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Contact:
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17 September 2024

You are requested to attend a meeting of the WELWYN HATFIELD BOROUGH COUNCIL OVERVIEW AND SCRUTINY COMMITTEE to be held on Wednesday 25 September 2024 at 7.30 pm in the Council Chamber

A G E N D A P A R T 1

1. APOLOGIES AND SUBSTITUTION OF MEMBERS

To note any substitution of Members made in accordance with Council Procedure Rules.

2. MINUTES

To confirm as a correct record the Minutes of the meeting held on 30 July 2024 (previously circulated).

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

4. DECLARATIONS OF INTERESTS BY MEMBERS

To note declarations of Members' disclosable pecuniary interests, non-disclosable pecuniary interests and non-pecuniary interests in respect of items on the Agenda.

5. EFFECTIVENESS OF THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 3 - 44)

Report of the Executive Director (Finance and Transformation)

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

To receive a verbal update from the Chair.

7. HOUSES IN MULTIPLE OCCUPATION - PLANNING, LICENSING AND ENFORCEMENT (Pages 45 - 52)

Report of the Executive Director (Resident Services and Climate Change)

8. SUCH OTHER BUSINESS AS, IN THE OPINION OF THE CHAIRMAN, IS OF SUFFICIENT URGENCY TO WARRANT IMMEDIATE CONSIDERATION

9. EXCLUSION OF PRESS AND PUBLIC

The Committee is asked to resolve:

That under Section 100(A)(2) and (4) of the Local Government Act 1972, the press and public be now excluded from the meeting for Item 10 (if any) on the grounds that it involves the likely disclosure of confidential or exempt information as defined in Section 100(A)(3) of Part 1 of Schedule 12A of the said Act (as amended).

In resolving to exclude the public in respect of the exempt information, it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART II - PRIVATE AND CONFIDENTIAL ITEMS

10. ANY OTHER BUSINESS OF A CONFIDENTIAL OR EXEMPT NATURE AT THE DISCRETION OF THE CHAIRMAN

<u>Circulation:</u>	Councillors	G.Michaelides	D.Panter
		L.Crofton	B.Sarson (Vice-Chairman)
		T.Rowse	L.Chesterman (Vice-Chairman)
		T.Mitchinson	K.Gardner
		L.Musk	S.Asare
		A.Nix	D.Jones (Chairman)

Senior Leadership Team
Press and Public (except Part II Items)

If you require any further information about this Agenda please contact Democratic Services, Governance Services on or email – democracy@welhat.gov.uk

Part I

Item No:

Main author: Richard Baker

Executive Member: Cllr Kieron Thorpe

All Wards

WELWYN HATFIELD
OVERVIEW AND SCRUTINY COMMITTEE
REPORT OF THE EXECUTIVE DIRECTOR (FINANCE AND TRANSFORMATION)

Effectiveness of the Overview and Scrutiny Committee

1 Executive Summary

- 1.1 From the municipal year 2020/21, the committee structure was changed. As part of the work programme for the year, the Overview and Scrutiny Committee (OSC) requested that the effectiveness of OSC since this time be considered.
- 1.2 This report sets out some key information for the committee, to enable a robust discussion to take place on the Committees effectiveness, including:
 - The statutory framework
 - The councils constitution and protocol
 - The approach to topic selection for scrutiny
 - The outcomes and approach to previous topics
 - Call-in of executive decisions
 - Pre-decision scrutiny
 - Available information
 - Task and Finish panels – Chairs feedback
 - Officer observations

2 Recommendation(s)

- 2.1 That the committee discuss the effectiveness of OSC and consider if they wish to make any recommendations to the Council on the OSC protocol contained within the constitution.

3 Explanation

The Statutory Framework

- 3.1 Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of a local authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
- 3.2 The requirement for councils in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011. The legislation has had updates since 2000.
- 3.3 [Guidance](#) has also been issued by the government, from which most of this section has been taken.

- 3.4 Overview and scrutiny committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented.
- 3.5 Overview and scrutiny committees may make reports or recommendations to the Council about the discharge of their respective functions, and also on matters that affect the authority's area or the inhabitants of the area. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.
- 3.6 District Councils are not required to designate a statutory scrutiny officer, this requirement is only on upper tier and single tier authorities.
- 3.7 By law, the Committee must be politically proportionate and may not include executive members.
- 3.8 A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively. This need is recognised in law, with members of scrutiny committees enjoying powers to access information. In particular, legislation gives enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for members to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
- 3.9 Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk.
- 3.10 Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources and should note they may invite other persons to attend meetings of the committee and to access information from certain external organisations. External organisations are generally not legally obliged to attend, but the committee can put forward a case for attendance to the relevant individual at the external organisation for consideration.
- 3.11 Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
- 3.12 Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
- 3.13 Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.

- 3.14 When thinking about scrutiny's focus, members should be supported by key senior officers. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. (the Executive, officers, partners, contractors, the public).
- 3.15 Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:
- performance information from across the authority and its partners
 - finance and risk information from across the authority and its partners
 - corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries
 - business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny
 - reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman

The Councils Constitution and Protocol

- 3.16 The councils constitution sets out the terms of reference and rules governing the Overview and Scrutiny committee.
- 3.17 This includes:
- The [Committees responsibilities](#) (page 4)
 - [The Overview and Scrutiny Committee Procedure Rules](#) (the protocol)
- 3.18 In addition, other elements of the constitution also apply to the Committee although are not specific to the Committee, for example the Rules of General Application to all Committees and Petitions.
- 3.19
- 3.20 These are all kept under regular review, and the Councils Constitution Review group will consider and recommend changes to Council.
- 3.21 Changes to the procedure rules in recent reviews include:
- Full review and implementation on review of Councils committees (2020)
 - The addition of crime and disorder scrutiny into the objectives for the committee (2023)
 - Updates to the procedure rules to better reflect practices, and provide additional clarity on matters (for example information was added on what options are available to the committee when a decision is called in) (2023)
 - Addition of responsibility for scrutiny of annual Ombudsman complaint reports (2023)
 - Amendment to procedure for appointing task and finish panel chair (2024 – subject to full council approval September 2024)

3.22 The councils protocol does not set procedures for multi-year scrutiny. There are a number of reasons for this:

- With the council operating elections in thirds, there can often be a change in membership of task and finish panels between years.
- Where there is a change in membership, it can change the focus of the task and finish panel and lead to delays in returning matters to OSC.
- Even where there is not a change in membership, topics crossing years has historically led to delays in the matter being presented back to OSC. It has also delayed the committees ability to advance a work programme for the year (this is demonstrated in 2020 where a large proportion of the committees work in the first part of the year, was finalising off panels which had commenced the previous year).
- The council also operates cabinet panels, and cross-party working groups, such as the Customer Services Member Group, which enable focussed cross-party involvement in longer running matters.

