

Please reply to:

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Date: 13 January 2020

Notice of meeting

Overview and Scrutiny Committee

Date: Tuesday, 21 January 2020

Time: 7.00 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To: Members of the Overview and Scrutiny Committee

Councillors:

V.J. Leighton (Chairman)
C.F. Barnard
C.L. Barratt
J.R. Boughtflower
S. Buttar

J.H.J. Doerfel
J.T.F. Doran
R.D. Dunn
T. Fidler
N.J. Gething

M. Gibson
L. E. Nichols
R.J. Noble
D. Saliagopoulos
R.A. Smith-Ainsley

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Description	Lead	Timings	Page Number.
1. Election of Vice-Chairman To elect a Vice-Chairman of the Committee for the remainder of the Municipal Year, following the amendment to the Conservative Group membership of the Committee in December 2019.	Chairman	7.00 pm	
2. Apologies To receive any apologies for non-attendance.			
3. Minutes To confirm the minutes of the meeting held on 26 November 2019 as a correct record.	Chairman		5 - 8
4. Disclosures of Interest To receive any disclosures of interest from councillors in accordance with the Council's Code of Conduct for members.			
5. Call-in of Cabinet decisions No Cabinet decisions have been called in.			
6. Cabinet Forward Plan A copy of the latest Forward Plan is attached. If any members of the Committee have any issues they want to raise in relation to the Cabinet Forward Plan, please inform Terry Collier, Deputy Chief Executive, 24 hours in advance of the meeting with reasons for the request.			9 - 18
7. Treasury Management half yearly report 2019/20 To note the Treasury Management half yearly position.	Anna Russell/ Cllr Harman	7.05 pm	To Follow

Description	Lead	Timings	Page Number.
8. Houses in Multiple Occupation To consider a review of the use of Article 4 Directions to manage conversions to Houses in Multiple Occupation and whether changes in legislation introduced in October 2018 have resulted in improvements to the management and safety standards in such properties.	Esme Spinks/Cllrs Barratt and McIlroy	7.20 pm	19 - 80
9. Overview and Scrutiny Statutory Guidance To receive a report on the new statutory guidance on Overview and Scrutiny.	Terry Collier	8.10 pm	81 - 118
10. Review of Knowle Green Estates Ltd To consider the Governance arrangements for Knowle Green Estates Ltd.	Michael Graham/Cllr I. Harvey	8.50 pm	To Follow
11. Work Programme To consider the Committee's work programme for the remainder of the Municipal year.	Chairman	9.50 pm	119 - 120

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**Minutes of the Overview and Scrutiny Committee
26 November 2019**

Present:

Councillor V.J. Leighton (Chairman)
Councillor J. McIlroy (Vice-Chairman)

Councillors:

C.L. Barratt	N.J. Gething	D. Saliagopoulos
J.T.F. Doran	M. Gibson	J.R. Sexton
R.D. Dunn	H. Harvey	R.A. Smith-Ainsley
T. Fidler	L. E. Nichols	

Apologies: Councillors J.H.J. Doerfel and R.W. Sider BEM

303/19 Minutes

The minutes of the meeting held on 10 September 2019 were approved as a correct record.

304/19 Disclosures of Interest

Councillor T. Fidler declared a non-pecuniary interest in Item 6 – Access to Healthcare, due to his membership of Sunbury Health Centre PPG (Patient Participation Group) and in Item 11 – Housing and Homelessness Prevention Strategies, as he has a family relation working in the Council's housing department.

Councillor L.E. Nichols declared a non-pecuniary interest in item 6 – Access to Healthcare, due to his involvement as a patient representative on the Surrey Heartlands GP online consulting project.

Councillor R.A. Smith-Ainsley declared a non-pecuniary interest in Item 11 - Housing and Homelessness Prevention Strategies, due to his position as a council representative on A2Dominion Customer Insight Panel.

Councillor D. Saliagopoulos declared a non-pecuniary interest in Item 6 – Access to Healthcare due to her position as a Governor for Ashford and St. Peter's NHS Trust.

305/19 Call-in of Cabinet decisions

No Cabinet decisions had been called-in.

306/19 Cabinet Forward Plan

The Cabinet Forward Plan was noted.

307/19 Access to Healthcare in Spelthorne

The Director of the North West Surrey Integrated Care Partnership (ICP), Jack Wagstaff gave a presentation (attached to these minutes) on the future direction for health services in the area. The presentation covered the ICPs areas of focus, its priorities across 6 key programmes and the challenges for improving access to and building, sustainable primary care services.

The Committee had requested this item be included on its work programme particularly because of concerns raised about how the new triaging and booking system, piloted at Shepperton Health Centre, had been introduced and the lack of communication with patients about the system. The Committee sought reassurance that residents' experience of the pilot would not be repeated at other practices elsewhere in the Borough.

Mr Wagstaff explained that the Clinical Commissioning Group (CCG) had no ability to influence day to day services at GP surgeries but that the ICP had worked with Shepperton Health Centre to review the pilot. As a result of an evaluation of the pilot it was decided to discontinue it and revert to the previous booking system. Mr Wagstaff confirmed that the ICP was working with the Health Centre to ensure this message was communicated to its patients in the most appropriate way. He advised that the responsibility for the deployment of, and patient communication about, any future digital solutions fell on the body who introduced them; a particular GP practice, or the ICPs for a solution introduced universally.

Mr Wagstaff reassured the Committee that neither the CCG nor ICP had plans to roll out a system similar to the one unsuccessfully trialled at Shepperton Health Centre, across Spelthorne. However, NHS England would roll out a single, consistent, digital practice encompassing all parts of a GP Surgery called FootFall over the next couple of years. A pilot of this web service had received overwhelmingly positive patient satisfaction feedback. Mr Wagstaff was confident of the ICP being able to deliver a cohesive digital strategy which did not pass people between different physical and digital systems.

Mr Wagstaff responded to members' questions and made the following points:

- The Locality Hub at Ashford Hospital is available to all frail and elderly patients across Spelthorne offering longer appointments and the full range of services available at a GP practice to address complex and multiple needs across different specialists. The Hub also provides a transport service to take people to their appointments.
- There is a contractual requirement to provide named doctors for all patients but there is a trade-off between waiting times and seeing a particular doctor.
- ICPs, CCGs and health care providers are in charge of the running and planning for delivery of services. NHS property services owns a proportion of NW Surrey's Practice buildings and are responsible for

maintaining and improving their estate. These Practices do not have autonomous control to design their internal space. The CCG has petitioned NHS property services to make improvements but they have a huge backlog of works waiting to be done. For those Practices that do own their building, many struggle to raise the necessary capital funding to refurbish or design their internal space as they wish. The ICP is looking at opportunities to work with Boroughs to strategically move away from this system.

- Reception privacy requirements - Surgeries have a standard set of guidelines for configuration of their space to secure privacy. This has become more difficult for surgeries to achieve because space has been converted to operational use to address the increasing number of patients they have to look after. The Quality Care Commission explicitly looks at privacy space when they inspect and it will count against surgeries if the standard is not met.
- The process for recruitment onto patient panels varies by Practice. The contractual requirement is only for a practice to have a patient panel, not how it is run. There are guidelines on how to set up and run these.
- Mr Wagstaff agreed that patients should be provided with performance management data and the ICP was working towards agreeing a data flow for all practices in NW Surrey.

The Independent Living Senior Team Manager provided information to the Committee about the innovative approach the service had taken to enable vulnerable residents to access GPs using LIVI, with support at the Borough's Community Centres.

Resolved to note the presentation and thank Mr Wagstaff for his generous responses at this meeting and for actively working with the Council to transform services.

308/19 Budget Issues 2019/20 - 2020/21

The Chief Finance Officer gave a presentation (attached to these minutes) on the Budget Issues for 2020/21 to 2021/22. He outlined the process leading to approval of the budget and setting of Council tax for 2020 and explained the pressures on the budget in future years.

The Committee noted that more detailed briefings would be provided in February 2020.

Resolved to note the presentation on Budget Issues for 2020/21 to 2021/22.

309/19 Capital Monitoring Quarter 2

The Committee considered a report on capital expenditure covering the period April to September 2019.

A member of the Committee requested that consideration was given to improving the way the information was presented so that the total cost of a project, as well as the commitment in the current year, was clear.

The Deputy Accountant agreed to provide a written response to a question about whether the corporate management EDMS (electronic document management system) project was correctly identified as a capital cost.

Resolved to note the current level of capital spend.

310/19 Revenue Monitoring Quarter 2

The Committee considered a report on revenue expenditure covering the period April to September 2019.

Resolved to note the current level of revenue spend.

311/19 Capital Strategy update

The Committee Property and Development Manager gave a presentation (attached to these minutes) on the Council's Capital Strategy. He outlined the Chartered Institute of Public Finance and Accountancy requirements and need for a Capital Strategy, the investment approach and acquisitions to date, current housing needs and delivery now and in the future.

Resolved to note the presentation.

312/19 Housing and Homelessness Prevention Strategies

The Housing Strategy and Policy Manager gave a presentation (attached to these minutes) on the development of the Housing and Homelessness Prevention Strategies 2020-2025 and responded to members questions. The presentation explained the context within which the review of the Housing Strategy had taken place, the method for the review, the outcome of public consultation and the three priorities identified within the Strategy. An update was also provided on the review to date of the Homelessness Strategy and its emerging priorities.

The Housing Strategy and Policy Manager advised that a Working Group would be set up to monitor the development of the action plan.

The Chairman thanked the Housing Strategy and Policy Manager for his succinct and clear overview of the Housing and Homelessness Strategies.

Resolved to note the presentation.

313/19 Work Programme

The Committee noted the forthcoming Work Programme for the remainder of the municipal year.

Spelthorne Borough Council

Cabinet Forward Plan and Key Decisions



This Forward Plan sets out the decisions which the Cabinet expects to take over the forthcoming months, and identifies those which are **Key Decisions**.

A **Key Decision** is a decision to be taken by the Cabinet which is either likely to result in significant expenditure or savings or to have significant effects on those living or working in an area comprising two or more wards in the Borough.

The members of the Cabinet and their areas of responsibility are:

Cllr I.T.E. Harvey	Leader of the Council	Cllr.harvey@spelthorne.gov.uk
Cllr A.C. Harman	Deputy Leader and Finance	Cllr.harman@spelthorne.gov.uk
Cllr. M.M. Attewell	Community Wellbeing	Cllr.attewell@spelthorne.gov.uk
Cllr R.O. Barratt	Environment and Compliance	Cllr.barratt@spelthorne.gov.uk
Cllr A. Brar	Housing	Cllr.brar@spelthorne.gov.uk
Cllr H. Harvey	Investment Portfolio and Management, and Regeneration	Cllr.hharvey@spelthorne.gov.uk
Cllr J. McIlroy	Planning Department Management	Cllr.mcilroy@spelthorne.gov.uk
Cllr O. Rybinski	Economic Development, Customer Service, Estates and Transport	Cllr.rybinski@spelthorne.gov.uk
Cllr J. Sexton	Corporate Management	Cllr.sexton@spelthorne.gov.uk
Cllr I. Beardsmore	Local Plan / Strategic Planning (excluding Heathrow expansion) <i>Note: to only contribute to Cabinet debate and vote on portfolio specific matters. Portfolio will expire upon approval of Local Plan.</i>	Cllr.beardsmore@spelthorne.gov.uk

Whilst the majority of the Cabinet's business at the meetings listed in this Plan will be open to the public and press, there will inevitably be some business to be considered which contains confidential, commercially sensitive or personal information.

This is formal notice under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that part of any of the Cabinet meetings listed below may be held in private where exempt and / or confidential information is due to be considered.

Representations regarding this should be made to committee.services@spelthorne.gov.uk

Please direct any enquiries about this Plan to the Principal Committee Manager, Gillian Scott, at the Council offices on 01784 444243 or e-mail g.scott@spelthorne.gov.uk

Spelthorne Borough Council

Cabinet Forward Plan and Key Decisions for 29 January 2020 to 30 March 2020

Anticipated earliest (or next) date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 29 01 2020	Treasury Management half yearly report 2019/20 To receive the half yearly report on Treasury Management 2019/20.	Non-Key Decision	Public	Laurence Woolven, Chief Accountant Deputy Leader and Portfolio Holder for Finance
Cabinet 29 01 2020 Council 27 02 2020	Treasury Management Strategy Statement 2020/21 To consider the Treasury Management Strategy for 2020/21.	Non-Key Decision	Public	Laurence Woolven, Chief Accountant Deputy Leader and Portfolio Holder for Finance
Cabinet 29 01 2020	Spelthorne Borough Council (Off-Street Parking Places) Order 2019 To consider a report on Parking Charges and make any recommendations to Cabinet.	Key Decision	Public	Jackie Taylor, Group Head - Neighbourhood Services Portfolio Holder for Environment and Compliance
Cabinet 29 01 2020	Spelthorne Leisure Centre To consider proposals for a replacement Leisure Centre and agree the consultation strategy.	Non-Key Decision	Public	Lee O'Neil, Deputy Chief Executive Leader of the Council
Cabinet 29 01 2020	Pay Policy Statement 2020/21 To consider the Pay Policy Statement for 2020/21 and make a recommendation to Council.	Non-Key Decision	Public	Sandy Muirhead, Group Head - Commissioning and Transformation Portfolio Holder for Economic Development, Customer Service, Estates & Transport

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 29 01 2020 Council 27 02 2020	Housing Strategy 2020-2025 To receive a report and consider the Housing Strategy for the borough.	Non-Key Decision	Public	David Birley, Housing Strategy and Policy Manager Portfolio Holder for Housing
Cabinet 29 01 2020	To delegate authority to select the supplier of a refuse collection vehicle	Non-Key Decision	Public	Jackie Taylor, Group Head - Neighbourhood Services Portfolio Holder for Environment and Compliance
Cabinet 29 01 2020	Petition on the Local Plan To consider and respond to a petition supported by 609 signatories in relation to allocation proposals within the Local Plan to release two Green Belt sites in Charlton Village for the development of housing.	Non-Key Decision	Public	Ann Biggs, Strategic Planning Manager Councillor Ian Beardsmore
Cabinet 29 01 2020	Review of Knowle Green Estates Ltd To decide on the strategy for the Company	Non-Key Decision	Part public/part private	Michael Graham, Head of Corporate Governance Leader of the Council
Cabinet 29 01 2020	Exempt report - Property Letting 'B' To consider the proposed letting 'B' at a Council owned property.	Non-Key Decision	Private	Katherine McIlroy, Property Manager Portfolio Holder for Investment Portfolio and Management and Regeneration
Cabinet 29 01 2020	Exempt report - Property Letting 'C' To consider the proposed letting 'C' at a Council owned property.	Non-Key Decision	Private	Katherine McIlroy, Property Manager Portfolio Holder for Investment Portfolio and Management and Regeneration

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 29 01 2020	Exempt report - Acquisition Z - key decision To consider the acquisition of a property.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 29 01 2020	Exempt report - Acquisition AA - Key Decision To consider the acquisition of a Property.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 26 02 2020 Council 27 02 2020	Revenue Budget 2020/21 To consider the detailed Revenue Budget for 2020/21 and make recommendations to Council.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Public	Terry Collier, Deputy Chief Executive Deputy Leader and Portfolio Holder for Finance
Cabinet 26 02 2020	Fees and Charges 2020/21 To consider the Fees and Charges for 2020/21.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Public	Laurence Woolven, Chief Accountant Deputy Leader and Portfolio Holder for Finance
Cabinet 26 02 2020 Council 27 02 2020	Capital Strategy To consider a review of the Capital Strategy and make a recommendation to Council.	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Terry Collier, Deputy Chief Executive, Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 26 02 2020 Council 27 02 2020	Members' Allowances Scheme	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Public	Gillian Scott, Principal Committee Manager Leader of the Council

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 26 02 2020 Council 27 02 2020	Annual Grants 2020/21 To consider grants to charity and not-for-profit organisations.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Public	Tracy Reynolds, Community Development Manager Deputy Leader and Portfolio Holder for Finance
Cabinet 26 02 2020	Riverside Arts Centre - lease To consider the renewal of the lease a the Riverside Arts Centre.	Non-Key Decision	Public	Jeremy Gidman, Asset Management Portfolio Holder for Investment Portfolio and Management and Regeneration
Cabinet 26 02 2020	Sandbag Policy To consider and agree to a Sandbag Policy	Non-Key Decision	Public	Nick Moon, Risk and Resilience Manager Portfolio Holder for Corporate Management
Cabinet 26 02 2020	Public Space Protection Order - Parks and Open Spaces To consider a proposal to make Public Space Protection Orders in the borough and to consult residents on the matter.	Non-Key Decision	Public	Michael Graham, Head of Corporate Governance Portfolio Holder for Environment and Compliance
Cabinet 26 02 2020	Asset Management Plan To consider a draft Asset Management Plan	Non-Key Decision	Public	Nick Cummings, Property and Development Manager Portfolio Holder for Investment Portfolio and Management and Regeneration
Cabinet 26 02 2020	Food Safety and Health and Safety 2020/2021 Service Plans To consider the annual service plans for food safety and health and safety enforcement services	Non-Key Decision	Public	Fidelma Bahoshy, Senior Environmental Health Officer Portfolio Holder for Environment and Compliance

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 26 02 2020 Council 27 02 2020	Exempt report - Commercial Waste Viability To consider a proposal to offer a commercial waste service.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Graham Boswell, Business Development Officer Portfolio Holder for Environment and Compliance
Cabinet 26 02 2020	Exempt report - Acquisition AB - Key Decision To consider the acquisition of a Property	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 26 02 2020	Exempt report - Acquisition AC - Key Decision To consider the acquisition of a Property	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 26 02 2020	Exempt report - Property Letting 'D' To consider the proposed letting 'D' at a Council owned property.	Non-Key Decision	Private	Katherine McIlroy, Property Manager Leader of the Council
Cabinet 26 02 2020	Exempt report - Property Letting 'E' To consider the proposed letting 'E' at a Council owned property.	Non-Key Decision	Private	Katherine McIlroy, Property Manager Leader of the Council
Cabinet 25 03 2020	Corporate Plan Review To review the Corporate Plan and recommend it to Council for adoption.	Non-Key Decision	Public	Lee O'Neil, Deputy Chief Executive Leader of the Council

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 25 03 2020 Council 30 04 2020	Health and Wellbeing Strategy This is a new Health and Wellbeing Strategy for 2020-2023	Key Decision It is significant in terms of its effect on communities living or working in an area comprising two or more wards	Public	Lisa Stonehouse, Leisure Services Manager Portfolio Holder for Community Wellbeing
Cabinet 25 03 2020	Revenue Monitoring and projected outturn To note the Revenue spend to January 2020	Non-Key Decision	Public	Laurence Woolven, Chief Accountant Deputy Leader and Portfolio Holder for Finance
Cabinet 25 03 2020	Capital Monitoring and projected outturn To note the Capital spend to January 2020.	Non-Key Decision	Public	Laurence Woolven, Chief Accountant Deputy Leader and Portfolio Holder for Finance
Cabinet 25 03 2020	Homelessness Strategy To consider a report on a review of the Strategy.	Non-Key Decision	Public	David Birley, Housing Strategy and Policy Manager Portfolio Holder for Housing
Cabinet 25 03 2020	Corporate Health and Safety Policy To adopt a Corporate Health and Safety Policy	Non-Key Decision	Public	Stuart Mann, Health & Safety Officer Portfolio Holder for Corporate Management
Cabinet 25 03 2020	Exempt report - Thameside House construction budget - Key Decision To consider an exempt report on the construction budget for Thameside House.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Richard Mortimer, Asset Management Contractor Leader of the Council

Date of decision and decision maker	Matter for consideration	Key or non-Key Decision	Decision to be taken in Public or Private	Lead Officer/ Cabinet Member
Cabinet 25 03 2020	Exempt report - Acquisition AD - Key Decision To consider the acquisition of a Property.	Key Decision It is likely to result in the Council incurring expenditure above or making savings of up to £164,000	Private	Nick Cummings, Property and Development Manager Leader of the Council
Cabinet 25 03 2020	Exempt report - Property Letting 'F' To consider the proposed letting 'F' at a Council owned property.	Non-Key Decision	Private	Katherine McIlroy, Property Manager Portfolio Holder for Investment Portfolio and Management and Regeneration

Overview and Scrutiny Committee

21 January 2020



Title	Houses in Multiple Occupation		
Purpose of the report	To note		
Report Author	Esmé Spinks, Planning Development Manager Tracey Wilmott-French, Senior Environmental Health Manager		
Cabinet Member	Cllrs Barratt and McIlroy	Confidential	No
Corporate Priority	Housing and Clean and Safe Environment		
Recommendations	<p>The Overview and Scrutiny Committee is asked to note:</p> <ul style="list-style-type: none"> • The contents of this report; • That HMOs will be continued to be monitored by the Planning Enforcement and Environmental Health teams; and • If the position changes and the number of complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a further report will be brought to the O&S Committee in the future. 		

