

Contact Officer: Jodie Harris

KIRKLEES COUNCIL

ECONOMY AND NEIGHBOURHOODS SCRUTINY PANEL

Tuesday 28th February 2023

Present: Councillor Yusra Hussain (Chair)
Councillor Aafaq Butt
Councillor Tyler Hawkins
Councillor Matthew McLoughlin

Co-optees Chris Friend
Jonathan Milner
Jane Emery

In attendance:

Observers:

Apologies: Councillor John Taylor

1 Membership of the Panel

Apologies were received from Councillor John Taylor.

2 Minutes of the Previous Meeting

The Panel considered the Minutes of the meeting held on 10 January 2023. The Panel noted a few typographical amendments (i) Councillor McLoughlin Page 1 (ii) health and safety executive Page 6 (iii) Jonathan Milner's (Co-optee) apologies be recorded Page 1.

RESOLVED: That the Minutes of the meeting held on 10 January 2023 be approved as a correct record subject to the above amendments.

3 Interests

No Interests were declared.

4 Admission of the Public

All items were considered in the public session.

5 Deputations/Petitions

No deputations or petitions were received.

6 Public Question Time

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No questions were received from the public.

7 Public Space Protection Orders (PSPO) Review Update

The Panel considered the report 'Public Space Protection Orders (PSPO) Review Update' presented by Will Acornley, Head of Operational Services, Environment and Climate Change. The Panel were advised that:

- PSPOs were a range of powers that supported Local Authorities to tackle anti-social behaviour (ASB) locally.
- PSPOs aimed to keep communities free from anti-social behaviour through prohibiting activities that were persistently detrimental to communities.
- Kirklees Council introduced PSPOs in 2017 for a period of 3 years to 2020. They were then extended for a further 3 years in 2020 to 2023.
- Enforcement Officers within the Greenspace Action Team dealt with PSPO interventions daily with the majority having a positive outcome of stopping ASB activities occurring before a Fixed Penalty Notice had been issued.
- Since 2017, 97 Fixed Penalty Notices had been issued due to the continuation of ASB after officer intervention.
- The current PSPOs were to expire on 2 April 2023 unless they were reviewed and renewed or amended.
- The review process identified 9 PSPO's which were due to expire.
- Legal tests for the original orders were reviewed with key stakeholders, and evidence was collated for supporting, retaining, or discontinuing the PSPO's.
- Public Consultation was held 12th December to January 15th, 2023, including a survey to gather additional evidence and public opinion.
- The review process was now in its final stages where the decision would be made to authorise the PSPO's.
- Consultation was held around an amendment to the Control of Fires and BBQ's PSPO.
- The amendment was to allow for the exclusion of events through the Safety Advisory Group process for organising events, allowing the Council to provide an exclusion for community group organised events and improve efficiency in the process.
- The recommendations were arising from the public consultation was to support the amendment.
- Another change proposed was to discontinue the Public Urination and Defecation PSPO as there were other bodies, such as the police, with direct enforcement power around such issues.
- Public feedback however was in favour of retaining the Public Urination and Defecation PSPO and this recommendation arising from consultation was to be taken forward.
- The next steps were for the PSPO's to be signed off by Officer Delegated Approval report ahead of 2nd April 2023 for a further 3 years.
- The next statutory review date was to be 3 years from the date of the sign off of the 2023 Orders.

The Panel noted the presentation and agreed on the amendment to the Control of Fires and BBQ's PSPO but raised concerns about how this might create the wrong public perception around fires and BBQ's and the importance of protecting the

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moorlands. The Panel also wanted to know what steps had been taken to mitigate this and if West Yorkshire Fire Services had been consulted on the amendment.

In response, Will Acornley provided reassurance that the purpose of the amendment was for Council controlled events spaces only and that the moorlands would not be included. Will also clarified that partners including the West Yorkshire Fire service were consulted with and were supportive of the amendment.

