

BROMSGROVE DISTRICT COUNCIL

MEETING OF THE OVERVIEW AND SCRUTINY BOARD

5TH JULY 2022, AT 6.00 P.M.

PRESENT: Councillors C.A. Hotham (Chairman), A. J. B. Beaumont, S. R. Colella, S. P. Douglas, R. J. Deeming, M. Glass, A. D. Kriss, P. M. McDonald, S. A. Robinson and J. Till (Vice-Chairman)

Observers: Councillor P. L. Thomas and Councillor S. A. Webb (via Microsoft Teams)

Officers: Mrs. S. Hanley, Mr. M. Bough, Mr S Shammon, Mrs. P. Ross and Ms. A. Scarce (via Microsoft Teams)

15/2022

APOLOGIES FOR ABSENCE AND NAMED SUBSTITUTES

Apologies for absence were received from Councillor S. Baxter, with Councillor S. Douglas attending as named substitute, Councillor R. Hunter, with Councillor S. Robinson attending as named substitute, Councillor H. Jones and Councillor C. Spencer, with Councillor M. Glass attending as named substitute.

16/2022

DECLARATIONS OF INTEREST AND WHIPPING ARRANGEMENTS

Councillors J. Till, C. Hotham (as private landlords) and A. Kriss (an HMO property owner) declared an interest in Minute No. 19/2022 Housing Enforcement Powers in the Private Rented Sector. It was agreed that these were not pecuniary interests as the Overview and Scrutiny Board was not a decision-making body.

17/2022

TO CONFIRM THE ACCURACY OF THE MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY BOARD HELD ON 30TH MAY 2022

The minutes of the Overview and Scrutiny Board meeting held on 30th May 2022 were considered.

RESOLVED that the minutes of the Overview and Scrutiny Board held on 30th May 2022 be agreed as a true and accurate record.

18/2022

AIR QUALITY ANNUAL UPDATE

The Chairman welcomed Mr. Richard Williams, Principal Officer (Planning & Pollution Control) from Worcestershire Regulatory Services and thanked him for providing the detailed presentation, which had been

included within the agenda pack. Mr. Williams advised that he had taken on board some of the areas which had been discussed at his last update and provided a more detailed overview of the current position. The presentation covered the following areas:-

- DEFRA Annual Status Report 2022 –various data had been included in the presentation, which Mr. Williams explained in detail.
- Actions Update – AQAP improvements and how these were Highways Department/Transport related and how they linked to the Local Transport Plan 4.
- Legislative Changes – Mr. Williams provided a detailed update in respect of a number of changes to legislation, including changes to Air Quality Duties and Obligations under the Environment Act 2021 and new air quality standards being introduced from October 2022. Mr. Williams also discussed the broadening of the statutory responsibility for delivering air quality improvements, and the obligation of the County Council to co-operate with the District Council in delivering improvements through joint action plans.
- Air Quality Standards – Mr. Williams provided a detailed explanation of air quality standards, with particular reference to those impacting on Bromsgrove District. He also discussed, and provided data, in respect of the concerns that had previously been raised regarding air quality around schools and the impact of short-term exposure to poor air quality.
- Trends in Monitoring – a detailed update was provided in respect of the progress made into the monitoring equipment and being able to access real time data. The cost of the equipment was also discussed.
- Next Steps – Mr. Williams suggested that the Board might wish to think about whether it would consider the use of the new monitoring equipment and its cost effectiveness.

Following the presentation Members made a number of observations, discussed a number of areas in detail and Mr. Williams responded to questions, including the following:

- The importance of having clean air and the impact of air pollution, not just on people, but the wider impact on other services such as the NHS.
- NO₂ as a pollutant and where it came from and the use of fossil fuels. Mr. Williams also discussed the use of diesel vehicles and the initial view that these were originally considered to be less harmful.
- The impact from other countries and the importance of such things as the weather forecast being accurate in predicting problems such as the sand in the atmosphere which has occurred on a number of occasions recently.

