

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Prosperous Communities Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 17 December 2013 at 7.00 pm.

Present : Councillor Malcolm Parish (Chairman – In the Chair)
Councillor Gillian Bardsley (Vice-Chairman)

Councillor Owen Bierley
Councillor David Dobbie
Councillor Richard Doran
Councillor Paul Howitt-Cowan
Councillor Giles McNeill
Councillor Irmgard Parrott
Councillor Lewis Strange
Councillor Geoff Wiseman

In Attendance :
Mark Sturgess Director of Regeneration and Planning
Grant Lockett Head of Service Strategic Growth
Alex Reeks Assistant Chief Executive
Joanna Riddell Head of Service Localism
Sue Leversedge Accountant
Katie Coughlan Governance and Civic Officer

Also Present: Councillor Jeff Summers

Also in Attendance 5 Members of the Public

Apologies : Councillor Lesley Rollings
Councillor Trevor Young

Membership : Councillor Owen Bierley substituting for the late
Councillor William Parry

56 CHAIRMAN'S WELCOME/ ANNOUNCEMENTS AND INTENTION TO TAKE AN URGENT ITEM OF BUSINESS

The Chairman welcomed all present and requested that they join him in a minutes silence, as a mark of respect for Councillor Parry, Vice-Chairman of the Committee, who had recently died suddenly.

The Chairman advised of his intention to take an urgent item of business, namely and update on the JPU and Core Strategy Inspection. The reason for urgency being: to address Members' concerns regarding recent developments and the need for clarity. It was noted that this item would be considered in advance of published agenda item 6 (a).

Finally the Chairman made reference to the Authority having won an award for the best performing refuse collection service, the previous week. He wished to place on record how proud he was of the team and his thanks to all involved in service.

57 PUBLIC PARTICIPATION

There was no public participation.

58 MINUTES

(a) Meeting of the Prosperous Communities Committee – 15 October 2013

RESOLVED that the minutes of the Meeting of the Prosperous Communities Committee held on 15 October 2013 be confirmed and signed as a correct record.

59 MATTERS ARISING SCHEDULE SETTING OUT THE CURRENT POSITION OF PREVIOUSLY AGREED ACTIONS AS AT 9 DECEMBER 2013 (PRCC.33 13/14)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 9 December 2013.

The Head of Strategic Growth provided a further update on the one outstanding red action, and indicated that he would continue to pursue this matter.

In respect of Matters arising Green ID 1 relating to a policy for small scale agricultural wind turbines, and the information contained in the comments box, a number of members were still of the view that this should be pursued at the earliest opportunity.

It was stressed that local guidance needed to be in line with national guidance else it would carry no weight when determining applications.

The Leader of the Council indicated he was of the belief a policy should be in place to prevent a scattergun approach. There was a view that small turbines, deemed to be associated with businesses, should be located in close proximity to the said business and it was suggested any policy should include a specified maximum distance.

Officers undertook to take Members comments away, review guidance and investigate whether or not it was worthwhile to attempt to introduce something now.

RESOLVED that progress on the Matters Arising Schedule, as set out in report PRCC.33 13/14 be received and noted.

60 MEMBERS' DECLARATIONS OF INTEREST

Councillor Gillian Bardsley declared a pecuniary interest in report PRCC.34 13/13 (Housing Enforcement Policy Refresh) as a private landlord and indicated that she would withdraw from the meeting during consideration and determination of this item.

61 URGENT ITEM – JPU AND CORE STRATEGY INSPECTION

The Director of Regeneration and Planning addressed the Committee, providing Members with a comprehensive briefing on recent developments with regard to the progress of the Core Strategy and the Examination in Public.

The Core Strategy for Central Lincolnshire was submitted to the Secretary of State to hold an Examination in Public (EIP) on 21 October 2013.

The Inspector appointed to hold the EIP convened a Pre-Hearing Meeting (PHM) on 12 December 2013.

At the PHM the Inspector indicated that the Core Strategy as currently drafted needed significant modifications if it was to be found to be sound at the EIP. These modifications principally related to the allocation sites to meet the required six years housing land supply (although there were other issues).

Additionally the Inspector considered that it would be better if a comprehensive "Local Plan" was produced rather than a Core Strategy followed by an allocations document which had been planned. Although advice from the Planning Inspectorate had indicated that the approach adopted by the central Lincolnshire Councils was acceptable.

In view of the Inspector's comments the members of the Central Lincolnshire Joint Strategic Planning Committee (CLJSPC) present at the PHM indicated to the Inspector that they were minded to accept his recommendation and withdraw the Core Strategy and produce a Local Plan. This view will need to be approved by the CLJSPC on 6 January 2014.