In the discussion to follow, the Panel also asked questions in relation to the remit of the Legal Test as well as further highlighting the importance of raising awareness of where PSPO's were in place through advertisement and signage, otherwise enforcement may be challenged. The Panel also wanted know if PSPO's included specific areas.

In response to the question about the Legal Test, Daisy McMurdo, Project Support Officer advised that the Legal Test involved looking at evidence of activity deemed to be 'detrimental and continuous in behaviour.' PSPO were in place to deal with local communities pinpointing those areas where the issues were most paramount.

Will Acornley added that specific areas were identified and listed within the Control Orders applied within the PSPO. During the consultation there was specific information included about where the Order applied, and there was in excess of 450 responses which was positive and majority supportive of retaining the order in those specific locations. There were dedicated enforcement officers in post to support in those specific areas. The PSPO was the start of the process by providing the power to step in and take action as a basepoint. This supported the operational enforcement at a local level. Will Acornley further agreed with the Panel's comments regarding raising awareness of where PSPO's applied through signage and advertisement and highlighted that this be noted as a recommendation.

The Panel further raised concerns over the perceived lack of enforcement around street drinking in certain areas and wanted to know how the public were to be reassured about action around this.

In response, Will Acornley advised that there had been some improvements in Dewsbury following recent partnership work undertaken around tackling street drinking. PSPO officers were now a permanent resource to continue this work and further the positive impact.

The Panel thanked officers for work undertaken in relation to the PSPO's and highlighted that the level of detail in the consultation responses was positive but expressed that in future that this information be received for consideration prior to the meeting. In response, Will Acornley noted the Panel's comment and agreed that this information would be circulated to the Panel.

RESOLVED: The Panel noted the report 'Public Space Protection Orders (PSPO) Review Update' and recommended that:

1. Action be taken to raise awareness in local communities of where PSPO's are enforceable through signage and advertisement.

2. Further details of the Consultation and responses be provided to the Panel.

8 **Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update)**

The Panel considered the Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update) presented by John Buddle, Planning and Policy Team Leader. Councillor Graham Turner, Cabinet Member for Regeneration was also in attendance. The Panel were advised that:

- Responding to recommendation made by the Panel when previously considering the SPD, the purpose of the report was to update scrutiny on the outcomes of the public consultation to the SPD and the timeline for the adoption of the SPD.
- SPDs were produced to add clarity in relation to the application of planning policies set out in the Local Plan.
- Once adopted SPDs were a material consideration in planning decisions but were not part of the development plan.
- SPDs were subject to consultation but not an Examination in Public.
- The draft SPD provided guidance on the implementation of the Kirklees Local Plan Housing Mix and Affordable Housing Policy (LP11).
- This aimed to ensure the provision of affordable housing in new housing developments (20% of units on sites larger than 10 dwellings) and ensure that the housing mix met local needs.
- This included a particular focus on, Housing mix to reflect local needs, updating Transfer Values and Town centres.
- The Housing Mix put forward had been individualised to suit the needs of each sub area of Kirklees (i.e.- Batley and Spen, Dewsbury and Mirfield, Huddersfield North, Huddersfield South and Kirklees Rural East and Kirklees Rural West).
- The principals set out in the SPD were:
 - Principle 1: Market Housing Mix (increased level of detail than existing SPD)
 - Principle 2: Approach to affordable housing calculations (Existing SPD refresh)
 - Principle 3: Affordable Housing types and Mix (increased level of detail than existing SPD)
 - Principle 4: First Homes, Starter Homes and Discounted Market Sale (New section)
 - Principle 5: Design (Existing SPD refresh)
 - Principle 6: Affordable housing delivery (Existing SPD refresh)
 - Principle 7: Transfer Values – the amount that a registered provider pays the developer (Existing SPD refresh and updating evidence)
 - Principle 8: Provision of affordable homes off-site (Existing SPD refresh)
 - Principle 9: Town Centres (New section to the SPD)
 - Principle 10: Huddersfield Town Centre (New section to the SPD)
 - Principle 11: Dewsbury Town Centre (New section to the SPD)
- A presentation on the approach within this SPD was presented to the Panel on 30 August 2022.

