

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

**This meeting will be webcast live and the video archive published on our website**

**Prosperous Communities Committee**  
**Tuesday, 12th September, 2023 at 7.00 pm**  
**Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA**

**Members:**

- Councillor Mrs Lesley Rollings (Chairman)
- Councillor Trevor Young (Vice-Chairman)
- 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
- Councillor Mrs Diana Rodgers

1. **Apologies for Absence**
2. **Public Participation**  
Up to 15 minutes are allowed for public participation. Participants are restricted to 3 minutes each.
3. **Minutes of Previous Meeting** (PAGES 3 - 6)  
To confirm and sign as a correct record the Minutes of the Prosperous Communities Committee held on 1 August 2023.
4. **Members' Declarations of Interest**  
Members may make any declarations at this point but may also make them at any time during the course of the meeting.
5. **Matters Arising Schedule** (PAGE 7)  
Setting out current position of previously agreed actions as at 4 September 2023.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

## 6. **Public Reports**

- i) Private Rented Sector Housing - Proposals (PAGES 8 - 22)
- ii) Local Enforcement Plan (Planning Enforcement) (PAGES 23 - 45)
- iii) Fixed Penalty Increase - Fly-Tipping, Household Waste Duty of Care, Littering and Graffiti. (PAGES 46 - 52)
- iv) West Lindsey Markets Action Plan Update (PAGES 53 - 69)
- v) Workplan (PAGES 70 - 72)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Monday, 4 September 2023

Prosperous Communities Committee – 1 August 2023  
Subject to Call-in. Call-in will expire at 5pm on 11 September 2023

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall on 1 August 2023 commencing at 6.30 pm.

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

Councillor Owen Bierley  
Councillor Stephen Bunney  
Councillor Karen Carless  
Councillor Jacob Flear  
Councillor Paul Lee  
Councillor Roger Patterson  
Councillor Tom Smith

**In Attendance:**  
Sally Grindrod-Smith Director Planning, Regeneration & Communities  
Russell Clarkson Development Management Team Manager  
Katie Storr Democratic Services & Elections Team Manager

**Apologies:** Councillor Frazer Brown  
Councillor Mrs Diana Rodgers

**Membership:** Councillor Tom Smith sat as substitute for Councillor Frazer Brown

### 16 PUBLIC PARTICIPATION

There was no public participation.

### 17 MINUTES OF PREVIOUS MEETING

**RESOLVED** that the Minutes of the Meeting of the Prosperous Communities Committee held on 11 July, 2023 be confirmed and signed as a correct record.

### 18 MEMBERS' DECLARATIONS OF INTEREST

The following non-pecuniary interests were declared by Councillors in the spirit of transparency.

Councillor T. Smith declared that, as a County Councillor, he had been involved in a Planning Committee where the item had been discussed.

Councillors L. Rollings, E. Bailey and K. Carless stated they lived in locations close to proposed solar farm sites.

## **19 MATTERS ARISING**

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

## **20 GATE BURTON SOLAR PROJECT - WRITTEN REPRESENTATIONS**

The Development Management Team Manager introduced the report and outlined details of the site, the examination process and timetable. The first stage was an invite to interested parties to submit written representations and, whilst it was not mandatory, it was one of the key documents along with the local impact report considered at the meeting. The examiner would need to take them into account when making recommendations to the secretary of state.

It was explained that written representations set out terms of the approach and outlined risks together with areas where the council was supportive of the development, areas where it was neutral and finally where there were concerns and objections.

The Committee was being recommended to submit written representations, and draft representations had been prepared and circulated for consideration.

A Member of the Committee indicated that a submission should be made and suggested that certain points needed strengthening. A concern was raised regarding the loss of agricultural land and potential impact on crop production and local food supply, possibly adding to food miles and emissions if goods needed to be bought in. Secondly, it was suggested that the cumulative impact section needed adding to, in respect of the effect on community life. It was acknowledged that reference was made to the landscape, transport and other issues but the actual impact on life in the villages needed to be highlighted. The development would have a major visual impact but also affect local shops and facilities.

Councillors concurred with the suggested amendments to the response and thanked Officers for the hard work on the report. The need for alternative energy sources was recognised but this needed to be balanced against the impact on local communities. It was suggested that, particularly during the construction phase, there would be a negative impact due to the large number of HGV's using unsuitable rural roads.

A Member of the Committee indicated that this proposal was ten times the size of anything previously seen in the district and reiterated the need to protect food production and security.

Disappointment was expressed that as the local planning authority, this decision was not in remit of the council. It was noted that previous applications had been approved with a 25-year lifespan but this would be 60 years. The importance of encouraging more visitors to the area was highlighted and large developments could have a negative effect. The potential negative impact on agricultural land and particularly on tenant farmers was reiterated. It was

further questioned whether there would be any benefit for the district from business rates from any solar development.

Support was expressed for green energy initiatives but it was felt that it needed to be in the right place, and prime agricultural land was not suitable. It was suggested that smaller scale developments on brownfield sites should be encouraged. The negative visual impact was further emphasised.

A Committee Member highlighted concern from constituents about the proposals and the potential harm to communities that needed to be balanced against the supply of green energy. The potential damage to agricultural land and wildlife habitats was emphasised.

The Director of Planning, Regeneration & Communities summarised the debate and indicated that whilst the impact on agricultural land had been included within the written representations, the Committee wanted to strengthen this further in respect of food security. In addition, the cumulative impact of increased traffic needed to be highlighted together with the wider effect on local services, shops and facilities. The discussion in terms of planning, balance and the potential effectiveness of the solar development proposals, given the climate and the grid capacity, was highlighted.

The recommendations in the report were then clarified and were duly proposed and seconded. On being put to the vote it was

**RESOLVED** that:

- a) the invitation to submit Written Representations (WR) on the Gate Burton Energy Park DCO application be accepted and approved; and
- b) the draft Written Representations (WR) prepared for the Gate Burton Energy Park examination be accepted, and authority be delegated to the Director of Planning, Regeneration and Communities following consultation with the Chair of this Committee, to complete, finalise and submit the WR by Deadline 2 (8th August) as set by the Examining Authority, taking into consideration Committee's comments.

## **21 DELEGATION OF RESPONSIBILITY FOR PARTICIPATION IN NSIP EXAMINATIONS**

The Development Management Team Manager introduced the report and explained that it related to administrative processes associated with the examination timetable. The report therefore made recommendations in regard to delegations so that decisions could be made quickly if necessary. It was emphasised that changes were proposed to the previous scheme of delegation agreed in November 2021.

A Member of the Committee asked about the impact on the Central Lincolnshire Local Plan and the partners involved. It was confirmed that whilst it related to the district, any wider issues would be raised with the Chairman and in that instance, would look at following the same process. Clarification was given that as a group of authorities for the Central Lincolnshire area, all of the nationally significant infrastructure projects were reviewed

regularly.

There was some concern raised regarding the tight timetable for the examination process, in recognition of the impact on all involved when meetings needed to be called at short notice to discuss such matters as these. In accepting the preference for the Committee to be the decision maker, the scheme of delegations was supported for those occasions where it simply was not feasible to call a meeting of the Committee.

The recommendations were proposed, seconded and on being put to the vote it was

**RESOLVED** that the updated Decision and Delegation Protocols, set out at Appendix 1 to the report, for West Lindsey District Council when participating in the examination of a Nationally Significant Infrastructure Project, be approved.

## **22 COMMITTEE WORKPLAN**

The Democratic Services & Elections Team Manager introduced the report and explained that the plan would develop as the year progressed and emphasised that Members could make suggestions for items to come forward.

A Member of the Committee referred to the large number of items for the September 2023 meeting. In response, the concern was acknowledged and that this would be reviewed to ensure that the agenda was manageable.

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

The meeting concluded at 7.40 pm.

Chairman

## Prosperous Communities Matters Arising Schedule

**Purpose:** To consider progress on the matters arising from previous Prosperous Communities Committee meetings.

**Recommendation:** That Members note progress on the matters arising and request corrective action if necessary.

### Matters Arising Schedule

Status	Title	Action Required	Comments	Due Date	Allocated To
Black	<b>Flow Chart re ASB Contacts</b>	PC 07/03/23: ASB: The suggestion of a flow chart for Members to have as a quick reference guide was supported and it was hoped this could be included in the Member Welcome Pack for all Councillors after the elections in May 2023.	<b>Reallocated to Democratic Services to be loaded to library for quick access</b>  <b>Flowchart loaded into library - info piece added to bulletin for all Cllr info</b>	01/09/23	Ele Snow
Green	<b>Further Education Task Force - future reporting</b>	Extract from mins of mtg 19/7/22 (b) a quarterly update report from the Further Education Taskforce be received by the Prosperous Communities Committee on a quarterly basis;	<b>Please ensure these reports are added to the Work Plan for PC Cttee</b>  <b>First meeting of the group took place Feb 2023, updates to be scheduled accordingly.</b>  <b>THESE REPORTS ARE STILL AWAITING ADDING TO WORK PLANS - there has been delaying in getting this group together</b>	30/09/23	Grant White
Green	<b>Parking Strategy - Future Considerations</b>	Following discussions at PC Cttee meeting 19 July 2022, considerations for the refresh of the Parking Strategy should include details on opportunities to "green" the strategy as well as reconsidering options for motorhome and caravan parking, in relation to the visitor economy. Further details in minutes of meeting.	<b>LONG TERM ACTION</b>	30/09/23	Sally Grindrod-Smith

# Agenda Item 6a



**Prosperous Communities  
Committee**

**Tuesday 12<sup>th</sup> September  
2023**

**Subject: Private Rented Sector Housing - Update**

Report by:	Director of Change Management, ICT & Regulatory Services
Contact Officer:	Andy Gray Housing & Environmental Enforcement Manager  andy.gray@west-lindsey.gov.uk
Purpose / Summary:	To provide Councillors with an update on the work relating to the PRS and advise on some of the potential impacts relating to the Renters Reform Bill, which is due to be introduced during 23/24.

## **RECOMMENDATIONS:**

Committee are asked to agree:

- a) That a selective licensing scheme may still be revisited within the next 18 months, subject to the necessary data to support this approach.
- b) That two information sessions (one face to face and one online) are organised for landlords and tenants on the Renters Reform Bill and its potential implications. To be held during October or November 2023.
- c) That officers continue to understand the implications of the Renters Reform Bill and provide updates on this via Prosperous Communities Committee Chairs Brief.
- d) That officers continue to carry out proactive targeted enforcement project on Energy Performance standards, alongside its statutory obligations.
- e) That the remaining allocated £35k available for selective licensing work, as agreed at Corporate Policy and Resources Committee on 11<sup>th</sup> November 2021 is reallocated to support the work on updating the housing stock modelling report.



f) That a Private Sector Housing Renewal Policy be developed for approval by this Committee

## **IMPLICATIONS**

### **Legal:**

The Council has statutory obligations as set out in the Housing Act 2004, which is a piece of legislation that the Council are familiar with and utilise regularly. Certain approaches may require specific legal advice, which will be sought should it be required.

The Council have in place a Housing Enforcement Policy and a Civil Penalties Policy, which support this work.

The planned Renters Reform Bill seeks to increase the statutory obligations on the Council within the private rented sector.

### **Financial:**

Section 6 of the report details the requirement for a Housing Stock Condition Survey, which is a statutory requirement under the Housing Act 2004. The last stock modelling exercise was undertaken in 2017/2018 and is now due for an update.

There is a base budget within the MTFP every 5 years of £20k from 2024/2025 based on the cost of the previous survey work in 2017/2018. However, this cost has increased to £39k and is required during 2023/2024, a year earlier than predicted.

It is proposed that Prosperous Communities Committee are asked to release the remaining £35k selective licensing allocation (from November 2021) to support this work.

The reprofiling of the budget to every 5 years from 2023/2024 and forecast pressure of £19k will be reported through the 2024/2025 budget setting process for approval.

FIN/60/24/SSC

### **Staffing:**

The matters discussed within the report are resourced through the Council's existing staffing base.

### **Equality and Diversity including Human Rights:**

None noted.

