



## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS)

### MEETING HELD AT THE TOWN HALL, BOOTLE ON TUESDAY 13TH MARCH, 2018

PRESENT: Councillor Sayers (in the Chair)  
Councillor Michael O'Brien (Vice-Chair)  
Councillors Bliss, Dan T. Lewis, David Pullin, Roche,  
Weavers and Bill Welsh

#### 45. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Carragher and Councillor Atkinson, Cabinet Member – Regeneration and Skills.

#### 46. DECLARATIONS OF INTEREST

No declarations of interest were received.

#### 47. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the Minutes of the meeting held on 23 January 2018 and the Special Meeting held on 31 January 2018 be confirmed as a correct record.

#### 48. HOUSING LICENSING PERFORMANCE FRAMEWORK WORKING GROUP FINAL REPORT

Further to Minute No. 30 (3) of 7 November 2017 the Committee considered the report of the Head of Regulation and Compliance that presented formally the final report of the Housing Licensing Performance Framework Working Group.

The Working Group was established with the following Terms of Reference and Objectives:-

- The Council is working toward the introduction of Private Rented Sector Housing Selective Licensing and Additional HMO Licensing schemes in parts of the borough
- The Selective Licensing Scheme Proposal was taken to Overview and Scrutiny Committee (Regeneration and Skills) in November 2016, for review. The proposal was overwhelmingly supported
- The Selective Licensing proposal was then taken to Cabinet for formal approval in December 2016, together with approval to undertake the statutory formal public consultation. Cabinet approved the proposal and consultation
- The Selective Licensing Proposal has since been the subject of a 12 week public consultation, April-June 2017. This included

## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

notifying all Councillors of the Selective Licensing proposal and consultation, so they had the opportunity to contribute

- The results of the consultation, together with a Final Licensing Scheme proposal were taken to Cabinet in September 2017, and approved. The Council is now in the process of preparing the Selective Licensing scheme to go live from March 2018
- One key piece of work that needs to be done over the coming months is to set up a 'performance framework' for the Licensing schemes. This will allow the Council to test, in future, whether the Selective Licensing scheme is having an impact on improving the Licensing Neighbourhoods and private rented accommodation. The performance framework will be submitted to the Cabinet Member – Housing and Communities for approval once it is completed
- The Council approved a 'business case', which set out it's justification for introducing Licensing schemes. To justify the proposed schemes for Sefton it was argued that Licensing of private rented homes would lead to the better management of these homes, which in turn would help tackle the following issues, which were used as the criteria for our schemes;
  - significant anti-social behaviour.
  - poor property conditions,
  - a high level of deprivation or
  - high levels of crime
- A Licensing scheme can only remain in operation for a maximum period of 5 years. The Council will need to monitor whether the Licensing schemes are having an impact on the issues/criteria it sought to tackle and improve
- Toward the end of the 5 year life of its schemes, the Council will need to consider whether it needs to extend the life of its schemes, and if it does, it will need to justify this through a new business case. Almost certainly, the Council would need the evidence that its schemes are having a positive impact on the issues identified. Therefore setting a suitable performance framework will be an essential tool, both to monitor the effects of licensing and to help justify any extension of the life of its schemes, should it wish to do so
- The Objective is for the Working Group to help develop and review a proposed Selective Licensing Performance Framework before it is completed and submitted for approval to the Cabinet Member – Communities and Housing.

Accordingly, the Working Group met on two occasions to undertake such review and its Final Report, together with associated recommendations, was attached to the report.

Councillor Bill Welsh, Lead Member of the Working Group, introduced the Final Report and commended the recommendations within it to the Committee; and thanked officers and his colleague on the Working Group, Councillor Mike O'Brien, for their hard work and input into the Final Report.

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

Members of the Committee asked questions/made comments on the following issues:-

- The possible displacement of landlords and tenants to other areas of Sefton not covered by the Housing Licensing scheme or to neighbouring areas
- Bad landlords blaming the condition of their properties on tenants
- Assurance was sought and given of the Additional HMO Licensing scheme covering parts of the Blundellsands ward
- A borough wide scheme was originally desired but revised Government guidance and rules meant the Housing Licensing Scheme had to be targeted at specific areas
- Assurance was sought and given that Ward Councillors could lodge complaints on behalf of tenants

RESOLVED:

That Cabinet be recommended to:-

- (1) Approve the monitoring factors as detailed in the table below as the set of suitable measurable data sets to be used to report on the intended outcomes of the licensing schemes:-

<b>Monitoring factor</b>	<b>Description</b>	<b>Why measure?</b>
<b>Number of licences applied for per scheme</b>	Total number of properties for which an application for a licence has been made, against the number of identified Privately rented properties that require a licence	To ensure landlords have applied for a licence where applicable.  To compare the actual number of private rented properties against the original, estimated number. This will also assist with the financial management of the schemes.
<b>Number of licenses granted per scheme</b>	How many properties currently have a licence against the number applied for and number of identified properties requiring a licence.	To ensure all licensable properties obtain a licence and meet license conditions.
<b>Number of</b>	Accreditation is a	To monitor the

