

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 12 September 2023 commencing at 7.00 pm.

Present: Councillor Mrs Lesley Rollings (Chairman)
Councillor Trevor Young (Vice-Chairman) and
Councillor Emma Bailey (Vice-Chairman)

Councillor Owen Bierley
Councillor Frazer Brown
Councillor Stephen Bunney
Councillor Karen Carless
Councillor Jacob Flear
Councillor Paul Lee
Councillor Roger Patterson

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Ady Selby Director - Operational & Commercial Services
Emma Foy Director of Corporate Services and Section 151
Andy Gray Housing & Environmental Enforcement Manager
Katie Storr Democratic Services & Elections Team Manager

Apologies: Councillor Mrs Diana Rodgers

Membership: No substitutes appointed for the meeting

23 MOTION TO VARY THE ORDER OF THE AGENDA

Noting a Member's pecuniary interest, see below, for procedural ease it was proposed and seconded that the order of the agenda be varied allowing for the Private Rented Sector Housing Proposals (agenda item 6i) to be taken as the last public report to be heard.

On being put to the vote it was

RESOLVED that the agenda be varied as set out above.

24 PUBLIC PARTICIPATION

There was no public participation.

25 MINUTES OF PREVIOUS MEETING

RESOLVED that the Minutes of the Meeting of the Prosperous Communities Committee held on 1 August, 2023 be confirmed and signed as a correct record.

26 MEMBERS' DECLARATIONS OF INTEREST

Councillor Bailey declared a personal prejudicial interest in Agenda Item No. 6 i) Private Rented Sector Housing Proposals by virtue of being a private landlord. Councillor Bailey advised that she would leave the meeting during discussion of the item.

Councillor Young declared a personal non-prejudicial interest in Agenda Item No. 6 iv) West Lindsey Markets Plan Update by virtue of being a casual trader at a market and indicated that he would remain in the meeting, take part in discussion and the vote thereon.

27 MATTERS ARISING SCHEDULE

With no comments, questions or requirement for a vote, the Matters Arising schedule was **DULY NOTED**.

28 LOCAL ENFORCEMENT PLAN (PLANNING ENFORCEMENT)

The report of the Director of Change Management, ICT and Regulatory Services which sought approval of the updated Local Enforcement Plan (Planning Enforcement) was considered.

The Housing and Environmental Enforcement Manager introduced the report and explained that it was an update to the policy and member workshops had been held to help inform both the new document and the general approach to enforcement. It was emphasised that there was a legislative and guidance framework that needed to be adhered to when setting the Policy.

A Member in supporting the recommendations suggested that enforcement was a difficult issue and highlighted the need to balance national legislation, which was regularly changing, against local need and/or expectation. The importance of communicating the policy to residents, offering clarity around responsibilities of authorities and what could be done in respect of enforcement was highlighted. It was indicated that the document was flexible, as it would need regular review to ensure it was addressing any changes.

The Officer advised that there was no recommendation regarding review by the committee and suggested that one could be added requiring it to be brought back in three years unless legislative changes meant a review was needed earlier. Members considered this would be beneficial. A councillor commended the clarity of the report.

A councillor reiterated that enforcement was an emotive issue and the Council risked reputational damage if it did not have a sound policy in place. It was considered the

proposed protocol provided a balanced approach and took account of potential risks. The need for greater education was again raised.

Having been proposed and seconded, including the addition of an additional recommendation, namely that the Policy be reviewed by the Committee on an every 3 year basis, it was: -

RESOLVED that: -

- a) the revised Local Enforcement Plan (Planning Enforcement) as shown in appendix 1 to the report be approved and implemented;
- b) the revised Customer Charter, as shown in appendix 2 be approved and implemented;
- c) delegated authority be granted to the Director of Change Management, ICT and Regulatory Services, to make any future minor housekeeping amendments to the Policy, following consultation with the Chairman of this Committee;
- d) the Policy be bought back to Committee in three years' time for a full review.

29 FIXED PENALTY INCREASE - FLY-TIPPING, HOUSEHOLD WASTE DUTY OF CARE, LITTERING AND GRAFFITI.

The report of the Director of Change Management, ICT and Regulatory Services seeking approval for an increase in Fixed Penalty Notices relating to fly-tipping, littering and graffiti was considered.

In presenting the report the Housing and Environmental Manager clarified that this report was a late addition to the forward plan due to information provided by DEFRA around the ability, as a local authority, to increase the maximum amount allowed for a fixed penalty notice issued for fly tipping, littering and graffiti or to those persons who breached their household waste duty of care.

The level of potential fines was outlined together with officer recommendations on suggested penalties.

Members considered each offence and fine levels in turn.

In respect of fly tipping, and other fines, and in response to Members' questions, it was confirmed that the proposed reduction for prompt payment was discretionary, in terms of fixed penalty approach. The rationale being a reduce offer often increased payments success and was not an un-common approach.