The approach to topic selection for scrutiny

3.23 The protocol for the committee was updated in 2020, when the review of committees took place.

3.24 At the first meeting of OSC in 2020/21, the committee considered the approach to scoring of potential scrutiny topics, and the terms of reference templates to be used for any task and finish panels.

3.25 In 2023/24, the committee agreed to a change to the scoring template, to remove duplication and enhance the clarity of evaluation.

3.26 Each topic is scored on 7 factors, and each factor is scored between 1 and 3 (low to high impact). The total score is then used to help prioritise the workplan, and to determine the approach taken (ie information sharing, full report, task and finish panel). The 7 factors scored are:

- Public interest
- Risk to Council or service delivery
- Alignment to corporate priorities
- Financial value
- Concern to partners
- Ability to have meaningful impact
- Breadth of impacts (benefit to community, partners, stakeholders etc)

3.27 Since the templates were introduced, there have been changes in the way in which these were completed. Initially, members were asked to complete the templates and undertake scoring in the meeting. This was challenging to achieve in a reasonable timeframe for the meeting, and often items had to be taken away outside of the meeting.

3.28 Workshops have been used since 2021 to facilitate drafting a workplan for the committee. Digital scoring was trialled, but again this could not be done in a timely fashion, leading to delays in bringing items back to scrutiny. There were delays to prior years workshops (pre-2022), and amendments were proposed by officer to assist in the process.

3.29 For the last two years, the workshop has been held well in advance of the committees

first meeting of the municipal year. To ensure this workshop is focussed on consideration of topics, officers have noted discussions and drafted the scoring and terms of reference based on the discussions held. These have then been discussed and agreed with the OSC chair before being presented to OSC. This approach has enabled the topics, workplan, and terms of reference for each task and finish panel to be presented and agreed (subject to any amendments at the meeting) at the first meeting of the municipal year, and for task and finish panels to be set up shortly afterwards.

3.30 Since 2022, the workshop started with a presentation from officers to outline:

- The roles and responsibilities of the committee
- The scoring methodology
- Sources of information members should be aware of
- A presentation for each directorate to outline key upcoming projects, legislative changes etc.
- Possible topics the committee may wish to consider (for examples topics which have received attention at Council)

3.31 This year, to improve transparency, a note was also produced to capture the discussions at high level and included in the pack for the committee as part of the topic scoring and workplan approval.

The outcomes and approach to previous topics

3.32 A review of all topics on the work programme has taken place, and information gathered for each, including:

- The topic
- The year of scrutiny
- The approach (single meeting/report or task and finish panel)
- The objectives
- The data used
- The people attending
- The recommendations made
- An action status update for the recommendations

3.33 This data is included as appendix A to the report for the committees consideration.

3.34 In addition to these topics, it was identified through the minutes that a number of other topics were discussed at meetings under the Any Other Business or Work Programme sections of the meetings. These discussions, whilst not leading to further scrutiny sessions, has led to additional information being shared with the committee, in order to produce background and context to matters to determine if further scrutiny is required.

3.35 Some examples of these include: an additional report being brought to the committee in 2020/21 on homelessness in relation to the Governments 'all in' policy; information being circulated on an upcoming Cabinet decision in 2020/21; a member information hub note being produced to provide information on affordable housing in 2021/22; information being provided on an upcoming Cabinet decisions in 2021/22; the provision of staffing data in 2021/22; and, consultations being added to the remit of the Customer Services cross-party working group in 2022/23..

Call-in of Executive decisions

3.36 Since 2020, there has been one call in of an Executive Decision. This is also included in appendix A (the heading is shaded yellow for the call-in item).

Pre-decision scrutiny

3.37 Since 2020, the Committee has undertaken pre-decision scrutiny every year on in relation to the budget, through the use of a standing task and finish panel. As outlined in 3.35 above, information has also been requested to be circulated to the committee prior to decisions being taken and no further scrutiny was requested following the provision of this information.

3.38 No other pre-decision scrutiny has taken place. However, it is important to note that the committee has always aimed not to overlap with the work of other committees where there is cross-party involvement prior to decisions being made.

3.39 In most instances, key policies, strategies and decisions will first have been through a cross party group, or a Cabinet panel (also cross party) prior to the Executive decision being taken. This offers an opportunity for all groups to have input into key decisions and policy, before decisions are taken.

3.40 This approach does mean that there is a reduced need for pre-decision scrutiny, so there is sound rationale for why there has only been pre-decision scrutiny on the budget.

3.41 It is worth highlighting in recent times, the committee has scrutinised the effectiveness of groups (Cabinet Housing Panel, Housing Maintenance Cross Party Group, and now OSC in this report) to ensure they are operating as expected.

Available information

3.42 Members of OSC can, should they wish, raise an item for discussion or scrutiny from information they have access to. As an example, if a contractors performance was considered to be failing, the contractor could be invited by OSC to present reasons for failures and an action plan for remediation.

3.43 As part of the workshop members of OSC attend before the first meeting each year, an overview of the information already available to members is provided. This sets out where members can obtain information which may be useful in their roles on the committee. These include:

- Key performance indicators (services, contracts etc) – published on the member information hub, and included in Cabinet agenda packs
- Risk Register – published in the Audit Committee agenda pack and Cabinet agenda pack
- Key service updates – published on the member information hub and weekly member newsletter
- Other committee reports (policies, strategies, performance data, service updates)
- Internal audit plan (to aid understanding of what controls are under review) – Audit committee agenda pack
- Media / Press

3.44 No areas have been identified in the minutes where such information has been used

during the year to request further information or additional scrutiny.

Task and finish panels – Chairs feedback

3.45 Chairs of task and finish panels since 2020, who are still Councillors, were contacted to obtain their views on the effectiveness of the panel. The questions asked were:

- Do you feel the panel had access to the data it needed/requested? (for example this might be key performance indicators, service usage levels etc)
- Do you feel the panel had access to the people it needed? (for example this could include officers, contractors, strategic partners and external bodies)?
- Were the objectives for the task and finish panel clear, and do you feel the panel achieved the objectives set?
- Do you feel that the Task and Finish group that you were involved with concluded in a timely manner?
- Are there any other comments or suggestions you would like to be considered?

3.46 Five Councillors were contacted (in relation to six panels), and three responses were received (in relation to four panels):

- In all four panels responses were received for, chairs felt the panels had access to the data the panel needed/requested.
- In three of the panels responses were received for, chairs felt the panels had access to the people it needed. One noted that officers were especially helpful. In the last panel, the chair flagged that they had not has access to residents with systemic complaints, and felt panels should have access to residents.
- In all four panels responses were received for, chairs felt the objectives for the task and finish panels were clear, and achieved what was set.
- In all four panels responses were received for, chairs felt the panels the Task and Finish groups concluded in a timely manner.
- In relation to other comments, one councillor mentioned that it would be useful for the panel to meet in 6 months to determine if their recommendations had been met (a function that has since been added into the role of OSC with an action status report having been presented at July OSC) and the other mentioned that those sitting on the budget task and finish panel should be conversant with local authority accounting. Another comment received that it would be good to understand how our OSC function compares to other councils who may operate differently.

