



GREAT YARMOUTH
BOROUGH COUNCIL

Scrutiny Committee

Minutes

Tuesday, 27 February 2024 at 18:30

PRESENT:-

Councillor Williamson (in the Chair); Councillors Grant, Galer, Hammond, Jeal, Mogford, Murray-Smith, Robinson-Payne, Thompson, Wainwright & Waters-Bunn.

Councillor Newcombe attended as a substitute for Councillor Cordiner-Achenbach.

Councillor Annison attended as a substitute for Councillor Freeman.

Councillor Wells attended as Cabinet Portfolio Holder for Environment & Sustainability, Licensing & Waste.

Ms C Whatling (Monitoring Officer), Mrs P Boyce (Executive Director - People), Mr J Wilson (Head of Environment & Sustainability), Mrs M Holland (Head of Strategic Housing), Ms N Hayes (Executive Director - Place), Mr T Williams (Media & Communications Manager), Mr D Zimmerling (IT Support) & Mrs C Webb (Democratic Services Officer).

01 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cordiner-Achenbach & Freeman.

02 DECLARATIONS OF INTEREST

Councillor Annison declared a personal interest in item number 7, Councillor Call for Action, as the owner of KB Scaffolding was known personally to him.

03 MINUTES

The minutes of the meeting held on 12 December 2023 were confirmed.

04 WORK PROGRAMME

The Committee received and considered the Work Programme which would be updated following the meeting.

RESOLVED:-

That the Committee note the Work Programme.

05 COUNCILLOR CALL FOR ACTION

The Committee received and considered the report from the head of Environment & Sustainability.

Councillor Waters-Bunn introduced the Councillor Call for Action in her capacity as a Ward Councillor.

The Committee is asked to consider a Councillor Call for Action from Councillors Waters-Bunn, Robinson-Payne & Wainwright as follows:-

We have significant concerns regarding the Haven Bridge building in Cobholm. The scaffolding company are making significant claims of the building being unsafe and that there is a risk to life.

This has been an ongoing issue for nearly 2 years come March' 24. There has been no progress what so ever. There are several businesses being affected by this road closure which NCC has now advised is closed until much later this year.

Many residents are being affected by the closed road and lack of access to their homes.

Councillor Waters-Bunn reported that the report which the Committee had received from the Head of Environment & Sustainability did not meet the needs of the Committee. The Committee needed to know how and when the situation would be addressed.

The Head of Environment & Sustainability reported the actions that had been taken so far and the range of options the Council could choose to resolve the issue. Once the Council had received all the information from the structural survey and costs associated with the enforcement options, a report will be presented to Cabinet to progress the issues at this property as there might be significant financial implications from some of the enforcement actions. The Council would also start informal discussions with the Freeholder & Leaseholder.

The Monitoring Officer gave an overview of the potential legal dispute claim with the scaffold company which could not be discussed in open committee as it was a legal contractual matter.

The Monitoring Officer outlined the four routes the Committee could resolve to take this CCfA forward:-

1. Ask for further information
2. Ask questions at a future Cabinet meeting
3. Form a Select Committee
4. Make a report to Cabinet/Council/Other Agencies.

The Chair reported that a solution needed to be found urgently to mitigate the impact to local residents and businesses as this was one of the gateways to Great Yarmouth.

Councillor Waters-Bunn agreed that this was a dilemma and was certain that if this building had been in the Leader of the Council's ward that this issue would have been sorted by now. She urged the Council to chase the Freeholder and not the Leaseholder. The Head of Service reported that the Freeholder was reluctant to take part in any dialogue with the Council.

Councillor Wells reported that he fully appreciated the Councillor's concerns but that this issue was a challenge to the Council as it was a private dispute.

Councillor Wainwright reported that he fully supported the concerns of Councillor Waters-Bunn and requested that the issue be brought back to the next meeting to allow members of the public to attend and to be able to hear the information first hand.

Councillor Grant reported that he would be reluctant to discuss this matter further in a public arena due to the sensitive nature of the issue and the legal risk implications involved.