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- Key comments received at the previous Scrutiny session included;
 - Space for working from home.
 - Affordable housing definition.
 - How affordable housing can be secured in perpetuity.
 - Viability issues.
- It was also requested that the Panel be updated with the outcome of the consultation.
- Consultation took place for 6 weeks (20 September to 1 November 2022) this was undertaken in line with the statement of Community Involvement.
- The Consultation included an interactive online system, posters, press releases 'mail-outs' to individuals who had previously expressed interest in SPD's and all elected members were also contacted.
- Overall, 71 comments were received from 19 consultees which was in line with the number of comments received during other SPD consultations.
- Statement of Consultation - who the council consulted, a summary of main issues and how they were addressed.
- The summary of comments received broadly were in relation to the following themes, and the responses were detailed in the report.
 - Evidence Base Out-of-Date
 - Viability
 - Transfer values
 - Housing Mix: One Bedroom Accommodation
 - Nationally Described Space Standards
 - Specialist Accommodation
 - First Homes
 - Design
 - Comments about the role of SPDs
- The main change proposed in the SPD merged the requirement for 1 and 2 bedroom houses into a single category for the purposes of the housing mix required in each sub-area.
- The adoption of the SPD would be a Cabinet decision, to be considered on 14 March 2023.
- This would be a 2-part decision, including the adoption of the SPD and the decision to revoke existing guidance (Affordable Housing SPD 2008 and the Interim Affordable Housing Policy 2020).

The Panel noted the presentation and thanked officers for the level of detail in the report and for demonstrating where the Panels previous recommendations and comments had been responded to. In the discussion to follow the Panel asked a question around the success rates of acquiring the 20% affordable properties required from developers. The Panel also highlighted the importance in ensuring transfer value as a key part of making the SPD an impactful social policy, and in relation to this, wanted to understand how regularly reviews to transfer values would be undertaken and what guidance would be in place around prioritizing affordability.

In response Councillor Graham Turner advised that success rates were high, but there were some issues around viability due to the topography of Kirklees where flat land was at a premium. This sometimes led to development on less ideal sites which impacted on viability. Other local context including that Kirklees's housing

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prices were generally below the national average, and local housing shortage further added challenges.

In response to the question in relation to transfer values, John Buddle advised that the transfer value was the figure the registered provider paid to the developer. In increasing the values from 2008, the aim was to support viability and ensure the developers receive more money for the affordable units sold. In response to the question around how regularly transfer values would be reviewed it was advised that a time frame was not included in the SPD to allow changes to be reactive to shifts in the market as they arise. A watching brief was to be kept on transfer values, and if shifts were noted these could then be reviewed as needed. On a minimum basis these would be reviewed as part of the annual monitoring cycle.

The Panel asked further questions in relation to the consideration of adaptation of existing housing stock/ homes for life principals, as well as requesting further clarity around the figures in the report for 1-2 bedrooms houses. The Panel also expressed recognition of difficulties in engaging the public around SPD's but highlighted that this was an issue that the Council as a whole, including members, should reflect on to find ways to maximise public engagement as much as possible.

In relation to the consideration of the homes for life approach Councillor Graham Turner expressed his support for this approach as Cabinet Member, noting the request for this to be included in the changes on planning legislation was to be sent to the Government in due course.

The Panel asked for further clarity around; the figures for 1–2-bedroom houses, whether these figures included people currently on the waiting list and the first home scheme.

In response John Buddle advised that the percentages took into account people currently on the housing waiting list and were reactive by sub-area. Each of the 6 sub-areas had an evidence based which drove the percentages for each area. Councillor Graham Turner added that the sub-areas helped obtain a better picture of individual housing needs by area. In response to the question about first homes, John Buddle further clarified that this was the latest Government initiative which allowed people to purchase their first home for 30% market value.

