

**AGENDA ITEM****2.1****MINUTES OF THE OVERVIEW AND SCRUTINY BOARD (OSB)****23<sup>RD</sup> JUNE 2020 AT 6.00 P.M via SKYPE****PRESENT: COUNCILLORS**

Councillor Pedersen (Chair), Agbley (Vice Chair), Petts (Vice Chair), Ahmed, P. Chapman, Franks, A. Hussain, Cllr J. Hussain, Keens, Nicholls, T. Saleem and Wynn

<b>14</b>	<b>APOLOGY</b>
	An apology for absence from the meeting was received on behalf of Councillor G.R. Javed.
<b>15</b>	<b>MINUTES (REF: 2.1)</b>
	<b>Resolved:</b> That the minutes of the meetings held on 2 <sup>nd</sup> March and 12 <sup>th</sup> March 2020 be agreed and taken as correct records and the Chair be authorised to sign them at a future meeting of the Board.
<b>16</b>	<b>CHAIR'S UPDATE (REF: 3)</b>
	<p>The Chair of the Committee briefly reported on updates as follows:</p> <ul style="list-style-type: none"><li>• Town Centre footfall Report – Moved to a future meeting of the Board due to covid19.</li><li>• OSB (Recruitment and Retention of Social Workers) – Performance and progress update from the TFG Report – It was agreed that this item be moved from this meeting to Children Services meeting taking place tomorrow 24.06.2020. Invitations had been sent to all Members of this Board to attend that meeting.</li></ul> <p><b>Resolved:</b> That the Chair's update be noted.</p>
<b>17</b>	<b>CORPORATE PERFORMANCE SUMMARY FOR QUARTER 4 – 2019/20 (REF: 7)</b>
	The Performance and Relationship Manager presented the report of the Service Director for Transformation & Technology, (Ref: 8) regarding the Corporate Performance

Summary Report 2019/20 End of Year Q4 and Annual updates. The Performance report was in two elements;

- Corporate Performance Summary with headline commentary under the six council priorities from the Luton Investment Framework and;
- Corporate Performance Summary which included an index of all performance indicators supporting the Council priority areas, with commentary on current performance.

The report sought comments from the Board for onward submission to Executive meeting on 20<sup>th</sup> July 2020.

The Performance and Relationship Manager reported that most services had been affected by the covid-19 pandemic and lockdown which started in March 2020. He went on to report on progress measures mostly impacted as follows:

### **Building Economic Growth and Prosperity**

**Passenger Numbers:** Passenger levels reduced by 752,400 in March 2020 against the passenger numbers seen in March 2019. The reduction in passenger numbers in March 2020 was due to the COVID-19 national lockdown as majority of flights to and from Luton had been cancelled, without a date when flights would resume. The Airport Operators were currently working to create a longer term forecasting project as part of the plan to return flights and forecast back to normal.

**Luton Town Centre Footfall:** Annual footfall had been declining since 2016. Average daily footfall for Q4 of 2019-20 was down on the corresponding period for the previous year (34,099 compared to 39,341). Footfall for Q4 of 2019/20 fell by 12% on the previous year. Overall footfall in Luton had been falling prior to the COVID-19 outbreak, and footfall was now expected to be lower for the time being with social distancing and the stay at the home policy. The Committee had previously requested a detailed report to a future meeting.

Responding to the issue of the declining footfall, a Member stated that this had been the issue for the past number of years which he said was common with most town centres nationally. He said for Luton, there was need to concentrate on what the new town centre would look like and no doubt there was work to be done.

**Employment in Luton Figures:** Members were informed that the highest proportion of jobs in Luton came from the private sector but there was still a higher proportion of manufacturing jobs in Luton than other places nationally. Those who worked in Luton but did not necessarily lived in Luton had higher average earnings than Luton residents. Residence based full time earnings in Luton rose by 3.4 per cent from £541.8 to £560.4 and workplace (i.e. those working but not necessarily living in Luton) based full-time earnings rose by 3.7 per cent from £576.6 to £598.2 between 2018 and 2019. Luton's workplace based average earnings were higher than the national figures and resident based earnings lower. It had been estimated that there were 25,500 people in employment in Luton earning less than the local living wage. This was about a quarter of the local workforce. Members were informed that the figures quoted in this report had been extracted from the Office for National Statistics via NOMIS.

