

NOTTINGHAM CITY COUNCIL

EXECUTIVE BOARD

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 September 2018 from 2.00 pm - 2.24 pm

Membership

Present

Councillor Graham Chapman (Vice Chair)
Councillor Neghat Khan
Councillor Dave Liversidge
Councillor David Mellen
Councillor Toby Neal
Councillor Dave Trimble
Councillor Jane Urquhart
Councillor Sam Webster

Absent

Councillor Jon Collins (Chair)
Councillor Sally Longford

Colleagues, partners and others in attendance:

Councillor Jim Armstrong
Councillor Andrew Rule

David Bishop	DCE and Strategic director, Development
Helen Blackman	Director, Children's Integrated Services
Candida Brudenell	Corporate Director, Strategy and Resources
Ian Curryer	Chief Executive
Ceri Davies	Housing Strategy Specialist
Chris Henning	Corporate Director, Development and Growth
Julie Liversidge	Operations Manager
Craig Stanley	Majority Group Support
Jo Worster	Finance Team Leader

Noel McMenamin - Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is Friday 28 September 2018. Decisions cannot be implemented until the working day after this date.

26 APOLOGIES FOR ABSENCE

Councillor Jon Collins – other Council business

Alison Michalska – leave

In Councillor Collins' absence, the Chair was taken by Councillor Graham Chapman, the Vice-Chair.

27 DECLARATIONS OF INTERESTS

None.

28 MINUTES

The minutes of the meeting held on 31 July 2018 were agreed as a true record and they were signed by the Chair.

29 REVIEW OF 2018/19 REVENUE AND CAPITAL BUDGETS AT 30 JUNE 2018 (QUARTER 1)

The Board considered a report of the Deputy Leader/Portfolio Holder for Finance, Resources and Commercial Services, providing an up to date assessment of the Council's current and year-end forecast financial position for the General Fund revenue Account, Capital Programme and the Housing Revenue Account based on activity to end June 2018.

RESOLVED

(1) to note:

- a) the overall current forecast net overspend of £2.491m, as set out in paragraph 2.2 and Appendix A of the report. The Council is committed to delivering services on budget for 2018/19;
- b) the forecast working balance of £7.727m on the HRA, as set out in paragraph 2.7 of the report;
- c) the forecast position on the Capital Programme, as set out in paragraph 2.9 of the report;
- d) the Capital Programme projections at Quarter 1, as set out in paragraph 2.9 (table 4) of the report;
- e) the additions to the Capital Programme listed in Appendix E of the report;
- f) the refreshed Capital Programme, including schemes in development, as set out in paragraph 2.9 (tables 5, 6 and 7) of the report;

(2) to approve the movements of resources set out in paragraph 2.6 and Appendix D of the report;

(3) to note and endorse the allocations from the corporate contingency as set out in paragraph 2.4 of the report.

Reasons for Decisions

The decisions enable formal monitoring of progress against the 2018/19 budget and the impact of actual and planned management action.

The approval for virements of budgets is required by corporate financial procedures.

Other options considered

None.

30 IMPLEMENTATION OF PROPOSED SCHEME OF ADDITIONAL LICENSING OF HOUSES IN MULTIPLE OCCUPATION

The Board considered a joint report of the Portfolio Holder for Housing and Planning and the Portfolio Holder for Community Protection on the implementation of a new scheme of Additional Licensing of Houses in Multiple Occupation to operate for a period of 5 years from 1 January 2019.

RESOLVED that:

- (1) having considered the Consultation Analysis (Appendix IA) and also the responses regarding objections to the consultation proposal (Appendix IB) of the report, the Board was satisfied that:**
 - (a) a significant proportion of HMOs in the proposed designated area are being managed sufficiently ineffectively as to give rise to problems (such as disrepair, noise and litter) either for those occupying the HMOs or members of the public; and**
 - (b) making HMOs in that area subject to Additional Licensing will significantly assist the Council to deal with those problems;**
- (2) the area designated on the plan attached to the proposed Designation in Appendix 2 of the report be made subject to Additional Licensing, with the Designation to come into force on 1 January 2019 and to run for a period of 5 years with applications being accepted from 1 December 2018;**
- (3) the Director of Legal and Democratic Services be authorised to make the Designation;**
- (4) the Corporate Directors for Development and Growth and Commercial and Operations be authorised to take all necessary steps (statutory or otherwise) to publish and advertise the Designation;**
- (5) the Standard Conditions of Licence for both Additional Licensing and Mandatory Licensing outlined in Appendix 3, be adopted for licences granted on or after 19 September 2018;**
- (6) delegated authority be granted to the Director of Community Protection to make changes to the operational delivery of the scheme during its five-year lifetime, which includes changes to the expenditure from within the agreed overall budget, recruitment, licence conditions, structural service change and fee review. Such delegated authority is to be exercised in consultation with the relevant Portfolio Holder, where appropriate, and/or in accordance with constitutional requirements;**
- (7) the resources and operational model detailed in Appendix 4 of the report are agreed;**

- (8) **the outcomes from the scheme be monitored and a full evaluation take place during the duration of the scheme with the results of the evaluation to be reported to Board in approximately 2021/22 to enable Board to take a decision as to a proposed course of action prior to the Designation expiring on 31 December 2023;**
- (9) **the establishment of the scheme over the five-year period be approved, with an estimated value of £3,309,210 and that the spend as detailed in sections 4.6 of the report from 1st January 2019 until the end of the Additional Licensing scheme on 31st December 2023 be approved.**

Reasons for Decisions

The decisions will help:

- raise standards of HMO accommodation and ensuring effective management through more extensive control;
- protect the health, safety and wellbeing of tenants and communities;
- improve neighbourhoods and prevent and control anti-social behaviour;
- identify rogue landlords more easily and enable action to be taken to respond to this behaviour;
- complete a full suite of private sector licensing schemes, allowing for a consistent and robust approach to raising standards.

