

BABERGH AND MID SUFFOLK DISTRICT COUNCILS

Minutes of the meeting of the **JOINT OVERVIEW AND SCRUTINY COMMITTEE** held in the King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Monday, 20 February 2023 at 09:30am

PRESENT:

Chair: Keith Welham

Councillors:	Simon Barrett	Terence Carter
	Siân Dawson	Paul Ekpenyong
	Kathryn Grandon	John Hinton (Co-Chair)
	Robert Lindsay	David Muller
	Adrian Osborne	Keith Scarff

In attendance:

Councillor(s): Jan Osborne – Babergh Cabinet Member for Housing
Lavinia Hadingham – Mid Suffolk Cabinet Member for Housing

Officers:

- Chief Planning Officer (PI)
- Area Planning Manager (GW)
- Business Practice Manager – Development Management (JH)
- Professional Lead – Digital Solutions (JM)
- Senior Environmental Health Officer (DW)
- Housing Needs and Standards Manager (JK)
- Director for Economic Growth and Climate Change (FD)
- Corporate Manager for Economy and Business (MG)
- Economic Development Officer (CF)
- Corporate Manager for Law and Governance (JR)
- Lead Officer for Overview and Scrutiny (AN)

Witness(es): P. Branton – Wincer Kievenaar Architects
J. Tanner – Hollins Architects
J. Platt – Locus Planning

Apologies:

Councillors: Melanie Barrett
James Caston

76 APOLOGIES FOR ABSENCE / SUBSTITUTIONS

76.1 Apologies were received from Councillor Melanie Barrett and Councillor James Caston.

76.2 Councillor Simon Barrett substituted for Councillor Melanie Barrett.

77 DECLARATION OF INTERESTS

77.1 None declared.

78 JOS/22/42 TO CONFIRM THE MINUTES OF THE JOINT MEETING HELD ON 23 JANUARY 2023

78.1 It was resolved that the minutes of the Joint Committee held on 23 January 2023 were confirmed and signed as a true record.

79 JOS/22/43 TO CONFIRM THE MINUTES OF THE BABERGH MEETING HELD ON 23 JANUARY 2023

79.1 It was resolved that the minutes of the Babergh Committee held on 23 January 2023 were confirmed and signed as a true record.

80 JOS/22/44 TO CONFIRM THE MINUTES OF THE MID SUFFOLK MEETING HELD ON 23 JANUARY 2023

80.1 It was resolved that the minutes of the Mid Suffolk Committee held on 23 January 2023 were confirmed and signed as a true record.

81 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH THE COUNCIL'S PETITION SCHEME

81.1 None received.

82 QUESTIONS BY THE PUBLIC

82.1 None received.

83 QUESTIONS BY COUNCILLORS

83.1 None received.

84 JOS/22/45 ARE PLANNING PRE-APPLICATION ADVICE CUSTOMERS GETTING A VALUABLE SERVICE?

84.1 The Chief Planning Officer presented the report to the Committee outlining before Members the creation of an annual pre-application advice service survey in 2018, the results of previous surveys, the results of a new pre-application advice service officer survey, a summary of the survey information

and questions, and introduced 3 witnesses in attendance who were available to answer questions from Members regarding their experiences with the pre-application advice service.

- 84.2 Councillor Barrett questioned whether 45% of survey respondents rating the quality of advice received between 8 and 10 out of 10 was a satisfactory amount. The Chief Planning Officer responded that 45% was not acceptable and that he would like to see future survey results above 50%.
- 84.3 Councillor Barrett further questioned the process behind an overturn of officer recommendation between the pre-application advice phase and the decision phase. The Chief Planning Officer responded that pre-application advice is given based on strict information provided to officers and that the recommendation may change due to new information coming to light.
- 84.4 The Witnesses responded that a change in decision on an application between the pre-application stage and the decision stage is often due to different officers handling each stage alongside the introduction of new consultation responses and information.
- 84.5 Councillor Ekpenyong questioned if significant changes in officer advice during the pre-application stage were passed to senior officers for checking and verification. The Chief Planning Officer responded that all pre-application advice was checked off by senior officers before it was dispatched to applicants.
- 84.6 Councillor Dawson questioned if the recommendations proposed focussed more on officers than customers and whether this was an effective route to take in improving the service. The Chief Planning Officer responded that the recommendations intended to change the customer survey to an “open” rather than annual survey which would allow more feedback to be captured and encourage fast, real-time changes to the service.
- 84.7 The Witnesses responded that a change to an “open” survey would allow applicants to submit feedback on a case-by-case basis which could lead to more accurate results regarding the service.
- 84.8 Councillor Scarff questioned how much dialogue takes place between applicants and planning officers during the pre-application advice stage and how much information was sent by the applicants to planning officers. The Witnesses responded that the costs of the service meant that smaller companies often submit minimal information as part of the pre-application advice stage and only submit more once they receive an indication as to whether the application will be accepted due to the investment needed.
- 84.9 Councillor Grandon queried how Babergh and Mid Suffolk’s planning authority compares to other planning authorities and what could be done to improve the pre-application service. The Witnesses responded that Babergh and Mid Suffolk compared well to other authorities, particularly due to the ability to engage with consultees at the pre-application stage, but that

