

## **WEST LINDSEY DISTRICT COUNCIL**

MINUTES of the Meeting of the Prosperous Communities Committee held in the Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA on 20 March 2018 commencing at 6.30 pm.

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

Councillor Owen Bierley  
Councillor Christopher Darcel  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Mrs Pat Mewis  
Councillor John McNeill  
Councillor Mrs Maureen Palmer  
Councillor Mrs Judy Rainsforth  
Councillor Trevor Young

**In Attendance:**

Mark Sturgess	Executive Director of Operations and Head of Paid Service
Alan Robinson	Strategic Lead Governance and People/Monitoring Officer
Andy Gray	Housing and Enforcement Manager
Steve Leary	Commercial Waste Manager
Ady Selby	Strategic Manager Services
Grant White	Enterprising Communities Manager
Katie Coughlan	Senior Democratic & Civic Officer

**Apologies:** Councillor Mrs Lesley Rollings

**Membership:** Councillor Judy Rainsforth substituting for Councillor Lesley Rollings

### **103 PUBLIC PARTICIPATION**

There was no public participation.

### **104 MINUTES OF PREVIOUS MEETING**

(a) Meeting of the Prosperous Communities Committee – 30 January 2018

**RESOLVED** that the minutes of the meeting of the Prosperous Communities Committee held on 30 January 2018 be confirmed and signed as a correct record.

## **105 MATTERS ARISING SCHEDULE**

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 12 March 2018.

In reference to the green action entitled “Housing Strategy – Omitted Consultation Response” the Chairman verbally addressed the meeting and advised that, following the comments expressed at the last meeting, Officers had further investigated the situation. The consultation response which had been referred to, had in fact related to ongoing consultation regarding the Home Choices Letting Policy and not the Housing Strategy, which had been the subject of consideration. Therefore no amendments had been made to the Policy as a result.

**RESOLVED** that progress on the Matters Arising Schedule, as set out in the report, and the Chairman’s verbal comments, detailed above, be received and noted.

## **106 MEMBERS' DECLARATIONS OF INTEREST**

Councillor Owen Bierley declared a personal, non-pecuniary interest in agenda item 6 i) – Parish Lighting Policy as he was a Trustee of Age UK Lindsey; Trustee and Committee Member of Keelby Sports Club and Member of Keelby Village Hall Committee, all of which could be affected by the proposed amendments to the Waste Services Policies.

Councillor Paul Howitt-Cowan declared a personal, non-pecuniary interest in agenda item 6 i) – Parish Lighting Policy as he was a Member of Corringham Village Hall Committee, which could be affected by the proposed amendments to the Waste Services Policies.

## **107 PARISH LIGHTING POLICY**

Members gave consideration to a report which introduced a new Policy for Council owned Parish Lighting which aimed to ensure the Council’s inventory of Parish lights were maintained and managed effectively

As at 1<sup>st</sup> March 2018, the Council owned and maintained 1,068 parish lights across the district – these were distinct from street lighting which was the responsibility of Lincolnshire County Council, as the responsible Highway Authority.

The Council was in the early stages of a maintenance programme to move to LED lighting. This work would achieve running cost reductions on electricity and reduce maintenance costs. Furthermore the LED technology would reduce the environmental impact of parish lighting.

The proposed Policy provided direction and guidance on how the Council maintained parish

lighting, conducted reviews of existing lights and considered requests for new lighting installations.

The policy further introduced criteria for the Council's Parish Lighting and it was noted that the Council would only provide and maintain parish lighting where it met one or more of the criteria.

If adopted, the Council's Constitution would be amended to provide delegation to officers for determining Parish Lighting reviews and new requests as part of the Annual Review of the Constitution.

Debate ensued and in response to Members' questions Officers confirmed the conversion work would not result in the Authority receiving carbon credits. The exact cost of this work was unknown, as procurement had not commenced, however circa £150k had been earmarked within budgets. Officers further confirmed that they now had complete oversight of all parish lighting owned by the Council.