**Data Protection Implications:**

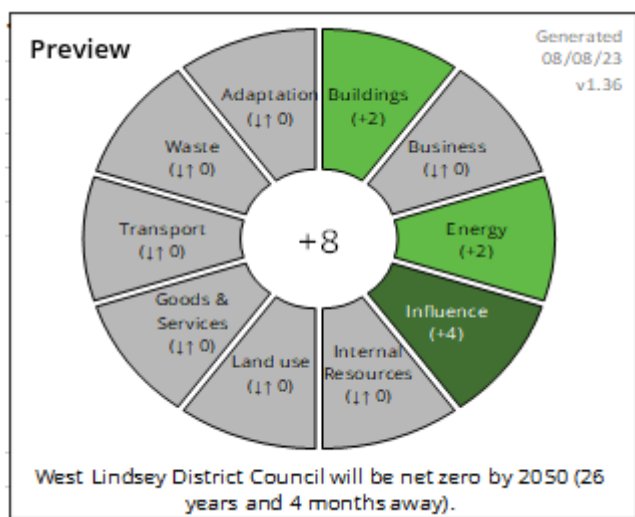
None noted.

**Climate Related Risks and Opportunities:**

The improvement of housing standards has a direct impact in regard to carbon reductions and helping to minimise energy usage for persons living in any properties.

Specific regulations such as MEES (Minimum Energy Efficiency Standards) focus directly on improving the energy performance ratings of homes and are regulations that the Council currently enforces.

A CESIA wheel has been completed for this report below, outlining the areas where improving housing standards can have a positive environmental impact.



Section 4 of the report outlines how the Council is using Energy Performance Ratings as a basis for addressing housing standards and this is a continuation of the work that was undertaken between 2021 and 2022 to address poor energy efficiency standards in the private rented sector.

Operating as an enforcement authority when carrying out this work also continues to demonstrate to the public that we are working to improve housing standards and energy efficiency.

**Section 17 Crime and Disorder Considerations:**

The evidence available to the Council suggests broadly that where there is a greater level of PRS properties, there is generally a greater level of anti-social behaviour. The only Housing Act power that can deal with ASB more directly and in a broader manner is "Selective Licensing". To address it specifically on a case by case basis, the Council has other relevant powers it can consider utilising, however these are not as binding on the landlord as some of the aforementioned.

**Health Implications:**

Poor quality housing can have a significant impact on an individual's health and wellbeing. This is well documented and evidenced and forms the basis for the Housing Act powers that are used by the Council.

The inspections undertaken by the Council seek to identify and remove serious hazards from properties to ensure that they are safe for the occupants to live in.

Further information on this impact can be found here:

<https://commonslibrary.parliament.uk/research-briefings/cbp-9414/>

**Title and Location of any Background Papers used in the preparation of this report:**

Report to the Prosperous Communities Committee 07 March 2023, Private Sector Housing - Options for Future Direction

<https://democracy.west-lindsey.gov.uk/documents/s34582/Private%20Rented%20Sector%20Housing%20-%20Options%20for%20Future%20Direction.pdf>

Government White Paper "A fairer private rented sector" (June 2022)

Overview of the bill can be found here <https://www.gov.uk/guidance/guide-to-the-renters-reform-bill>

The Bill page is here - <https://bills.parliament.uk/bills/3462/publications>

The Parliamentary Briefing (30th May 2023) can be downloaded at this link:

<https://commonslibrary.parliament.uk/research-briefings/cbp-8756/>

**Risk Assessment:**

**Housing Standards:** the data in section 2 suggests that there is considerable work to be undertaken to improve standards with the PRS and reduce the number of hazards present in properties. These hazards present a risk to property occupants and the Council have a statutory obligation to address category 1 hazards where they are found to be present.

**Planned Government Reform:** whilst the planned reforms in the PRS are outlined, there are no current implementation dates for the key aspects, such as abolition of Section 21 (no fault eviction), the Landlord Portal or the Ombudsman for the PRS. The risk of these reform is that the impacts are unknown and unquantifiable.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**No**

## **1. Introduction**

1.1. In March 2023, Prosperous Communities Committee selected a recommended course of action in relation to the future approach in the Private Rented Sector (PRS). Two recommendations were approved as follows;

- a) the policy position in regard to selective licensing be agreed as “Option D”, as set out in the options table on page 8 of the report, and that the timeframe for revisiting selective licensing be scheduled to be between 12 and 24 months;
- b) a further report be brought back to the Prosperous Communities Committee within 6 months to outline the proposed future approach for delivery.

1.2. During the time that has passed since March 2023, work has been undertaken to commence delivery of the selected options and further details in specific relation to these will be presented at the August 2023 Committee.

1.3. This update seeks to provide additional information on some of the progress made to date, alongside the identification of some of the key implications for the Council regarding the Renters Reform Bill.

1.4. The following actions were agreed as part of Option D at Prosperous Communities Committee in March 2023.

- Selective Licensing – choose to revisit selective licensing at a future date (between 12 and 24 months) with new data and new proposals.
- Targeted Enforcement – Could be developed prior to any new selective licensing proposals.
- Landlord and Tenant Support – Develop landlord and tenant support initiatives (i.e., a forum, increased comms, specific tenancy support workers)
- Landlord Accreditation – Enhanced comms in relation to benefits of landlord accreditation.

## **2. The Private Rented Sector in West Lindsey**

2.1. In terms of context for Committee, there are currently around 9,000 properties in the PRS across West Lindsey, which make up roughly a quarter of the overall housing stock. The table below summarises what we know about the PRS on a ward-by-ward basis. The key points are as follows:

- Out of 20 wards, 6 have a PRS % that is above the National Average.
- The average across the whole district is also above the national average.
- 19 out of 20 wards have a %age of Cat. 1 Hazards that is above the national average.
- There estimated to be 2,413 properties in the PRS with at least one Cat. 1 Hazard
- The district average for Cat. 1 Hazards is 23.1% (against a national average of 13%).

Levels of PRS (WLDC Metastreet Report 2021)						
Wards	% PRS 2021	No. of PRS	Number of PRS with cat 1 hazards	% Cat 1 hazards 2021	Housing complaints	Rate of housing complaints / 1000 dwellings
<b>National average</b>	<b>&gt;19%</b>			<b>&gt;13%</b>		
Bardney	16.90%	214	35	16.40%	21	98
Caistor and Yarborough	18.20%	494	115	23.30%	37	75
Cherry Willingham	14.20%	508	72	14.20%	7	14
Dunholme and Welton	13.20%	505	93	18.40%	28	55
Gainsborough East	15.40%	504	81	16.10%	89	177
Gainsborough North	30.20%	1058	310	29.30%	148	140
Gainsborough South	56.70%	1752	792	45.20%	469	268
Hemswell	31.70%	389	127	32.60%	21	54
Kelsey Wold	11.10%	132	45	34.10%	11	83
Lea	11.10%	111	15	13.50%	8	72
Market Rasen	20.90%	861	198	23.00%	89	103
Nettleham	11.50%	247	41	16.60%	10	40
Saxilby	16.30%	465	71	15.30%	9	19
Scampton	33.00%	410	44	10.70%	13	32
Scotter and Blyton	13.70%	464	106	22.80%	37	80
Stow	13.30%	144	29	20.10%	8	56
Sudbrooke	9.80%	114	20	17.50%	1	9
Torksey	11.80%	163	40	24.50%	10	61
Waddingham and Spital	15.90%	182	55	30.20%	10	55
Wold View	27.40%	332	124	37.30%	21	63
<b>Council total</b>	<b>19.62%</b>	<b>9,049</b>	<b>2413</b>	<b>23.1%</b>	<b>52</b>	<b>78</b>

### 3. Selective Licensing

3.1. In relation to Selective Licensing, the decision made in March 2023 was to revisit it at a future date (between 12 and 24 months). Given that a very short period of time has passed since this decision, it is proposed that these timescales should remain, and that further consideration should be given to a scheme in line with the recommendation in due course.

3.2. Selective licensing provides a specific tool to deal with a variety of housing related issues, such as housing standards, tenancy management and anti-social behaviour. Given the data that the Council possesses in relation to these, it would be prudent to keep this

available as an option moving forward and revisit it towards the latter end of the timescales within the recommendations. This will also allow further understanding of the impacts of the planned Renters Reform Bill (see section 5).

- 3.3. Committee should note that there are no plans to reform selective licensing within the planned Renters Reform Bill and that the proposals within it are not viewed as a replacement for selective licensing. It is still a tool that is available for the Council to use.

#### **4. Targeted Enforcement**

- 4.1. The work area has sought to commence a targeted enforcement project within the current resources that it has for housing standards and enforcement. The focus is on properties in the PRS that have an “E” Energy Performance Certificate (EPC) rating, the minimum required legal standard. Previous work by the Council has ensured that any properties rated F or G on an EPC are no longer in the rental sector or have been improved to meet at least an E rating. This work directly contributes towards tackling climate change through the improvement of energy efficiency in homes.
- 4.2. This work is being completed alongside the usual day to day reports that are received by the Council in relation to housing disrepair. This involves proactively contacting landlords of those properties and asking them to provide a valid electrical safety and gas safety certificate. A summary of progress to date is as follows:
- 96 compliance letters issued across Bardney, Dunholme, Welton, Market Rasen, Nettleham, Scotter and Blyton.
  - 70 complied within timescales and provided both certificates.
  - 10 required new electrical safety certificates, which are now in place.
  - 14 property inspections completed, and 6 informal schedules issued.
  - 2 electrical safety breaches being considered for financial penalty.
- 4.3. The above initial statistics give some confidence in terms of compliance levels; however this only contains around 10% of the properties that fall into the E rated EPC category. This work will continue over the next 12 months.
- 4.4. Alongside this, a specific communications campaign has been delivered in relation to damp and mould in light of the tragic death in Rochdale of two-year old Awaab Ishak in December 2020, from a respiratory condition caused by mould in a social rented property. This campaign will run again as we move into the winter months. To support this work, a new damp and mould guide has been produced for tenants and is on the Council’s website here <https://www.west-lindsey.gov.uk/housing-homelessness/private-sector-housing/housing-repairs-standards-enforcement>

4.5. Proposals relating to landlord and tenant support are referred to in the points for discussion below, in light of the planned Renters Reform Bill developments.

## **5. Renters Reform Bill**

5.1. In June 2022 the Government published its White Paper “A fairer private rented sector” which purported to offer a New Deal for people living in the Private Rented Sector. The White Paper outlined 5 ambitions and a 12-point plan of action to achieve those ambitions. It promised to address these through a Renters’ Reform Bill, and to “create a Private Rented Sector that is fit for the 21st century, with equal access to decent rented properties across the country and the security for tenants to make their house a home.”

- An easy to navigate overview of the bill can be found here <https://www.gov.uk/guidance/guide-to-the-renters-reform-bill>
- The Bill page is here - <https://bills.parliament.uk/bills/3462/publications>
- The Parliamentary Briefing was published on 30th May 2023, and can be downloaded at this link - <https://commonslibrary.parliament.uk/research-briefings/cbp-8756/>

5.2. It is the intention of the Government to bring forward legislation at the earliest opportunity to;

- Apply the Decent Homes Standard to the Private Rented Sector.
- Make it illegal for landlords and agents to have blanket bans on renting to tenants in receipt of benefits or with children.
- Strengthen local councils’ enforcement powers.

5.3. The table shown in appendix 1 sets out some of the initial implications that the bill may have for the Council. The main concern is that there are a significant number of unknowns, which may or may not have an impact on the Council’s resources. It is very clear however, that the Council will have increased enforcement responsibilities, which it will have an obligation to deliver.

5.4. Nationally, there is a general concern in relation to the Bill and how its implications will be understood by the sector given the wholesale changes it will bring about. On that basis, it is proposed that the Council deliver information sessions on the potential implications to landlords and tenants during the Autumn of 2023. These sessions will be aimed at providing advice and guidance to landlords on the requirements of the Bill and to further understand any concerns that they and tenants may have to enable the Council to consider whether it can respond.

