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Overview and Scrutiny Committee
25 September 2024

WELWYN HATFIELD COUNCIL

Minutes of a meeting of the OVERVIEW AND SCRUTINY COMMITTEE held on Wednesday 25 September 2024 at 7.30 pm in the Council Chamber

PRESENT: Councillors D.Jones (Chairman)
B.Sarson (Vice-Chairman) and L.Chesterman (Vice-Chairman)

L.Crofton, T.Rowse, T.Mitchinson, A.Nix, D.Panter,
K.Gardner, S.Asare, M.Short and A.Chesterman

OFFICIALS R.Baker, Executive Director (Finance & Transformation)
PRESENT: S.McDaid, Executive Director (Resident Services and Climate Change)
C Carter, Assistant Director (Planning)
J.Smith, Private Sector Housing Manager
R.Misir, Senior Democratic Services Officer
N.Vohra, Governance Services Apprentice

7. APOLOGIES AND SUBSTITUTION OF MEMBERS

Apologies for absence were received from Councillor George Michaelides for whom Councillor Mark Short attended as a substitute, and from Councillor Lucy Musk for whom Councillor Alan Chesterman attended as a substitute.

8. MINUTES

The minutes of the meeting held on 30 July 2024 were approved as a correct record,

9. NOTIFICATION OF URGENT BUSINESS TO BE CONSIDERED UNDER ITEM 8

There were no items of urgent business.

10. DECLARATIONS OF INTERESTS BY MEMBERS

There were no declarations of interest.

11. EFFECTIVENESS OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Executive Director (Finance and Transformation) introduced the report which set out the overview and scrutiny function and key information to support a discussion about the effectiveness of the Committee. The appendix provided a summary of all topics the Committee had considered since 2020. There had

been one call-in during that period which was included in the appendix. The responses of the chairs of previous task and finish groups were summarised in the supplementary report.

A member noted that crime and disorder and health were annual topics and it might be helpful for the Committee to set out an agenda for these topics a few months before work started that was of specific interest or relevance to local residents.

The Committee noted the report.

12. GROUNDS MAINTENANCE SCRUTINY TASK AND FINISH PANEL: VERBAL UPDATE FROM THE CHAIR

The Chair of the Grounds Maintenance Task and Finish Panel, Councillor Sarson, provided a verbal update on progress of the panel to date.

The panel had met twice since August 2024 and another meeting was scheduled for October. Discussions had been constructive. The scope of the panel was to explore the performance of the grounds maintenance contract; understand how it compared to previous contracts and prestige areas; understand the impacts of changing weather patterns on grass cutting; have an overview of the communication arrangements in respect of grass cutting; consider implications and benefits of using wildflower/ no mow areas; and explore the cost of grass collection and whether Hertfordshire County Council (HCC) would contribute to those costs. The objectives of this scrutiny were to determine if recommendations could be made to improve public perception in terms of grass cutting, improve biodiversity, and improve the level of service using financial contributions from HCC if possible.

The meetings had so far discussed details of the contract with Continental Landscapes Limited (CLL); weed treatment, including recent research about the use of glyphosate herbicide; a presentation from CLL about the challenges with the grass cutting season earlier in the summer (unseasonal weather patterns had caused a significant flush of growth which impacted mowers and productivity); the measures CLL had put in place to address the flush of growth; and an update from CLL about the improvements and investments proposed for grass cutting arrangements next spring. Measures being proposed and discussed included a different method of scheduling cutting, significant investment in new machinery, reducing the height of the grass cut and changing the KPIs in the contract. The current grass cutting round was on schedule and the number of contacts from councillors and the public had now reduced to normal levels. Discussions had also taken place about increasing biodiversity. The group had explored what it would cost to cut and collect the grass; most local authorities cut and left it, as did Welwyn Hatfield and it was estimated that the cost to cut and collect it would be an additional £3-4m per year due to the additional staff, machinery, vehicles and disposal costs that would be required. The panel was due to present its report to Overview and Scrutiny Committee on 20 November 2024.

A member asked if blowers had been raised, as he was aware of complaints due to slipping hazards when long grass had been cut and was on paths. Cllr Sarson responded that this had been discussed; CLL had said paths should be blown but unfortunately this would mean grass going into gutters or the road given that some verges were small. The member had seen some cut grass on public footpaths (so it did not block guttering); Cllr Sarson reiterated that with a small verge, grass would go into the road.

Another member commented that CLL did not collect leaves as part of the contract so it was likely they could potentially lead to people slipping. The member felt CLL's work was not of a good standard and there was still work to be done. Cllr Sarson said he would discuss the issue of leaves with CLL.

A member was concerned that councils did not work well enough with the County Council: grass was cut and blown and could end up in gutters which HCC then needed to clear, and it would be more cost-effective and efficient to have a joined-up approach. Cllr Sarson said cleaning gutters had been discussed by the panel. The Chair noted that HCC and Welwyn Hatfield might have contracts with different companies which would make this difficult to organise on a practical level.

A member reflected on the importance of the panel as these were issues that caused angst among local communities. The weather had exacerbated issues this year and it was important to see the contractor adhered to the contract. The member also noted the need to be conscious of potential sites for wildflowers in safety terms, for example, at the end of a dual carriageway when visibility could be affected.

