

Minutes of a meeting of the **Wellbeing Panel** held via video link on **Wednesday 8 July 2020** at **6pm**.

A roll call was taken and the following Members were present:

Cllr F Whymark – Chairman

Cllr A D Crotch

Cllr S Lawn

Cllr L A Starling

Cllr R R Foulger

Cllr S M Prutton

Cllr D M Thomas

Cllr N J Harpley (Minute 16 only)

Cllr N C Shaw

Also in attendance were the Director of People and Communities, the Assistant Director Individuals and Families, the Housing and Health Manager and the Committee Officer (DM).

13 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations were made

14 APOLOGIES FOR ABSENCE

No apologies were received.

15 MINUTES

The minutes of the Wellbeing Panel meeting held on 7 October 2019 and the concurrent meeting of the Economic Success and Wellbeing Panels held on 20 November 2019 were confirmed as a correct record and signed by the Chairman.

16 MATTERS ARISING

In response to a question relating to Minute no 11 of the meeting on 7 October 2019 and partnership working with the Norfolk and Suffolk Foundation Trust (NSFT), officers commented that mental health and wellbeing continued to be a key aspect for the Council, particularly in the current climate and a number of initiatives were ongoing with a wide range of partner organisations involved. The Council continued to work with the NSFT on the complicated issue surrounding discharge arrangements for people leaving in-patient mental health services. Providing the right transition remained crucial and funding had recently been secured to help with ongoing work in this respect. The Council was also working closely with Adult Community Health, particularly during the

current Covid-19 crisis to understand where the issues were and to link with the work of the NSFT and with Change, Grow, Live, the voluntary sector organisation specialising in substance misuse and criminal justice intervention projects. Officers were constantly looking to develop a range of options for working with partners. Mental health issues often led on from fundamental issues relating to housing needs and debt management and support for these initial issues contributed to a longer term recovery plan.

17 ALIGNMENT OF MANDATORY LICENSEABLE HOUSES IN MULTIPLE OCCUPATION FEES ACROSS THE TWO COUNCILS

Members considered the Cabinet report recommending revisions to the chargeable fees for mandatory licensable houses in multiple occupation (HMOs). The Housing and Health Manager went through the report in great detail explaining the background to the proposal to introduce a single licence fee across both Councils to embrace the one officer team approach to the updated delivery of the service. Work had taken place to develop a common service delivery including the inspection forms, standardised letters, licence conditions etc. and the next phase was for a single licence fee.

Arrangements for licensing HMOs had been affected by changes in the legislation in October 2018 requiring any HMO with 5+ occupants to be licenced. Prior to October 2018 the requirement was for 3-storey properties only to be licenced and there had only been one property in Broadland which required a licence. The new legislation required the need for more detailed checks and inspections of properties, facilities and landlords. These changes were now reflected in the proposed fees. Officers had examined in detail the new processes required for licensing HMOs across both Councils and had then applied accurate costings to this process.

The Housing and Health Manager drew attention to the current and proposed fees set out in the report: the current fee for Broadland was £593 per licence based on 5 occupants with an additional charge of £28.50 for each additional occupant. The average occupancy of a typical Broadland HMO was 7/8 occupants and the typical licence fee currently paid would therefore be £649 / £677. The fee for South Norfolk was currently £853. The proposed new fee was £825 (with a £133 fee for any variation to the licence - for example a building extension). The fee was applicable for 5 years and would equate to an annual charge of £165 which could be paid in instalments. The proposed renewal fee was £514. In response to queries regarding the actual percentage increase for Broadland landlords, officers undertook to include percentage increases in the report when it was considered by Cabinet. Members noted the comparison fees with other local authorities with some Members concerned that the fees were higher than most other Norfolk Authorities and a view that the other examples authorities shown might not offer realistic comparisons.

The Housing and Health Manager stressed that she was confident the procedure proposed was an accurate reflection of work involved in licensing a HMO and the charges applied accurately reflected the costs associated with the work. She made reference to case law, in particular a successful case against Westminster Council for overcharging for licence fees. The fees needed to be accurate, reasonable and proportionate and needed to reflect the actual costs of delivering the service. It was not acceptable to make a profit.

HMOs were a vital source of affordable accommodation and it was critical that measures were in place to protect residents by ensuring a robust inspection and licence regime. The shared delivery of this regime across both Councils by a single officer team required a common fee which accurately reflected the cost of the single service. It was hoped that fees proposed arising from the robust and detailed process identification would be acceptable and affordable for landlords and that they would not pass the cost onto tenants.

A number of concerns were raised by Members about the proposal. There was concern that the charges would be passed onto tenants and the increase in charges for Broadland landlords was too high compared to the current fee. It was however noted that the weekly increase to landlords was circa £3.17 per week which some Members felt was not unreasonable.

Some Members were of the view that, as two sovereign authorities, there was no requirement to adopt common charges, whilst others acknowledged the rationale and necessity of having a common charge. There were concerns about the costings / timings for some of the processes detailed in the report for example the time taken to prepare certain documents and the actual hourly officer cost which appeared high. Officers reiterated that the processes had been examined thoroughly and robustly and the costs associated applied accurately. The hourly staff cost had been provided by the finance team and included on-costs and all other costs associated with the delivery of the service and were mindful of the commercial environment in terms of delivering services and covering costs. Officers reiterated that they would be happy to justify the costings in the event of a legal challenge. This could not be the case if different charges were adopted across both Councils for a common officer service.

Officers pointed out that, having regard to issues associated with County Lines and modern slavery, it was vital that measures were in place to protect vulnerable people and they were keen to ensure the processes reflected these changing pressures.

In response to a concern that the fees were being increased to bring them in line with charges at South Norfolk, officers reminded Members that the whole process had begun with a fundamental review of the procedures for dealing with licensing of HMOs by one officer team and costings then applied to this new service. The existing charges at Broadland / South Norfolk had not been the starting point. The process was transparent and honest and a common

fee would reflect the integrity of the work undertaken.

In response to concerns expressed about the current fees being charged at Broadland and why these were no longer considered appropriate, the Housing and Health Manager reminded Members that there had been changes introduced in 2018 which required a revised approach and that the alignment of the two officer teams had provided the opportunity to refresh the service and reflect on changes to the processes and the costs associated with these. The previous fees had related to a different process.

In answer to a question, the Housing and Health Manager confirmed that inspections were carried out during the 5 year period of the licence; the frequency of these had been driven by a risk assessment and tended to result in annual inspections. A suggestion was made that it might be useful to charge a separate fee for inspections and that landlords be charged for the actual number of inspections necessary as this could act as an incentive to maintain high standards.

It was then proposed, duly seconded, to recommend Cabinet to support the officer's recommendations regarding the setting of a new one team fee for mandatory licensable HMOs. On being put to the vote, by way of a roll call, however, the proposal was lost.

Officers sought some direction in terms of how they should develop the report for consideration by Cabinet which the Panel would be able to endorse and reiterated that, whilst the two sovereign Councils could adopt different practices, in this respect, the application of different fees for a common service would not be defensible. Members noted that the Cabinet report would be considered by Overview and Scrutiny Committee prior to consideration by Cabinet and that the matter would get a further review at that stage.

It was noted that the report was also being considered by the People and Communities Policy Committee at South Norfolk the following day.

The Chairman commented that the Panel had robustly challenged the report but it was important that the fees charged were legally defensible and to that end he welcomed the officers' reassurance that they were satisfied the single fee being proposed was defensible. It was stated that it was also important that the Council continued to put residents first and not undermine the standard of the service provided by cutting out elements of the service to reduce costs.

The meeting closed at 7.34pm