## **6. Housing Stock Condition Modelling**



- 6.1. A separate piece of work is being undertaken to update the Council's Housing Stock Condition Survey, which is a statutory requirement under the Housing Act 2004. The last stock modelling exercise was undertaken in 2017/18 and is now due for an update.
- 6.2. The Council have been working with all Lincolnshire authorities to commission a collaborative report, which would be supported by the Lincolnshire County Council (LCC) Public Health Intelligence Team (PHIT). The PHIT would undertake analysis and the production of bespoke reports on specific issues that each district wished to address across its different geographies. They would also review this information against other health information and NHS records across Lincolnshire to enable targeted interventions.
- 6.3. A further report is due at Management Team in September to outline the Housing Stock Condition modelling approach. In the meantime, it is proposed that Prosperous Communities Committee are asked to release the remaining £35k selective licensing allocation (from November 2021) to support this work. The remaining £35k is unallocated and it is believed that allocation of this amount will help to work towards the broader objectives within the housing strategy, given that it is unlikely that any selective licensing scheme will come forward in the short term. This work will also help to inform any future interventions that the Council may wish to implement.

## **7. Summary**

- 7.1. Given the potential implications and limited information in regard to the planned Renters Reform Bill, it would be prudent for the Council to continue to understand this and its full implications, prior to making any further decisions on how it may intervene further in the PRS.
- 7.2. The Council will continue to carry out its proactive work alongside its statutory obligations and will work to ensure that landlords and tenants are provided with information to enable them to better understand and respond to the potential implications of the planned Renters Reform Bill.

**END**

**Appendix 1 - Renters Reform Bill Implications**

Change or new policy	Implications		
	Tenants	Landlords	West Lindsey
A range of additional legal requirements placed onto landlords.	Will need to understand their new rights in line with the new Bill	<p>Will need to understand new requirements and ensure that they are complying with the law.</p> <p>May result in landlords withdrawing from the market.</p>	<p>Will need to play a role in ensuring that tenants and landlords are aware of new requirements.</p> <p>If landlords withdraw from the market this will increase evictions and mean less accommodation available in the private rented sector.</p>
Abolish section 21 “no fault” evictions	Increased security of tenure for tenants. Tenants can still give the same notice to end a tenancy as they can currently		<p>Where an invalid notice is served, Home Choices will need a new process to work with landlord and tenant to prevent homelessness</p> <p>Where a valid notice is served time frames are likely to be shorter potentially making it harder to prevent homelessness.</p> <p>More communication will be required with landlords and tenants around validity of notices and WL action from that.</p>

<p>End of fixed term tenancies where Tenancy agreement notice periods of more than two months would be banned.</p>	<p>The end of fixed term tenancies means tenants would be free to leave at any stage of their tenancy by giving two months' notice to their landlord, awarding them far more freedom than they currently have.</p> <p>6 months' notice to implement. All existing tenancies will then revert to this 12 months later.</p> <p>Will also apply to Registered Providers (Social Landlords).</p>	<p>Will apply to new tenancies on a date TBC. Additional understanding needed in relation to new requirements.</p>	<p>If a landlord attempts to create a fixed term tenancy or seeks to serve a notice to quit, they can be penalised by the local authority.</p> <p>Difficult to end a homelessness duty in a property where the tenancy can be ended sooner than 6 months.</p> <p>Would need clarification as to whether an improvement notice would still protect a tenancy, if there is no rent arrears etc. With new grounds for possession detailing property deterioration, where will this cross with LLs responsibility to manage the property.</p>
<p>Introduce new grounds for eviction for landlords who genuinely want to sell their properties or move back in</p>	<p>Can still be served a no-fault eviction notice if the landlord wants possession of the property</p>	<p>Under revised section 8 grounds, landlords would be able to give a tenant two months' notice should they wish to sell or move into their rental property, while notice periods for other grounds (anti-social behaviour, rent arrears, etc) will vary.</p>	<p>Will be required to investigate complaints about grounds for possession.</p> <p>Notice periods on some grounds for possession are very short and the response from Home Choices to prevent homelessness will have to be fast.</p>

			If a tenant reports disrepair, LL becomes aware and blames issues on tenant damage, this is a short notice period and would need clarification on how retaliatory evictions can be prevented.
Make it illegal for landlords and agents to refuse to rent to people who receive benefits or have children	Potentially increases scope of properties they can access for housing.		Are likely to be the enforcement body for this.  More guidance will be required as it likely they can give different reason for not accepting, e.g. referred by LA as there will be an assumption on benefits.
Introduces the right to keep a pet	Will be able to request if they wish to have a pet in the property.	Cannot refuse reasonable requests in relation to pets. Unclear as to how reasonability will be measured.	This may generate complaints from tenants and required subsequent investigation.
Creation of a national landlord register through the new property portal	Will provide renters with all the information required to make an informed choice before entering into a tenancy agreement	Will require every landlord to register every property on the portal and pay a fee to do so. This will be a legal requirement.	Will need to make provision for enforcing against any landlord that is not registered on the portal.  Will this enforcement take into account all other contributing offences, such as by not registering to the portal you've not provided documents etc..

			CP work is extensive and multiple offences/separate fines would create large workload with multiple grounds for appeal.
Creation of a Private Sector Housing Ombudsman for tenant complaints.	<p>Will be able to complain to the Ombudsman about matters relating to their tenancy.</p> <p>May cause confusion in regard to who to report what issue to (i.e. the landlord, the council or the ombudsman)</p>	Will be required to sign up to the ombudsman scheme and pay a fee to do so.	<p>Will need to make provision for enforcing against any landlord that is not registered with the Ombudsman. Lack of clarity as yet on how the Ombudsman will interact with the Council given its statutory inspection role in the PRS.</p> <p>Same as above*</p>
A requirement for all Councils to take formal action for a range of new offences in relation to registration for the portal and ombudsman, tenancy provision and harassment and unlawful evictions.	An expectation that the Council will be able to take action and investigate any new offences.	Additional legislation to adhere to and maintain compliance with.	<p>Additional enforcement responsibilities over and above the existing legislation. Unclear as to whether his requirement will be absolute.</p> <p>Will need to be clear on which we have a duty to take action on and then decide what our threshold level is for an offence, we will become aware of a high volume of breaches, without the time or resource to action them all. Possible mail out similar to SL an option, to evidence LLs have had</p>

			additional warning of regulation changes
Additional provisions to issue financial penalties for additional offences.			Impact on resources will need to be understood.



**Prosperous Communities  
Committee**

**Tuesday 12<sup>th</sup> September**

**Subject: Local Enforcement Plan (Planning Enforcement) Review**

Report by:	Director of Change Management, ICT & Regulatory Services
Contact Officer:	Andy Gray Housing & Environmental Enforcement Manager  andy.gray@west-lindsey.gov.uk
Purpose / Summary:	To seek approval for the update of the Local Enforcement Plan (Planning Enforcement)

**RECOMMENDATION(S):**

Committee are asked to agree that:

- a) The revised Local Enforcement Plan (Planning Enforcement) as shown in appendix 1 is approved and implemented.
- b) The revised Customer Charter, as shown in appendix 2 is approved and implemented.
- c) Any future minor policy housekeeping amendments can be made by the Director – Change Management, ICT and Regulatory Services following consultation with the Chair of this Committee.

## IMPLICATIONS

### **Legal:**

The legal framework within which the Council operates its planning enforcement function is set out in the policy. The following guidance and legislation applies:

- The Town & Country Planning Act 1990 (as amended)
- The Town & Country Planning (Use Classes) Order 1987 (as amended)
- Planning (Listed Buildings & Conservation Area) Act 1990
- Planning & Compensation Act 1991
- Planning & Compulsory Purchase Act 2004
- Localism Act 2011
- National Planning Policy Framework (March 2010)
- National Planning Practice Guidance (March 2014)  
<https://www.gov.uk/guidance/ensuring-effective-enforcement>

### **Financial: FIN/49/24/MT/SL**

There are no financial implications within this report.

Works in default may be carried out as part of the enforcement process Any works in default are then recovered via the enforcement or civil debtor process.

### **Staffing:**

There are no staffing implications within the report.

### **Equality and Diversity including Human Rights:**

There are not expected to be any adverse impacts on any of the specific user groups in relation to this policy being implemented.

The Policy itself sets out the approach that will be taken and the options available to the Council. Within each specific case

### **Data Protection Implications:**

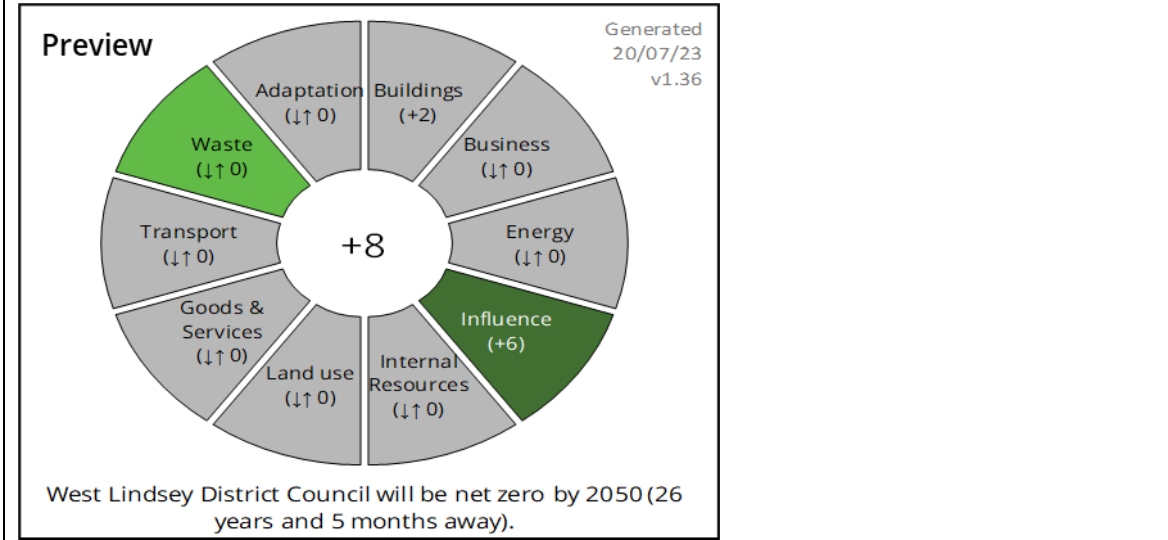
None noted.



**Climate Related Risks and Opportunities:**

Effective planning enforcement controls will help to ensure that certain climate related risks could be mitigated. For example this could be in the form of a planning condition specifically related to an environmental impact or in the form of an unauthorised development that has an adverse environmental impact.

The Policy also sets out to the wider community and other stakeholders that the Council has an agreed approach on these matters and can take action if required to resolve them.



**Section 17 Crime and Disorder Considerations:**

Certain planning enforcement breaches can be dealt with as criminal offences and this policy seeks to ensure that the Council has a framework in which to pursue such offence and deal with them if necessary.

**Health Implications:**

None noted.

**Title and Location of any Background Papers used in the preparation of this report:**

Slides and Notes from Workshop – held by Housing & Environmental Enforcement Manager

**Risk Assessment:**

Out of Date Policy: the existing policy requires updating to reflect the current legislative framework and priorities that are in place. The risk is mitigated with the development and approval of a new policy.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

**Yes**

**No**

**x**

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

**Yes**

**x**

**No**

## 1. Introduction

1.1. This report contains an updated version of the Council's Local Enforcement Plan (Planning Enforcement Policy). This sets out the approach that is taken when dealing with planning enforcement matters.

1.2. This report was previously approved by Committee in 2018 and as a result is due for review and update. The report also contains an updated version of the "Customer Charter", which is a smaller document, used to inform customers as to what they can expect from the service when they make a report of a perceived planning enforcement breach.

## 2. Service Scope

2.1. **In 22/23 the main performance elements of the service were as follows:**

- **292 requests for service** (Average of 270 over the last five years)
- **82.5% of cases closed** within six months
- **87% of cases provided with initial response** within 20 working days
- **365 cases closed**
- **No breach identified in 53%** of cases and breach rectified in a further 25% of cases
- **21 formal notices served**
- **102-day case closure average**
- **Nine Corporate complaints received**, one fully upheld and one where some fault was identified.
- **Two full time equivalent officers**

## 3. Local Enforcement Plan

3.1. The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan to manage planning enforcement proactively and in a way that is appropriate to their area. The plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.

3.2. The updated Local Enforcement Plan for West Lindsey District Council is attached at appendix 1 and the revised Customer Charter is attached at appendix 2.