Councillor Newcombe asked for an assurance that the scaffolding would not come crashing down. The Head of Service reported that the HSE had been contacted and the scaffolding had been inspected and found to be safe.

Councillor Murray-Smith asked for confirmation that the correct persons had been served the correct Notices. The Head of Service confirmed that the correct Notices had been sent to the correct persons.

Councillor Murray-Smith asked how this matter would progress without Cabinet/Council receiving the same reports time and time again. The Monitoring Officer reported that a CCfA was not the same request as a decision to be made by Cabinet.

The Chair suggested that the matter should come back to Scrutiny for further consideration at the earliest opportunity on either 19 March or 23 April 2024.

Councillor Wells reported that he would keep Councillors Waters-Bunn & Newcombe in the loop as they were Ward Councillors and directly involved in this issue and he would invite them to the relevant Cabinet meeting.

RESOLVED:-

That the Committee agree that the Councillor Call for Action to come back to the first available meeting (19 March or 23 April 2024) for further discussion once the Council has received the structural survey and the costs associated with the enforcement actions.

06 ENVIRONMENTAL PROTECTION ACT 1990 AND BONFIRES

The Committee received and considered the report from the Head of Environment & Sustainability.

The Head of Service reported that the issues of burning waste and bonfires causes both pollution to our atmosphere and nuisance to local residents. The Council receives numerous complaints every year about the burning of both commercial and domestic waste.

There are a various sections of different legislation at our disposal to tackle burning of waste and bonfires depending on the issues they are causing. The government recently issued updated guidance on outdoor burning and this report details how the Council will update its guidance based on these updates.

The Head of Service reported that the Council has had guidance on its website for several years, attached in Appendix 1, to the agenda report. The guidance is focussed on domestic bonfires, outlining when a bonfire is permissible and advice on how to minimise impact on others.

Its also covers the following:-

- Methods for disposal of garden waste.
- How to report an issue with bonfires.

This guidance does not cover the burning of general waste or burning waste on commercial premises, we will update the guidance to include this based on the recent release of new guidance from government on reducing air pollution from outdoor burning (Appendix 2).

The Head of Service reported that the Council has an enforcement policy detailing the way in which it will enforce within it's legal powers. This policy includes the enforcement of the legislation detailed in this report. As a result of the range of tailored legislation available to the council to enforce and prosecute on burning, it is not recommended to create a further policy, which would only duplicate what is already available, and would not be legally enforceable.

Environmental Protection Act 1990

Section 33 (c) treat, keep or dispose of controlled waste in a manner likely to cause pollution of the environment or harm to human health.

Allows the Council to investigate and prosecute both businesses and residents for burning waste household or other type of waste that would give rise to pollution including but not limited to:-

- Plastics
- Paints
- Rubber
- Furniture
- Treated wood

The Council can only enforce once the incident has occurred, and enforcement would be used as a deterrent for future behaviour.

Section 79 (1) - Statutory Nuisance

(b) smoke emitted from premises so as to be prejudicial to health or a nuisance.

(c) fumes or gases emitted from premises so as to be prejudicial to health or a nuisance.

(d) any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance.

The Head of Service reported that the above section highlights the wording in relation to statutory nuisance powers. Should the Council receive complaints that the fires are regular enough or there is a likelihood of reported fires to cause a nuisance, the Council can serve an abatement notice to prevent this behaviour from continuing.

Depending on if this is a business or residential property, the council can apply different

sections of the act as listed above, as some are not relevant to both property types. If the abatement notice is not complied with then the Council will prosecute for failure to comply with the abatement notice. Under section 79 the Council has a duty to investigate and if we witness a nuisance, we are obliged to serve notice within 7 days.

Clean Air Act 1993

Section 2 – Prohibition of dark smoke from industrial or trade premises.

This legislation allows for the Council to investigate, serve a notice and prosecute for emitting dark smoke from an industrial or trade premises.