Members expressed concern about employment in Luton and the reported figures which revealed that those who worked in Luton but not necessarily living in Luton had higher wages than those who lived and worked in Luton.

**Bus Passenger Transport:** It was reported that apart from Arriva Bus Company no other bus company recorded numbers of passengers boarding buses. The lockdown, which started in the last week of March 2020, contributed to the low figures in quarter 4 including the fact that only Arriva recorded numbers of passengers who boarded the bus.

### **Enhanced skills and education**

**The percentage of pupils achieving the expected standard in reading, writing and maths (KS2):** There was a 2% increase on the previous year were recorded.

A Member of the Board stated that the percentage of Yr12-Yr14 not in Education, Employment or Training - NEET (numbers) had not been met. He said that if Luton's ambition to eradicate poverty by 2040 was to be achieved, there must be a real focus on education in order to have significant improvement. Luton required good level of development in education.

Members unanimously expressed concern that though a 2% increase had been recorded, the numbers on educational attainment and key stages had not shown real progress and improvement.

In response to the concerns expressed by Members the Director of People explained that the educational attainment in key stages was a very complex system of landscape with quick churn in population. She stated that OSB had at a previous meeting expressed concern regarding this issue and had made recommendation which referred the matter to Children Services Review Group for further scrutiny. She explained that a disadvantage child living in Luton would do better elsewhere and that this was an area that Luton should be proud of this. She said despite the financial challenges Luton's focus would continue to be for all children in Luton. A comprehensive report about educational attainment and recruitment and retention of Children and Adult social workers was due submission to the Children Services Review Group meeting on 24<sup>th</sup> June 2020 as already advised by the Chair.

A Member commented that the number of looked after children in the face of the pandemic could increase drastically. He asked whether there was a service plan in place to mitigate this.

Responding the Director of People explained that at the moment the Service was undertaking a piece of work with dedicated children safeguarding lead and identifying children mostly at risk in the social care system and drawing additional resources from a reserved funding to use for this purpose. She stated that the Service was making progress from a management prospective and heading in the right direction with social workers. She explained that OSB had previously made recommendations to Children Service to investigate this issue.

Responding to the report a Member of the Board commented on the Council's priorities to improve health and the development of homes and infrastructure. He said the development of homes were substandard as there were aspects of the report where the true situation of things had not been reflected.

### **Developing Quality Homes and Infrastructure/Temporary Accommodation**

**Bed and Breakfast:** The number of single people in B&B had gone up to 46 in quarter 4 and as a result of Covid-19 pandemic, the need to accommodate more single people arose. Furthermore, most businesses were closed from mid-March 2020. This forced the Council to place many vulnerable people in Hotels.

Members were informed that the Service had made plans to move Rough Sleepers out of the Easy Hotel by May 2020 and he added that this was a work in progress. The Chair commented that a report regarding rough sleepers in Luton and the Council's plan to house them should be reported to a future meeting of the Board. She said that during the peak of Covid-19, accommodation was provided for rough sleepers and they were moved off the streets.

The Chair further stated that the increase in numbers (46) had not been reflected in the commentary. She said, this should be amended before submission to Executive. She commended the report stating that the new style of reporting, had made it easier to understand some of the targets more clearly.

### **Supporting, Safe, Strong and Cohesive Communities**

**Volunteering:** The number of enquiries regarding volunteering had significantly increased during March 2020, following the call for help regarding COVID-19 however, volunteering hours had dropped and were now lower than normal. As a result of the lockdown, the figures for March 2020 had not been collected as most services were not opened as normal.

**Arts and Culture:** Arts and Culture had also been affected by the lockdown with significantly reduced activities.

**Integrated, efficient and digital service delivery:** This had been discontinued last year.

A Member made a proposal to Executive that the concerns expressed by Members relating to the educational attainment and lack of improvement in figures be reported to the Executive. However, he was informed that Children Services Review Group was already due to consider the matter at their meeting on 24.06.2020 and that Members of this Committee had also received invitation to attend that meeting and they would be able to raise issues of concerns to the Executive.

