

<b>Report To:</b>	<b>OVERVIEW AND SCRUTINY COMMITTEE</b>
<b>Date:</b>	<b>16 DECEMBER 2021</b>
<b>Heading:</b>	<b>WORK PROGRAMME TOPICS</b>
<b>Portfolio Holder:</b>	<b>NOT APPLICABLE</b>
<b>Ward/s:</b>	<b>ALL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

### **Purpose of Report**

The purpose of this report is to present Overview and Scrutiny Committee Members with suggestions for new topics for consideration to be added to the scrutiny work programme.

### **Recommendation(s)**

Overview and Scrutiny Committee Members are recommended to:

- a. Note and discuss the topics currently on the scrutiny work programme.
- b. Consider the topics detailed within this report for inclusion on the scrutiny work programme.
- c. Consider any additional topics for inclusion on the scrutiny work programme.

### **Reasons for Recommendation(s)**

Ensuring that the scrutiny work programme is regularly monitored as a standing item and refreshed is a key responsibility of the Overview and Scrutiny Committee as set out in the Council's Constitution.

### **Alternative Options Considered**

Members could choose not to monitor or update the scrutiny work programme; however, this would be in conflict with the Overview and Scrutiny Rules of Procedure set out within the Council's Constitution.

## Detailed Information

### CURRENT SCRUTINY WORK PROGRAMME

Please see the Scrutiny Work Programme 2021/2022 attached as **Appendix A** to this report.

### TOPICS FOR CONSIDERATION

#### Gambling

##### December 2021 Council Meeting

At the December 2021 meeting of Council, Members approved a revised Statement of Gambling Policy effective from 31 January 2022. During the debate on this item, various Members voiced growing concerns on the serious impacts of gambling on local communities and individuals, with a desire for the Council to identify what it can do to lessen these issues.

##### LGA Councillor Handbook: Gambling Regulation

In July 2021, the LGA published a councillor handbook designed to assist councillors in understanding gambling regulations and the role local authorities have in managing those regulations.

Within the handbook there is a section on “Protecting Vulnerable People”. This section states that protecting children and vulnerable people from being harmed or exploited by gambling is one of the three licensing objectives. Ensuring that this objective is upheld is one of the core responsibilities licensing authorities must meet.

The full LGA handbook on gambling regulation can be accessed through the following link: <https://www.local.gov.uk/publications/gambling-regulation-councillor-handbook-england-and-wales-0>.

##### Centre for Governance and Scrutiny

The Centre for Governance and Scrutiny (CfGS) is working on a project with the Gambling Commission to raise awareness and increase the involvement of elected members in overview and scrutiny roles in tackling gambling related harms. As part of the project, the CfGS have released a document detailing how local authorities are using scrutiny to tackle gambling harms.

As set out in the introduction to *Local Authorities Using Scrutiny to Tackle Gambling Harms*:

*“The COVID-19 pandemic significantly altered the gambling landscape by shifting activity online due to restrictions on people’s movements, the cancellation of major sporting events, and the closure of commercial venues. The most recent Gambling Commission statistics demonstrates a 7.7% decrease in licensed betting premises between March and November 2020, and this is a continuing trend.*

*Many experts are now examining the impact of the pandemic upon gambling behaviours, alongside increased availability and accessibility of gambling products, the use of multiple products, the time spent gambling, and the alarming, elevated risk of harms.*

*Gambling harms are an issue for every local authority in the UK, both from the perspective of the authority’s wellbeing and community leadership role, and their regulatory responsibilities. The*

*growing issue of gambling harms can also be considered within the wider commitment to reducing health inequalities and an equitable post-covid recovery.*

*Whilst many councils have discussed gambling harm within licensing committees, in the context of reviewed and updating the gambling policy statement, through our research we have found that tackling gambling harms is underexplored in local authorities. As with other public health issues, arguably there should be consideration of gambling harms at the highest level to ensure appropriate political and strategic priority.”<sup>1</sup>*

The CfGS publication goes on to provide recent examples of councils tackling gambling harms through scrutiny committees – using the function to understand, evaluate, and improve efforts that prevent and treat gambling harms in the community.