A member of the panel said there was felt to be a difference between how Hatfield was treated in comparison with Welwyn; CLL had said there would be improvements next year. Another member commented that both Hatfield and Welwyn were treated differently to the town in Welwyn Garden City which had a different contract. Another councillor noted Welwyn Garden City had a BID which was why the town centre looked more colourful.

The Committee noted the update.

13. HOUSES IN MULTIPLE OCCUPATION - PLANNING, LICENSING AND ENFORCEMENT

The Assistant Director (Planning) and Private Sector Housing Manager introduced the report and provided a presentation which is attached to these minutes.

A member noted there were a lot of houses in multiple occupation (HMO) in Hatfield South West. Anecdotally it seemed a small percentage complied with the Houses in Multiple Occupation Supplementary Planning Document (SPD) particularly in respect of parking, and another issue was inadequate bin provision

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which meant there was rubbish strewn on the street in some areas making them look unsightly. Officers noted all mandatory HMOs had a condition that meant they had to have adequate waste provision; members were asked to notify the Private Sector Housing Manager if they knew of instances when this was not the case.

A member asked about additional licensing and officers said this was being considered; a report had been commissioned to look at the private sector housing stock and the Private Sector Housing Manager was drafting a business case for a proposal for additional licensing which would cover small HMOs (3 or more people forming 2 or more households).

A member referenced a property that had applied for a change of use which had no off-street parking or bike storage and unsatisfactory bin provision when it appeared all that had been required was for it to be demonstrated that it had been an HMO for a specified time period. Officers advised that following the Levelling Up and Regeneration Act the enforcement period had now changed from a planning perspective; it had previously been four years but was now ten although this depended on when the use was substantially complete. The member said that residents in the area who faced parking and waste issues would not necessarily know the issue was HMO-related and so were unlikely to complain about the specific property in question. He wondered if more could be done to signpost HMO properties and request feedback; there was a balancing act as it was important not to group people against each other but this could probably be done in areas where it was problematic without stoking up division. Officers advised there was a register of HMOs on the Council's website which was required for all HMOs that met the legal definition. However there was not a list of smaller HMOs as this was something the Council could choose to adopt if it met the criteria in the Act (so there was no register for smaller HMOs unless a local authority brought in the scheme, which required evidence that smaller HMOs were not being managed properly).

A member asked what the reporting mechanism was if a member of the public was concerned about an unofficial HMO and was advised they could email psh@welhat.gov.uk or use the Council's Twitter feed, Facebook page or an online reporting form.

The report noted the mandatory licensing regime did not have enforcement powers in relation to parking and a member asked how that worked if there was an 8-person HMO and potentially 8 cars in use. Officers said an HMO of that size would require planning permission and parking was a factor that was assessed against the criteria in the HMO SPD as well as the Council's SPD on parking (which was a guidance document rather than policy). Planning permission would not necessarily be refused as it needed to be weighed in the balance with other material considerations and dealt with at that stage.

A member queried whether there could be considered too many HMOs in particular areas. Officers said that from a planning perspective, the HMP SPD set out criteria so that if there was an application for a new HMO, the number of

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existing HMOs within a specified area of the site would be considered if planning permission was required. Smaller HMOs not in Hatfield could be established through exercising permitted development rights and so did not require planning permission.

A member asked if HMOs were monitored in respect of overcrowding. Officers explained properties were inspected before they were licenced and mid-term checks took place on properties considered slightly more risky for residents. The Private Sector Housing said members could contact her if they had any concerns about specific HMOs.

The Committee noted the report.

Meeting ended at 8.13 pm

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Houses in Multiple Occupation (HMOs)

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Minute Item 13

Objectives

- To consider if the council's current supplementary planning document on HMOs is fit for purpose;
- To consider if there are any recommendations around the identification, monitoring and enforcement of HMOs; and,
- To consider whether a more detailed examination of the topic should be recommended for the 2025/26 OSC work programme.

Planning

Planning Enforcement Powers under S172 (1) of the Town and Country Planning Act 1990, to issue an enforcement notice where:

- There has been a breach of planning control; and
- Where it is expedient to issue the notice, having regard to the provisions of the development plan and other material considerations.

Planning

- There are 2 types of HMO for Planning purposes:
 - Class C4 – small houses occupied by 3-6 unrelated persons
 - Large HMOs of over 6 persons Sharing
- The use of planning enforcement powers must be proportionate.
- A potential breach of a policy does not automatically mean that an enforcement notice should be served. Planning judgement still has to be exercised and should not be influenced by public opinion.

HMO Licensing

- Currently the Council enforces Mandatory HMO licensing.
- A Mandatory HMO is defined as having 5 or more people forming 2 or more households.
- We have 366 properties currently Licenced.
- Not having planning permission does not prevent a property owner/agent from applying for an HMO Licence.
- The team cannot refuse a licence based on a lack of planning permission alone. They can advise the applicant to liaise with Planning Services if there are any concerns but cannot force the licence holder to do so.
- The majority of unlicenced HMO cases come from residents and Members.

Recommendations for identifying HMOs

Potential desktop investigation including

- Assessing the data held by all departments and cross checking this to identify potential HMO's. For example, Council Tax, Waste services, planning etc.
- Work with partner agencies to identify potential HMO's.
- Research local rental websites to identify potential HMO's.