Officer observations

3.47 In compiling the data and information for this report, officers identified a number of areas that the committee may wish to consider in its debate:

- Annual topics (crime and disorder and health) have not received any recommendations from OSC. When setting the work programme for the year, there has not been objectives set for these topics. Whilst the committee must scrutinise these topics, there is flexibility on how this is approached (for example the crime and disorder scrutiny this year could have focussed on Youth Violence rather than having a task and finish panel, with clear objectives being set on what is to be achieved).
- The committee has agreed to an action status report being presented each year. This is not currently in the protocol for the Committee and could be added via the Constitution Review Group.
- Topics highlighted by officers as key matters have not been selected by the committee. Some of these topics had been raised at other committees, including Full Council for referral to OSC, or recommendations from the previous years OSC. The committee may wish to consider if it should reserve time on the workplan to consider such matters (eg through the presentation of a report and information on the topic, to enable further discussion to take place as to whether more detailed scrutiny is required).
- There have been no minuted discussions on areas such as performance data. The committee may wish to have the performance and risk data presented with the forward work plan, to help inform if any other information or scrutiny would be appropriate. If this were requested by the committee, it should be noted it would be presented not for scrutiny, but for consideration of the workplan, so that the relevant parties could be asked to attend future meetings.
- Based on councillor feedback, the committee may wish to consider whether the protocol and procedures adequately reflect the rights and processes for the committee to access residents and/or community representatives (for example the tenants panel), and whether any further work should be done to compare how the council operates OSC to other councils. Members may also wish to consider whether any additional training should be required prior to attendance of the budget task and finish panel.

Implications

4 Security & Terrorism Implications

- 4.1 There are no direct security or terrorism implications arising from this report.

5 Legal Implications

- 5.1 The requirement for councils in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
- 5.2 Should changes be recommended by the Committee, these may require updates to the constitution and would therefore be sent onto Full Council for consideration.

6 Financial Implications

- 6.1 There are no direct financial implications arising from this report..

7 Procurement Implications

- 7.1 There are no direct procurement implications arising from this report.

8 Climate Change Implications

8.1 There are no direct climate change implications arising from this report.

9 Health and Wellbeing Implications

9.1 There are no direct health and wellbeing implications arising from this report.

10 Link to Corporate Priorities

10.1 The subject of this report directly linked to the effective delivery of all of the Council's objectives.

11 Human Resources Implications

11.1 There are no direct human resources implications arising from this report.

12 Communications and Engagement

12.1 There are no direct communication and engagement implications arising from this report.

13 Equality and Diversity

13.1 An Equality Impact Assessment (EIA) has not been carried out in connection with the proposals as the report is provided for information only and does not propose changes to existing strategies, policies or services.

Name of author Richard Baker
Title Executive Director (Finance and Transformation)
Date 9 September 2024

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Topic:	Responsive Repairs
Municipal Year:	2020/21
Approach:	Report
Objectives:	
Report to inform Members about the council's Responsive Repairs Service, so that Members have the opportunity to learn more about the service.	
Data considered:	
<ul style="list-style-type: none"> • Information on how performance targets were set (range of research and analytics) • Key performance indicators • Overview of impacts that covid had on service delivery • Contractor information – numbers of staff furloughed and phased approach to bringing back to work • Call statistics • Repairs statistics • Customer satisfaction survey data 	
People attending:	
Executive Member Officers	
Recommendations	Status update
Creation of a sub group to consider KPIs and Councillor complaints in further detail	Complete - A housing repairs Task and Finish Panel was set up.

Topic:	Budget Setting and corporate plan
Municipal Year:	2020/21
Approach:	Report
Objectives:	
<p>To review budget proposals and consider whether any recommendations should be made to the Cabinet before the draft budget is recommended to Full Council.</p> <p>To input into the next corporate plan and key council objectives.</p>	
Data considered:	
<ul style="list-style-type: none"> • Local Government Finance Settlement • Information on covid grants and service impacts • Council tax base and forecasts • Information on reserves • Information on housing development plans and targets • Budget proposals • Customer survey feedback/results 	
People attending:	
<p>Executive Member Officers</p>	
Recommendations	Status update
<p>Investigate potential overlaps between the reserves, in order to ascertain whether there are any risks that had been covered multiple times.</p>	<p>Complete – the reserves are reviewed on (at least) an annual basis with a report of the chief financial officer being presented to full council as part of the budget process.</p>

Topic:	Health Update
Municipal Year:	2020/21
Approach:	Report
Objectives:	
This is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • Update on partnership work and wider health system • Information on work undertaken at County level (Health Protection Board and Health Scrutiny Committee) • Information on how to access minutes of Health Scrutiny Meetings (County) • Covid pandemic information – partnership working, resilience forum and cells 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Community Safety Partnership
Municipal Year:	2020/21
Approach:	Report
Objectives:	
Crime and disorder is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • Crime rates • CSP commitments (around youth anti-social behaviour) • Information on the fire services trial of alternative working arrangements • CSP activities (reducing/preventing scams 'no more' project, community messaging) • Information on the impacts of covid on activities and crime 	
People attending:	
Officers Executive member	
Recommendations	Status update
None	N/A

Topic:	Call in of Cabinet Decision
Municipal Year:	2020/21
Approach:	Report
Objectives:	
<p>To undertake the call in process and consider:</p> <ul style="list-style-type: none"> • To scrutinise the proposals regarding negotiations on the surrender of the lease • To scrutinise the detail regarding the options appraisal that is to be carried out • To scrutinise the full report that this is based on that went to Cabinet in part 2 and whether it really needed to be published in part 2 	
Data considered:	
<ul style="list-style-type: none"> • Information from the Executive Member on the basis and reasons for the recommendations and decision taken • Information on which elements of the report were exempt from publication (part II) 	
People attending:	
<p>Officers Executive member</p>	
Recommendations	Status update
<p>To ask the Cabinet to reconsider the decision taken on 9 February 2021, in order to allow the current lease holder to assign the lease to a particular charity identified by the leaseholder and only if that fails to accept surrender of the lease and consider an Options Appraisal</p> <p>The Committee unanimously agreed to recommend that the Constitution Review Group consider and advise on how reports are prepared and published, especially with regards to what information should be provide under Part I and Part II, and the use of split reports should exempt information be required to be included.</p>	<p>Complete – the decision was referred back to cabinet with OSC comments.</p> <p>Complete – reports are split where possible to improve transparency</p>