Common themes have been identified:

- Mapping areas of risk and vulnerable populations
- Bringing together local partners
- Involving stakeholders and victims
- Seeking to understand individual, social, economic, environmental, and cultural factors that influence a person’s experience of gambling harm
- Understanding gambling harms as a public health issue and advocating for a whole system approach to address this
- Recommending a coordinated action plan to prevent and reduce gambling harms
- Lobbying government through correspondence with the Department for Digital, Culture, Media, and Sports to take action on gambling harms

### Case Study Examples

#### **Devon County Council**

Councillors in Devon expressed concern about the impacts of gambling in their communities and were keen to explore the wider societal and economic effects. Scrutiny asked for Public Health to report on the issue – the report outlined that Devon’s seasonal tourism; high house prices and low wages has caused pockets of deprivation. This deprivation puts communities at risk to gambling related harms, the impacts of which are highly likely to influence spend on services for vulnerable people.

In 2018, Devon County Council undertook a scrutiny spotlight review of gambling-related harms, the scope of this spotlight review was:

- To understand the underlying causes of problem gambling and the challenges associated with problem gambling
- To explore the ways in which the Council and partners could work together to prevent people who are at risk of problem gambling reaching crisis point
- To identify the ways in which the Council and partners could work together to support people who have gambling addictions

The review carried out by Devon County Council reflected the importance of the issue from a public health and partnership perspective, as well as the importance of Councillors having a community leadership role.

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<sup>1</sup> Centre for Governance and Scrutiny, *Local authorities using scrutiny to tackle gambling harms*, June 2021.

Key questions of the review focused on prevention, understanding when gambling becomes a problem, and identifying support available when someone is struggling with problem gambling. Brining together different stakeholders and partners to collectively problem solve, the parties involved included other local authorities, the Police, gambling charities, and a company supplying gambling equipment.

The review was interested in whether there were specific characteristics and risk factors that led people to become problem gamblers. One concern was the link between gambling and suicide. The review was also concerned about the increasing trajectory of remote gambling.

The findings of the review were particularly focused around the need for reliable and accurate data. Several of the partners involved in the review committed to working together to better understand the scale of the problem as well as to support services that exist to help people with gambling addiction.

### **Bradford Metropolitan District Council**

In 2019, Bradford's Corporate Overview & Scrutiny Committee members received a report that detailed how gambling businesses were mainly situated in some of the most deprived areas of the Bradford District.

Bradford has high prevalence of population groups particularly vulnerable to gambling related harm. Evidence indicates that particular groups are more vulnerable to gambling related harm than others – young people are one of these groups, and Bradford has the highest percentage of under 18s for a city authority in the country. People living in areas of greater deprivation is another vulnerable group, Bradford is ranked the 11<sup>th</sup> most income deprived local authority in England.

Bradford's Corporate Overview & Scrutiny Committee was asked to consider the prevalence of gambling and gambling related harm within the district and the development of the Council's approach to problem gambling.

Over several meetings, many different perspectives were sought to inform the committee. A representative from an organisation which campaigns to highlight the dangers of problem gambling – "Gambling with Lives" was present at the meeting to talk about the work of the organisation and how he had lost his own son through problem gambling. The committee also invited a representative of the gambling operator William Hill and a recovering gambling addict.

Members highlighted that a broader debate needed to be had with the industry on the issue of problem gambling. Following these scrutiny meetings, councillors were in agreement that more effective controls needed to be in place to tackle the issue of problem gambling in Bradford.

The full *Local Authorities Using Scrutiny to Tackle Gambling Harms* publication, with more case study examples, can be accessed through the following link: <https://www.cfgs.org.uk/wp-content/uploads/Scrutiny-and-gambling-harms-case-studies.pdf>.

**Overview and Scrutiny Committee Members are asked to consider approving the topic of Gambling for inclusion on the scrutiny work programme.**

### **Social Housing White Paper**

26 January 2021 Cabinet Report

A report was presented to Cabinet in January 2021 to provide a summary of the key implications for Ashfield District Council arising from the Ministry of Housing, Communities and Local Government Social Housing White Paper.

The Social Housing White Paper was published by the Ministry of Housing, Communities, and Local Government (MHCLG) on 17 November 2020. It is the follow up to the Social Housing Green Paper published in August 2018, both of which are part of the Government’s response to the Grenfell Tower tragedy and the Hackitt Review of building safety and fire safety.

The White Paper sets out 7 core commitments that social housing residents should be able to expect from their landlord:

1. To be safe in your home.
2. To know how your landlord is performing.
3. To have complaints dealt with promptly and fairly.
4. To be treated with respect – backed by improved consumer standards and regulations.
5. To have your voice heard by your landlord.
6. To have a good quality home and neighbourhood to live in.
7. To be supported to take your first step to home ownership.