Also a proposal regarding employment in Luton was discussed. Members agreed that a reference report be made to Executive meeting on 20<sup>th</sup> July 2020 in order to highlight Members' concern about the employment situation in Luton and to ask the Executive to consider taking steps to address this.

**Resolved:** (i) That the report of the Service Director for Transformation and Technology (Ref: 8), regarding the Corporate Performance Summary Report for Quarter 4 2019/20 and annual updates, be noted and commended for submission to Executive meeting on 20<sup>th</sup> July 2020.

(ii) That a reference report be submitted to the Executive meeting on 20<sup>th</sup> July 2020 that; "Overview and Scrutiny Board (OSB) ask that Executive members' attention

	<p>be drawn to the key concern that average salaries paid to individuals employed in Luton were still significantly higher than average salaries paid to employees who living in Luton”.</p> <p>(iii) That the increase of 46 in the number of single people who were moved into bed &amp; breakfast during this period be included in the commentary alongside the 147 nightly lets in the “Developing Quality Homes and Infrastructure” paragraph in the report.</p> <p>(iv) That a recommendation be made to Children Services Review Group to investigate the low level NEET figures even though Members had continuously expressed concern at the low level and lack of improvement.</p>
<b>18</b>	<b>COMMUNITY WEALTH BUILDING (REF: 8)</b>
	<p>The Service Director of Inclusive Growth submitted the report (Ref: 8) regarding the review of the Community Wealth Building approach and action plan due for submission to Executive meeting on 20<sup>th</sup> July 2020. The report sought support from Members of the Board in regards to the approach and proposed action plan. She stated that the current Covid-19 lockdown was also a concern as to whether this would impact on the proposed action plan.</p> <p>The Service Director reported that following the work of the Inclusive Growth Commission, in September 2019, the Council commissioned Centre for Local Economic Strategies, (CLES) to develop a bespoke approach to community wealth building in Luton. She stated that the community wealth building aim to reorganise and control the local economy so that wealth would not be extracted but held and generative to ensure that income was recirculated, that communities interest would be placed as priority, to ensure that people were provided with opportunities, dignity and well-being.</p> <p>The Service Director explained that this was an initiative which had been well established in some other local authorities but this this report sets out a bespoke approach in Luton. There was also assurance that local authorities treated members of the community fairly. She stated that at the heart of the community wealth building approach were five key strategic areas aimed to harnessing existing resources to enable the local economies grow and develop from within.</p> <ul style="list-style-type: none"> <li>• Fair Employment and Just Labour Markets.</li> <li>• Progressive Procurement of Goods and Services.</li> <li>• Plural Ownership of the Economy.</li> <li>• Socially Just Use of Land and Property.</li> <li>• Making Financial Power Work for Local Places.</li> </ul> <p>Members were informed that within the context of economic recovery the principle of the community wealth building was still very much relevant. The report describes the local context in which a community wealth building approach could work in Luton to deliver the best possible opportunities and outcomes for Luton residents and businesses. Due to the Covid19 pandemic the economic impact would be felt for some time and many organisations and businesses would focus their attention on the immediate and longer</p>