RESOLVED: The Panel noted the report Affordable Housing and Housing Mix Supplementary Planning Guidance (SPD) (Post Consultation update) and recommended that:

1. Work be undertaken to maximise responses to public consultations for SPD's through using different avenues of engagement.
2. Life-time home principals and adaptation of the current housing stock to meet current needs be considered going forward.

9 Future of Housing Homes and Neighbourhoods

The Panel considered the presentation 'Future of Housing Homes and Neighbourhoods' which set out progress and developments within the service following the transfer of the previous ALMO- Kirklees Neighbourhood Housing (KNH) into Council Management which was presented by Naz Parker, Service

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Director – Homes and Neighbourhoods. Councillor Cathy Scott, Deputy Leader and Cabinet member for Housing and Democracy was also in attendance. It was noted that:

- In April 2021, the ALMO transitioned to Council Management but prior to this the Council were notified of fire safety risks in some high-rise properties.
- As a result of fire safety issues in May 2021 the Council self-referred to the Regulator for Social Housing.
- In June 2021, the ad-hoc scrutiny panel was established to review health and safety in the housing stock.
- Since the introduction of the social housing white paper the regulatory environment was fast changing.
- This led to a 'Triumvirate of Regulation' which included the Regulator for Social Housing, the Housing Ombudsman and the Building Safety Regulator
- Progress Since the Transfer included:
 - In becoming more data led, oversight of key challenges and priorities were maintained.
 - These were, tenant safety, the Decent Home's Standards (including issues around damp and mould) tenant satisfaction, systems and data integrity and culture.
 - Residents were being kept safe through the 'Waking Watch' and Fire Door Programmes.
 - The building safety inspection/reinspection programme was well embedded.
 - There was a constructive, open and transparent dialogue with the Regulation Partner.
 - Strong Governance arrangements had been established but were to continue to be strengthened.
 - This process included taking into account the recommendations from the ad-hoc scrutiny panel/external independent review.
- The Ad-hoc Scrutiny Panel:
 - The report from the ad-hoc scrutiny Panel was considered by Cabinet on 21st December 2022 and 17 recommendations were endorsed.
 - The recommendations broadly related to greater political oversight, robust policies and improvements to IT systems and data.
 - Some recommendations also linked to the wider compliance review.
 - The recommendations were now included in an action plan with timescales for implementation.
 - The progress made on recommendations would be reported to the Homes and Neighbourhoods Improvement Board.
 - A 12-month update would also be presented to the Overview and Scrutiny Management Committee to report on progress.
- Progress on High Rises
 - In July 2021, Cabinet gave approval to the strategy for remediation and renewal
 - The risk profile had been lowered and there had been a focus on high-risk Fire Safety works.
 - Some of the work completed included the installation of fire doors, architraves to flats and fire retardant windows.

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- There were also other mitigations such as 24 hour CCTV, the Waking Watch and regular checks.
- In relation to Harold Wilson Court Cabinet had approved a £3.5m remediation strategy.
- This included plans to remove and replace external wall insulation, install a sprinkler system and carry out further compartmentation works.
- The estimated start for works on site was anticipated for April/May 2023.
- In relation to Buxton House Cabinet had approved a £13m 'remediate and refurbish' option.
- In addition to safety improvements this included to remodel where appropriate and acquire property interests.
- The decant was due to start July 2023, with an anticipated start on site date in quarter 4 of 2024.
- In relation to Berry Brow Cabinet had approved the demolish and re-build option.
- Lettings were suspended and tenants were engaged with and kept informed of future plans.
- The decant was underway and 70 tenants had been rehoused prioritising those most vulnerable.
- The pre-demolition notice had now been issued.
- Low Rises:
 - Cabinet approved a tender for fire safety works in March 2022.
 - Pre-contract negotiations concluded that contractual changes would open up procurement challenge and risk.
 - Work was now being undertaken to develop a new procurement approach considering the lessons learned.
 - The estimated start on site date was April 2024.
- 6 Storey Blocks and Retirement Living Schemes:
 - It was important to note that x12 6 storey blocks across the district did not qualify as high rise but there were a range of fire safety and condition issues.
 - Detailed intrusive surveys had been conducted and the full report was due 31st October.
 - Full design and project management services were appointed and risk based prioritisation and phasing complete.
 - There were 19 blocks (ranging from 2-3 storey) under the retirement living scheme. These had a range of safety mitigations in place.
 - 1 residency had more significant issues, and Cabinet gave approval to discuss rehousing options with residents in this area.
- Complaints Handling
 - An external review identified several areas to improve complaints management and the customer journey.
 - These included taking a restorative approach, entrenching a culture of learning from complaints, clear escalation routes, links with other services and compliance with the Housing Ombudsman Complaint Handling Code.
 - There had been improvements in performance and compliance response timescales increased from 54.77% to 70.3%.
- Decent Homes Standards improvements included:
 - The data had been cleansed and reconciled following an Internal Audit.
 - Moved from a 'whole house' to a worst-first approach.