Topic:	Housing Maintenance and Repairs
Municipal Year:	Commenced 2020/21 finalised 2021/22
Approach:	Task and Finish Panel
Objectives:	
<p>To consider some of the persistent issues that Members had been made aware of by residents in relation to the maintenance and repairs service and assess the key performance indicators for the service.</p> <p>Due to the panel straddling two years, there was new membership to the group and it was agreed to start again in 2021/22 with reviewing the information received to date and to determine a new direction.</p>	
Data considered:	
<ul style="list-style-type: none"> • Heat maps and other information on damp and mould • Information on commissioned consultants undertaking asset grading • Void property information • Information on asset grading approach • Information on age and condition of buildings • Information on maintenance programme • Information on window repairs and replacement policy • Scrutiny of oldest 10% of property and all sheltered accommodation • Understanding of voids – ensuring let at best possible standard 	
People attending:	
<p>Officers Executive member</p>	
Recommendations	Status update
The Council is currently undertaking a stock condition/asset grading exercise - this Panel asks that the outcome is brought to Cabinet Housing Panel (CHP) and suggests to the Overview and Scrutiny Committee (OSC) that once this work is complete a further task and finish panel should be convened to review this, and its progress. We would like to see the results of this piece of work informing the development of a robust planned maintenance programme.	The stock conditions work is well underway and due to complete this year.
This Panel also recommends a complete review of the housing complaint process to be carried out in a timely manner at the next available point. This should also include the measuring and reporting of complaints, and the communication process with residents.	This has been implemented. At the start of the new housing maintenance contract, text messaging service was rolled out to enhance the communication process with tenants. A comprehensive review of the housing complaint progress has been carried out

	<p>in conjunction with Morgan Sindall over the past 6 months. Customer satisfaction is also discussed at each of the monthly cross party housing maintenance group.</p> <p>In addition, performance on dealing with complaints is also shown as part of performance clinic reports. Further work has since been done to ensure compliance with the new Social Housing Regulator handling code.</p>
<p>We recommend the Council puts in a considerable effort into clearing the backlog of long-term/historic complaints/cases with regular updates being presented to CHP; and that the Council should undertake a review of the Service Level Agreements (SLA) for maintenance and repair works to ensure residents have fair and realistic expectations. This should be accompanied by a robust monitoring of works to ensure they meet the SLA.</p>	<p>This was implemented.</p>
<p>We recommend that the Housing Maintenance team work with the Communications team to produce a proactive communications campaign aimed at encouraging tenants to inform the Council of any mould or maintenance issues as soon as they arise, rather than delaying and allowing the situation to worsen.</p>	<p>This has been implemented. A new webpage, leaflet, social media campaign was implemented before winter 2022. Messages will continue to be delivered in the future through One Magazine, Residents Newsletter, Residents Panel, social media, community days, etc</p>
<p>The Task and Finish Panel fully supports proposals to introduce consistent and regular gutter maintenance on all properties within the housing stock - as this will limit potential damage to properties going forward. We would like to see this undertaken as regularly as possible, and as outlined by officers, expect a cycle of 18 months to be the aim. This should be done in conjunction with regular tree maintenance to reduce the pressure on gutters of higher, more difficult to access buildings - taking into consideration where this would be of most benefit (i.e. areas with denser tree coverage where gutters are more likely to be blocked.</p>	<p>This has been implemented. Regular gutter maintenance has been scheduled.</p>
<p>working with the Communications team, a proactive communications campaign aimed at informing residents on what they can do to limit mould growth in their properties should be undertaken - but care taken as to not imply that lifestyle is the sole cause for mould in properties - as we have seen that this is not the case.</p>	<p>Completed in 2022/23.</p> <p>There is an ongoing social media campaign every Autumn on this. The website has also been updated with advice on damp, mould and condensation.</p>
<p>The Task and Finish Panel recommends removal</p>	

of specific rooms in the window replacement guidelines when it comes to the replacement of blown/misty DGUs (see suggested revision in Appendix C). The T&F group notes that the Council is looking at a significant increase in the 5-year planned maintenance programme for replacement doors and windows and recommend that this goes ahead - with reporting on progress to be made available to members via the member information centre.

This has been implemented. The new windows repairs and replacement policy was agreed by Cabinet in Feb 2022

Topic:	Community Safety Partnership
Municipal Year:	2021/22
Approach:	Report
Objectives:	
Crime and disorder is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> Engagement of communities and stakeholders with covid restrictions, and support offered to victims of crime 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Affordable Housing – Target of 9000
Municipal Year:	2021/22
Approach:	Report
Objectives:	
Whether or not the target of 9000 is appropriate for the councils housing stock.	
Data considered:	
<ul style="list-style-type: none"> • Vision statement (Housing) • Housing delivery strategy • Housing register statistics • Housing allocations policy • Affordable housing programme pipeline • Information on right to buys • Information on Housing Company (Now Housing Limited) 	
People attending:	
Officers Residents Panel Representative	
Recommendations	Status update
That Cabinet review the current HRA Business Plan and associated Strategic Plan 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.	Complete – undertaken on an annual basis as part of the budget setting process

Topic:	Anti-social Behaviour, Noise Nuisance and Pest Control
Municipal Year:	2021/22
Approach:	Report
Objectives:	
To consider how the Council deals with issues affecting people in their homes	
Data considered:	
<ul style="list-style-type: none"> • Key performance indicators on anti-social behaviour • Legislative framework the council operates within • Enforcement processes and court process (delays due to covid pandemic) • Case severity matrix • Information on capacity issues with partners (mental health services, drug and alcohol services etc) • Information on pest control arrangements and fees • Information on noise nuisance including actions that can be taken 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Budget Setting
Municipal Year:	2021/22
Approach:	Task and Finish Panel
Objectives:	
To review budget proposals and consider whether any recommendations should be made to the Cabinet before the draft budget is recommended to Full Council.	
Data considered:	
<ul style="list-style-type: none"> • Local Government Finance Settlement • Council tax base and forecasts • Information on reserves • Information on garages • Information on approach to Climate Change • Budget proposals • Medium Term forecasts 	
People attending:	
Executive Member Officers	
Recommendations	Status update
None	N/A

