



SCRUTINY COMMITTEE

MECHANICS THEATRE

Wednesday, 12th January, 2022 at 6.30 pm

PRESENT

MEMBERS

Councillors H Baker (Chair), A Royle (Vice-Chair), G Birtwistle, S Chaudhary, T Commis, S Cunliffe, D Ferrier, M Hurt, M Ishtiaq, G Lishman, S Lone and C Towneley

OFFICERS

Paul Gattrell	– Head of Housing & Development Control
Kate Ingram	– Strategic Head of Economy and Growth
Jayne Enright	– Principal Environmental Health Officer - Food Safety
Clare Jackson	– Housing Manager
Andrew Leah	– Property Services Manager
Imelda Grady	– Democracy Officer

IN ATTENDANCE

Councillors A Anwar, S Graham and M Lishman

62. Apologies

Apologies were received from Councillors C Briggs, P Campbell, A Hosker, A Khan and S Khan.

63. Minutes

The minutes of the meeting held on 25th November 2021 were approved as a correct record and signed by the Chair.

64. Declarations of Interest

Councillors Howard Baker, Sehrish Lone and Mohammed Ishtiaq declared personal and prejudicial interests in item 8 on the agenda – Selective Licensing. They left the room and took no part in the debate or vote on the matter.

Councillor Cosima Towneley declared a non-prejudicial interest in item 8 on the agenda. She remained in the room and voted on the matter.

Councillor Martyn Hurt declared an Other non-prejudicial interest in item 18 on the agenda. He remained in the room and was able to vote on the matter.

65. Exclusion of the Public

That the public be excluded for the meeting before discussion takes place on items relating to minutes 76 and 77 in view of the nature of the business to be transacted, if the public were present there would be a disclosure to them of exempt information within the meaning of Paragraph 12 A of the Local Government Act 1972 relating to the financial or business affairs of any particular person (including the authority holding that information).

66. Additional Item of Business

The Chair agreed to take an additional item of business as a matter of urgency so that members could be informed of a decision of the Member Structures and Support Working Group (MSSWG) in respect of a proposed Executive/Scrutiny Protocol and that this could be implemented for the next meeting of the Scrutiny Committee.

The Democracy Officer detailed the decision of the MSSWG which was

- At least quarterly meetings, potentially each cycle, to take place between Scrutiny (Chair and Vice), Executive (Leader and Deputy Leader) and Officers (Monitoring Officer/CEO) to discuss relevant upcoming decisions and issues.
- That Scrutiny Members provide Questions on Scrutiny agenda items to Officers, copied to Executive Members, before the meeting to aid informed discussion at Scrutiny Committee
- To have a Scrutiny Pre-Meeting with the Chair and Vice Chair and relevant Officers to allow any issues to be discussed and aid preparation under the no surprises approach
- That the proposed pilots be implemented over the next 6 months relating to the Scrutiny-Executive protocol

She sought members views on the timescales for submission of members questions and how responses should be reported back to members.

IT WAS AGREED

1. That members submit questions in relation to items on the scrutiny agenda by 12 noon on the Monday before the meeting` and
2. That the responses be circulated to all members prior to the meeting.

67. Notice of Key Decisions and Private Meetings

The report was noted.

Councillor Baker vacated the Chair in favour of Councillor Royle

68. Selective Licensing

The Private Housing Sector Manager reported on the results of the selective licensing consultation in Burnley Wood with Healey Wood and The Leyland Road Area and asked members to consider further selective licensing designation areas in Burnley Wood with Healey Wood and the Leyland Road area for the reasons set out in the Statement of Case (appendix A) along with the fee structure, budget implications and licence conditions.

Copies of the petition that had been received against the proposals was circulated to all members.

Members made the following comments and observations

- Little acknowledgement that good landlords can get bad tenants
- Problems experienced in the social housing sector is not reflected in legislation
- There needs to be equitable treatment of landlords across the borough following complaints made by a tenant
- Selective licensing does improve housing in an area but doesn't address the poor conditions in some social housing
- Who bears the cost regarding p210 item 9 regarding the inventory
- What was the prospect of expansion of selective licensing into other areas
- Page 35 S2.3 in respect of tribunals there is no mention of tenants that are in rent arrears
- Page 39 s3.7 – with regards to fuel poverty were there any plans to extend this out to rural areas and how would houses in conservation areas be affected