The Policy would be publicised and circulated to Parish Councils.

**RESOLVED** that the Parish Lighting Policy be approved.

## **108 WASTE SERVICES POLICIES**

Members gave consideration to a report which proposed changes to the existing "Waste and Recycling Operational Policies" document which covered all refuse and recycling related services provided by the Authority. Members were asked to approve the Policy document including the introduction of formal waste collection charges for some categories of premise.

The report had been shared with the Lincolnshire Waste Services Partnership, as a key stake holder, the previous week, and no amendments had been proposed as a result.

Debate ensued and Members expressed concern that the Committee had met earlier in the year to set its fees and charges for 2018/19 and these had subsequently been approved by Council when setting the budget in March. There was also concern that many of the organisations who could potentially be affected by these new charges would have already set their budgets for the year also, without consideration of these charges and this could result in difficulties for them, it was suggested that greater consultation should have been undertaken with affected organisations, as had been the case with green waste charges. Whilst accepting that it was important that charges were based on a level playing field, reassurance was sought that a sympathetic approach would be taken towards these organisations, many of which helped the organisation deliver its corporate aims, and many of whom would have some form of charity status. There were also concerns that these charges would impact on the usage of village halls, which was considered counter productive. It was suggested a Fact Sheet should be available to Members to help them explain the changes to the community when questions arose.

In response to concerns raised and other comments expressed, Officers advised that a recent audit had identified approximately 66 village halls were using more than 1 black bin and were in fact hosting businesses, this created an unfairness around commercial waste

charges. All those affected had been contacted in advance and made aware that a charge may be levied in the future. No change in policy was being proposed regarding charity shops as charges were already levied for these services. Schools had been engaged with at very early stage and well in advance of any charges being introduced in order that they could budget effectively. Churches were exempt under national legislation. Village Halls used as community spaces or who hosted clubs and societies would only be charged if they made use of more than one bin. The intention of Paragraph 5 of Policy 24 was not to write to all organisations asking them to qualify for a free service, but did give the Authority the right to ask questions in the future, if the waste being presented from such a premise was excessive. The costs to introduce such charges would be minimal and the driver for charging was not one of income generation but of fairness and transparency.

It was also confirmed and clarified that the purpose of the report was not to set the fees, as these had been included with the Budget approved by Council on 5 March, but rather to determine how the agreed fees should be applied and to which premises through the application of a consistent policy approach. As such no subsequent report needed to be submitted to the Corporate Policy and Resources Committee.

**RESOLVED** that:

- (a) the proposed changes to the Waste and Recycling Operational Policies document, as outlined at Appendix 2 of the report, incorporating changes relating to the introduction of garden waste charges and the Controlled Waste Regulations 2012 be approved; and
- (b) the new charges be formally introduced from the dates specified in Appendix 3 of the report.

**Note:** During consideration of the above item Councillor John McNeill declared a personal non-pecuniary interest as he was the Independent Examiner of Accounts for St. Thomas' Church, Market Rasen.

**Note:** Councillors Trevor Young and Judy Rainsforth requested that their vote against the above decision be recorded.

## **109 GAINSBOROUGH MARKET - EVENTS AND TRADERS' TERM AND CONDITIONS**

The Committee gave consideration to a report which sought to update Members in respect of progress made with investigating options for the future delivery of Gainsborough Market. The report also recommended a programme of events to be held during 2018 to support the market, the introduction of a new payment method for traders and minor amendments to the Traders terms and Conditions to give clarity on the types of traders permitted to trade.

In presenting the report Officers advised they had been engaging with colleagues in Lincolnshire Procurement and Lincolnshire Legal Services to identify a way forward with procuring a partner organisation to deliver the Market. In the meantime work to stabilise and improve the market continued. A new Officer had taken over day to day operations of the market, resulting in a greater presence on site on market days. The team had been working

closely alongside the communications team to increase the presence on social media. Income was slightly up on last year and costs were reducing although the level of income stated in the MTFP was not expected to be achieved.