The publication of the White Paper was long awaited, with a number of the measures having been fed out to the sector for months leading up to the publication.

Within this January 2021 report, key implications of the Social Housing White Paper were set out, detailing the implications for Ashfield District Council.

<b>Safety</b>	Social landlords will be legally required to identify a nominated senior person responsible for complying with statutory health and safety requirements. This person should be visible and accessible to tenants. They will have specific responsibility for: <ul style="list-style-type: none"> <li>- Driving a strong culture for prioritising and delivering health and safety requirements</li> <li>- Ensuring robust health and safety systems are in place</li> <li>- Providing assurance that health and safety risks are being managed effectively</li> </ul>
	Note: the draft Building Safety Bill also includes the requirement for an Accountable Person for higher-risk building safety and fire safety.
	Safety will be added to the Regulator’s Consumer Standard
	Smoke and carbon monoxide alarms will be mandatory in social housing – this is being consulted on currently
	Electrical safety standards in social housing will be consulted on to bring the sector in line with private rented sector standards
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• Appointment of a Senior Officer is required to sign off on the Council’s compliance with all applicable health and safety</li> </ul>

	<p>legislation within social housing, i.e. fire, legionella, electrical, gas, asbestos and lift safety. The Officer must provide appropriate levels of assurance to the Regulator as well as being accountable (and directly accessible) to tenants.</p> <ul style="list-style-type: none"> <li>• Regular consultation and engagement with tenants on all health and safety matters will be required</li> <li>• A significant review is required of the current approach to assessing, reporting, and scrutinising health and safety risks within the Council's social housing stock to ensure transparency and an audit trail; including how such risks are overseen by Elected Members.</li> <li>• The cost implication of compliance with the new carbon monoxide requirement is estimated to be £476,000 for initial installation. The detectors may then need to be replaced on a 10-year cycle.</li> </ul>
<b>Landlord performance</b>	Social landlords will be required to identify a nominated senior person responsible for complying with the Regulator's Consumer Standards
	The regulator will introduce a national set of tenant satisfaction measures – social landlords will be required to regularly publish these using technology
	Social landlords will be required to publish a breakdown of the how their income is being spent, including management costs and executive remuneration
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• Given the breadth of issues covered by the Regulatory Standards the Director of Housing and Assets would be the nominated 'responsible officer'. The standards will not only require compliance with all facets of the housing function but will also require that robust assurance is provided on performance data, anti-social behaviour (ASB), customer service and health &amp; safety.</li> <li>• The requirement to regularly collect, scrutinise and publish a new set of prescribed performance indicators and tenant satisfaction measures will require modification to current performance monitoring practices, along with the development of an appropriate technology solution for 'real time' reporting and publication of data and performance.</li> <li>• It is anticipated that a national market research organisation such as Ipsos Mori may be involved in auditing and/or collating tenant satisfaction scores (this will involve additional cost).</li> <li>• The requirement to regularly publish a detailed breakdown of management costs (and associated salaries).</li> </ul>
<b>Complaint handling</b>	The 'democratic filter' will be removed by the Building Safety Bill, meaning that residents no longer have to wait 8 weeks or go to a designated person to access the Housing Ombudsman
	A new Complaint Handling Code has already been published, with a deadline of 31 <sup>st</sup> December 2020 for social landlords to complete and publish a compliance self-assessment.
	Social landlords must widely publish their complaints policy
	To ensure complaints are resolved as quickly as possible, the Housing Ombudsman will have new powers to take action where

