

## **WEST LINDSEY DISTRICT COUNCIL**

MINUTES of a Meeting of the Prosperous Communities Committee held in the Council Chamber at the Guildhall, Gainsborough on Tuesday 22 March 2016 at 6.30pm.

**Present:** Councillor Owen Bierley (Chairman) (In the Chair)  
Councillor Lewis Strange (Vice-Chairman)

Councillor Sheila Bibb  
Councillor Michael Devine  
Councillor Steve England  
Councillor Paul Howitt-Cowan  
Councillor Jessie Milne  
Councillor Judy Rainsforth  
Councillor Lesley Rollings

**In Attendance :**

Mark Sturgess Chief Operating Officer  
Andy Gray Housing and Communities Team Manager  
Katie Coughlan Governance and Civic Officer

**Also In Attendance:** 4 x Members of the Public

**Apologies:** Councillor Gillian Bardsley (Vice-Chairman)  
Councillor Adam Duguid  
Councillor Malcolm Parish  
Councillor Di Rodgers  
Councillor Trevor Young

**Membership:** Councillor Judy Rainsforth substituting for  
Councillor Trevor Young  
Councillor Sheila Bibb substituting for Councillor  
Gillian Bardsley

## **88 PUBLIC PARTICIPATION**

The Chairman advised that 2 people had registered to address the Committee, both regarding Agenda item 6 (a) (Selective Licensing Proposals). It was noted that one of the submissions had been received from a local resident who had requested anonymity and therefore their representation was read to the Committee by the Chairman as follows: -

“ Dear Chairman,

I would like this to be read out as I still fear reprisals from other interested parties.

I bought my property in the South West ward 15 years ago, I knew all my neighbours and the good folk were in the majority. I now learn who my new neighbours are by reading about them in the local paper's Court reports. I fear that there are vested interests in the criminal activities being carried out in several rented properties being used as Cannabis Factories, others neglected by owners who do not repair broken windows and turn a blind eye to tenants bypassing electricity meters. These are the sort of people that make no positive contribution to society, do not live normal lives, have no respect for the area or their neighbours and fly tip in the streets on a weekly and sometimes daily basis to the cost of WLDC and the detriment of the South West Ward.

This evening, for example, after I returned from a normal day of work, I called to help a friend who has a broken TV. I set up his old TV for him and brought home his set to repair. As I was searching the internet for parts I was interrupted by thugs in the street shouting and making menacing threats to persons that I do not know, one of whom appeared to be a passer-by, yet whom was left in no doubt that he should pay no regard to what the drug dealer was doing. To make sure, the dealer's brother then fetched a large dog as backup. This is happening in full view of the passing public and is an absolute disgrace. The males causing the nuisance are living in rented property that you and I are paying for in Housing Benefit. Meanwhile the Landlord has the problem of choosing which car he rides around in as he lives in peace many miles away. He will not even miss the few pounds that he will have to pay out of his profits so will not mind if you approve the licensing scheme.

I am asking that members support the decent South West Ward residents by approving the Paper on Selective Licensing of Landlords. On reading all the official paperwork, research and my own observations I believe that there are no viable alternatives to this.”

The Chairman then welcomed Mr Don Robbie, from the National Landlords Association to the meeting and invited him to address the Committee. Mr Robbie asked the Committee to give consideration to the position of decent honest landlords and the financial impact the scheme would have on them. He was of the view that Professional Landlords had recently taken a number of financial hits: as a result of the Chancellor, citing examples such as Mortgage interest no longer being classed as an expense for tax purposes; professional landlords not being eligible for the same level of Capital Gains Tax; and mortgage rates for buy to let properties having seen a considerable rise. He stated good landlords had had enough and doubted that Selective Licensing would affect rogue landlords as they simply would not abide by the requirements and wait until the Council took enforcement action. He questioned whether the Council had the man power and capacity to enforce

and again asked the Committee to re-consider the proposals in light of the professional landlords' position.

The Chairman thanked Mr Robbie for his comments.

## **89 MINUTES**

(a) Meeting of the Prosperous Communities Committee – 2 February 2016.

**RESOLVED** that the minutes of the Meeting of the Prosperous Communities Committee held on 2 February 2016 be confirmed and signed as a correct record.

## **90 MATTERS ARISING SCHEDULE SETTING OUT THE CURRENT POSITION OF PREVIOUSLY AGREED ACTIONS AS AT 14 MARCH 2016 (PRCC.47 15/16)**

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at Monday 14 March 2016.

Making reference to the amber matters arising entitled "Rural Transport Member Working Group", Committee were advised that since the publication of the report a further update had been received from the Lead Officer. It was noted that further information was still awaited about changes to transport services by Lincolnshire County Council. Whilst it had been announced LCC had received additional funding from Central Government, there would still be changes and possible reductions to transport services.

Whilst more detailed information was awaited it was difficult to assess what services or areas of the District may need additional support. With further information we would be better able to determine how best to use the majority of our funds. It was anticipated more detailed information would be provided at the start of the new financial year.

Initial meetings in February with Community Lincs had been positive and proposals were now being finalised for work to support local rural communities identify community led solutions. This would include identifying existing and opportunities for new community car schemes, improving awareness of transport options and exploring the sustainability of community mini-bus schemes.

These proposals were due to be considered by the Growth Board in April 2016.

Members welcomed the update and whilst accepting the current position, were of the view that a meeting of the Rural Transport Member Working Group should be convened at the earliest opportunity.

**RESOLVED** that:

- (a) progress on the Matters Arising Schedule, as set out in report PRCC.47 15/16 be received and noted; and
- (b) the Lead Officer be requested to convene a meeting of the Rural Transport Member Working Group.

