

WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Prosperous Communities Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 16 December 2014 at 6.30pm.

Present:

Councillor Owen Bierley (Chairman) (In the Chair)
Councillor Gillian Bardsley (Vice-Chairman)
Councillor Lewis Strange (Vice-Chairman)

Councillor David Dobbie
Councillor Paul Howitt-Cowan
Councillor Jessie Milne
Councillor Malcolm Parish
Councillor Irmgard Parrott
Councillor Judy Rainsforth
Councillor Lesley Rollings
Councillor Geoff Wiseman

In Attendance :

Mark Sturgess	Chief Operating Officer
Joanna Riddell	Head of Localism
Tracey Bircumshaw	Group Accountant
Andy Gray	Team Manager, Housing and Communities
Jo Walker	Team Manager, Projects and Growth
Grant White	Enterprising Communities Officer
Sue Leversedge	Principal Accountant
Katie Coughlan	Governance and Civic Officer

Also Present:

Councillor Chris Day
23 Members of the Public

Apologies:

Councillor Richy Doran
Councillor Di Rodgers
Councillor Trevor Young

Membership:

Councillor Judy Rainsforth to substitute for
Councillor Trevor Young
Councillor Geoff Wiseman to substitute for
Councillor Di Rodgers

57 PUBLIC PARTICIPATION

The Chairman advised the Committee that a total of five people had registered to address the Committee this evening, he invited the first, Ms Kruger, to put her question / make her statement to the Committee , as set out below: -

“Mr Chairman and Prosperous Community Committee I would like to thank you for the opportunity to address the Committee tonight.

As a landlord with a number of properties in the area, I have increased concerns that private landlords are being vilified for issues that are greater than a landlord's responsibility. In most cases the landlord has limited power by law to enforce any action.

I would like to refer to Proposed Condition of Licence as circulated via email.

1. Tenant reference:

As a responsible landlord, I have taken references. How does providing WLDC with a tenant's reference not breach the Data protection Act?

2. Management arrangements:

With reference to suitable funding arrangements in place to deal with repairs etc, the council are asking for a declaration to confirm these funds are available. How long is a piece a string- a new doorlock is £5.00, a new roof is £4,000 and with the ever increasing capping of local rents, how do you propose a landlord or any business be viable with less coming in than going out? As private landlords, we do not attract funding from the Government as is the case with Social Housing which leads me to ask the question, why social housing is not subject to proposed licence conditions?

3. Anti-social behaviour:

Within the issued tenancy agreement, are terms and conditions to which tenants agree to adhere. As a responsible landlord, if tenants breach of any of these conditions, which includes anti-social behaviour, the maximum enforcement that can be applied is eviction. However, should this be the case, then why are the tenants being advised by the council to sit tight and wait for a court eviction date?

In a case of eviction the anti-social behaviour will increase the longer the tenant is in situ while awaiting the eviction date.

4 . Notification of changes:

Why must I inform the council if I decide to sell my property? After all it is my house, not the council's. In addition, should the property be empty, then I am still liable for council tax even though I do not receive any services.

5. Licence cost:

The licence fees are being allocated per property. I would like to ask, If I am classed as a fit and proper landlord, for property A and pay my fee for property A, then why do I need an additional fee for property B, C or D.

Surely this is about being a fit and proper landlord or is it really about collecting revenue for a failing council system? To simplify, I have a driver's licence, if I buy a second car, I am not required to pay for an additional licence.

Where landlords have several properties, will there be any provision for the fee to be paid in instalments? This has never been clear or addressed in a forum.

Finally, in the light of the recent case in the High Court in Enfield London, is the council now considering an alternative or even scrapping the proposed licensing; considering that the data collected by WLDC was incorrect.

The Chairman thanked Ms Kruger for her questions and indicated that these would be responded to in writing in due course.

The Chairman then invited the second speaker, Mr Jacklin to address the Committee.

Mr Jacklin opened by stating that he believed the consultation process had been flawed. He had only heard about the proposals via Facebook and suggested that the Council had been selective in whom it had chosen to consult. Mr Jacklin went on to state he did not believe the proposals were lawful nor legal nor correct and that the whole process was disgraceful. Finally Mr Jacklin advised that all of his tenants would be put on a month's notice if the proposals came to fruition, he would not be paying the Council the £12,000 they would be requesting from him and it would be the Council's problem to re-house his tenants.

His comments were met by claps and cheers from the gallery and the Chairman thanked him for his contribution.