	<p>term response to this. She said Luton's community wealth building approach could play a key role in helping the economy to recover.</p> <p>A Member commented that in terms of productivity Luton was considered to be about 4.8% with the inactiveness of 29% when compared to national average. The Service Director advised that skills levels cuts across some of the conversations around ensuring demand led sector skills pathways into employment, starting in schools and how the young people would be connected. At the moment a lot of the higher level jobs went to people outside of Luton, the approach would be to work with employers in Luton to focus on local recruitment and to address matching up of aspirations for clear pathways that met local demand.</p> <p>She further explained that for Luton as an area with a high number of young people and a student town, the approach would ensure that people are supported in the transition into the labour market. The Adult Learning Service provides employment and skills support for those aged 19 and above (or aged 16 plus when including apprenticeships). She said there was recognition of the broader challenges and these had been interwoven into the action plan. The next step in line of the action plan would be to look at the time frame and further develop the action plan for Luton and this would be reported to the Board in due course.</p> <p>A Member also commented in relation to employee mapping and diversity exercise there were over 200 employers at the Airport. A Member asked how the mapping exercise would work. He commended the report especially post COVID-19 crises. He said the approach and proposed action plan were loadable and therefore would be deeply supported as it was inclusive of all the services within the Council.</p> <p>Another Member stated that there were concerns in relation to employment and skills. He suggested that an action plan was crucial in order to highlight the current position of Luton and its approach. Responding the Service Director concurred that this would be the next way forward to have a joined up approach. Currently some of the plans were much further progressed than others. There would be a focus on taking things forward but some of the actions would be longer term actions and others much quicker, like the redundancy actions which were already being considered. One of the recommendations would be to produce an annual report. The Chair stated that Members would like to see an action plan and timeframe, inclusive of procurement and early priorities document in the next 6 months.</p> <p>Members unanimously commended the proposals and options as presented in the report for submission to the Executive meeting on 20<sup>th</sup> July 2020.</p> <p><b>Resolved:</b> (i) That the Report of the Service Director, Inclusive Growth (Ref: 8) regarding the review of Community Wealth Building be noted, and commended for onward submission to Executive meeting on 20<sup>th</sup> July 2020.</p> <p>(ii) That the Committee's thanks to the Service Director be recorded.</p>
<b>19</b>	<b>HOUSES OF MULTIPLE OCCUPATION (REF: 9)</b>
	<p>The report of the Service Director, Strategy and Sustainability, Ref: 9 regarding Houses of Multiple occupation (HMOs) was jointly delivered by the Team Manager Planning Policy &amp; Environment and other Officers in Environmental and Licensing departments.</p>

The report set out the various functions within the Council related to Houses in Multiple Occupation (HMOs) following the request of the Overview and Scrutiny Board at their meeting of 5th August 2019. At that meeting on 5th August 2019, the Board requested the Service Director Planning and Transport and the Service Director Regulation to submit a joint report regarding the Council's HMO Licensing arrangements and its powers, together with planning legislation which affects HMOs.

The report also detailed information about the concerns surrounding the use of an Article 4 direction on HMOs. Officers reported that a petition which sought an Article 4 direction on HMOs in Luton was received on 7th January 2020. Officers explained that in planning terms, a (HMO) "Use Class C4", was defined as the "use of a dwelling house by not more than six residents".

On 19th December 2019, Overview and Scrutiny Board received a report regarding the implementation and introduction of a Selective Licensing Scheme in some selected areas in Luton. The scheme requires all privately rented accommodation and premises including HMOs to be licensed and to meet certain standards. The scheme also requires the Landlord to be a fit and proper person to help tackle anti-social behavior, low housing demand, poor property conditions, crime and high levels of deprivation, etc.

Although the scheme had been approved by the Executive, its implementation has been delayed to 1st August 2020. Whilst this scheme was well placed and may be able to tackle some of the concerns around HMOs in Luton, Members of the Board felt that this was not the only solution which would address the issues posed by HMOs and specifically it would not address high concentration of HMOs in Luton.

Members were informed that not all uses of buildings or other land were allocated to a particular class some are known as 'sui generis', and some would fall into HMO class, etc. The Housing Act had a list of test that must be met before a property can be declared an HMO by Public Protection. Officers further advised that this was a challenge due to the difficulty to be able to differentiate between HMO and flats or other similar types of accommodation that may look like HMO but not necessarily classed as HMO.

In terms of Planning Policy consideration, if an Article 4 direction were to be made requiring planning in multiple occupation, the Council would need to consider carefully the approach to determining planning applications. Although an Article 4 direction would remove permitted development right to move from a dwelling house to an HMO, it would then require planning permission and this would not mean planning consent would not be granted. In regards to the implication, this would not mean that there would be no guarantee that an Article 4 direction would not achieve the desired outcome, and in view of the petition received on 7th January 2020.

A number of difficulties and challenges in terms of an Article 4 direction were identified and especially the issue of lack of resources and funds to establish and further implement an Article 4 direction. This situation had been made worse by the current coronavirus pandemic. Members were advised of other challenges for the Council which meant that Article 4 direction would not:

- prevent properties being converted from family accommodation to HMOs if planning conditions were met
- prevent illegal HMOs being established

- The effectiveness of Article 4 direction could very much depend on a lot of variables people applying for planning permission to create an HMO
- Lack of data and evidence to clearly identify HMOs in use as small HMOs, etc.
- Officers presented Members of the Board with three options as contained in the report. The Board's recommendation will be submitted to the Executive meeting taking place on 20th July 2020 for consideration and approval.