Implications

In central Lincolnshire a process was being followed which would have resulted in a Core Strategy and Allocations Document being adopted by 2016. This would have formed the "Local Plan" for the area. In this process the Core Strategy would have been adopted first in 2014 and the Allocations Document second in 2016, giving a full Local Plan.

The proposed withdrawal of the Core Strategy, whilst disappointing, should not delay the adoption of a full Local Plan for central Lincolnshire for the following reasons:

- The Local Plan will now be produced on a similar timeline to that of the proposed Allocations Document, with adoption still planned for 2016
- The evidence based and work which has been used to complete the Core Strategy is directly transferable to the Local Plan – we are not starting from scratch nor are we wasting resources which have already been assembled.
- Changes made to the management and resourcing of the Central Lincolnshire Joint Planning Unit will improve the effectiveness of the Unit in producing these documents.

Protecting Our Communities from Unsustainable and Unplanned Developments

The current West Lindsey Local Plan from 2006 is still partly in force and is still being supported by Inspectors at appeal.

Whilst the Core Strategy would have given some up to date planning policy context within which to determine planning applications, without the allocations document certain locations outside the principal urban areas of Gainsborough, Lincoln and Sleaford are still vulnerable to this type of development until the allocations document is in place. Therefore even proceeding with the Core Strategy would not have given full planning policy coverage to all our communities until 2016.

Within the work to prepare the new Local Plan the allocation of new sites for housing development can be prioritised so that this can start to be given weight when planning applications are determined early in this process.

Engagement of Communities in the Local Plan Process

It has been accepted that the engagement of communities in both the Core Strategy and Allocation Document process has raised concerns amongst communities across central Lincolnshire. The process of developing the new “Local Plan” will seek to engage communities more comprehensively and will look to target engagement on those communities which are likely to be most affected by development.

Internally there is a commitment to ensure that members of this Council are properly engaged in each stage of the production of the Local Plan and that sufficient time is allowed for proper debate and consideration of the issues.

Management of the Process

A tight project management framework will be produced for the production of the Local Plan and members of the CLJSPC will be able to track the progress of the work towards the completion of the Local Plan at each of their meetings.

Joint Working Across Central Lincolnshire

Lead members and officers from the partner councils have reviewed the joint planning policy arrangements in place across the area and have come to the

conclusion that they are the most effective, efficient and economic method of providing the necessary planning policy coverage for the following reasons:

- Cost. To produce a Local Plan and keep it under review (the statutory require) is estimated to cost around £500k pa per plan area. If we have one plan area across central Lincolnshire then we pay a proportion of £500k if we produce our own we pay £500k
- Links between the areas. It is clear that in certain parts (especially around Lincoln) of the District we need to work with neighbouring councils to deliver the development which each District needs. Therefore if we dismantled current arrangements we would only end up putting them back together, but on an ad hoc basis. This will be inevitably less efficient.
- Legal. Legally the CLJSPC is a local planning authority in its own right and it would be very difficult, if not impossible to dismantle current arrangements, especially given the current Government's commitment to shared services.
- Infrastructure. Major pieces of infrastructure cross council boundaries and it would be much more difficult to coordinate delivery without the level of joint working which has been developed.

Debate ensued and in response to Members questions, Officers advised as to how the land allocation concerns had arisen despite Gainsborough having growth point status. This was in effect because not enough sites had been allocated for housing developments outside the main urban areas of Gainsborough, Sleaford and Lincoln.,

Officers also confirmed that Neighbourhood plans were no more or no less effected by recent developments.

Members expressed major concerns at the recent developments and indicated they had little confidence in the Officers at the JPU. Members re-iterated concerns they had raised previously regarding the lack of consultation, lack of stakeholder engagement and none response to questions and correspondence. Some were of the view that in light of the situation the Authority should seriously consider withdrawing from the arrangements and that the matter was worthy of debate at Full Council.

In responding the Leader outlined the significant risks and financial costs in trying to withdraw from the process and just how vulnerable local communities would be.

It was suggested that Council Tax should be increased, if it meant the Council could withdraw, although this was not seen as feasible option in reality.

Members urged the Council's elected members on the JPU to hold its Officers to account going forward and to closely monitor progress in the future

In conclusion the Director of Planning and Regeneration undertook to submit a further report to the Committee in the New Year.

RESOLVED that the update be received and noted

Note: Councillor Gillian Bardsley left the meeting at this point

62 HOUSING ENFORCEMENT POLICY REFRESH (PRCC.34 13/14)

Consideration was given to a report which presented Members with information on the reviewed Housing Enforcement Policy and the proposed revised charging schedule.

Following a request from a Member, Officers also took the opportunity to update the Committee, in detail, on proposals to introduce Selective Licensing for the Gainsborough South West Ward, during which the following was noted: -

At Full Council on 11th November a motion was passed for work to be undertaken to develop a selective licensing scheme for landlords in the South West Ward of Gainsborough. This briefing provides an update on the work undertaken by officers so far and outlines the next steps that will be required to develop the scheme.