The Chair highlighted the difficulty of getting the message across to the public and suggested that social media channels be more widely used. The Head of Service reported that he would be working with the Comms and Media Manager on a social media campaign.

The Chair highlighted the plight of neighbours who lived next to builders in rural areas who thought they had the right to burn building materials and garden waste on a regular basis and also the users of log burners who did not burn seasoned wood. The Head of Service reported that it was imperative that log burners were correctly installed and burnt the correct wood with the flue installed at the correct height. New log burners were the most efficient with a residue PM 2.5.

Councillor Hammond highlighted that the public and businesses did not know what they could and could not burn. The Head of Service reported that the Council's

position is that they should not burn anything. Councillor Hammond stressed that this is the message that the Council should get out.

Councillor Grant asked if a by-law could be introduced with a fine for those who ignored it. The Head of Service reported that this would be difficult to police and enforce.

Councillor Galer informed the Committee that the Fire Service had an out-of-hours phone line which was a non-emergency number for allotment users to call to inform them when a bonfire was to be lit and then extinguished at allotment sites adjacent to residential areas, for example, the allotments next to the Racecourse and residential properties along Freemantle Road.

RESOLVED:-

(i) That the Committee note the contents of the report; and

(ii) That the Committee provide feedback on the proposed amendments to the bonfire guidance which are based upon the newly released government guidance.

07 HOUSING ALLOCATIONS POLICY AND SCHEME UPDATE

The Committee received and considered the report from the Head of Strategic Housing.

The Executive Director - People introduced Melanie Holland, the new Head of Strategic Housing to the Committee.

The Head of Strategic Housing Gave a presentation which highlighted the salient areas of her report to the Committee. The Council's revised Housing Allocation Policy and Scheme was introduced in March 2023. It sets out the policy for social housing applications to the housing register, the allocation of the housing stock owned by the Council, and nominations to social housing owned by housing associations. This report provides Members with a summary of and update on the Allocations Policy and Scheme, including numbers of households on the housing register and the impact of the new IT system.

Councillor Jeal asked if the number of housing applications had increased when the new housing portal was introduced in December 2022. The Head of Service referred Members to page 4 of her report which showed that the number of applications had increased during January & February 2023 as everybody had to reapply and the numbers did not average out until April.

Councillor Grant asked for clarification as to who the Council had to house under the Homelessness legislation. The Head of Service explained those the Council had a duty to secure settled accommodation for households owed the main duty (eligible for assistance, unintentionally homeless, in priority need and with a local connection).

Councillor Grant asked for an assurance that those tenants with severe mental health issues would receive adequate support to assist them in retaining their tenancy and

that these tenants would be housed appropriately to their complex needs.

The Head of Service assured Members that where the Council is aware of support needs a package will be expected to be put in place. New tenants are visited by Tenancy Officers who would provide housing related support and also ensure that support packages are provided. A new tenant would have a 12 month introductory tenancy which could be extended or terminated if the tenancy was breached.

Councillor Jeal asked if we offered support to tenants who did not have access to a computer, for example, help with scanning documents to support their application. The Head of Service assured members that a range of help was offered to tenants to complete their application.

Councillor Wainwright asked for an assurance that the new policy would speed up the application assessment time and asked how many applications were pending. The Head of Service reported that the combination of persons submitting applications who either do not qualify to join the housing register and/or fail to supply supporting documentation, despite being sent formal reminders, means that the Council continues to deal with a backlog of applications. At 1 February 2024 just over 900 applications were subject to the assessment process, of these nearly 340 applications were either pending or suspended due to the Council being unable to determine whether these applications were eligible and qualified to join the housing register due to outstanding supporting evidence; with almost 580 applications to join the housing register still to be considered.

The Head of Service reported that as of today, we have 792 applications; 148 of those are suspended or pending and 644 applications to assess, this is a backlog of 2-3 months. The department is getting there, it will take time and is dependent on the resources available to the team.