1. Summary

- 1.1 In November 2018, a report was presented to the O&S Committee which explored whether it was considered expedient to serve an Article 4 Direction to remove Permitted Development rights in respect of houses in multiple occupation (HMOs). The report used Planning and Environmental Health data to undertake a spatial analysis by ward of the numbers and types of HMOs which existed and the extent of the complaints received in Spelthorne.
- 1.2 The report acknowledged that new licensing legislation came into effect on 1 October 2018 which is the responsibility of Environmental Health. It was expected that this would bring about improvements to the management and safety standards in a high proportion of residential properties in the private rental sector within Spelthorne.
- 1.3 The report concluded, and the O&S Committee agreed that given the available data, evidence was insufficient at that stage to justify the introduction of an Article 4 Direction. However, as major recent changes to the EH legislation had only just come into effect, it was agreed that HMOs continue to be monitored by the Planning Enforcement team and an updated report was to be brought to the Overview and Scrutiny Committee at the end of 2019/beginning of 2020.

- 1.4 A copy of the previous report and its appendices are attached as an annex to this report.
- 1.5 Under current planning legislation, permission is not required to convert a dwelling to a house in multiple occupation (HMO) providing it is occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- 1.6 However, it is possible to make an Article 4 Direction under the Town & Country Planning (General Permitted Development) (England) Order to remove Permitted Development Rights for HMOs (which would mean that planning permission would be required for any HMO regardless of the number of occupants) in certain areas. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction, would be permitted development (i.e. does not require planning permission). Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights harms local amenity or the proper planning of an area.
- 1.7 This report uses Planning and Environmental Health data to undertake a spatial analysis, by ward, of the numbers and types of HMOs which exist and the extent of the complaints received in Spelthorne. Within the past year, seven complaints have been received by Planning Enforcement where planning permission was not required and hence there were no planning controls. Following investigation by the Planning Enforcement Officers, other complaints received did not relate to HMOs.
- 1.8 Environmental Health only received 4 complaints about issues arising from the presence of HMOs in the past year, and these related to HMOs in the following wards: Ashford Common and Staines. The complaints were about pests, an accumulation of refuse and noise.
- 1.9 New licensing legislation for HMO's came into effect on 1 October 2018. This is the responsibility of Environmental Health and has brought about improvements to the management and safety standards in a high proportion of residential properties in the private rental sector within Spelthorne. The question of whether planning permission has been granted or is required is not a consideration in the granting of HMO licences.
- 1.10 It is considered that given the available data, evidence is insufficient to justify the introduction of an Article 4 Direction in Spelthorne. However, it is recommended that HMOs continue to be monitored by the Planning Enforcement and Environmental Health teams. If the position changes and the number of complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a report will be brought to the O&S Committee in the future.

MAIN REPORT

1.0 Background

- 1.1 Under planning legislation, the Town and Country Planning Use Classes Order (UCO) 1987 as amended, sets land use activities into various use classes. Uses are grouped into classes A, B, C, D and *sui generis* (a unique

use class not within a specified class). Within each group, there are further subdivisions of use classes; some 16 in total. Planning permission is normally required to change from one use class to another although there are exceptions where the legislation does allow some changes between uses (the Town and Country Planning General Permitted Development Order 2015, as amended).

- 1.2 Dwellings fall within use class C3 of the UCO. Houses in multiple occupation (HMOs) are contained within both Use Class C4 or *sui generis*. Class C4 defines an HMO as:

Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

- 1.3 A HMO larger than this (i.e. with 7 or more unrelated people) is classed as a *sui generis* use for which planning permission is always required.
- 1.4 Use Class C4 was introduced in April 2010. This change was made in response to concerns around the impact of concentrations of HMOs in certain areas in terms of anti-social behaviour, crime, parking and pressure on facilities particularly in university and coastal towns.
- 1.5 However in October 2010, further measures were introduced to allow changes of use between family houses (Class C3) and small shared houses (Class C4) to take place freely without the need for planning permission.
- 1.6 Consequently it is currently permitted to change from a Class C3 dwelling house to Class C4 HMO property without planning permission. It is also permitted to change a Class C4 HMO property back to a Class C3 dwelling house without planning permission.
- 1.7 However, converting dwellings to an HMO, when classed as *sui generis* (i.e. seven or more occupants) will require planning permission. Likewise a conversion from a large HMO to any other use will also require planning permission.
- 1.8 When planning restrictions were freed up in October 2010, it was made clear by the government that, *"in those areas experiencing problems with uncontrolled HMO development, local authorities will be able to use their existing direction making powers to restrict this freedom of movement by requiring planning applications."*
- 1.9 In 2013 the (then) Communities and Local Government Select Committee considered the issue of high concentrations of HMOs as part of its inquiry into the private rented sector. The Committee concluded that controlling the spread of HMOs should be a matter for local determination and supported the use of Article 4 Directions to manage conversions to HMO. The Government agreed with the Committee's recommendation.
- 1.10 Directions are made under the Article 4 Direction of the Town & Country Planning General Permitted Development Order. They remove Permitted

Development Rights for certain types of specified development in certain areas. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction would be permitted development (i.e. does not require planning permission).

- 1.11 Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights, such as the spread of HMOs, harms local amenity or the proper planning of an area.
- 1.12 The National Planning Policy Framework (NPPF) requirements for removing permitted development rights compels the planning authority to demonstrate that the removal is necessary to protect local amenity or the wellbeing of a particular geographic area (NPPF, Para 53).
- 1.13 Advice on making an Article 4 Direction is set out by Government in the Planning Practice Guidance (PPG). It states that:

“The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified”.

The advice further states that there should be a particularly strong justification for the withdrawal of permitted development rights relating a number of different scenarios including those covering the entire area of a local planning authority.

- 1.14 In procedural terms there are two types of Article 4 Directions:-
- Non-Immediate Direction – permitted development rights are withdrawn 12 months from service of the direction after a period of consultation.
 - Immediate Direction – permitted development rights are withdrawn immediately, but must be confirmed within six months after a period of consultation. The Council becomes liable for abortive expenditure or other loss or damage attributable to withdrawal of the permitted development rights, if a subsequent application is refused. The ‘other loss or damage’ would include the difference in the value of the site, and would expose the Council to potentially significant financial liability.
- 1.15 Consequently if the Article 4 takes effect less than one year from issue, compensation is payable to affected landowners. After one year, there is no compensation

2.0 Assessment

- 2.1 All planning enforcement complaints received relating to HMOs which did not require planning permission because they contained six residents or less have been recorded.

The following dates have been used:

- 01/10/16 – 30/09/17
- 01/10/17 – 30/09/18
- 01/10/18 – 30/09/19

The results are shown by ward in the following tables. Any ward not listed did not have any HMO complaints recorded. Each of the three tables are followed by a table showing the reasons why planning permission was not required. It can be seen that a number of complaints listed were investigated by the Planning Enforcement officers and it was established they were not HMOs at all.

Table 1 - HMO complaints by ward where Planning Permission was not required between 1 October 2016 and 30 September 2017

Ward	Numbers of Complaints	Numbers of Households	Number of complaints as a % of households
Ashford Town	1	2,703	0.037
Riverside & Laleham	1	2,846	0.035
Staines South	1	2,899	0.035
Stanwell North	1	3,250	0.030
Other Wards	0		0
Grand Total	4	39,512	0.010

Table 1A - Reasons Planning Permission was not required between 1 October 2016 and 30 September 2017

By Ward & Reason	Count of Reason PP Not Required
Ashford East	2
Care Home	1
Family Dwelling House	1
Ashford North & Stanwell South	1
Family Dwelling House	1
Ashford Town	2
Care home	1
HMO Permitted Development	1
Riverside & Laleham	1
HMO Permitted Development	1
Staines	1
Not a HMO but 2 flats above Retail Unit.	1
Staines South	1
HMO Permitted Development	1
Stanwell North	1
HMO Permitted Development	1
Sunbury Common	1
Family Dwelling House	1
Total complaints	10
Total Complaints HMO Permitted Development	4

- 2.2 Of the 10 complaints received between 1 October 2016 and 30 September 2017, only four related to HMOs which were permitted development.

Table 2 - HMO complaints by ward where Planning Permission was not required between 1 October 2017 and 30 September 2018

Ward	Numbers of Complaints	Numbers of Households	Number of complaints as a % of households
Ashford East	1	2,959	0.034
Ashford North & Stanwell South	2	3,140	0.064
Staines South	1	2,899	0.034
Other Wards	0		0
Grand Total	4	39,512	0.010

Table 2A - Reasons Planning Permission was not required between 1 October 2017 and 30 September 2018

By Ward & Reason	Count of Reason PP Not Required
Ashford East	2
Family Dwelling House	1
HMO Permitted Development	1
Ashford North & Stanwell South	3
Family Dwelling House	1
HMO Permitted Development	2
Ashford Town	1
Flats	1
Riverside & Laleham	1
Family Dwelling House	1
Staines	1
Flats	1
Staines South	1
HMO Permitted Development	1
Total Complaints	9
Total Complaints HMO Permitted Development	4

- 2.3 Of the nine complaints received between 1 October 2017 and 30 September 2018, only four related to HMOs which were permitted development.

Table 3 - HMO complaints by ward where Planning Permission was not required Between 1 October 2018 and 30 September 2019

Ward	Referrals by EH	Numbers of Complaints	Numbers of Households	Number of complaints as a % of households
Ashford East	0	1	2,959	0.034
Ashford North & Stanwell South	1	2	3,140	0.063
Ashford Town	1	1	2,703	0.037
Riverside & Laleham	1	0	2,846	0
Staines	1	1	3,528	0.028
Stanwell North	1	2	3,250	0.062
Other Wards	0	0	-	0
Grand Total	5	7	39,512	0.018

Table 3A - Reasons Planning Permission was not required between 1
October 2018 and 30 September 2019

By Ward & Reason	Count of Reason PP Not Required
Ashford East	2
Family Dwelling House	1
HMO Permitted Development	1
Ashford North & Stanwell South	6
Family Dwelling House	2
HMO Permitted Development	2
HMO – Certificate of Lawful Development	1
HMO has Planning Permission	1
Ashford Town	4
HMO Permitted Development	1
Family Dwelling House	2
HMO has Planning Permission	1
Riverside & Laleham	1
Flats	1
HMO Permitted Development	0
Staines	2
Family Dwelling House	1
HMO Permitted Development	1
Stanwell North	4
B&B above pub	1
Family Dwelling House	1
HMO Permitted Development	2
Total Complaints	19
Total Complaints HMO Permitted Development	7

- 2.4 Of the 19 complaints received between 1 October 2018 and 30 September 2019, only 7 related to HMOs which were permitted development and these complaints were located in five different wards in Spelthorne. A summary of the HMO complaints which were HMOs not requiring planning permission is set out in table 4:

Table 4– HMO Permitted Development Complaints 2016 – 2019

Year	No. of HMO PD complaints	Number of complaints as a % of households
01/10/16 – 30/09/17	4	0.010
01/10/17 – 30/09/18	4	0.010
01/10/18 – 30/09/19	7	0.018
Average over 3 years	5	0.013

- 2.5 Table 5 below shows the number of HMO complaints received by planning enforcement for the three years 01/10/16 – 30/09/19 as a percentage of the total complaints received. These relate to HMOs which were permitted development. It can be seen that the % of planning enforcement complaints relating to HMOs are low, comprising just over 1% of all complaints received.

Table 5– HMO Planning Enforcement complaints received compared with total Planning Enforcement complaints received 2016 – 2019

Year	No. of HMO PD complaints	Total number of Planning Enforcement complaints received	Number of HMO Planning Enforcement complaints received as a % of total complaints
01/10/16 – 30/09/17	4	399	1%
01/10/17 – 30/09/18	4	317	1.2%
01/10/18 – 30/09/19	7	353	1.13%
Average over 3 years	5	356	1.13%

- 2.6 The number of planning applications for HMOs (containing seven or more residents) by ward which were determined between 1 October 2016 and 30 September 2019 are set out in table 6 below. A full list of the site details are contained as Appendix 1 to this report. It can be seen that 10 out of the 15 applications related to HMOs which contained 7 residents. This is the smallest number of residents within an HMO which requires planning permission.

Table 6 - Planning applications for HMOs by ward determined between 1 October 2016 and 30 September 2019

Ward	Numbers of planning applications approved	Numbers of planning applications refused
Ashford Common	2	0
Ashford East	1	2
Ashford North & Stanwell South	3	1
Ashford Town	2	0
Staines	1	0
Stanwell North	0	1
Sunbury Common	1	0
Grand Total	10	4

- 2.7 The Planning Officers and Planning Enforcement Officers work closely with the Environmental Health Officers who are responsible for issuing a licence for HMOs. The two Departments share information about licence applications and planning applications as well as intelligence about potential HMOs. A licence for an HMO is required from Environmental Health under the following circumstances:
- The dwelling is occupied by five or more people who form two or more households; and
 - all or some of the occupants share bathroom, toilet or kitchen facilities
- 2.8 It should be noted that before the licensing regime change (which was from the 1 October 2018) a licence was only required for HMOs in three+ storey buildings. Consequently, a much larger number of HMOs now fall within the Environmental Health licensing process.
- 2.9 When determining whether to grant a licence for an HMO, Environmental Health are not able to take into consideration whether or not the property has or requires planning permission to operate as an HMO. Environmental Health does, however, strongly advise that HMO licence applicants contact Planning to enquire whether Planning Permission is needed.
- 2.10 The following table shows the number of HMOs licensed by Environmental Health, by ward as well as the number of potential HMOs that have come to the attention of Environmental Health through complaints and enquiries. It should be noted that there is an overlap with the information in tables 1, 2 and 3 above.

Table 7 - Number of HMOs that have been licensed, and the number of potential HMOs brought to the attention of Environmental Health, by Ward.

Ward	Number of licensed HMOs (2018-19)	Potential HMOs*		
		2016 - 2017	2017 - 2018	2018 - 2019
Ashford Common	7	5	2	5
Ashford East	4	4	4	7
Ashford North & Stanwell South	18	13	9	7
Ashford Town	15	7	9	6
Laleham and Shepperton Green	1	1	5	2
Riverside and Laleham	3	3	1	5
Shepperton Town	1	1	1	1
Staines-upon-Thames	11	4	10	11
Staines-upon-Thames South	2	4	4	4
Stanwell North	11	13	7	9
Sunbury Common	9	4	1	7
Sunbury East	2	3	4	1
Grand Total	84	62	57	65
<p>*This 'Potential HMOs' data has recently been extracted from the EH database for the years shown. The data relates to all service requests and enquiries which indicate the properties might be HMOs. From analysis of the data at this time it is not known if they are HMOs and if so whether need to be licensed.</p>				

- 2.11 Of the potential HMOs listed within table 7 above, a number of the HMOs have since been licensed or have applications pending:
- 1 October 2016 to 30 September 2017, 62 Potential HMOs of which 18 are now licensed, and 2 are pending (which were not licensable at that time).
 - 1 October 2017 to 30 September 2018, 57 Potential HMOs of which 13 are now licensed, and 1 is pending.
 - 1 October 2018 to 30 September 2019, 65 Potential HMOs of which 4 are now licensed, and 3 are pending.
- 2.12 Maps showing the distribution of licensed HMOs throughout Spelthorne and then the distribution of licensed HMOs by ward are included as Appendices 3 - 16 to this report. The information shows that the highest number of licensed HMOs is within the wards of Ashford Town, Ashford North & Stanwell South and Stanwell North.

3.0 **Issues**

- 3.1 At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. HMOs do fulfil a vital role in providing affordable accommodation for individuals and it is clear that they are an essential part of the housing stock.
- 3.2 A total of 11 properties have been granted planning permission for HMOs between 1 October 2016 – 30 September 2019 and four were refused permission.
- 3.3 In addition, 22 complaints were received over the same period relating to HMOs which did not require planning permission because the number of residents were six or less.
- 3.4 There are concerns that as well as providing much needed affordable accommodation to residents, HMOs can also have negative effects on neighbourhoods. Impacts, either real or perceived from complaints received include the following:
- Noise and anti-social behaviour
 - Accumulations of rubbish and pests
 - Imbalanced and unsustainable communities
 - Negative impact on the physical environment
 - Pressures upon parking provision
 - Growth in private rented sector at the expense of owner-occupation
 - Increased crime, and
 - Pressure upon local community facilities.
- 3.5 For the years 2016 to 2019, tables 8, 9 and 10 below provides a summary of the complaints relating to known HMOs received by Environmental Health about matters relating to accumulations of rubbish, antisocial behaviours, noise, bonfires, vermin and pests. It should be noted that there is some overlap of complaints received by Planning and Environmental Health.