## 4. Feedback from Councillor Workshops

4.1. In July 2023 two Councillor workshops were held. The notes from these workshops and information slides are available on request but the main activities are summarised in the following sections. It should be noted that Councillors provided some excellent feedback in relation to the Council's approach to planning enforcement.

4.2. The workshop included feedback from three activities as follows:

- **Activity 1: What are your likes and dislikes in regard to the current policy approach in the Local Enforcement Plan?**
  - Generally, there was a concern about the scope and ability to check planning conditions, particularly on those sites where there has been a contentious decision, or a planning condition added to deal with a specific issue. Suggested that this could be a joint approach from planning and planning enforcement.
  - A general feeling that in some cases planning conditions were not enforced to their full effect and that this presents a poor picture to residents.
  - Would like to see enhanced monitoring of developments or permissions which are large or contentious.
  - The policy could contain a reference to how we deal with vexatious or continual complainers to ensure that the public know our position on this.
  
- **Activity 2: Do you agree with the current timescales for responses that are within the Plan?**
  - The consensus across both sessions was that the timescales for response were acceptable.
  - Suggested that the course of action timescale for a medium priority case be lowered to 15 working days. This was on the basis that it should reflect that it is more important than a low priority case, which sat at 20 working days.
  - Response timescales should be made clear in the customer charter.
  - Feedback given on the customer charter to ensure that it directs customers where to go if the matter is not for planning enforcement to deal with.
  
- **Activity 3: Do you have any other suggestions as to how we can improve the service provided for planning enforcement?**
  - Requested that bi-monthly, all Councillors should see a report of what types of matters officers are dealing with or have dealt with to keep them up to speed with the types of issues being faced.
  - Information given relating to persons house insurance which can often include legal cover, which could be used if there was particular boundary dispute or a civil matter.
  - Suggested that some sort of visible case management system would be of benefit to persons that have logged complaints. One which they could track the case on to understand what stage it was at and feel updated.
  - Concerns about staffing levels and resources were raised, particularly in regard to the retention of staff and their continuity.
  - General feeling that the minority of persons seek to avoid planning regulations and that is where the Council should be focussing its efforts.

## **5. Policy Changes**

5.1. The following amendments have been made to the Local Enforcement Plan:

- Where appropriate, references to legislation or guidance that has altered have been updated. This does not mean that the legislation or guidance itself has changed, just that its location has changed.
- Reference to the newly approved Central Lincolnshire Local Plan has been added as part of the legal framework.
- The course of action timescale for a medium impact case has been amended from 20 working days to 15 working days. This is aimed at recognising the greater impact of the medium level cases.
- An additional reference to the Customer Feedback Policy and unreasonable or vexatious complaints has been added at 9.2

5.2. The workshops also identified additional areas of improvement that could be made, which are not directly linked to the policy. These suggestions will be considered as part of the service improvement review under the T24 process that is due to commence in early 2024 for this work area.

**END**

# **Local Enforcement Plan**

## **Planning Enforcement**

**To make an enforcement enquiry and for general enforcement advice:**

**Report it:** by visiting [Planning enforcement | West Lindsey District Council \(west-lindsey.gov.uk\)](http://www.west-lindsey.gov.uk/planning-enforcement)

**Phone:** 01427 676676

**Write to:** West Lindsey District Council, Marshalls Yard, Gainsborough, Lincolnshire, DN21 2NA

**Website:** [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk) for viewing the full planning enforcement procedures, to find out about or view planning permissions, or to make a new complaint online.

**Your local ward Councillor(s):** Contact the council offices or visit the website for full details. Councillors can give advice about how to access council services and make your views known.

**Independent advice:** You can obtain free independent professional advice on planning issues by contacting [Planning Aid](http://www.planningaid.org.uk) on 0330 123 9244 or [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk).

**Planning Portal:** The Planning Portal is the UK Government's online planning and building regulations resource for England and Wales. It provides information on plans, appeals, applications, contact details, research areas. The planning portal has an interactive guide for householders; you may wish to use this guide to ascertain if planning permission is required – [www.planningportal.gov.uk](http://www.planningportal.gov.uk) You can also use the Planning Portal to submit an planning application.

**Building Control:** If your plans include an extension or alteration to a dwelling, or if you are concerned about a possible dangerous structure, you can talk to our Building Control team 01427 676 670 or e-mail [building.control@west-lindsey.gov.uk](mailto:building.control@west-lindsey.gov.uk)

**Customer care standards:** West Lindsey District Council has a customer care procedure available on the council's website or by request in writing. This explains the common standards which apply to all of the council's services and our general complaints procedure.

**Feedback and/or complaints about the service:** If you wish to feedback on the service or make a complaint you can do so by e mailing [experience@west-lindsey.gov.uk](mailto:experience@west-lindsey.gov.uk)

## 1. Introduction

- 1.1. The National Planning Policy Framework (NPPF) recommends that local planning authorities publish a local enforcement plan. The plan should set out how the Council will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.
- 1.2. This Local Enforcement Plan sets out the Council's priorities for investigation, explains what will be investigated and what will not and the priorities for responses to complaints and the timescales for these responses. Planning enforcement is not statutory and is a discretionary power of Local Planning Authorities. It is not illegal to build something without the benefit of planning permission.
- 1.3. Paragraph 59 of the NPPF sets out that *“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.”*

## 2. Legislation and Guidance

- 2.1. Planning enforcement matters are covered within a broad range of guidance and legislation. The most relevant are as follows:
  - The Town & Country Planning Act 1990 (as amended)
  - The Town & Country Planning (Use Classes) Order 1987 (as amended)
  - Planning (Listed Buildings & Conservation Area) Act 1990
  - Planning & Compensation Act 1991
  - Planning & Compulsory Purchase Act 2004
  - The Planning Act 2008
  - Localism Act 2011
  - National Planning Policy Framework (July 2021)
  - Planning Practice Guidance (March 2014, updated July 2019)  
<https://www.gov.uk/guidance/ensuring-effective-enforcement>
- 2.2. The above guidance and legislation provide the scope for the Council to take action, where expedient against breaches of planning legislation. More information on the legal framework can be found here <https://www.gov.uk/government/collections/planning-practice-guidance/>



2.3. In April 2023 West Lindsey District Council adopted the Central Lincolnshire Local Plan, which replaces the Local Plan adopted in 2017. The Local Plan contains policies and allocation for the growth and regeneration of Central Lincolnshire over the next 20 years. Its policies may inform and influence any enforcement action taken.

### 3. Approach to Enforcement

3.1. The general approach taken to enforcement by the Council is set out in its Corporate Enforcement Policy, this plan operates in conjunction with the policy. As an overview, decisions that are made in relation to enforcement will be consistent, balanced, proportionate and fair and relate to the relevant legislation and consider public interest. The Council's approach is relevant to the risk caused and ensures that we focus on the issues that cause the highest harm.

3.2. Within planning enforcement consideration is also given to "expediency". When determining whether or not to take enforcement action the Council has to decide whether or not it is expedient to do so (Section 172 (1) (b) of the Town and Country Planning Act 1990). The key test being whether the breach of planning control would unacceptably affect public amenity.

3.3. More recently, guidance (<https://www.gov.uk/guidance/ensuring-effective-enforcement>) also advises that Local Authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.

3.4. Alongside this it would not normally be expedient to take enforcement action where a breach of planning control occurs but where there is;

- (i) No significant conflict with national or local policy; or
- (ii) A reasonable prospect that planning permission may be granted, subject to conditions; or
- (iii) No significant or immediate harm to the amenity or safety of residents or to the environment or areas of acknowledged importance,

3.5. Enforcement action also cannot be taken when an unauthorised development or change of use has occurred over a long period of time without being brought to the attention of the Council, these are;

- (i) 4 years for unauthorised operational development or change of use of a building to use as a single dwelling.
- (ii) 10 years for a material change of use of land and building or a breach of a condition imposed on a planning permission.

3.6. These considerations ensure that the Council are not taking enforcement action in regards to matters which are “not expedient” or in regards to matters which are minor or technical which cause no harm to amenity or exempt from action over time lapsed.

3.7. The Council will always attempt to persuade an owner or occupier of land to voluntarily remedy any harmful effects of unauthorised development, subject to reasonable timescales. The Council will use its formal enforcement powers as necessary should a voluntary resolution not be forthcoming.

3.8. The Council has a power of entry to investigate planning matters provided for under the provisions of Sections 196A of The Town and Country Planning Act 1990 (as amended). Officers can enter land specifically for enforcement purposes. This right is limited to what is regarded as essential, in particular circumstances, for effective enforcement of planning control.

#### **4. The Planning Enforcement Service**

4.1. Prior to reporting suspected breaches, customers should refer to the Council’s website and/or the Planning Portal to ascertain whether the matter is something that can be investigated. The Planning Portal can be accessed via <https://www.planningportal.co.uk/permission>

4.2. Any reports of suspected breaches should be made to the Council via its online reporting system. This ensures that all the relevant information needed to initially consider the breach is provided. It will also enable the Council to determine at the earliest opportunity whether it is a matter that it can deal with. Reports can be made via [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)

4.3. Once a report is received the Council will determine its impact level and investigate accordingly within set timescales (see section 6). All initial reports will be acknowledged. For any case that is not high impact it is our aim to inform customers of our likely course of action within 20 working days of receiving a report.

4.4. Confidentiality for complainants is paramount and the Council will ensure that this will be respected at all times in accordance with the relevant data protection legislation.

4.5. The Planning Enforcement Team will not pursue reports of the following;

- Boundary disputes
- Neighbour disputes
- Legal covenants
- Damage to property
- Devaluation to property
- Unsafe structures
- Trespass
- Parking disputes
- Cars for sale on the public highway
- Internal alterations (unless a listed building)
- Heights of hedges and trees (can be pursued under other legislation)
- External security lights fixed to property (can be pursued under other legislation)
- Fences and walls in rear gardens (Unless they are considered to have a substantial detrimental effect on residential amenity and/or visual amenity)

The Council will advise, where appropriate, if it can refer the matter to another agency or whether it has any other legislative power to enable it to address the issue. Customers should seek their own legal advice for civil or private matters.

4.6. The Council will also not pursue any enforcement complaints that are anonymous or vexatious or complaints which are non-specific or vague in their nature. The Council will attempt to further understand complaints such as this, but will not log them for investigation until the relevant information is obtained. If complaints such as this are received they will only be acted upon in circumstances where there may be an immediate criminal offence or a threat to public safety.

## **5. Breaches of Planning Control**

5.1. Enforcement action is necessary to ensure the integrity of the Development Management process and the Council recognises the importance of establishing effective controls over unauthorised development.

5.2. A breach of planning control is the carrying out of development without the granting of planning permission from the Council, or deemed permission by a Government Order. Development is defined by Section 55(1) of the Town and Country Planning Act 1990 (as amended) as

**‘the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land’.**

5.3. The type of matters that can be considered as breaches of planning control are as follows:

- Failure to comply with any condition or limitation attached by a planning permission
- Unauthorised advertisements
- Unauthorised works to protected trees, trees in a conservation area or protected hedgerows
- Unauthorised building works and/or engineering operations
- Works to a listed building without consent
- Land or buildings that are untidy or in poor condition and affecting the amenity of an area
- A change of use to land or building that has occurred without planning permission

5.4. Any matters that relate to time limits for taking enforcement action will be considered in line with Section 171B of the Town and Country Planning Act (1990). (See section 3.5)

5.5. In 2018 the Council introduced its Community Infrastructure Levy (CIL), in line with the CIL Regulations 2010. The enforcement of the requirements of CIL regulations will be approached in a manner consistent with the Local Enforcement Plan.

## 6. Level of Impact

6.1. To ensure the most effective use of resources all reports that are investigated are assessed for impact and then prioritised. The impact determines the speed within which the case will be investigated and includes the assessment of the type and extent of the harm caused.

