

Runnymede Borough CouncilOverview and Scrutiny Select CommitteeWednesday, 13 December 2023 at 7.30 pm

Members of the Council present: Councillors N Prescott (Vice-Chair), A Balkan, T Burton, T Gates, A King, S Lewis, M Singh and S Williams (In place of L Gillham).

Members of the Council absent: Councillor J Furey (Chair)

In attendance: Councillors S Jenkins.

#### 11 **Notification of Changes to Committee Membership**

Councillor S Williams substituted for councillor L Gillham.

#### 12 **Minutes**

The Minutes of the meeting held on 5 October 2023 were confirmed and signed as a correct record.

#### 13 **Apologies for Absence**

Apologies for absence were received from councillor J Furey.

#### 14 **Declarations of Interest**

No declarations of interest were made.

#### 15 **Treasury Management Report - Mid Year 2023/24**

The Corporate Head of Finance provided an update on the Council's treasury management activity and performance in the first half of the 2023/24 financial year focusing on financing and liquidity, cash management and risk management.

The investment and interest rate performance was also noted, with the Council's short-term investments resulting in a performance of 4.63%, which was encouraging in the context of the rising interest market.

It was confirmed that DLUHC's consultation process on how the capital risk metrics were calculated was still under consideration. Members asked about the types of companies being invested in, as well as the regularity and safety around borrowing from or lending to other Local Authorities.

#### 16 **Work Programme Items**

##### 16a **Work Programme - Houses in Multiple Occupation (HMOs)**

###### Planning element

Planning Officers advised that a report had been taken to Planning Committee in March 2023 on this matter setting out the work undertaken to date to consider the introduction of an Article 4 Direction for HMOs in Runnymede. Members of the Planning Committee had agreed that work would remain ongoing to gather evidence on the distribution and impact of HMOs in conjunction with the Local Plan review and that this in the view of the Planning

Committee was the appropriate way forward.

It was confirmed that an Article 4 Direction would not prevent any new HMOs from being made in the Borough. Rather it would mean that the creation of 'small' HMOs of up to six people (C4 use class), would be subject to a planning application (as is the case for larger HMOs with seven or more occupants). Such applications would need to be determined on their own merits and when there was no reasonable grounds for refusal they would still need to be approved. The government rules state that an article 4 direction must be applied to the smallest possible geographical location to address the issue.

In order for an article 4 direction to be justified, the findings of gathered evidence would need to demonstrate that harm was arising to justify a local plan policy. It is possible that such harm could be in areas such as loss of family dwellings, parking or demonstrated loss of amenity. Any future recommendation from officers with regards a future local plan policy or article 4 direction would be an evidence-based piece of work to Planning Committee.

A member expressed concern over applications that sought permission for household extensions that were later converted to HMOs. It was confirmed that applications need to be taken on face value, and the Council could not refuse otherwise acceptable development because of speculation over future uses.

A member highlighted a small error in para 2.4 of the report, confirming that the Council motion relating to the feasibility of Article 4 Directions was amended to include Englefield Green East, as well as Egham Town and Englefield Green West wards.

Given the timescales involved in any potential introduction of an Article 4 Direction, a member asked about the possibility of additional tools such as SPDs to deal with the volume of HMOs, but the Head of Planning confirmed that SPDs could not introduce a new policy, only add clarity to an existing policy.

There was a 12-month lead in time for an Article 4 Direction to be put in place otherwise substantial compensation could be payable. There could however be a degree of twin tracking between a possible article 4 direction being drafted and local plan policy being formulated, as the preparation of an article 4 direction did not necessarily have to wait until the Local Plan had been adopted, provided the evidence was there to support progressing the direction. However if the direction were to be adopted prior to the adoption of a policy it was unlikely to be effective, until policies were in place.

In relation to quantifying impacts of HMOs and the results of an earlier analysis being unclear, officers noted committee's suggestion to liaise with Environmental Health, Community Services and Surrey Police to build up a broader picture. It was also asked that data on antisocial behaviour was collected from Royal Holloway University and the police to ensure as broad an evidence base as possible.

Data on school numbers in areas with high volume HMOs was not currently available, but would be considered as part of the Local Plan review. Anecdotal evidence from other local authorities could also be considered.

A member expressed concerns that bringing in an Article 4 direction could generate a significant quantum of applications for little prevention of the perceived issue. It was noted that this had been the case in some other LPA areas, however others had had greater success. The fine balance between the prospect of an Article 4 Direction and processing additional planning applications – and potentially call-ins – was noted, along with the possibility that it may not provide the desired relief.

It was noted that it would also be challenging for planning decision makers to demonstrate harm from a small, marginal increase in occupants. The evidence base would also require

the introduction of the necessary policies to turn down HMO applications where appropriate, whilst recognising that HMOs did have a role to play in the housing mix.

Committee noted concern around parking associated with HMOs and whether mechanisms would exist through an Article 4 Direction to strengthen parking regulations. The Head of Planning advised that this would have to be achieved through policy and potentially a parking SPD and the optimum time to review this would be post-adoption of the Local Plan.

It was noted that there may be some conflicts between the desire to provide parking at HMOs against the Council's commitment to tackle climate change and reduce personal vehicle use.

#### Environment & Housing services element

In response to concerns about transient noise complaints, officers confirmed that these complaints had started to be logged by Environmental Health, however as transient noise was not considered a statutory noise complaint it was unlikely to be able to part of a justifiable evidence base, however officers would look into whether it would provide any weight from any antisocial behaviour perspective.