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- The first time fix approach had been piloted and was now being scaled up.
- 4300 condition surveys had been carried out in- house.
- External Validation of the surveys approach showed that they were fit for purpose, but work was being undertaken with consultants on benchmarking, performance modelling and asset strategy.
- The key challenges included:
 - Unprecedented pressures on the housing register and the council's stock.
 - Inflationary pressures continued (particularly in construction).
 - The Investment needs of Fire Safety and Decent Homes.
 - Recruiting and retaining the right calibre of staff was challenging.
 - Culture needed to shift from transactional to relational.
 - Being data led meant other issues may be identified.
- There was a focus on getting the basics right (i.e., continuing to implement Fire Safety strategy for high rises, strengthening staff capacity, re-setting the relationship with the tenant) whilst planning for transformational priorities which included:
 - Culture change - desire to drive a cultural shift in customer relationships - moving away from a transactional led approach.
 - Compliance- further work needed to ensure compliance standards are continually met and that the governance and reporting and the processes that underpin them are robust.
 - Core business processes – the move from a fragmented approach to developing end to end processes that are designed from the customer's perspective.
 - Data and intelligence – improve the quality and integrity of data.
 - Technology – greater understanding of current service-wide system infrastructure was needed, alongside better integration between systems.

The Panel noted the presentation and asked a number a question around tenant satisfaction, engagement and the process of reviewing the feedback given. The Panel also wanted to know how capital projects may had been impacted by reprogramming due to the budget pressures. The Panel recognised the amount of hard work put into the service from the transfer and asked the Cabinet member if it was all worth it?

Councillor Scott responded to highlight the value added by the review undertaken by the ad-hoc scrutiny panel and expressed the transfer to council management had been an important move. The tenants exsperience was of the highest importance which had increased the importance on getting the survey right and tailoring the questions to suit need. Naz Parker agreed that in bring KNH to council management was to strategically align the service with the Council as one organisation with shared outcomes and priorities.

In response to the Panel's question in relation to engagement, Naz Parker highlighted the variety of avenues used to consult with residents. The Panel were reassured that response rates were good but engagement with the public was to be reviewed to ensure alignment with the new tenant satisfaction measures.

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In response to the question around the re-programming of projects, Naz Parker advised that the business plan was modelled on a 30-year basis taking into account fiscal, economic and operational changes annually. There were significant challenges arising from the economic climate and the scale of the investments, but the Panel were reassured that the safety programmes were being protected. However, the new build programme had been impacted, and capital funds had to be transferred to invest in existing stock.

The Panel asked a question in relation to complaints handling and asked if specific local issues could be taken offline (such as violence and anti-social behaviour). In response Councillor Scott agreed to discuss this further with the Panel Member.

Naz Parker advised that persistent wider estate issues required a strong multi agency response, including the council and key partners such as the police. It was also important to work with communities and tenants to try to address some issues, whilst being sensitive to potential vulnerabilities on both sides. Councillor Cathy Scott also highlighted it was important to ensure mediation options where possible.

