

NEIGHBOURHOOD SERVICES COMMITTEE

MINUTES AND DECISION RECORD

14 JUNE 2023

The meeting commenced at 1.00 pm in the Civic Centre, Hartlepool.

Present:

Councillor: Sue Little (In the Chair)

Councillors: Rob Darby, Helen Howson, Karen Oliver and Carole Thompson.

Also Present: In accordance with Council Procedure Rule 4.2: -
Councillor Mike Young as substitute for Councillor Shane Moore.
Councillor Andrew-Martin-Wells as substitute for Councillor Brian Cowie.
Councillor Moss Boddy.

Officers: Tony Hanson, Executive Director of Development, Neighbourhoods and Regulatory Services
Kieran Bostock, Assistant Director, Neighbourhood Services
Sylvia Pinkney, Assistant Director, Regulatory Services
Zoe Craig, Environmental Health Manager (Environment Protection)
Joanne Burnley, Environmental Health Manager (Housing)
Steve Hilton, Communications and Marketing Team
David Cosgrove, Democratic Services Team

1. Apologies for Absence

Councillors Brian Cowie and Shane Moore.

2. Declarations of Interest

None.

3. Minutes of the meeting held on 13 March, 2023

A Member asked for details of the 'partner organisations' referred to in Minute No. 38 Local Transport Plan 2022/23 Out-Turn and 2023/24 Programme and the traffic evidence behind the recommendations. The Member also requested the 'scoring matrix' utilised to prioritise highways for maintenance in the Five Year Highway Maintenance Programme, Minute No. 39

Minutes received.

4. Minutes of the meeting of the Emergency Planning Joint Committee held on 28 April, 2023

Received.

5. The Role and Remit of the Neighbourhood Services Committee (*Director of Neighbourhoods and Regulatory Services*)

Type of decision

For information.

Purpose of report

To provide background information for Committee Members on the work of the Authority managed through the Committee.

Issue(s) for consideration

The Committee received a comprehensive presentation by the Executive Director of Development, Neighbourhoods and Regulatory Services outlining the role and remit of the Committee and the service areas of the Authority that fell under its management. The presentation also included challenges and priorities the Council and the service was currently managing. It was agreed that the presentation be shared with Committee Members.

The Committee debated issues arising from the presentation, including the following:-

- The Bulky Waste collection service.
- How the Authority was dealing with fly tipping on private land and how it liaised with those land owners. It was highlighted by Officers that the multi-agency Fly Tipping Working Group had significantly reduced the instances of fly tipping around the town. The work at Oakesway Industrial Estate was highlighted. The Director stated that the Council needed the public to help it tackle fly tipping by reporting the criminal behaviour of the illegal operators who dump significant amounts of waste which takes time to do, often in publically accessible locations.

Decision

That the presentation and discussions be noted.

6. Hartlepool Local Plan Review (Assistant Director, Neighbourhood Services)

Type of decision

Budget and Policy Framework. Forward Plan Reference NRS 06 / 23

Purpose of report

To advise members on the Local Plan review position and a time frame for a Local Plan update.

Issue(s) for consideration

The Assistant Director, Neighbourhood Services reported that the Hartlepool Local Plan 2018 was adopted by Full Council on the 22nd May 2018 following receipt of the Planning Inspectors Report from the Local Plan Examination. Legislation and the National Planning Policy Framework (NPPF) set out that policies within the Local Plan should be reviewed to assess their effectiveness, and such reviews should be undertaken no later than five years from the adoption date of a plan.

The Assistant Director stated that officers were of the view that the Council fulfils its duty to review the Local Plan via the Authorities Monitoring Report (AMR) which is produced annually and includes an assessment of all policies, their effectiveness and a recommendation as to whether policies require updating or not. Officers were satisfied that the AMR process was an effective and robust method of Local Plan review and, being undertaken yearly, is more regularly than legislation requires. Officers would continue to assess Local Plan policies each year via the AMR. The latest AMR (2021/2022) concluded that policies were performing as they should and there was no urgent need to update them, with the most recent report presented to Neighbourhood Services Committee in March 2023.

Alongside this view, the Assistant Director reported that since June 2022, there had been significant further developments regarding reforms to the planning system. The Levelling Up and Regeneration Bill (LURB), which was currently passing through Parliament, proposed significant changes to the planning system, via primary and secondary legislation, along with amendments to the National Planning Policy Framework (NPPF) and associated guidance. The emerging LURB had been used as the basis for a number of recent government consultations.

Changes to law and national planning policy would have a bearing on what would be included in a new style Local Plan and how the plan would be prepared and assessed. Given there were to be significant changes within planning law and national planning policy, the final details of which were not yet available, it was considered that given the uncertainty, it would be unwise to progress with a partial Local Plan update at this time.

Current Planning Advisory Service (PAS) advice is that new style Local Plans were expected to be able to commence in late 2024 at the earliest, meaning adoption in spring 2027 is the soonest that this could happen. The PAS also advised that should local authorities have not yet commenced a review of their local plan, then they should delay until the new regulations and guidance were available.

With regards to the statutory requirement to completing a review of the Local Plan (2018) by May 2023, members should note that the Council fulfils this duty via the Authorities Monitoring Report (AMR), which is produced annually and includes an assessment of all policies, their effectiveness and a recommendation as to whether policies require updating or not. Supporting advice to this regard had also been sought from the Council's independent legal advisors.

