

MINUTES OF ENVIRONMENT AND GROWTH OVERVIEW AND SCRUTINY COMMITTEE

15 JULY 2019

PRESENT:

Members of the Committee:

Councillors Sandison (Chair), Brader, Mrs Bragg, Ellis, Gillias, Picker and Mrs Roberts

Officers:

David Burrows (Regulatory Services Manager) and Linn Ashmore (Democratic Services Officer)

4. MINUTES

The minutes of the meetings held on 11 March 2019 and 16 May 2019 were approved and signed by the Chair.

5. APOLOGIES

Apologies for absence from the meeting were received from Councillor Bearne.

6. DECLARATIONS OF INTEREST

Item 5 of Part 1 – Light-Touch Review of Parking at the Queen’s Diamond Jubilee Centre – Councillor Picker by virtue of being a member of the leisure centre (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors).

7. NOTICE OF MOTION

The committee received a report (Part 1 – agenda item 4) concerning a Notice of Motion referred by Council on 27 September 2018.

The Committee acknowledged that a lot of good work had taken place on projects that had the potential to contribute positively to the health and well-being of residents. Members were in agreement that there was no requirement to set up a task group to monitor the delivery of the projects, but a progress report should be brought back to scrutiny at a future date and at an appropriate time for review.

A member commented that further to a recent member conversation on the topic of the Joint Strategic Needs Assessment, the work of the play rangers was not acknowledged in the report.

RESOLVED THAT –

- (1) the good work carried out on projects to contribute positively to the health and wellbeing of residents be noted; and
- (2) a progress report be brought back to scrutiny at a future date at an appropriate time for review.

8. LIGHT-TOUCH REVIEW OF PARKING AT THE QUEEN'S DIAMOND JUBILEE CENTRE

The committee received a report (Part 1 – agenda item 5) concerning additional information requested on the use of ANPR (automatic number plate recognition) and parking enforcement, and any medium or longer-term review recommendations.

The Regulatory Services Manager gave Members a summary of the use of ANPR technology and parking enforcement. During discussion the following points were made:

- ANPR was a mature technology used by many privately-run car parks, but it's use was not permitted by local authorities who are subject to the Traffic Management Act 2004.
- It is Council policy to set parking charges, but day-to-day management was the responsibility of GLL.
- There would be costs involved in setting up and the use of ANPR technology and it was unlikely there would be an investment unless this could be recouped.
- Members of the former Whittle Committee had been informed GLL used a company called Gemini for ANPR parking enforcement. To follow this route and introduce charging would mean a fundamental change to current policy.
- Unless a parking charging scheme was introduced, the cost of an ANPR system would need to be covered through penalty charge notices.
- Applying chequered lines to the side road and loading bay etc. would create a parking restriction that could result in a penalty of e.g. £25 if not adhered to. This was one example of how the cost of ANPR could be covered, though this approach to covering costs was not advised by officers.
- There was a current parking order of four hours in place, approved by Warwickshire County Council, which would be more than enough time for visitors, and it was unlikely this would result in a significant number of penalty tickets being issued.
- The use of ANPR was difficult to enforce for chequered line enforcement. Cameras would need to be directed to the right areas and record accurate arrival and leaving time, incorporating a set drop-off period before a ticket would be issued. All notices must state the regulations clearly. Ticket machines may also need to be installed.
- This approach would involve a lot of work and would result in a cultural shift.
- Bruce Williams Way was a private access road, under the control of the Council, and could not be incorporated into an ANPR scheme and result in a split in the system. The double yellow lines on Bruce Williams Way also apply to the grass verge.
- Parking on the verge on Bruce Williams Way did not cause obstructions and was not viewed as a parking problem, though there was a possibility it could affect the trees.

During further discussion the following points were made:

Bruce Williams Way

- Bruce Williams Way could not be incorporated as part of the review.

Trevor White Drive

- Trevor White Drive was underutilised.
- The use of a temporary surface on Trevor White Drive had been suggested as an option. However, this would require expenditure and the responsibility for who would lay it down and remove it, store it and fund it would need to be considered.
- The feasibility of whether Trevor White Drive could provide additional parking could be explored. Particularly for staff, and for vehicles connected to events.

Alternative Parking

- John Barford car park was only a short distance away and there was no charge for parking at weekends. The car park could be used to meet demand during major events. There was also paid parking available at the hospital.