Councillor Smaje - Chair of Scrutiny, raised concerns around ensuring that properties procured were suitable to tenants needs to make sure the best outcomes were achieved from the strategy.

Naz Parker responded to reassure the Panel that officers were mindful of this, and work was being undertaken to ensure learning from past procurement. A meeting had been held around contracting and the specification to make sure the right properties were being acquired to meet needs and ensure social value and support other council priorities such as health and wellbeing. It was noted that challenges would also always arise onsite, and it was important to ensure there was provision in any contract to respond. Naz Parker also added that there was a priority for Dementia Friendly design incorporated in fire safety.

Councillor Smaje welcomed the comments around Dementia friendly design and improving independence. In relation to the decanting process of the high-rise flats, Councillor Smaje asked how residents were being supported through the move to temporary accommodation.

In response, Naz Parker advised that the temporary Berry Brow accommodation was being expanded to make best use of assists where housing stock was not available. The residents moving out of Berry Brow in the longer term were statutorily entitled to 'Home Loss and Disturbance'. The Council would also support residents with removals where there were hardships. As residents were moved out of bed and breakfast, as this was inappropriate, Housing Solutions provided furniture packs where needed to temporary accommodation. In moving into permanent accommodation as soon as a property becomes available the lettable standard then ensured all repairs were carried out on properties before tenants moved in.

Councillor Smaje asked what priority was being given to damp and mould repairs. In response Naz Parker advised the data was being reviewed, to identify vulnerabilities, prioritise cases and respond as quickly as possible. Volumes had

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increased which had led to some capacity issues, an in-house model was being established to improve response times.

The Panel asked further questions around whether Harold Wilson Court had kept within budget, how it was predicted that external partnerships would develop and were Tenants and Residents Associations (TRA's) the best way of engaging with residents when considering different means such as linking in with the Councils Community Cohesion Teams for example.

In response to the question around Partnership development, Naz Parker advised that the role of the tenants and residents association played an important role in the engagement, involvement and empowerment strategy. The Tenant Advisory Grants Panel also reached out to TRA's to seek their views and take them into account around decision making. Councillor Cathy Scott added that there had been a review on TRA's and found that some were no longer existing, in some circumstances the TRA officers had been converted into housing stock where possible to help alleviate some housing pressures. Councillor Scott further highlighted that TRA's were important but as the engagement approach evolved there were new avenues for tenants to have their voices heard in addition to TRA's.

In respect of the question around external partnerships, Naz Parker advised that there were a range of registered providers worked in Kirklees and between them they had a stock of around 6000 homes. Regular strategic partnership meetings were held with registered providers to ensure the Council could maximise its nominations rights to these properties which were built with public subsidy. Key partnership work also included discharging obligations around preventing homelessness.

In response to the question around the budget for Harold Wilson Court, Naz Parker explained that Harold Wilson Court will keep to budget, but this project hadn't started on site yet and final contract price was still to be secured. Naz further reassured the Panel that the contract price would be secured as the budget and would be kept to this.

RESOLVED: The Panel noted the presentation, Future of Housing Homes and Neighbourhoods and it was agreed that:

1. The Cabinet Member for Housing and Democracy consult further with Councillor Butt in relation to addressing complaints in specific areas.

10 Work Programme 2022/23

The Panel considered its work programme for 2022/23. The Panel were advised that discussions were being held with the West Yorkshire Combined Authority (WYCA) around the consideration of the future of bus patronage, but it was important to be mindful that this issue fell within WYCA's remit and the Combined Authority had its own scrutiny functions.

In response to the Panel's request to add consideration of the White Rose Forrest to the Work Programme Councillor Smaje advised that the Panel may review the Annual Flood Risk report due to be considered at the next meeting of the Overview

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and Scrutiny Management Committee to inform what was to be taken forward in this area by the Panel in the new municipal year.

RESOLVED: The Panel noted the work programme for 2022/23 and it was agreed that:

1. White Rose Forrest be added to the work programme for consideration in the new municipal year.