The Chair questioned what other local authorities in our positions were doing in relation to their local plan. The Assistant Director stated that the Planning Advisory Service was advising Councils that had already started a review to continue but those that hadn't should not start. Guidance had also been sought from the Department for Levelling Up, Communities and Housing which commented that the existing plan was robust.

Some Members questioned the recommendation not to commence a review of the Local Plan. The role of the AMR was also questioned, particularly if it provided an adequate review of the local plan. It was suggested that a special meeting with new elected Councillors be held to give them a better understanding of the local plan and the review process. Officers undertook to meet with any Councillor that needed further information on the local plan.

The Director referred to the Annual Monitoring Report which had been presented to the Committee in March which showed that the current policies were robust. The Director was concerned that starting work on a full revision of the local plan could lead to a significant amount of abortive work. While there was a budget provided for the review work, the Director stated that this was one-off money and he did not wish to waste financial resources and staff time, particularly when it was clear that new advice was going to be issued by government.

Members questioned the advice that had been given saying the current plan was still robust and if Members could see that advice. The Director stated that he would ask the Director of Legal, Governance and HR if the advice could be shared but that officers should be trusted to advise Members appropriately. The Members questioning the recommendation suggested it was not a case of not trusting officers but ensuring Members were well informed. If advice was sought in relation to which elements of the local plan could be reviewed now, the Council would be in a better position once the new legislation was in place.

The majority of Members did, however, support the recommendation and considered that undertaking costly work that could prove to be abortive was not sensible and the Council should wait until it was clear what the new legislation would require before commencing the review.

The Chair put the recommendation to the Committee for the vote. The recommendation was agreed on a majority vote of 5 for, 1 against and 1 abstention.

Decision

That the Committee confirms that no Local Plan review and update commence at this time.

7. Housing Civil Penalties Policy (*Assistant Director, Regulatory Services*)

Type of decision

Key Decision (test (i)/(ii)) (Forward Plan Reference NRS 05 / 23)

Purpose of report

The purpose of the report was to seek approval to adopt the Nottingham Housing Civil Penalties Policy, which set out a framework within which decisions would normally be made regarding the issuing of Civil Penalties.

Issue(s) for consideration

The Assistant Director, Regulatory Services reported that the Council adopted an overarching General Enforcement Policy in 2021 which sets out the use of Penalty Notices. However, a robust policy needed to be in place specifically relating to Housing Civil Penalties, due to the nature of the offences and level of penalty that may be applied (up to £30,000). This was essential in the event of any appeals against the penalty imposed.

The report outlined the legislation in place and the Statutory Guidance setting out the process and the criteria that must be considered when determining civil penalties. A detailed model to determine appropriate fine levels taking into account the criteria set in the statutory guidance had been developed by Nottingham City Council. This model had been widely adopted by Local Authorities and had also been tested in the First-tier Tribunal process where it had proved to be robust. It was, therefore proposed that the Nottingham model be adopted in Hartlepool.

Members welcomed the proposal and the potential it had to protect tenants. Members noted that any income from the fines could only be used to support private sector landlord enforcement. The Assistant Director stated that it was unlikely there would be a significant amount of 'income' generated as the Policy was more likely to be used as a deterrent when

working with landlords. The Chair questioned if the past history of landlords was checked by officers. The Environmental Health Manager (Housing) stated that as well as our own records, there was a national database of 'rogue landlords' and Local Authorities across the North East also shared intelligence.

Members discussed some of the issues raised nationally through recently reported cases of poor housing leading to a child's death. Local issues of empty properties, HMO's and illegal activity were also briefly discussed. Officers stated that any intelligence on illegal activity should be shared with the Community Safety Team. In response to Members questions Officers indicated that a partial housing stock condition survey was to commence shortly though was expected to take around 12 months to complete.

The following decision was agreed unanimously.

Decision

That the Nottingham Civil Penalties Policy is adopted in full for private sector rental housing in Hartlepool.

Councillor Young left the meeting at this point.

8. Air Quality Strategy (*Assistant Director, Regulatory Services*)

Type of decision

Key Decision (Forward Plan Ref: NRS 04 / 23)

Purpose of report

To inform Neighbourhood Services Committee of the current position regarding air quality in the Borough and to present members with a draft Air Quality Strategy for their consideration and approval.

Issue(s) for consideration

The Assistant Director, Regulatory Services reported that the Department for Food, Environment and Rural Affairs (DEFRA) had required that all local authorities in addition to the submission of their Annual Air Quality Status Reports (ASRs) a local Air Quality Strategy must be produced by 30th June 2023.

Consultation on the draft strategy reported to Committee in March had been undertaken and the finalised strategy document was submitted for Committee approval and submission to DEFRA.

The Chair referred to some of the issues related to the odours suffered by residents in Seaton Carew. Officers stated that this Air Quality Strategy did not cover such incidents; DEFRA had issued very specific guidance on

what was to be included in the document. The Council did work with the Environment Agency on such issues. The Chair was concerned that residents may not see that difference.

Member questioned the action plan referred to in the strategy and Officers stated that once the document was approved, work on the development of the action plan would commence as an annual plan was required to be submitted to DEFRA.

Members discussed the local monitoring of air quality and its reporting as not all residents would access the internet reports. There was also brief discussion on the use of domestic log burners.

Decision

That the draft Air Quality Strategy, as submitted, be approved and submitted to the Department for Food, Environment and Rural Affairs.

9. Any Other Items which the Chairman Considers are Urgent

None.

The Committee noted that the next meeting would be held on Monday 4 September 2023 at 10.00 am.

The meeting concluded at 2.40 pm

H MARTIN

CHIEF SOLICITOR

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