Enforcement and Charging

- Efforts should be concentrated on parking provision and not enforcement.
- It was noted that Gemini carried out patrols of car parks where ANPR was in operation.
- A four-hour limit on parking would deter pupils from Lawrence Sheriff School and hospital staff from taking up spaces.
- It was assumed that leisure centre staff would park further away to provide priority for parking to customers.
- Creating revenue to support an ANPR system was not supported. The system would log vehicle registration numbers and there would be ticket machines available for payment, or payment could be made electronically.
- Similar arrangements to those in town centre car parks were considered. This would provide free parking after 6pm on weekdays and weekends and would only apply if a charging structure was introduced.
- Charging schemes could be bespoke to individual car parks. For example, charges could apply after a four-hour period or on certain days.
- The parking problems were more of an issue for all-day parking or during events held at the leisure centre or the recreation ground, often spilling onto residential streets.
- The Police were not particularly willing to deal with local parking issues.
- Families using the recreation ground and play areas should not be penalised. It was thought unlikely this would result in exceeding a four-hour stay.
- The issues were created by day-to-day users of the parking facilities that were not site customers, and capacity at events.
- Members raised concerns that restricting parking or introducing charging may drive vehicles away to nearby residential streets which could include families and those on lower incomes.
- The enforcement of on-street parking was complicated. Warwickshire County Council was responsible for civil parking and contracted NSL Limited to carry this out. NSL followed a schedule of patrols and there may not be officers in a particular area at the time when there were problems.
- Enforcement should be carried out on principle and not viewed as a potential revenue stream. The aim was to educate people to use the parking facilities as intended.

Solutions

- The use of car park signage would be a simple solution at relatively low cost. Customers and visitors could register their vehicle registration number on arrival at either the leisure centre or the indoor bowls club and sign out when leaving. Wardens would patrol the car park and the situation could be reviewed again if the problems continued.
- A short campaign style approach where Council wardens visited the car park a number of times during the day to record registration numbers would be a simple alternative. The wardens were experienced in spotting vehicles parked for longer periods. This could be carried out for a set number of weeks and then repeated. This cycle was easier and more effective than regular foot patrols. Stickers could also be used as an additional deterrent.

The Committee reviewed progress of the short-term recommendations approved by Cabinet on 1 April 2019 and noted the following updates from the officers at the meeting:

Recommendations 1 and 2 - Re-locate cycle racks and improve markings and hatchings

GLL manage the site. The Sports and Recreation Manager was responsible for acting as liaison with GLL on permissions to proceed before Regulatory Services can carry out the works.

Recommendation 3 Encourage event organisers to prepare more effectively for peak traffic in liaison with GLL

The Sport and Recreation Manager would be responsible for this action.

Recommendation 4 – Encourage modal shifts

Rugby Cycle Users Group had been involved in discussions. Members commented on the access to the leisure centre along Bruce Williams Way and the condition of the path behind the outdoor bowls club. The routes and accessibility required further review.

Recommendation 5 - Enforce against inappropriate parking in line with parking order

This was ongoing as part of the overall review outcomes.

Recommendations 6 and 7 – GLL to look at time of peak activity and smooth throughout the day week and make the emergency drop off area clear

An update on progress was awaited.

Members were disappointed that there was no officer present from the appropriate service area to update them on progress. The Democratic Services Officer reported that the Head of Growth and Investment had submitted her apologies for the Committee meeting but had arranged a meeting with the Sports and Recreation Manager and the Street Scene Team Leader and a progress update could be circulated following that meeting.

The Committee stressed that they wanted everyone to be able to use and enjoy the site facilities and agreed that the use of ANPR be abandoned and the following recommendations be incorporated into the draft review report:

- A four-hour limit with no return within one hour be imposed and appropriate signage be installed.
- Short campaign style enforcement be carried out by the Council's wardens visiting the car park to record vehicles parked for longer.

A soft approach would be taken with warning tickets during the first week and a lenient line taken based on individual circumstances, such as disabled users.

RESOLVED THAT –

- (1) the recommendations agreed and minuted above be included in the draft review report prior to submission to Cabinet on 2 September 2019;
- (2) the Head of Growth and Investment to provide an update on progress of the short-term review recommendations; and
- (3) the Regulatory Services Manager be thanked for his report and attendance at the meeting.

9. REVIEW OF HOUSES IN MULTIPLE OCCUPATION

The committee received a report (Part 1 – agenda item 6) concerning a summary of the current position.

This topic had been incorporated into the work programme by the Chair of the former Brooke Committee following a change to the legislation in relation to Houses in Multiple Occupation (HMO) on 1 October 2018, and in response to concerns about increases in the number of HMOs and associated complaints from residents such as lack of parking, misuse of bins, waste tipping and anti-social behaviour/noise nuisance.