- Mr. Williams provided more detail around the new technology being used in monitoring and the ability to download real time data through an app on a phone. This was provided by DEFRA and very much reliant on the specific areas having the monitoring in place. Currently there were none of the new Electro Chemical Devices being used for monitoring in the County. It was suggested that this might be something the Board would want to consider putting forwards as a recommendation.
- Members discussed the need for enhanced monitoring and the positive impact that real time data could have on the District.
- The discharge from a local chimney was highlighted, together with the use of extractor fans from food outlets and Mr. Williams provided information on these areas and particles created by the burning of fossil fuels. He also confirmed that biomass systems were regulated by the Clean Air Act 1993.
- Mr. Williams had made reference to the Office for Environmental Protection being located at Worcestershire County Hall and Members asked whether this relocation had taken place and how many staff were involved. Mr. Williams said he was unaware of the detail, but that there was a new website available for this newly created team.
- The collection of data and how it was used was discussed and the overall impact across the County. Mr. Williams confirmed that there had been an overall improvement of 11% in Worcestershire.
- Mr. Williams provided background information in respect of previous funding which had been available at Worcestershire County Council level, this had not been applied for as there had been a need for match funding.
- Minimal investment had been made in areas where an Air Quality Management Area had been declared previously. It was also confirmed that an enhanced bid for Worcester City, as part of the Public Transport Funds had unfortunately not been successful.
- Members asked what could be done for those areas with higher levels of poor air quality and Mr. Williams explained that the use of the new Electro Chemical monitoring devices, would be most useful in these areas as there was the ability to gather real time data and to move these around to appropriate areas. The data could then be used to feedback to the relevant authorities in order to support either funding or relevant work needing to be carried out.

Members discussed the importance of monitoring and the benefits of real time data, although it was accepted that there was a cost implication, and it was agreed that a recommendation should be made to Cabinet in respect of the information received at this meeting.

RECOMMENDED that

Cabinet invites Richard Williams, Principal Officer (Planning & Pollution Control), Worcestershire Regulatory Services, to a meeting to present information on Electro Chemical Devices, which provide real time

information on air pollution. With a view to Cabinet looking at the cost implications, advantages, and viability of installing an Electro Chemical Device in a pilot scheme in the district to assess the advantages of using such equipment.

19/2022

HOUSING ENFORCEMENT POWERS IN THE PRIVATE RENTED SECTOR

The Chairman welcomed Mr. S. Shammon, Private Sector Housing Team Leader and Mr. M. Bough, Housing Development and Enabling Manager, together with Councillor S. Webb, as Portfolio Holder for Housing Strategy.

Mr. Shammon gave an overview of the briefing paper, which had been included in the agenda, which included details of the legislation that covers the Private Rented Sector. He advised that there was limited data available on the range of enforcement which were undertaken both informally and formally.

The following areas were then discussed in detail:

- Whether smoke alarms and CO₂ alarms were battery or hardwired. Mr. Shammon confirmed that this was not specific, and they could be either for the private rented sector. However, for Houses of Multiple Occupation (HMOs) they were required to be hardwired, dependant on the layout and escape routes within the property.
- Energy efficiency rating of E which had been changed in recent legislation and the impact on private rented properties. It was confirmed that properties with an F and G rating could not be let, although there were exemptions for example listed buildings. The EPC assessment process was discussed and how it had improved in recent years.
- Park homes were also discussed, and it was noted that there were specific manufacturing standards which related to them.
- It was noted that the definition of a landlord was anyone who took money to provide accommodation. In respect of park homes, these were usually on a lease basis, with the owner being responsible for the home and renting the plot it was on. It would be difficult to apply EPC ratings for such properties.
- Members questioned how often this was all monitored and Mr. Shammon advised that the resources were not available to do pro-active assessment, but the team would respond to complaints or concerns about properties. It was questioned whether people were too frightened to complain about where they lived, as it was easy for the landlords to evict people. Mr. Shammon advised that tenants had the right to complain, and once the team were aware of an issue, they would support them as much as they could and that there was a degree of protection for them, and the landlord could not simply evict them. He went on to explain how the team made people aware of their legal

rights and how the team could help them and to encourage them to come forwards and ask for support.