Table 8: Complaints received by Environmental Health about known HMOs
between 1 October 2016 and 30 September 2017

Ward	No. of Complaints	No. of Households in Ward	No. of complaints as a % of households	Complaint Type
Riverside & Laleham	1	2,846	0.035	Rubbish Accumulation
Ashford North & Stanwell South	1	3,140	0.032	Noise
Ashford Town	1	2,703	0.037	Rubbish Accumulation
Ashford Common	1	3163	0.032	Bonfire
Other Wards	0		0	-
Grand Total	4	39,512	0.010	

Table 9: Complaints received by Environmental Health about known HMOs
between 1 October 2017 and 30 September 2018

Ward	No. of Complaints	No. of Households in Ward	No. of complaints as a % of households	Complaint Type
Stanwell North	2	3,250	0.062	Rubbish Accumulation/ Vermin
Ashford Town	1	2,703	0.037	Rubbish Accumulation
Other Wards	0	-	0	-
Grand Total	3	39,512	0.008	

Table 10: Complaints received by Environmental Health about known HMOs
between 1 October 2018 and 30 September 2019

Ward	No. of Complaints	No. of Households in Ward	No. of complaints as a % of households	Complaint Type
Ashford Common	2	3163	0.063	Pests/Noise
Stanwell North	1	3,250	0.062	Rubbish Accumulation
Staines	1	3,528	0.028	Noise
Other Wards	0		0	-
Grand Total	4	39,512	0.010	

- 3.6 Table 11 below provides a summary of the complaints received by Environmental Health relating to residential properties in general (includes HMOs and non-HMOs) about matters relating to accumulations, antisocial behaviours, noise, bonfires, vermin and pests. It also shows what percentage of these complaints relate to HMOs.

Table 11: Complaints received by Environmental Health about all residential properties

Year	No. of Complaints Received	All complaints as a % of households	HMO complaints as a % of total complaints	Complaint type
2016 - 2017	1347	3.4	0.297	Rubbish Accumulations, noise, pests
2017 - 2018	1173	2.97	0.256	
2018 - 2019	1194	3.02	0.335	

4.0 Environmental Health controls of licensed HMOs

- 4.1 All licensed properties are subject to programmed inspections to check compliance with relevant legislation and licence conditions relating to fire safety, amenities and management. These licence conditions include matters that might adversely impact on nearby residents, in particular in relation to anti-social behaviour and accumulations of rubbish.
- 4.2 Spelthorne's HMO licence conditions for antisocial behaviour and rubbish are as follows:
- The Licence Holder must take all reasonable and all practicable steps for preventing and dealing effectively with anti-social behaviour by people occupying or visiting the premises; and for preventing the use of the premises for illegal purposes. These steps must include:
 - Ensuring that a written statement of the terms and conditions upon which the house is occupied contains a clause holding the occupants responsible for any anti-social behaviour by themselves and/or their visitors, and that this clause is drawn to the attention of occupants when they take up residence.
 - Responding to complaints of anti-social behaviour that concern occupiers of the premises or their visitors. Where anti-social behaviour is discovered, the Licence Holder must inform the tenant of the matter within 14 days and of the consequences of its continuation.
 - Ensuring that all outhouses, garages and sheds are kept secured and used for their intended purpose. The Licence Holder must not allow them to be occupied as individual habitable rooms, kitchens or bathrooms.

- Ensure that waste bins, which are provided by the Council in line with our bin allocation policy, are made available for all residents of the accommodation. Ensure that suitable refuse bins are provided within the accommodation including within all kitchens. Additional arrangements should be made for the storage and disposal of household waste from the property to ensure compliance with Spelthorne Borough Council's refuse and recycling disposal scheme. For further details about the scheme please go to <https://www.spelthorne.gov.uk/rubbishwasterecycling> or contact Neighbourhood Services on 01784 446411 or email at neighbourhoodservices@spelthorne.gov.uk.

4.3 In addition to the controls Environmental Health have over licensed HMOs, Environmental Health also have powers under various legislation such as the Environmental Protection Act, the Prevention of Damage by Pests Act and the Anti-social Behaviour, Crime and Policing Act 2014 to deal with noise and other nuisance; accumulations of rubbish; and along with our colleagues in Community Safety, to address complaints about anti-social behaviour. These powers apply to all residential properties in the Borough including licensed and unlicensed HMOs.

5.0 Environmental Health activity since the changes to mandatory licensing

5.1 Since before the changes to mandatory licensing and in preparation of such, Environmental Health have undertaken a project focusing on HMO licensing, and have developed new systems and better ways of working in relation to processing HMO licences; proactive investigative work to identify HMOs and compel landlords to ensure their properties are licensed if they meet the licensable criteria; enforcement action in relation to unlicensed HMOs and a risk assessment approach to the timing and frequency of inspections of licensed HMOs.

5.2 Environmental Health publicised the changes to mandatory licensing, and wrote to all known landlords advising them of the changes and the requirement to licence. Additionally, Environmental Health have been keeping a database of potential HMOs from intelligence from various sources including information from complaints. The team have carried out checks on 328 properties from this database in advance of, and since the changes to licensing. Of those visits, 221 were found not to be HMOs, and 107 were considered to be HMOs or potentially licensable HMOs, 35 of which have since been licensed.

5.3 Environmental Health are now following up on the remaining 73 properties where complaints or intelligence suggests that the properties may be licensable. Letters and licence application packs have been sent to the owners of all these properties, and Environmental Health are now following up those that have not yet made an application. This is a time intensive process which includes visits to the properties and gathering evidence where necessary for possible prosecution.

5.4 Since 1st October 2018, 46 licensed HMOs have been visited, and a further 76 visits have been undertaken in relation to unlicensed HMOs in addition to the checks carried out.

- 5.5 An HMO landlords' guide has been developed to give landlords information on standards required for HMOs and information has been added to the Council's website. This is to encourage landlords to be informed and educated on what they need to do to ensure that their properties comply. However, where necessary, Environmental Health have taken enforcement action by service of informal and formal notices (11 formal notices have been served since 1st October 2018) to improve conditions in a number of HMOs.

6.0 Options

- 6.1 The previous report to Overview and Scrutiny Committee considered five possible options and commentary was provided on each as to their appropriateness as set out below.
- (i) That the Council introduces an Article 4 Direction across the whole Borough.
 - (ii) That the Council introduces an Article 4 Direction across the wards of Ashford Town and Ashford North & Stanwell South (the wards with the highest number of complaints and applications) withdrawing the permitted development rights to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) with immediate effect.
 - (iii) That the Council introduces an Article 4 Direction across the wards of Ashford Town and Ashford North & Stanwell South (the wards with the highest number of complaints and applications) withdrawing the permitted development right to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) coming into effect after 1 year of its introduction.
 - (iv) That the Council does not introduce an Article 4 Direction.
 - (v) To review the position within a year (1 October 2019) from the change in EH regulations.
- 6.2 The previous O&S report set out the reasons why options (i) to (iv) were not recommended. Consequently it was agreed that HMOs would be continued to be monitored by the Planning Enforcement team and an updated report was to be provided at the end of 2019. This would allow for the implications of the changes to the licensing of HMOs to be assessed.
- 6.3 From 1 October 2018, all HMOs with five or more people must have a licence from Environmental Health regardless of the number storeys, and this includes certain types of flats. This was a major change from the previous licensing regime which only applied to buildings of three storeys or more. As of 30 September 2018, there were only 28 Houses in Multiple Occupation licensed by Environmental Health in Spelthorne. This has increased to 86, with a further 16 pending.
- 6.4 The extended scope of the HMO definition has brought a significant increase in the number of HMOs that require a licence by Environmental Health to operate. Overall it has brought about improvements to the management and safety standards in a high proportion of residential properties in the private rental sector within Spelthorne.

- 6.5 A summary of complaints received by Planning Enforcement relating to HMOs which were permitted development over the last three years are shown in table 4 above. It is clear that whilst the number of complaints concerning HMOs have increased in the year from 01/10/18 since the change in the licensing regime, the number of complaints at 7, which is spread over 5 different wards in Spelthorne, ranging between 1-2 complaints per ward is very low. Overall, the number of complaints across the borough equates to just 0.018 complaints as a % of households in the year to 30/09/19 and 0.013% as an average over the last three years.
- 6.6 The total number of complaints received by Environmental Health about issues arising from the presence of HMOs in the last three years is only 11. This, as shown in table 11, represents a very small proportion of overall complaints about issues relating to residential properties that would adversely impact on nearby residents for the year.
- 6.7 As detailed in section 3 above, HMOs provide a useful form of housing tenure. At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. HMOs do fulfil a vital role in providing affordable accommodation for individuals and it is clear that they are an essential part of the housing stock. It should be noted that the introduction of an Article 4 Direction could indirectly result in a reduction in the supply of HMOs which in turn might impact on the groups who typically occupy this type of low cost accommodation. Local authorities will still be required to plan to meet the housing needs of those groups and this duty has recently increased following the Homelessness Reduction Act 2017 which came into effect in April 2018.
- 6.8 It should be noted that Environmental Health has powers to investigate and take enforcement action in relation to noise and other nuisance behaviours; accumulations of rubbish and pest and vermin control. These powers apply in relation to licensed and unlicensed HMOs as well as dwellings that are not HMOs.
- 6.9 The Police and the Highway authority have powers to control dangerous or illegally parked vehicles and vehicles causing damage to highway verges and crime. Neighbourhood Services has powers to serve notices in relation to poor waste management.
- 6.10 The introduction of an Article 4 Direction would need to be justified by evidence. Given the very low level of complaints received not requiring planning permission (which would be covered by an Article 4 Direction) as a proportion of the number of households, it is considered that there is insufficient evidence at this stage to justify the making of an Article 4 Direction. However, it is recommended that HMOs continue to be monitored by the Planning Enforcement and Environmental Health teams. If the position changes and the number of complaints relating to HMOs which are permitted development increase significantly, a report will be brought to the O&S Committee in the future.

7.0 Recommendation

- 7.1 It is recommended that HMOs continue to be monitored by the Planning Enforcement and Environmental Health teams. If the position changes and the number of complaints relating to HMOs which are permitted development and which are causing negative impacts on neighbours increases significantly, a report will be brought to the O&S Committee in the future.

Appendices:

Appendix 1 – Planning Applications for HMOs by ward determined 30 October 2016 – 30 September 2019

Appendix 2 – Licensed HMOs by ward (Borough plan) as of 6 November 2019

Appendices 3 – 15 – Licensed HMOs by ward (individual plans)

Annex – Report to Overview and Scrutiny Committee – 20 November 2018

Appendices to Annex

Appendix 1 – Planning Applications for HMOs by ward determined April 2010 – May 2018

Appendix 2 - HMO complaints by ward where Planning Permission was not required (From April 2010)

Appendix 3 - Numbers of planning applications refused

Appendix 4 - Numbers of planning applications approved

Appendix 5 - Numbers of HMO licenced premises (up to 6 residents)

Appendix 6 - Numbers of HMO licenced premises (7 residents or more - Planning Permission required)

Planning Applications for HMOs by ward determined 30 October 2016 – 30 September 2019

Site	Ward	Nos. of Residents/ bedrooms	Nos. of car spaces	Planning App No.	Decision
1 Haven Road Ashford	Ashford East	14	4	16/01701/FUL	Refused 06/04/17
11 Edward Way Ashford	Ashford North and Stanwell South	7	1	17/01850/FUL	Approved 26/02/18
28 Oaks Road Stanwell	Stanwell North	9	6	18/00088/FUL	Refused 12/03/18
496 London Road Ashford	Ashford North and Stanwell South	7	2	18/00093/FUL	Approved 14/03/18
187 Ashridge Way Sunbury on Thames	Sunbury Common	7	3	18/00422/FUL	Approved 04/06/18
7 Maxwell Road Ashford	Ashford Common	7	3	18/00424/FUL	Approved 31/05/18

Site	Ward	Nos. of Residents/ bedrooms	Nos. of car spaces	Planning App No.	Decision
158 Feltham Hill Ashford	Ashford Common	7	4	18/00551/FUL	Approved 12/06/18
32 Desford Way Ashford	Ashford North and Stanwell South	7	4	18/00599/FUL	Approved 02/07/18
17 Ashford Close Ashford	Ashford Town	7		19/00658/FUL	Approved 04/07/19
1 St Hilda's Avenue Ashford	Ashford Town	7		18/00913/FUL	Approved 13/08/18
2 Sydney Crescent Ashford	Ashford East	7		18/00914/FUL	Approved 15/08/18
90 Ashford Crescent Ashford	Ashford North And Stanwell South	11		19/00156/FUL	Refused 03/06/19
53 Ashford Avenue Ashford	Ashford East	11		19/00504/FUL	Refused 18/06/19

Site	Ward	Nos. of Residents/ bedrooms	Nos. of car spaces	Planning App No.	Decision
1 Shortwood Common London Road Staines-upon-Thames	Staines	10		19/00557/FUL	Approved 28/06/19

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Legend

Wards (13)

WARD

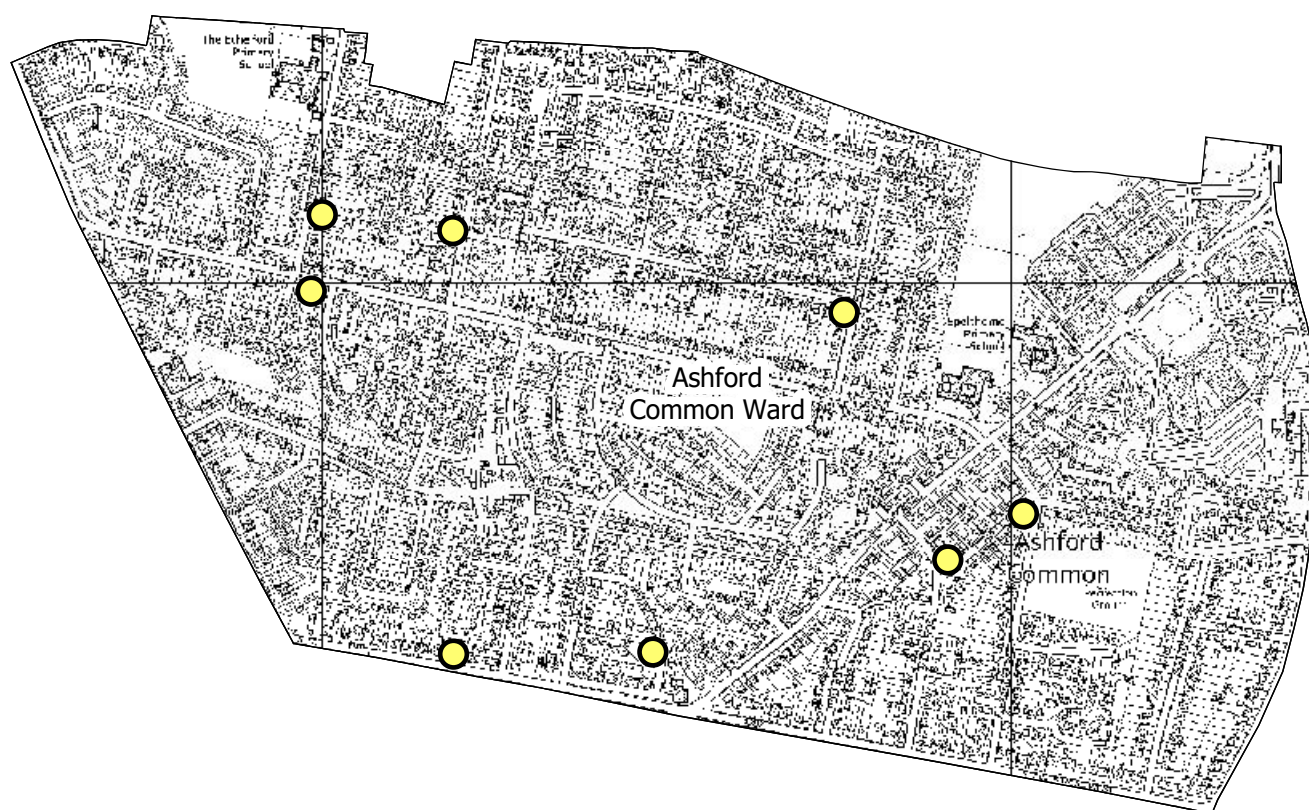
- Ashford Common (7)
- Ashford East (4)
- Ashford North and Stanwell South (18)
- Ashford Town (15)
- Laleham and Shepperton Green (1)
- Riverside and Laleham (3)
- Shepperton Town (1)
- Staines (11)
- Staines South (2)
- Stanwell North (11)
- Sunbury Common (9)
- Sunbury East (2)

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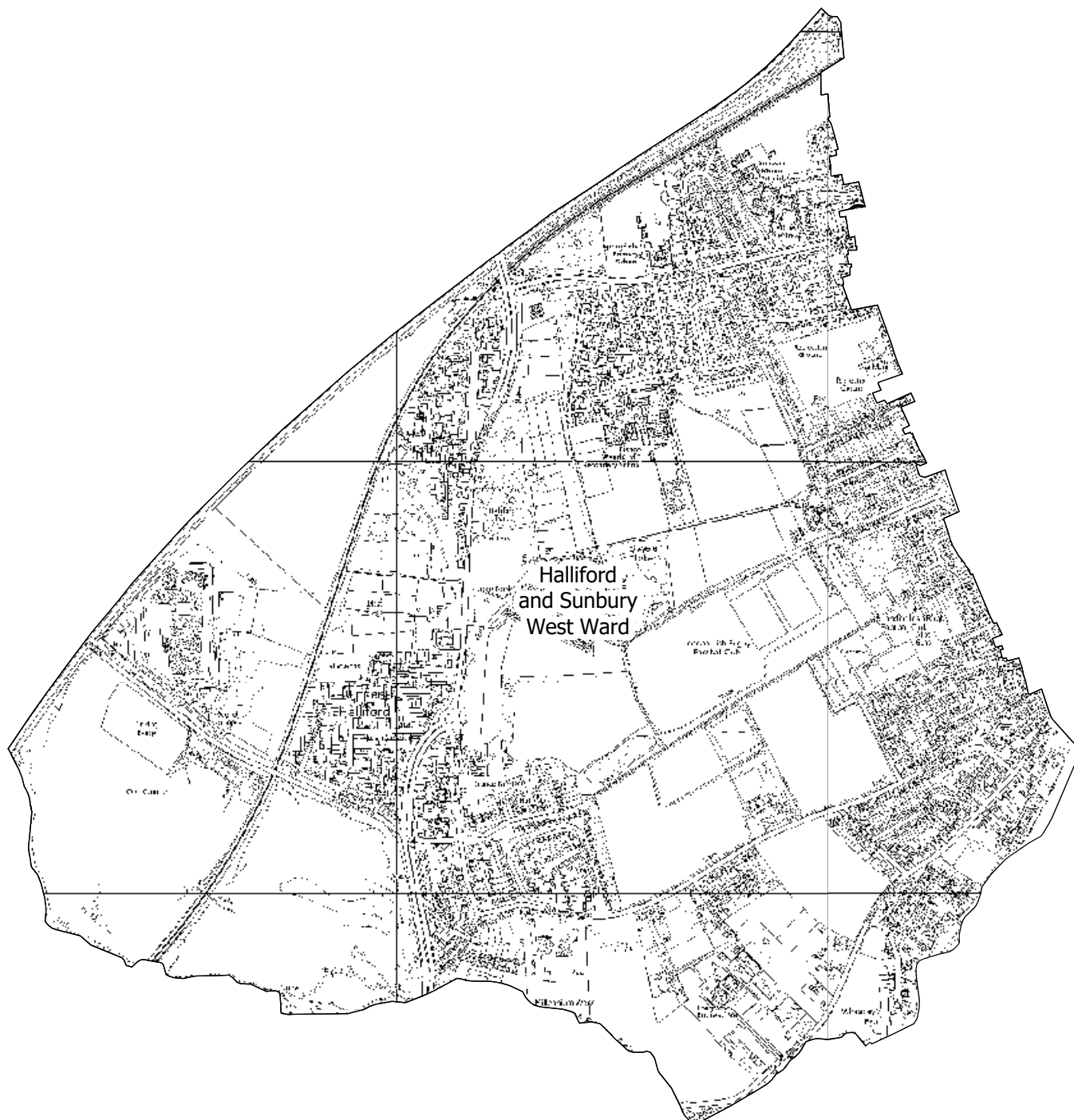