Topic:	Public Health Update
Municipal Year:	2021/22
Approach:	Report
Objectives:	
This is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • Impact of covid and roll out of vaccination programme • Vaccination priorities and areas of low uptake • Information on the challenges of living with covid • Healthy hub information and talking health inequalities 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Community Safety Partnership
Municipal Year:	2021/22
Approach:	Report
Objectives:	
<p>Crime and disorder is a (statutory) annual topic, no specific objectives had been set for this report.</p> <p>This area was scrutinised twice in the 2021/22 municipal year.</p>	
Data considered:	
<ul style="list-style-type: none"> • Overview of 8 key principles and 5 priorities associated with community safety • Overview and updates on the action plan and strategy set in 2020/21 • Plans for 2022/23 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Garage Management
Municipal Year:	2022/23
Approach:	Task and Finish Panel
Objectives:	
<ul style="list-style-type: none"> investigate the volume of repair requests received by the council explore how repairs are responded to and whether repairs are carried out in line with contractual arrangements consider the complaints against the service and whether there are any common themes to upheld complaints. Explore whether the council is maximising rental from the stock 	
Data considered:	
<ul style="list-style-type: none"> Information on garage statistics (numbers, occupancy etc) Fees and charges Information on sizes and use of garages Information on processes (application, waiting lists etc) Information on privately owned garages Alternative use options and challenges around use of sites (utilities etc) Disposals process for HRA garages Maintenance programme information and safety information (asbestos etc) 	
People attending:	
Officers	
Recommendations	Status update
Review the pricing structure of the garages (already taken onto Council as part of the 2023/24 Budget)	The pricing structure was altered with a new increased banding put in place named 'Premium'. The price increase for 2024/25 were raised in line with inflation.
That a marketing strategy should be created and appropriately resourced	A marketing strategy is work in progress. The initial document has been shared with our comms team who will help and progress with the team. This requires further discussion and development.
Further system improvements should be made, where possible in the areas highlighted in section 3.10 (online application, select a garage, waiting list position, waiting list amalgamation, use of jadu)	All applicants are signposted to ensure applications are made online. This has been in place for some time now and the garage team manually add these applications to Orchard where, historically, the waiting list is in place. Due to the applicant and garage matching facility available in Orchard this is a necessary process to follow. Select a garage and waiting list position is part of the transformation project that is currently on hold. JADU is now fundamental to the garage application and termination process for customers
Complete the site review underway and consider alternative suitable use where	This has been completed with a number of sites selected for potential disposal/alternative use.

appropriate	
Ensure repairs are tracked from request to completion (implemented)	This is work in progress and requires a manual element from the garage team to complete. Currently all repair jobs are raised on Orchard which automatically notifies the contractor the full details of the job. The contractor sends a monthly list of completed jobs and the garage team change the status of the repair to practically completed. The automation of this element of the role is part of the transformation project.

Topic:	Street Scene
Municipal Year:	2022/23
Approach:	Task and Finish Panel
Objectives:	
<ul style="list-style-type: none"> investigate key performance data relating to missed bins and cleansing requests. explore how case types are raised and shared with Contractor to ensure completion in agreed timeframe. explore approach to contract management and overall governance of contract management 	
Data considered:	
<ul style="list-style-type: none"> Urbaser Contract Review Management Guide Team structure Key performance indicators Information on systems utilised Missed bins data Complaints data Information on recycling banks Information on flat recycling Collisions data Information on fly tipping Information on the development of the depot and HWRC 	
People attending:	
<p>Executive Member Officers Waste contractor - Urbaser</p>	
Recommendations	Status update
That detailed data is provided on collisions quarterly via the Members Information Hub.	Information is shared with the executive member
That social media be used to educate residents about fly tipping and its impacts.	Commenced in 2023/24 but will continue and enhance in 2024/25.
That the report advises OSC of the continued pressures for efficiencies for Urbaser and to report the spillage numbers via the Members Information Hub	Information is shared with the executive member
To look at the viability of mobile cameras in fly tipping and litter hotspot areas	We are looking to see if we can utilise the mobile cameras used by the ASB team. Also, District Enforcement will be able to provide CCTV cameras as part of investigations for the pilot enforcement contract commencing Sept 2024.
To promote Hertfordshire County Council (HCC) services regarding grit availability and grit bins and share Officer- gathered data from the December snow period with HCC, to highlight	Completed. There was an article in the One Magazine Hertfordshire County Council's winter self-help scheme is now open. – One Welwyn Hatfield

<p>the roads that are of particular concern in the borough</p>	<p>welhat.gov.uk Also, WHBC website content was updated Snow and ice disruption – Welwyn Hatfield Borough Council (welhat.gov.uk)</p>
<p>To review the recycling bank service including current schedules for collections, methodology of collection and viability for future provision.</p>	<p>Review commenced in 2022/23 and was concluded in 2024. See further notes under Task and Finish Group for 2023/24.</p>

Topic:	Food Safety Service Plan
Municipal Year:	2022/23
Approach:	Report
Objectives:	
No specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • Presentation of the food safety service plan for 2022/23 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Update on affordable housing strategy
Municipal Year:	2022/23
Approach:	Presentation/Discussion
Objectives:	
For the committee to receive an update on the progress of the affordable housing strategy and for members to ask any questions/comments they may have prior to its drafting.	
Data considered:	
<ul style="list-style-type: none"> An overview of information that would be included in the strategy (stock numbers, affordable/social housing definitions). 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Budget Setting
Municipal Year:	2022/23
Approach:	Task and Finish Panel
Objectives:	
To review budget proposals and consider whether any recommendations should be made to the Cabinet before the draft budget is recommended to Full Council.	
Data considered:	
<ul style="list-style-type: none"> • Local Government Finance Settlement • Council tax base and forecasts • Information on reserves • Information on revenues and benefits and other services changing 1 April • Budget proposals (growth, savings, fees and charge) • Medium Term forecasts 	
People attending:	
Executive Member Officers	
Recommendations	Status update
None	N/A

Topic:	Covid Vaccine Champions Project
Municipal Year:	2022/23
Approach:	Report
Objectives:	
No objectives were set for this topic.	
Data considered:	
<ul style="list-style-type: none"> • Information on the government funding bid • Presentation of funding objectives • Approach and plan to utilising funding • Overview of communications plans • Overview of key vaccination statistics and demographic data 	
People attending:	
Executive Member Officers	
Recommendations	Status update
None	N/A

Topic:	Provision of crime and disorder services
Municipal Year:	2022/23
Approach:	Report
Objectives:	
Crime and disorder is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • Overview of the community safety partnership and upcoming plan • Background • Organisational structure • Responsibilities and priorities of the partnership • Information on 9 successful projects/campaigns 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Housing Maintenance
Municipal Year:	2023/24
Approach:	Report
Objectives:	
<p>The objectives expected through this scrutiny were:</p> <ul style="list-style-type: none"> • to consider if the cross-party working group is achieving its aims and objectives, and if the priority areas are being discussed; • to consider if improvements could be made to the transparency including awareness on the discussions of, and actions arising from, the cross-party working group; • to consider if performance is being actively monitored and that adequate actions are being put into place where performance falls below target levels; and, • To ensure recommendations of the previous task and finish group have been implemented and achieved the expected outcomes. 	
Data considered:	
<ul style="list-style-type: none"> • Information on the governance of KPIs and frequencies of reporting • All minutes of the Housing Maintenance Member Group • A review of the recommendations and action updates of the previous task and finish group • Terms of reference for Cabinet Housing Panel • Terms of reference for Housing Maintenance Member Group 	
People attending:	
Officers	
Recommendations	Status update
None (it was noted a further report may be presented at a later date, but it is not noted on what this would be on or the objectives of a further report)	N/A

