

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 1 May 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 Lesley Rollings
Councillor Trevor Young

In Attendance:

Mark Sturgess	Executive Director of Operations and Head of Paid Service
Eve Fawcett-Moralee	Executive Director of Economic and Commercial Growth
Tracey Bircumshaw	Finance & Business Support Manager
Andy Gray	Housing and Enforcement Manager
Katie Coughlan	Senior Democratic & Civic Officer

Also in Attendance

Mrs Mallen
Mr Ridley
1 Member of the Press
35 Members of the Public

Also Present

Councillor Jeff Summers
Councillor Malcolm Parish
Councillor Tom Smith

Apologies: No Apologies were received

Membership: No substitutes were appointed

114 MINUTES OF PREVIOUS MEETING

(a) Meeting of the Prosperous Communities Committee – 20 March 2018

Councillor Bierley advised that at the previous meeting he had made a declaration of interest in respect of the Waste Service Policies report, not the Parish Lighting Policy report as indicated in the minutes. The same applied to Councillor Howitt-Cowan.

Officers advised that this amendment had already been identified and rectified in the copy to be signed.

In reference to street lighting Councillor Darcel indicated he had sent Officers an e-mail regarding potential financial savings and would like this further investigated.

RESOLVED that the Minutes of the Meeting of the Prosperous Communities Committee held on 20 March 2018 be confirmed and signed as a correct record, subject to noting the amendment that had been made since originally circulating the minutes.

115 PUBLIC PARTICIPATION

The Chairman welcomed Mrs Mallen and Mr Ridley to the meeting and invited them to put their 3 questions to the Committee.

Question 1

“Thank you Lady Chairman, ladies & gentlemen.

Can the Chair explain the local plan view on indoor bowls and how the Council is working to adopt the outline strategy? Your local plan is an important document a road map if you like as to how as guardians of the community intend to develop and nurture it in the years to come. All local plans are an complex document that has taken a lot of work and money to develop - it is therefore a valuable document that needs to be used as a guide to how things should happen in your community.

The mid Lincolnshire Local Plan was developed in conjunction with 2 other authorities to give a joined up process for many years to come. It covers not only housing and industry, the local economy, the natural and historic environment, and so it goes on. But it also addresses leisure & sport provision. Just over a year ago, on 24 April 2017, West Lindsey District Council signed up to that mid Lincolnshire Local Plan in preference to the previous one. I know we are only one year down the road since then, but I have a special interest in one section and would like to hear how the Prosperous Communities Committee plan to work on that section of the plan. The plan does touch on other types of bowls: such as short mat, which is acknowledged as a village hall type of activity and is very well provided for in some venues it also addresses outdoor bowls and identifies that specifically that in Gains in the next 5 to 10 years, additional provision will probably be required.

So what I'm enquiring about is the local plan and indoor bowling rinks that are used in national and international competitions and featured on television each year for the world championships. We understand the local plan West Lindsey was estimated in 2012 in to need 7.5 indoor rinks.

Until the end of May 2018 there are 8 rinks; at a stroke on 1st June this will reduce to 5, which puts West Lindsey out of step with the Plan and which creates under-provision.

The final words on indoor bowling in the Plan are in bold, saying there is an increasing

importance and role to support indoor bowls.

Thank you.”

Before responding the Chairman advised that this matter had been the subject of discussions at both this Committee and the Corporate Policy and Resources Committee, and subsequently a meeting of Full Council on 9 April 2018. The decisions taken then had been ratified and were now being implemented.

The Chairman responded to the question as follows: -

“Thank you Mrs Mallen for your question. The Central Lincolnshire Local Plan is essentially concerned with development that needs planning permission. Whilst the works to the Leisure Centre will be extensive that are wholly internal (apart from new windows) and these works will not require planning permission. It is also clear that the building, once the works are completed will remain a Leisure Centre and provide facilities for the health and wellbeing of all those that use the centre and this is in accordance with the policies of the Central Lincolnshire Local Plan.”

Councillor Young raised a point order and requested that the Committee suspend the Standing Orders allowing for the matter to be debated. The Public Participation Scheme sat outside of the Council’s Constitution however the request was put to the vote.

On being put to the vote the request to suspend Standing Orders was not supported and therefore

RESOLVED that Standing Orders be not suspended.

The gallery indicated their discontent and were reminded of the rules of attendance.

Mrs Mallen posed her second question.

Question 2

“Thank you Lady Chairman.

What value do the elected members put on consultations for Prosperous Communities projects with the residents of West Lindsey District Council and how many responses and people approached and a timescale would be a valid process? Much importance is attached in the processes of the UK Government and local councils to public consultation and West Lindsey has the citizen panel. It is seen as a valuable contribution to developing any policy or strategy and the results of the consultation should shape the outcome.

At a meeting with West Lindsey Indoor Bowls Club representatives, it became clear that the proposed change of use for the Indoor Bowls facility came as a complete surprise to the Chair. I was surprised that such a suggestion did not cause a pause to consult with the stakeholders involved and the public in general, rather than just inform them of a fait accompli.

This then made me wonder just how much importance the Committee and Councillors

attached to the views of the public and stakeholders when making such decisions or do they just get in the way of Local Government?

Thank you.”

The Chairman responded as follows: -

“There is no statutory obligation for the Council to consult on contract and procurement matters. As these are legal matters we do have to abide by them. Once we became aware of one of the likely outcomes of that particular procurement, as a Council we were keen to engage with the bowls club as soon as practically possible once the decision to award the contract was made and we have been committed and remain committed to securing alternative provision within the leisure centre.”

A further point of order was raised and it was suggested that the matter of consultation should be further discussed as this had not been done so previously.

The Chairman re-iterated her opening comments and the decision which had been passed by the Committee to not suspend standing orders and the matter would not be debated further.

