

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 6 December 2016 commencing at 6.30 pm.

- Present:**
- Councillor Sheila Bibb (Chairman)
 - Councillor Gillian Bardsley (Vice-Chairman)
 - Councillor Steve England (Vice-Chairman)

 - Councillor Owen Bierley
 - Councillor Michael Devine
 - Councillor Paul Howitt-Cowan
 - Councillor Mrs Jessie Milne
 - Councillor Malcolm Parish
 - Councillor Lesley Rollings
 - Councillor Thomas Smith
 - Councillor Trevor Young
- In Attendance:**
- Mark Sturgess Chief Operating Officer
 - Ian Knowles Director of Resources and S151 Officer
 - Tracey Bircumshaw Financial Services Manager
 - Andy Gray Housing and Communities Team Manager
 - Veronica Edwards Housing and Communities Officer
 - Katie Coughlan Governance and Civic Officer
- Apologies:** Councillor Mrs Diana Rodgers
- Membership:** No substitutes were appointed for the meeting

57 PUBLIC PARTICIPATION

There was no public participation.

58 MINUTES OF PREVIOUS MEETING

- (a) Meeting of the Prosperous Communities Committee – 25 October 2016.

RESOLVED that the minutes of the meeting of the Prosperous Communities Committee held on 25 October 2016 be confirmed and signed as a correct record.

59 MATTERS ARISING SCHEDULE

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 28 November 2016.

RESOLVED that progress on the Matters Arising Schedule, as set out in report PRCC.36 16/17 be received and noted.

60 MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made at this point of the meeting.

61 BROADBAND PROVISION ACROSS THE DISTRICT

Consideration was given to a report which sought to provide Members with an up to date position with regard to Broadband Provision across the District. The report also set out high level options for future consideration and sought Members' steer on the issue of payment to the On-Lincolnshire Partnership. To aid understanding of terminology used throughout the report, a number of definitions were clarified at the outset.

By way of background and context, it was noted that in 2012, WLDC agreed to be part of the BDUK partnership in Lincolnshire to be known as On-Lincolnshire. This partnership was to be led by a team based within Lincolnshire County Council.

The district of West Lindsey had been identified within the project as being part of what was known as Phase 7. This was due to be initiated in March 2015 and completed in March 2016. BDUK Phase 1 was expected to provide coverage to 90% (including commercial roll out) of households in West Lindsey.

The BDUK roll out would not provide 100% coverage. Therefore WLDC subsequently determined to provide a commercial loan to Quickline Ltd who could provide coverage in the harder to reach areas in advance of the work of BDUK. This loan was at market rates and commercial in nature and was in no way a contract for service or a plan for 100% coverage.

As has become much discussed, whilst WLDC received appropriate advice regarding its own responsibilities for State Aid issues (hence the Commercial Loan does not contravene any state aid regulations), officers at BDUK determined that the loan, and in particular its reference to WLDC achieving 100% coverage, would cause BDUK to contravene the state aid regulations applicable to their use of Government Funds should they allocate further funding to West Lindsey. BDUK could not provide funding where it would constitute 'overbuild' (development of broadband infrastructure where there was already an infrastructure in place).

Despite challenging this determination over many communications with BDUK, including representations by colleagues at Lincolnshire County Council, Officers had been unable to change the BDUK opinion on this matter.

The intentions of Phase 1 of the project were outlined to Members and detailed in Section 2 of the report. It was noted that 90% coverage had been expected to be delivered, however current estimates suggested this was around 85.53%. The Capital programme of 2012/13

had committed 375k – 500k to the Partnership this amount had yet to be paid.

Furthermore there was a reported underspend on Phase 1 of £9m which West Lindsey was currently prohibited from benefitting from due to the direction of BDUK. This amounted to a 25% underspend on the overall project.

There was also a commercial 'payback' scheme in operation (BT provide cashback to On-Lincolnshire where take up of a supported cabinet exceeds agreed levels) this would take the remaining available funding figure up to £16m.

However, given the circumstances explained above, On-Lincolnshire had advised that they were unable to use any of these surplus funds to support residents in West Lindsey.

The current coverage levels were summarised to the Committee and detailed in Section 3 of the report, comparison with near neighbours was also provided in Section 4 of the report.

Current offers available to residents were outlined in Section 6 of the report. The report concluded with some suggested future options for consideration and Members direction was therefore sought.