Topic:	Cyber Security
Municipal Year:	2023/24
Approach:	Report
Objectives:	
<p>The objectives expected through this scrutiny were:</p> <ul style="list-style-type: none"> • to consider if the risks are actively and appropriately managed; • to consider if improvements could be made to the oversight of cyber security; • to consider if emerging risks are appropriately identified and mitigated; • to consider if the council utilises external assessments adequately and appropriately actions any findings; and, • <input checked="" type="checkbox"/> To consider if training and communication could be improved. 	
Data considered:	
<ul style="list-style-type: none"> • a summary of how the council manages cyber security; • how emerging cyber risks are identified and addressed, including a summary of improvements made in recent years; • how risks on cyber security are monitored by the Executive; • an overview of any external/independent assessments undertaken, how these are reported on and how actions arising from these are monitored; and, • how the council trains and communicates on cyber security (staff, Councillors and contractors) <p>This was a Part 2 item</p>	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Budget Setting
Municipal Year:	2023/24
Approach:	Task and Finish Panel
Objectives:	
To review budget proposals and consider whether any recommendations should be made to the Cabinet before the draft budget is recommended to Full Council.	
Data considered:	
<ul style="list-style-type: none"> • Local Government Finance Settlement • Council tax base and forecasts • Information on reserves • Information on revenues and benefits and other services changing 1 April • Budget proposals (growth, savings, fees and charge) • Medium Term forecasts • Assumptions used for forecasts such as for Campus West 	
People attending:	
Executive Member Officers	
Recommendations	Status update
None	N/A

Topic:	Street Scene
Municipal Year:	2023/24
Approach:	Task and Finish Panel
Objectives:	
<p>The objectives expected through this scrutiny are to determine if recommendations could be made:</p> <ul style="list-style-type: none"> • to improve recycling rates and/or targets; • from the 12 suggestions made as a motion at the Full Council meeting of 1 February 2023; • in dealing with verge issues which appear to fall between boundaries of responsibility between Herts County Council and Welwyn Hatfield Borough Council. • to improve bin collection performance 	
Data considered:	
<ul style="list-style-type: none"> • Missed bin data and performance • Complaints levels and data on types of complaints from residents • Data on the number and types of fly-tipping in the borough • Information on the approach to enforcement • The level of fines for enforcement • Recycling rates and targets • Information on the approach to recycling and opportunities for improvement • Information on waste cage days and waste awareness campaigns • Overview of verge parking responsibilities 	
People attending:	
<p>Executive Member Officers Urbaser</p>	
Recommendations	Status update
That the collection of cardboard presented beside the bin is implemented.	Implemented in December 2023
That the bring bank service is to be reviewed and a change to the service to be implemented. Officers to commence the review of the Bring Bank service and plan for implementation of the change by 01/04/2024	The review has been completed and a note will be circulated on the member information hub, with the new bring bank service commencing in August.
That the Council investigates options for entering a 12 month pilot contract with an external provider for environmental enforcement. Officers to engage with Procurement to commence soft market testing to establish what services are available.	Included in the budget for 2024/25. This has been through the procurement process and the contract has been awarded using Executive Member Decision. The contract will go live in September 2024.
That the Council continue to collect paper separately to dry mixed recycling as this provides a greater income to the Council than collecting it with other recyclables. Officers to investigate other options for receptacles to collect paper.	Investigations are underway and this will be considered as part of the 2025/26 budget setting process.

<p>That a communications campaign be developed that seeks to change behaviour to encourage civic pride for the borough and enhanced education and publicity about matters such as waste disposal, recycling and tackling of illegal waste dumping including enforcement</p>	<p>This will commence alongside the communications around the new civil enforcement contract, which goes live in September 2024.</p>
<p>That a briefing note is distributed to members through the information hub on the responsibility for verge protection across the borough.</p>	<p>Not yet complete, this will be completed by September 2024 and placed on the information hub.</p>
<p>Officers to investigate whether cage days could be sponsored (perhaps through social value actions) by our Corporate contractors (such as Urbaser).</p>	<p>A number of community days have been held over the last 12 months, and cage days have formed part of this. These have been sponsored by contractors within the Housing Repairs and Maintenance teams.</p>
<p>That a Cabinet Streetscene Panel is introduced to provide regular oversight on the performance of the outsourced waste and cleansing contract</p>	<p>Cabinet determined that an annual report should go to Overview and Scrutiny Committee setting out the recommendations agreed by Cabinet and Council to ensure progress is recorded rather than setting up an additional Cabinet Panel.</p>

Topic:	Provision of crime and disorder services
Municipal Year:	2023/24
Approach:	Report
Objectives:	
Crime and disorder is a (statutory) annual topic, no specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • The Committee received a verbal update and presentation delivered by Chief Inspector Pete Frost covering some aspects of crime and disorder around Welwyn Hatfield: <ul style="list-style-type: none"> ○ Strategic assessment ○ Crime hotspot and overview of all crime ○ Anti social behaviour matters ○ Vulnerability with violence against women and girls ○ Domestic abuse ○ Serious violence and knife crime ○ Recent events from Welwyn/Hatfield ○ Stop search figures ○ Neighbourhood watch ○ Press coverage and CSP priorities moving forward 	
People attending:	
Officers Chief Inspector (Welwyn Hatfield Police)	
Recommendations	Status update
None	N/A

Topic:	Provision of crime and disorder services
Municipal Year:	2023/24
Approach:	Report
Objectives:	
No specific objectives had been set for this report.	
Data considered:	
<ul style="list-style-type: none"> • The Committee received a verbal update and presentation delivered by Joyce Guthrie covering updates including: <ul style="list-style-type: none"> ○ Healthy Hub services including signposting referrals to appropriate health services ○ Place based health inequalities project, in partnership with Herts County Council ○ Falls prevention programme ○ Cancer rehabilitation sessions ○ Healthy eating sessions ○ Keep fit, keep warm sessions 	
People attending:	
Officers	
Recommendations	Status update
None	N/A

Topic:	Recruitment and Retention
Municipal Year:	2023/24
Approach:	Task and Finish Panel
Objectives:	
<p>The objectives expected through this scrutiny were to determine if recommendations could be made:</p> <ul style="list-style-type: none"> • to reduce turnover (if deemed high); • to improve recruitment techniques/success rate; • to improve retention (if deemed low); and, • to improve the handover process when staff leave the council. 	
Data considered:	
<ul style="list-style-type: none"> • Equality and diversity statistics • Full time / part time statistics • Overall headcount • Length of service statistics • Starter / leaver statistics and recruitment success rates • Information on terms and conditions and TUPE • Exit interview data • Information on waste cage days and waste awareness campaigns • Overview of verge parking responsibilities • Hybrid working arrangements • Sickness management information and comparators • Information on staff benefits, development and rewards • Flexible working information • Leaver processes and feedback 	
People attending:	
Officers	
Recommendations	Status update
A formal buddy system should be implemented to ensure all new starters are supported and settled into their role	Implemented
The 'top 50 benefits of working with council' should be added to website to emphasise to prospective employees	Complete
Staff surveys should resume on regular basis and to be implemented by HR and overseen by ED for Finance and Transformation	Commencing this month (September 2024)