A selective licensing scheme would provide a wide range of benefits, such as:

- Improving the standard of accommodation in the private rented sector
- Improving the management of accommodation in the private rented sector
- Provide training and information for landlords in the private sector
- Reduction in number of empty properties and increased demand for housing as confidence in the market grows
- Opportunities to provide grants to improve the exterior appearance of properties

Additional benefits the scheme could deliver relate to reductions in anti-social behaviour, an improved street scene environment and a more vibrant and cohesive community. Alongside this economic benefits could be seen through increased local services and spend in the local economy.

There are a number of key considerations namely: -

Financial:

- A selective licensing scheme cannot be for profit. The license fee charged to landlords must demonstrably cover the costs of administering the scheme.
- Additional resources (capital) may be required to support enforcement activities such as works in default.

Operational:

- To administer the scheme the Council will need to bring in additional staff resources funded via the license fee.
- There may be opportunities for staff development and utilisation/complimenting of existing skills within the Council to support the scheme.

Strategic:

- A selective licensing scheme will aim to regenerate a key neighbourhood in the district and meets a wide range of corporate objectives.
- Various measures and activities have been undertaken in this area previously, many of which have failed to have the necessary impact.

Legal:

Part 3 Housing Act 2004 – Section 80, provides powers to the local authority to deliver the scheme. A scheme may be made if the area satisfies one of the following conditions:

- **An area has low housing demand (or is likely to become such an area)** with a significant stock of privately owned houses let on short term arrangements and the LHA is satisfied the introduction of licensing, when combined with other measures taken by the LHA, solely, or in conjunction with others, would lead to an improvement in the social or economic conditions of the area.
- **An area is experiencing a significant and persistent problem caused by anti-social behaviour** and that some or all private sector landlords in the area are not taking appropriate action to combat the problem and the LHA is satisfied the introduction of licensing, when combined with other measures taken by the LHA or in conjunction with others, will lead to a reduction or elimination of the problem.

A selective licensing scheme lasts for a maximum of 5 years and a license may include conditions relating to:

- a. The management of the house, including taking such steps as are reasonable to deal with anti-social behaviour of the occupants and people visiting it;
- b. The use and occupation of the house.

A license must include conditions requiring the license holder to:

- Present a gas safety certificate annually to the LHA, if gas is supplied to the house;
- Keep electrical appliances and furniture (supplied under the tenancy) in a safe condition;
- Keep smoke alarms in proper working order;
- Supply the occupier with a written statement of the terms of occupation;
- Demand references from persons wishing to occupy the house;
- be “fit and proper”

If the council cannot grant a license, revokes a license, or the landlord refuses to apply, the council must take over the management of the property for 12 months, such as in partnership with a Registered Provider or Social Lettings Agency

Before making a selective licensing scheme the LHA must:

- Consider whether there are other courses of action available to them that might provide an effective means of dealing with the issues which the scheme is intended to address, and whether the scheme will significantly help them in dealing with those issues.

- Ensure the making of a scheme is consistent with its overall housing strategy and is co-ordinated with its approach to dealing with homelessness, empty properties and anti-social behaviour in the private rented sector.
- Consult on the proposed scheme with those persons likely to be affected by it, including landlords, tenants and local recognised resident associations, and consider and take account of their representations.

An initial scoping report is being developed by officers and is scheduled to go through the Councils governance process for approval. The key approval dates are as follows:

- Core Management Team: 3rd January 2014
- Leaders Panel: 29th January 2014
- Prosperous Communities Chairs Brief: 6th March 2014
- Prosperous Communities Committee: 25th March 2014
- Policy and Resources Chairs Brief: 1st April 2014
- Policy and Resources Committee: 17th April 2014

If the development of a selective licensing scheme is approved a period of consultation (minimum 10 weeks) has to be undertaken with key stakeholders from the area. The responses to this consultation will then be reviewed by the Council and a final decision made on implementation.

Indicatively, given the timescales a scheme could be in place by Autumn/Winter 2014, depending on the consultation feedback.

A full register of risks will be developed as part of the scoping and this will be included in any eventual report along with mitigation and minimisation methods. A number of those identified already are set out below: -

Reputational – the impact of consultation and any eventual scheme could adversely affect the Councils reputation.

Financial – the license fees recovered may be lower than the resources required. Additional resources may be needed to identify unlicensed properties if landlords are not forthcoming.

The scheme does not achieve the outcome - Landlords may pull out the area and increase the number of empty homes (evaluation of schemes completed to date has not shown this to be a reality). Not enough resources to enforce and therefore no real impact on improving stock.

Increased homelessness - Landlords required to reference tenants and to deal with ASB, may increase number of vulnerable tenants unable to access private sector.

