

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

WEDNESDAY, 18 APRIL 2018

PRESENT: Councillors Richard Kellaway (Chairman), Maureen Hunt (Vice-Chairman), Malcolm Beer, Gerry Clark, Dr Lilly Evans, Leo Walters and Julian Sharpe

Also in attendance: Councillors Michael Airey, Hilton, McWilliams and D Wilson.

Officers: Alison Alexander, Andy Jeffs, Russell O'Keefe, Jenifer Jackson and Nabihah Hassan-Farooq.

APOLOGIES FOR ABSENCE

No apologies for absence were received.

DECLARATIONS OF INTEREST

None.

MINUTES

Resolved UNANIMOUSLY That: The Minutes of the meeting held on the 7th March were agreed.

ORDER OF BUSINESS

RESOLVED UNANIMOUSLY That: The order of business as detailed in the agenda, be amended.

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN REPORT - 16 003 062

Councillor McWilliams, Principal Member for Housing (RBWM) addressed the Committee and informed the Panel that he had personally written to Mr X (complainant) and that he had reiterated the apology on behalf of the Royal Borough once further and had also informed Mr X of the remedial action that had been undertaken or was in progress by RBWM as a direct result of the recommendations raised by the Local Government & Social Ombudsmen(LGO). It was highlighted that the recommendations as raised within the LGO report were being looked at seriously and that processes and the service had been looked at and changes had been implemented.

Andy Jeffs, Executive Director outlined the report and informed the Panel that RBWM had received a draft report from the LGO on the 28th November 2017 following investigations into a complaint (ref-16003062) which had been received by Mr X (originating from December 2015). Andy Jeffs wished to offer a formal apology in relation to any distress that had been caused to Mr X by any actions or omissions by RBWM. The draft response was dealt with by the Head of Service immediately and work had begun on all of the recommendations as suggested by the LGO at this point in time. The Lead and Principal Member had been notified when the final report was received in February 2018. When the original complaint was made, the Lead Member was notified on the 8th March 2018. The LGO report concluded that RBWM had been at fault and full details were outlined in the report.

The Panel were informed that when the draft report had been received on the 28th November 2017 that all the recommendations had been reviewed and accepted. As a result RBWM completed various actions and details of these were outlined in the original report. In addition to the remedial actions, a number of additional actions had been made to better improve and

strengthen the Housing service. Firstly that the Housing enabling service and Housing Options team had moved to one directorate as of April 2018. The Panel were also informed that there would be one database to record all decision and case work details and that there was also an experienced Housing lead starting. Further to this work was being carried out to develop the Housing Strategy, Allocations Policy and to refresh the Homeless Strategy later this year but that work had already begun on reviewing the current policies and strategies.

At the Conclusion of the report, Members were reminded that the report had been brought to the Planning and Housing Overview & Scrutiny Panel as it was the most appropriate panel for this report. Members asked whether Mr X was settled and content and it was confirmed that he remained in permanent accommodation and had been informed of the most appropriate contacts for future use. Members asked for a summary of complaints that had been received and Andy Jeffs confirmed that the Royal Borough had received 48 complaints from the LGO (In 2016/17) and that three had been incomplete or invalid, 20 had been referred back for local resolution, 12 had been closed after initial enquiries and the remaining 13 had resulted in detailed investigations of which six had been upheld and seven were not. The Royal Borough had an upheld rate of 46% which was below the national average of 53%.

ACTION- That Andy Jeffs circulate the cumulative costs of all Housing related complaints to Panel Members along with reasons for each complaint.

The Panel were informed that there was a further obligation to respond to the LGO to outline the actions and changes to processes. It was confirmed that this correspondence had been sent to the LGO and had outlined the various implemented changes which had been made to the Housing Service and processes. This report was to be publically available in two Council buildings and the two mandatory statutory notices had been published in local newspapers on the 23rd March 2018. There was confidence in the proposed and implemented changes that they were robust and would help strengthen the Housing Service. There had been a previous reliance on manual record keeping and the Panel were informed that a new system would be live later this year. Along with the changes and implemented changes, Russell O'Keefe, Executive Director-Place updated the Panel that Maggie Nelson had been employed as the new interim Housing Service Lead who was experienced and would help to strengthen and improve the current Housing structure and service.

Members discussed whether there had been a staff shortage and whether pressures faced by officers contributed to the complaint. Alison Alexander, Managing Director confirmed that there had been no staff shortages and that this particular complaint had stemmed from a number of faults which had been outlined fully in the LGO report which had not highlighted any staffing concerns. Members discussed the presentation on the Homeless Strategy that was heard at the Panel last year and that it had been a useful session.

ACTION- That Members have a training session when the new Housing System was implemented and that an update be heard at full council in the Autumn.

