

Overview and Scrutiny Committee

Minutes of the meeting held on Tuesday 20 August 2019 at the Town Hall, Royal Leamington Spa at 6.00pm.

Present: Councillor Davison (Chair); Councillors; Boad, Cullinan, A Dearing, K Dickson, Margrave, Milton, Noone, Redford and Sanghera.

Also Present: Councillor Day – Leader of the Council, Councillor Falp – Portfolio Holder, Health & Community Protection, Councillor Grainger – Portfolio Holder, Culture and Councillor Matecki – Portfolio Holder, Housing & Property.

22. **Apologies and Substitutes**

- (a) There were no apologies for absence made.
- (b) Councillor K Dickson substituted for Councillor Kohler.

23. **Declarations of Interest**

There were no Declarations of Interest made.

24. **Minutes**

The minutes of the meeting held on 9 July 2019 were taken as read and signed by the Chairman as a correct record, subject to a change on minute 21, at the final paragraph before the resolution. "The Task & Finish Group, HMOs" was amended to "The HMO Task & Finish Group".

25. **Executive Agenda (Non-Confidential items and reports) – Wednesday 21 August 2019**

The Committee considered the following item which would be discussed at the meeting of the Executive on Wednesday 21 August 2019.

Item 7 – Warwick District Leisure Development Programme – Kenilworth Facilities

The following people addressed the Committee asking it to recommend to the Executive that the decision on the outdoor swimming pool at Kenilworth should be deferred because there was insufficient information upon which to base a decision:

- Ms Roberts and Mr Peacock, members of the Restore Kenilworth Lido Group; and
- Ms Green, a local resident.

A motion to support the recommendations in the report resulted in a tied vote, with the Chair using his casting vote to abstain. With no further motion forthcoming, the Committee noted the report.

(Councillor Noone arrived during this item whilst the speakers were addressing the Committee. Councillors Day and Grainger left the meeting at the end of this item.)

26. **Review of Night Noise Service**

The Committee considered a report from Health & Community Protection which provided an update of the review of the current night noise service which was an activity mentioned with the HMO Task & Finish Group programme.

The Task & Finish Group identified that it wished to understand the outcome of the review that was being conducted on the night noise service.

The Council's approach to handling night noise complaints and the requirement to undertake reasonably practicable investigations was outlined in Appendix 1 to the report. The procedure following receipt of a night noise complaint was detailed in section 8.2 of the report. Appendix 2 to the report informed on the report methodology, Appendix 3 gave an analysis of the public consultation that had taken place, Appendix 4 showed a summary of activity from six months of night shifts between April and October 2018 and Appendix 5 listed enforcement action taken on one day – 27 April 2018.

In response to questions from Members, the Head of Health & Community Protection and Councillor Falp, Portfolio Holder, Health & Community Protection, explained that:

- Changes to the Council's website would be one of the first things to be done.
- The Council had to establish whether a complaint received was a statutory nuisance before acting on this complaint.
- The Council had no legal right to stop a party. It had a legal right to gather evidence when noise nuisance was a regular occurrence and then take the case to Court.
- The service did not only deal with noise nuisance; it also dealt with complaints about odours.
- The street marshalls were not employed by the University to deal with noise nuisance issues. They were there for the welfare of students and the majority of them worked in the week. They had specific areas that they worked in the town centres, predominantly in the early part of the evening to help prevent students allowing themselves to become vulnerable later that evening. At the end of the evening, they were there to help any students who had become vulnerable.
- The Night Noise Service was there to gather evidence and if the problem did not abate, then to bring cases to Court.
- If a person had a complaint, they should telephone the office and then the complainant would be issued with a noise diary to log incidents and explain how they were being impacted. An officer would assess this to see if a statutory offence existed. The officer would then arrange a visit to the complainant's premises to witness the noise. Mostly, these visits would occur during the Night Noise Service operating hours. If the noise occurred outside the hours, officers would attempt to witness the noise on a different night. The issue with witnessing noise was that it had to be witnessed at the complainant's property and not all complainants would allow entry. But entry was required to gather evidence. Once the noise was witnessed, it would be assessed to see if it constituted a statutory

nuisance. This could require more than one visit, especially in the case of odour nuisance. Recordings of noise nuisance were not admissible evidence.

- There was no specific length of time a complainant would have to complete a noise diary for it to be assessed. The duration in terms of elapsed time depended on what the noise was and the regularity of the occurrence. The complainant was encouraged to feed-back information regularly.

Resolved that

- (1) an update on the Night Noise Service be delivered to the Committee in 12 months' time; and
- (2) the recommendations in the report be noted.

(The meeting was adjourned at 7.42pm for eight minutes.)

(Councillor Matecki arrived during this item and Councillor Falp left at the end.)

27. Public Speaker to address the Committee

Mr Curry addressed the Committee in respect of concerns over the Council's public toilets for people living with a disability and their carers. His concerns centred on cleanliness issues, problems gaining access because the toilets were kept locked, difficulties physically being able to open the doors because of how they were fitted, presenting problems for people using wheelchairs and how stiff doors were to open, and the fact that the telephone numbers inside the toilets were different from those provided outside.