A Member highlighted that all of the offences were anti-social and caused serious environmental problems. It was considered important that residents were aware that fines could be substantial and reflected that offences were serious.

Discussion ensued regarding possible levels of reduction for early payment. Matters discussed included public perception, affordability of fines, parity with neighbouring areas and awareness raising with the public. There was a consensus that increased penalties were needed. The problems of accessing waste disposal sites was also raised and it was suggested this needed to be addressed to help residents get rid of waste legally. It was clarified that sites were operated by the County Council so the District could not have any direct impact but could try and influence other authorities. It was suggested that fly tipping was carried out by a minority of traders and individuals irrespective of the availability of waste disposal services.

A Member sought clarification regarding fines for repeat offenders and whether it was different if the perpetrator was a company. Confirmation was given that higher fines could not be applied for repeat offences but there was also a prosecution option as well as fixed penalties. The role of the Environment Agency in prosecuting larger scale tipping incidents was explained.

Members expressed support for a £1k fine for fly tipping and then considered possible reductions for early settlement. A number of options were considered in respect of achieving payment as quickly as possible without too much expense to the authority in chasing debts.

In respect of fly tipping it was ultimately proposed and seconded that the £1k maximum fine be implemented with no reduction for early settlement. On being put to the vote the amendment was carried.

The Committee considered fines for household waste duty of care offences. It was noted that there was confusion regarding this and so making people aware was important. Clarification was given regarding the legal position of early presentation of waste for kerbside collection.

It was proposed and seconded that the maximum fine be approved with no reduction for early settlement. The proposition was carried.

The recommendations relating to graffiti and littering were received and considered. It was confirmed that fines could only be issued to people of 16 years old. The issue of enforcement and lack of reporting of such offences was discussed. It was confirmed that littering from vehicles was included and things like dashcam footage had helped in this respect in the past.

A Member highlighted the negative impact of graffiti on the landscape and suggested it would be beneficial if it was separate from littering as it was more impactful. The issue of disposable vapes being dropped was raised. In response to a question it was clarified that dog fouling came under different legislation.

It was proposed and seconded that the maximum fine be approved with no reduction for early settlement. The amendment was carried and on that basis it was

RESOLVED to RECOMMEND to Corporate Policy and Resources Committee for approval that:

- a) the fixed penalty charge for fly-tipping is increased to £1,000, with a no

reduction for early payment;

- b) the fixed penalty charge for a household waste duty of care offence is increased to £600, with no reduction for early payment; and
- c) the fixed penalty charge for a littering or graffiti offence is increased to £500 with no reduction for early payment.

Amended charges, if approved by the Corporate Policy and Resources Committee, would take effect from 1 October 2023.

30 WEST LINDSEY MARKETS ACTION PLAN UPDATE

The report of the Director of Commercial and Operational Services, which provided an update on progress with delivering the 3-year West Lindsey Markets Action Plan, was received.

In presenting the report the Lead Officer advised that the report looked at a sustainable future for West Lindsey Market and recognised the importance and opportunity of a vibrant street market offering across the district.

It was advised that Markets were an important cultural, social and economic asset for the district, which required ongoing work and investment. The process for evaluating options, consultation and contributing factors was outlined. The national shift in retail behaviours, the emergence of bargain and discount shops, and the convenience of large supermarkets and online deliveries were emphasised.

The Committee was reminded of previous reports that had been considered, subsequent recommendations and discussions that had been undertaken. The current position regarding markets, as outlined in the report, was clarified.

The report recommendations, included the establishment of a Member Working Group to provide oversight of ongoing delivery and to develop new and further opportunities for growth,

Debate ensued and a Member welcomed the acknowledgement of the importance of markets and the support that had been given. The importance of a co-ordinated approach with partners was emphasised. The wider benefits of a bespoke approach for different areas were highlighted to ensure that it met local need and any plans should be flexible to achieve this. This view was supported by other Members.

The role of external consultants was discussed and the need to understand local need and ambition was considered paramount. The history of the Gainsborough markets and previous failures in this regard were outlined. Concerns around business support and resources for delivering that were discussed. The need for accurate data to inform future decisions was raised with data cast on the average stall data included.

In respect of a Working Group and its draft terms of reference it was suggested that the membership be five, that the Group should meet on a monthly basis and that it should report

back to the Committee on a quarterly basis.

A Member suggested this was the first stage in a wide ranging piece of work on town centres across the district, including work to improve the public realm. It was indicated that initiatives were needed to encourage more traders to the markets, provide a variety of stalls and events and be sustainable. The diversification of retail and changes to the high street offer were emphasised.

Discussion ensued regarding the establishment of a working group, membership, terms of reference and frequency of meetings.

It was proposed and seconded that 3.3 of the Terms of Reference be amended to reflect five members (so as to read 3 other members) that 4.2 be amended changing the frequency of meetings from 6 weekly to monthly; the added requirement for a quarterly report to the Prosperous Communities Committee be added to 5.1 and given the increased frequency of meetings 4.3 be reduced to 7 days notice to aide administration.

