

Overview and Scrutiny Committee
1 November 2021

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the OVERVIEW AND SCRUTINY COMMITTEE held on Monday 1 November 2021 at 7.30 pm in the Council Chambers, Campus East, Welwyn Garden City, Herts, AL8 6AE

PRESENT: Councillors B.Fitzsimon (Chairman)
H.Quenet (Vice-Chairman) and L.Chesterman (Vice-Chairman)

S.Elam, G.Hayes, A.Hellyer, F.Marsh, G.Michaelides,
P.Smith, C.Stanbury, T.Travell and S.McNamara

ALSO Chris Andrews (Residents' Panel)
PRESENT:

OFFICIALS Corporate Director (Public Protection, Planning and Governance) (N. Long)
PRESENT: Head of Community and Housing Strategy (S. Chambers)
Head of Housing Operations (S. Pearson)
Neighbourhoods and Enforcement Manager (K. Clifford)
ASB Team Leader (C. Claydon)
Head of Public Health and Protection (J. Harding)
Team Leader (Environmental Health and Licensing) (J. Hollingsworth-Biggs)
Head of Resources (R. Baker)
Legal Services Manager (S. Saunders)
Principal Governance Officer (J. Anthony)

8. SUBSTITUTION OF MEMBERS

The following substitution was made in accordance with Council Procedure Rules:

Councillor S.McNamara for Councillor R. Trigg

9. APOLOGIES

Apologies for absences were received from Councillor S. Kasumu and Councillor R. Trigg.

10. MINUTES

The Minutes of the meeting held on 13 January 2021 and 3 March 2021 (previously circulated) were approved as correct records.

11. SCRUTINY TASK AND FINISH PANELS (T&FPS) PROGRESS REPORTS AND/OR RECOMMENDATIONS

Housing Maintenance and Repairs Task and Finish Panel

Members received a verbal report from Councillor H. Quenet on behalf of the Housing Maintenance and Repairs Task and Finish Panel. Members noted that the Panel would convene on 22 November 2021. Councillor Quenet confirmed that Officers had produced a heat map illustrating where the properties suffering mould and damp issues were located which the Panel would analyse; consultants had also been commissioned to undertake an Asset Grading assessment which would take some time to complete; and a list of Void properties had been produced and the Panel would look to agree a sampling methodology at the meeting on 22 November to investigate further

Budget Setting Task and Finish Panel

Members received a verbal report from Councillor G. Hayes on behalf of the annual Budget Setting Task and Finish Panel. Members were informed that the Panel met on Monday 11 October 2022 and went through an overview of the budget. Councillor Hayes invited Members to send through suggestions for consideration by the Panel. It was confirmed that a full report would be provided at the next committee meeting in January.

12. DATE AND TIME OF UPCOMING SCRUTINY TASK AND FINISH PANELS (T&FPS)

Officers confirmed that the Budget Setting Task and Finish Panel would next meet on Tuesday 16 November 2021 and the Housing Maintenance and Repairs Task and Finish Panel would next meet on Monday 22 November 2021.

13. AFFORDABLE HOUSING: 9,000 LEVEL

Members received a report which considered the objective to maintain the council's circa 9,000 stock of affordable housing within the Borough. The report set out the origins of the objective and noted the policies and strategies underpinning achieving that objective.

In particular Members noted that a Delivery Plan for the Affordable Housing Programme was agreed by Cabinet in 2016, which contained the 9,000 objective in response to the depletion of the affordable housing stock as a result of the popularity of the Right to Buy Scheme.

This Delivery Plan was then superseded in 2019 by the Housing Delivery Strategy 2019-2025. The Strategy reflected in part a report the Council commissioned from Savills to identify affordability and demand issues in Welwyn Hatfield. The findings of the report also contributed to the decision to establish a separate housing company.

Members also noted the challenges with increasing the stock of affordable housing, with issues with securing sufficient funding, locating appropriate plots, capacity issues in the construction sector and competing priorities within the council (including investment in the existing housing stock).

The following points were raised and noted:

