

Overview and Scrutiny Committee

Minutes of the remote meeting held on Tuesday 16 March 2021 at 6.00pm, which was broadcast live via the Council's YouTube Channel.

Present: Councillor Milton (Chair); Councillors; Cullinan, Davison, A Dearing, Jacques, Kohler, Margrave, Noone, Norris, Redford and Russell.

Also Present: Councillors Day, Hales, and Matecki.

44. **Apologies and Substitutes**

There were no apologies for absence or substitutions made.

45. **Declarations of Interest**

There were no declarations of interest made.

46. **Minutes**

The minutes of the Overview and Scrutiny Committee meeting held on 9 February 2021 were taken as read and signed by the Chair as a correct record.

47. **Executive Agenda (Non-Confidential items and reports) – Thursday 18 March 2021**

The Committee considered the following item which would be discussed at the meeting of the Executive on Thursday 18 March 2021.

Item 5 – HMO Licensing and Planning Permission

Following suggestions made prior to the meeting by the Head of Housing Services and the Portfolio Holder, Housing and Culture, the Overview and Scrutiny Committee recommended that wording in Appendix A to the report and Recommendation 2.3 in the main report, be amended:

Appendix A "Warwick District Council HMO Licensing and Planning Permission Policy – Private Sector Housing", section 3.0 – Implementation

Current wording:

When an HMO licence application is received for the first time or in advance of an HMO license being renewed the Private Sector Housing Team will check the planning status of the property with the Planning Enforcement Team.

Where planning permission is needed the landlord will be required to apply for planning permission within the following times scales:

- Landlords making an HMO license application for the first time be given two months to submit a valid planning application.

- Landlords of properties where an HMO license needs to be renewed, must submit a valid planning application before the current license expires.

Recommended wording:

When an HMO licence application is received for the first time or in advance of an HMO licence being renewed the Private Sector Housing Team will check the planning status of the property with the Planning Enforcement Team.

Where planning permission is needed the landlord will be required to apply for planning permission within the following *time* scales:

- Landlords making an HMO licence application for the first time *where there are no current residents will be advised to obtain planning permission before their licence can be issued.*
- Landlords making an HMO licence application for the first time where residents are currently in occupation *to be given two months to submit a valid planning application before enforcement action is taken.*
- Landlords making an HMO licence application who submit a planning application within the required time but then who fail to provide any required documentation within a two-month period *will be subject to enforcement action.*
- Landlords of properties where an HMO licence needs to be renewed, must submit a valid planning application *in time for this to be considered* before the current licence expires. *A new licence will not be issued without planning permission being in place.*

Recommendation 2.3 in the main report:

Current wording:

2.3 Note that landlords of relevant properties that require an HMO license and do not have planning permission will face enforcement action if they do not apply for permission.

Recommended wording:

2.3 Note that landlords of relevant properties that require an HMO licence, *where those properties have residents occupying and using the premises as an HMO*, and do not have planning permission will face enforcement action if they do not apply for permission *within the required timeframe.*

Recommendation 2.4 in the main report

The Head of Housing Services in liaison with the Portfolio Holder, were both asked to take appropriate advice, legal or otherwise, and re-word Recommendation 2.4 in the report which would then be presented to Executive for approval on 18 March 2021. It was felt that the current wording of the recommendation was not making clear which policy was being referred to for the requirement that planning permission be obtained.

(Councillors Day and Matecki left the meeting.)

48. **Annual update of the Destination Management Organisation – Shakespeare’s England**

The Committee considered a report from the Projects and Economic Development Team which gave an update on the activities of the District’s Destination Management Organisation (DMO), Shakespeare’s England, over the last 12 months and through the current Covid-19 pandemic in relation to the tourism sector.

In March 2019, the Council had approved funding of a total of £225,000 for the period 2019 – 2023 to this organisation, to be paid in instalments of £75,000 per annum. This was in line to the funding provided by Stratford District Council.

The report drew attention to the loss of tourism business to the area because of the impact of the Covid-19 pandemic and that business recovery would be slow progress, but opportunities to help local business that relied on tourism were being explored. It also drew attention to the terms under which the grant funding to the DMO was agreed, and how these terms had been revised in June 2020 following legal advice.

Councillor Dearing raised the point that the “big hitters” such as Stratford were the subject of much of the promotional work being done, and asked if more should be done for places such as Kenilworth. She requested better marketing for Kenilworth and help to promote the railway station there and wayfaring signage. She was advised by the Portfolio Holder for Business & Finance – Councillor Hales - that work was being undertaken in liaison with Stratford District Council and Shakespeare’s England partners to ensure a joined-up approach. He was mindful that whilst a lot of domestic tourists would head for the beach resorts, people would still wish to undertake day trips to places like Kenilworth Castle. Town and Parish Councils were being asked to suggest “hidden gems” that could be promoted. Councillor Hales recognised that there were numerous gems across the District, and he would check what was being done to support such venues, with Lunt Fort and Stoneleigh Abbey amongst others mentioned by Members. He was speaking to his opposite number at Stratford District Council to see how Warwick District could benefit from the draw of tourism to Stratford.