6.2. There are three levels of impact;

**High** – i.e. where significant or irreversible harm is likely to be caused if the Council do not act immediately. For example;

- Unauthorised works to listed buildings
- Unauthorised works to trees covered by a Tree Preservation Order (TPO) or in a Conservation area
- Development that causes irreversible demonstrable harm
- Development of an access that could cause significant risk to the public

**Medium** – i.e. where there is significant public concern or where there is potential for significant harm to be caused. For example;

- Unauthorised works to listed buildings (not currently occurring)
- Breaches of planning conditions
- Unauthorised developments or uses
- Unauthorised advertisements that affect highway safety

**Low** – i.e. smaller scale infringements which do not result in significant or irreversible harm. For example;

- The erection of unauthorised advertisements
- Unauthorised building of walls or fences
- Unauthorised development, which is likely to be permitted development, receive planning permission or has minimal or no impact on local amenities
- Any other lower level infringements

6.3. For any case that is not high impact it is our aim to inform customers of our likely course of action within 20 working days of receiving a report. Our standards for responding to each level of impact are shown below;

Task	Impact		
	High	Medium	Low
Register and Review	Within 1 working day	Within 3 working days	Within 5 working days
Site Visit	Within 24 hour (excluding weekends)	Within 7 working days (only if necessary)	Will not take place unless necessary
Customer informed of course of action	Within 2 working days	Within 15 working days	Within 20 working days

6.4. As any investigation commences the impact level of a case may change and we will endeavour to ensure that customers are kept up to date for the duration of the case. After the Council has informed the customer of the initial course of action, the regularity of update will be proportionate to the action that is being taken.

6.5. The level of investigation undertaken for matters that are low impact will be in proportion to the risk that is presented and the quality of information and evidence received. In the majority of low priority cases only an initial desktop investigation will occur and site visits will not be undertaken unless there is evidence to suggest that any breach may present a higher risk. We will initially assess all low impact reports in line with the criterion set out in 3.3 and 3.4. This process will require the complainant to provide information that demonstrates the level of risk and harm caused and cases will not be progressed where this additional information is not provided. It is very unlikely that where the risk level is low, any formal action will be taken.

6.6. Where formal enforcement action commences the customer and the land owner will be provided with specific information in relation to the action in order to ensure they understand what action is being taken and the timescales attached to this. These timescales will vary and reflect the impact level given to the specific matter.

6.7. When an investigation is closed, the customer will be advised and the reasons for closure will be explained to them.

6.8. The Council will record and monitor performance in relation to the above timescales alongside other key measures. These will be included within the corporate performance reporting process.

## **7. Interventions and Powers**

7.1. There are a variety of formal powers available to the Council in relation to planning enforcement. The Council will, where appropriate, seek to resolve any breaches voluntarily in the first instance.

7.2. When formal powers are used to address specific circumstances the timescales and requirements for these vary depending on the power used. Specific guidance on the powers available can be found on the Council's website and when a specific power is used within a case, the customer will be provided with information in relation to that power. Some of the powers available to the Council are as follows ;

- Planning Contravention Notice (PCN)
- Enforcement Notice
- Breach of Condition Notice (BCN)
- Stop Notice
- Temporary Stop Notice
- Injunction
- Section 215 Notice
- Section 330 Notice
- Listed Building Enforcement Notice
- Repairs Notice
- Discontinuance Notice
- Removal Notice
- Prosecutions in relation to advertisements and TPOs

7.3. For more information on the specific power, related timescales and rights of appeal please refer to <https://www.gov.uk/guidance/ensuring-effective-enforcement> .

7.4. As part of the formal process the Council will also consider carrying out works in default or direct action to directly resolve any breaches that relate to a S215

Notice or an enforcement notice that have not been complied with. The Council will then take steps to recover these costs from the land or property owner.

## 8. Policy Review

8.1. This policy will be reviewed on a bi-annual basis or as required due to legislative changes

## 9. Feedback on Our Service

9.1. The Council encourages and welcomes feedback on its services. If you wish to provide feedback you can do so by visiting:

[www.west-lindsey.gov.uk/feedback](http://www.west-lindsey.gov.uk/feedback)

9.2. The Council has a Customer Feedback Policy which can be found here <https://www.west-lindsey.gov.uk/council-democracy/have-your-say/comments-compliments-complaints> this sets out how the Council deals with complaints, including those that are unreasonable or vexatious. When considered complaints relating to planning enforcement, the same approach will be taken if it is deemed unreasonable or vexatious.

Version Control		
1.	Approved	March 2018
2	Approved	



# Enforcement investigation process

This is the usual process followed when a suspected breach of planning has been reported however it can be subject to change depending on circumstances of a case.



## Step 1

### Report received

Reports of suspected breaches should be made via the online reporting system, [www.west-lindsey.gov.uk/planning-building-control/planning/planning-enforcement/report-planning-enforcement-breach](http://www.west-lindsey.gov.uk/planning-building-control/planning/planning-enforcement/report-planning-enforcement-breach). Please provide all relevant information needed to initially consider the breach.

## Step 2

### Acknowledged

An officer will check to establish if the matter can be dealt with by Planning Enforcement and where possible referred to relevant department or agency if required. An impact level will be assessed and acknowledgment sent.

## Step 3

### Investigation underway

Initial check will be made to establish if a breach of planning may have occurred. This will include checking planning history, constraints and gathering evidence then assessing if a site visit is required and if so undertaking this.

## Step 4

### Breach identified?

**Yes** - continue to step 5

**No** - the case will be closed and a reason for closure will be sent to the complainant

## Step 5

### Deciding appropriate outcome

- Regularise with application
- Negotiate remedial work
- Negotiate removal of unauthorised works

## Step 6

### Successful application or negotiations?

**No** - continue to step 7

**Yes** - the case will be closed and an update given to the complainant

## Step 7

### Consider expediency of formal action

An assessment will be made against the local and national policy whilst considering the harm caused and material planning considerations. There will also be careful consideration towards any relevant appeal decisions/case law and human rights. Finally, consideration is taken if it would be in the public interest to take formal action.

## Step 8

### Expedient to take action?

**No** - the case will be closed and an update given to the complainant.

**Yes** - continue to step 9

## Step 9

### Formal action

If it is deemed expedient, formal action will be taken to rectify the breach of planning. If the works are then not complied with it may result in works in default or legal proceedings.



# Planning Enforcement: Customer Charter

August 2023

West Lindsey District Councils core vision is that “West Lindsey is a great place to be where people, businesses and communities can thrive and reach their full potential.”

Part of achieving this involves ensuring the local environment is conserved or enhanced, and that local businesses and communities operate in a sustainable way.

This document aims to help you to understand the role of planning enforcement in achieving this commitment and how the service operates within the West Lindsey.

### **How is a breach of planning control caused?**

A breach of planning control is the carrying out of development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted.

### **What is the purpose of planning enforcement?**

The Council has discretionary powers to take proportionate enforcement action against breaches of planning control where it is deemed expedient, or in the public interest, to do so. It is important to recognise that it is not against the law to build something without the benefit of planning permission.

### **How are breaches reported?**

Around 300 reports of possible planning breaches are reported to the Council each year. Reports are made by email, telephone and via our website. Each report is assessed in terms of its level of impact and severity and is prioritised as high, medium or low risk.

### **How are breaches investigated?**

The Council will fully investigate the circumstances of each report before determining what action, if any, is necessary to resolve the breach or to make it acceptable under planning regulations. This can include contacting landowners, conducting site visits, gathering information, checking for any existing permissions, and whether any previous enforcement action has been taken. The officer’s findings will then be assessed against the relevant legislation, policy and regulations.

### **What approach does the Council take to breaches?**

The Council will initially seek to resolve any breaches of planning control voluntarily, except where the breach cannot be rectified, and immediate enforcement action is necessary. The Council’s approach will reflect the level of risk to ensure that we focus on issues causing the most harm. The Council has a range of planning enforcement powers but must act in accordance with national policy and guidance.

### **How long does it take for the Council to respond to a report?**

All reports of planning enforcement breaches will be acknowledged by officers within 2 working days, and a customer is informed of the proposed course of action within 20 working days or within 2 working days where a breach is high risk. The response will set out the Council's position or decision and/or any proposed enforcement action. Anonymous complaints will not be investigated.

### **Will I receive updates about the investigation?**

Updates will be given to the enquirer and any other party with a legitimate interest in the issue (such as ward Councillors and Parish Councils). Enforcement can be a very complex process and each case can vary considerably, along with the time taken to resolve it. Planning enforcement action is a legal process which means that officers are often very limited in the level of detail or information that can be provided in an update. This can be frustrating to people who have reported the issue but is necessary to ensure that the investigation is not compromised. Updates will be provided periodically and as required.

### **What will not be investigated by planning enforcement?**

Some issues are regularly reported to the Council but cannot be pursued by planning enforcement. These include:

- Neighbour Disputes
- Clearing of unprotected trees
- Anonymous Complaints
- Landscaping and gardening works
- Breaches of Deeds or Covenants
- Height of hedges and trees
- Trade Complaints
- External security lights fixed to houses
- Boundary Disputes
- Fences and walls in rear gardens

### **Service standards:**

The planning enforcement service is operated in accordance with the Local Enforcement Plan which sets out in full the level of service that the public and businesses can expect. The Local Enforcement Plan aims to deliver a professional and customer-focused service and is regularly reviewed to reflect the views of stakeholders.

## **To make an enforcement enquiry or report a breach of planning control:**

- Email: [enforcement@west-lindsey.gov.uk](mailto:enforcement@west-lindsey.gov.uk)
- Online form: [www.west-lindsey.gov.uk/planning-building-control/planning/planning-enforcement](http://www.west-lindsey.gov.uk/planning-building-control/planning/planning-enforcement)
- Write to: West Lindsey District Council, Marshalls Yard, Gainsborough, Lincolnshire, DN21 2NA
- Website: [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk) for viewing the full planning enforcement procedures, to find out about or view planning permissions

## **Your local ward councillor(s):**

Contact the Council offices or visit the website for full details. Councillors can give advice about how to access Council services and make your views known.

## **Independent advice:**

You can obtain free independent professional advice on planning issues by contacting Planning Aid on 0330 123 9244 or [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk).

## **Planning Portal:**

The Planning Portal is the UK Government's online planning and building regulations resource for England and Wales. The portal has an interactive guide for householders; you may wish to use this guide to ascertain if planning permission is required. You can also use the Planning Portal to submit a planning application. [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

## **Building Control:**

If your plans include an extension or alteration to a dwelling, or if you are concerned about a possible dangerous structure, you can contact our Building Control team at [building.control@west-lindsey.gov.uk](mailto:building.control@west-lindsey.gov.uk)

## **Environmental Protection Team:**

For issues relating to noise, pollution, odour, or flooding please contact [env.protection@west-lindsey.gov.uk](mailto:env.protection@west-lindsey.gov.uk)

## **Customer care standards:**

West Lindsey District Council has a customer care procedure available on the council's website or by request in writing. This explains the common standards which apply to all of the council's services and our general complaints procedure.

## **Feedback and/or complaints about the service:**

In the first instance please send a letter or email to the Housing & Environmental Enforcement Manager via the contact details shown above. This guidance contains extracts from the separate West Lindsey Planning Enforcement Policy and Local Enforcement Plan which can be viewed in full on the Council's website at [www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)

**If you would like a copy of this in large, clear print, audio, Braille or in another language, please call 01427 676676**

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[www.west-lindsey.gov.uk](http://www.west-lindsey.gov.uk)



# Agenda Item 6c



**Prosperous Communities  
Committee**

**Tuesday 12<sup>th</sup> September  
2023**

**Subject: Fixed Penalty Increase - Fly-Tipping, Household Waste Duty of Care, Littering and Graffiti.**

Report by:

Director of Change Management, ICT & Regulatory Services

Contact Officer:

Andy Gray  
Housing & Environmental Enforcement Manager  
[andy.gray@west-lindsey.gov.uk](mailto:andy.gray@west-lindsey.gov.uk)

Purpose / Summary:

To seek approval for an increase in Fixed Penalty Notices relating to fly-tipping, littering and graffiti.

## **RECOMMENDATION(S):**

Committee are asked to agree and 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 reduction to £600 if paid within 14 days of issue.
- b) The fixed penalty charge for a household waste duty of care offence is increased to £600, with a reduction to £400 if paid within 14 days of issue.
- c) The fixed penalty charge for a littering or graffiti offence is increased to £500 with a reduction to £250 if paid within 14 days.

**Amended charges would take effect from 1 October 2023**

## IMPLICATIONS

### **Legal:**

The Statutory Instrument to bring about these changes was laid on the 31<sup>st</sup> of July 2023 and will come into effect 28 days later.