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

<p><b>properties accredited;</b>  <b>a) Inside the licensing areas</b>  <b>b) Outside the licensing areas</b></p>	<p>voluntary scheme. It is a measure of high quality property standards and management.</p>	<p>levels of accredited properties and thus levels of “good” standard accommodation.</p> <p>Monitoring numbers inside and outside of licensing areas will allow comparisons</p>
<p><b>Number of properties non-compliant on first inspection</b></p>	<p>How many properties DO NOT comply with the licence conditions when inspected by officers.</p>	<p>To establish a baseline of standards of property condition and their management.</p> <p>A high number of ‘non-compliance’ would be evidence to justify the License schemes.</p>
<p><b>Number of properties non-compliant on first inspection but now compliant</b></p>	<p>How many properties DO NOT comply with the licence conditions at the introduction of the schemes (and 1<sup>st</sup> inspection) but have improved to be compliant, as a result of the schemes</p>	<p>To establish the level of improvements that have been made to the levels of property management and conditions. This will help demonstrate the level of impact the License schemes have made to improve private rented sector conditions and management.</p>
<p><b>Numbers and types of formal action</b></p>	<p>How many statutory notices and Civil Penalties have been served within the 3 licensing areas.</p>	<p>To monitor the level of requirement for formal action by officers, for either not obtaining a licence or a breach of licence conditions.</p> <p>Informal action</p>

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

		(warnings) will be issued in the first instance, but if landlords don't act on these, then formal legal action will be followed.
<b>Number of Service Requests received;</b> <b>a) within the licensing areas</b> <b>b) outside of the licensing areas</b>	Service Requests are complaints received about a property, usually regarding its management or condition. (These requests generally come from Privately Rented tenants.)	This measure will show if numbers of service requests increase or decrease as a result of licensing.  It will show any difference in numbers inside and outside of licensing areas.  It will also indicate if poor property conditions are increasing outside of the licensing areas <i>as a possible result of displacement of landlords.</i>
<b>Number of licensed properties that have had Category 1 hazards removed</b>	Category 1 hazards are the most serious health & safety hazards identified in a property using the Housing Health & Safety Rating System (Housing Act 2004). This will be captured by officers inspecting properties.	A measure of how many properties have had Category 1 Hazards removed is a clear indication of the improvements in property conditions.
<b>Numbers of request for advice from ASB (Anti-Social Behaviour) team</b>	This is likely to be requests from Licence holders/landlords to the ASB team for help in dealing with ASB issues at their property. The management of	This figure will record the levels of advice requests from landlords and measure if this changes throughout the duration of the schemes.

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

	ASB is a licence condition.	
<b>Numbers of cases where ASB team have intervened</b>	All referrals to the ASB team for advice will be captured, to assess levels.	Has the ASB support for licence holder/landlords lead to more intervention by the Council's ASB team? Have their levels of Service requests increased or decreased?
<b>Outcome of ASB team intervention</b>	Has the intervention been a success? What was the outcome?	Have levels of ASB in licensing areas reduced?

- (2) Request that the Head of Economic Growth and Housing submit an Annual Monitoring Report, to ensure that the Schemes meet their intended outcomes and objectives in measuring the progress of the Schemes through the collection of data on various factors, to both the Cabinet Member – Communities and Housing and the Overview and Scrutiny Committee (Regeneration and Skills); and
- (3) if possible Private Rented Sector Housing Selective Licensing and Additional HMO Licensing Schemes in parts of the borough be selected as a topic for a Members' Briefing Session prior to Council; and that if this is not possible, then the Head of Economic Growth and Housing be requested to arrange an awareness/training session for all Members of the Council.

**49. LEASEHOLD HOUSE SALES IN SEFTON**

Further to Minute No. 16 of 19 September 2017 the Committee considered the report of the Head of Economic growth and Housing that:-

- (1) updated on the Government's current position regarding consultation outcomes and future proposals to tackle unfair and unreasonable abuses of leasehold; in particular the sale of new leasehold houses and onerous ground rents; and
- (2) highlighted the information, help and guidance published on the Council's web site regarding leasehold sales.

The report indicated that the Cabinet Member – Communities and Housing had submitted a response to the Government's consultation 'Tackling unfair practices in the leasehold market'; that the Government published its report on 21 December 2017; and summarised the responses in relation to leasehold sales and ground rents on leasehold properties. The full published response can be accessed here:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/670204/Tackling\\_Unfair\\_Practices\\_-\\_gov\\_response.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670204/Tackling_Unfair_Practices_-_gov_response.pdf)

## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

The report concluded by detailing how the Council was raising awareness of leasehold sales in Sefton by promoting and publicising information via its preferred communication channels including the Council's Housing and Investment Services departmental web pages alongside news items published on the MYSefton news site.