The Chairman then welcomed Mr Sutton to address the Committee. In opening, Mr Sutton firstly stated that he concurred with everything that had been stated by the previous speakers. Mr Sutton wanted to know why a trust could not be formed, by which landlords managed themselves. He felt the current proposals were targeting the wrong landlords.

The Chairman thanked Mr Sutton for his comments.

Mrs Sutton was then invited to address the Committee and asked how homes in shared ownership would be affected. What fees would apply and who would be responsible for them?

The Chairman again thanked Mrs Sutton for her questions and indicated that these would be responded to in writing in due course.

Finally the Chairman invited Mrs Jacklin to address the Committee. In opening Mrs Jacklin too contested the consultation process, advising that she too had only heard of the proposals via Facebook. She also indicated there was confusion as to whether the proposals covered the whole ward or just part of the Ward. She felt it unfair that incidents which may be nothing do with her properties could be held against her and again contested the legality of the proposals advising that she knew successful legal challenges had been made against similar schemes in other parts of the Country.

The Chairman thanked Mrs Jacklin for her comments.

58 MINUTES

- (a) Meeting of the Prosperous Communities Committee – 14 October 2014

RESOLVED that the minutes of the Meeting of the Prosperous Communities Committee held on 14 October 2014 be confirmed and signed as a correct record.

59 MATTERS ARISING SCHEDULE SETTING OUT THE CURRENT POSITION OF PREVIOUSLY AGREED ACTIONS AS AT 8 DECEMBER 2014 (PRCC.35 14/15)

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 8 December 2014.

With regard to the black item entitled: Review of Acis provision, a Member sought indication that the survey had been circulated, as he had heard to the contrary.

The Chief Operating Officer confirmed that the survey had been circulated, that responses were expected back before the New Year and that the report was currently scheduled for consideration by the Committee at its February meeting.

RESOLVED that progress on the Matters Arising Schedule, as set out in report PRCC.35 14 14/15 be received and noted.

60 MEMBERS' DECLARATIONS OF INTEREST

Councillor Judy Rainsforth declared a non-pecuniary interest in report PRCC.37 (Selective Licensing – Gainsborough South West Ward) as she knew three of the people who had just addressed the Committee during the public participation period (Minute 57 refers).

Councillor Lesley Rollings declared a non-pecuniary interest in report PRCC.37 (Selective Licensing – Gainsborough South West Ward) as she knew two of the people who had just addressed the Committee during the public participation period (Minute 57 refers).

Councillor Jessie Milne declared a non-pecuniary interest in report PRCC.37 (Selective Licensing – Gainsborough South West Ward) as she worked for Sir Edward Leigh, who had received communications on the matter.

Councillor Gillian Bardsley declared a pecuniary interest in report PRCC.37 (Selective Licensing – Gainsborough South West Ward) as she was a landlord and indicated that she would withdraw from the Chamber during consideration and determination of the item.

61 SOUTH WEST WARD – STRATEGY AND PARTNERSHIP ACTION PLAN (PRCC.36 14/15)

Consideration was given to a report which provided Members with details of the strategic approach being taken with regard to the South West Ward in Gainsborough.

Debate ensued with some Councillors expressing concern and frustration at the speed of delivery and improvements made over the years. There was a view amongst some that a number of the proposed actions had been suggested before but had resulted in little action, whilst other projects merely scratched at the surface and no true partnership working had been demonstrated. Members wanted to see tangible evidence that a difference was being made.

In responding, Officers indicated that they too shared Members' frustrations, however they were confident now that the Action Plan had buy-in at the highest strategic level, which historically had been an issue. This included support from the Chief Constable, the Police and Crime Commissioner and interest from DCLG making delivery a much stronger possibility.

The Scouts Hill outdoor play park development initiative was welcomed, with some considering this should be a priority, in light of the lack of play and leisure facilities in the ward. Members encouraged Officers to work with local partners.

It was noted that Members would be able to track and challenge performance /progress through the Progress and Delivery reports.

Members suggested that a support group of Councillors (suggestion of 3) be set up to assist Officers to deliver the plan.

RESOLVED that the Vision, Strategy and associated Partnership Action Plan be endorsed

Note: Councillor Gillian Bardsley withdraw from the Chamber prior to consideration of the following item.

62 SELECTIVE LICENSING – GAINSBOROUGH SOUTH WEST WARD (PRCC.37 14/15)

Consideration was given to a report which provided Members with an update and information regarding the proposals for a selective licensing scheme in the South West Ward of Gainsborough.

This report outlined the proposals for selective licensing in Gainsborough South West Ward and provided Councillors with information on the process undertaken so far, whilst also making recommendations as to how the scheme could proceed.