Given the circumstances outlined West Lindsey were not currently being supported by BDUK and therefore On-Lincolnshire, in their attempts to support West Lindsey neighbourhoods to obtain high speed broadband. It was therefore important to consider how the remaining 10-15% coverage would be delivered

Currently there was no financial provision within the Authority for any direct support and therefore any additional provision would need to be ranked alongside other commitments in the Medium Term Financial Strategy.

Suggested options could include

- 1 – Working with On-Lincolnshire and BDUK to remove the barrier to providing funding in West Lindsey
- 2 – Direct support by the Authority
- 3 – Provide Broadband expertise to support local neighbourhoods

Further information regarding each option and potential issues for consideration were contained within the report at Section 7

Debate ensued and Members welcomed the report. It was noted that BDUK was a Government established project and thus the Government must understand the importance of superfast broadband to communities. A number of suggestions were made including: -

- Engaging with the Local MP to make representations at the highest level
- Inviting senior Officers from BT, who had previously met with Members, to meet with Officers and Members again;
- Contacting local communities allowing them to share their experience of provision, as example case studies.
- Undertaking a survey of residents.

Members were also of the view that withholding payment from the Partnership would focus minds. The priority needed to be service provision, the partnership had not delivered the service it promised and it would be unfair to hand over tax payers money, in the absence of provision.

Some Members were of the view that if this was a service such as gas, electric or water and our residents did not have access we would not simply let the status quo remain. In today's world broadband was just as important a service and should be available to all. Investment into Economic Development and Business Support was wasted money without adequate broadband provision for businesses. Members urged Officers to commit whatever funding it took to resolve the unacceptable position. The MP should be urged to take action at the highest level to ensure investment was made in Lincolnshire. The collection of real data to support the cause was required and therefore all Members wholeheartedly supported the suggestion of some sort of audit into provision being undertaken.

There was discussion around how the audit may be best undertaken, and information circulated taking into consideration cost and capacity.

BDUK had made it clear from the outset that they would not achieve full coverage, hence the steps which had been taken in 2014 had been taken in good faith and were intended to complement the national programme. West Lindsey should not be being penalised for showing initiative to help overcome the national issue. Some Members felt it important to establish what had been agreed at the outset and what had actually been delivered, as this may help with the ongoing dispute over State Aid rules.

The Director of Resources outlined the difficulties he had experienced in trying to speak to BDUK representatives direct, in light of the Partnership arrangement. Commercial sensitivity had prevented him in being able to establish where works were next planned, only where work had been undertaken to-date, further hampering discussions. It had also been difficult to establish why the underspend had occurred.

It was also noted that Officers were aware of similar initiatives which had been run in other areas of the country and had not resulted in the area being penalised by BDUK and this needed further investigation.

On that basis it was: -

RESOLVED that:

- (a) Officers investigate the options available to the Authority to assist residents in obtaining access to Superfast Broadband Services and, working with the Chairman of the Committee, submit a further report for consideration in March 2017; and
- (b) in light of the comments made throughout the course of the debate, Officers be requested to undertake a District Wide Audit of community spaces, residential dwellings and business premises to ascertain their current broadband provision and experiences;
 - (i) the Audit to be undertaken by way of survey;

- (ii) the draft survey to be formulated in consultation with the Chairman of the Committee; and
- (iii) its proposed content and proposed circulation methods be shared with Members via e-mail during January 2017 for comment.

62 SCOTHERN NEIGHBOURHOOD PLAN

Consideration was given to a report which presented the up-to-date position in terms of the development of the Scothern Neighbourhood Plan. The report recommended that the Plan proceed to the Public Referendum stage following a successful independent examination.

The Committee commended the work undertaken by the Neighbourhood Planning Officer, the support he offered local communities and welcomed the submission of many more Neighbourhood Plans to come.

RESOLVED that the Scothern Neighbourhood Plan be formally approved to advance to the Public Referendum stage, in line with the advice received from the Independent Examiner.

63 DUNHOLME NEIGHBOURHOOD PLAN

Consideration was given to a report which presented the up-to-date position in terms of the development of the Dunholme Neighbourhood Plan. The report recommended that the Plan proceed to the Public Referendum stage following a successful independent examination.

The Committee commended the work undertaken by the Neighbourhood Planning Officer, the support he offered local communities and welcomed the submission of many more Neighbourhood Plans to come.

RESOLVED that the Dunholme Neighbourhood Plan be formally approved to advance to the Public Referendum stage, in line with the advice received from the Independent Examiner.

64 PROGRESS AND DELIVERY PERIOD 2

The report was introduced by the Chief Operating Officer who noted that it reflected the performance of the council in the first six months of the 2016/17 municipal year (April – September).