Councillor Wainwright reported that he was not satisfied with the backlog and asked that the situation be reviewed in 6 months. The Head of Service informed the Committee that 200 housing applications a month are received. The new policy has been in force for 12 months and is being reviewed to ascertain what areas require improvement. The Council needs to make the message clear to those who are not eligible / qualify for social housing and the lack of social housing available across the borough and that the Council is only accepting those in housing need. The Head of Service reported that she was keen to hear members views moving forwards.

The Executive Director reported that Melanie and her team were working extremely hard to reduce the backlog of applications which involved complex legislation and asked that Members support them during these difficult times. The Council needed to manage expectation as there was a very small supply of social housing available in the borough and over 45% of applicants were not eligible to join the housing waiting list.

The Chair reiterated the lack of supply of housing, in the 1990's the Council had 11,000 homes and now we have 6,000 homes.

Councillor Wainwright reported that he was not criticising the HA team, who were working very hard under very difficult circumstances, he was making the point that the numbers are not decreasing, and the Councillors are at the coal face getting phone calls from frustrated members of the public desperate for housing.

The Chair asked if extra staff would help the situation. The Head of Service

responded potentially yes.

Councillor Waters-Bunn asked how many people had currently been accepted on to the housing waiting list. The Head of Service reported that there are 800 households on the waiting list. of these, 230 are not in housing need and we have a turnover in stock of approximately 300 Council homes a year.

The Head of Service reported that there was a high need for 1 bedroom properties and larger 4-5 bedroom properties and there was a huge pressure on temporary accommodation in the borough. The Chair asked how was this reflected in the Local Plan. The Head of Service reported that that the Local Plan deals with cross-tenure housing, but that the Council seeks to enable social housing on private developments to reflect housing need based on housing register evidence

The Chair highlighted that the application process could be helped by including a tick box with the following question - "If supporting evidence is not supplied with the application you are unable to go any further with your application", as this might help.

Councillor Wainwright reported that he had held conversations with Councillor Flaxman-Taylor in regard to under-occupying tenants greater priority mutual exchanges with tenants wishing to move to bigger or smaller properties. The Head of Service reported applicants who were tenants under-occupying by two or more bedrooms were in Band B.

The Head of Service reported that in being mindful of the Housing Act, she was giving thought to the qualification criteria and whether it would be possible to give "good tenants" more priority.

Councillor Robinson-Payne asked how adapted properties were prioritised. The Head of Service reported that the policy requires those applicants who require adaptations to be prioritized above others in each Band.

The Chair thanked the officers and their team for all their hard work and that the Committee acknowledged that this was an ongoing process. The Chair asked the officers to report back to the Committee in 6 months time to give an update on the numbers accepted on to the Housing Waiting List which hopefully will have reduced dramatically.

RESOLVED:-

- (a) That the Scrutiny Committee notes the performance of the Housing Allocations Scheme to date; and
- (b) That the Scrutiny Committee makes recommendations in line with the content of this report in relation to proposed modifications to further improve the application process and to ensure that social housing is allocated to those applicants in the greatest housing need.
- (c) That the Head of Strategic Housing bring an update report to the Committee in 6 months time as requested at the meeting.

The meeting ended at: 20:30

Call for action - Haven Bridge PH – Update from Head of Environment and Sustainability presented at the Committee meeting held on the 27 February 2024

1. Introduction

The Haven Bridge Public House has been a public house on and off since the mid 1800 with the current leaseholder purchasing the property in 2020. The current owner had planned to convert the Pub into a guesthouse. Due to the pandemic the pub has remained closed since this purchase.

It is located on one of the main arterial routes into Great Yarmouth and is a large building in a prominent location adjacent to the Haven Bridge, the current condition of the property is that it is derelict because of a major fire in March 2022 and the structural integrity and safety of the building is maintained by a significant amount of scaffolding to the building's exterior.

Whilst closed the building was illegally converted into an HMO on the upper floor with several small units built across the floor space, this was visited by Council officers and the fire service, with the result being the fire service serving a prohibition order on the premises for significant breaches of fire regulations. The building is now unoccupied because of its condition.