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Agenda Item 7

Part I

Item No:

Main author: Chris Carter/Jo Smith

Executive Member: Councillor Rose Grewal
and Cllr Sandreni Bonfante

WELWYN HATFIELD BOROUGH COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE – 25 SEPTEMBER 2024
REPORT OF THE EXECUTIVE DIRECTOR (RESIDENT SERVICES AND CLIMATE
CHANGE)

HOUSES IN MULTIPLE OCCUPATION – PLANNING, LICENSING AND ENFORCEMENT

1 Executive Summary

- 1.1 At the meeting of the Overview and Scrutiny Committee in July 2024 it was agreed that a single report discussing the impact of houses in multiple occupation (HMOs) would be prepared.
- 1.2 The topic relates principally to the service areas of planning and private sector housing enforcement and licensing, and there are different regulations which apply to each. It is recognised that many HMOs are created without the need for planning permission, through the exercising of permitted development rights.

2 Recommendation

- 2.1 That the Overview and Scrutiny Committee notes the content of the report.

3 Explanation

- 3.1 This report is structured to provide an explanation of the following factors:
 - The planning framework and subsequent level of influence that the council has over the development/conversion of properties to HMOs;
 - The planning enforcement powers that the council has for HMOs;
 - An overview of the partnership accredited landlord scheme (PALS) and licensing and enforcement powers of the private sector housing service; and,
 - The procedures in place for identifying HMOs, and numbers of registered landlords.
- 3.2 The objectives that are expected through this scrutiny are:
 - 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.

The Planning Framework

- 3.3 Houses in Multiple Occupation, for planning purposes, may fall into one of two types. A small HMO is defined as the use of a dwellinghouse by not more than six residents as an HMO (use class C4). A large HMO is when a property is being shared by more than six people. A large HMO is considered a 'sui generis' use, i.e. a class of its own.
- 3.4 The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class L sets out a permitted development right allowing the conversion of dwellinghouses (use class C3) to small HMOs (use class C4), and vice versa, without the need for planning permission. This means that, in most parts of the borough, a small HMO can be created in an existing dwellinghouse, without reference to the council as Local Planning Authority.
- 3.5 However, on 12 January 2012, the council brought into effect an Article 4 Direction which covers the town of Hatfield. The purpose of this Article 4 Direction was to remove the permitted development right which is set out above, in paragraph 3.3. This means that, within the area identified in the Article 4 Direction, planning permission is required for a change of use from a dwelling house (use class C3) to a small HMO (use class C4).
- 3.6 It should be noted that a large HMO is considered to be a Sui Generis use in planning terms. This means that planning permission is always required, in all locations within the borough, for the creation of a large HMO.
- 3.7 Shortly after the introduction of the Article 4 Direction, the council adopted the Houses in Multiple Occupation Supplementary Planning Document (SPD) 2012. The objective of the SPD is to set out the criteria against which planning applications for HMOs are considered and the document includes a number of policy criteria which should be taken into account when determining relevant planning applications. The objectives of the SPD are:
- To achieve mixed, balanced, sustainable and inclusive communities which support a wide variety of households in all areas.
 - To ensure the long-term sustainability of local communities.
 - To maintain and improve the character and quality of residential areas.
 - To ensure that houses in multiple occupation are well-designed and built to a high standard.
 - To maintain the residential amenities of existing and future residents.
 - Not increase the number of people at risk of flooding.
- 3.8 It is acknowledged that a significant concentration of HMOs exists within the development of the former Hatfield Aerodrome site. The reason for this appears to be that these properties were first occupied as HMOs, rather than as dwellinghouses under use class C3 and, therefore, no change of use ever took place which would trigger the need for planning consent.
- 3.9 To summarise this section of the report, outside of the town of Hatfield, planning permission will not normally be required for the change of use of a dwellinghouse to small HMO. Planning permission will be required for the creation of a large HMO. Within Hatfield, planning permission will be required for any change of use to an HMO.

Planning Enforcement Powers

- 3.10 The planning enforcement powers available to the Council to deal with HMOs are the same as those that would apply to any potential breach of planning control.
- 3.11 Section 172 (1) of the Town and Country Planning Act 1990 sets out that a Local Planning Authority may issue an enforcement notice where it appears to them:
- That there has been a breach of planning control; and
 - That it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 3.12 The government's Planning Practice Guidance states that *"Local planning authorities have discretion to take enforcement action, when they regard it as expedient to do so having regard to the development plan and any other material considerations. This includes a local enforcement plan, where it is not part of the development plan"*. The National Planning Policy Framework, paragraph 59 advises that *"Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control"*.
- 3.13 The Council has a Planning Enforcement Plan which was adopted by Cabinet in 2015. Whilst this document is in the process of being updated, it sets out the principles of the Council's approach to planning enforcement, including that *"When a breach of planning control has occurred, the next stage is to determine whether it is in the public interest to take formal enforcement action. If it is not, then no further action will be taken and the file will be closed. When an officer considers that a breach of planning control may be acceptable or lawful, a planning application or an application for a certificate of lawful use or development may be invited. Such applications provide the Council with sufficient details to fully consider and determine the matter, leading to the formal decision of the local planning authority. If the 'breach' is acceptable in planning terms an application will be invited but if it is not forthcoming, no further action will be taken as local planning authorities cannot use enforcement powers merely to regularise development which is acceptable in planning terms. However, the owner or occupier of the land may be told that without a specific planning permission they may be at a disadvantage if they subsequently wish to dispose of their interest in the land and have no evidence of any permission having been granted for any development comprising an important part of the valuation"*
- 3.14 Advice contained in the Royal Town Planning Institute Planning Enforcement Handbook discusses the concept of expediency in planning enforcement and comments that "Care must be taken in such cases to ensure that expediency remains a planning decision and is not influenced by public opinion".
- 3.15 As can be seen from the advice set out above, the overriding principle of planning enforcement is one of proportionality, depending on the circumstances of the case.
- The Partnership Accredited Landlord Scheme (PALS) and Private Sector Housing Enforcement
- 3.16 The Partnership Accreditation for Landlords (PAL) scheme was set up in 2012 by Welwyn Hatfield Borough Council in partnership with the University of Hertfordshire.
- 3.17 The scheme's aim was to help students and other private tenants find good quality homes in our borough. By the end of 2014, we had accredited 54 landlords and four letting agents. In 2015 following feedback from Landlords and tenants alike, the scheme was relaunched with a wider scope.

3.18 In 2024, the PAL service now has 90 Accredited landlords and 14 accredited agents, and we believe that 70% of all rented properties in the borough have PAL membership.