The summary was structured to highlight those areas that were performing above expectations, those areas where there was a risk to either performance or delivery and those areas where further work was required for next year's report.

Progress on the Commercial Plan was to be included on the agenda for the December meeting.

Areas described as performing well included: Building Control; Development Management;

Projects and Growth; and CCTV.

Those areas described as risks included: Local Land Charges; Enforcement; Markets; and Home Choices.

Further information was given on each of the above, and the Progress and Delivery Working Group was to meet again shortly to look again at the measures being used. Complaints, Comments and Compliments were being reconsidered to present a more sophisticated way of monitoring.

Discussion ensued and with regard to the current pressures being experienced by the homelessness team, Members sought indication as to the average time it took to process a homelessness application, together with a general profile of those declaring themselves as homeless. Officers undertook to provide this information outside of the meeting, and it was suggested this may be a measure included in the future.

Members commended the work undertaken by Home Options Team, particularly the leading role they played across the District in respect of Homelessness.

The revised report format was welcomed.

Caution was expressed with regard to planning income levels, as whilst these were currently at a high level, with the introduction of the Local Plan, this position would likely change. There was a general discussion on how the level of income allowed flexibility within the staffing of the team. It was acknowledged that reduced income was likely in the future, however Officers gave their assurance, that they were aware of this and would continue to monitor the situation carefully.

A Member sought indication as to whether the number of cases of “non-determination” in respect of planning applications had increased and the reasons for this. Again, Officers undertook to provide this information outside of the meeting, and it was suggested this may be a measure included in the future performance and delivery reports.

RESOLVED that having reviewed the performance information contained in the Progress and Delivery Report, the report be accepted.

65 FEES AND CHARGES 2017/2018

Members gave consideration to a report which detailed proposed fees and charges for service areas and functions, within its purview, to take effect from 1 April 2017.

In presenting the report, the following points were highlighted to Members: -

The 2017/18 process had been informed by benchmarking work undertaken in 2016/17 and looked at trends in costs/income and demand to inform proposals for charges.

Inflationary increases of 2.2% had been applied for most non statutory fees, however, no increases had been applied to Markets (as they were currently under review), or Car Parking (as the Car Parking Strategy had been approved late in 2016 and a review would be

undertaken in 2017).

Cemeteries were proposing a 130% increase in burial rates, to work towards cost recovery, as on benchmarking the service, the charge currently applied was considerably lower than comparators. It was noted that the Council only had responsibility for two burial sites across the District.

In light of new legislation, namely the Unauthorised Deposits of Waste (Fixed Penalty) Regulations 2016, which gave the Council new powers to fine culprits of fly-tipping, two new charges were proposed verbally. The new Regulations allowed the Council to raise fines between £150 and £400 for an offence and to offer a minimum early payment discount of £120. In the light of this, the charges Members gave consideration to a report which detailed proposed fees and charges for service areas and functions, within its purview, to take effect from 1 April 2017.

In presenting the report, the following points were highlighted to Members: -

The 2017/18 process had been informed by benchmarking work undertaken in 2016/17 and looked at trends in costs/income and demand to inform proposals for charges.

Inflationary increases of 2.2% had been applied for most non statutory fees, however, no increases had been applied to Markets (as they were currently under review), or Car Parking (as the Car Parking Strategy had been approved late in 2016 and a review would be undertaken in 2017).

Cemeteries were proposing a 130% increase in burial rates, to work towards cost recovery, as on benchmarking the service, the charge currently applied was considerably lower than comparators. It was noted that the Council only had responsibility for two burial sites across the District.

In light of new legislation, namely the Unauthorised Deposits of Waste (Fixed Penalty) Regulations 2016, which gave the Council new powers to fine culprits of fly-tipping, two new charges were proposed verbally. The new Regulations allowed the Council to raise fines between £150 and £400 for an offence and to offer a minimum early payment discount of £120. In the light of this, the charges being proposed were a £400 fine reduced to £250 if paid within 10 days and these would be included in Appendix E – Fixed Penalty Notice Charges

Debate ensued and Members sought and received assurance that any decision made now, in relation to the Markets, would not prejudice any forthcoming decision regarding its operation.

Members welcomed the new legislation and the powers it provided the Authority and were supportive of the fees being set at the levels proposed. Members commented on the considerable costs associated with removing fly-tipping and suggested that greater use be made of the new digital CCTV system. The Chief Operating Officer advised that investigations were ongoing as to whether CCTV could be used in some of the most notorious hotspots, however the Authority needed to ensure it complied with all aspects of the RIPA regulations and other associated issues, hence it was not a simple process.