- Members enquired as to whether the waiting list had grown since 2014. Officers confirmed that demand and the waiting list had grown since 2014. However, it was difficult to compare figures between now and then as eligibility rules had changed. Officers agreed to provide exact figures to Members following the meeting. Members noted the need to consider the growth in demand when reviewing the proposed Local Plan.
- Members noted that the report did not consider population growth, with some forecasts suggesting a 31% rise in the population of the Borough, mainly from migration from London. This would indicate a need to increase ambitions to meet this housing need.
- Members suggested reviewing the Council's ambition was a role that Cabinet should consider taking on given the complexity and resource requirements such a review may require, and the budgetary impacts that would need to be considered.
- Members also asked whether the Council could be more ambitious with Now Housing. Officers confirmed that the new strategy had a target of 400 new homes to be delivered over the next five years. Whilst Now Housing fulfilled a slightly different function, the homes it delivered would benefit those on the waiting list by either providing more affordable housing options than the open market or freeing up properties in the council's affordable housing stock.
- Member enquired as to whether the Council had made offers to landlords and homeowners whose properties were being neglected. Officers confirmed this had been an option used in the past, but the team were limited by budget and opportunity. Members were invited to notify officers of any vacant properties they were aware of.
- Members noted that the need to provide more affordable homes was accepted, but the Council was limited by the available resources and competing priorities.
- Members also noted that there was a risk that the Council increasing its housing stock through the open market may reduce the opportunity for residents also looking to purchase on the open market. Officers confirmed that they were aware of this potential negative impact and did look to purchase properties across the Borough rather than concentrate on any particular area.
- Members enquired whether additional council tax rates are used on empty properties. Officers confirmed that this was the case.

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Members thanks Officers for the presentation and the Chair asked the Principal Governance Officer to consider the comments made by Members and circulate proposed next steps to Committee Members

Following the Committee meeting the following next steps were agreed by Members

RESOLVED

1. The Committee noted that the stated 9,000 ambition set in 2016 was a response to reducing stock caused by the popularity of the Right to Buy scheme.
2. The Committee acknowledged that even maintaining a stock of 9,000 affordable housing dwellings in the Borough will not meet the housing needs of residents which has grown since 2016 and is likely to grow in the future.
3. The Committee recognises the limitation of increasing this ambition without sufficient funding, in particular funds available through the Housing Revenue Account (HRA).
4. The Committee therefore recommends to Cabinet that the current HRA Business Plan and associated Strategic Plan are reviewed in order to understand the financial capacity to increase the Council's current housing stock and directly deliver more affordable homes, whilst also continuing to invest appropriately in the existing housing stock.
5. That this review take place in good time to allow any revision to policy and plans to be incorporated into the 2023-24 budget.

14. ANTI-SOCIAL BEHAVIOUR, NOISE NUISANCE AND PEST CONTROL ISSUES

Members received presentations from Officers from the Neighbourhood team and Environmental Health.

Anti-Social Behaviour and Nuisance

Officers explained the areas covered by the anti-social behaviour team, and how the team was structured. Members noted the statistics indicating the workload of the team and performance against key performance indicators (KPI). This included that 111 cases had been classified as being "open", with 20 cases having been open for over 6 months, and of those 12 had been open for over 12 months. Officers explained this was partly due to the delays in the enforcement process, with court hearings being delayed significantly.

Officers outlined the legislative framework, most notably the Crime and Disorder Act 1998, Anti-social Behaviour Crime and Policy Act 2014 and Neighbourhood and Community Standard 2012. Members were informed that each case was dealt on its own merit, but the team worked towards Key Principles. These were to 1) provide a high quality and responsive service to tackle anti-social behaviour and hate crime; 2) take a harm-centred and victim first approach and consider impact as well as seriousness; and 3) work in partnership to prevent anti-social behaviour, manage cases and sustain thriving communities.

Members noted a matrix demonstrating the different case severities that existed, with example of behaviours causing complaints and potential responses. Officers also set out the Case Management Principles and the partnership working which takes place.

Officers informed Members of the challenges that the team faced. These included delays to court action; the fact that perpetrators often came from vulnerable client group and had complex needs themselves; under capacity issues with community mental health teams, as well as drug and alcohol services; an increased level of reporting with more people staying at home and working from home; and increased difficulties in managing the expectations of those reporting issues, with increased levels of abuse aimed at staff.

The following points were raised and noted:

- Members asked whether the telephone reporting service gave an indication as to how long it would take for the team to respond. Officers confirmed this was not the case and that there had been technical issues to overcome with the team working from home and the introduction of new systems
- Members enquired as to whether derelict homes could be classed as anti-social behaviour given the impact it did have on neighbouring residents. Officers advised that the legislation defined anti-social behaviour in a specific way and this would likely be classified as nuisance. In practice, the team would look at the powers at the Council's disposal to best deal with the issue and assign it to the most appropriate officers to resolve. In this case the Council may be required to use powers under regulations covering planning, environmental health or housing.
- In response to a question, Officers confirmed that they also covered privately owned homes.
- Members enquired how anti-social behaviour issues which was not linked to a particular property were dealt with. Officers confirmed that they do receive reports and would work closely with the police force who would be the lead in such cases.
- Officers confirmed that as well as the team leader who provided overall support and direction, there were three anti-social behaviour case officers, who would each have between 25 and 40 open cases at any one time. They were supported by an anti-social behaviour co-ordinator. Neighbourhood officers would also deal with low level incidents. Officers

also confirmed that the team usually worked core office hours, but did work out of hours occasionally as required, to undertake patrols or witness an event