On being put to the vote the amendments to the terms of reference were accepted.

Noting the report sought to also appoint Members it was suggested it would be most appropriate to make those appointments now, or grant delegated authority to an Officer, to make those appointments in consultation with the Chairman of the Committee to avoid any further delays and allow the Group to commence meeting.

The following nominations were proposed and seconded and were in accordance with the Terms of Reference: -

Councillor Lesley Rollings
Councillor Trevor Young
Councillor Stephen Bunney
Councillor Angela Lawrence
Councillor Jacob Flear.

RESOLVED that: -

- a) the progress to date in delivering the vision for thriving markets across West Lindsey be welcomed;
- b) a 'West Lindsey Markets' Members Working Group be established in line with the draft terms of reference, at appendix 1 to the report, and as amended throughout the debate detailed above, with the following Members appointed to serve thereon: -

Councillor Lesley Rollings
Councillor Trevor Young
Councillor Stephen Bunney
Councillor Angela Lawrence
Councillor Jacob Flear.

31 WORKPLAN

The Committee was advised that an additional meeting had been arranged, the Officer outlined which items on the work plan it was envisaged would come to that additional meeting on 11 October.

With no questions or comments, the work plan was **DULY NOTED**.

Note: Councillor Emma Bailey left the meeting at this point in proceedings due to her pecuniary interest, declared earlier and did not return.

32 PRIVATE RENTED SECTOR HOUSING - PROPOSALS

The committee considered the report of the Director of Change Management, ICT and Regulatory Services which provided an update on the work relating to the Private Rented Sector (PRS) and advised on some of the potential impacts relating to the Renters Reform Bill, which was due to be introduced during 2023/24.

The Housing and Environmental Enforcement Manager presented the report and explained that it aimed to reset the position in relation to the private rented sector following recommendations that were agreed by the Committee in March 2023.

The background to the issue and previous proposals around selective licensing were outlined. It was noted that there were four specific areas relating to selective licensing, targeted enforcement, landlord/tenant support and landlord accreditation that were addressed in the report. The proposals for each area were detailed to Members.

A Member indicated opposition to the introduction of a selective licensing scheme and was of the view that recommendation (a) relating to that should not be supported and indicated he would not be supporting.

With no willingness to propose recommendation a) as written it was proposed and seconded that recommendation a) relating to selective licensing be removed/ withdrawn due to a lack of appetite to progress this work. On being put to the vote the amendment was carried.

Discussion ensued on the remaining recommendations and members welcomed the provision of information sessions for landlords and tenants. It was requested that details of the information to be provided at the sessions, and the finalised dates be made available to Members as well.

Members considered energy efficiency standards and the implications of the cost of living challenge and supported the recommendation with regard to this.

In respect of the proposed allocation of £35k for selective licensing clarification was sought regarding the budget allocations. In response it was explained that by using the £35k some requirement for 2024/2025 could be removed but would need to be put back in the future.

It was acknowledged that there was a significant cost increase since it was previously

considered. It was noted that funding was countywide and some Members considered the increase in costs for a survey seemed significant. Clarification was given that the proposed report was more detailed than previously and was able to assess different scenarios. The cost of selective licensing and stock surveys over previous financial years was outlined.

A Councillor, in supporting the Private Sector Housing Renewal Policy, suggested that a definitive timeline should be put on reporting back to Committee, reference recommendation (f) and suggested early 2024.

Members considered potential changes in legislation and other factors that could impact on the delivery of the Policy. Members were keen however to see this matter progress sooner rather than later and did not wish to leave the Policy development date open ended.

It was proposed and seconded that the Policy be brought back to committee at the March 2024 meeting subject to any significant external changes, such as legislation becoming apparent. On being put to the vote the amendment was carried.

On that basis it was

RESOLVED that

- a) recommendation a) as printed in the report (*a) That a selective licensing scheme may still be revisited within the next 18 months, subject to the necessary data to support this approach*) be withdrawn due to a lack of appetite to progress in this area;
- b) two information sessions (one face to face and one online) be organised, during October or November 2023, for landlords and tenants on the Renters Reform Bill and its potential implications;
- c) Officers continue to understand the implications of the Renters Reform Bill and provide updates on this topic via Prosperous Communities Committee Chairs Brief;
- d) Officers continue to carry out proactive targeted enforcement project on Energy Performance standards, alongside its statutory obligations;
- e) the remaining allocated £35k available for selective licensing work, as agreed at Corporate Policy and Resources Committee on 11th November 2021 be reallocated to support the work on updating the housing stock modelling report; and
- f) a Private Sector Housing Renewal Policy be developed for approval by this Committee at the March 2024 meeting subject to any significant changes in respect of legislation.

The meeting concluded at 9.05 pm.

Prosperous Communities Committee- 12 September 2023
Subject to Call-in. Call-in will expire at 5pm on

Chairman