The Business Manager – Projects and Economic Development - informed Members that his staff, because of the pandemic, had been forced to spend most of their time on paying business grant money. This had been at the cost of other work, including improving the offer of the DMO to the district for tourism and hospitality. They would work on maximising the benefits of the service provided by the DMO to the wider District attractions such as Warwick, Leamington and Kenilworth, once staffing resource could be spared.

The Business Manager – Projects and Economic Development - informed Members that Warwick Castle had very ambitious plans to promote its outdoor facilities and he would send them details of promotional material. He was sure that Kenilworth Castle, with its outdoor space, would be doing similar.

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

The Committee considered its work programme for 2021, the Forward Plan and the response from the Executive to its comments in February.

The Chair asked members to consider how and what it would like to scrutinise for the merger between Stratford District Council and Warwick District Council. He asked them all to do some preparation work ahead of the next meeting. He had already discussed this with the Chair of Finance & Audit Scrutiny Committee, and he would email to them the five main themes he and Councillor Nicholls had discussed that they felt would warrant work and he welcomed Members' comments on these as well as ideas from them. The five themes he had identified were:

- The impact of services to residents.
- The impact on our strategic priorities as a Council, e.g. climate emergency.
- Democratic accountability.
- Financial impacts and Council Tax harmonisation.
- The plan for consultation and communication with residents.

He asked Members to consider how we would scrutinise this; as part of the Committee's own remit, jointly with Finance & Audit Scrutiny Committee and if part would be done jointly with Stratford District Council and how this would be achieved.

The Chair read out an update from the Task & Finish Group – Race & Equality. The report that was due to be presented on the Group's findings in respect of internal staff issues had been delayed because the Head of People & Communications had been unavailable to contribute. It was hoped that the report would come to the April meeting. The consultant engaged to interview staff had conducted her survey and would be producing her findings for the Group to consider.

The Chair asked Members to consider the recurring item on the Committee's Work Programme in respect of climate change and plastics policy. He asked Members to consider how the Committee should scrutinise this area going forward and bring their ideas to the next meeting for discussion.

The Committee requested that a review on the effectiveness of the HMO Licensing and Planning Permission Policy be added to its Work Programme to be undertaken six months after the new policy had been in operation. The Democratic Services Manager & Deputy Monitoring Officer suggested that this should be done once students had returned to universities (the September 2021 meeting was agreed). It was agreed to add scrutiny of planning enforcement of HMO licenses and to the Work Programme for the September meeting as well. Members had expressed concern that the requirement that a planning licence was issued within two-years of an HMO licence being issued would be difficult to enforce with backlogs of work in planning enforcement.

The Democratic Services Manager & Deputy Monitoring Officer offered to introduce a module for all Members to be trained on the difference

between housing licensing and planning licensing in respect of HMOs. He also offered to arrange a module on looking at the data provided on the Dashboard and how to interpret it. He asked that Members sent him a note requesting these and stating what they felt was required.

The Democratic Services Manager & Deputy Monitoring Officer suggested that the Committee send a note to the Head of Development Services on the concerns it had about resourcing in the Service Area (planning enforcement in general had been discussed) and ask if these concerns were valid and if so, what was being done. The response should be circulated to Members of the Committee.

Resolved that

- (1) the following appendices to the report be noted:
 - Appendix 1 – Work Programme; and
 - Appendix 2 – Comments from the Executive;
- (2) the topic of how and what the Committee will scrutinise in respect of the merger of Stratford District Council and Warwick District Council will be discussed at the Committee's meeting in April;
- (3) the topic of how the Committee will scrutinise climate change and plastics policy going forward will be discussed at the next meeting in April;
- (4) a request will be sent to the Democratic Services Manager & Deputy Monitoring Officer requesting Member training on:
 - a. the difference between housing and planning licenses in respect of HMOs; and
 - b. how to understand and scrutinise the data produced by the Dashboard (Members would indicate the training they felt was necessary);
- (5) a note would be sent to the officers in Development Services where there were concerns about backlogs in work. Responses should be sent to all Members of the Committee;
- (6) a review on the effectiveness of the HMO Licensing and Planning Permission Policy be added to the Work Programme for the September meeting; and

- (7) a review on HMO planning enforcement in meeting the requirement that a planning licence be in place within two years of an HMO licence being issued.

(The meeting ended at 7.40pm)

CHAIR
20 April 2021