communication between planning officers and applicants was not as good as it could be.

- 84.10 Councillor Lindsay questioned about the time taken by officers to provide in-depth pre-application advice and whether the financial charges to access the service appropriately cover this time. The Area Planning Manager responded that the time taken to put together and issue pre-application advice had recently been reviewed in conjunction with the costs of the service and that it was deemed appropriate.
- 84.11 Councillor Lindsay further questioned the reasons why officers took a significant amount of time to issue pre-application advice for straightforward applications. The Area Planning Manager responded that the same level of detail was provided in responses towards both straightforward applications and complex applications.
- 84.12 Councillor Carter queried if the survey responses were case specific or account for a customer's experience with the pre-application service across an entire year and whether the survey records any change in advice given by officers. The Professional Lead for Digital Solutions responded that the survey did not ask for the outcome of the pre-application advice and that responses cover a customer's annual experience.
- 84.13 Councillor Ekpenyong queried why the advice received on heritage was regarded as being better value for money than other forms of advice provided as part of the pre-application service. The Chief Planning Officer responded that heritage advice required officers to be on-site which allowed for better understanding of the issues and more communication with the applicants.
- 84.14 The Witnesses responded that heritage advice received was not consistent and that they generally had a poorer experience than what was reflected in the survey figures. Councillor Lindsay raised that the results of the survey may be inaccurate due to only a small number of applicants requesting and receiving heritage advice.
- 84.15 Councillor Welham questioned if there would be benefits to introducing a check-list of information that should be submitted as part of the pre-application process. The Witnesses responded that a formal check-list would not be necessary but there would be benefits from having the opportunity to submit further information that the case officer can request for before issuing a final response.
- 84.16 Councillors debated the item on the following issues:
- Introducing a target for customer satisfaction over a short-term period.
 - Encouraging Officers to work in the office more regularly for more collaborative working and mentoring opportunities to be able to provide more accurate pre-application advice.
 - The proposed recommendation to make the survey "open" rather than annual and the potential benefits.

- Quarterly internal audits of the pre-application advice provided.
- Refreshing the questions asked on the survey to encourage more responses
- Recording the outcome of the pre-application advice received on the survey so that answers can be viewed in context

84.17 Councillor Welham put forward the following amended recommendations to the Committee:

- That the contents of the report be noted by the Joint Overview and Scrutiny Committee.
- That Officers be requested to alter the frequency and content of the survey of customer experience of the pre-application service to “open” rather than annual.
- That Officers be requested to undertake an annual survey of Development Management Planning Officers of their experience of customer service.
- That Officers develop a model for quarterly audit of timeliness, quality and customer service including to assess the effectiveness of the pre-application advice process in the validation of applications and correlation of advice with outcome.
- That the Corporate Director for Planning and Building Control and the Chief Planning Officer review the results of the above-mentioned surveys and audit with the Client Side Panel and report at least bi-annually to the Cabinet Members for Planning.
- That the Overview and Scrutiny Committee requests the Director for Planning and Building Control and the Chief Planning Officer consider arrangements to provide adequate training and mentoring opportunities for all planning staff with a view to providing an improved level of pre-app service.
- That the Corporate Director for Planning and Building Control and the Chief Planning Officer aim for an overall quality of advice level of satisfaction of 60% by 30th April 2025.