The Heads of both Housing Services and Neighbourhood Services and Councillor Matecki - the Portfolio Holder, Housing & Property were asked to respond to Mr Curry. They explained which departments were responsible for the management and upkeep of the toilets and expressed regret that it was a sad indictment on Society that the toilets had to be kept locked because of anti-social behaviour, including substance abuse, and physical and verbal abuse of cleaning staff. Various approaches had been tried to solve the problem for genuine users to have access to keys for the toilets, but without much success and the Council was intent on reviewing ways this could be resolved. The issue surrounding confusing telephone number information had been resolved.

28. Review of Housing Services – Service Area Update

Prior to considering the Service Area Update report, the Committee continued with discussions on public toilets for people living with disabilities.

Councillor Noone pointed out the Council's duty in respect of the Disability Discrimination Act and Councillors made various suggestions that might help including:

- finding suitable key holders or using locks with a keypad;
- installing easy to use toilet roll holders and availability of paper;
- providing adult changing mats;

- IT solutions for entry;
- looking at how doors were fitted because doors that opened out presented difficulties to people using wheelchairs; and
- looking at what was provided elsewhere with single unit toilets being provided that self-flushed and cleaned.

The Head of Neighbourhood Services was asked to review the situation and at a later date to bring back a plan of what was required to pull the Council's toilets for people living with disability up to standard and accessible.

The Committee considered a report from Housing Services which brought together details of the annual performance for Housing Services. Appendix A to the report gave the Performance figures for the Service Area for 2018/19; Appendix B the Service Area Plan for 2019/20 and Appendix C, the fire safety plan. Since the Grenfell Tower tragedy in 2017, Warwick District Council had embarked on a wide range of work to ensure the safety of tenants and leaseholders living in its high rise blocks, and these works were explained in Appendix C.

In response to questions from Members, the Head of Housing Services and Councillor Matecki, Portfolio Holder – Housing & Property, explained that:

- Page 5 of the report stated that "There are approximately 5284 tenants and 606 leaseholders (as at June 2019)". The use of the word "approximately" was because the numbers changed on a very frequent basis. For next year's report, they would list figures on a specific date.
- "Tenants" referred to people living in a property; "applicant households" referred to the number of applications for a property.

The Head of Housing Services would provide data on whether new licence applications for HMOs since the rules were extended to cover more properties had more hazards than re-licence applications.

Resolved that

- (1) at the Committee's meeting on 26 September 2019, the Head of Neighbourhood Services is to present a plan of what is achievable to improve accessibility to, and the condition/cleanliness of, toilets for people living with disabilities. This plan should include anticipated timescales so that the O&S Committee can agree a date for a full report; and
- (2) the recommendations in the report be noted.

(Councillor Matecki left the meeting at the end of this item.)

29. Executive Agenda (Non-Confidential items and reports) – Wednesday 21 August 2019

The Committee considered the following items which would be discussed at the meeting of the Executive on Wednesday 21 August 2019.

Items 5 & 12 – Newbold Comyn – Update and Approach to Engagement plus confidential Appendices

The Committee unanimously supported the recommendations in the report.

(Councillor Day returned to the meeting for this item.)

30. **Review of the Work Programme, Forward Plan and Comments from the Executive**

The Committee considered its work programme for 2019-2020 and the Forward Plan.

Appendix 2 to the report listed the responses made by the Executive in response to comments and recommendations made by the Committee to reports on the Executive agenda 10 July 2019. The Chair explained that wording had finally been agreed that day for the plastic free policy. The Principal Committee Services Officer directed Councillors to the comments made at the meeting of the Executive in July in respect of the Role of the Chairman of the Council – Task & Finish Group.

The Chair suggested that the Annual Feedback on Outside Appointments report should be delayed to give new Councillors a chance to understand what their role was. He suggested this could be delayed until March or April. He would speak with Group Leaders on whether this should be made permanent for future years as well and if the other report scheduled in April, "Annual review of membership/participation of Outside Bodies" should be merged with this into one report, or the two reports kept separate.

Resolved that

- (1) the Fuel Poverty report scheduled for 26 September could be moved to the "TBA" section of the Work Programme until the Committee was notified that staffing resources were available to undertake the report;
- (2) the future of the Health Scrutiny Sub-Committee report to be scheduled for December so that two meetings of the sub-committee have taken place before it is written; and
- (3) the Annual Feedback on Outside Appointments report to be moved to March or April depending on feedback the Chair receives from Group Leaders on whether it should be merged into one report with the Annual review of membership/participation of Outside Bodies report in this and future municipal years.

31. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following item by reason of the likely disclosure of exempt information within the paragraph 3 of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006.

32. **Confidential appendix to Minute 30 – Comments from the Executive**

Resolved that the confidential Comments from the Executive be noted.

(The meeting ended at 9.00 pm)

CHAIR
26 September 2019