A Full Communications Plan (using internal council resources) was in development however a short term strategy (to cover the financial year 2018/19) had been developed which included the events listed in the report, and to which the Gainsborough Independent Traders Group had agreed to offer £2.5k towards funding. It is anticipated that this will be developed by any partner secured through the procurement exercise in subsequent years.

The rationale behind the change in payment method and the trader mix was explained.

In the debate that followed members expressed concern that the number of stalls continued to reduce and therefore questioned how income was up. To limit the trader mix was also considered to be a risk given the limited number of traders already operating. Information was sought as to the level of debt which currently existed amongst traders. The problems which had arisen as a result of the current invoicing system were shared with the Committee and the change in methodology was therefore welcomed.

The events programme was supported in principle, however Members again urged that there needed to be some measurable outcomes against which success could be assessed. If these events were about supporting the market and its Traders then there needed to be measures in place to assess this. Furthermore these benefits needed to last longer than the day itself. Examples of such measures were offered.

Officers responded offering assurance that historical debt was being dealt with. The traders had been consulted on the proposed changes and planned events and the feedback Officers had received directly from them was that they were supportive. It was accepted that a longer term strategy was required, however in light of the decision made by the Committee at its December meeting, this would be considered as part of any procurement process. Officers also accepted measures of success needed to be, and would be developed and that the events needed to bring longer term benefits, weeks after. However it was emphasised that a short term stabilisation programme was required, and the events and measures proposed in the report were part of this, if the Authority was to be successful in any procurement exercise.

The Committee congratulated the recently appointed Markets Manager for the improvements he had made to date, and continued make, and commented on the 110% effort displayed.

In response to further comments Officers again reiterated that benchmarking would be put in place and the trader list would have the flexibility to accommodate bespoke stalls in support of events. All of the proposals were part of the short term stabilisation strategy, to ensure the market continued whilst the procurement exercise was being further explored. It was important the Authority had a product, the market, to sell in the future. Additional funding was not being requested as the events could be funded from earmarked reserves contained within existing budgets controlled by this Committee.

**RESOLVED** that:

- (a) Officers be tasked with arranging those events specified at Section 3.1 of the report;
- (b) a “pay on the day” methodology be introduced as soon as it becomes available;
- (c) limits on the number of specific traders, as detailed in Section 5 of the report be introduced; and
- (d) the Traders Term and Conditions be amended to reflect the above decisions.

## **110 CORPORATE ENFORCEMENT POLICY**

Members gave consideration to a report which presented a revised Corporate Enforcement Policy for adoption. The Corporate Enforcement Policy had last been updated in 2010 and the report provided a brief overview of the Policy content and the main areas in which it had been updated.

The Policy was clear that the Council, in undertaking its duties, in line with the Regulators Code, would: -

- Carry out its activities in a way that supported those that it regulated to comply and grow;
- Provide simple and straightforward ways to engage with those that it regulated
- Base its regulatory activities on risk
- Share information about compliance and risk
- Ensure that clear information, guidance and advice was available to help those that it regulated to meet their responsibilities to comply
- Ensure that its approach to regulatory activities was compliant.

The main amendment to the Policy related to a revised section on “Shared Regulatory Role”, in order to reflect the change in partnership working that had occurred in relation to enforcement and the proactive approach adopted with regards to other enforcement agencies.

In the following debate Members welcomed the Policy. Members questioned whether a person’s previous history would be a contributing factor in determining what level of action the Authority would take and offered potential scenarios in explanation.

Officers confirmed that circumstances of repeat offences would be taken into consideration and may alter the course of action the Authority chose to take. It was suggested that this needed to be made clearer in the Policy to avoid any risk of challenge. However Members were happy to leave the exact wording to be included at the discretion of Officers.

Officers undertook to include a statement to such effect and would report back through the next matters arising report, the additional wording that had been incorporated.

