

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
INTERIM SCRUTINY MANAGER	EXECUTIVE COMMITTEE	19 FEBRUARY 2024	8
IN- DEPTH SCRUTINY REVIEW - USE OF RESIDENTIAL PREMISES AS CHILDREN'S HOMES			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

RELEVANT LEAD MEMBER

This item is within the remit of Lead Member for Social Well Being - Councillor Chris Dixon.

PURPOSE OF THE REPORT

To advise members of the outcome and recommendations of the in-depth scrutiny review on the use of residential premises as children's homes.

RECOVERABILITY

This decision is recoverable under section 7 of part 3 of the constitution.

RECOMMENDATION

The Executive Committee is requested to consider the in-depth report which is attached at Appendix 1 with a view to agreeing to the following recommendations which are detailed in the full report.

1. 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.
2. 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.

REPORT

BACKGROUND

1. The Planning Committee at its meeting held on 5 April 2023, requested that the regulation of children's homes be considered by the appropriate Scrutiny Committee due to an increase in the number of applications received for certificates of lawfulness of proposed use or development, commonly referred to as lawful development certificates.
2. Subsequently the Internal Affairs Scrutiny Committee considered a report on the matter at its meeting on 20 June 2023 and agreed that a Task and Finish Group be established to review the issue of the use of residential premises for children's care homes in the borough. At that meeting, the Committee also agreed the Scoping Document to assist in the programming of the work.

3. As planning permission is not always required to change the use of a residential dwelling to a children's care home, concern had been expressed that residential children's homes are being established in an uncontrolled and uncoordinated manner across the borough.
4. The Internal Affairs Scrutiny Committee at its meeting held on 24 January 2024 considered the outcome of the work of the appointed Task and Finish Group in detail and put forward the recommendations as outlined in the report.

REVIEW REPORT AND RECOMMENDATIONS

5. Since September 2023, the Task and Finish Group has met on 6 occasions taking evidence from various stakeholders and external bodies/organisations involved with children's services/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 was undertaken by representatives of the Task and Finish Group.
6. The primary focus of this 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.
7. Central to the evidence-gathering for the Review were meetings with key stakeholders. This evidence has been under-pinned by the information gained from these meetings.
8. 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.
9. The review covers the planning position, the roles of the various bodies with the different statutory and enabling roles on the subject and the relevant legislation. The Task and Finish Group identified a number of issues of concern. From this, the report includes a number of conclusions and proposes several recommendations which are directed to Fylde Council and His Majesty's Government for consideration.
10. The Internal Affairs Scrutiny Committee at its meeting on 24 January 2024 considered the matter in detail and resolved as follows:

``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.

11. The Executive Committee is invited to consider the in-depth report which is attached at Appendix 1 with a view to agreeing to the two recommendations to the Executive Committee put forward by the Internal Affairs Scrutiny Committee at its meeting on 24 January 2024.

CORPORATE PRIORITIES	
Economy - To create a vibrant and healthy economy	✓
Environment - To deliver services customers expect	✓
Efficiency - By spending money in the most efficient way	✓
Tourism - To create a great place to live and visit	✓

IMPLICATIONS	
Finance	None
Legal	None
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

SUMMARY OF PREVIOUS DECISIONS
<p>Internal Affairs Committee - 24 January 2024</p> <p>RESOLVED</p> <p>1. That the Executive Committee be recommended:</p> <ul style="list-style-type: none"> III. 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. IV. 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. <p>2. That His Majesty’s Government be recommended:</p> <ul style="list-style-type: none"> V. 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; VI. 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. VII. 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. VIII. 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.

[Internal Affairs Scrutiny Committee – 5 September 2023](#)

3. Confirmation of Minutes.

It was RESOLVED: That subject to the correction of Councillor Gardner being appointed to the Planning Peer Review Working Group and not Councillor Griffiths as referred to in item 5 of the minutes, to confirm as a correct record the minutes of the previous meeting held on 20 June 2023 (previously circulated). At this juncture, the Chairman referred to item 4 in the minutes relating to the appointment of a Task & Finish Group regarding the use of residential premises as children’s care homes and suggested that as Chairman of the Committee it would be helpful if she was added to the list of members appointed to the Task and Finish Group. This was agreed.

[Internal Affairs Scrutiny Committee - 20 June 2023](#)

RESOLVED

1. A Task and Finish Group be established to review the issue of the use of residential premises as children’s care homes; and
2. The following to be Members of the Task and Finish Group – Councillors, Dixon, Little, Pitman, Willder and Kirkham.

[Planning Committee - 5 April 2023](#)

RESOLVED -That the Planning Committee requests that the issue of the use of Premises as Children’s Care Homes be considered by the appropriate Scrutiny Committee in the new municipal year 2023/24, under the new Governance structure.

BACKGROUND PAPERS REVELANT TO THIS ITEM

Name of document	Date	Where available for inspection
Agenda and Minutes		Internal Affairs Committee - 24 January 2024 Internal Affairs Scrutiny Committee - 20 June 2023 Planning Committee - 5 April 2023

LEAD AUTHOR	CONTACT DETAILS	DATE
Paul Walker	paul.walker@fylde.gov.uk & Tel 01253 658504	26 January 2024

Attached Documents

Appendix 1 - A review into the use of residential premises as children’s care homes - In - depth scrutiny review.