Legal – Scheme is subject to judicial review of decision to designate selective licensing area and the consultation process will enable further understanding of this.

The Committee expressed their thanks to Head of Strategic Growth for the very informative update and looked forward to receiving further reports over the coming months with regard to selective licensing.

RESOLVED that: -

- (a) the contents of the report be noted;
- (b) the revised Housing Enforcement Policy be approved; and
- (c) the revised charging schedule be **RECOMMENDED** to Full Council, as part of the budget setting process, for adoption with effect from 1 April 2014.

Note: Councillor Gillian Bardsley returned to the meeting at this point.

63 VOLUNTARY SECTOR REVIEW (PRCC.35 13/14)

Consideration was given to a report which advised on the work of the Voluntary Sector Review Panel who had completed their two year review of the Council's support for a range of voluntary sector organisations.

Members debated at length the in-equality in service level between the Dial-a-ride and the Call Connect Plus services. There was a view that residents where ever they lived in the District should have access to the same level of service.

It was noted that the funding for the call connect service was up for review in April 2014 and Members comments would be borne in mind.

RESOLVED that the contents of the report be noted and the Voluntary Sector Review Panel be thanked for their work.

Note: Councillor Gillian Bardsley declared a non-pecuniary interest as the Council's elected representative on BCTV.

Councillor Irmgard Parrott declared a non-pecuniary interest as the Chairman of the Churches Festival Committee.

Councillor Richard Doran declared a non-pecuniary interest as the Council's elected representative on GAPA.

Councillor Paul Howitt-Cowan declared a non-pecuniary interest as a Member of the Churches Festivals Committee.

64 CORPORATE PLAN REFRESH 2013 (PRCC.36 13/14)

Members gave consideration to a report which presented a draft version of the 2014 – 2018 Corporate Plan. The report set out the work done to date and sought Members views on the priorities, the risks identified to delivery and the general format of the Plan.

In light of Members providing no comments it was:-

RESOLVED that no proposed amendments to the priorities and objectives detailed in Chapter Three of the Corporate Plan or the Communications Plan detailed in Section Six be made.

65 GAINSBOROUGH MANUFACTURING BUSINESSES RELOCATION FUND (PRCC.37 13/14)

Consideration was given to a report which sought agreement to establish a fund of £150,000, funded from the “Dragon’s Den” fund, to provide skills, knowledge and financing resources to facilitate the viable and acceptable re-development of sites following the relocation of manufacturing businesses within Gainsborough.

The report further sought nominations for an elected member (and a substitute) to sit on the funding panel.

RESOLVED that:

- (a) the establishment of a fund of £150,000 funded from the Council’s Dragon’s Den fund, to provide skills, knowledge and financing resources to facilitate the viable and acceptable re-development of sites following the relocation of manufacturing businesses within Gainsborough be approved and **RECOMMENDED** to the Policy and Resources Committee; and
- (b) Councillor Mick Tinker, with Councillor Malcolm Parish as substitute, be appointed to serve on the funding Panel.

Note: Councillor Lewis Strange left the meeting at this point.

66 WORK PLAN (PRCC.38 13/14)

The Governance and Civic Officer presented the Committee work plan.

RESOLVED that the Work Plan as set out in report PRCC.38 13/14 be received and noted.

Note: Councillor Geoff Wiseman left the meeting at this point.

67 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act

68 GAINSBOROUGH YOUNG PERSONS' ACCOMMODATION (PRCC.39 13/14)

Consideration was given to a report which provided members with information on the proposed delivery of a young persons supported housing project in Gainsborough.

At the request of the Committee, Officers clarified the cost per unit and it was stressed that the Council's investment of up to £200,000 would lever in funding of over £1,000,000 whilst meeting a demonstrated need and corporate priority. Officers offered reassurance in that the funding support was been offered from the HCA, who had considerable and robust criteria for any funding bids.

RESOLVED that:

- (a) the proposal to release up to £200,000 in capital monies allocated for strategic housing to support the delivery of the project be supported; and
- (b) it be **RECOMMENDED** to the Policy and Resources Committee that this funding be released.

69 DISABLED FACILITIES GRANTS ALTERNATIVES AND FUTURE APPROACH (PRCC.40 13/14)

Consideration was given to a report which provided Members with information on the proposals for the future delivery of the Disabled Facilities Grant services.

Members acknowledged the considerable need some families were in for assistance, sharing their personal ward experiences and urged that a more joined up, efficient approach be taken.

RESOLVED that:

- (a) the content of the report be noted; and
- (b) the preferred option , namely to bring back-in-house with effect from 1 April 2014 the DFG Service, be approved and **RECOMMENDED** to the Policy and Resources Committee.

The Chairman wished everyone a Merry Christmas and a happy New Year, before closing the meeting.

The meeting concluded at 9.27 pm.

Chairman