**RESOLVED** that the Corporate Enforcement Policy as set out Appendix 1 of the

report be adopted, to come into effect from 1 April 2018, subject to the additional wording referenced above being incorporated.

## **111 LOCAL ENFORCEMENT PLAN (PLANNING ENFORCEMENT)**

Members gave consideration to a report which presented a revised Local Enforcement Plan (previously known as the Planning Enforcement Policy) for adoption.

The report also provided information in response to the Development Management Audit report, completed in September 2017, within which the Planning Enforcement Service had received limited assurance. Section 2 of the report referred and outlined the recommendations which had been made and actions which had been implemented in response.

The Enforcement Plan set out the approach that would be taken when dealing with Planning Enforcement matters.

In amending the Policy consideration had been given not only to the recommendations made through the Audit but also to feedback received from Elected Members, detailed at Section 4 of the report, and comments made through the Challenge and Improvement Committee, when pre-scrutinising the Plan.

The proposed policy amendments, detailed at Section 5 of the report, were highlighted to the Committee and the rationale for each amendment explained in detail. Members' attention was particularly drawn to Section 6 of the Policy which set out the "Level of Impact" and the types of activity which sat under each level. The response standards and timescales which applied to each impact level were detailed at Section 6.3.

Debate ensued and Members again re-iterated the importance of Member /Officer communication regarding enforcement matters.

**RESOLVED** that:

- (a) the responses given in regards to the Planning Enforcement audit be noted; and
- (b) the Local Enforcement Plan, as set out in Appendix 1, be approved to come into effect from 1 April 2018.

## **112 MEMBER CHAMPIONS REVIEW**

Members gave consideration to a report which proposed changes to the way in which Member Champions would report back to fellow members, and the way in which the appointments were structured. The report had arisen following a request from the Committee at its June meeting. Work had been carried out to review the roles with Lead Officers and Members arising from which a role description had been developed. The role description would be put forward for inclusion as part of the Annual review of the Constitution and Members comments on this were sought.

Members welcomed the role description as they considered the role of Member Champion needed to be better recognised by Officers, indicating that this had not always been the case.

Members sought clarity as to whether in fact, in light of the information contained in Section 2.2 of the report and recommendation number two, the proposal was to have no Member Champions, if in fact all the areas mentioned at 1.1 of the report were already covered within the remit of a Committee.

Officers clarified the intention of the proposal and apologised for the confusion and inaccuracy within the report.

It was considered that having Member Champions in areas where the function was already listed within the remit of a Committee had led to confusion, with Officers sometimes being unclear as to who they should approach regarding a particular matter. This was something an earlier speaker had made reference to and one of the reasons it had been recognised that the development of a role description and a review of the areas covered by Member Champions was required.

**RESOLVED** that:

- (a) the number of Member Champions be reduced from the start of the 2018/19 civic year;
- (b) from the start of the 2018/19 civic year, to not nominate Member Champions for areas where a committee Chair or Vice-Chair already has responsibility;
- (c) from the start of the 2018/19 civic year, updates be received from Member Champions every 6 months via the West Lindsey newsletter;
- (d) the Areas that Member Champions are responsible for be reviewed again in May 2019; Member Champion roles to be determined for the first meeting(s) of the 2018/19 civic year for both Corporate Policy and Resources and Prosperous Communities; and
- (e) the proposed role description attached at Appendix 4, be **RECOMMENDED** to the Governance and Audit committee for inclusion and adoption as part of the Annual Review of the Constitution.

## 113 WORKPLAN

Members gave consideration to the Committee Work Plan.

It was noted that the Lead Officer and Committee Chairman would be meeting in the coming weeks to start to identify key reports for the 2018/19 civic year.

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Subject to Call-in. Call-in will expire 4.30pm on Friday 6 April 2018

**RESOLVED** that the Work Plan as set out in the report, be received and noted.

The meeting concluded at 8.09 pm.

Chairman