

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE PERFORMANCE SCRUTINY PANEL

held at

The Council Chamber

Symington Building, Adam & Eve Street, Market Harborough, LE16 7AG

on

23rd June 2022

Commencing at 6.30 p.m.

Present:

Councillors Critchley, Frenchman, James, Knowles, Mahal, Mrs Page (ex-Officio)
Rickman (Chairman) and Mrs Wood

Officers present: E. Bird, J. Evans (remote), N. Kwasa and C. Mason

Guests: T. Bhaur and T. Neal – Lightbulb (remote)

1. ELECTION OF THE CHAIRMAN FOR THE YEAR 2022/23

The Scrutiny Commissioner opened the meeting. She noted that the first item on the agenda was the Election of a Chairman for the Performance Scrutiny Panel for the municipal year 2022/23. Councillor Critchley nominated Councillor Rickman, this was seconded by Councillor Mrs Wood. There being no other nominations, Councillor Rickman was duly elected.

Councillor Rickman took the chair and introduced the Panel and the officers present.

2. APPOINTMENT OF THE VICE CHAIRMAN FOR THE YEAR 2022/23

The Chairman asked for nominations to the position of Vice Chairman of the Performance Scrutiny Panel for the municipal year 2022/23. Councillor Mrs Page nominated Councillor Critchley, this was seconded by Councillor Frenchman. There being no other nominations, Councillor Critchley was duly elected.

3. APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTES

Apologies were received from Councillor Graves who was substituted by Councillor James.

4. DECLARATIONS OF MEMBERS' INTERESTS

There were none.

5. MINUTES

The Chairman noted the updates from the actions of the previous meeting of the Performance Scrutiny Panel; and the following was noted;

- Pg 1. Inactive Registered Providers: The inactive providers have to remain on the listing and continued effort is being made to try and work with these providers.
- Pg 1. Afghan Relocation Scheme: The current situation is that Afghan families are now in situ in two of the Council properties and the third Council property and that of the private landlord are waiting for families.
- Pg 1. The request from the Panel to write a letter to central Government regarding the Afghan resettlement scheme was approved at the 4th April Cabinet with the content to be agreed by the Leader and sent by the Interim Chief Executive on behalf of the Council.
- Pg 3. Briefing note on Affordable Housing: This was sent out today and is tabled.
- Pg 3. Housing Providers Contact List: This was sent in April and re-sent out today.
- Pg 6: EMHA List of houses: The Council has the number of houses in the District, but not the locations at present. Work to establish the locations has commenced and this would be circulated to the Panel once complete.
- Pg 8: 95 passes issued to Ukrainian Guests & 2 passes issued to individuals living with Parkinsons.
- Pg 11: Empty Properties Strategy: The Empty Properties Strategy Review was considered by the Communities Scrutiny Panel last year, and the comments and actions from the Panel taken on board. The review of the Strategy will be taken to Cabinet in due course.

Councillor Frenchman asked for clarification on the tabled Briefing note on Affordable Housing in regard to the difference between affordable rented housing (up to 80% local market rates) and intermediate rent (also up to 80% local market

rates). The Director of Finance, ICT and Assets AGREED to take this away and bring the answer back to the Panel.

The Panel also discussed the late circulation of the minutes and the Director of Finance, ICT and Assets confirmed that as of this week there was additional resource within the Democratic Services Team and that Members comments had been noted.

Following the discussion it was;

RESOLVED that the Minutes of the Meeting of the Performance Scrutiny Panel held on the 17th March 2022 and then adjourned to 12th April 2022 be signed by the Chairman as a true record.

6. LIGHTBULB SERVICE DELIVERY PRESENTATION

The Officers from Lightbulb delivered a presentation updating the Panel on the work the service has been doing to enable residents to stay safe and well in their own homes over the past year. Members had the chance to question Officers and the following comments were recorded;

Question / Comment	Response
Could the presentation please be circulated to all Members.	It was AGREED this would be taken as an ACTION.
Are there figures broken down specifically for Harborough, for example cases and timeframes? Are there any national indicators or local KPIs and if so are they broken down by areas and could we see them please?	<p>There is only one KPI on the dashboard – others such as procurement and response times from housing report coordinators are monitored by operations managers in the background, as well as officer casework.</p> <p>HDC are provided on a quarterly basis with information from Lightbulb on every household that has a Disabled Facilities Grant, this is generally a high level overview. A delta review has been set up nationally so we can do comparisons in different areas but this is still early days.</p> <p>The Regulatory Services Manager AGREED to arrange for the dashboard to be sent out to the Panel following the meeting.</p>
The response time has gone from 30 weeks to 20 weeks, has the backlog of work been caught up with?	When Lightbulb was set up there were no KPIs for Leicestershire and performance varied from district to