Members discussed the time scales for the implementation of the Housing, Allocations and Homeless Strategy and whether this could be implemented sooner. It was confirmed that the strategies would be implemented later in the year after a full consultation had been carried out.

Resolved That; The report be noted.

(Councillor Beer abstained from voting on the resolution)

PLANNING PERFORMANCE

Councillor Michael Airey, Deputy Lead Member for Planning addressed the Panel and informed Members that he had been engaged with discussions with the Planning Enforcement & Conservation Team Manager and the Deputy Head of Planning in relation to ongoing

improvement work in planning enforcements. The Panel were informed that there had been three main areas of focus which included; communication with third parties including engagement with Parish Councils, a review of the local enforcement plan which was adopted in 2016 and a review of delegated authority through the planning task and finish group.

Panel Members asked for clarification surrounding the funding of the two full time planning positions and it was confirmed that the increase from planning application fees had funded both positions. This funding had been ring-fenced for the positions which currently met the demand for applications that the Planning department had received and it was estimated that the excess demand was approximately 200 planning applications per year. Members discussed the mandatory training which had been written in the report and wanted clarification that this had been undertaken by all Members in dealing with complex enquiries.

ACTION- That Members be updated with details of whether they had received Member training for Planning- consequences of decisions taken by Planning Panels.

Russell O'Keefe, Executive Director- Place, informed the Panel that the omission of an up to date Local Plan had placed the authority in a mediocre position and that the implementation of a new Local Plan would strengthen the position. There were currently no documents that brought all of the Borough Design guides together but that the Neighbourhood Plan would offer good quality design guidance and advice. Members were informed that the publication of the draft was behind schedule.

ACTION- That Jenifer Jackson update the Panel on the progress of the Neighbourhood Plan draft at the next meeting.

Panel Members discussed the need for better publication of planning successes in enforcements across the borough. Councillor Michael Airey informed the Panel that there had been difficulties in relaying successes to residents as these may be perceived as negative, for e.g. higher number of enforcements and successful appeals. It was agreed by the Panel that a greater understanding of processes was needed by residents and the Panel were updated that there were currently 400 live cases and approximately 80 actions outstanding per month. Members were informed that details of the number of successful appeals, enforcement actions and outcomes were available on the RBWM website and updated monthly.

Jenifer Jackson, Head of Planning informed the Panel that where decisions were reviewed on receipt that officers had to understand whether there was a basis for seeking to challenge the decision, whether a policy had been misapplied or badly interpreted by officer and whether any change was required or any other issue that is consistently resulting in appeals being allowed. It was confirmed that the plans were in place to progress the Borough Design Guide SPD to resolve this issue.

Members wished to place a vote of thanks of record for Russell O'Keefe, Jenifer Jackson and their teams for their hard work and for the ongoing performance of the Planning department.

Resolved UNANIMOUSLY That; The report be noted.

REVIEW OF PUBLIC SPEAKING AT PANEL FOLLOWING CONCLUSION OF PILOT REPORT

Jenifer Jackson, Head of Planning outlined the report. The Panel were reminded that a pilot for changes to public speaking rights at Planning Panels had been agreed in September 2014. The original pilot was intended to run for six months however due to changes in leadership of the Planning Department there had not been an opportunity for this item to be discussed at the relevant overview and scrutiny Panel. Members were informed that the proposed revisions contained within the report would require formal Council approval as they were changes to the Council's Constitution.

Councillor Hilton addressed the Committee and informed them that he had been aware of the six month pilot and that he had been one of the members who had wanted this scheme. He also highlighted that at the time there had been emerging neighbourhood plans and that the pilot was in direct response to the wants and needs of Parish councillors who had sat on the relevant steering groups at the time. He expressed that this right had now been amended and that speaking rights had included a number of groups to have nominated speaking rights for which it had not been originally intended for.

Members discussed the allocated time given and some members felt that more time should be given to Parish councillors. Members debated the length of time that parish councillors should be given and it was also noted that where members of the public had been given consent to speak that it prejudiced the applicant as far more time was given to the objectors if more than one person had registered to speak. Relevant consideration was also given to the transparency of democratic process and that community groups could make comments separately. Members also discussed differences between the opinions of elected Members and residents and that those who had an affiliation or association to a particular neighbour plan should be stated before addressing any panel.

In addition to the points raised, Members discussed the discretion of the Chair at Panel meetings and the potential implication of lobbying from outside groups should they send communications before the meeting. Members were reminded that all objectors had a constitutional right to address the Panel for three minutes.

RESOLVED That; The report be taken to the Constitutional working group for approval.

(Councillor Beer abstained from voting)

DATES OF FUTURE MEETINGS

TBC

The meeting, which began at 6.33 pm, finished at 7.48 pm

CHAIRMAN.....

DATE.....