### **Financial: FIN/52/24/SSc/PC**

Fixed Penalty Notices (FPNs) provide an additional income for the Council, which helps to offset some of the costs incurred in delivering the services that are relevant within this report. The additional income gained via any approved increase of fees will only further help the Council to cover additional costs that are incurred.

The FPNs are not factored into the overall budgets within the service and there is no in year target as such for the issuing of these.

Upon approval, the Fixed Penalty Notices fees and charges schedule will be updated to reflect the amended rates.

### **Staffing:**

Existing Enforcement Officers would be delegated to issue FPNs at the amounts agreed. Any increase in FPN amounts is not proposed to increase the number of employees that are available to issue them.

### **Equality and Diversity including Human Rights:**

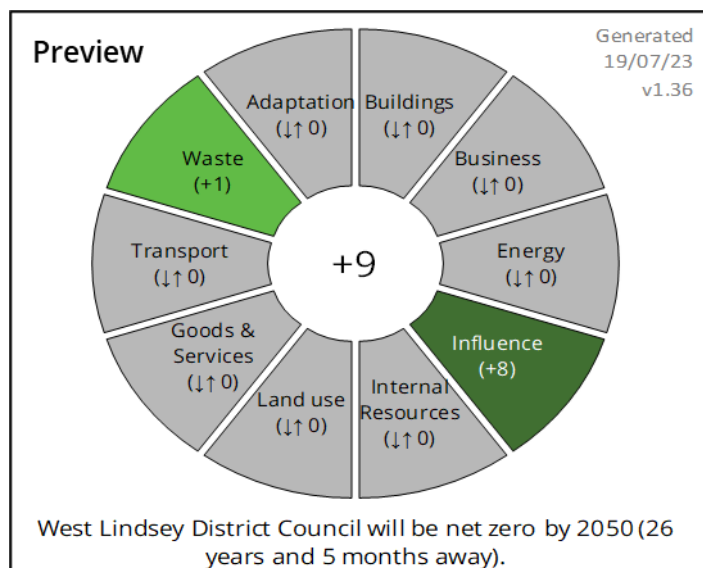
Any FPNs issued would be done so in line with the relevant legislation and the Councils Corporate Enforcement Policy. Any equality, diversity and human rights issues would be addressed on a case by case basis in line with the offence occurred.

### **Data Protection Implications:**

None noted.

### Climate Related Risks and Opportunities:

Seeking to increase the fees related to the offences within this report will mainly have a positive influence on the profile of the work that the Council does in relation to fly-tipping and littering. Enhancing this approach will raise its profile and in turn, it is hoped continues to keep these key issues at the forefront of people's minds.



### Section 17 Crime and Disorder Considerations:

The receipt of an FPN is not a criminal offence in itself, however if left unpaid the Council can take action to recover the costs via the Court through what is known as the "Single Justice Procedure".

### Health Implications:

Reducing the amount of fly-tipped waste, litter and graffiti in the district helps to ensure that it continues to remain a place that residents can be proud of and enjoy without disturbance. In some cases, fly-tipped waste can pose an immediate health risk and the steps that the Council takes to deal with this help to ensure that this is significantly minimised.

### Title and Location of any Background Papers used in the preparation of this report:

The Councils Environmental Crime Commitment is here:

<https://www.west-lindsey.gov.uk/communities-safety/community-safety/environmental-crime-policy-commitment>



Non-payment of increased charges: this is a risk to the Council; however it is currently a risk even at the existing lower amounts. Whilst the risk is real, there are believed to be more benefits in terms of increasing the amounts overall which offset this. The Council retains the right to recover any unpaid amounts through the courts should this occur.

Cost of Living: an increase in FPN charges in the current climate may be perceived negatively by the community. The mitigation for this is that the majority of persons will not attempt to or even consider committing an offence, therefore the vast majority of the population will remain unaffected. The impact that this will have on those that offend is aimed at being greater, which in regard to the Councils approach, is proportionate.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

*i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)*

**Yes**

**No**

**Key Decision:**

*A matter which affects two or more wards, or has significant financial implications*

**Yes**

**No**

## 1. Introduction

- 1.1. On 7<sup>th</sup> June 2023 the Department for the Environment, Food and Rural Affairs (Defra) announced that on the spot fines for litter, graffiti and fly-tipping are set to rise <https://www.gov.uk/government/news/bigger-fines-possible-for-littering-and-fly-tipping>
- 1.2. These proposals form part of the Prime Minister's Action Plan to clamp down on these sorts of crimes and build stronger communities. It is broadly acknowledged the blight that littering, and fly-tipping offences have on areas and the increase in scope for these fines reflect this.
- 1.3. To help equip councils with everything they need and strengthen their arm, government is laying a statutory instrument increasing the upper limits for various fixed penalty notices (FPNs) on Monday 10 July 2023. This means:
  - The maximum amount those caught fly-tipping could be fined will increase from a range of £400 to £1,000.
  - The maximum amount those who litter or graffiti could be fined will increase from a range of £150 to £500.
  - The maximum amount those who breach their household waste duty of care could be fined will increase from a range of £400 to £600.
- 1.4. Councillors have the freedom to set rates that offenders should pay, within the limits above and therefore needs to agree whether it wishes to increase the charges so that any increase can then be ratified accordingly and added to the fees and charges schedule.
- 1.5. Councillors are permitted to approve an amount that falls within the ranges stated and the reasons for the officer recommendations are set out below.

## 2. Fly – Tipping Offence

- 2.1. In West Lindsey there were 1,825 reported fly-tipping incidents in 21/22. This was below the national Local Authority average of 3,500, however is still a significant amount and one that the Council is committed to endeavour to continue to reduce.
- 2.2. In 21/22 it was estimated that fly-tipping clearance cost the authority £147,381. This figure is generated via the Governments monitoring system based on the number of incidents reported and dealt with by each Local Authority.
- 2.3. The Council has taken positive steps over the last 12 months to improve how it deals with fly-tipping and its Environmental Crime Commitment was agreed by Prosperous Communities Committee in March 2023. Alongside this the Council has invested in mobile fly-tipping cameras, which are deployed at various hotspots across the district. Out of hours

patrols have also been initiated which cover issues such as fly-tipping and steps have been taken to ensure that the work relating to fly-tipping and, indeed the blight it has on our communities, is highlighted via the media.

2.4. 18 fixed penalty notices for fly-tipping were issued in 22/23 at £400. In the first quarter of 23/24 six have been issued at £400.

2.5. Given the blight that fly-tipping causes and the costs the Council incurs in clearing it, it is proposed that the FPN amount for this is increased to the maximum of £1,000, with a reduction to £600 if paid within 14 days.

2.6. The Council do not have to offer a reduced payment incentive; however, it is often more cost effective to offer this, rather than seek the higher amount through the courts Single Justice Procedure. This is the process the Council undertakes if the recipient of an FPN does not pay.

### **3. Household Waste Duty of Care Offence**

3.1. This offence is committed by a person who allows their waste to be removed from their property but does not undertake any duty of care checks in regard to the company or individual/s who remove it. This collected waste can then be fly-tipped and traced via evidence back to its original owner.

3.2. This power is aimed at ensuring that all persons who arrange for household waste to be cleared are obliged to do this in the correct manner, via a licensed waste carrier and to ensure that they do all the necessary checks prior to arranging for disposal of waste.

3.3. The current FPN amount for this offence is £400 and it is proposed to increase this to £600, with a reduction to £400 if the payment is made within 14 days.

### **4. Littering and Graffiti**

4.1. The Council does not proactively seek out littering or graffiti FPNs. The Council will monitor littering hotspots that get reported, however it does not routinely issue FPNs for this offence. Likewise, the graffiti offence relies on being able to evidence or catch someone in the act of carrying out graffiti.

4.2. A relatively small number of littering and graffiti incidents are reported to the Council and the previously agreed Environmental Crime Commitment sets out the Council's approach to this issue. A robust approach to the setting of the FPN in this area sends a clear message that the Council do not wish for it occur and in instances where it does allow a significant charge to be issued.

4.3. On that basis it is proposed that the littering FPN is increased to the maximum of £500, reduced to £250 if paid within 14 days.

4.4. Likewise, it is proposed that the graffiti FPN is set at £500, reduced to £250 if paid within 14 days.

## **5. Governance**

5.1. Given that this report seeks to introduce a revised set of charges that can be determined within a scale, it will require approval from Prosperous Communities and Corporate Policy and Resources Committee.

5.2. The Council will bring the revised charges, if agreed, into effect from the 1<sup>st</sup> of October 2023.

**END**



**Prosperous Communities  
Committee**

**Tuesday 12<sup>th</sup> September  
2023**

**Subject: West Lindsey Markets Action Plan Update**

Report by: Director of Commercial & Operational Services

Contact Officer: Ady Selby  
Director - Operational & Commercial Services

ady.selby@west-lindsey.gov.uk

Purpose / Summary: To provide an update on progress with delivering the 3 year West Lindsey Markets Action Plan.

**RECOMMENDATION(S):**

1. Prosperous Communities Committee welcome the progress to date in delivering the vision for thriving markets across West Lindsey.
2. Prosperous Communities Committee establish a 'West Lindsey Markets' Members Working Group in line with the draft terms of reference at appendix 1 and appoint members to serve thereon

## IMPLICATIONS

**Legal:** There are no additional legal implications in this report

The Local Government Act (2000), Part 1 of the Act gives local authorities powers to take any steps which they consider are likely to promote the well-being of their area or residents.

**Financial :** This report provides an update on currently approved activity and therefore there are no additional financial implications. Further work will be required once the full operating costs of the new market stalls are understood.

**Staffing :** As set out in the West Lindsey Markets Action Plan, a 'Towns Manager' has been employed to support the delivery of the vision for markets across West Lindsey.

Any change to operational processes resulting from the procurement of new stalls would mean potential consultation with staff involved.

**Equality and Diversity including Human Rights :** There are no additional equality and diversity implications in this report.

This work will enhance the equality and diversity of the district by seeing markets as an important cultural, social and economic driver of footfall and an attraction for visitors and communities.

**Data Protection Implications :** There are no data protection implications in this report.

**Climate Related Risks and Opportunities:** There are no climate related risks and opportunities in this report.

**Section 17 Crime and Disorder Considerations:** There are no Section 17 implications in this report.

**Health Implications:** There are no health implications in this report.

**Title and Location of any Background Papers used in the preparation of this report :**

There are a number of background papers which provide the strategic context and the approvals in place for the delivery of the West Lindsey Markets Action Plan. These include:

14<sup>th</sup> June 2021 Concurrent meeting of Prosperous Communities Committee / Corporate Policy and Resources Committee: *Levelling Up Fund Bid*

[Agenda for Concurrent Meeting of the Prosperous Communities and Corporate Policy and Resources Committees on Monday, 14th June, 2021, 6.30 pm | West Lindsey District Council \(sharedlincs.net\)](#)

13<sup>th</sup> July 2021 Prosperous Communities Committee: *Future of West Lindsey Markets and commissioning of phase 2 of 'Quarterbridge' work*

[Agenda for Prosperous Communities Committee on Tuesday, 13th July, 2021, 6.30 pm | West Lindsey District Council \(sharedlincs.net\)](#)

25<sup>th</sup> January 2022 Prosperous Communities Committee: *Future of West Lindsey Markets*

[Agenda for Prosperous Communities Committee on Tuesday, 25th January, 2022, 6.30 pm | West Lindsey District Council \(sharedlincs.net\)](#)

**Risk Assessment :**

At present the biggest risk to achieving the delivery of the outcomes of the action plan is the pause in work to develop and deliver the Gainsborough Market Place Public Realm improvements as part of the Levelling Up Thriving Gainsborough Programme. Officers are working urgently to deliver revised Public Realm options for members to review, this is impacting on timescales and funding availability. The risk is being managed through the Levelling Up Programme Board.

**Call in and Urgency:**

**Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?**

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

**Key Decision:**

A matter which affects two or more wards, or has significant financial implications

Yes

No

## **Executive Summary**

In 2021, as the country and the district emerged from the effects of the Covid 19 pandemic the future of Gainsborough Market was uncertain. The national retail picture was bleak and the impact locally was being felt through reduced footfall, declining trader numbers and a financially unviable position for the Council.