- Mr. Shammon explained that there was clear legislation in place and wherever possible the team tried to resolve tenants' problems without the need to go to Court, as often it was difficult to get sufficient evidence to get things through the courts. However, there had been occasions where landlords had been prosecuted, although it was a protracted process.
- Often landlords were unaware of the legislation and standards they needed to meet, so once officers had become involved and explained this, and the landlord became aware of what was required, they would comply.
- Details of people's legal rights and a great deal of information was available on the website and officers would help and support them when needed. There was also information about how to contact the Tenancy Association.
- It was noted that information was promoted through the Council Tax leaflets, but often people did not take note of this until they needed help, the team also worked closely with the Citizens Advice Bureau, who was often the first port of call.
- Members asked how many HMOs there were in the district and what issues there had been in the past with them. Mr. Shammon confirmed that it was difficult to know how many there were, as this was ever changing, landlords often changed from single lets to meet the demands and what was profitable. There was no legislation which covered the need for landlords to advise the local authority of any changes. The current estimate in Bromsgrove was around 65 based on those officers were aware of.

The Chairman thanked officers for attending and responding to questions. Councillor Webb encouraged Members to speak to officers with any concerns raised in their wards as they were only too happy to help.

20/2022

FINANCE AND BUDGET WORKING GROUP - UPDATE

The Chairman confirmed that there had not been a meeting of the Finance and Budget Working Group since his last update.

21/2022

TASK GROUP UPDATES

As Councillor R. Hunter, Chairman of the Fuel Poverty Task Group was not present, the Chairman confirmed that he understood that the Group had held an initial meeting and that Councillor Hunter would provide a more detailed update at the next meeting.

22/2022

WORCESTERSHIRE HEALTH OVERVIEW AND SCRUTINY COMMITTEE - UPDATE

As Councillor S. Baxter, the representative on the Worcestershire Health Overview and Scrutiny Committee was not in attendance, the Chairman confirmed that the next meeting was due to take place on 8th July and that Councillor Baxter would circulate the minutes from that meeting in due course.

23/2022

CABINET WORK PROGRAMME

The Chairman drew Members attention to the supplementary agenda, which contain the most recently published version of the Cabinet Work Programme. He confirmed that the Levelling Up Fund for the Market Hall site item, which the Board was due to consider had been removed from the Work Programme and then asked Members if there were any other items which they wished to pre-scrutinise.

The Vice Chairman suggested that the Worcestershire Homeless and Rough Sleeping Strategy and the Recommissioning of the County Single Homeless and Childless Couples Services should be added to the Board's work programme.

RESOLVED that

- a) the Cabinet Work Programme be noted; and
- b) the Overview and Scrutiny Board Work Programme be updated in line with the pre-amble above.

24/2022

OVERVIEW AND SCRUTINY BOARD WORK PROGRAMME

It was confirmed that the Work Programme would be updated to reflect the discussion in respect of the Cabinet Work Programme items and the Chairman also confirmed that there was no longer need for an additional meeting in respect of the UK Shared Prosperity Fund item. He explained that following discussion with officers, there would be significant flexibility around the use of these funds and the initial applications would only be for outline plans, with no great detail included. As these would be provided at a later date, there would be an opportunity for the Board to look at them in more detail at a future meeting. It was further confirmed that this item was a Cabinet decision and would not be considered at full Council.

In light of earlier discussions around enforcement, Councillor A. Kriss requested that an item be included which covered the effectiveness of enforcement across the Council, as he raised concerns that the officers were not able to get out and about across the wider district. It was envisaged that this would include such areas as litter picking, fly tipping

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and planning enforcement. This was an area which the Board had previously considered, and it was agreed that officers would check when the last report had been prepared and schedule in an update accordingly.

RESOLVED that subject to the pre-amble above the Overview & Scrutiny Board Work Programme be noted.

The meeting closed at 7.48 p.m.

Chairman