Members of the Committee asked questions/made comments on the following issues:-

- Concern was raised about the mass ownership of leaseholds by a small number of people
- The inadequacy of the law at present in respect of leasehold sales and the concern that the future legislation proposed by Government on this issue may not be enacted due to a shortage of Parliamentary time
- Government's consideration as to how existing leaseholders can be supported and the introduction by some developers of schemes to compensate individuals
- This issue had cross party support on the Council and residents should be urged to lobby their Members of Parliament to seek a change in the law regarding leasehold sales
- The UK was the only country in the western world using leasehold sales

RESOLVED: That

- (1) the report on leasehold house sales in Sefton be noted; and
- (2) the Head of Economic Growth and Housing be requested to submit a report to this Committee once Government has introduced legislation to ban the sale of leasehold houses as referred to in paragraph 3.3 of the report.

### **50. PARKS AND GREENSPACES WORKING GROUP FINAL REPORT**

The Chair advised the Committee that this item had now been withdrawn from the agenda; and that the Final Report would now be considered at the next meeting of the Committee to be held on 3 July, 2018. This will enable the Final Report to be signed off by the Working Group at its meeting to be held on 4 April 2018.

### **51. FLOOD AND COASTAL EROSION MANAGEMENT STRATEGY REVIEW - SCOPE DOCUMENT**

The Committee considered the report of the Head of Locality Services – Commissioned on the Flood and Coastal Erosion Management (FCERM) Strategy review scoping document.

## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

The report indicated that Sefton had a requirement under the Flood and Water Management Act 2010 to produce a Local Flood Risk Strategy; that the Act required each Lead Local Flood Authority (LLFA) in England and Wales to set out how it would manage flooding and coastal erosion in its area; that Sefton was a Lead Local Flood Authority and this Strategy would satisfy this statutory need and also satisfied the requirements under the Flood Risk Regulations 2009 for a Flood Risk Management Plan; that the Sefton Strategy was first produced in 2015 and after 3 years it was required to be updated; and therefore the report set out the scope of this update, reviewing what had changed since 2015 and sought views and input on the proposals.

The report detailed the strategic developments since 2015 to be considered in the new strategy in relation to:-

- Liverpool City Region
- Sefton 2030
- UK Climate Predictions update 2018
- Department for Food, Environment and Rural Affairs 25 year plan
- The Sefton Coast Plan
- Coastal Adaptation Strategy
- New policies adopted by the FCERM team

The report also detailed funding issues since 2015 to be considered in the new strategy in relation to:-

- Budgetary issues associated with the FCERM team being merged into a new service area called Green Sefton with the Parks and Green spaces and Coast and Countryside teams
- Merseyside Partnership Quick Win Funding
- Cell 11 Regional Monitoring Programme (Cerms) Funding and Shoreline Management Officer Local Levy funding
- United Utilities spend programme

The report then highlighted the changes in the understanding of risk associated with:-

- Shoreline Management Plan review
- Coastal erosion predictions
- Climate change predictions
- Surface Water Management Plan realisation of modelled data

and developments in the way the Council worked relating to:-

- Sustainable flood risk management
- Communication
- Data management and sharing
- Performance management



## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

The report concluded by detailing the constraints facing the Council due to budget reductions and which meant that priorities were changing and alternative ways of delivering the service were being looked at; and that the FCERM team would be undertaking a review of its strategy and the outcomes and actions set out in the 2015 to 2018 strategy and of the understanding of coastal erosion and flooding both coastal and inland would be undertaken with the most up to date information available. It was anticipated that the final document would be published in January 2019.

Members of the Committee asked questions/made comments on the following issues:-

- The United Utilities spend programme and the development of their Programme for the 2021-2026 period and the types of local mitigation schemes that may be included
- The input from elected Members through briefings and reports to Cabinet Members and Overview and Scrutiny Committee
- Coastal erosion predictions and the fairly significant coastal erosion in places, particularly just North of Hall Road, Blundellsands, where in one storm over 10m of coast was lost; and the potential impact this may have on the adjacent golf course. Reference was made to the Council only receiving funding to protect residential property rather than private land; and that individual stakeholders along the coast were made aware of their responsibilities and were also part of the Sefton Coast Partnership. Finally, it must be acknowledged that sand dunes had the ability to re-form
- A Member indicated that he had engaged a consultant to use modelling to assess the feasibility for the creation of a lagoon off the coast from Hightown to Southport
- Concern was expressed at the housing developments in Kew and their potential negative effect on flooding in the area
- Concern was expressed about the detrimental impact of paving over gardens and driveways; and it was acknowledged that a long-term strategy was needed to address this problem. Reference was also made to the Council's Supplementary Planning Document and the requirement to use permeable paving. However, it was again acknowledged that staffing resources within the Planning Service made it difficult to undertake adequate enforcement in this regard
- Sustainable drainage systems were referred to and how Council Service Areas worked with the Planning Service as part of planning application processes. It was indicated that how planning applications were dealt with regarding flood risk/drainage issues was being reviewed; and that the Merseyside Flood Risk Co-ordinator helped in respect of major planning applications submitted to the Council. The good working relationship was acknowledged and that the Council needed to work with many different organisations to obtain the best outcome for Sefton's residents regarding flood risk and coastal erosion
- The formation of a channel on Crosby Beach near to the Coastguard Station that was causing problems for beach users.

## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

This was the result of the prevailing weather conditions and was a natural feature

- Proposals for the retention of the Alt Training Bank
- The Department for Food, Environment and Rural Affairs' production of a 25 year plan which had a number of outcomes and how they would be reviewed to ensure that such outcomes would be aligned with the Council's updated strategy and other partners' plans

RESOLVED:

That the report on the Flood and Coastal Erosion Management (FCERM) Strategy review scoping document be noted.

### **52. SEFTON ECONOMIC STRATEGY FRAMEWORK**

RESOLVED:

That as no officer was present at the meeting to introduce and answer questions on the report consideration of the matter be deferred to the next meeting of the Committee to be held on 3 July 2017.

### **53. NEET**

RESOLVED:

That as no officer was present at the meeting to introduce and answer questions on the report consideration of the matter be deferred to the next meeting of the Committee to be held on 3 July 2017.

### **54. UPDATE ON UNITED UTILITIES INCREASE IN SURFACE WATER CHARGES TO SCHOOLS**

Further to Minute No. 5 of 4 July 2017 the Committee considered the report of the Head of Corporate Resources that updated on United Utilities' (UU) increase in surface water charges to schools.

The report detailed that Members and officers met with representatives of UU on 16 November 2017 at which UU confirmed the compatibility of the concessionary scheme for schools' site area based charges with relevant charging guidance – including Defra's guidance on concessionary schemes for surface water drainage charges, and their view on the longevity of the scheme. This was subsequently confirmed in writing by UU by letter dated 15 December 2017 and a copy of the letter was attached to the report as Appendix 1. However, it was noted that DEFRA could still make further allowances and include certain community assets in their concessionary scheme and the report recommended that on this basis, DEFRA should be contacted once again to arrange a meeting at their London offices as offered previously.

## OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

Appendix 2 to the report provided details of Salix Finance Ltd. that was funded by the Department for Business, Energy and Industrial Strategy (BEIS), the Department for Education, the Welsh Government and the Scottish Government and was established in 2004 as an independent, publicly funded company, dedicated to providing the public sector with loans for energy efficiency projects; that Sefton Council had operated a Salix invest to save loan fund pot for over 12 years, for its corporate sites to reduce energy consumption and lifetime savings to date from these investments were now in excess of £1M; and that OFWAT had shown an interest in the SALIX funding model and proposed this to be an option that this Committee should explore for development in conjunction with BEIS as well as OFWAT and the water companies where possible.

RESOLVED: That the Head of Regulation and Compliance be requested to:-

- (1) write to the Strategy and Regulation Officer at United Utilities to thank him for his letter stating United Utilities commitment to maintaining their own policy on reduced drainage charges;
- (2) again contact the Department for Environment, Food and Rural Affairs, the Department for Business, Energy and Industrial Strategy and other relevant bodies to arrange a meeting to discuss their concessionary scheme and the setting up of SALIX style funding options for Surface Water drainage reduction schemes; and
- (3) contact OFWAT and United Utilities to establish their involvement in further discussions with DEFRA and other relevant bodies.

### **55. WORK PROGRAMME 2017/18, SCRUTINY REVIEW TOPICS AND KEY DECISION FORWARD PLAN**

The Committee considered the report of the Head of Regulation and Compliance that updated on the draft Work Programme for 2017/18; and seeking the identification of any items for pre-scrutiny from the Key Decision Forward Plan.

RESOLVED: That

- (1) the Work Programme for 2017/18, as set out in Appendix 1 to the report, be approved; and
- (2) a report be added to the Work Programme for 2018/19 updating on Sefton's Empty Homes Strategy.

### **56. CABINET MEMBER REPORTS – JANUARY 2018 TO MARCH 2018**

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 13TH MARCH, 2018

The Committee considered the report of the Head of Regulation and Compliance that included the most recent report from the Cabinet Members for Communities and Housing; Locality Services; Planning and Building Control; and Regeneration and Skills.

RESOLVED:

That the update report from the Cabinet Members for Communities and Housing; Locality Services; Planning and Building Control; and Regeneration and Skills be noted.