There is also intelligence that the building is still being accessed through the adjacent building, also under the same leaseholder, however this unconfirmed.

2. Work to Date / Proposal

On 23 March 2022 there was a significant fire at the building causing large amounts of damages to the premises meaning that the building was considered imminently dangerous by building control.

Scaffolding was erected by a local company on behalf of the leaseholder after advice from his structural engineer. This fact is currently being disputed through legal channels with the scaffolding company and the leaseholder claiming the cost of the scaffolding should be met by the Council as we instructed them to erect the scaffolding. The Council disputes this fact.

The property continues to be scaffolded as this is the only way the property remains safe. If the scaffolding was removed it is likely the road would have to be closed as an emergency, due to the potential risk of collapse. This would have significant impact on traffic flow in the town. Photos show the current position, before the latest works.

The Council receives regular complaints about the state of the property and is aware the closure of Steam Mill Lane to the rear and side of the property (due to the scaffolding) which it is claimed has an impact on businesses in this location.

More recently the Council received communication directly from the scaffolding company claiming the condition of the scaffolding had deteriorated and therefore was no longer structural sound and supporting the building. The Council's building control team assessed the site and felt that there was no immediate danger but did note the scaffolding didn't look like it had been inspected for some time and the required scaffold tagging was not present. As such the Council referred this matter to the HSE, the enforcing authority for health and safety on construction related activity.

The HSE has communicated with the scaffolding company and as you will have seen in recent press statements the company has been back and bolstered the scaffolding and will now be undertaking regular monitoring of its condition.



3. Impact / Next Steps

The Council has been looking at the options available to it to tackle this issue and there are several enforcement routes open to the Council, these are dependent on the condition of the building and scaffolding moving forward. As such the Council has commissioned a structural survey of the building, this report is due in the coming weeks. This will help the Council choose the best enforcement route, what is the current structural integrity of the building and what deterioration has occurred to the structure now that it has been open to the elements for 2 years. Once this has been received officers will bring a report through to Cabinet to agree the best route to address this property as there might be significant financial implications from some of the enforcement actions.

A list of potential enforcement options has been detailed below:

3.1 Ruinous and Dilapidated powers

The Council could issue a section 79 notice under the Building Act 1984. This gives the Council the power to address a building that is ruinous and dilapidated and impacting on the amenity of the area. The Council could serve a notice on the owner requiring them to repair the building or demolish within a set timescale. If the works are not carried out the Council may carry out the works in default (this means that the Council arranges and pays for the work to

be done) or we could prosecute the owner for failing to comply with the notice. All costs associated with doing the work will be registered as a charge against the property, recoverable through enforced sale, if they are not paid.

There is a risk of significant cost to the Council if the owner decided not to progress these works, this could involve repair, or more likely in this instance demolition. This would need a temporary road closure and party wall agreements to facilitate the demolition, this would not be straightforward and would impact on access into the town via this route. There is also an additional cost with road closures and management orders. Until structural surveys are completed, and engineer's reports commissioned it is very difficult to provide a sound estimate.

If demolition was the agreed route, then this would require officer time to arrange as well as apply for planning permission.

This would allow the site to be redeveloped and put back into use and enhance the amenity in this location. There are risks if there is no end user of the site found or the new purchaser of the site could leave the plot as vacant and it will continue to impact on the amenity of one of the main arterial routes into the town, with no financial recovery for the Council.

3.2 Dangerous Building powers

The Council has powers under section 77 and 78 of the Building Act 1984 to tackle a building that is in such a condition as to be dangerous.

Section 77 gives the Council the ability to apply to the magistrate's court to obtain an order requiring the owner of the building to undertake such works as necessary to remove the danger or if they so elect to demolish the whole building or just the dangerous section.

If this court order is not complied with then the Council can execute the order in such manner as they think fit and recover the expenses reasonably incurred in doing so and could prosecute the owner for failing to comply with the order.