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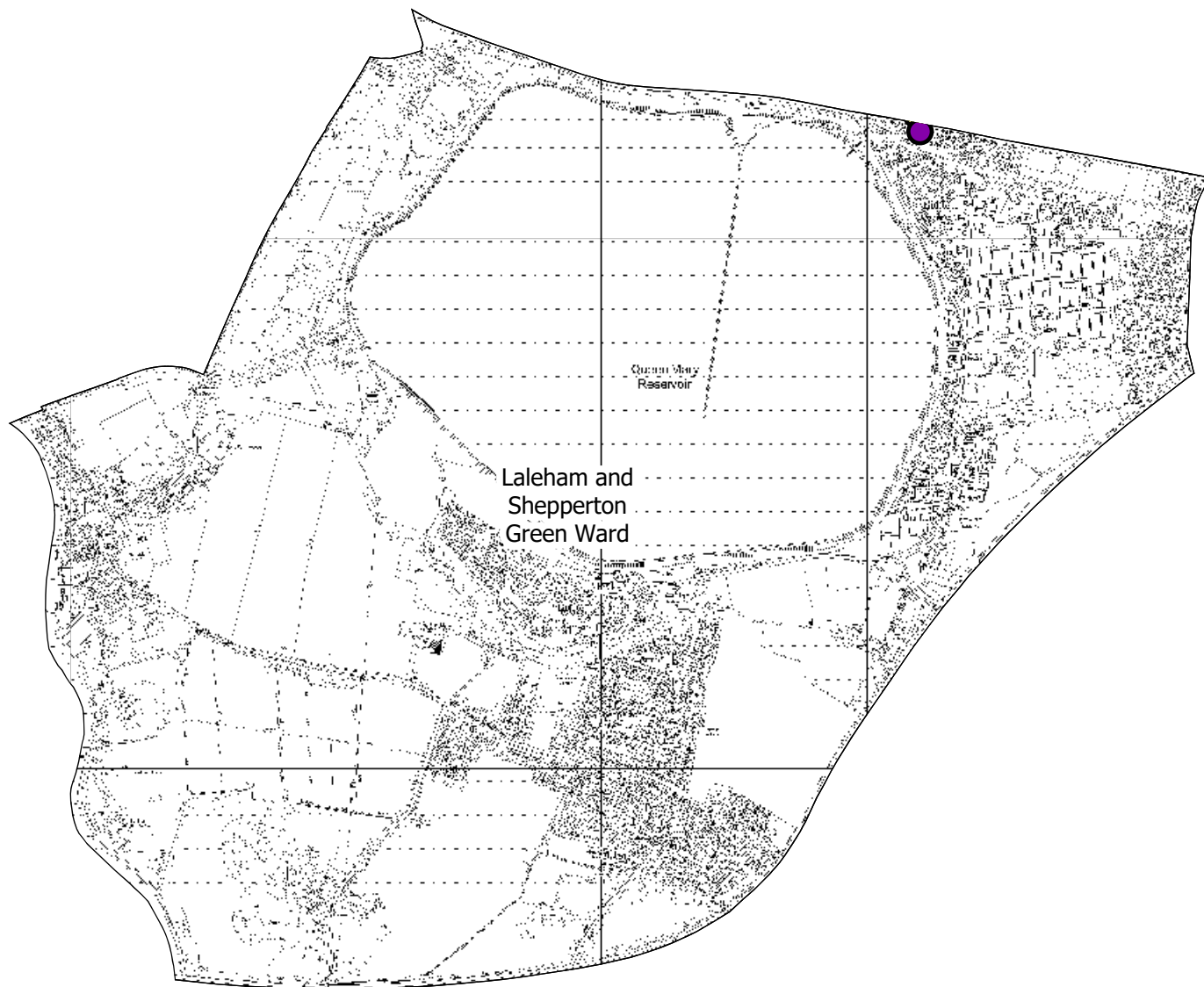


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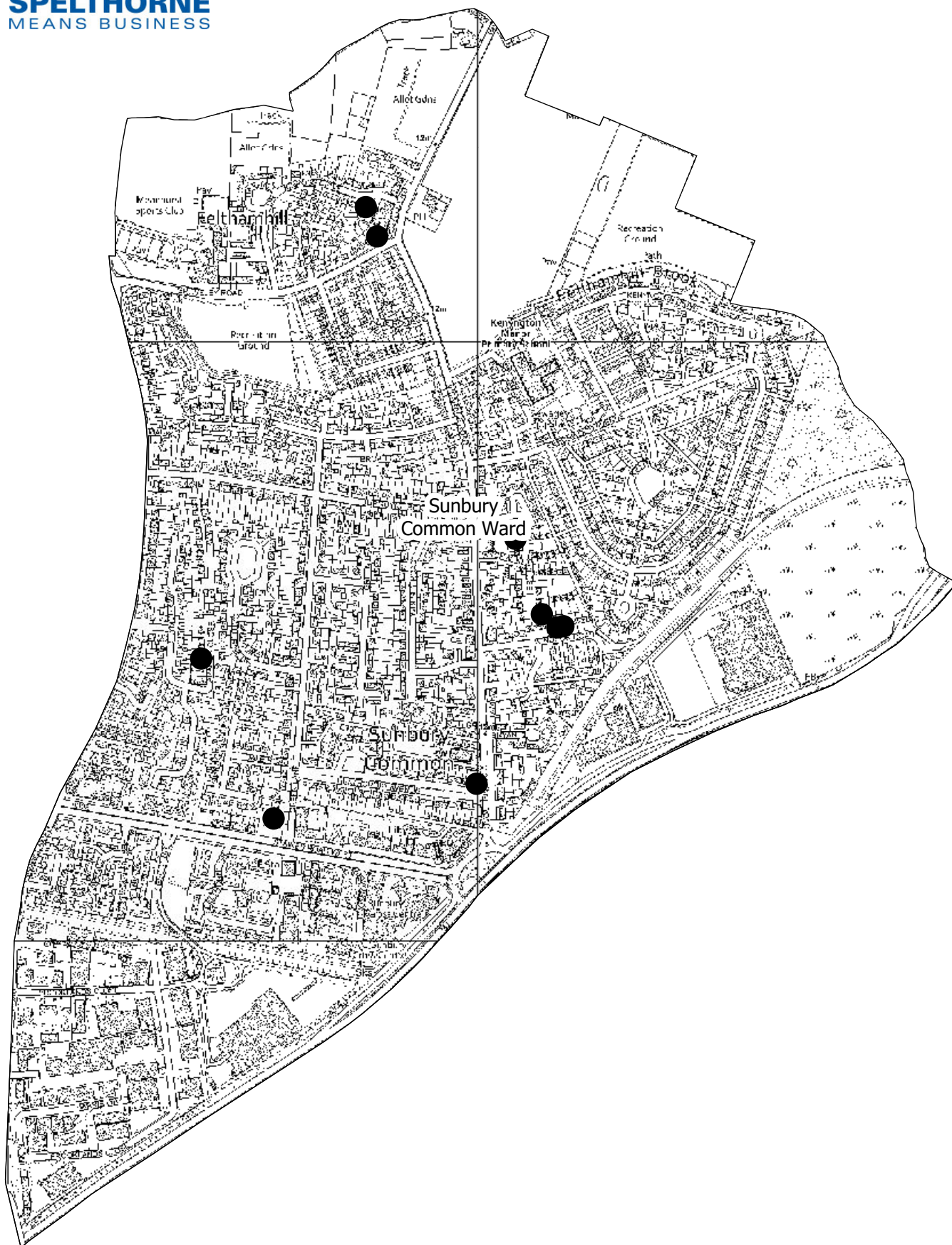


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Overview and Scrutiny Committee

20 November 2018



Title	Houses in Multiple Occupation – Article 4 Direction		
Purpose of the report	To note.		
Report Author	Esmé Spinks, Planning Development Manager		
Cabinet Member	Councillor Colin Barnard	Confidential	No
Executive Summary	<p>Under current planning legislation, permission is not required to convert a dwelling to a house in multiple occupation (HMO) providing it is occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.</p> <p>However, it is possible to make an Article 4 Direction under the Town & Country Planning General Permitted Development Order to remove Permitted Development Rights for HMOs (which would mean that permission would be required for any HMO regardless of the number of occupants) in certain areas. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction, would be permitted development (i.e. does not require planning permission). Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights, such as the spread of HMOs, harms local amenity or the proper planning of an area.</p> <p>This report uses Planning and Environmental Health data to undertake a spatial analysis by ward of the numbers and types of HMOs which exist and the extent of the complaints received in Spelthorne. At present there appears to be a higher level of activity in the two wards of Ashford Town and Ashford North & Stanwell South. Both wards have had five complaints received by Planning Enforcement over the past eight years where planning permission was not required and hence there were no planning controls.</p> <p>New licencing legislation came into effect on 1 October 2018. This will be the responsibility of Environmental Health. It is expected that this this will bring about improvements to the management and safety standards</p>		

	<p>in a high proportion of residential properties in the private rental sector within Spelthorne.</p> <p>It is considered that given the available data, evidence is insufficient at this stage to justify the introduction of an Article 4 Direction. Given the major recent changes to the EH legislation, it is recommended that HMOs continue to be monitored by the Planning Enforcement team and an updated report is brought to the Overview and Scrutiny Committee at the end of 2019.</p>
Recommended Decision	<p>It is recommended that the Committee notes:</p> <ul style="list-style-type: none"> • The contents of this report, • That HMOs will be continued to be monitored by the Planning Enforcement team, and • That an updated report will be brought to the Overview and Scrutiny Committee at the end of 2019.

1.0 Background

- 1.1 Under planning legislation, the Town and Country Planning Use Classes Order (UCO) 1987 as amended, sets land use activities into various use classes. Uses are grouped into classes A, B, C and D and *sui generis* (a use class like no other and not within a specified class). Within each group, there are further subdivisions of use classes; some 16 in total. Planning permission is normally required to change from one use class to another although there are exceptions where the legislation does allow some changes between uses (the Town and Country Planning General Permitted Development Order 2015, as amended).
- 1.2 Dwellings fall within use class C3 of the UCO. Houses in multiple occupation (HMOs) are contained within both Use Class C4 or *sui generis*. Class C4 defines an HMO as:

Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.
- 1.3 A HMO larger than this (i.e. with 7 or more unrelated people) is classed as a *sui generis* use and planning permission is always required for this.
- 1.4 Use Class C4 was introduced in April 2010. This change was made in response to concerns around the impact of concentrations of HMOs in certain areas in terms of anti-social behaviour, crime, parking and pressure on facilities particularly in university and coastal towns.
- 1.5 However in October 2010, further measures were introduced to allow changes of use between family houses (Class C3) and small shared houses (Class C4) to take place freely without the need for planning permission.

- 1.6 Consequently it is currently permitted to change from a Class C3 dwelling house to Class C4 HMO property without planning permission. It is also permitted to change a Class C4 HMO property back to a Class C3 dwelling house without planning permission.
- 1.7 However, converting dwellings to an HMO, when classed as sui generis (i.e. seven or more occupants) will require planning permission. Likewise a conversion from a large HMO to any other use will also require planning permission.
- 1.8 When the planning restrictions were freed up in October 2010, it was made clear by the government that *“in those areas experiencing problems with uncontrolled HMO development, local authorities will be able to use their existing direction making powers to restrict this freedom of movement by requiring planning applications.”*
- 1.9 In 2013 the Communities and Local Government Select Committee considered the issue of high concentrations of HMOs as part of its inquiry into the private rented sector. The Committee concluded that controlling the spread of HMOs should be a matter for local determination and supported the use of Article 4 Directions to manage conversions to HMO. The Government agreed with the Committee’s recommendation.
- 1.10 Directions are made under the Article 4 Direction of the Town & Country Planning General Permitted Development Order. They remove Permitted Development Rights for certain types of specified development in certain areas. Article 4 Directions do not stop development; they simply mean that planning permission is required for the specified development which, without the Article 4 Direction would be permitted development (i.e. does not require planning permission).
- 1.11 Article 4 Directions are intended for use in exceptional circumstances where evidence suggests that development under Permitted Development rights, such as the spread of HMOs, harms local amenity or the proper planning of an area.
- 1.12 The National Planning Policy Framework (NPPF) requirements for removing permitted development rights requires the planning authority to demonstrate that the removal is necessary to protect local amenity or the wellbeing of a particular geographic area (NPPF, Para 200).
- 1.13 Advice on making an Article 4 Direction is set out by Government in the Planning Practice Guidance (PPG). It states that:
- “The use of article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the direction is intended to address should be clearly identified”.*

The advice further states that there should be a particularly strong justification for the withdrawal of permitted development rights relating a number of

different scenarios including those covering the entire area of a local planning authority.

1.14 In procedural terms there are two types of Article 4 Directions:-

- Non-Immediate Direction – permitted development rights are withdrawn 12 months from service of the direction after a period of consultation.
- Immediate Direction – permitted development rights are withdrawn immediately, but must be confirmed within six months after a period of consultation. The Council becomes liable for abortive expenditure or other loss or damage attributable to withdrawal of the permitted development rights, if a subsequent application is refused. The 'other loss or damage' would include the difference in the value of the site, and would expose the Council to potentially significant financial liability.

1.15 Consequently if the Article 4 takes effect less than one year from issue, compensation is payable to affected landowners. After one year, there is no compensation. For this reason, the use of as immediate Article 4 direction is not advocated.

2.0 **Assessment**

2.1 All planning enforcement complaints received relating to HMOs which did not require planning permission because they contained six residents or less have been recorded. In addition, the records of any Environmental Health (EH) complaints which planning did not receive have also been recorded. The date of April 2010 was taken as a starting point as this was when the new Use Class C4 was introduced. The combined results are shown by ward in the following table. Any ward not listed did not have any HMO complaints recorded.

Table 1 - HMO complaints by ward where Planning Permission was not required Between April 2010 and May 2018

Ward	Numbers of Complaints	Numbers of Households	Number of complaints as a % of households
Ashford Common*	2	3,324	0.06
Ashford East	4	2,959	0.135
Ashford North & Stanwell South	5	3,140	0.16
Ashford Town	5	2,703	0.185
Laleham & Shepperton Green	1	3,326	0.03
Riverside & Laleham	2	2,846	0.07
Staines	1	3,528	0.028
Staines South	2	2,899	0.069
Stanwell North	4	3,250	0.12
Sunbury Common*	3	3,163	0.095
Other Wards	0	8,374	0
Grand Total	29	39,512	0.073

* 2 complaints in Sunbury Common and 1 complaint in Ashford Common were received by Environmental Health and not Planning Enforcement.

- 2.2 In addition, the number of planning applications for HMOs (containing seven or more residents) by ward which have been determined between April 2010 and July 2018 are set out in table 2 below:

Table 2 - Planning applications for HMOs by ward determined Between April 2010 and July 2018

Ward	Numbers of planning applications approved	Numbers of planning applications refused
Ashford Common	2	
Ashford East		1
Ashford North & Stanwell South	3	1
Ashford Town	2*	2*
Staines	1	
Stanwell North		1
Sunbury East	1*	1*
Sunbury Common	1	
Grand Total	10	3

* All three applications, two in Ashford Town and one in Sunbury East were refused permission but allowed on appeal.

A full list of the site details are contained as appendix 1

2.3 The Planning Officers and Planning Enforcement Officers work closely with the Environmental Health Officers who are responsible for issuing a licence for HMOs. A licence is required from Environmental Health under the following circumstances:

- it has three or more storeys (including basements and attics);
- it is occupied by five or more people who form two or more households; and
- all or some of the occupants share bathroom, toilet or kitchen facilities

2.4 It should be noted that as from the 1 October 2018, all HMOs with five or more people must have a licence regardless of the number storeys, and includes certain types of flats.

2.5 The following table shows the number of HMOs licenced by Environmental Health, by ward. It should be noted that there is an overlap with the information in tables 1 and 2 above.

Table 3 - Number of HMOs licenced by Environmental Health, by Ward.

Ward	Numbers of HMO licenced premises (up to 6 residents)	Numbers of HMO licenced premises (7 residents or more (Planning Permission required))	Total
Ashford Common	1		1
Ashford North & Stanwell South	1	1	2
Ashford Town	4	3	7
Riverside and Laleham	1	1	2
Shepperton Town	1		1
Staines	1	5	6
Staines South	2		2
Stanwell North	5		5
Sunbury Common	2		2
Grand Total			28

2.6 Ward Plans depicting the information on the tables above are shown on the pages overleaf. The information shows that the highest level of activity is within the wards of Ashford Town and Ashford North & Stanwell South.

3.0 Issues

- 3.1 At a time when house prices remain high and access to finance limited, sharing a dwelling with others will continue to be an attractive option. HMOs do fulfil a vital role in providing accommodation for individuals and it is clear that HMOs are an essential part of the housing stock.
- 3.2 However there are concerns that as well as providing much needed affordable accommodation to residents, HMOs can also have negative effects. Impacts, either real or perceived from complaints received include the following:
- Noise and anti-social behaviour
 - Imbalanced and unsustainable communities
 - Negative impact on the physical environment
 - Pressures upon parking provision
 - Growth in private rented sector at the expense of owner-occupation
 - Increased crime, and
 - Pressure upon local community facilities.
- 3.3 A total of 10 properties have been granted planning permission for HMOs since 2010 including three allowed on appeal. A further three applications have been refused planning permission where no appeal has been lodged. There are four applications which are currently in the system and have not been determined.
- 3.4 In addition, 29 complaints were received over the same period relating to HMOs which did not require planning permission because the number of residents were six or less.

4.0 Options

- 4.1 There are five alternative options in relation to an Article 4 Direction which are set out below for consideration with commentary as to their appropriateness.

- (i) That the Council introduces an Article 4 Direction across the whole Borough.

Commentary

- 4.2 There is no evidence of any HMOs in some wards and some of the other wards have only one or two HMOs. In addition, two wards have had no complaints at all and a further five wards have only had one or two complaints over the past eight years. On this basis, imposing an Article 4 Direction across the whole Borough would be unnecessary and excessive.
- 4.3 This option is not recommended.
- (ii) That the Council introduces an Article 4 Direction across the wards of Ashford Town and Ashford North & Stanwell South (the wards with the highest number of complaints and applications) withdrawing the permitted development rights

to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) with immediate effect

Commentary

- 4.4 There would be a compensation liability if an Article 4 Direction is introduced without 12 months' notice. The right to compensation arises if an application is made for planning permission for development formerly permitted by the General Permitted Development Order and this application is refused, or granted subject to conditions.