	landlords are acting unreasonably slowly, as well as increased resources to provide mediation and support to landlords
	From March 2021, the Housing Ombudsman will publish details of the individual cases it has determined, as well data on individual landlord's complaints volumes, categories, and outcomes.
	The Housing Ombudsman will report cases of non-compliance with any of their orders to the Regulator
	MHCLG will run an awareness campaign for social housing residents on their rights to redress and routes to complain
	The Housing Ombudsman will engage directly with social housing residents through regular virtual events and a new Resident Panel
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• Failure to comply with the new Housing Ombudsman Complaint Handling Code would result in investigation and enforcement by the Housing Ombudsman and a referral to the Regulator who may do the same.</li> <li>• The Council must be in a position to accept and identify complaints made via social media channels.</li> <li>• The requirement to report annually to tenants remains mandatory and additional information must now be included in this. An annual report to Cabinet is also mandated for Councils</li> <li>• The new definition of complaints may lead to increased number of complaints, which the Council needs to be prepared for.</li> </ul>
<b>Consumer regulation</b>	A system of routine inspections will be introduced by the Regulator – all social landlords with over 1,000 homes will be inspected at least every 4 years
	The Regulator will also conduct specific, reactive investigations and inspection where a potential compliance breach is identified
	Findings from inspection, investigations and details of enforcement action taken will be published.
	An annual desktop review of a range of information sources is expected
	Local authorities will be required to self-refer breaches of consumer standards to the Regulator.
	The Regulator will seek assurance that Councillors have sufficient oversight of regulatory compliance
	The Regulator will have new powers, including unlimited fines and the ability to issue Performance Improvement Plans
	A new consumer regulation function within the Regulator will be created to deliver the new proactive consumer regulatory regime
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• Compliance with the Regulatory Standards will require more than just delivery of a good service – the service must be able to evidence and ensure its compliance; which will amount to a significant increase in reporting and evidence gathering, along with the recording and testing of both internal and external measures of control and assurance.</li> <li>• Significant preparation for inspections will be required, which will be detailed and time consuming and could be at short notice – as such a short notice inspection plan will be required together with a system to ensure the body of evidence can be compiled.</li> <li>• An annual programme of compliance will need to be established to comply with the annual desktop review</li> </ul>

	<ul style="list-style-type: none"> <li>• A system to identify potential and actual breaches in a timely manner is required, and a process established to report these to the Regulator.</li> <li>• Compliance monitoring and scrutiny will need to be built into the Cabinet/Council meeting timetable</li> <li>• A 'compliance' officer may be required within the section to ensure all requirements are met, recorded, filed, and compiled.</li> </ul>
<b>Tenant voice</b>	Social landlords will have to demonstrate to the Regulator how they have sought out and considered ways to improve tenant engagement
	Ministers will continue to listen to residents directly
	MHCLG will deliver an opportunities and empowerment programme, providing a range of learning and support activities to provide residents with tools to better influence and hold landlords to account
	MHCLG will review the professional qualifications and standards required for social housing staff in different roles, including senior staff. The review will include customer service, mental health support, courtesy, respect, empathy, and professional competence.
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• There will need to be a significant increase in the Council's tenant engagement activity, which will require an appropriate level of funding.</li> <li>• All staff that interact with social housing tenants will need to achieve the appropriate level of professional competence and/or qualification, which may be nationally prescribed. This should include matters of health and safety, customer service and mental health. Councillors may also require training on these matters to fulfil their obligations with the Regulator.</li> <li>• There will be cost implications to ensuring staff are trained and qualified</li> </ul>
<b>Quality home and neighbourhood</b>	MHCLG will review the Decent Homes Standard to consider how it can better support decarbonisation and energy efficiency, neighbourhood and home safety, and improved communal and green spaces. The first part of the review will be completed by Autumn 2021.
	MHCLG will clarify the roles of agencies involved in tackling ASB
	The new national tenant satisfaction measures will include measures on responsible neighbourhood management, including tackling ASB
	MHCLG will soon publish the findings of a review of local authority allocation schemes
	The regulatory standards will be updated to require social landlords have a policy setting out how they will tackle domestic abuse
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• The Council will need to consider the cost of achieving EPC level 'C' by 2030 and net zero by 2050 (£10m has been set aside to achieve EPC 'C')</li> <li>• A detailed review of the Council's services relating to estates, neighbourhoods, ASB, domestic abuse and lettings will be required – this may result in a change in the division of duties, priorities, performance measures and funding between departments</li> </ul>

<b>Home ownership</b>	This chapter reiterates previous Government announcements around affordable home ownership: <ul style="list-style-type: none"> <li>- The introduction of a new shared ownership model</li> <li>- A commitment that 50% of new homes funded by Homes England will be for affordable home ownership</li> <li>- The introduction of a new Right to Shared Ownership</li> </ul>
	MHCLG is committed to ensuring new social housing is well-designed and beautiful and have amended the NPPF and created a National Design Guide to reflect this
	Further leaseholder reforms will be announced, including service charge transparency and major works consultation
<b>Implications for ADC</b>	<ul style="list-style-type: none"> <li>• The Council may be required to include shared ownership properties on Homes England funded development schemes (this will require new cash flow/valuation formulas, recording and legal processes). Details will be known when 2021 Affordable Housing Program launched.</li> </ul>

### 7 December 2021 Cabinet Report

At the 7 December 2021 meeting of Cabinet, a report was presented providing an update of actions undertaken as a result of the Social Housing White Paper.