This paper sets out the work that has been delivered to date in order to establish a vision and work plan that delivers a sustainable future for West Lindsey Markets and recognises the importance and opportunity of a vibrant street market offering across the district. Importantly this has included no longer seeing 'markets' as a cost centre but as but as important cultural, social and economic asset for the district which requires ongoing work and investment.

With support from industry experts 'Quarterbridge', West Lindsey District Council have adopted and embedded a strategic approach to the delivery of a 'markets function' which seeks to recognise the important cultural and economic role of traditional street markets as a driver of footfall and an attraction for visitors and communities.

By aligning capital funds to drive the physical transformation of our market places through heritage led regeneration, with available revenue resources which can provide the necessary wraparound support to traders, retailers and deliver an events and animation offer, we are starting to see a stabilisation in the markets offer across the district.

However, we are only part way through our journey. With much work still to be done and with other potential opportunities for consideration, the report proposes, at the request of the Chair of Prosperous Communities Committee, the establishment of a Members Working Group. The Member Working Group will provide oversight of ongoing delivery and develop new and further opportunities for the growth of this key element of our economic and community offering.



## **1 Introduction**

- 1.1 West Lindsey is home to three key street markets, Gainsborough, Market Rasen and Caistor.
- 1.2 In early 2021 as the country emerged from the effects of the pandemic this committee determined that there was an opportunity to consider the long term future of street markets in the district. For many years the delivery of the markets function in Gainsborough had been seen as a failing cost centre and a draw on resources. The functioning of Caistor and Market Rasen markets, led by the Town Councils was more mixed.
- 1.3 It was recognised that there was an opportunity to reframe thinking and consider options for enhancing the market function across the district as part of the cultural, heritage and visitor offer.
- 1.4 A comprehensive programme of work commenced in order to understand the current operational position, engage with traders, regular market goers and those we'd seek to attract into our town centres, alongside developing plans for the physical transformation and improvement of our historic market places.
- 1.5 This report updates Members on progress with work relating to West Lindsey Markets.

## **2 Background**

- 2.1 To initiate the work to develop options for the future of West Lindsey Markets leading industry experts 'Quarterbridge' were appointed. Their brief was to outline options of the future of Gainsborough market in the wider context of supporting the regeneration of the town centre and to consider other markets across the district and how the District Council could support these markets to prosper further.
- 2.2 Quarterbridge are considered to be leading industry experts, having worked with many councils across the country to develop their markets offer, including locally Doncaster and Worksop.
- 2.3 The phase 1 report was considered by this committee on 13<sup>th</sup> January 2021. The reports set out that nationally, the shift in retail behaviours, the emergence of bargain and discount shops and the convenience of large supermarkets or deliveries have caused many markets to decline.
- 2.4 Gainsborough market was no exception, with a decline in trader numbers of over 50% in five years having a serious impact on both the viability of the market operation and it's ability to perform a community function.
- 2.5 Section 2.4 of the phase 1 report sets out the initial engagement that was undertaken with the then Leader of the Council, then Leader of the Opposition, a representative of Market Rasen and the Chief Executive.

The key themes of this stakeholder engagement formed the basis of the recommended next steps.

- 2.6 It was clear that intervention was required if Gainsborough Market were to continue to operate at all.
- 2.7 On 13<sup>th</sup> July 2021 this committee was presented with the outputs of the phase 1 work which set out 7 key interventions that would deliver the vision of 'Gainsborough should develop its offering into a small, well-formed market that encourages café culture and dwell time, supported by a wider events and speciality markets programme. Committee supported this and approved phase 2 and 3 of the consultancy work.
- 2.8 Phase 2 of the work delivered a programme of engagement. This included 19 trader responses and sought to understand the trader's current customer base, current operating environment, intentions for the future of their business, what support they could need, their views on stall design and layout and what could attract more customers and traders to markets in West Lindsey.
- 2.9 In addition to trader engagement, public engagement was undertaken with a view to capturing the thoughts and aspirations of both current and possible future customers. 381 responses were received providing a wealth of insight into the current and future habits of respondents. Respondents were clear that promotion, developing and improving the public realm, the delivery of events and music / entertainment would all be attractive ideas to be taken forwards.
- 2.10 The full results of the trader / public engagement can be found from page 12 onwards in the Phase 2 Quarterbridge study.
- 2.11 Phase 3 of the work sought to set out the future options for development and included the following key matters for development:
  1. District Trading Circuit
  2. New public realm and market layout for Gainsborough market / heritage regeneration in Caistor / Market Rasen
  3. Infrastructure options
  4. Events Programme
  5. Business Case
  6. Delivery strategy including the creation of a 'Towns Manager' role
- 2.12 Taking into consideration the findings of this work, at the meeting of this committee on 25th January 2022 the following recommendations were approved:
  - a) the vision for West Lindsey Markets, recognising that they are key cultural and heritage assets that perform a wide socioeconomic function in the District, be supported; and

- b) the proposal for a three year plan to regenerate markets across West Lindsey based on the principles in the report be supported; and
- c) the extension of the Marshall's Yard contract for a further 12 months, whilst the transition phase of the plan is implemented, be agreed; and
- d) it be recommended to the Corporate Policy and Resources Committee the proposed Market budget be incorporated into the Medium Term Financial Plan.

### **3 Update on progress**

#### 3.1 Taking each of the approved recommendations;

1) *The vision for West Lindsey Markets, recognising that they are key cultural and heritage assets that perform a wide socio-economic function in the District, be supported;*

- The delivery of the West Lindsey Markets Action Plan is one part of a wider programme of works currently being delivered which will regenerate our Towns and ultimately support the development of the Markets offer. This includes the Levelling Up Fund projects, delivery of outputs from Shared Prosperity Funding, the Townscape Heritage Initiative work, the upcoming Cultural Strategy and the Market Street Renewals Joint Venture.
- Continuing delivery of this work will help create environments where our Markets can be used as a placemaking and cultural tool which can be invested in and used to develop a sense of place within the communities they serve.

2) *The proposal for a three-year plan to regenerate markets across West Lindsey based on the principles in the report be supported;*

- A three-year Action Plan has been developed led by the Director of Planning, Regeneration and Communities and Director of Commercial and Operational Services which is now being delivered collaboratively by Officers across the two Portfolios with support from other areas.

#### ***Year One - Transition***

- The Market support contract with Marshalls Yard should be reviewed and extended through 2022/23 whilst internal capacity to undertake the work is created. Longer term, consideration should be given to developing a collaborative relationship with Marshalls Yard and Gainsborough Town Council.

- The Marshalls Yard contract was extended and they continued to deliver marketing and event support throughout 2022/23, including delivery of the monthly Farmers Market, a Food Festival and a Christmas event in that trading year.
  - The contract has now ended; marketing of West Lindsey Markets and delivery of associated events is now undertaken in-house. Members may have seen an increase in social media posts including individual profiles of regular traders.
  - Work continues, led by the new Towns Manager, to strengthen relationships with relevant stakeholders including Marshalls Yard and relevant Town Councils to collaborate on Market initiatives, evidence of this work includes joint funding and delivery of events in Gainsborough, Market Rasen and Caistor.
- A Towns Manager position should be created to lead on the cultural development of the three centres and be the primary port of call for the Markets.
    - Following two unsuccessful recruitment campaigns, a third one was successful with a new Towns Manager was recruited in October 2022. The postholder brings experience of working in similar roles in neighbouring districts.
    - The post holder is building strong relationships with town councils and is working on building a business forum to support the towns, including new relationships with Tesco and McDonalds.
    - The monthly Farmers Market is being managed in-house including increasing social media and utilising other comms platforms. Facebook is the most engaged with platform and the number of 'followers' to the West Lindsey page is increasing by 100 per month, similar for the Discover Gainsborough page which has seen a 5.6% increase in followers since the beginning of the year. Whilst this isn't completely due to increasing the frequency and quality of Markets posts, it will have been a contributing factor.
    - The postholder is promoting West Lindsey Markets and building relationships with traders at other local markets through benchmarking visits including to Louth, Retford, Newark, Boston and Mablethorpe.
    - Trader terms and conditions and booking processes are being reviewed and will be refreshed when new market stalls are in place.
    - An integrated series of events for 2023/24 and the following year has been developed and is in delivery.
    - The postholder has produced and delivered event plans for the Revive Festival including engagement with the West

Lindsey Safety Advisory Group which advises on safety at major events.

- The post holder is forging relationships with local and national trade bodies to constantly update her knowledge in the sector. The Towns Manager has been accepted as a Member of the Institute of Place Management – providing access to research, seminars and learning opportunities.
  - Contact has been made with a potential supplier for regular speciality market, negotiations are at an early stage with a view to delivery in early 2024.
  - Visit to Tuesday market by representative from National Market Traders Federation in June.
  - National Association of British Market Authorities (NABMA) advice being sought which will help update our policy and procedures.
  - Ongoing challenges with Market Trader Car Parking is recognised as an issue and is a matter being prioritised for action by the post holder. This a balance between managing valued traders and maintaining the traffic free environment.
  - Wider vehicle access to the Market Place is also an issue. The post holder is in regular dialogue with Lincolnshire County Council who recognise the issue and have responsibility for the matter – however, there is a reluctance to tackle the matter until the public realm plans for the Market Place are finalised.
- Business support should be created by the Towns Manager, in order to streamline the bookings and payments processes for all the Markets. Also, a social media support package should be developed for traders and town centre businesses to allow improved engagement with wider audiences.
    - In addition to the work identified above, the Towns Manager is working with traders to support their business methodologies including profiling and payment processes such as Chip and Pin.
  - An innovative design for new market stalls should be developed ensuring they are attractive with West Lindsey Markets branding, sturdy enough to withstand poor weather, easy to erect and dismantle, be transportable and require little or no maintenance.
    - An intensive research programme was undertaken to investigate new market stall design. This work concludes that there are no stalls currently available which would totally eradicate the need for operational staff, one design has been found which would considerably reduce it. This stall design will be introduced to stakeholders in the

coming weeks for consideration. However a design for Public Realm improvements would need to be agreed before any new stalls could be sourced. A potential storage area for market stalls has been located which could reduce the need for vehicle support during operations. It is proposed that enough stalls would be procured to help support existing offerings at Market Rasen and Caistor markets.

- *A programme of supporting events should be developed ahead of the year two, to include speciality markets and family inclusive offerings for Gainsborough, Market Rasen and Caistor;*
  - A range of supporting events has been programmed in since May 2023. Two major events have been organised in Gainsborough in 2023 (Revive Festival and a Christmas event).  
Smaller offerings support the monthly Farmers Market and include local acts where available. A list of these can be found in Table 1.

*Table 1 Events*

<b>Month</b>	<b>Theme / Entertainment</b>
May	WLDC and Community Stall.
June	Relentless Rockabilly group.
July	Several cancellations on the day due to heavy rain forecast.
August	YMCA Climbing Wall and musician.
September	Literature Village and Street Theatre.
October	Meet the Dinosaurs.
November	Poppy Remembrance Saturday.
December	Christmas Market.
February	New Year, New You with Everyone Active
March	TBC

- Wherever possible officers seek to minimise the cost of supporting events, the Towns Manager is considering a "Friends of the Markets" initiative. A number of Council Officers have given up their time for free to support events and other volunteers have come forward. Voluntary children's entertainment has been provided by McDonalds over three markets (May, June, July) with outdoor games, facepainting, and a busker equating to 27 hours of free entertainment.
- Caistor Market had Relentless Rockabilly band in June to support an event. Market Rasen had the Learning Lab – Nature – for Gardeners' Fair in June. Both these venues have resource available to support Christmas events.
- Events are paid for using Shared prosperity Funding, there is no impact on the Markets revenue budget.

### **Year Two - Development**

- *Roll out of new stall infrastructure, suspension of previous operations.*
  - As highlighted above, proposed new stall designs will be unveiled in coming weeks. Public Realm designs should be finalised before any stall procurement exercise gets underway as it is critical any stall design synergises with the street scene. It is anticipated any new stalls would be able to be transported to Caistor and Market Rasen to support the markets in those locations.
- *Roll out of supporting events programme, including at Market Rasen and Caistor.*
  - A current and future events programme is shown in Table 1 above.
- *Embedding of towns branding.*
  - to be developed alongside Public Realm designs
- *Large events proposals to be developed in line with Cultural Strategy and Visitor Economy Strategy.*
  - A new Cultural Strategy will be considered by Prosperous Communities Committee in the coming months. Revive Festival was well received and attended, plans being developed for Christmas events 2023.