A Member stated that the Executive had already agreed previous recommendations from the Overview and Scrutiny Board that an Article 4 Directive should be progressed, however, in the same vain Members of this Board had consistently being informed that this could not be achieved. Members sought clear direction regarding the establishment and implementation of Article 4 direction and how it could be achieved. It was not sufficient to inform Members of the reasons why it could not be achieved when other local authorities had successfully established Article 4 direction and some had also implemented it effectively.

Members expressed concerns and were not pleased about the lack of progress in terms of moving forward the Article 4 directives.

In response to Members comments and concerns, Officers explained that the process of planning enforcement was different from licensing enforcement. It was stated that planning enforcement was a discretionary service, acting in the public interest and was a cost to the Council.

Members unanimously acknowledged the major concerns about the high concentration of HMOs in certain areas of the town. They expressed concern that this could discourage Investors from investing in the town and drags down the overall image of the town. Members unanimously agreed that there was urgent need to address the situation in Luton.

Members of the Board did not support the options outlined in the report and consequently agreed that further clarity be sought from the Executive in relation to the way forward.

A Member of the Board made the following proposal which was agreed by the Board:-

"That a reference report be submitted to the Executive meeting on 20th July 2020 requesting the Executive: To note that there had been a number of recommendations made by Overview and Scrutiny Board to Executive that action be taken to deal with Luton's HMO problem by seeking an Article 4 Direction, by a supplementary planning document, by the review of the Luton Local Plan or by any other legal means available to the Council.

To note that whilst the recommendations had all been agreed by Executive members little or no action had so far been taken.

To note that the approved Selective Licensing Scheme would lead to some improvement in quality and standards but would not reduce the concentration of new HMOs being introduced in key areas of Luton but that even this scheme had been subject to delays and had yet to be activated.



	<p><b>Resolved:</b> (i) That the Report (Ref: 9) and Updates regarding the high concentration of HMOs in Luton be noted;</p> <p>(ii) That a reference report be submitted to the Executive meeting on 20th July 2020; That the Overview and Scrutiny Board (OSB) request the Executive:</p> <ul style="list-style-type: none"> <li>• To note that there had been a number of recommendations made by Overview and Scrutiny Board to Executive that action be taken to deal with Luton's HMO problem by seeking an Article 4 Direction, by a supplementary planning document, by the review of the Luton Local Plan or by any other legal means available to the Council.</li> <li>• To note that whilst the recommendations had all been agreed by Executive members little or no action had so far been taken.</li> <li>• To note that the approved Selective Licensing Scheme would lead to some improvement in quality and standards but would not reduce the concentration of new HMOs being introduced in key areas of Luton but that even this scheme had been subject to delays and was yet to be activated.</li> </ul> <p>(iii) That the Overview and Scrutiny Board request the Executive to make it clear how they intend to regulate and reduce the concentration of HMOs in Luton.</p>
<b>20</b>	<p><b>IMPLEMENTATION OF STATUTORY FLOOD RISK MANAGEMENT PLAN (REF: 10)</b></p> <p>Team Manager Sustainable and Development and Transport submitted the report of the Service Director, Planning and Transport (Ref: 10) regarding the implementation of Statutory Flood Risk Management Plan. The report was for information and review by the Overview and Scrutiny Board in relation to its powers and function under section 54 of Flood and Water Management Act 2010 (FWMA) to review and to scrutinise the exercise by Risk Management Authorities of Flood Risk Management Functions or Coastal Erosion Risk Management Functions which may affect the local authority's area.</p> <p>The report sought the Board's support in respect of the implementation of the proposed objectives and their measures for the statutory Flood Risk Management Plan.</p> <p>The Officer advised that the Flood Management Act 2010, designated Luton Borough Council as Lead Local Flood Authority (LLFA), with various statutory duties in line with the Flood Risk Regulations 2009 which set out a cycle for flood risk planning in identified Flood Risk Areas (FRAs). The Officer further advised that Luton and Dunstable was identified as a FRA under the FRR 2009 back in 2017 due to the risk of flooding from surface water. She stated that in every identified FRA, every 6 years the LLFA must review and update each step of the planning cycle. For the current cycle this meant preparedness for the following:</p> <ul style="list-style-type: none"> <li>• Flood risk map (by 2019)</li> <li>• Flood hazard map (by 2019)</li> <li>• Flood risk management plan for the FRA (by 2021)</li> </ul> <p>The Environment Agency had an overarching national coordination responsibility in relation to FRMPs and LLFA must have regard to any guidance issued by the EA and report on specific dates. In order to reduce additional burdens on LLFAs, the EA offered assistance to Luton Council in 2019 in preparing the flood risk and hazard maps which was accepted by the Council.</p>