Compensation can be claimed:-

(a) for abortive expenditure (such as expenditure incurred in the preparation of plans); and,

(b) for depreciation of land value where the loss is directly attributable to the removal of permitted development rights – this would include loss of future profit; (Exeter City Council found that there would be a premium added to the value of a HMO property compared to a dwelling and the council could be faced with significant compensation liabilities).

- 4.5 This option is not recommended.

- (iii) That the Council introduces an Article 4 Direction across the wards of Ashford Town and Ashford North & Stanwell South (the wards with the highest number of complaints and applications) withdrawing the permitted development right to convert a dwellinghouse (C3) to a House in Multiple Occupation (C4) coming into effect after 1 year of its introduction.

Commentary

- 4.6 Such an approach would need to be justified by evidence. Both wards have had five complaints received by Planning Enforcement over the past eight years where planning permission was not required and hence there were no planning controls. It is considered that evidence available to the Council is insufficient at this stage to justify the introduction of an Article 4 Direction which will require planning permission for a change of use from C3 to C4 from the date at which the Article 4 Direction comes into effect.

- 4.7 It should be noted that the introduction of an Article 4 Direction could indirectly result in a reduction in the supply of HMOs which in turn might impact on the groups who typically occupy this type of low cost accommodation. Local authorities will still be required to plan to meet the housing needs of those groups and this duty has recently increased following the Homelessness Reduction Act 2017 which came into effect in April 2018. Given the very low level of complaints received not requiring planning permission (which would be covered by an Article 4 Direction) as a proportion of the number of households (as shown in Table 1), a total of 0.073 complaints per household across the whole Borough, it is not considered that a non-imminent Article 4 Direction can be justified at present.

- 4.8 Given the available data, this option is not recommended at this stage.

- (iv) That the Council does not introduce an Article 4 Direction

Commentary

- 4.9 Not introducing an Article 4 Direction would result in the Council having no planning control over HMOs of six residents or less as is the case at present. However, the Council already has existing powers to control some of the perceived negative effects of HMOs. For example Environmental Health has powers in relation to noise, rubbish and size of bedrooms and communal areas. The Police and the Highway authority have powers to control dangerous or illegally parked vehicles and vehicles causing damage to highway verges and crime. Neighbourhood Services has powers to serve notices in relation to poor waste management.
- 4.10 Given the changes to the licencing regulations and the unknown effects, this option is not recommended at this stage.
- (v) To review the position within a year (1 October 2019) from the change in EH regulations
- Commentary
- 4.11 From 1 October 2018, all HMOs with five or more people must have a licence from Environmental Health regardless of the number storeys, and this includes certain types of flats. This is a considerable change from the previous licencing regime which only applied to buildings of three storeys or more. Currently there are 28 licensed HMOs by Environmental Health in Spelthorne.
- 4.12 A provisional licensable HMO database has been developed by Environmental Health which holds some 450 property addresses. At this time the actual properties that will be captured by the new 'licensable HMO' definition is unknown, but it is estimated that some 200 or more dwellings may require a HMO licence to operate.
- 4.13 The extended scope of the HMO definition will bring a significant increase in the number of HMOs that will require a licence by EH to operate. Overall it is expected that this this will bring about improvements to the management and safety standards in a high proportion of residential properties in the private rental sector within Spelthorne. The Environmental Health Department is seeking additional resources to cover the additional work associated with the changes.
- 4.14 As it is considered that evidence available to the Council is insufficient at this stage to justify the introduction of an Article 4 Direction and given the major imminent changes to the EH legislation, it is recommended that HMOs are continued to be monitored by the Planning Enforcement team and an updated report is brought to the Overview and Scrutiny Committee at the end of 2019.
- 4.15 This option is recommended.

5.0 Recommendation

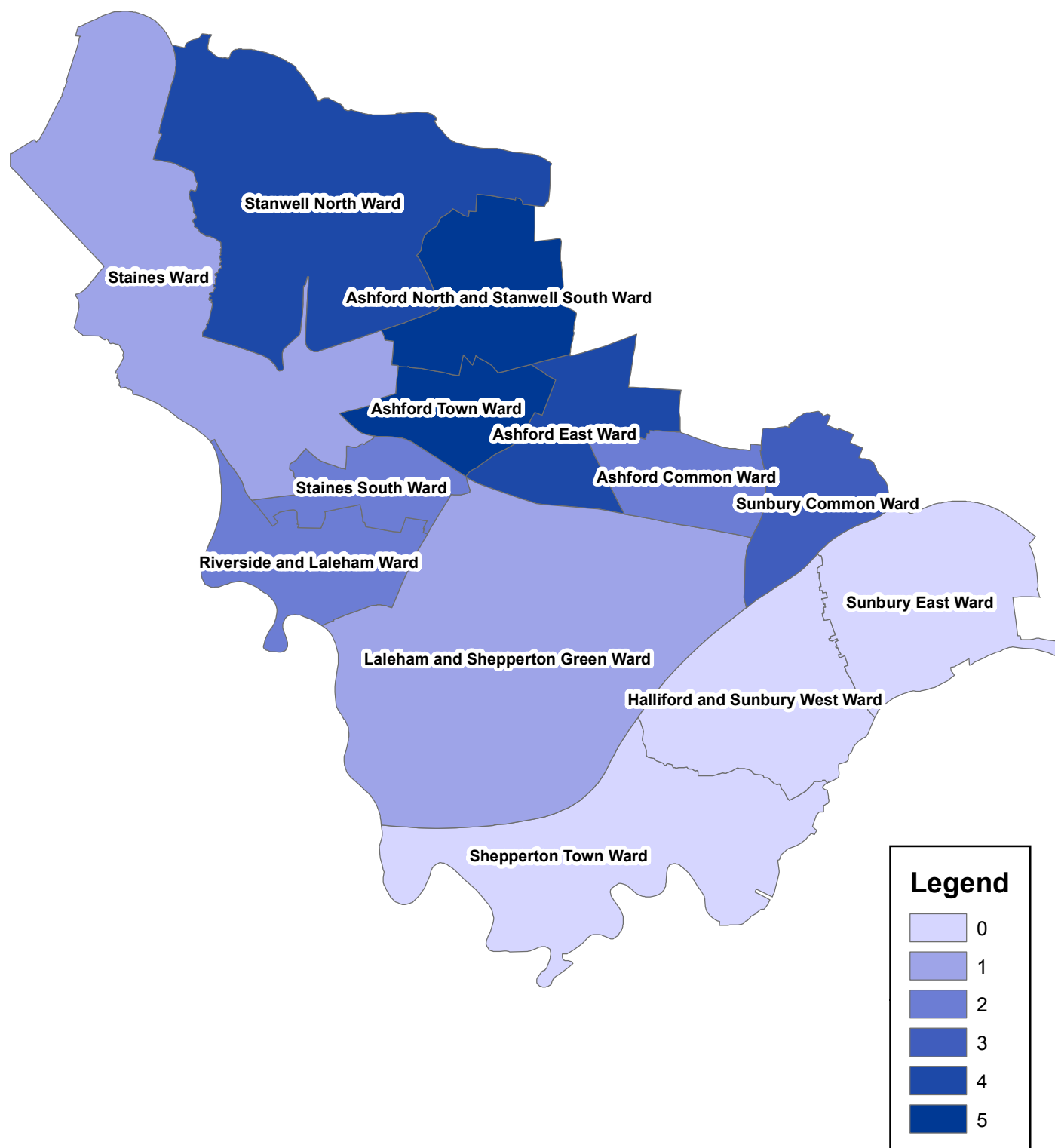
- 5.1 It is recommended that HMOs are continued to be monitored by the Planning Enforcement team and an updated report is brought to the Planning Committee at the end of 2019. This will allow for the implications of the changes to the licencing of HMOS to be assessed.

Planning Applications for HMOs by ward determined April 2010 – May 2018

Site	Ward	Nos. of Residents /bedrooms	Nos. of car spaces	Planning App No.	Decision
Inglewood Hall Green Street Sunbury On Thames	Sunbury East	15	6	13/00289 /FUL	Refused 23.04.13 Appeal allowed 29.10.13
13 - 15 High Street Staines-upon-Thames	Staines	10	7	14/00260 /COU	Approved 02.06.14
136A Chesterfield Road Ashford	Ashford Town	8	4	15/00248 /FUL	Refused 07.04.15 Appeal allowed 08.01.16
16 Springfield Road Ashford	Ashford Town	9	2	15/01478 /FUL	Refused 23.12.15 Appeal allowed 17.08.16
93 Stanwell Road Ashford	Ashford North and Stanwell South	13	3	16/00431 /FUL	Refused 06.05.16
1 Haven Road Ashford	Ashford East	14	4	16/01701 /FUL	Refused 06.04.17
11 Edward Way Ashford	Ashford North and Stanwell South	7	1	17/01850 /FUL	Approved 26.02.18
28 Oaks Road Stanwell	Stanwell North	9	6	18/00088 /FUL	Refused 12.03.18
496 London Road Ashford	Ashford North and Stanwell South	7	2	18/00093 /FUL	Approved 14.03.18

Site	Ward	Nos. of Residents /bedrooms	Nos. of car spaces	Planning App No.	Decision
187 Ashridge Way Sunbury on Thames	Sunbury Common	7	3	18/00422 /FUL	Approved 04.06.18
7 Maxwell Road Ashford	Ashford Common	7	3	18/00424 /FUL	Approved 31.05.18
158 Feltham Hill Ashford	Ashford Common	7	4	18/00551 /FUL	Approved 12.06.18
32 Desford Way Ashford	Ashford North and Stanwell South	7	4	18/00599 /FUL	Approved 02.07.18

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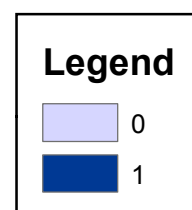
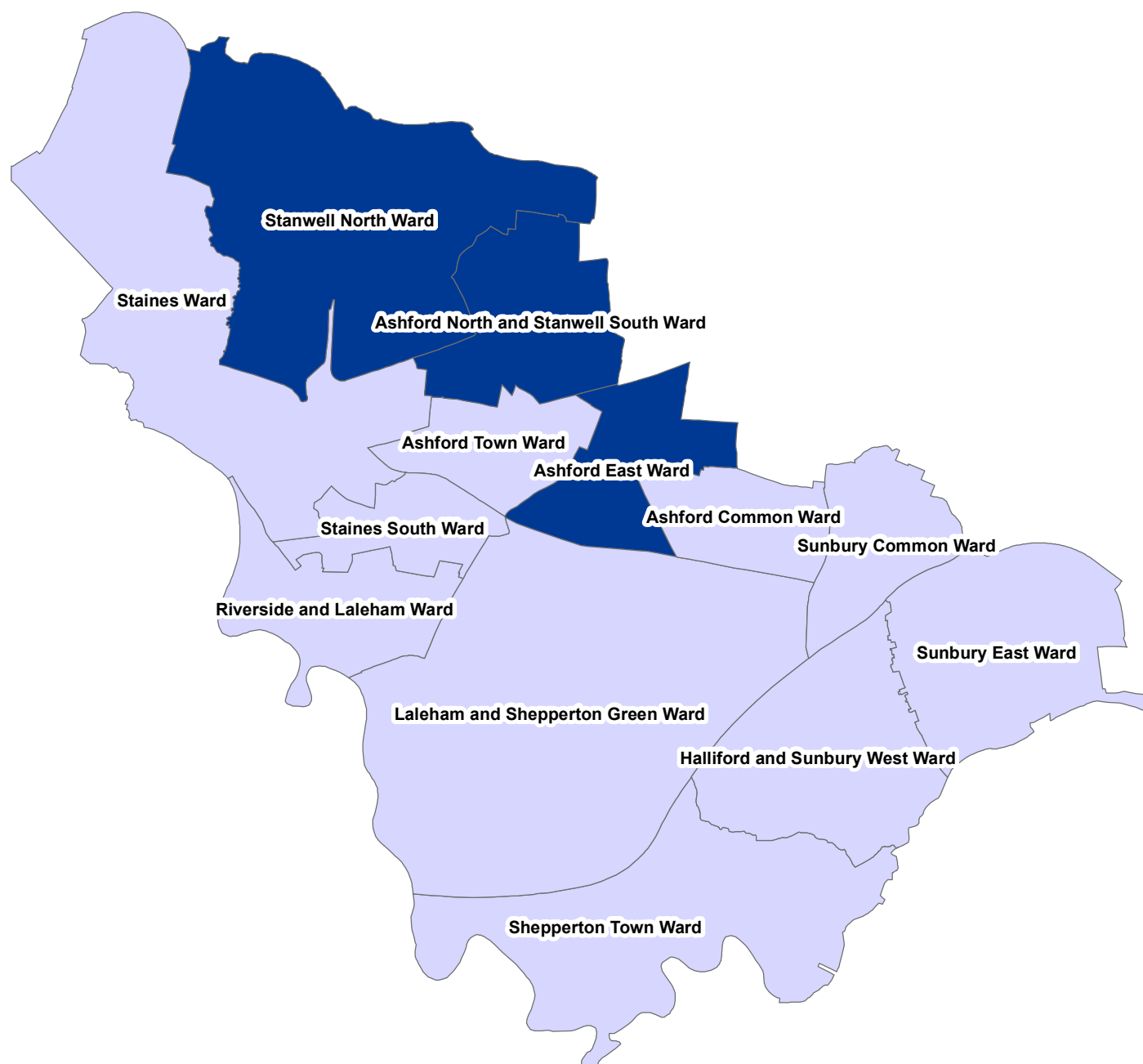
HMO complaints by ward where Planning Permission was not required (From April 2010)

Scale 1:60,000

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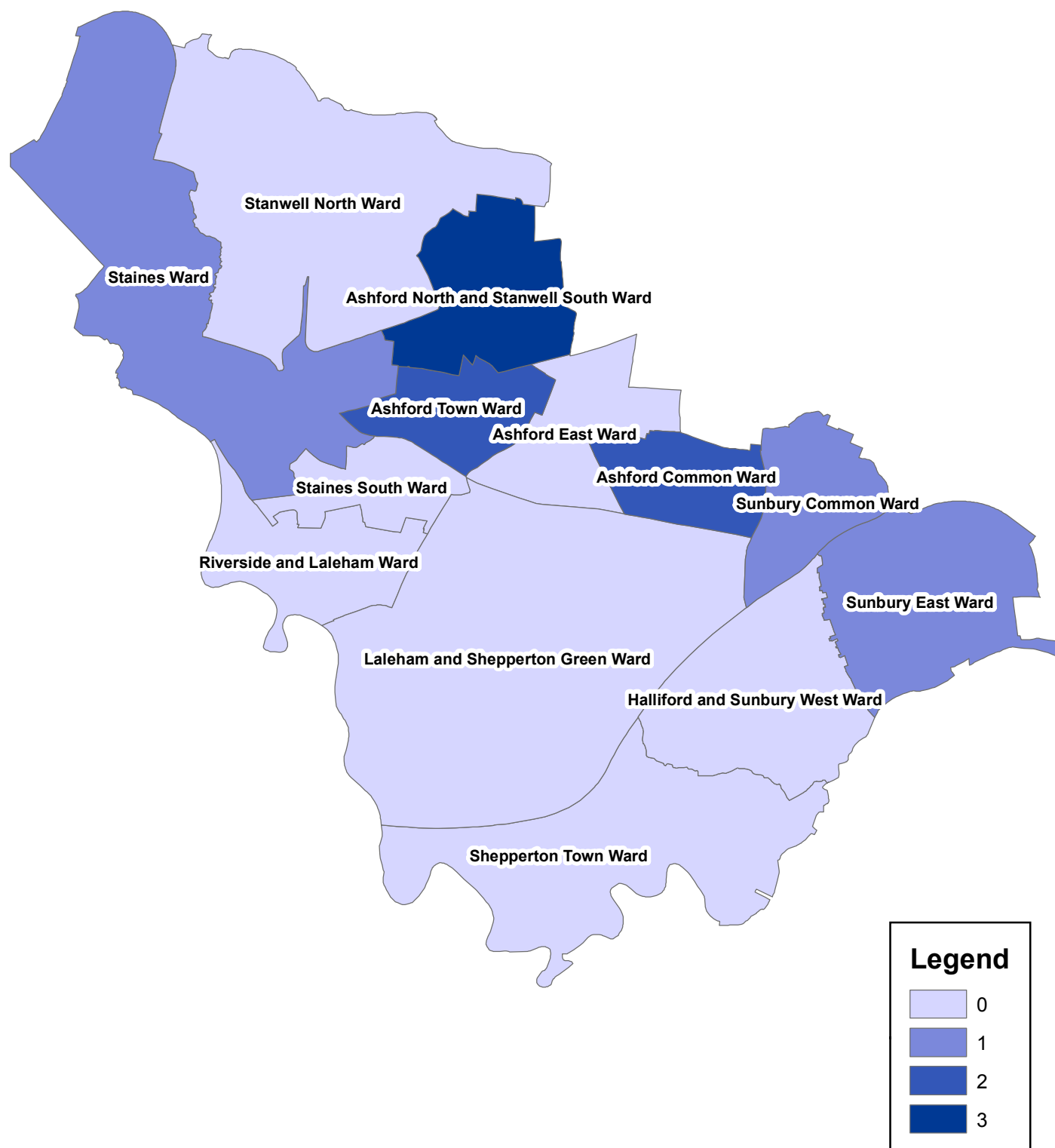
Numbers of planning applications refused

