there are possibilities of prosecution and they serve an improvement notice on the site and it would depend what the non-compliance was. Sites have been inspected and have all been set as low risks for this year and any non-compliance for this year will have until next year to get those issues sorted.

J Howard then referred to 3.2.3 when a problematic site then becomes manageable and how do you react to it.

Nicholas replied that if that was the case then they would take action however sites in the area are good, some issues that they may have may relate to conditions of licensing which they will be enforcing against. The authority is with the site manager/licence holder.

Cllr Bassadone referred to page 3, how many sites are we talking about.

Nicholas confirmed that there are five sites and when they inspect them some are reasonably larger than others and couldn't specify exactly how big the sites were.

Cllr Bassadone asked if farms where vans are kept are included in this policy.

Nicholas said yes they would be if they have planning permission for those mobile homes to be there, this would only include ones that are lived in.

Cllr Conway asked if there was a list of fines.

Nicholas said it would be impossible to do that; legal action would go to court and it will be the courts that decides.

Cllr Harden arrives at 19:43

Cllr Wyatt-Lowe asked how they operate and how much time is spent operating and how do we know we are not over charging.

Nicholas said the fees have been agreed for 2014/2015. They were estimated at this time as a result of bench marking with other authorities, next year they will be reflecting on the actual time spent doing it, so if they over charged last year then they will be reflecting that next year as they can't make a profit.

Cllr Imarni referred back to the question 'when is a site is deemed unmanageable', at the moment we don't have a problem but a policy should be in a position so that we have not left ourselves open. Section 3.2.1, page 9, if this is going to be a policy that is issued, should we not put something in there that says it's not limited to these points just to protect ourselves if something on this list did ever come up.

Nicholas agreed and confirmed he will add a sentence to this section.

Cllr Mahmood said he couldn't see any pounds or actual fees in the policy.

Nicholas said fees and charges were set last year and agreed then and have already been approved.

Cllr Mahmood asked if you charge the enforcement time to the individual site or if the cost was shared between the sites.

Nicholas said they will have to look at their costs carrying out the whole activity; therefore they would have to look at their hourly amount that they have spent on that, and that will be

reflected in the high risk spectrum. They can't make a profit so the hourly rate for officers times and the number of hours that they have spent and then that is distributed between sites.

It could be the case that they leave the low risk sites as they are and increase the high risk one but that will be the case to decide once they know how long it takes to inspect and what risks there are so it's hard to give figures for next year.

If there are significant issues then he expects that to be dealt with via an improvement notice and potentially prosecution, it's not a fining method it's a reflection of costs.

Cllr Mahmood asked if the licenses are assigned to a site or the individual.

Nicholas said the licencing is issued to the applicant which is normally the site owner if they left it would have to be because they are selling the site in which case they will be going to committee for variation to the license.

Cllr Mahmood asked questions on p11. 6, incidental use, what is that?

Nicholas said that would be along the line of a van that isn't permanent, a mobile home or a caravan on their property that isn't lived in and doesn't need planning permission then that's incidental.

Cllr Howard, when you say the licence is for a fixed period is the date displayed on the site or with the owner.

Nicholas said the licence should be displayed on the site notice board; it's one of the requirements in the licence.

Cllr Mahmood highlighted that the date on the policy is Jan 2015 and elsewhere states 2013, are we slow of the mark with this policy.

Nicholas confirmed that they are behind the reason for this is the Act came out in 2013 detailing the and we could charge from April 2014. The fees and charges starts in October and therefore were set at this time, but there was no guidance and that came out in December, and it takes a while for the policy to be drafted and go through processes but they have started charging since Jan 2015 that's why its dated then.

Action: Few minor amendments see above

Outcome: The report was noted.

OS/149/15 ENFORCEMENT POLICY 2015

Nicholas presented this enforcement policy stating it's aimed at shadowing the Regulators code and outlines as an authority how we would go about carrying out an enforcement activity, it doesn't replace any specific departmental enforcement policies what it does do is gives the overarching approach and prevents the need to put this in every policy.

Nicholas was happy to take questions from members.

Cllr Imarni said there are some things that are unclear, you say you will do things but no indication how, she believed that the policy was very vague. Example 4.6.3.

Chris said the answer of how is in each specific departmental policy, the initial of how it's done is elsewhere.

Cllr Mahmood asked if they will be adding an appendix so they can see that there are further detail policies.

Nicholas said that as it's only an overarching policy the others would sit as an appendix and he doesn't know each specific department policy as there is rather a lot and most departments have several and this is stated in the policy 4.7.1 and they expect each department to add it in there.

Cllr Hearn referred to page 23, 4.24. How will this be achieved?

Nicholas said training is undertaken and a certain number of CPD hours must be achieved, they also go out with staff and check consistency.

Cllr Howard asked if there is a formal record of training that the individuals have done.

Nicholas said within Regulatory services yes there was a record, they keep all records and as Environmental Health Officers they have to do a minimum of 20 hours CPD non-chartered and 30 hours if they are chartered and it's also audited. Their hours are made up of core and non-core hours which they have to do as part of their CPD.

Cllr Wyatt-Lowe added, should policies like this include naming and shaming as part of the enforcement process and if they were appropriate to go to other scrutiny's how would they know that. There needs to be a reference to every policy that exists.

Cllr Conway said that she called for an inspection and didn't get any feedback on this.

Nicholas said he couldn't comment as he doesn't know about specific case in other departments and Cllr Conway should chase them up and ask for feedback directly.

Cllr Harden had highlighted that the Portfolio Holders names were correct on the front page but not correct in the report.

He also stated that he feels there should be a link not necessarily an appendix to refer people to other policies, all the policies that are affected by our enforcement policy.

Nicholas said it's quite complicated and will look into the visibility of doing this.

Cllr Mahmood asked if we had a head of enforcement?

Nicholas replied that there is no overall person; they should go to the Group Manager that has enforcement activity underneath their area.

Chris added to that explaining that we do have an Enforcement Group, and all the key Team Leaders and Group Managers sit on that group.

Cllr Mahmood asked if this report would be going to all committees as it seems to cover other areas.

Nicholas said it's planned just to go to Housing and Community Overview and Scrutiny and Cabinet.

Cllr Mahmood added to that saying he thought it was very therapeutic and it follows through and asked if there was a list when prosecuting, it doesn't state our policy on it as a general, and if he was a member of the public reading this he wouldn't know where to go next.

Nicholas explained that it's for the individual departmental enforcement policies as the enforcement options available are different depending on the legislation. Nicholas to look at adding links within this policy to refer people to other detailed policies.

Cllr Conway questioned how they would know who is in charge of each different enforcement.

Nicholas said that if they were to call the call centre the list is held there.

Action: Nicholas to look at the viability of linking the policy to other policies before going to cabinet (see above for details)

Outcome: Report was noted.

OS/150/15 EXCLUSION OF THE PUBLIC

Agreed

OS/151/15 APPENDIX A – WORK PROGRAMME 2015/2016

Items to be scheduled on the work programme for September and October by Elliott Brooks were agreed by the committee and have been put on the forward plan.

The meeting closed at 20:27