- Members noted the possibility that some cases were the result of “tit-for-tat” with Council officers caught in the middle.
- Members also noted the impact of the work from home on residents’ and staff’s mental health
- Members asked how anti-social behaviour connected to parking issues would be dealt with. Officers agreed that this could involve the Council, the police and/or Hertfordshire County Council, as Highways Authority, depending on the particular issue. Officers agreed to provide a chart to help guide Members and Officers know which organisation to contact when dealing with this particular issue

Pest Control

Officers advised Members that tenants were responsible for managing infestations. However, the Council’s contractor, SDK, provided a subsidised service for those on benefits. In more complicated cases, the Housing team may request the services of Woolmer Green Pest Control. Officers from Property Services and Environmental Health would also work collaborative where the problem was caused by multiple issues (such as tenant lifestyle, overgrown gardens, etc).

Members noted that 176 complaints had been received regarding pest and property in 2021. Pests included rats, mice and cockroaches. In addition, direct calls were made to SDK to arrange treatment. Officers set out the main causes of rat infestations and the challenges Officers faced in resolve the problem.

The following points were raised and noted:

- Members noted resource issues in the team, with competing priorities caused by the Covid-19 pandemic. However, Officers advised that a modernisation programme for the Public Health and Protection team was underway and would seek to identify more efficient ways of working and the best use of the resources available given the national shortage in environmental health officers
- Members asked whether the waste food caddies, designed with a locking mechanism, had reduced problems with pests. Officers confirmed the biggest issue was with large waste bins which had not been secured or locked. In these cases, experience had shown that a concentrated focus in a short period did make a difference
- Members asked whether Officers had access to good data to locate the source of pest problems. Officers confirmed that they did track complaints to map areas of concerns, and that contractors undertook their own monitoring and reported on town centres. However, Members were

advised that there was not the resources to undertake a full mapping exercise at present.

Noise Nuisance

Officers provided a presentation on the issue of noise nuisances. Members were advised that whilst much of the investigation, and any enforcement action was based on science, the experience and level of impact on an individual was subjective. Members noted that the Council's Environmental Health team played a proactive role, through it being a statutory consultee in planning applications and a Responsible Authority in certain licencing applications. The team also took a range of actions, from mediating between opposing parties, to taking enforcement actions against individuals. This required officers in the team to have and display specific skills and personal attributes. Members were also informed that complaints had risen during the pandemic with increased time spent in and around the home. Officers also explained how they worked proactively with developers and event organisers to try and mitigate anticipated noise issues with new buildings and activities.

The following points were raised and noted:

- Members asked whether there was a limit to the number of dogs council tenants could keep in a council property. Officers confirmed that the correct process would be for a tenant to seek permission before acquiring a dog. However, Officers appreciated that this did not happen in many cases and would work with the tenant and neighbour to resolve any issues. The tenant would only be asked to give up a pet as a breach of tenancy as a last resort
- Officers confirmed the team were not afraid to take action, but that action did need to be justified and proportionate, and officers would consider the wider context in which an action would be taken. In some cases this would require working closely with colleagues in other teams and/or organisations

Members thanked Officers for the presentation and the Chair asked the Principal Governance Officer to consider the comments made by Members and circulate proposed next steps to Committee Members.

Following the Committee meeting the following next steps were agreed by Members

1. The Committee noted the principles, policies and structures in place to deal with reported incidents of anti-social behaviour, noise nuisance and pest control.

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2. The Committee noted the variety of situations facing officers with regards to anti-social behaviour, noise nuisance and pest control issues, and the interconnectivity of the causes to such incidents.
3. The Committee noted the complexity of dealing with individual incidents reported to officers in terms of; the overlapping legislation and powers that may be applicable to a particular case; the number of internal teams who may need to be involved; and the involvement of external partners who had a role to play, not least in resolving particular underlying issues.
4. The Committee recognised the need to have and use Council resources effectively to address those problems it was required to resolve, and those problems it may be best placed to deal with.
5. However. the open session did not provide a comprehensive picture which would allow Members to fully assess the performance of the Council in this area.
6. The Committee therefore request officers facilitate a Part II sessions where Members would be able to closely examine the two longest outstanding cases and two recently live cases to review how the principles, policies and structures the Council has in place are applied in practice. This should be done in compliance with GDPR and privacy policies in place.
7. The Committee also ask that this session take place as soon as can be arranged.

15. COMMITTEE WORK PROGRAMME FOR 2021/22

Members noted the proposed work programme which had incorporated items identified by Members in September, as well as two statutory reviews that the Committee was required to undertake on an annual basis. Members also noted the Forward Plan and Cabinet Decisions documents which had been circulated in line with the process set out in the Constitution.

Members were invited to consider what further areas should be considered for scrutiny.

Meeting ended at 9.37 pm
JA