The Officer responded as follows

- It was acknowledged that there were bad tenants and this was taken into consideration before any enforcement action was taken
- Any registered social housing is subject to legislation regarding housing conditions and if work not done would be inspected in the same way as the private rented sector
- Legislation was applied consistently across the borough with regard to housing conditions, enforcement was a last resort unless there was a significant risk of harm. Failure to comply during informal action can then result in enforcement notices such as improvement notices being served which if breached can lead to the service of civil penalties.
- Any landlord could do an inventory but if done by another agency then the landlord or managing agent would bear the costs
- Selective licensing areas were monitored annually and interim reports produced, other areas of the borough can be looked at but they must meet the criteria to be considered for selective licensing

- With regard to Rent Repayment Orders the local authority can only take action if the tenant receives housing benefit. If the tenant does not receive housing benefit they have the option to pursue a Rent Repayment Order as an individual tenant.
- There was a separate project on energy efficiency standards which included rural areas, if properties were owner/occupied they were directed to cosy homes, houses in conservation areas could apply for exemption if the cost of improvements was prohibitive or over a certain amount of money.

IT WAS AGREED

That the report be recommended to the Executive for approval.

Councillor Baker in the Chair

69. Health and Safety Intervention Plan

The Principal Environmental Health Officer presented the annual update for the Health and Safety Intervention Plan 2021/22 and outlined the health and safety regulation duties undertaken by Burnley's Health and Safety Team.

During the COVID pandemic in 2020/21 the team had carried out over 2,300 interventions with businesses in Burnley and worked with the Health and Safety Executive (HSE) to deliver spot checks on businesses throughout the borough.

She informed members of the current national concerns of the rise in coronavirus cases linked to the omicron variant and details from the Government on potential regulatory services that could be re-prioritised, but that at this stage it was unknown if this would affect the work outlined in the Health and Safety at Work Intervention Plan. The Team would continue to work with the relevant Government agencies on this.

Members made the following comments and observations

- The lack of enforcement for not wearing masks in supermarkets

The Officer responded that this enforcement sat with the police and not environmental health. The Council could only ensure adequate signage was displayed regarding this matter.

IT WAS AGREED

That the report be noted.

70. Food Safety Delivery Plan

The Principal Environmental Health Officer presented the annual update for the Food Safety Delivery Plan 2021/22 and highlighted some of the work carried out to date.

She highlighted the unprecedented period during the Covid19 pandemic which placed significant additional duties on the team. Since restrictions had been removed the Council's Environmental Health and Licensing team had set out a recovery plan for business-as-usual functions and this had enabled the team to reintroduce a plan for all food risk

inspections. The recovery plan also included the clearing of the backlog of lower risk inspections incurred during 2019/20.

In line with FSA guidance the team had completed 61 higher risk-rated inspections, completed 136 new inspections and responded to 803 service requests for food.

The team also continued to work on residual Covid activity including outbreak management in workplace settings., test and trace support to Liberata and collation and referral of data to Calico.

She informed members of the current national concerns of the rise in coronavirus case linked to the omicron variant and details from the Government on potential regulatory services that could be re-prioritised, but that at this stage it was unknown if this would affect the work outlined in the Health and Safety at Work Intervention Plan. The Team would continue to work with the relevant Government agencies on this.

Members made the following comments and observations

- Had there been a trickle of new food businesses set up since the pandemic?
- Concern over the category A premises with a poor rating
- Premises requesting a second visit to improve their rating, are they downgraded deliberately to encourage compliance?
- Are new businesses seen before they begin trading?
- Are food hygiene rating displays mandatory?
- Concerns regarding care homes closures and loss of staff resulting in the elderly being vulnerable to poor food standards, leading to malnutrition especially those with dementia,
- Could social media be used to alert businesses of due inspections so that they become compliant
- With the budget coming up should an extra member of staff in environmental health be considered to help with the case loads and be more cost effective than using consultants?