Scale 1:60,000

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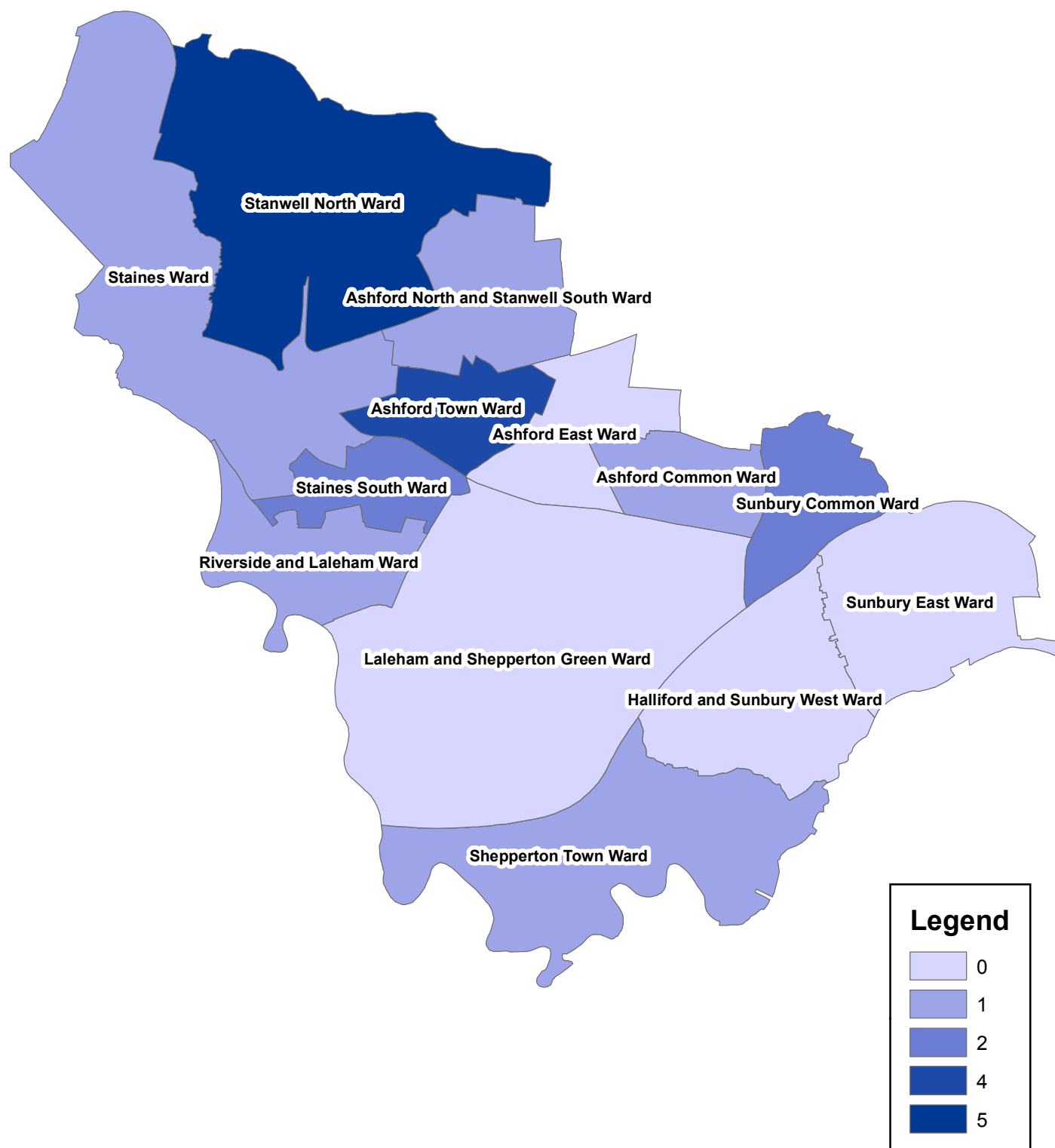
Numbers of planning applications approved

Scale 1:60,000

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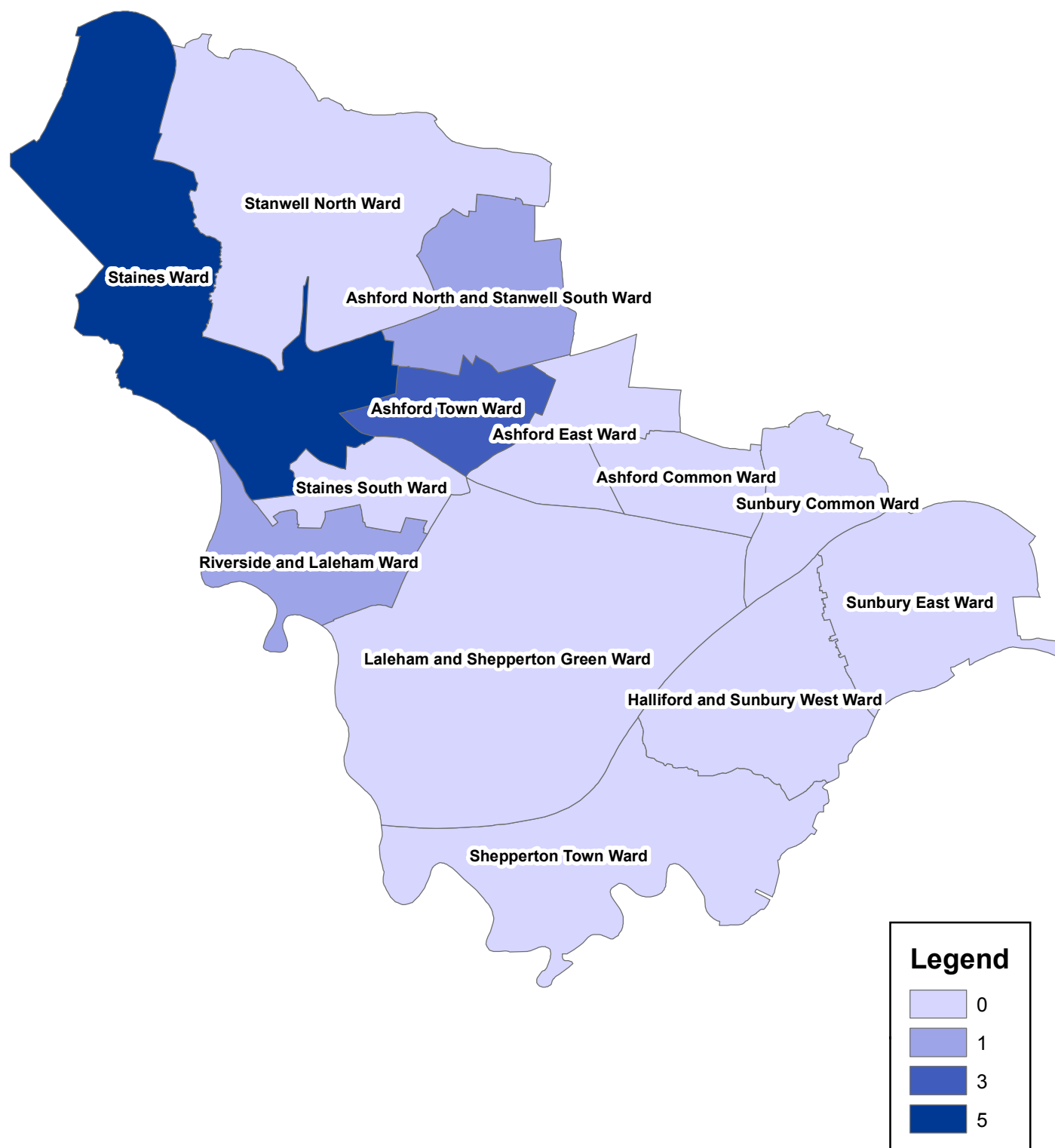
Numbers of HMO licenced premises (up to 6 residents)

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Numbers of HMO licenced premises (7 residents or more - Planning Permission required)

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Overview and Scrutiny Committee

21 January 2020



Title	Statutory Guidance on Overview and Scrutiny in Local Authorities		
Purpose of the report	To note		
Report Author	Gillian Scott, Principal Committee Manager		
Cabinet Member	Not applicable	Confidential	No
Corporate Priority	This item is not in the current list of Corporate priorities but still requires a Cabinet decision		
Recommendations	<p>The Committee is asked to review the new statutory guidance on Overview and Scrutiny (attached as Appendix 1) with a view to:</p> <ol style="list-style-type: none"> 1) Noting the policies, practice, and approaches detailed within the statutory guidance; 2) Identifying any changes to current practice as a result of the guidance that can be directly implemented by the Committee; or by way of recommendation to Cabinet for any matters outside the Committee's remit. 		
Reason for recommendation	Statutory guidance on Overview and Scrutiny has been published in May 2019 to ensure that local authorities carry out their Overview and Scrutiny functions effectively.		

1. Key issues

- 1.1 On 7 May 2019 the Ministry of Housing, Communities & Local Government published the document, 'Statutory Guidance for Local Authorities on Overview and Scrutiny'. The new guidance seeks to clarify the role and benefits of scrutiny to local authorities, taking into account the significant changes to scrutiny since the previous guidance was published in 2006.
- 1.2 The statutory O&S guidance includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions. The council 'must have regard' to the guidance but is not required to follow it in every detail.
- 1.3 Although it is statutory guidance, it is non-prescriptive and distinctly light-touch. It maintains that individual local authorities are best placed to decide how scrutiny should work within their own political structures. As such, individual local authorities are invited to determine whether to implement the policies and practices featured in the guidance.

- 1.4 Although parts of the guidance are focussed on the wider culture of the organisation towards scrutiny, and as such are beyond the remit of the Overview and Scrutiny Committee to directly determine, other sections provide more practical advice. Where the guidance makes practical recommendations, the Committee needs to consider how it wishes those to be implemented. The areas within the remit of the Committee to implement are highlighted in this report.
- 1.5 The guidance identifies effective scrutiny using six themes: culture, resourcing, selection of committee members, powers to access information, planning of work programmes, and evidence sessions.
- 1.6 The key content of the six themes is summarised below in sections 2 - 6 and the full report is attached at Appendix 1. Limited comment is offered.

2. Culture

- 2.1 The guidance acknowledges that the organisational culture within a local authority is a key determinant of the success or failure of O&S, and emphasises the importance of councillors in setting an environment for effective scrutiny.
- 2.2 The guidance lists a range of suggested mechanisms to help establish a strong organisational culture supportive of the role of scrutiny. These are:

a) Recognising scrutiny's legal and democratic legitimacy

The need for all councillors and officers to understand the importance and legitimacy of scrutiny, particularly its role as a check and balance on the Cabinet.

b) Identifying a clear role and focus

The guidance advocates scrutiny having a clearly defined role within the organisation and one that is focussed on providing value.

It is emphasised that there needs to be a clear division of responsibilities between the scrutiny and audit functions

c) Ensuring early and regular engagement between the executive and scrutiny

The guidance suggests there should be early and regular discussions between scrutiny and the Cabinet, especially about the future work programme of the Cabinet.

d) Managing disagreement

The guidance suggests that it is the job of the Cabinet and scrutiny to work together to reduce the risk of the Cabinet disagreeing with the findings or recommendations of the Overview and Scrutiny Committee (OSC). To achieve this, the development of a protocol is suggested to manage instances when the Cabinet disagrees with OSC recommendations.

e) Providing the necessary support

The guidance recognises that determining the level of support available for Scrutiny is a matter for individual authorities, but it does highlight that appropriate support should be given to allow Scrutiny Members to access information required to fulfil their duties.

f) Ensuring impartial advice from officers

The guidance re-confirms the need for all officers to be able to give impartial advice to OSCs to help ensure effective scrutiny.

g) Communicating scrutiny's role and purpose to the wider authority

The guidance notes that scrutiny can lack support and recognition due to a lack of awareness within a local authority about its role.

h) Maintaining the interest of full Council in the work of Scrutiny

The guidance notes the importance of the wider membership of the Council being kept informed of the work of scrutiny. The suggested mechanism for this is through submitting OSC reports and recommendations to full Council rather than solely to the Cabinet.

i) Communicating scrutiny's role to the public

The guidance recommends scrutiny has a profile in the wider community and suggests engaging the Council's communications officers to help with this.

j) Ensuring scrutiny members are supported in having an independent mind-set

The guidance notes the potential difficulties for O&S councillors in having to scrutinise colleagues and their need for an independent mind-set.

- 2.3 Many parts of the above are outside of the remit of the Overview and Scrutiny Committee to directly influence. As such the Committee should consider highlighting these recommendations to the Cabinet.

3. Resourcing

- 3.1 The guidance suggests the resource allocated to scrutiny is fundamental in determining how effective the function is, before noting it is a matter for each local authority to decide.
- 3.2 Currently, the Council does not have a dedicated scrutiny officer post or a scrutiny budget for external advice and expertise. It is supported by the Deputy Chief Executive, Terry Collier.
- 3.3 This section of the guidance is also beyond the remit of the Overview and Scrutiny Committee to directly influence.

4. Selecting Committee Members

- 4.1 The guidance notes how important the councillors serving on OSCs are to the effective functioning of scrutiny. The guidance emphasises the need to consider experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve when selecting councillors to serve on OSCs.
- 4.2 The selection of Scrutiny Members at this Council is by the respective political groups and as such beyond the direct control of the Overview and Scrutiny Committee.
- 4.3 The guidance recognises the importance and influence the role of Chairman has in the success of scrutiny. A suggestion is made for taking a vote by secret ballot as a method for selecting a scrutiny Chairman, but it is made clear that each local authority can choose the best method for their circumstances.

- 4.4 The guidance recommends that an induction and ongoing training are provided for scrutiny councillors to enable them to carry out their roles effectively.
- 4.5 The Council offers induction training and ongoing skills training to councillors, usually facilitated by Mark Palmer from South East Employers. All the training he has delivered to date has been well received by councillors and additional sessions on aspects of overview and scrutiny are envisaged for the forthcoming year. In addition, councillors are able to attend external O&S training courses (for example, with the Centre for Public Scrutiny and the Local Government Association).

5. Power to Access Information

- 5.1 The guidance notes the legal powers of an OSC to access information in order to do its job effectively. The guidance suggests a number of considerations for scrutiny when seeking information from external organisations, including the need to explain the purpose of scrutiny, the benefits of an informal approach, how to encourage compliance with the request, and who best to approach.
- 5.2 Spelthorne Borough Council has framed its approach to external organisations on a case by case basis and has historically experienced positive responses to providing documentation and appearing before its Committee.

6. Planning Work

- 6.1 The guidance stresses the importance of focusing on items that can make a tangible difference and having a long term plan, but one flexible enough to accommodate urgent, short term issues that arise.
- 6.2 The guidance suggests a variety of sources can inform the O&S work programme, including the public, partner organisations, the Cabinet and senior officers. In consulting with the public it does highlight that a formal consultation on scrutiny may be less successful than individual councillors having conversations with groups and individuals in their local communities.
- 6.3 The guidance also recommends approaches to shortlisting topics should ensure that the items chosen are ones in which scrutiny can add value.
- 6.4 At Spelthorne Borough Council, the O&S work programme is considered regularly and agreed formally by the OSC. Topics are shortlisted with reference to a standard criteria selection tool for assessing their significance for and value to our communities.
- 6.5 The Committee may wish to consider who else should be consulted in developing its work programme and how this could be accomplished.
- 6.6 The guidance suggests a number of ways to scrutinise topics, including as a single item on an agenda, a single item meeting, short or long-term task and finish groups, and a standing panel.
- 6.7 In the past year at Spelthorne, the majority of topics for O&S have been scrutinised as individual items on an agenda, a larger topic (Heathrow expansion) has involved a dedicated meeting, and more complex issues have already been identified as pieces of work for task groups next year.

7. Evidence Sessions

- 7.1 The guidance notes that evidence sessions are a key way for OSCs to inform their work and that they require effective planning. In particular it is recommended that consideration is given to setting overall objectives for each session and the types of questions that need to be asked to achieve these objectives.
- 7.2 Prior to each OSC meeting at Spelthorne Borough Council, a pre-meeting is held with the Chairman for discussing each agenda item and for question-planning. Given the importance of effective planning, the Committee might consider whether the current system of pre-meetings with the Chair allows this to be accomplished or whether other mechanisms should be considered.
- 7.3 In developing recommendations from the evidence sessions the guidance advocates the need for them to be evidence based and SMART (specific, measurable, achievable, relevant and timed). The guidance also suggests that a maximum of six to eight recommendations per topic should be sufficient to ensure that a focussed response is received.

8. Next Steps

- 8.1 There are areas within the guidance, such as work programming and evidence sessions that relate specifically to processes within the control of the Committee.
- 8.2 As such the Overview and Scrutiny Committee is asked to give consideration to its current processes and whether any changes are required as a result of the guidance.
- 8.3 Any changes that the Committee identifies in relation to other matters covered in the guidance will need to be dealt with by way of a recommendation to Cabinet.

Background papers: There are none

Appendices:

Appendix 1 – Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities, May 2019.

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Ministry of Housing,
Communities &
Local Government

Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities



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May 2019

ISBN: 978-1-4098-5458-6

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Ministerial Foreword

The role that overview and scrutiny can play in holding an authority's decision-makers to account makes it fundamentally important to the successful functioning of local democracy. Effective scrutiny helps secure the efficient delivery of public services and drives improvements within the authority itself. Conversely, poor scrutiny can be indicative of wider governance, leadership and service failure.

It is vital that councils and combined authorities know the purpose of scrutiny, what effective scrutiny looks like, how to conduct it and the benefits it can bring. This guidance aims to increase understanding in all four areas.

In writing this guidance, my department has taken close note of the House of Commons Select Committee report of December 2017, as well as the written and oral evidence supplied to that Committee. We have also consulted individuals and organisations with practical involvement in conducting, researching and supporting scrutiny.

It is clear from speaking to these practitioners that local and combined authorities with effective overview and scrutiny arrangements in place share certain key traits, the most important being a strong organisational culture. Authorities who welcome challenge and recognise the value scrutiny can bring reap the benefits. But this depends on strong commitment from the top - from senior members as well as senior officials.

Crucially, this guidance recognises that authorities have democratic mandates and are ultimately accountable to their electorates, and that authorities themselves are best-placed to know which scrutiny arrangements are most appropriate for their own individual circumstances.

I would, however, strongly urge all councils to cast a critical eye over their existing arrangements and, above all, ensure they embed a culture that allows overview and scrutiny to flourish.

A handwritten signature in blue ink, which appears to read 'Rishi Sunak'.

Rishi Sunak MP
Minister for Local Government

About this Guidance

Who the guidance is for

This document is aimed at local authorities and combined authorities in England to help them carry out their overview and scrutiny functions effectively. In particular, it provides advice for senior leaders, members of overview and scrutiny committees, and support officers.

Aim of the guidance

This guidance seeks to ensure local authorities and combined authorities are aware of the purpose of overview and scrutiny, what effective scrutiny looks like, how to conduct it effectively and the benefits it can bring.

As such, it includes a number of policies and practices authorities should adopt or should consider adopting when deciding how to carry out their overview and scrutiny functions.

The guidance recognises that authorities approach scrutiny in different ways and have different processes and procedures in place, and that what might work well for one authority might not work well in another.

The hypothetical scenarios contained in the annexes to this guidance have been included for illustrative purposes, and are intended to provoke thought and discussion rather than serve as a 'best' way to approach the relevant issues.

While the guidance sets out some of the key legal requirements, it does not seek to replicate legislation.

Status of the guidance

This is statutory guidance from the Ministry of Housing, Communities and Local Government. Local authorities and combined authorities must have regard to it when exercising their functions. The phrase 'must have regard', when used in this context, does not mean that the sections of statutory guidance have to be followed in every detail, but that they should be followed unless there is a good reason not to in a particular case.

Not every authority is required to appoint a scrutiny committee. This guidance applies to those authorities who have such a committee in place, whether they are required to or not.

This guidance has been issued under section 9Q of the Local Government Act 2000 and under paragraph 2(9) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009, which requires authorities to have regard to this guidance. In addition, authorities may have regard to other material they might choose to consider, including that issued by the Centre for Public Scrutiny, when exercising their overview and scrutiny functions.

Terminology

Unless 'overview' is specifically mentioned, the term 'scrutiny' refers to both overview and scrutiny.¹

Where the term 'authority' is used, it refers to both local authorities and combined authorities.