### **Year Three - Delivery**

- *Heritage-led regeneration in ongoing delivery across Gainsborough, Market Rasen and Caistor.*
- *Consideration of District Trader Circuit including engagement of Gainsborough, Caistor and Market Rasen Town Councils.*
- *Clear long-term business case demonstrating return on investment.*

### **3) *The extension of the Marshall's Yard contract for a further 12 months, whilst the transition phase of the plan is implemented, be agreed.***

- As highlighted above, the contract with Marshalls Yard was extended through the 2022/23 trading year and then terminated. Officers continue to work with Marshalls Yard to promote Gainsborough Town Centre markets and events.

4) It be recommended to the Corporate Policy and Resources Committee the proposed Market budget be incorporated into the Medium Term Financial Plan.

- This action is complete.

## 4 Performance

4.1 The table below gives an indication of overall trader numbers attending Gainsborough Market since the Markets Report was approved by Prosperous Communities Committee in January 2022.

4.2 It should be noted that the original report highlighted that trader numbers would be unlikely to increase in Year One of the workstream. It is a combination of this work alongside associated initiatives which would bring results in the medium to long term.

4.3 Table 2 demonstrates trader numbers at Gainsborough Market since the original report was heard by Prosperous Communities Committee, the shaded area demonstrates numbers since the Towns manager was recruited. It can be seen that despite ongoing challenging conditions, and the fact that the public realm improvements are yet to be agreed and delivered, trader numbers are stable. Trader numbers are reported to Members via the Council's Performance and Delivery Framework.

Table 2 Trader Numbers

Number of Traders	Farmers Market	Tuesday Market	Saturday Market
Feb-22	9	36	10
Mar-22	18	60	11
Apr-22	10	41	13
May-22	15	55	14
Jun-22	11	56	11
Jul-22	15	41	9
Aug-22	12	60	4
Sep-22	3	47	4
<b>Average</b>	<b>11.625</b>	<b>49.5</b>	<b>9.5</b>
Oct-22	14	53	11
Nov-22	13	56	11
Dec-22	16	38	17
Jan-23	1	46	6
Feb-23	14	42	13
Mar-23	5	42	9
Apr-23	20	48	12
May-23	12	63	8
Jun-23	6	44	10
Jul-23	10	47	9
<b>Average</b>	<b>11.1</b>	<b>47.9</b>	<b>10.6</b>



4.4 With reference to the Farmers Market, data received from Marshalls Yard on handover was incomplete and compromised. More in-depth information is now being collected including trader numbers and reasons for coming to and leaving the Market.

4.5 Since May 2023 there have been ten leavers, reasons include insufficient trade for goods at the price point, illness and a desire for exclusivity for products. In this period, eight new traders have been recruited, reasons for attending include recommendation from other trades, recruitment from other Markets by the Towns Manager and one who saw the event on the West Lindsey website. Three new traders have also signed up to attend starting in October.

4.6 In the same period, three new traders have signed up to the Tuesday Market and one has left.

## **5 Next Steps**

5.1 As set out above, significant progress has been made since the district emerged from the pandemic when, in particular, Gainsborough market was facing an uncertain future.

5.2 Delivering a viable, attractive, and vibrant street markets offering is now well embedded within the Council's strategic vision for our historic places, our economy and our communities. This work has been boosted by the opportunity to secure capital funds for the regeneration of our market towns.

5.3 In addition, the approved UK Shared Prosperity Fund Investment Plan provides revenue support for retailers to access business information, advice and guidance, for Town Councils to access funds for minor street scene and public realm improvements as well as funding the delivery of a comprehensive events programme. Work to develop a Cultural Strategy for the District will further strengthen our approach.

5.4 Whilst as can be seen above, progress to sustain the street markets offering is working, the initial plans were based upon a three programme of work, which we are only halfway through. There is still progress to be made, particularly with the physical transformation of our places, but also with strengthening the district wide offer and enhancing our trader base. The actions agreed are all mutually dependent and interrelated.

5.5 It is recognised that the new administration are keen to develop further the opportunities that street markets can bring to the district. To support this aspiration the Chair of this Committee has requested the establishment of a member working group to oversee the delivery of the remainder of the action plan and to support the development of

further proposals for markets across the district for the future consideration of this committee.

5.6 The draft terms of reference for the West Lindsey Markets Members Working Group are attached at appendix one.

5.7 Membership of the Working Group will consist of 5 Members, to include the Chair of Prosperous Communities Committee, 1 Opposition Member and 1 other Member, with appropriate representation to also include Caistor and Market Rasen. Membership to be drawn from Prosperous Communities Committee, Corporate Policy and Resources Committee or Overview and Scrutiny Committee.

5.8 The Member Working Group will meet six weekly and will be required to provide biannual updates to the Overview and Scrutiny Committee.

5.9 Overview and Scrutiny Committee will provide oversight of the delivery of the agreed West Lindsey Markets Action Plan. The Member Working Group will support the delivery of the action plan and develop other ideas to support the viability and offer of West Lindsey Markets.

5.10 Any policy decisions, changes to the terms of reference or proposals with financial implications developed by the Member Working Group will be forwarded to the parent body, Prosperous Communities Committee.

# West Lindsey Markets Members Working Group

## DRAFT Terms of Reference to be Approved by Prosperous Communities Committee

### **1 Background**

The Chair of Prosperous Communities Committee has requested the establishment of a West Lindsey Markets Members Working Group to provide oversight of ongoing delivery of the West Lindsey Markets Action Plan and to develop new and further opportunities for the growth of this key element of our economic and community offering.

### **2 Purpose of the Working Group**

- i) To keep under review the delivery of the approved West Lindsey Markets Action Plan
- ii) To provide biannual updates to Overview and Scrutiny on progress with delivery of the West Lindsey Markets Action Plan
- iii) To develop new ideas to support the delivery of the vision for West Lindsey Markets and their viability / offer.
- iv) To develop Members understanding of the strategic and operational work being undertaken by the Council to support the delivery of the vision for West Lindsey Markets
- v) To support officers in engaging with Town and Parish Councils to improve the West Lindsey Markets Offer across the District
- vi) To support the development of future trader, business, and community engagement

### **3 Membership of the Group, Chairmanship and Appointments**

- 3.1 The West Lindsey Markets Members Working Group shall comprise 5 Members including the serving Chair of Prosperous Communities Committee.
- 3.2 The remaining Members of the Group shall be appointed by Prosperous Communities Committee with membership to be drawn from Prosperous Communities Committee, Corporate Policy and Resources Committee or Overview and Scrutiny Committee.
- 3.3 Membership will comprise of the Chair of Prosperous Communities Committee, 1 Opposition member and 1 other member.
- 3.4 Membership will ensure suitable representation from Gainsborough, Caistor

and Market Rasen.

- 3.5 The Chairman of the Working Group shall be the Chair of Prosperous Communities Committee.
- 3.6 For continuity purposes the Membership of the Group shall remain in place until the Action Plan is delivered at which point the requirement for the West Lindsey Markets Members Working Group will be reviewed.
- 3.7 The Group will be disbanded following submission of closure report to its parent committee / Full Council

#### **4 Frequency of Meetings and Quorum**

- 4.1 The quorum for a meeting shall be 3 Members.
- 4.2 The West Lindsey Markets Members Working Group shall meet every six weeks.
- 4.3 Meetings will be called with at least 14 days notice.
- 4.4 Where “4.4 Where an Elected Member fails to attend 2 consecutive meetings of the Working Group without having given due reason for their absence or apologies, the Chairman of the Working Group will have the ability to write to the parent Committee to express concerns regarding an individual’s behaviour. Such concerns will be considered at the Parent Committee Chairs Briefing and it will be in the Chairman’s Gift to determine whether a request is made to the parent Committee to revise the membership accordingly”.  
Where non-attendance relates to the Chairman of a Working Group, the Working Group, as a whole, will have the same rights as set out above.  
Regular in-quoracy will be reported to the relevant Parent Committee Chairman’s briefing.

#### **5 Reporting Lines, Accountability and Milestones**

- 5.1 The West Lindsey Markets Members Working Group is directly responsible to the Prosperous Communities Committee.
- 5.2 The West Lindsey Markets Members Working Group has no direct decision-making powers and will make recommendations to the Prosperous Communities Committee/ if required.
- 5.3 The Chair of the West Lindsey Markets Members Working Group, supported by officers will report to the Overview and Scrutiny Committee on a biannual basis.

## **6 Resources**

- 6.1 The West Lindsey Markets Members Working Group does not have a supporting budget.
- 6.2 If budgets/ additional budgets are required they will be identified on recommendations made to the relevant Policy Committee.
- 6.2 Officers from the following Teams will support the West Lindsey Markets Members Working Group and provide, information, guidance and logistical support: -
- Operational Services
  - Commercial Services
  - Economic Development
- 6.3 Administrative support will be provided by the Corporate PA Team. Agendas will be set for each meeting and notes from each meeting will be retained.

## **7 Review**

- 7.1 Following approval these Terms of Reference will be reviewed annually by the working group if the West Lindsey Markets Members Working Group is still operating.

**Date/ Meeting – Document Approved -**

**Prosperous Communities Committee Work Plan (as at 4 September 2023)**

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**Purpose:**

This report provides a summary of items of business due throughout the remainder of the Civic Year.

**Recommendation:**

1. That Members note the contents of this report.

Date	Title	Lead Officer	Purpose of the report	Date First Published
<b>12 SEPTEMBER 2023</b>				
12 Sep 2023	Private Rented Sector Housing - Proposals	Andy Gray, Housing & Environmental Enforcement Manager	To present initial proposals for delivering the preferred options for improving standards in the PRS.	22 June 2023
12 Sep 2023	Local Enforcement Plan (Planning Enforcement)	Andy Gray, Housing & Environmental Enforcement Manager	To seek approval for the reviewed Local Enforcement Plan	22 June 2023
12 Sep 2023	Fixed Penalty Increase - Fly-Tipping, Household Waste Duty of Care, Littering and Graffiti.	Andy Gray, Housing & Environmental Enforcement Manager		
12 Sep 2023	West Lindsey Markets Action Plan Update	Ady Selby, Director - Operational & Commercial Services	To update Members on progress with the three year West Lindsey Markets Action Plan	
<b>11 OCTOBER 2023</b>				
11 OCT 2023	Cottam Solar Project - Local Impact Report (LIR)	Russell Clarkson, Development Management Team Manager		
12 OCT 2023	Cottam Solar Project - Written Representations	Russell Clarkson, Development Management Team		

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Manager

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12 OCT 2023 West Burton Solar Project - Local Impact Report Russell Clarkson,  
Development  
Management Team  
Manager

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12 OCT 2023 West Burton Solar Project - Written Representations Russell Clarkson,  
Development  
Management Team  
Manager

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12 OCTOBER Potential Changes to garden waste collections Ady Selby

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**31 OCTOBER 2023**

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31 Oct 2023 Proposed Fees and Charges 2024/2025 Sue Leversedge, Business Support Team Leader Propose Fees and Charges to take effect from 1 April 2024.

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31 Oct 2023 Progress and Delivery Quarter Two (2023/24) Claire Bailey, Change, Projects and Performance Officer

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31 Oct 2023 Annual Community Engagement Report 2022/23 Katy Allen, Corporate Governance Officer

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31 Oct 2023 Cultural Strategy 2023 Cara Markham, Commercial Development Manager

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**5 DECEMBER 2023**

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5 Dec 2023 First Homes Guidance Sarah Elvin, Homes, Health & Wellbeing Team Manager This report will look to adopt a new guidance note for First Homes in West Lindsey alongside define a key worker for the First Homes tenure of affordable housing

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**30 JANUARY 2024**

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30 Jan 2024 Prosperous Communities Committee Draft Sue Leversedge, The report sets out details of the

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Budget 2023/2024 and estimates to 2028/2029.

Business Support Team  
Leader

Committee's draft revenue budget for  
the period of 2024/2025 and estimates  
to 2028/2029.

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**19 MARCH 2024**

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**23 APRIL 2024**

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