

MINUTES

Internal Affairs Scrutiny Committee

Date:	Wednesday, 24 January 2024
Venue:	Council Chamber, Town Hall, St Annes
Committee Members Present:	Councillor Susan Fazackerley MBE (Chairman) Councillor John Kirkham (Vice-Chairman) Councillors Damian Buckley, Kelly Farrington, Joanne Gardner, Cheryl Little, Ed Nash, Sandra Pitman, Richard Redcliffe, Andrew Redfearn, Bill Taylor, Viv Willder.
Other Councillors Present:	Councillor Chris Dixon - Lead Member for Social Wellbeing. Councillor Michelle Morris - Lead Member for Customer and Operational Services.
Officers Present:	Allan Oldfield, Paul Walker, Mark Evans, Lyndsey Lacey-Simone.
Others Present:	17 Members of the public were in attendance at the meeting.

Procedural Items

1. Declarations of Interest

Members were reminded that any disclosable pecuniary interests should be declared as required by the Localism Act 2011 and any personal or prejudicial interests should be declared as required by the Council’s Code of Conduct for Members. There were no Declarations of Interest on this occasion.

2. Substitute Members

There were no substitute members on this occasion.

3. Confirmation of Minutes

It was RESOLVED: to confirm as a correct record the minutes of the previous meeting held on 21 November 2023 (previously circulated).

Scrutiny Items

4. In- Depth Scrutiny Review - Use of Residential Premises as Children’s Care Homes

The Chairman, Councillor Susan Fazackerley introduced the report and in doing so, welcomed all those present to the meeting. She then went on to refer to the report (circulated with the agenda) which detailed the work of the Task and Finish Group appointed to carry out an in-depth review on the use of residential premises for children’s care homes in the borough. She added that the work of the Group was wide ranging and complex and had generated a large amount of interest.

Paul Walker (Interim Scrutiny Manager) was invited by the Chairman to expand on the details of the report. For contextual purposes, Mr Walker advised on the current governance arrangements and general role of scrutiny. He then went on to provide an overview of the background to the matter which in summary, related to the concerns raised that residential children’s homes are being established in an uncontrolled and uncoordinated manner across the borough.

Members were advised that since September 2023, the Task and Finish Group had met on 6 occasions taking evidence from various stakeholders and external bodies/organisations involved with children's services and operators either directly or indirectly. The review also heard from residents impacted by the care homes in the local community. In addition, a site visit to a couple of care homes had been undertaken by representatives of the Task and Finish Group.

In summary, the primary focus of the scrutiny review was to gain an understanding of the planning position at Fylde and how children's care homes are regulated by the various public bodies. In addition, it was considered important to assess the impact (if any) the current arrangements were having on the local communities/ service providers/key bodies and looked after children. Central to the evidence-gathering for the Review were meetings with key stakeholders.

It was further reported that a key objective of the review was to better understand the interface that exists between these different bodies to establish what the borough council can and should be doing in the future to help improve the situation and minimise the effects on partner organisations /service providers and communities in Fylde.

The review covered the planning position and the roles of the various bodies with the different statutory and enabling roles. In addition, provided an overview of the relevant legislation and key government policy documents.

Members were advised that the Task and Finish Group had identified a number of issues of concern. From this, the report included a number of conclusions and proposed several recommendations for the committee to consider.

Further to the above, Mr Evans (Head of Planning) was invited by the Chairman to further clarify the planning position both nationally and at Fylde where the majority of new children's homes are sought through applications for Lawful Development Certificates as opposed to planning applications. Specific reference was made to Class C3 and Class C2 of the Town and Country Planning Use Classes Order. In commenting on the matter, Mr Evans also drew members attention to the Written Ministerial Statement that the Government had issued in May 2023 which further clarified the existing planning policy position on the delivery of children's homes.

At this juncture, the Vice -Chairman, Councillor John Kirkham in his capacity as Chairman of the Scrutiny Task and Finish Group, went on to refer to the wealth of information that had informed the evidence base for the scrutiny review. In doing so, he thanked members of the Task and Finish Group and officers for giving so much time and energy to the review and Annette McNeil, Senior Commissioning Manager at Lancashire County Council for her support during the process.

Following the presentation, the Chairman invited questions from members of the committee. Clarification was sought on various matters including: the impact on local services burdened with funding extra education, health care and policing; local community issues/statutory nuisance notifications; police related matters; local need; mapping of homes; foster care placements and the reasons behind the increase in children's homes. In addition, further details were sought on the planning controls in place and matters associated with material change of use / Use Classes Orders and approaches used by other local authorities. These were addressed in turn by Mr Walker and Mr Evans as appropriate.

In commending the work of the Task and Finish Group, the Committee **RESOLVED:**

1. That the Executive Committee be recommended:

- I. To consider the drafting of an advice note to inform and assist applicants, neighbours and other interested parties in the development of, or change of use of an existing building or premises to a children's home, through the seeking of planning permission or lawful development certificate.
- II. To investigate and consider ways in which Fylde Council can assist and promote the work of Lancashire County Council Children's Services locally in Fylde.

2. That His Majesty's Government be recommended:

- I. To enable the local planning authority to consider and influence the number and location of children's care homes in their area, that His Majesty's Government be requested to amend the Town and Country

Planning (Use Classes) Order 1987 (as amended) to introduce a new use class for small scale children's care homes and;

- II. Notwithstanding recommendation 2(i) above, to urgently issue national guidance clarifying when planning permission is required in relation to the establishment of children's homes and the circumstances in which it is likely to be granted or refused.
 - III. To acknowledge the pressure that local public services in Lancashire can face when children are placed some distance from where they would call home and to consider a mechanism as to how such bodies can be recompensed or supported to help cover any additional costs.
 - IV. To consider as part of the roll out of Regional Care Cooperatives providing guidance/powers to Ofsted and placing authorities to ensure that regions such as the North-West and Lancashire are not faced with a disproportionate amount of provision in relation to local need.
3. To agree to an updated report being presented to the Committee in due course to monitor progress with the implementation and delivery of the recommendations.

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