	<p>district – the worst delivery time was about a year and the best was about 30 so we took that and wanted to get it down to 20 weeks which is why that is the KPI for a Better Care Fund adaptation – there was not a major backlog with Covid.</p>
<p>Is Harborough’s contribution additional to the Better Care Fund allocation?</p>	<p>The Harborough contribution is taken out of the Disabled Facilities Grants (DFG) allocations – all allocations for the District now come into the Better Care Fund and normally that DFG money is passported directly to the districts to cover the costs for DFG but as agreed by Lightbulb’s governance board, this is top sliced and some is left in the Fund so that we can be more flexible with the money and have the ability to transfer from capital to revenue funding to try pilots and make it more innovative.</p>
<p>Are there shorter timescales for minor adaptations to facilitate discharge from hospital? Could you please outline what goes on for smaller adaptations and how admission avoidance is approached?</p>	<p>The target time for equipment is a lot lower for urgent changes for example hospital discharges – average of 6 days turnaround and managers work proactively with procurement and companies which supply equipment to ensure that happens.</p> <p>Admission to hospital avoidance – we are trialling with hospital Occupational Therapists using the hospital discharge grant to look at access to properties – there have been 22 cases over the last 6 months which have been really helpful in sorting access into and out of homes early on and enable people to access and be in their properties safely.</p> <p>The Housing MOT enables us to assess things such as if someone is regularly falling and how we can prevent that person from falling again – this may be adaptations but we are also linking to your health and leisure teams and other existing services to try and prevent further hospital admissions.</p>

Carry over fund - £235,000 was that an underspend and are you allowed to carry it over so you don't lose it?	Yes it is able to be carried forward and remained Harborough's money spent on Harborough residents.
How much construction is emergency work and how much is planned work? how do you deal with those can lightbulb help?	Around 80% planned and 20% emergency work, so most planned work enabling people to remain in their property.
What is the age profile of your clients?	These can be any age.
How do you deal with people who have hearing or visual impairments?	We are able to support these people and have recently done so using our home gadgets fund to provide equipment for a partially sighted person.
How do people access the service or become referred?	There are several ways, generally these come through the customer service centre at County Hall. We also have a website and general line where they can contact us directly.

The Chairman thanked the Lightbulb representatives for their presentation.

7. HOUSING ENFORCEMENT POLICY AND FINANCIAL PENALTIES

The Regulatory Services Manager introduced the report, the purpose of which was to consider the draft Housing Enforcement Policy and Civil Penalties Policy before being considered for approval by Cabinet. She noted that she would circulate the slides to the Panel following the meeting. Members had the chance to question Officers and the following comments were recorded;

Question / Comment	Response
What were the complaints listed about?	The main complaints are about disrepair in properties – heating, condensation and similar issues, although we do also get complaints on overcrowding.
There are seven licensed houses of multiple occupancy in the District – do you know where they are?	The majority are in Market Harborough but there is one in Fleckney and a couple in Lutterworth.
Are there timelines for the flowcharts?	Some of the timings are set in the legislation and these can be added to the flowcharts but others vary depending what work is needed so we would not want to be too specific in the flowcharts.
Could the Civil Penalties Policy be simplified as it seems over-complicated.	It supports decision the making of officers having this level of policy but we can make it simpler for landlords.

	<p>The number of enforcement actions are very low, so this is a tool for the team to use as needed rather than something used all the time.</p>
<p>How are we working with landlords to support them, especially those with houses of multiple occupation?</p>	<p>£30,000 is the maximum fine we can issue and would only be used in the severest of cases – we work with landlords and agents to explain what needs to be done and give them a suitable time to do that informally before we give any notices. Civil penalties only kick in if notice is not complied with and are a long way down the process.</p>
<p>Why are the proposed financial penalties not set to the maximum, as this would give us the option but we would not necessarily charge this? The early payment discount is too generous.</p>	<p>The fees are a proposal and are for discussion so I welcome any comments. We could do selected licensing like some other local authorities, for example Nottingham, but there are a number of criteria to meet to introduce selected licensing and we feel we can't justify the introduction of a scheme like that which risks deterring good landlords from renting their properties – it is also incredibly resource intensive bearing in mind the income.</p>
<p>Timelines should be included and the policy needs to be as simple as it possibly can which is easier to follow and easier to enforce.</p>	
<p>P.5, 3.2 – does it include gypsy and traveller caravan and mobile home sites?</p>	<p>Yes under the relevant legislation – it is all encompassing.</p>
<p>Do you receive complaints mainly from tenants? How would you deal with situations in which there is a complex chain of people involved, for example a landlord may be offshore, there is an agent, management company, company for maintenance work, leaseholder, buy to let with landlord status too and an agent, and then a tenant in occupation? Do you get involved with tenant deposit scheme?</p>	<p>Complaints are generally from tenants or family members; we do pick up some issues with proactive work but by far the majority are directly from tenants. There is a complexity to enforcement – all part of that investigation to determine who would be the most appropriate people to take action against.</p> <p>The Regulatory Services Manager noted that is not the tenancy deposit scheme is not the responsibility of the team but AGREED to find out who's responsibility this is.</p>

Following these questions, Councillor Knowles then MOVED that the report in totality be DEFERRED and a slim-lined version with greater clarity brought back to the Panel, with flowcharts attached, for discussion, including on all charges and levels. This was seconded by Councillor James. On taking this to the vote the motion was LOST.