84.18 Councillor Lindsay proposed the recommendations as read out by the Chair.

84.19 Councillor Grandon seconded the recommendations.

By a unanimous vote

It was RESOLVED:

- 3.1. That the contents of the report be noted by the Joint Overview and Scrutiny Committee.**
- 3.2. That Officers be requested to alter the frequency and content of the survey of customer experience of the pre-application service to “open”**

rather than annual.

- 3.3. That Officers be requested to undertake an annual survey of Development Management Planning Officers of their experience of customer service.
- 3.4. That Officers develop a model for quarterly audit of timeliness, quality and customer service including to assess the effectiveness of the pre-application advice process in the validation of applications and correlation of advice with outcome.
- 3.5. That the Corporate Director for Planning and Building Control and the Chief Planning Officer review the results of the above-mentioned surveys and audit with the Client Side Panel and report at least bi-annually to the Cabinet Members for Planning.
- 3.6. That the Overview and Scrutiny Committee requests the Director for Planning and Building Control and the Chief Planning Officer consider arrangements to provide adequate training and mentoring opportunities for all planning staff with a view to providing an improved level of pre-app service.
- 3.7. That the Corporate Director for Planning and Building Control and the Chief Planning Officer aim for an overall quality of advice level of satisfaction of 60% by 30th April 2025.

85 JOS/22/46 PRIVATE SECTOR HOUSING ENFORCEMENT & CIVIL PENALTIES POLICY

- 85.1 A short break was taken between 11:36am and 11:47am.
- 85.2 Councillor Jan Osborne – Babergh’s Cabinet Member for Housing - introduced the report to the Committee outlining before Members the need to maintain and improve housing standards in the private rented sector, the current work of the housing standards team, the purpose of the enforcement policy, the guidelines for both landlords and officers regarding enforcement and improvements, the proposal for an introduction of a charge for officer and administration time to recover costs when formal action must be taken, the introduction of civil penalties for landlords, and the collaboration between other Suffolk Councils in the development of the policy.
- 85.3 The Senior Environmental Health Officer presented the report to the Committee outlining before Members the work undertaken to improve and regulate housing standards, the link between the Private Housing Enforcement Policy and corporate policy, how and when action will be taken under the new policy, collaboration with Police and Fire services, civil penalties as an alternative to prosecution, the guidance and regulations for determining a fine value, and examples of when civil penalties will be actioned.
- 85.4 Councillor Scarff questioned if the starting points for fines were determined by the Housing team. The Senior Environmental Health Officer responded that the b starting points were determined by Housing using strict criteria but that

these could move up or down within the band range dependent on the severity of the situation that is being addressed.

- 85.5 Councillor Scarff further questioned if civil penalties notices could be used in a similar way to press releases after the conviction of a landlord. The Senior Environmental Health Officer responded that civil penalty notices were able to be publicly put on the national register of offences.
- 85.6 Councillor Muller queried how many prosecutions had been actioned within the last 18 months. The Housing Needs and Standards Manager responded that there had been 0 prosecutions in the last 18 months.
- 85.7 Councillor Carter questioned if enforcement action could be taken by the Councils towards landlords linked to criminal activity to prevent them from owning and renting out property. The Senior Environmental Health Officer responded that there were powers to ban individuals to rent out properties but that it was a measure only used in extreme circumstances.
- 85.8 Councillor Carter further questioned whether enforcement would be taken against the landlord or the tenant in cases where hoarding is present. The Babergh Cabinet Member for Housing responded that this did not fall under the new enforcement policy but that it was the responsibility of the Housing Solutions team.
- 85.9 Councillor Ekpenyong questioned if there was a programme for regular inspection of private rented properties, how many improvement notices had been issued in the last 18 months, and how the national register of offences can be accessed. The Housing Needs and Standards Manager responded that inspections were a reactive service, that only a small number of improvement notices had been issued, and that the national register is published by the Department for Levelling Up, Housing and Communities.
- 85.10 Councillor Hinton questioned what systems are in place to identify landlords within the district and if the policies also applied to registered social landlords. The Senior Environmental Health Officer responded that a current register of private landlords was being formulated and that social landlords did fall under the proposed policies.
- 85.11 Councillor Grandon questioned if the penalty band ranges were national rates. The Senior Environmental Health Officer responded that these band ranges were determined by the Councils but that consultations with other Suffolk Councils were conducted before reaching the final figures.
- 85.12 Members debated the item on the following issues:
- The potential increase in safety for residents
 - Building a register of private landlords within the Districts