Other options considered

Not to adopt a scheme of Additional Licensing: rejected as because Additional Licensing has provided means of proactive engagement and delivered outcomes that would not otherwise have been achieved.

Seek to achieve the required improvements via accreditation schemes: rejected because accreditation can only ever be voluntary and will not capture those landlords who continue to mismanage their properties and do not engage.

31 HOUSING LICENSING HOUSES IN MULTIPLE OCCUPATION (HMO) REVISED FEE STRUCTURE 2018

The decision is not subject to call-in as Councillor Parbutt, Chair of the Overview and Scrutiny Committee, has agreed that the decision is reasonable in all the circumstances and should have dispensation from call-in because the Council's introduction of the revised fee structure needs to be implemented in order to comply with and respond to changes in law.

The Board considered a report of the Portfolio Holder for Community Protection on the adoption of a revised fee structure for both Mandatory and Additional Licensing for Houses in Multiple Occupation (HMOs) within the City of Nottingham.

RESOLVED to

- (1) **adopt the revised fee structure as set out in Appendix 1 of the report, to be effective from 19 September 2018 in relation to the following:**

- (i) **all new and renewal applications under the Mandatory Licensing Scheme which includes applications required as a result of legislative changes to the Mandatory Scheme effective from 1st October 2018;**
 - (ii) **all new and renewal applications under the current Additional Licensing Scheme which will be effective until 31st December 2018; and**
 - (iii) **all new and renewal applications under the proposed new Additional Licensing Scheme due to be effective from 1 January 2019;**
- (2) **delegate authority to the Director of Community Protection to produce Fee and Policy Guidance, in consultation with the relevant Portfolio Holder, and to make any amendments required to keep the Guidance updated, noting that the type and level of fees remain decisions which are to be approved in accordance with the Council's Constitution;**
- (3) **approve the spend as detailed in sections 4.2 and 4.5 of the report from 1st October 2018 until the end of the Additional scheme – 31st December 2023 and ongoing for the Mandatory Scheme with no determined end date.**

Reasons for Decisions

A review of the fee structure is required as it is over 5 years since Housing Licensing fees were last reviewed and the current fees do not fully cover the operational cost of the licensing process.

A review of fees is also required in response to recent legislative changes and case law which now requires the introduction of a two-part fee structure.

The decisions will assist with embedding a staffing structure which supports improved processing and a stronger compliance and enforcement function going forward.

Other options considered

Having a set fee for licences or reduced fees for renewal and multiple applications. This is how the current fee structure works and is not the favoured structure for the future because it increases the complexity and cost of the fee setting and recovery process.

Reducing the level of staffing and thus reducing the need to increase fee levels. This option would reduce the service capacity to issue licences efficiently and in a timely manner. It would also restrict the amount of compliance and enforcement work which could be carried out.

No change and leave the fee at the current level. Current fees do not cover the operational costs of the current Schemes.

32 NOTTINGHAM LOCAL LIST ADOPTION

The Board considered a report of the Portfolio Holder for Housing and Planning on the adoption of a Local List of Heritage Assets in Nottingham, and a mechanism for due consideration of applications for demolition of some historic buildings on the list through Article 4 Directions.

The Local List was an opportunity for citizens from all communities to seek recognition of heritage assets, boosting pride and respect in neighbourhoods throughout the city. It also enabled due weight to be given to the consideration of local heritage value within the planning process due to those assets on the list having undergone a rigorous and fair selection process.

RESOLVED

- (1) to adopt the Local List Criteria and Selection Process outlined in Appendix 1 of the report;**
- (2) that in the case of a building being included on the Local list which is neither located in a Conservation Area nor is suitable for a National Designation, the Portfolio Holder for Housing and Planning shall also consider authorising an Article 4 Direction to remove permitted development rights for the demolition of that building.**

Reasons for Decisions

The National Planning Policy Framework 2018 requires the Planning Authority to take the impact of development on non-designated heritage assets into account when determining planning applications.

Having adopted criteria for a Local List of Heritage Assets based on publically scrutinised and rigorous selection criteria provides a more robust basis for assessing planning decisions as well as identifying heritage issues at the earliest possible stage in the planning process.

Other options considered

Not to adopt a Local List: Without a Local List, heritage assets of Local Value would not be identified early in the planning process, potentially making such decisions less robust.

Not to Apply Article 4 Directions: Not using Article 4 directions could result in the loss of heritage buildings without appropriate opportunity to consider whether such loss is justified or mitigated.