Within the 7 December 2021 report to Cabinet titled *Social Housing White Paper*, next steps have been set out in response to the White Paper. These are:

- Concentrated work with Council wide departments to embed understanding and identify robust indicators for early warning and evidence
- Develop a clear report that will be submitted bi-annually to Cabinet that identifies focused recommendations where required, including associated risk of achieving target and compliance
- Continue to work alongside Learning & Development for continuous learning for staff and councillors on key areas identified by gap analysis
- Tenant satisfaction measures need to be put in place
- Capita Housing system is being updated in order to satisfy the collection of data
- Consumer Lead to undertake horizon scanning for regulatory changes and share information in a timely manner with relevant departments
- Robust risk analysis from performance and legislation changes that impacts operations and compliance
- Imbed better partnership working with cross-cutting departments through process reviews and sharing best practice

An action plan has been created to be monitored and developed through the Housing and Assets' Departmental Management Team overseen by the Corporate Leadership Team and Portfolio

Holder for Housing and Assets. The action plan highlights areas within the White Paper and specific consumer standards that are being met and identifies gaps where service areas will need to ensure work continues to remain compliant.

**Overview and Scrutiny Committee Members are asked to consider approving the Social Housing White Paper topic for inclusion on the scrutiny work programme.**

### **Waste and Recycling**

At the December 2021 meeting of Cabinet, a report on Corporate Risk was presented for consideration. Cabinet Members were asked to review the Corporate Risk Register and the analysis of movement in risk and mitigating actions in respect of those risks.

Within the Corporate Risk Register, the Government's Waste Strategy has been identified as a risk for the Council to be aware of and act against. Comments within the Corporate Risk Register highlight that the Environment Bill has yet to reach final stages within Parliament having recently gone through the House of Lords with several amendments which are likely to delay Royal Assent. Uncertainty remains around mandatory free garden waste collections, discussions continue with other District Councils and the County Council on how mandatory food waste collection will take place within Nottinghamshire. As yet, there are no clear timescales around when any changes will be required to be implemented or how the Council will be financially compensated.

In January 2021, the Department for Environment, Food and Rural Affairs (Defra) published a policy paper titled *Waste Management Plan for England 2021*. The plan aims to provide an up-to-date overview of waste management in England but does not outline any new regulations. The government is legally obliged to update the plan every six years under the Waste (England and Wales) Regulations 2011.

Following consultation, Defra has set out requirements for separate collection of recyclable waste streams in the Environmental Bill. This will be supported by statutory guidance and further regulations. Defra is legislating through the Environmental Bill to require weekly separate food waste collection from households in England. In addition, the Environment Bill would also require waste collection authorities to separately collect garden waste from households. It says it is to consider the costs and benefits of free garden waste collections before making a final decision on whether it should be required, or whether charging should remain a matter for local decision making. Defra says it also wants to increase recycling from flats and is proposing that measures that apply to kerbside households should apply equally to flats.

**Overview and Scrutiny Committee Members are asked to consider approving Waste and Recycling for inclusion on the scrutiny work programme.**

## **Implications**

### **Corporate Plan:**

The scrutiny work programme should include issues based on performance, priority objectives and community concerns. Many of which contribute to the Council's corporate priorities outlined within the Corporate Plan.

### **Legal:**

Consultation with Members on items for the scrutiny work programme is in accordance with the Rules of Procedure set out within the Council's Constitution.

### **Finance:**

Any financial implications identified through items approved to the scrutiny work programme will be appropriately considered as part of the established scrutiny review process.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Failure to adequately monitor and refresh the scrutiny work programme could lead to items being added that fail to add value and fall outside of the remit of the Council's scrutiny function.	The scrutiny work programme is a standing item on the Overview and Scrutiny Committee agenda, ensuring Members can appropriately monitor review progress and suitability.

### **Human Resources:**

Any HR implications identified through items approved to the scrutiny work programme will be appropriately considered as part of the established scrutiny review process.

### **Environmental/Sustainability**

Any environmental/sustainability implications identified through items approved to the scrutiny work programme will be appropriately considered as part of the established scrutiny review process.

**Equalities:**

Any equalities implications identified through items approved to the scrutiny work programme will be appropriately considered as part of the established scrutiny review process.

**Other Implications:**

Any other implications identified through items approved to the scrutiny work programme will be appropriately considered as part of the established scrutiny review process.

**Reason(s) for Urgency**

None.

**Reason(s) for Exemption**

None.

**Background Papers**

None.

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