Selective Licensing has been discussed within the Council's internal governance processes and had been subject to Commercial Board, Corporate Leadership Team and Leader's Panel scrutiny.

There had been 663 responses to the consultation survey and the majority of those responding were in favour of introducing a selective licensing scheme. 67% of respondents felt a scheme should be introduced in the whole ward, and a further 9% felt that it should be for part of the ward. The consultation results were detailed in appendix 2 of the report.

Key considerations were required to be made in respect of the level of data and analysis with regard to anti-social behaviour (ASB) and its links to the Private Rented Sector (PRS); the size of the area that would be impacted by selective licensing; the fee and additional costs that would be incurred in delivering the scheme. There were also a number of additional risks and considerations that Councillors needed to consider and these were detailed in appendix 1.

Given the considerations above, it was recommended to Councillors that they reviewed the content of the report and agree to receive a final proposal on the area that will be considered for selective licensing subject to the additional ASB analysis being completed. This would be early in 2015.

This additional analysis would be available during February 2015 and would be submitted for Committee consideration after this date either at a scheduled Committee or at a special meeting of the Committee if considered appropriate.

Finally in presenting the report, the Team Manager for Housing and Communities advised of a recent High Court Case which Members needed to take into consideration. On December 11th 2014 the High Court had held that a local authority acted unlawfully when designating the whole of its area as subject to additional and selective licensing under the Housing Act 2004. The authority had failed to consult persons who were likely to be affected outside of their area and had failed to consult for a sufficiently long period.

The implications of this ruling for any scheme in West Lindsey would need to be considered when determining any scheme proposals at future Committee meetings. The consultation period for West Lindsey had been in line with the legislative requirements, however neighbouring Wards and areas that may be impacted had not been consulted.

Debate ensued during which Members' posed a number of questions to Officers. In responding, it was confirmed that the pending boundary changes had been taken into consideration during the consultation process. Whilst some Members indicated their disagreement to a fee per house nor understood how the level of charge had been arrived at, it was confirmed the fee was based on a cost recovery basis, as was required by the legislation. Selective Licensing could not be used as a tool to generate additional income. The exact area which was to be subject to Selective Licensing was still unknown and whilst that area detailed in section 5 of the report was currently being proposed, this may change dependent on the outcome of the ASB data which was awaited.

Finally, whilst accepting the comments which had been made verbally to the Committee during the evening, Members were asked to bear in mind the consultation results as a whole.

The decision making process was confirmed to the Committee.

RESOLVED that:

- (a) having reviewed the progress to date in regards to selective licensing and having considered any additional information which may be required prior to a final decision on whether to proceed with the Scheme is made, the report and progress made be noted; and
- (b) that a further report outlining the final proposals for Selective Licensing be submitted for consideration to the 3 February 2015 Prosperous Communities Committee or a special meeting of the Committee after this date, prior to the election, should this be required.

Note: Councillor Gillian Bardsley returned to the Chamber.

Councillor Geoff Wiseman requested that his abstention from the above vote be recorded.

63 CARAVAN SITES AND CONTROL OF DEVELOPMENT ACT 1960 (AS AMENDED) MOBILE HOMES ACT 2013; FEES POLICY FOR LICENSING OF RESIDENTIAL PARK HOMES (PRCC.38 14/15)

Members gave consideration to a report which provided an overview of the new fees and policy for licensing residential park homes and which sought approval thereof. It was noted that this was a new service that all Councils were required to implement under the Mobile Homes Act 2013.

It was clarified that the associated fees were applicable to site owners as opposed to site residents.

Officers confirmed that the legislation had become effective from April 2013 however consideration had been given to Case Law and Best Practice prior to developing the Policy.

RESOLVED that:

- (a) the content of the report be noted; and
- (b) the Policy as proposed in Appendix A of report PRCC.38 14/15 be approved.

64 COMMUNITY GRANTS (PRCC.39 14/15)

The Committee gave consideration to a report which sought to establish an updated community grants programme for a three year period.

Lengthy debate ensued with all Members being in agreement that grants should be retained and welcomed the report.

It was confirmed that Volunteer Hours would still be taken into consideration when awarding grants. Following a suggestion around the types of schemes which could be supported, Members wanted to ensure that West Lindsey money funded West Lindsey projects

Officers indicated that they intended to hold a session for Members on Grant Funding in general, to give Members the knowledge to assist their communities further.

RESOLVED that: -

- (a) the proposed grant programme in accordance with Option 1 set out in report PRCC.39 14/15 be approved; and
- (b) the report be **RECOMMENDED** to the Policy and Resources Committee for financial approval.