Whilst no increase was being proposed with regard to Car Parking, some Members again re-

iterated their disapproval at charges being introduced in Market Rasen and were of the view that these would be detrimental to the Town and its businesses. Another Member suggested that the whole Strategy was flawed, had been developed from a financial basis only, not taking into consideration economic development and business support and did not have the backing of the Senior Leadership in its entirety.

Officers re-iterated that the charges would be reviewed 6 months after implementation as previously resolved by the Committee. Officers were also working on establishing economic base-line data for the town, in order to understand the position better. Concern was expressed that within 6 months, irreversible damage would be done and Officers were urged to review the charges sooner. This was disputed and whilst acknowledging that the market town was struggling to retain businesses, this could not simply be attributed to parking charges, but likely due to wider economic factors, hence the bench mark data, referred to earlier, being collated. Parking was currently free and yet business turnover remained high. Cause and effect would need to be established and other Members were not of the belief that this could simply be attributed to parking charges.

On that basis it was:-

RESOLVED that: -

- (a) having considered the proposed fees and charges, as detailed in Appendix A - L of the report, they be **RECOMMENDED** to the Corporate Policy and Resources Committee for approval;
- (b) Managers keep fees and charges under review throughout the year in order to either implement changes during the year if required, or to feed into the following years Medium Term Financial Plan; and
- (c) the two additional fees, proposed verbally on the night, namely fixed penalty notices made under the Unauthorised Deposits of Waste (Fixed Penalty) Regulations 2016 (£400 for an offence reduced to £250 if paid within 10 days), be incorporated into the Schedule of Fixed Penalty Notice Charges detailed in Appendix E, and be **RECOMMENDED** to the Corporate Policy and Resources Committee for approval.

66 WORK PLAN

Members gave consideration to the Committee work plan.

Commenting on the raft of Neighbourhood Plans which were due for consideration over the coming months, the Member Champion for Neighbourhood Planning, advised that new legislation being considered, if introduced, would require the Authority to publish the number of plans in place across its area together with the level of support the Authority had offered in producing the Plan. Again it was suggested this may be a future performance and delivery measure.

RESOLVED that the Work Plan as set out in report PRCC.42 16/17 be received and noted.

67 EXCLUSION OF 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

68 COMPULSORY PURCHASE ORDER - MARTON

Members gave consideration to a report which sought approval to proceed with the compulsory purchase of a property and associated land in Marton as detailed in report PRCC.43 16/17.

Members received information on the history of the dwelling and the complaints which had arisen. It was noted that the Council had taken various formal and informal steps to bring this property back into use and that none of these had been successful. In the absence of an acceptable response, it was considered that there was a compelling case in the public interest for enforcement action.

Following the execution of a warrant to fully understand the condition of the property, the cost of the proposed action was outlined in detail to Members, together with the rationale for it now being proposed to compulsory purchase the additional associated land, as detailed in the revised Appendix which was circulated to Members.

RESOLVED that:

- (a) the making of a Compulsory Purchase Order under Section 226(1)(a) of the Town and Country Planning Act 1990 and the Acquisition of Land Act 1981 for the acquisition of the property in Marton together with the land associated with it, and as shown edged in red and in the hatched area on the plans attached at Appendix 1 to report PRCC.43 16/17, to facilitate the development, redevelopment or improvement of the land that will contribute to the promotion or improvement of economic, social or environmental wellbeing be approved; and
- (b) the Chief Operating Officer, in consultation with the Committee Chairman and legal representation be approved and authorised to:
 - i. Take all necessary steps to secure the making, confirmation and implementation of the Compulsory Purchase Orders including the publication and service of all notices and the presentation of the Council's case at any public inquiries;
 - ii. Acquire interests in the property within the Compulsory Purchase Orders either by agreement or compulsorily;
 - iii. Suspend the compulsory purchase order proceedings, or withdraw the order, on being satisfied that the subject house will be satisfactorily renovated and re-occupied without the need to

continue the purchase proceedings in relation to the property;

- iv. Take all necessary action to acquire and obtain possession of the property included in the Compulsory Purchase Orders, either compulsorily or by agreement, and to deal with all matters relating to the payment of compensation and statutory interest including or defending proceedings as necessary;
- v. Dispose of the property in accordance with the proposals set out in this report;
- vi. Take all necessary action to give effect to these recommendations

The meeting concluded at 8.15 pm

Chairman