**91 MEMBERS' DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**92 SELECTIVE LICENSING IN GAINSBOROUGH SOUTH WEST WARD (PRCC.48 15/16)**

Consideration was given to a report which requested Members designate an area of the Gainsborough South West Ward for selective licensing.

In presenting the report, Officers outlined at length the background to the project, the legislation which governed such schemes and the legal requirements, the evidence for designation, the consultation undertaken to date, the alternative solutions considered by the Authority and how the proposals aligned with the Corporate Plan. The Committee were also provided with detailed information on the proposed designated area, the implementation options available including the preferred option and the reasoning for this, together with the financial implications of each option.

In conclusion, it was noted that if a scheme was to be designated, the relevant performance information would be monitored and reported back to committee via progress and delivery. Alongside this, an initial 6 monthly report would be provided to elected Members to update on progress within the scheme. It was also proposed that an update be provided to each Prosperous Communities Committee Chair's Brief for the first 12 months of the scheme.

Furthermore, the first 6 months of the scheme would be solely dedicated to licensing those landlords that come forward and made applications. No formal enforcement would take place during this period. Following the initial 6 month period, any landlords that had not come forward would be in breach of the licence and the relevant enforcement action would be taken. Assurance was given that the Council would give due consideration to circumstances where there were clear mitigating reasons for not becoming licensed and would make every effort to contact each and every landlord.

In opening the debate Councillor Judy Rainsforth moved the recommendations and considered this was a positive step for the good residents of the area and would act as one tool to combat the on-going multi-faceted issues facing the South West Ward.

With regard to the preferred co-regulated Scheme a Member questioned why the Council had not chosen to provide this as an “in-house” service, as this could assist the Authority in understanding the area better, understanding the real issues, build relationships with landlords and understand the costs and time involved in operating a Selective Licensing Scheme.

In responding Officers advised that as a result of the consultation process, this had been identified as the preferred option. Members were also referred to Appendix 2 of the report in which the options for delivery had been assessed against one another. Option 2 in summary had been proposed by Doncaster Homesafe, who currently co-regulated a selective licensing scheme in Hexthorpe, Doncaster and therefore had experience and learning therefrom. The Council would still designate a selective licensing area and carry out the necessary enforcement required. However, under this arrangement the co-regulator would be responsible for processing all licence applications, monitoring licence conditions and ensuring landlord compliance, referring members to the process map shown in appendix 4.

It was considered that one of the main benefits this arrangement would afford the Council is that it would significantly reduce the administrative resource required for implementing a scheme, whilst at the same time enabling landlords to carry out more self-regulation and improvement. The co-regulator would also be accrediting and monitoring landlords within Gainsborough in such a way that the overall standard of landlord in the area should increase.

Within any co-regulated scheme a landlord could still choose to have the full licence process carried out by the Council at a cost of £375. However the co-regulator would provide a much better package for the landlord, which would include additional advice and guidance and access to specialist support, offering a more rounded service, softer approach and on a scale the Council would not be able to deliver at. Furthermore experience in this area was considered invaluable.

In response to Members’ queries regarding legal challenge, the Chief Operating Officer advised that as with all Council decisions there was a risk of legal challenge via the High Court. The Council could not prevent such challenges however it could minimise the risk of any challenge being successful by ensuring the correct procedures had been adhered to; ensuring that relevant information had been taken into consideration and that irrelevant information had been disregarded. Officers were confident that the criteria by which to introduce a selective licensing scheme had been met, referring members to the legal implications box within the report, Section 3 of the report and Appendix 6 which detailed all selective licensing considerations.

Councillor Jessie Milne seconded the recommendations and in doing so whole heartedly supported the proposals including the proposal to use a co-regulated service, commenting that their expertise should be embraced. Further support

for the co-regulated option was expressed by several other Members of the Committee.

Having heard a representation from a Member of the local community earlier in the evening, some Members' questioned what response other responsible agencies were providing to the situations highlighted by the representation. Officers outlined at length the ongoing work and initiatives being undertaken by the South West Ward Partnership Group, stressing that selective licensing would become another tool within the arsenal.

In concluding the general consensus of the Committee was that this was a positive step to achieving change in the area and another tool which could be used as a means to address a series of multi-faceted complex issues facing the area.

The Committee placed on record their thanks to the Housing and Communities Team Manager and his team for the hard work they had undertaken and the professionalism shown in reaching this stage

On being put to the vote it was: -

**RESOLVED** that:

- (a) the designation of the area of the South West Ward referred to in report PRCC.48 15/16 and defined on the map set at paragraph 8.1 (figure 1) and the schedule of properties set out in paragraph 8.2 as being subject to selective licensing be approved.
- (b) it be approved that this designation be made from 18 April 2016 and for the selective licensing scheme to come into effect on 15 July 2016 and unless revoked beforehand, to remain in force for a period of 5 years.
- (c) the co-regulated selective licensing scheme proposed within report PRCC.48 15/16, shown as option 2 including the licence conditions set out in Appendix 5, be approved; and
- (d) delegated authority be granted to the Chief Operating Officer, following consultation with the Chair of the Prosperous Communities Committee, to finalise the operational and technical aspects of the co-regulated selective licensing scheme prior to the implementation of the scheme.

**93 WORK PLAN (PRCC.49 15/16)**

Members gave consideration to the Committee work plan.

The issue of health provision in Gainsborough was again raised by Vice-Chairman Lewis Strange, following recent items in the local press and TV. Initial thoughts were that this was more within the remit of the Challenge and Improvement Committee who had previously scrutinised the work of the CCG. The Chairman of said Committee was present and undertook to seek his Committee's approval to revisit the health issue again.

**RESOLVED** that the Work Plan as set out in report PRCC.06 15/16 be received and noted.

The meeting concluded at 7.21 pm.

Chairman