The Chairman then MOVED to ADJOURN the meeting for a short time in order that the flowcharts from the presentation be printed in larger print for the Panel to view. The meeting was ADJOURNED at 20.35.

The meeting restarted at 20.54. The Chairman noted that the Panel had now been provided with all flowcharts from the presentation and they would work through each systematically. The following questions and responses were recorded;

Question / Comment	Response
<p>Flowchart on carbon monoxide poisoning:</p> <p>This only mentions poisoning from solid fuel burning but not from a gas boiler.</p>	<p>The Regulatory Services manager AGREED to check the regulations regarding this, but believed this specific legislation relates only to solid fuel burners.</p>
<p>Appendix D - Smoke and Carbon Monoxide (England) Regulations 2015 Financial Penalties Harborough District Council Statement of Principles</p> <p>The introduction reads that;</p> <p>‘This statement sets out the principles that Harborough District Council will apply when exercising its powers to require a landlord (relevant landlord) to pay a financial penalty.’</p> <p>Should it state what the financial penalty is for?</p> <p>P. 68 – ‘The regulations impose a number of procedural steps which must be taken before the council can impose a requirement on a landlord to pay a penalty charge.’ – Could a link to these procedural steps be included?</p>	<p>This is included in the flowchart and will be linked.</p>
<p>Are we working with partners to provide smoke detectors or could we be?</p>	<p>The Fire Brigade are very proactive in providing smoke detectors. Our advice would be to refer to the Fire Brigade and</p>

	then there would only be fines if they did not follow this advice.
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Councillor Frenchman then MOVED that where there is a statutory maximum fine that can be levied, that this be reflected in the policies as an option, and that the discount offered be reduced from 33% to 20 – 25%. The Regulatory Services Manager noted that the 33% discount was in line with national Courts guidance, and that options could be brought to Cabinet. The motion was not seconded and therefore fell. Further questions and responses were recorded;

Question / Comment	Response
<p>Minimum Energy Efficiency Standards: Early repayment should be a lot less or the fine should be higher so even with a discount the landlord is paying more than it would cost to fulfil the minimum requirement.</p>	The Chairman noted that this would be forwarded to the Cabinet for their consideration.
Are there certain timelines and can links to the website and government legislation be included for reference?	Indicative and proscribed timelines can be included for ease and links can be provided.
<p>Civil Penalties: It would be good to have this streamlined, made simpler and easier to understand with flow charts, and footnotes would be useful for easy explanation.</p>	Footnotes can be included for clarity and there are some worked examples within the policy to explain what criteria is being used by the officers.
Concern that these examples provide ready-made excuses for rogue landlords to avoid the highest penalties.	
If the debt recovery box could be slightly reordered that would make it much more powerful.	Noted.
Do caravans and mobile homes fall under this policy if they are being rented out?	The Civil Penalties side does not apply to caravans and mobile homes but there is other legislation we can use e.g. licensing and planning. It was AGREED this information would be included in the updated policy and useful links in relation to this.

Following the discussion it was;

RESOLVED that the Performance Scrutiny Panel had considered the draft Housing Enforcement Policy and the introduction of civil penalties and other financial penalties for private housing as set out in Appendix A – D of the report, and that the comments of the Panel would be forwarded to the Cabinet.

8. REGULATION OF INVESTIGATORY POWERS ACT (2000) RIPA

The Director of Finance, ICT and Assets introduced the report which provides the Panel with details of the use of covert surveillance under the Regulation of Investigatory Powers Act (RIPA) by Harborough District Council. He noted that the Council has not to date had the need to invoke RIPA powers.

Councillor Critchley asked for confirmation on the following paragraph which does not read very clearly;

'2.6 Further restrictions have now been imposed on local authority's use of RIPA. It restricts Authorising Officers from authorising the carrying out of directed surveillance unless it is for the purpose of preventing or detecting a criminal offence unless the criminal offence to be prevented or detected is punishable by a maximum term of at least six months' imprisonment or constitutes an offence under sections 146, 147 or 147A of Licensing Act 2003 (sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old). The Policy has been amended to reflect this provision.'

The Director of Finance, ICT and Assets AGREED that he would seek clarification on this. It was therefore,

RESOLVED that the Panel note that the Council has not to date had the need to invoke RIPA powers.

9. ANY URGENT BUSINESS

There was none.

The meeting closed at 21.18