Where the term 'scrutiny committee' is used, it refers to an overview and scrutiny committee and any of its sub-committees. As the legislation refers throughout to powers conferred on scrutiny committees, that is the wording used in this guidance. However, the guidance should be seen as applying equally to work undertaken in informal task and finish groups, commissioned by formal committees.

Where the term 'executive' is used, it refers to executive members.

For combined authorities, references to the 'executive' or 'cabinet' should be interpreted as relating to the mayor (where applicable) and all the authority members.

For authorities operating committee rather than executive arrangements, references to the executive or Cabinet should be interpreted as relating to councillors in leadership positions.

Expiry or review date

This guidance will be kept under review and updated as necessary.

¹ A distinction is often drawn between 'overview' which focuses on the development of policy, and 'scrutiny' which looks at decisions that have been made or are about to be made to ensure they are fit for purpose.

1. Introduction and Context

1. Overview and scrutiny committees were introduced in 2000 as part of new executive governance arrangements to ensure that members of an authority who were not part of the executive could hold the executive to account for the decisions and actions that affect their communities.
2. Overview and scrutiny committees have statutory powers² to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented. Recommendations following scrutiny enable improvements to be made to policies and how they are implemented. Overview and scrutiny committees can also play a valuable role in developing policy.

Effective overview and scrutiny should:

- Provide constructive 'critical friend' challenge;
- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services.

3. The requirement for local authorities in England to establish overview and scrutiny committees is set out in sections 9F to 9FI of the Local Government Act 2000 as amended by the Localism Act 2011.
4. The Localism Act 2011 amended the Local Government Act 2000 to allow councils to revert to a non-executive form of governance - the 'committee system'. Councils who adopt the committee system are not required to have overview and scrutiny but may do so if they wish. The legislation has been strengthened and updated since 2000, most recently to reflect new governance arrangements with combined authorities. Requirements for combined authorities are set out in Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.
5. Current overview and scrutiny legislation recognises that authorities are democratically-elected bodies who are best-placed to determine which overview and scrutiny arrangements best suit their own individual needs, and so gives them a great degree of flexibility to decide which arrangements to adopt.
6. In producing this guidance, the Government fully recognises both authorities' democratic mandate and that the nature of local government has changed in recent years, with, for example, the creation of combined authorities, and councils increasingly delivering key services in partnership with other organisations or outsourcing them entirely.

² Section 9F of the Local Government Act 2000; paragraph 1 of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

2. Culture

7. The prevailing organisational culture, behaviours and attitudes of an authority will largely determine whether its scrutiny function succeeds or fails.
8. While everyone in an authority can play a role in creating an environment conducive to effective scrutiny, it is important that this is led and owned by members, given their role in setting and maintaining the culture of an authority.
9. Creating a strong organisational culture supports scrutiny work that can add real value by, for example, improving policy-making and the efficient delivery of public services. In contrast, low levels of support for and engagement with the scrutiny function often lead to poor quality and ill-focused work that serves to reinforce the perception that it is of little worth or relevance.
10. Members and senior officers should note that the performance of the scrutiny function is not just of interest to the authority itself. Its effectiveness, or lack thereof, is often considered by external bodies such as regulators and inspectors, and highlighted in public reports, including best value inspection reports. Failures in scrutiny can therefore help to create a negative public image of the work of an authority as a whole.

How to establish a strong organisational culture

11. Authorities can establish a strong organisational culture by:

- a) **Recognising scrutiny's legal and democratic legitimacy** – all members and officers should recognise and appreciate the importance and legitimacy the scrutiny function is afforded by the law. It was created to act as a check and balance on the executive and is a statutory requirement for all authorities operating executive arrangements and for combined authorities.

Councillors have a unique legitimacy derived from their being democratically elected. The insights that they can bring by having this close connection to local people are part of what gives scrutiny its value.

- b) **Identifying a clear role and focus** – authorities should take steps to ensure scrutiny has a clear role and focus within the organisation, i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority (see chapter 6).

Authorities should ensure a clear division of responsibilities between the scrutiny function and the audit function. While it is appropriate for scrutiny to pay due regard to the authority's financial position, this will need to happen in the context of the formal audit role. The authority's section 151 officer should advise scrutiny on how to manage this dynamic.

While scrutiny has no role in the investigation or oversight of the authority's whistleblowing arrangements, the findings of independent whistleblowing investigations might be of interest to scrutiny committees as they consider their wider implications. Members should always follow the authority's constitution and associated Monitoring Officer directions on the matter. Further guidance on whistleblowing can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf.

- c) **Ensuring early and regular engagement between the executive and scrutiny** – authorities should ensure early and regular discussion takes place between scrutiny and the executive, especially regarding the latter's future work programme. Authorities should, though, be mindful of their distinct roles:

In particular:

- The executive should not try to exercise control over the work of the scrutiny committee. This could be direct, e.g. by purporting to 'order' scrutiny to look at, or not look at, certain issues, or indirect, e.g. through the use of the whip or as a tool of political patronage, and the committee itself should remember its statutory purpose when carrying out its work. All members and officers should consider the role the scrutiny committee plays to be that of a 'critical friend' not a de facto 'opposition'. Scrutiny chairs have a particular role to play in establishing the profile and nature of their committee (see chapter 4); and
- The chair of the scrutiny committee should determine the nature and extent of an executive member's participation in a scrutiny committee meeting, and in any informal scrutiny task group meeting.

- d) **Managing disagreement** – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an 'executive-scrutiny protocol' (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often,

the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

Scrutiny committees do have the power to 'call in' decisions, i.e. ask the executive to reconsider them before they are implemented, but should not view it as a substitute for early involvement in the decision-making process or as a party-political tool.

- e) **Providing the necessary support** – while the level of resource allocated to scrutiny is for each authority to decide for itself, when determining resources an authority should consider the purpose of scrutiny as set out in legislation and the specific role and remit of the authority's own scrutiny committee(s), and the scrutiny function as a whole.

Support should also be given by members and senior officers to scrutiny committees and their support staff to access information held by the authority and facilitate discussions with representatives of external bodies (see chapter 5).

- f) **Ensuring impartial advice from officers** – authorities, particularly senior officers, should ensure all officers are free to provide impartial advice to scrutiny committees. This is fundamental to effective scrutiny. Of particular importance is the role played by 'statutory officers' – the monitoring officer, the section 151 officer and the head of paid service, and where relevant the statutory scrutiny officer. These individuals have a particular role in ensuring that timely, relevant and high-quality advice is provided to scrutiny.
- g) **Communicating scrutiny's role and purpose to the wider authority** – the scrutiny function can often lack support and recognition within an authority because there is a lack of awareness among both members and officers about the specific role it plays, which individuals are involved and its relevance to the authority's wider work. Authorities should, therefore, take steps to ensure all members and officers are made aware of the role the scrutiny committee plays in the organisation, its value and the outcomes it can deliver, the powers it has, its membership and, if appropriate, the identity of those providing officer support.
- h) **Maintaining the interest of full Council in the work of the scrutiny committee** – part of communicating scrutiny's role and purpose to the wider authority should happen through the formal, public role of full Council – particularly given that scrutiny will undertake valuable work to highlight challenging issues that an authority will be facing and subjects that will be a focus of full Council's work. Authorities should therefore take steps to ensure full Council is informed of the work the scrutiny committee is doing.

One way in which this can be done is by reports and recommendations being submitted to full Council rather than solely to the executive. Scrutiny should decide when it would be appropriate to submit reports for wider debate in this way, taking into account the relevance of reports to full Council business, as well as full Council's capacity to consider and respond in a timely manner. Such

reports would supplement the annual report to full Council on scrutiny's activities and raise awareness of ongoing work.

In order to maintain awareness of scrutiny at the Combined Authority and provoke dialogue and discussion of its impact, the business of scrutiny should be reported to the Combined Authority board or to the chairs of the relevant scrutiny committees of constituent and non-constituent authorities, or both. At those chairs' discretion, particular Combined Authority scrutiny outcomes, and what they might mean for each individual area, could be either discussed by scrutiny in committee or referred to full Council of the constituent authorities.

- i) **Communicating scrutiny's role to the public** – authorities should ensure scrutiny has a profile in the wider community. Consideration should be given to how and when to engage the authority's communications officers, and any other relevant channels, to understand how to get that message across. This will usually require engagement early on in the work programming process (see chapter 6).
- j) **Ensuring scrutiny members are supported in having an independent mindset** – formal committee meetings provide a vital opportunity for scrutiny members to question the executive and officers.

Inevitably, some committee members will come from the same political party as a member they are scrutinising and might well have a long-standing personal, or familial, relationship with them (see paragraph 25).

Scrutiny members should bear in mind, however, that adopting an independent mind-set is fundamental to carrying out their work effectively. In practice, this is likely to require scrutiny chairs working proactively to identify any potentially contentious issues and plan how to manage them.

Directly-elected mayoral systems

12. A strong organisational culture that supports scrutiny work is particularly important in authorities with a directly-elected mayor to ensure there are the checks and balances to maintain a robust democratic system. Mayoral systems offer the opportunity for greater public accountability and stronger governance, but there have also been incidents that highlight the importance of creating and maintaining a culture that puts scrutiny at the heart of its operations.
13. Authorities with a directly-elected mayor should ensure that scrutiny committees are well-resourced, are able to recruit high-calibre members and that their scrutiny functions pay particular attention to issues surrounding:
 - rights of access to documents by the press, public and councillors;
 - transparent and fully recorded decision-making processes, especially avoiding decisions by 'unofficial' committees or working groups;
 - delegated decisions by the Mayor;
 - whistleblowing protections for both staff and councillors; and
 - powers of Full Council, where applicable, to question and review.

14. Authorities with a directly-elected mayor should note that mayors are required by law to attend overview and scrutiny committee sessions when asked to do so (see paragraph 44).

3. Resourcing

15. The resource an authority allocates to the scrutiny function plays a pivotal role in determining how successful that function is and therefore the value it can add to the work of the authority.
16. Ultimately it is up to each authority to decide on the resource it provides, but every authority should recognise that creating and sustaining an effective scrutiny function requires them to allocate resources to it.
17. Authorities should also recognise that support for scrutiny committees, task groups and other activities is not solely about budgets and provision of officer time, although these are clearly extremely important elements. Effective support is also about the ways in which the wider authority engages with those who carry out the scrutiny function (both members and officers).

When deciding on the level of resource to allocate to the scrutiny function, the factors an authority should consider include:

- Scrutiny's legal powers and responsibilities;
- The particular role and remit scrutiny will play in the authority;
- The training requirements of scrutiny members and support officers, particularly the support needed to ask effective questions of the executive and other key partners, and make effective recommendations;
- The need for ad hoc external support where expertise does not exist in the council;
- Effectively-resourced scrutiny has been shown to add value to the work of authorities, improving their ability to meet the needs of local people; and
- Effectively-resourced scrutiny can help policy formulation and so minimise the need for call-in of executive decisions.

Statutory scrutiny officers

18. Combined authorities, upper and single tier authorities are required to designate a statutory scrutiny officer,³ someone whose role is to:
 - promote the role of the authority's scrutiny committee;
 - provide support to the scrutiny committee and its members; and
 - provide support and guidance to members and officers relating to the functions of the scrutiny committee.

³ Section 9FB of the Local Government Act 2000; article 9 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

19. Authorities not required by law to appoint such an officer should consider whether doing so would be appropriate for their specific local needs.

Officer resource models

20. Authorities are free to decide for themselves which wider officer support model best suits their individual circumstances, though generally they adopt one or a mix of the following:
- Committee – officers are drawn from specific policy or service areas;
 - Integrated – officers are drawn from the corporate centre and also service the executive; and
 - Specialist – officers are dedicated to scrutiny.
21. Each model has its merits – the committee model provides service-specific expertise; the integrated model facilitates closer and earlier scrutiny involvement in policy formation and alignment of corporate work programmes; and the specialist model is structurally independent from those areas it scrutinises.
22. Authorities should ensure that, whatever model they employ, officers tasked with providing scrutiny support are able to provide impartial advice. This might require consideration of the need to build safeguards into the way that support is provided. The nature of these safeguards will differ according to the specific role scrutiny plays in the organisation.

4. Selecting Committee Members

23. Selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively. Where a committee is made up of members who have the necessary skills and commitment, it is far more likely to be taken seriously by the wider authority.
24. While there are proportionality requirements that must be met,⁴ the selection of the chair and other committee members is for each authority to decide for itself. Guidance for combined authorities on this issue has been produced by the Centre for Public Scrutiny⁵.

Members invariably have different skill-sets. What an authority must consider when forming a committee is that, as a group, it possesses the requisite expertise, commitment and ability to act impartially to fulfil its functions.

25. Authorities are reminded that members of the executive cannot be members of a scrutiny committee.⁶ Authorities should take care to ensure that, as a minimum, members holding less formal executive positions, e.g. as Cabinet assistants, do not sit on scrutinising committees looking at portfolios to which those roles relate. Authorities should articulate in their constitutions how conflicts of interest, including familial links (see also paragraph 31), between executive and scrutiny responsibilities should be managed, including where members stand down from the executive and move to a scrutiny role, and vice-versa.
26. Members or substitute members of a combined authority must not be members of its overview and scrutiny committee.⁷ This includes the Mayor in Mayoral Combined Authorities. It is advised that Deputy Mayors for Policing and Crime are also not members of the combined authority's overview and scrutiny committee.

Selecting individual committee members

27. When selecting individual members to serve on scrutiny committees, an authority should consider a member's experience, expertise, interests, ability to act impartially, ability to work as part of a group, and capacity to serve.

⁴ See, for example, regulation 11 of the Local Authorities (Committee System) (England) Regulations 2012 (S.I. 2012/1020) and article 4 of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

⁵ See pages 15-18 of 'Overview and scrutiny in combined authorities: a plain English guide': <https://www.cfps.org.uk/wp-content/uploads/Overview-and-scrutiny-in-combined-authorities-a-plain-english-guide.pdf>

⁶ Section 9FA(3) of the Local Government Act 2000.

⁷ 2(3) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009

28. Authorities should not take into account a member's perceived level of support for or opposition to a particular political party (notwithstanding the wider legal requirement for proportionality referred to in paragraph 24).

Selecting a chair

29. The Chair plays a leadership role on a scrutiny committee as they are largely responsible for establishing its profile, influence and ways of working.
30. The attributes authorities should and should not take into account when selecting individual committee members (see paragraphs 27 and 28) also apply to the selection of the Chair, but the Chair should also possess the ability to lead and build a sense of teamwork and consensus among committee members.

Chairs should pay special attention to the need to guard the committee's independence. Importantly, however, they should take care to avoid the committee being, and being viewed as, a de facto opposition to the executive.

31. Given their pre-eminent role on the scrutiny committee, it is strongly recommended that the Chair not preside over scrutiny of their relatives⁸. Combined authorities should note the legal requirements that apply to them where the Chair is an independent person⁹.
32. The method for selecting a Chair is for each authority to decide for itself, however every authority should consider taking a vote by secret ballot. Combined Authorities should be aware of the legal requirements regarding the party affiliation of their scrutiny committee Chair¹⁰.

Training for committee members

33. Authorities should ensure committee members are offered induction when they take up their role and ongoing training so they can carry out their responsibilities effectively. Authorities should pay attention to the need to ensure committee members are aware of their legal powers, and how to prepare for and ask relevant questions at scrutiny sessions.
34. When deciding on training requirements for committee members, authorities should consider taking advantage of opportunities offered by external providers in the sector.

Co-option and technical advice

35. While members and their support officers will often have significant local insight and an understanding of local people and their needs, the provision of outside expertise can be invaluable.

⁸ A definition of 'relative' can be found at section 28(10) of the Localism Act 2011.

⁹ See article 5(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017 (S.I. 2017/68).

¹⁰ Article 5(6) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

36. There are two principal ways to procure this:

- Co-option – formal co-option is provided for in legislation¹¹. Authorities must establish a co-option scheme to determine how individuals will be co-opted onto committees; and
- Technical advisers – depending on the subject matter, independent local experts might exist who can provide advice and assistance in evaluating evidence (see annex 2).

¹¹ Section 9FA(4) Local Government Act 2000

5. Power to Access Information

37. A scrutiny committee needs access to relevant information the authority holds, and to receive it in good time, if it is to do its job effectively.
38. This need is recognised in law, with members of scrutiny committees enjoying powers to access information¹². In particular, regulations give enhanced powers to a scrutiny member to access exempt or confidential information. This is in addition to existing rights for councillors to have access to information to perform their duties, including common law rights to request information and rights to request information under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004.
39. When considering what information scrutiny needs in order to carry out its work, scrutiny members and the executive should consider scrutiny's role and the legal rights that committees and their individual members have, as well as their need to receive timely and accurate information to carry out their duties effectively.
40. Scrutiny members should have access to a regularly available source of key information about the management of the authority – particularly on performance, management and risk. Where this information exists, and scrutiny members are given support to understand it, the potential for what officers might consider unfocused and unproductive requests is reduced as members will be able to frame their requests from a more informed position.
41. Officers should speak to scrutiny members to ensure they understand the reasons why information is needed, thereby making the authority better able to provide information that is relevant and timely, as well as ensuring that the authority complies with legal requirements.

While each request for information should be judged on its individual merits, authorities should adopt a default position of sharing the information they hold, on request, with scrutiny committee members.

42. The law recognises that there might be instances where it is legitimate for an authority to withhold information and places a requirement on the executive to provide the scrutiny committee with a written statement setting out its reasons for that decision¹³. However, members of the executive and senior officers should take particular care to avoid refusing requests, or limiting the information they provide, for reasons of party political or reputational expediency.

¹² Regulation 17 - Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10 Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹³ Regulation 17(4) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(4) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

Before an authority takes a decision not to share information it holds, it should give serious consideration to whether that information could be shared in closed session.

43. Regulations already stipulate a timeframe for executives to comply with requests from a scrutiny member¹⁴. When agreeing to such requests, authorities should:
- consider whether seeking clarification from the information requester could help better target the request; and
 - Ensure the information is supplied in a format appropriate to the recipient's needs.

44. Committees should be aware of their legal power to require members of the executive and officers to attend before them to answer questions¹⁵. It is the duty of members and officers to comply with such requests.¹⁶

Seeking information from external organisations

45. Scrutiny members should also consider the need to supplement any authority-held information they receive with information and intelligence that might be available from other sources, and should note in particular their statutory powers to access information from certain external organisations.

46. When asking an external organisation to provide documentation or appear before it, and where that organisation is not legally obliged to do either (see annex 3), scrutiny committees should consider the following:

- a) **The need to explain the purpose of scrutiny** – the organisation being approached might have little or no awareness of the committee's work, or of an authority's scrutiny function more generally, and so might be reluctant to comply with any request;
- b) **The benefits of an informal approach** – individuals from external organisations can have fixed perceptions of what an evidence session entails and may be unwilling to subject themselves to detailed public scrutiny if they believe it could reflect badly on them or their employer. Making an informal approach can help reassure an organisation of the aims of the committee, the type of information being sought and the manner in which the evidence session would be conducted;

¹⁴ Regulation 17(2) – Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012; article 10(2) Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017.