The Regulatory Services Manager presented the report to Members. During discussion the following points were made:

Members commented that the majority of complaints related to environmental issues and were not licensing control related. It was recognised that there may be a few tenants causing issues and some landlords not enforcing the proper management arrangements in place.

The Council does not have in force Directions under Article 4 regarding HMOs. Planning permission was only required for HMOs with more than six occupants which can result in a proliferation in certain areas possibly leading to a detrimental effect on the amenity of affected local communities. In addition, the newly adopted Local Plan does not contain any controls.

Most landlords were aware of the legislation and the requirement to register and were adhering to the additional controls as approved by Cabinet in June 2018.

It was anticipated that most licenses will have been issued by September 2019.

Any loopholes in HMO legislation should be tightened up.

The environmental issues that have been linked to HMOs could occur in any type of accommodation and should be addressed irrespective of this.

All complaints received were recorded, and the information included the type of property. Those that relate specifically to HMOs were mainly connected to parking and bins which were issues not connected to Environmental Services.

There were some incidents that were managed on an individual basis, such as repeat offenders released from prison responsible for nuisance behaviour.

Often complaints were random in nature and did not relate to general HMO issues but were specific to individuals and could occur in any type of property or location.

Rugby has a diverse culture with people from different backgrounds and nationalities. It was the responsibility of the landlord to ensure their properties were managed and to adhere to controls and conditions in place.

Officers managed complaints on a case-by-case basis in a pragmatic reasonable manner.

In cases where occupancy levels were exceeded the Council could take enforcement action. They have rights to access property and for HMOs this is immediate, but for private rented properties 24 hours' notice would be required. Since the introduction of RIPA it was no longer possible to carry out statutory surveillance. Officers were liaising with the surveillance commissioner on the options available. A warrant would be used in cases where a grievance was a cause for concern.

Officers used intelligence gathered from a variety of sources including council tax records, the level of waste and number of bins, how many rooms are in a property and whether any were locked. If there was a serious concern, then powers to close the property and relocate people would be used.

Size standards are set by Regulatory Services and are part of the planning process and are considered prior to issuing a HMO licence.

Officers were aware of modern slavery and human exploitation issues and had received appropriate training. Work was carried out with HMRC and the police on any suspected incidents and improvements in identifying cases and action taken had been seen.

The Regulatory Services Manager praised his officers for their team ethics and approach to incidents. The Regulatory Services teams work together as issues are often linked, e.g. over shop accommodation above a food business being used as a HMO for exploited food business workers.

The Committee agreed that a follow-up report to review the situation again in six months' time was required that should include information on the number and type of complaints.

RESOLVED THAT - an item be included in the work programme to review the position again in six months' time.

10. OVERVIEW AND SCRUTINY WORK PROGRAMME 2019/20

The committee received a report (Part 1 – agenda item 7) concerning the progress of scrutiny reviews and the overview and scrutiny forward work programme for 2019/20.

Public Spaces Protection Orders (PSPOs) – Policy relating to the closing of alleyways and Gating Orders

This topic would seek to set a criterion for the best course of action and work would be carried out with officers from Environmental Services.

PSPOs were a legislative tool that could be used to identify key options for dealing with anti-social behaviour. Community Protection Notices were a separate solution to specific known problems.

There were no current guidelines in place locally but there was potential to put tight controls in place. Factors to consider included:

- How many alleys were affected?
- What was the impact on the local community?
- Objections from statutory bodies.
- How would gates be funded?
- Who would be responsible for monitoring use of the gates?

There was one current community issue and no existing guidance or precedence for dealing with the issue of alleyways, but a consistent approach was required.

There were varying approaches taken by other local authorities and a range of views on which body should be responsible for funding. Gates cost between £2-3,000 each to install.

A suggestion was made that the outcomes of current PSPOs should be awaited and included as part of the review.

Future Work Programme

The Committee reviewed the work programme and agreed that officers from Warwickshire County Council be invited to the meeting on 3 October to discuss the Rugby Area Transport Strategy in connection with the item on Air Quality Monitoring.

It was decided that portfolio holders would not be scheduled into the work programme at this stage to specifically discuss performance, but the Environment and Growth Portfolio Holder would be invited to the meeting when the Materials Recovery Facility was due to be considered. It was suggested that this be added to the agenda of the joint committee meeting on 18 November 2019.

Members were reminded that the Rugby Performance Management System was available to review performance and training was available if desired.

The Chair informed Members that the RWM Conference would be a valuable opportunity to gain background knowledge on recycling and waste management. The Chair undertook to circulate details to Members.

RESOLVED THAT – the 2019/20 overview and scrutiny work programme be updated in line with the changes minuted above.

CHAIR