Note: Councillors Malcolm Parish and Irmgard Parrott left the meeting during consideration of the above item of business.

65 DFG AND INDEPENDENT LIVING UPDATE (PRCC.40 14/15)

Consideration was given to a report which provided Members with an update on improvements to the Disabled Facilities Grant service under the new in-house service.

Members recognised and praised the progress which had been made in this area since the service had been brought back in-house, and the improvements were unanimously welcomed.

RESOLVED that:

- (a) the content of the report be noted;
- (b) the on-going work regarding alternatives to DFG and the proposals for moving this forward be noted; and
- (c) it be **RECOMMENDED** to the Policy and Resources Committee that the proposal for the distribution of the remaining funding available for DFG alternatives, as shown in section 6.2 of the report be approved.

66 PROPOSED FEES AND CHARGES (PRCC.41 14/15)

Consideration was given to a report which proposed revised Fees and Charges to take effect from 1 April 2015.

There has been a joint effort between the services and their accountants to review the proposed fees and charges on a cost recovery basis, in accordance with the Fees, Charges and Concessions Policy, except for those fees that were statutory or that had a prescribed methodology such as building control.

In addition service managers have used benchmarking data to assess the level of charge in current market conditions.

Inflation had been applied to most fees and charges but the report identified where there were any proposed changes other than the inflationary uplift, namely, Car Parks and Markets.

In respect of Car Parks, the existing fees and charges had been increased above inflation to more accurately reflect the real cost of providing the service, in accordance with the Fees and Charges Policy which states that services should aim for total cost recovery where possible when reviewing their charges each year.

A district wide car park review would be undertaken in the coming months to enable a car parking strategy to be developed which would consider several matters including future need, management and parking charges, and was scheduled for completion by Autumn 2015.

With regard to Markets, a review of the market service as a whole was currently underway and therefore it was being proposed that several market fees remained at their current rate until the conclusion of the review, which was due for completion towards the end of 2015.

Debate ensued during which Members expressed concern at the proposed increases to parking charges. They had a real desire to help support the Town Centre and wanted to see initiatives introduced to encourage people in, citing examples such as free parking from 3pm. Members however recognised the need to balance the budget in-line with current restraints in terms of parking.

Reassurance was further offered that car parking charges, including the introduction of such initiatives, would be looked at comprehensively in the forthcoming car parking strategy.

In response to concerns that the proposed charge for bulky waste collections was too high, Officers stressed that this was set at a cost recovery level.

RESOLVED that the proposed Fees and Charges, as detailed in Appendix A of report PRCC.41 14/15 be **RECOMMENDED** to the Policy and Resources Committee for approval.

Note: Councillors Dobbie, Rainsforth and Rollings requested that their abstention from the above vote be recorded.

67 WORKING GROUP FOR LEISURE CULTURE AND TOURISM (PRCC.42 4/15)

Consideration was given to a report which sought to establish an Officer Member Working Group to shape and develop leisure and cultural activity across the District.

The proposal was wholeheartedly supported, with Members expressing great enthusiasm at being part of the proposed working group.

Members outlined numerous tourist attractions across the District that should be greater promoted acknowledging the knock on effect and extra revenue tourism generated.

In light of Members enthusiasm, it was suggested that they start the work with a workshop where all interested Councillors could assist in scoping the work and decide the Councillor composition of the working group at this workshop.

On that basis it was

RESOLVED that:

- (a) the setting up of an Officer / Member working party be endorsed; and
- (b) a Workshop, to which all Members of the Council are invited, be held in the first instance, and formal nominations to the above mentioned group be made thereafter.

Note: Councillor Lesley Rollings left the meeting at this point.

68 HEMSWELL CLIFF MASTERPLAN (PRCC.43 14/15)

Members gave consideration to a report which sought approval to progress with a Masterplan exercise for Hemswell Cliff which would inform the future development of the area as well as provide a marketing tool to help promote development options in the area.

Members were extremely supportive of the proposals and could recognise the potential for this area. Dualling of the A15 was considered a key strategic development by Members to further realise the areas potential.

RESOLVED that the proposal to commission a Masterplan for Hemswell Cliff in partnership with Lincolnshire County Council be approved.

69 WORKPLAN (PRCC.44 14/15)

Members gave consideration to the Committee work plan. Officers confirmed report authors would be re-aligned to reflect recent changes in the establishment.

RESOLVED that the Work Plan as set out in report PRCC.44 14/15 be received and noted.

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

The meeting concluded at 9.31 pm.

Chairman