¹⁵ Section 9FA(8) of the Local Government Act 2000; paragraph 2(6) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

¹⁶ Section 9FA(9) of the Local Government Act 2000; paragraph 2(7) of Schedule 5A to the Local Democracy, Economic Development and Construction Act 2009.

- c) **How to encourage compliance with the request** – scrutiny committees will want to frame their approach on a case by case basis. For contentious issues, committees might want to emphasise the opportunity their request gives the organisation to ‘set the record straight’ in a public setting; and
- d) **Who to approach** – a committee might instinctively want to ask the Chief Executive or Managing Director of an organisation to appear at an evidence session, however it could be more beneficial to engage front-line staff when seeking operational-level detail rather than senior executives who might only be able to talk in more general terms. When making a request to a specific individual, the committee should consider the type of information it is seeking, the nature of the organisation in question and the authority’s pre-existing relationship with it.

Following ‘the Council Pound’

Scrutiny committees will often have a keen interest in ‘following the council pound’, i.e. scrutinising organisations that receive public funding to deliver goods and services.

Authorities should recognise the legitimacy of this interest and, where relevant, consider the need to provide assistance to scrutiny members and their support staff to obtain information from organisations the council has contracted to deliver services. In particular, when agreeing contracts with these bodies, authorities should consider whether it would be appropriate to include a *requirement* for them to supply information to or appear before scrutiny committees.

6. Planning Work

47. Effective scrutiny should have a defined impact on the ground, with the committee making recommendations that will make a tangible difference to the work of the authority. To have this kind of impact, scrutiny committees need to plan their work programme, i.e. draw up a long-term agenda and consider making it flexible enough to accommodate any urgent, short-term issues that might arise during the year.
48. Authorities with multiple scrutiny committees sometimes have a separate work programme for each committee. Where this happens, consideration should be given to how to co-ordinate the various committees' work to make best use of the total resources available.

Being clear about scrutiny's role

49. Scrutiny works best when it has a clear role and function. This provides focus and direction. While scrutiny has the power to look at anything which affects 'the area, or the area's inhabitants', authorities will often find it difficult to support a scrutiny function that carries out generalised oversight across the wide range of issues experienced by local people, particularly in the context of partnership working. Prioritisation is necessary, which means that there might be things that, despite being important, scrutiny will not be able to look at.
50. Different overall roles could include having a focus on risk, the authority's finances, or on the way the authority works with its partners.
51. Applying this focus does not mean that certain subjects are 'off limits'. It is more about looking at topics and deciding whether their relative importance justifies the positive impact scrutiny's further involvement could bring.
52. When thinking about scrutiny's focus, members should be supported by key senior officers. The statutory scrutiny officer, if an authority has one, will need to take a leading role in supporting members to clarify the role and function of scrutiny, and championing that role once agreed.

Who to speak to

53. Evidence will need to be gathered to inform the work programming process. This will ensure that it looks at the right topics, in the right way and at the right time. Gathering evidence requires conversations with:
 - *The public* – it is likely that formal 'consultation' with the public on the scrutiny work programme will be ineffective. Asking individual scrutiny members to have conversations with individuals and groups in their own local areas can work better. Insights gained from the public through individual pieces of scrutiny work can be fed back into the work programming process. Listening to and participating in conversations in places where local people come together, including in online forums, can help authorities engage people on their own terms and yield more positive results.

Authorities should consider how their communications officers can help scrutiny engage with the public, and how wider internal expertise and local knowledge from both members and officers might make a contribution.

- *The authority's partners* – relationships with other partners should not be limited to evidence-gathering to support individual reviews or agenda items. A range of partners are likely to have insights that will prove useful:
 - Public sector partners (like the NHS and community safety partners, over which scrutiny has specific legal powers);
 - Voluntary sector partners;
 - Contractors and commissioning partners (including partners in joint ventures and authority-owned companies);
 - In parished areas, town, community and parish councils;
 - Neighbouring principal councils (both in two-tier and unitary areas);
 - Cross-authority bodies and organisations, such as Local Enterprise Partnerships¹⁷; and
 - Others with a stake and interest in the local area – large local employers, for example.
- *The executive* – a principal partner in discussions on the work programme should be the executive (and senior officers). The executive should not direct scrutiny's work (see chapter 2), but conversations will help scrutiny members better understand how their work can be designed to align with the best opportunities to influence the authority's wider work.

Information sources

54. Scrutiny will need access to relevant information to inform its work programme. The type of information will depend on the specific role and function scrutiny plays within the authority, but might include:

- Performance information from across the authority and its partners;
- Finance and risk information from across the authority and its partners;
- Corporate complaints information, and aggregated information from political groups about the subject matter of members' surgeries;
- Business cases and options appraisals (and other planning information) for forthcoming major decisions. This information will be of particular use for pre-decision scrutiny; and
- Reports and recommendations issued by relevant ombudsmen, especially the Local Government and Social Care Ombudsman.

¹⁷ Authorities should ensure they have appropriate arrangements in place to ensure the effective democratic scrutiny of Local Enterprise Partnerships' investment decisions.

As committees can meet in closed session, commercial confidentiality should not preclude the sharing of information. Authorities should note, however, that the default for meetings should be that they are held in public (see 2014 guidance on '*Open and accountable local government*':

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/343182/140812_Openness_Guide.pdf).

55. Scrutiny members should consider keeping this information under regular review. It is likely to be easier to do this outside committee, rather than bringing such information to committee 'to note', or to provide an update, as a matter of course.

Shortlisting topics

Approaches to shortlisting topics should reflect scrutiny's overall role in the authority. This will require the development of bespoke, local solutions, however when considering whether an item should be included in the work programme, the kind of questions a scrutiny committee should consider might include:

- Do we understand the benefits scrutiny would bring to this issue?
- How could we best carry out work on this subject?
- What would be the best outcome of this work?
- How would this work engage with the activity of the executive and other decision-makers, including partners?

56. Some authorities use scoring systems to evaluate and rank work programme proposals. If these are used to provoke discussion and debate, based on evidence, about what priorities should be, they can be a useful tool. Others take a looser approach. Whichever method is adopted, a committee should be able to justify how and why a decision has been taken to include certain issues and not others.

57. Scrutiny members should accept that shortlisting can be difficult; scrutiny committees have finite resources and deciding how these are best allocated is tough. They should understand that, if work programming is robust and effective, there might well be issues that they want to look at that nonetheless are not selected.

Carrying out work

58. Selected topics can be scrutinised in several ways, including:

- a) **As a single item on a committee agenda** – this often presents a limited opportunity for effective scrutiny, but may be appropriate for some issues or where the committee wants to maintain a formal watching brief over a given issue;
- b) **At a single meeting** – which could be a committee meeting or something less formal. This can provide an opportunity to have a single public meeting about a

given subject, or to have a meeting at which evidence is taken from a number of witnesses;

- c) **At a task and finish review of two or three meetings** – short, sharp scrutiny reviews are likely to be most effective even for complex topics. Properly focused, they ensure members can swiftly reach conclusions and make recommendations, perhaps over the course of a couple of months or less;
- d) **Via a longer-term task and finish review** – the ‘traditional’ task and finish model – with perhaps six or seven meetings spread over a number of months – is still appropriate when scrutiny needs to dig into a complex topic in significant detail. However, the resource implications of such work, and its length, can make it unattractive for all but the most complex matters; and
- e) **By establishing a ‘standing panel’** – this falls short of establishing a whole new committee but may reflect a necessity to keep a watching brief over a critical local issue, especially where members feel they need to convene regularly to carry out that oversight. Again, the resource implications of this approach means that it will be rarely used.

7. Evidence Sessions

59. Evidence sessions are a key way in which scrutiny committees inform their work. They might happen at formal committee, in less formal ‘task and finish’ groups or at standalone sessions.

Good preparation is a vital part of conducting effective evidence sessions. Members should have a clear idea of what the committee hopes to get out of each session and appreciate that success will depend on their ability to work together on the day.

How to plan

60. Effective planning does not necessarily involve a large number of pre-meetings, the development of complex scopes or the drafting of questioning plans. It is more often about setting overall objectives and then considering what type of questions (and the way in which they are asked) can best elicit the information the committee is seeking. This applies as much to individual agenda items as it does for longer evidence sessions – there should always be consideration in advance of what scrutiny is trying to get out of a particular evidence session.

Chairs play a vital role in leading discussions on objective-setting and ensuring all members are aware of the specific role each will play during the evidence session.

61. As far as possible there should be consensus among scrutiny members about the objective of an evidence session before it starts. It is important to recognise that members have different perspectives on certain issues, and so might not share the objectives for a session that are ultimately adopted. Where this happens, the Chair will need to be aware of this divergence of views and bear it in mind when planning the evidence session.
62. Effective planning should mean that at the end of a session it is relatively straightforward for the chair to draw together themes and highlight the key findings. It is unlikely that the committee will be able to develop and agree recommendations immediately, but, unless the session is part of a wider inquiry, enough evidence should have been gathered to allow the chair to set a clear direction.
63. After an evidence session, the committee might wish to hold a short ‘wash-up’ meeting to review whether their objectives were met and lessons could be learned for future sessions.

Developing recommendations

64. The development and agreement of recommendations is often an iterative process. It will usually be appropriate for this to be done only by members, assisted by co-optees where relevant. When deciding on recommendations, however, members should have due regard to advice received from officers, particularly the Monitoring Officer.

65. The drafting of reports is usually, but not always, carried out by officers, directed by members.
66. Authorities draft reports and recommendations in a number of ways, but there are normally three stages:
- i. the development of a 'heads of report' – a document setting out general findings that members can then discuss as they consider the overall structure and focus of the report and its recommendations;
 - ii. the development of those findings, which will set out some areas on which recommendations might be made; and
 - iii. the drafting of the full report.
67. Recommendations should be evidence-based and SMART, i.e. specific, measurable, achievable, relevant and timed. Where appropriate, committees may wish to consider sharing them in draft with interested parties.
68. Committees should bear in mind that often six to eight recommendations are sufficient to enable the authority to focus its response, although there may be specific circumstances in which more might be appropriate.

Sharing draft recommendations with executive members should not provide an opportunity for them to revise or block recommendations before they are made. It should, however, provide an opportunity for errors to be identified and corrected, and for a more general sense-check.

Annex 1: Illustrative Scenario – Creating an Executive-Scrutiny Protocol

An executive-scrutiny protocol can deal with the practical expectations of scrutiny committee members and the executive, as well as the cultural dynamics.

Workshops with scrutiny members, senior officers and Cabinet can be helpful to inform the drafting of a protocol. An external facilitator can help bring an independent perspective.

Councils should consider how to adopt a protocol, e.g. formal agreement at scrutiny committee and Cabinet, then formal integration into the Council's constitution at the next Annual General Meeting.

The protocol, as agreed, may contain sections on:

- The way scrutiny will go about developing its work programme (including the ways in which senior officers and Cabinet members will be kept informed);
- The way in which senior officers and Cabinet will keep scrutiny informed of the outlines of major decisions as they are developed, to allow for discussion of scrutiny's potential involvement in policy development. This involves the building in of safeguards to mitigate risks around the sharing of sensitive information with scrutiny members;
- A strengthening and expansion of existing parts of the code of conduct that relate to behaviour in formal meetings, and in informal meetings;
- Specification of the nature and form of responses that scrutiny can expect when it makes recommendations to the executive, when it makes requests to the executive for information, and when it makes requests that Cabinet members or senior officers attend meetings; and
- Confirmation of the role of the statutory scrutiny officer, and Monitoring Officer, in overseeing compliance with the protocol, and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny, with matters relating to the protocol's success being reported to full Council through the scrutiny Annual Report.

Annex 2: Illustrative Scenario – Engaging Independent Technical Advisers

This example demonstrates how one Council's executive and scrutiny committee worked together to scope a role and then appoint an independent adviser on transforming social care commissioning. Their considerations and process may be helpful and applicable in other similar scenarios.

Major care contracts were coming to an end and the Council took the opportunity to review whether to continue with its existing strategic commissioning framework, or take a different approach – potentially insourcing certain elements.

The relevant Director was concerned about the Council's reliance on a very small number of large providers. The Director therefore approached the Scrutiny and Governance Manager to talk through the potential role scrutiny could play as the Council considered these changes.

The Scrutiny Chair wanted to look at this issue in some depth, but recognised its complexity could make it difficult for her committee to engage – she was concerned it would not be able to do the issue justice. The Director offered support from his own officer team, but the Chair considered this approach to be beset by risks around the independence of the process.

She talked to the Director about securing independent advice. He was worried that an independent adviser could come with preconceived ideas and would not understand the Council's context and objectives. The Scrutiny Chair was concerned that independent advice could end up leading to scrutiny members being passive, relying on an adviser to do their thinking for them. They agreed that some form of independent assistance would be valuable, but that how it was provided and managed should be carefully thought out.

With the assistance of the Governance and Scrutiny Manager, the Scrutiny Chair approached local universities and Further Education institutions to identify an appropriate individual. The approach was clear – it set out the precise role expected of the adviser, and explained the scrutiny process itself. Because members wanted to focus on the risks of market failure, and felt more confident on substantive social care matters, the approach was directed at those with a specialism in economics and business administration. The Council's search was proactive – the assistance of the service department was drawn on to make direct approaches to particular individuals who could carry out this role.

It was agreed to make a small budget available to act as a 'per diem' to support an adviser; academics were approached in the first instance as the Council felt able to make a case that an educational institution would provide this support for free as part of its commitment to Corporate Social Responsibility.

Three individuals were identified from the Council's proactive search. The Chair and Vice-Chair of the committee had an informal discussion with each – not so much to establish their skills and expertise (which had already been assessed) but to give a sense about

their 'fit' with scrutiny's objectives and their political nous in understanding the environment in which they would operate, and to satisfy themselves that they will apply themselves even-handedly to the task. The Director sat in on this process but played no part in who was ultimately selected.

The independent advice provided by the selected individual gave the Scrutiny Committee a more comprehensive understanding of the issue and meant it was able to offer informed advice on the merits of putting in place a new strategic commissioning framework.

Annex 3: Illustrative Scenario – Approaching an External Organisation to Appear before a Committee

This example shows how one council ensured a productive scrutiny meeting, involving a private company and the public. Lessons may be drawn and apply to other similar scenarios.

Concerns had been expressed by user groups, and the public at large, about the reliability of the local bus service. The Scrutiny Chair wanted to question the bus company in a public evidence session but knew that she had no power to compel it to attend. Previous attempts to engage it had been unsuccessful; the company was not hostile, but said it had its own ways of engaging the public.

The Monitoring Officer approached the company's regional PR manager, but he expressed concern that the session would end in a 'bunfight'. He also explained the company had put their improvement plan in the public domain, and felt a big council meeting would exacerbate tensions.

Other councillors had strong views about the company – one thought the committee should tell the company it would be empty-chaired if it refused to attend. The Scrutiny Chair was sympathetic to this, but thought such an approach would not lead to any improvements.

The Scrutiny Chair was keen to make progress, but it was difficult to find the right person to speak to at the company, so she asked council officers and local transport advocacy groups for advice. Speaking to those people also gave her a better sense of what scrutiny's role might be.

When she finally spoke to the company's network manager, she explained the situation and suggested they work together to consider how the meeting could be productive for the Council, the company and local people. In particular, this provided her with an opportunity to explain scrutiny and its role. The network manager remained sceptical but was reassured that they could work together to ensure that the meeting would not be an 'ambush'. He agreed in principle to attend and also provide information to support the Committee's work beforehand.

Discussions continued in the four weeks leading up to the Committee meeting. The Scrutiny Chair was conscious that while she had to work with the company to ensure that the meeting was constructive – and secure their attendance – it could not be a whitewash, and other members and the public would demand a hard edge to the discussions.

The scrutiny committee agreed that the meeting would provide a space for the company to provide context to the problems local people are experiencing, but that this would be preceded by a space on the agenda for the Chair, Vice-chair, and representatives from two local transport advocacy groups to set out their concerns. The company were sent in

advance a summary of the general areas on which members were likely to ask questions, to ensure that those questions could be addressed at the meeting.

Finally, provision was made for public questions and debate. Those attending the meeting were invited to discuss with each other the principal issues they wanted the meeting to cover. A short, facilitated discussion in the room led by the Chair highlighted the key issues, and the Chair then put those points to the company representatives.

At the end of the meeting, the public asked questions of the bus company representative in a 20-minute plenary item.

The meeting was fractious, but the planning carried out to prepare for this – by channelling issues through discussion and using the Chair to mediate the questioning – made things easier. Some attendees were initially frustrated by this structure, but the company representative was more open and less defensive than might otherwise have been the case.

The meeting also motivated the company to revise its communications plan to become more responsive to this kind of challenge, part of which involved a commitment to feed back to the scrutiny committee on the recommendations it made on the night.

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Overview and Scrutiny Committee Work Programme 2019-2020

Date of Meeting	ISSUE	Lead Officer	Objectives
21 January 2020	1. Minutes	Chairman	To agree the minutes of the previous meeting.
	2. Governance of KGE	Michael Graham/Cllr Harvey	To consider a report on the Knowle Green Estates Business Plan and to make any recommendations to Cabinet.
	3. Review of complaints about, and enforcement activity at, HMOs	Esme Spinks/Tracey Willmott-French/ Cllr Barratt	To consider a review of the use of Article 4 Directions to manage conversions to Houses in Multiple Occupation and whether changes in legislation introduced in October 2018 have resulted in improvements to the management and safety standards in such properties.
	4. Treasury Management half-yearly report	Laurence Woolven / Cllr Harman	To note the Treasury Management situation.
	5. O&S Statutory Guidance	Terry Collier	To receive a report on the new O&S Guidance
	6. Work Programme and Cabinet Forward Plan	Chairman / Terry Collier	To note the proposed work programme and consider issues of interest for the future work programme from the Cabinet Forward Plan.

Overview and Scrutiny Committee Work Programme 2019-2020

Date of Meeting	ISSUE	Lead Officer	Objectives
17 March 2020	1. Minutes	Chairman	To agree the minutes of the previous meeting.
	2. Capital and Revenue Monitoring Q3 and projected outturn	Laurence Woolven / Cllr Harman	These reports will be circulated under separate cover for members' information.
	3. Renewable energy	Jackie Taylor/Cllr Barratt	To consider options for introducing/expanding the use of renewable energy in the Borough.
	4. Pavement parking		To consider measures to deal with pavement parking in the Borough.
	5. Report from River Thames TG	Chairman	To receive a report from the Chairman of the River Thames Task Group on its work.
	6. Corporate Project Management	Sandy Muirhead/Cllr Sexton	To receive an update on the status of current Council projects.
	7. Work Programme and Cabinet Forward Plan	Chairman / Terry Collier	To note the proposed work programme and consider issues of interest for the future work programme from the Cabinet Forward Plan.

Other topics for future inclusion in Work Programme

Surrey County Council cuts - How to facilitate shared ownership of the impact on the Borough and especially the impact on the voluntary sector.

Fire Service operation post reduction in Stations – 2020/21