The Officer responded as follows

- There was a large number is businesses that had opened during the pandemic and there was currently a backlog of 45 inspections
- The category A premises with the poor rating had since ceased trading
- New businesses requesting second visits need ratings in order to trade, for example `Just Eat` won't accept premises below a certain rating
- New businesses have to register 28 days before trading and a self-assessment form is sent out which it triaged and prioritised if there were concerns
- Displaying food hygiene rating signs is mandatory in Scotland, Wales and Ireland but not yet in England. It was proposed to be introduced but has slipped back during COVID . The enforcement of this would fall under trading standards
- Care homes fall under a high priority category but some aspects raised by members are not covered. There is a key indicator related to the weight loss of residents
- Social media is used and emails were sent out in December to inform business that the team were working to a business-as-usual schedule. There could be scope to work with the Council`s graphics and communications unit
- Extra staff would be welcome but environmental health fall with the Council`s contract with Liberata. The consultants used are long standing and provide a good

service. An apprentice has been employed under the government funded scheme and was most useful.

IT WAS AGREED

That the report be noted.

71. Land at Rakehead Recreation Ground

Members considered a report which sought Executive approval of the lease of part of Rakehead Recreation Ground to the East Lancashire Hospitals NHS Trust for use as a temporary car park.

Members had concerns of a car park next to a play area and asked that an air quality assessment be carried out throughout the 3-year period to ensure safe and legal limits were maintained.

Another member said that this had to be balanced against the risk of not getting the extra care facilities for the residents of the borough.

Members also asked what the permeable substrate would be and the officer said he would get back to the member on this.

IT WAS AGREED

That the recommendations to the Executive be endorsed.

72. Land at Tabor Street

Members considered a report which sought Executive approval for the sale of land off Tabor Street for use in connection with the neighbouring primary school.

Members made the following comments

- Was community use not precluded from school land?
- Concern of loss of land for public use
- Sale should include a covenant that its use should be kept as recreational space if sold on

The Officer responded that the land could be used for supervised community use and that the development would transfer to Lancashire County Council and not the school itself and reasonable request could be considered.

IT WAS AGREED

That the reported be noted.

Councillor Baker vacated the Chair in favour of Councillor Royle

73. Scrutiny Review Groups

The Vice Chair updated members on the Housing Review Group and the outcome of a meeting with Calico. Calico had set out a programme of works that were scheduled to be carried out over the next twelve months including installation of new boilers, bathrooms, kitchens, damp proof courses and roofing repairs. The review group had agreed that whilst this was positive news they would continue to monitor progress on a six monthly basis.

Members commented that it was the quality of work that was important and that the programme of work was inadequate for the number of properties that were in Calico ownership.

IT WAS AGREED

That the update be noted.

Councillor Baker in the Chair

74. Work Programme 2021/22

The work programme was noted.

75. Exclusion of the Public

Members determined to exclude the public from the meeting before discussion took place on the items of business relating to the Levelling Up Fund and Land at Kinross Street on the grounds that in view of the nature of the business to be transacted if the public were present there would be a disclosure to them of exempt information within the meaning of Part VA of the Local Government Act 1972.

76. Levelling Up Fund

The Strategic Head of Economy and Growth reported on the Levelling Up fund and the UCLAN expansion programme which included the construction of new teaching and student facilities, public realm works and site preparation for future phases. A report was being recommended to the Executive for approval to facilitate this work in a timely manner.

She said that as part of the report the Chair of Scrutiny was being asked to waive call-in on this matter.

The Chair expressed concern about the number of requests he was receiving for waiving call-in but felt it was justified on this occasion. He asked members if they had any objections to the waiver of call-in and members did not.

Members stressed the need for the iconic building in the Weavers Triangle to be retained. They also asked what would be the added value for the wider community.

The Officer responded that the building would be retained and the wider community would benefit from the higher education provision and the economic benefits that would be incurred from this

IT WAS AGREED

That Chair's agreement to waive call-in be noted and the report be recommended to the Executive.

77. Land at Kinross Street

Consideration was given to a report which sought the sale of land at Kinross Street, Burnley to Calico Homes.

Members made the following comments

- The cost of running an air to water-air source, in light of the current soaring energy cost and whether tenants would be able to meet these costs
- Explore an agreement in the land sale that energy bills should be no more than 20% of the national average
- Calico should look to invest in its existing stock before building new houses
- Against the loss of green space where other sites were more suited to development
- Scrutiny could call-in the decision

The officer responded that there was a need for more high quality affordable housing in the borough and it is important that Calico build new stock to meet this need. By growing their stock holding Calico are potentially in a stronger position to provide investment for their existing stock.

He agreed to provide more information on heat pumps and energy usage.

The Democracy Officer reminded members of the criteria to be met in order for a call-in to be accepted.

IT WAS AGREED

That the report be noted