To address some of the concerns raised by their residents, members enquired about the feasibility of extending licensing arrangements to include small HMOs, as well as more stringent controls around maintenance of gardens, management of waste and antisocial behaviour. Officers advised that the only way of compiling a complete database of HMOs would be to go door-to-door, and in addition to this being an enormous task, the volume of HMOs would be ever-changing and the database would be virtually impossible to keep accurate.

It was added that regardless of whether an HMO was licensed or not, enforcement and proactive work was carried out, along with inspections to ensure properties were up to standard, with improvements to fire safety making up the vast majority of required improvements.

It was also confirmed that it was not possible to charge for enforcement as part of the licensing fees, which was only permitted to cover the cost of administration, and the overwhelming majority of compliant and licensed landlords already met the requirements of them.

Whilst the emphasis would be on a landlord to apply for a license for HMOs involving over five people, there was also an onus on the local authority to ensure information and guidance was available to them, and regularly produced adverts set out the requirements, whilst officers attended freshers events to try and engage students to help set out the requirements of landlords. Members offered to help bridge the gap to circulate the message more widely.

It was conceded that any increase in licensing would not necessarily address the issues the committee had identified due to there being a limit in what is licensable and enforceable, with a change in law needed to address some of the concerns of residents and the committee, whilst additional licensing was unlikely to have a material relief on issues around housing mix and parking.

It was also acknowledged there was a degree of subjectivity to some of the concerns, particularly around untidy gardens, which had a high threshold for breaches under the licensing conditions and would generally involve the presence of rodents or damage to neighbouring or public property. In the vast majority of cases untidy gardens could only be addressed under management regulations.

Officers assured members that whilst not all complaints of this nature would be provided with feedback, they were always followed up and where appropriate brought to landlords' attention. It was confirmed that Digital Services were looking into reporting streams to be able to identify repeat offenders more easily.

Addressing questions about the Council's ability to withhold or not renew a license, officers advised this could only be done in the event of a criminal conviction, however licensing conditions could be used to help address known issues.

The role of a Joint Enforcement Team (JET), similar to what operates in Spelthorne, was explained, and officers advised that the presence of a JET in Runnymede would have a very limited impact on dealing with HMOs, due to their inability to deal with internal issues.

In considering any eventual recommendations from the work, the committee were reminded that Planning Committee had already agreed a resolution for officers to work on an evidence base for HMOs in the wider context of the Local Plan review.

## 16b **Work Programme - Grounds Maintenance**

Addressing concerns about the availability of equipment, the Corporate Head of Environmental Services advised that the sweepers had been unavailable for periods over the past year due to technical and mechanical issues. This resulted in priority being given to routes that were more slippery and had a higher footfall, and led to an increased volume of complaints from residents about other routes.

Responding to questions about lessons learned from the procurement and management of equipment, it was advised that options around leasing or renting would be considered in future.

Addressing further concern about using contract specification drawn up in the 1990s, officers reassured members that the contract was managed and a contract specification and schedule of works was sufficient to allow appropriate consideration to make the decision to bring the service inhouse.

The Corporate Head of Law and Governance provided an overview of contract management across the Council, with a contract register managed by the procurement team providing a full list of provisions of goods and services. Reminders are sent to contract managers when contracts are up for renewal and advised a procurement exercise would need to be undertaken.

The renewal of contracts was often done on the basis that the specification already served a purpose, whilst the timely operation of contract management clauses meant that the contractor would either have to provide KPIs or the Council would monitor performance and serve improvement notices where needed. The majority of contracts have monthly or quarterly performance meetings.

Responding to a query about a possible recommendation flowing out of the work programme that could involve a recommendation to Standards & Audit Committee to review contracts that the Council were involved in, the Corporate Head of Law and Governance advised that framework would need to be set around the requirements such as volume of improvement notices or scrutinising individual contracts.

Returning to the overall subject, the Vice-Chair concluded that a vast amount of improvement had been noted since the service was first brought inhouse, with complaints from residents significantly lower. He identified that communication to members in the early part of the process had been considered poor but was grateful that had since improved.

**16c Confirmation of Work Programme item - Building Maintenance**

It was explained to committee that the civic centre was designed and constructed in 2006 – 2009 on a bill of quantities contract rather than the now more common design and build contract. This minimises the risk to the contractor and any liability on them would only be around workmanship or using the incorrect materials to what the Council had specified.

Concern was noted about the possibility of leakage from the roof due to the likelihood of the incorrect volume of felt being applied and the lack of specification around the lifetime of the fire doors meaning that the warranty reverted to the manufacturer's warranty.

The Committee were keen to know more about the funding set aside for ongoing maintenance and improvements to the building at the point of construction, how much of this funding had been utilised and reassurance around ensuring the building was sustainable for the future.

It was advised by officers that the committee delving into what other historic bill of quantities contracts had been entered into should be considered a separate piece of work that the committee may choose to take up as part of a future workstream.

**Resolved that –**

**The Overview & Scrutiny Committee confirmed their intention to include building maintenance as part of their work programme, with a particular focus on funding set aside at the point of construction, how much of that funding had been utilised and future sustainability of the building.**

**17 Schedule for future meetings**

The committee noted the schedule for future meetings.

(The meeting ended at 9.37 pm.)

Chair