Section 78 gives the Council emergency powers to tackle dangerous buildings where the condition of the building is such that immediate action should be taken to remove the danger. Before using these powers, the Council shall if it is possible to give notice of their intention to the owner and occupier of the building.

The Council may recover from the owner the reasonable expenses incurred by them for undertaking these works.

4. Road Closure

Steam Mill Lane to the Eastern side of the building has been closed for both pedestrian and vehicle access, due to the recent works completed by the scaffolding company there is now pedestrian access through to Cobholm.

The existing road closure order is in place until the end of March 2024, with the likelihood this will continue until the safety of the property is addressed.

Norfolk County Council lead on this area of work and have stated that the road will not open until the building is made safe so that vehicles can safely use the highway.

5. Informal intervention

The Council has had some initial contact with the freeholder of the building, but they have always passed liability onto the leaseholder and due to the ongoing legal matters with the scaffolding company and the leaseholders support of their claims. The Council has not progressed informal discussion further with these parties to see what their intentions are moving forward.

The only correspondence we have received is that the leaseholder insurance company have not paid out and as such they are unsure of the future of the building.

Once the Council has had the structural survey report it will reopen communications with the freeholder to ensure they are aware of the current issues and asking them to address the situation before the Council acts. This could be a significant cost to him as the owner of the property and is in line with our enforcement policy to try and resolve matters informally before progressing with enforcement action.

6. Financial Implications

As mentioned above there could be significant costs with progressing enforcement options these would involve the following actions:

- Survey work (contractor)
- Notice and schedule of work drafting.
- Enforcement of notice or prosecution

The Council is currently getting together indicative costs for the potential enforcement options including restoration, demolition, value of vacant plot etc. This will allow Cabinet to make an informed decision on all the facts including the potential financial implications to the Council for the various enforcement options.

As detailed in section 3 works in default would allow the Council to tackle the issue, but it is likely the future value of the property may not cover the cost of enforcement and the associated works.

If works in default were undertaken and these costs were not paid by the owner/occupier, then the Council can put apply a charge to the property and can either enforce a sale of the property or compulsory purchase. The works in default charge would be considered a priority charge and the Council would be able to recover this amount from the sale of the property/plot.

7. Risk Implications

This is a high-profile building on one of the main arterial routes into Great Yarmouth and does not provide a good impression of the town as people enter via this route.

The scaffolding itself has been in place for a significant period and was erected to prevent the property from collapsing the scaffolding structure itself will deteriorate over time if it is not checked regularly. As we have recently seen the scaffolding company have recently been on site and bolstered the scaffolding on site to ensure its ongoing stability and have stated they will be checking this regularly moving forward.

There is still a risk the scaffolding contractor could remove the scaffold which would render the building immediately dangerous resulting in the Council having to act and could potentially mean a closure of the road and bridge.

If no action is taken Steam Mill Lane to the side of the building will need to remain closed if the scaffolding is in place and as such continues to be impact on local businesses who use the road.

There are also risk with any works in default action as these would require planning permission and there is the potential this would not be granted.

8. Legal Implications

There is currently an ongoing legal claim against the Council for the cost of the erecting the scaffolding at the property as the leaseholder is under the impression, the Council instructed the scaffold company. This is currently being defended vigorously as this was not the case.

9. Conclusion

There is a desire from the Council to tackle long-term empty and unsightly properties such as this one, however the cost associated with these types of work are significant. There is no agreed budget for this action and there is the risk that none or only some of these costs would be recovered.

It is likely that without any intervention from the Council this property will remain as it is for a significant period impacting on the amenity of the area and will continue to impact on the businesses to the rear of the building through the continued closure of Steam Mill Lane.

Therefore, once the Council has all the information from the structural survey and costs associated with the enforcement options we will put forward a report to Cabinet to progress the issues at this property. As detailed above the Council will also start informal discussions with the freeholder and leaseholder.

As can be seen the Council has been monitoring the situation and is progressing options for enforcement, as always, these properties are not easy to address and during the initial stages the Council was waiting for the outcome from the insurance claim, which we now know has still not been resolved.