The Team Manager went on to explain that the purpose of the objectives and their measures would help communities to:

- Understand why specific actions had been taken to manage flood risk
- Understand how these actions link to the wider approach to flood risk management in a local area.

In terms of the proposed plans, the Officer advised of certain objectives and their measures selected for Luton's part of the Luton and Dunstable FRA from a list of recommendations by the Environment Agency. One of the proposed actions was for the Council to work internally with the Ecology and Parks department to ensure that flood risk management projects contributed to the local nature recovery plans. Discussions about the objectives and their measures must take place prior to the EA submission deadline of 31st July 2020.

A Member asked a question relating to Objective 2.1.1. (Flood risk regulations – reducing the likelihood of flooding and the proposed measures by the Council) whether this was being integrated with the work being undertaken by the Environmental Agency. Also whether the riverside strategy and flood risk in the town centre would be sufficient in the light of the climate change and increase in the risk of flooding.

In response, the Officer advised that there were a number of schemes funded by the Environmental Agency that were currently being progressed and funding was still offered in principle for the project in Bramingham. The funding had been removed this year, 2020, from the Council's capital budget due to delays with the M1A6 link road scheme that the flood scheme is dependent upon. The Council was currently also considering reviewing the scheme to be delivered as a number of smaller schemes rather than one large scheme.

In relation to Objective 2.1.3, (Flood risk regulations – minimising the consequences of flooding for the environment including cultural heritage), the Team Manager advised that the focus of this objective was around natural capital to link into the flood risk action. Luton Council were currently working with Central Beds and Bedford on developing a consistent natural capital baseline for the whole of Bedfordshire and this work will be feeding into discussions about this objective.

In relation to Objective 2.3.1 (Flood risk regulations – reducing the likelihood of flooding), the Officer advised that the Council plan to continue with community engagement to raise awareness of flood risk. A part-time Officer post had been secured to focus on this area during the last 3 years. The post was fully funded by the Environmental Agency, however, for continuity, the Council needed to apply for the funding again in the next financial year, 2021/22.

A Member asked why the Junction on Vauxhall Way required flood control as no one in living memory had ever witnessed flooding in that area. The Officer advised that the proposed works had to do with keeping to current design standards to provide a lot more drainage capacity for this junction than was previously associated with the road.

The recommendation requesting the Board to support the implementation of the proposed objectives and measures for the statutory Flood Risk Management Plan was unanimously supported.

	<p><b>Resolved:</b> (i) That the report of the Service Director Planning and Transport, Ref: 10 regarding the implementation of the proposed objectives and measures for the statutory Flood Risk Management Plan be supported by the Board.</p> <p>(ii) That the proposed plans be commended for submission to Executive meeting on 20th July 2020.</p>
<b>21</b>	<b>WORK PROGRAMME 2019/20 AND EXECUTIVE FORWARD PLAN (REF: 11)</b>
	<p>Members received the work programme and the Executive Forward Plan, Ref: 11.</p> <p>The Chair requested that an item regarding Shelter for Rough Sleepers after the pandemic be included on the work programme for future meeting.</p> <p><b>Resolved:</b> (i) That the DSO be authorised to update and amend the work programme in consultation with the Chair</p> <p>(ii) That the response to the Ofsted report and a detailed improvement plan be submitted to the Scrutiny Children Services Review Group prior to submission to the Executive on 27<sup>th</sup> April 2020.</p>
	<p><b>Note: The meeting ended at 20.30pm</b></p>