85.13 Councillor Welham put forward the following amended recommendations to the Committee:

- That the Overview and Scrutiny recommend to Cabinet to adopt the new private rented sector housing enforcement policy including the use of civil penalties as an alternative to prosecution. Agree a fair charging regime to recover the costs of housing enforcement action taken by the Council.
- To recommend that Cabinet approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2), Electrical Safety Regulations (Appendix 3) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4).
- To recommend to Cabinet the proposed charges for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.
- To recommend to Cabinet that comments made at this meeting be made available to them when they discuss implementing the Private Sector Housing Enforcement & Civil Penalties Policy.

85.14 Councillor Carter proposed the recommendations as read out by the Chair.

85.15 Councillor Ekpenyong seconded the recommendations.

By a unanimous vote

It was RESOLVED:

- 3.1. That Overview and Scrutiny recommend to Cabinet to adopt the new private rented sector housing enforcement policy including the use of civil penalties as an alternative to prosecution. Agree a fair charging regime to recover the costs of housing enforcement action taken by the Council.**
- 3.2. To recommend that Cabinet approve and authorise the use of civil penalty and financial penalty powers provided by the Housing and Planning Act 2016 (Appendix 2), Electrical Safety Regulations (Appendix 3) and Energy Efficiency (Private Rented Property) Regulations (Appendix 4).**
- 3.3. To recommend to Cabinet the proposed charges for relevant housing enforcement action based on officer time taken and that any revenue arising from civil penalties will be retained within the service to meet the legal or administrative costs and expenses incurred under the relevant housing law.**
- 3.4. To recommend to Cabinet that comments made at this meeting be made available to them when they discuss implementing the Private Sector Housing Enforcement & Civil Penalties Policy**

86 JOS/22/47 INFORMATION BULLETIN

- 86.1 A short break was taken between 12:42pm and 12:45pm.
- 86.2 Councillor Simon Barrett and Councillor Dave Muller left the meeting at 12:45pm.
- 86.3 The Corporate Manager for Business and Economy and the Economic Development Officer presented the Information Bulletin to the Committee outlining before Members the 2022 Recovery Plan for businesses post the Covid pandemic, details of the Recover and Re-Grow stages of the Recovery Plan, the role of Babergh and Mid Suffolk in supporting skills and education development, the external skills picture, local skill development schemes, and future plans for supporting young people's skill development.
- 86.4 Councillor Carter questioned what support was available to SEN students for their welfare and development in schools and the transition between education and employment. The Economic Development Officer responded that collaboration with Suffolk County Council was taking place to develop schemes intended to support SEN students specifically.
- 86.5 Councillor Ekpenyong queried what support was in place to develop technical and complex skills to enable people to pursue a career in high-skilled industries. The Director for Economic Growth and Climate Change responded that one of Gateway 14 Skills and Innovation Centre's main purposes was to develop young people's skills in these areas as well as attract high-growth and technical organisations into the Districts for young people to be able to pursue careers in this sector locally.
- 86.6 Councillor Lindsay left the meeting at 13:05pm.
- 86.7 Councillor Hinton questioned what support there was for apprenticeships and developing the skills required to access careers in emerging industries such as renewable energies and robotics. The Director for Economic Growth and Climate Change responded these skills would be included as part of the Gateway 14 Skills and Innovation Centre and that the number of apprenticeships currently undertaken in both Districts is higher than it was pre-Covid.
- 86.8 Councillor Grandon left the meeting at 13:15pm.
- 86.9 The Information Bulletin was noted.

87 JOS/22/48 FORTHCOMING DECISIONS LIST

- 87.1 No comments.

88 JOS/22/49 OVERVIEW AND SCRUTINY ACTION TRACKER

- 88.1 No comments.

89 JOS/22/49 BABERGH OVERVIEW AND SCRUTINY WORK PLAN

89.1 No comments.

90 JOS/22/50 MID SUFFOLK OVERVIEW AND SCRUTINY WORK PLAN

90.1 No comments.

The business of the meeting was concluded at 13:20pm.

.....
Chair