HMOs – Licensing and Enforcement

3.19 HMOs for the purposes of Mandatory licensing under the Housing Act 2004 are those properties that have 5 or more people forming 2 or more households. For Additional Licensing an HMO is a property that has 3 or more people forming 2 or more households, but this is a discretionary scheme and requires certain legal tests to be met before additional (HMO) licensing can be adopted by local authorities. This also includes section 257 Flats in Multiple Occupation. Currently Welwyn Hatfield enforces Mandatory HMO Licensing only. A report was commissioned regarding the condition of private rented properties in the borough, and this is being reviewed to establish if there is scope to consider exploring additional (HMO) Licensing.

3.20 There are currently 366 Mandatory HMOs licensed under the Housing Act by the Council.

3.21 There are a number of enforcement options available to the private sector housing team, conferred by the Housing Act 2004 and The Housing and Planning Act 2016, plus a suite of Regulations. The enforcement options consist of:

- Improvement Notices
- Prohibition Orders
- Hazard Awareness Notices
- Emergency Remedial Action
- Demolition Orders
- Slum Clearance Declarations
- Compulsory Purchase Orders
- Interim and Final Management Orders
- Empty Dwelling Management Orders
- Civil Penalties
- Banning Orders
- Works in Default of Notice.

3.22 Aside from Civil Penalties and Banning Orders, all the above options require an assessment of the property to be carried out under the Housing Health and Safety Rating System (HHSRS). This determines if the property contains any Category 1 or 2 Hazards. Local Authorities have a duty to take enforcement action to remedy Category 1 hazards, and the power to take action to remedy category 2 hazards.

3.23 Improvement Notices, Hazard Awareness Notices and Civil Penalties are the most utilised enforcement options by the team.

3.24 The licensing of an HMO has no bearing on whether or not that HMO has planning permission. The planning legislation and housing legislation regimes run separately and cannot be taken into account when making decisions on HMOs under each of the regimes. The Private Sector Housing Team can take the lack of permission into account but cannot refuse a licence on a lack of planning permission alone.

3.25 The Management of Houses in Multiple Occupation (England) Regulations 2006 set out requirements for the management of HMOs to meet to ensure the safety and proper management of HMOs. It includes matters such as maintaining and repairing common parts, fire safety measures, gas and electrical safety and the storage of waste.

Identifying HMOs, Numbers and Registered Landlords

- 3.26 The private sector housing team identifies HMOs through a number of means, the majority are reactive rather than proactive.
- 3.27 The majority of cases come via residents: tenants or neighbours of HMO properties. Occasionally other services both within the council and partner agencies will receive details of a property and if concerned, will pass these over to the team.
- 3.28 The team would like to use data the council collects, such as Council Tax information and the Electoral Roll to extrapolate from those sources possible suspected Houses in Multiple Occupancy. The new database, Assure, will allow us to do this, subject to compliance with relevant legislative requirements.

The Council's Current HMO Supplementary Planning Document

- 3.29 The HMO SPD was published in February 2012. At that time, the planning policy context was quite different to the present day, albeit the overarching principles remain largely unaltered. At the time of publication, the planning system nationally was still guided by a series of Planning Policy Statements and these, along with the Welwyn Hatfield District Plan 2005, provided the policy basis for the production of the HMO SPD.
- 3.30 In March 2012, the government published the first iteration of the National Planning Policy Framework (NPPF) and there have been multiple updates and amendments to this Framework since then. Similarly, albeit a considerable time later, the Council adopted the Welwyn Hatfield Local Plan in October 2023.
- 3.31 The adopted Local Plan acknowledges the important contribution that HMOs make to a diverse housing stock in the borough which meets the needs of a variety of residents. The plan also acknowledges that the HMO SPD has, up to now, worked largely successfully in securing high quality HMO accommodation.
- 3.32 As with all planning policy documents, the HMO SPD is a material planning consideration in the determination of planning applications which propose the creation of an HMO.
- 3.33 However, there may be cases where less than full compliance with all requirements of the SPD may still result in planning permission being granted. An example might be that an HMO is proposed but with one fewer car parking space than the SPD requires. In such a scenario, the Local Planning Authority would have to consider whether the harm arising from such a situation requires the refusal of planning permission, or whether this harm is mitigated and outweighed by other factors.

Parking

- 3.34 The Mandatory HMO licensing regime does not take account of or have any enforcement powers in relation to parking.
- 3.35 Parking in relation to HMOs is a material consideration, and a ratio of parking is set out in the SPD. However, this is not black and white, as the example in 3.33 above.

Recommendations for Identifying HMOs

- 3.36 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.

4 Legal Implications

- 4.1 The Housing Act 2004 requires local authorities to licence HMOs that meet the definition of a mandatory HMO. The Act and the Management of Houses in Multiple Occupation (England) Regulations 2006 also conveys powers to local authorities to undertake enforcement to ensure the safety and proper management of HMOs.
- 4.2 The Article 4 Direction requires planning permission to be applied for small HMOs in the Hatfield area.
- 4.3 Section 172 (1) of the Town and Country Planning Act 1990 sets out considerations for a Local Planning Authority for issuing enforcement notices.

5 Financial Implications

- 5.1 A detailed review of the effectiveness of the HMO SPD is likely to have an implication for both officer and financial resources and will require changes to the current work programme of relevant teams.

6 Risk Management Implications

- 6.1 There are risks that if HMOs are not managed properly that they can cause detriment to occupied or neighbouring properties and the locality.
- 4 In addition, if HMOs that require permission do not apply for it there is a risk that they can become immune from enforcement under the planning regime if they have been in established use/operation for 10 years for large HMOs and for small HMOs either 4 years (if substantially complete before 25 April 2024 or 10 years if substantially complete since 24 April 2024. The Levelling Up and Regeneration Act changed the period of time for enforcement and unified everything at 10 years from 25 April 2024.
- 6.2 It is therefore imperative that HMOs are identified in a timely fashion and enforcement action taken if they are not licensed under the Housing Act, or do not have planning permission and should have, or are operating unsafely or poorly managed.

7 Security & Terrorism Implications

- 7.1 There are no security and terrorism implications arising from this report.

8 Procurement Implications

- 8.1 There are no procurement implications arising from this report.

9 Climate Change Implications

- 9.1 There are no climate implications arising from this report

10 Human Resources Implications

- 10.1 There are no Human Resources Implications arising from this report.

11 Link to Corporate Priorities

- 11.1 The subject of this report is linked to the Council's agreed Corporate Priorities including running an effective council and Homes to be Proud of.

Equalities and Diversity

- 11.2 The report does not propose changes to existing Welwyn Hatfield Borough Council service-related policies or the development of new service-related policies. Accordingly, an Equalities Impact Assessment has not been completed.

Appendix A: The Welwyn Hatfield Borough Council Houses in Multiple Occupation Supplementary Planning Document February 2012 [Layout 1 \(welhat.gov.uk\)](http://welhat.gov.uk)

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