Mrs Mallen posed her third question.

“Thank you Lady Chairman.

To build another permanent indoor bowls hall to the standard of the current facility, it is accepted would cost in the region of £1m. Can you confirm firstly, that the removal of this facility is not just a way of West Lindsey District Council and the leisure provider equipping a fitness gym on the back of health and wellbeing funding?

And secondly, what can be done to ensure this facility can be developed in such a way that it is not completely destroyed, but retained in the event that it needs to be brought back into use?

The Council has decided, in tandem with SLM that they wish to try a new venture at the West Lindsey Leisure Centre in Gainsborough by taking over the indoor bowls hall, and turning it into a quasi-medical facility, providing health and wellbeing services. This is a common business strategy of SLM throughout the country. Everyone has got to be in favour of health and wellbeing provision and Gainsborough would seem to have some challenges on this. However, in discussion with your Officers, the existing GP referral service has not been a success. Why should this venture be any better?

Members of the Indoor Bowls Club, formed when your predecessors were proud to provide the gift of such an excellent facility to the bowling community, they're concerned that this project away from the centre of town may not be as successful as predicted, or a need is later identified to provide such services as an outreach facility in the centre of town, accessible and on the same level as the 'bus station and not requiring a climb up Spital Hill – for those needing cardiac rehabilitation or mobility improvement. No 'buses go to the Leisure Centre. The health and wellbeing centre will have some success – but our concern is that this specially created room, with a custom built surface, that needs specialist

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construction, is going to be removed and damaged forever.
Should this happen, and there is a re-design of the proposed service, the hall could not revert easily and at minimum cost if the fabric of the rink is compromised.

Despite being promised a sight of plans and drawings in February, these have not been forthcoming – which leads us to think that for such a jewel in the crown of the community, that none have been done so far.

We are keen, therefore, that the Council and EA explore just how they can have an eye to the future, which is always unknown, and preserve what they can of the bowls hall fabric.

Thank you.”

The Chairman responded as follows: -

“The Council is not in receipt of any health and wellbeing funding in order to carry out the changes at the leisure centre. The Council are providing £1.4 million investment into the Centre.

As the redevelopment will be extensive there is no way which the current facility can be retained. The floor will need to be level and this cannot be accomplished by keeping the bowls carpet in situ. It has been acknowledged that this area can be developed to ensure a greater level of footfall and provide wider health benefits and it will be the Council and Everyone Active’s joint responsibility to ensure this is a success.

As we have said as a council we will work with those that currently use the bowls facility to ensure that the ability to take part in bowls is retained in some form in the improvements.

These changes are not designed simply to save money, but to ensure that the centre is used by more people. The focus of all the changes is on improving the health and wellbeing of all the people who use the centre.”

In response to Members’ comments the Chairman again re-iterated that the matter was not for debate, and had been the subject of a number of previous debates, Member workshops and Briefings.

The Bowling Club were thanked for their attendance and for making their thoughts known.

Conduct warnings were issued and the meeting adjourned at 6.55pm to allow the gallery to depart.

The meeting resumed 5 minutes later and a Member of the Committee asked that it be noted that Councillor Young and Rollings had left the meeting without advising the Committee and therefore did not take part in the remainder of the meeting.

116 MATTERS ARISING SCHEDULE

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 23 April 2018.

In reference to the green actions entitled “Waste Services Policy” and “Parish Lighting Policy” both with imminent due dates, in response to a Member’s enquiry, Officers advised that they understood the Actions would be completed during the week, however a definitive position would be sought and provided to Members outside of the meeting.

RESOLVED that progress on the Matters Arising Schedule, as set out in the report be received and noted, and the requested updates be circulated on receipt.

117 MEMBERS' DECLARATIONS OF INTEREST

No declarations of interest were made at this stage of the meeting.

118 ADOPTION OF SCHEDULE 4 OF THE ENVIRONMENTAL PROTECTION ACT (ABANDONED SHOPPING TROLLEYS)

Members gave consideration to a report which presented the results of a public consultation regarding the possibility of adopting Schedule 4 of the Environmental Protection Act 1990 (EPA) which related to abandoned shopping trolleys.

The report further set out recommendations arising from the consultation, the steps which would be undertaken if the recommendation was accepted and the Order made, and finally details of the level of charge which would be applied across Gainsborough.

The proposed scheme had been drawn up given the continuance of the issue and lack of engagement by supermarkets to help the Council to resolve the situation informally.

In presenting the report Officers stressed that the purpose of the proposed scheme was not to provide an income to the Council or to financially penalise the supermarkets, but to incentivise steps to prevent trolleys being taken in first instance, and to cover costs to the Council when trolleys had to be collected.

The Scheme had been used elsewhere in the country and had been hugely successful in reducing the number of abandoned trolleys.

Debate ensued and in response to Members’ comments Officers indicated the number of trolleys that were collected on a weekly basis and how this impeded the “planned work” of operatives. Abandoned shopping trolleys still needed to be reported to the supermarket in the first instance. The technicalities of dealing with the issue as a fly-tipping offence were outlined and furthermore such an approach did not rely on supermarkets taking any responsibility. Charges would be raised through the usual debtor system and the standard terms and conditions of payment would be applicable. There was no intention, should the Order be adopted, for the Council to undertake a proactive campaign. Operatives would continue to pick up trolleys as and when they came across them, as they had been doing, but the Order would ensure that there was a means by which costs could be recovered. Those supermarkets who made use of the trolleywise service had already committed to undertake sweeps twice weekly, as opposed to current once a week service, and the approach was driven by the desire for supermarkets to take responsibility. The plastic bag

tax had seen cases increase however there were always a number of factors which contributed to high levels of abandoned shopping trolleys being seen in some areas.

Officers confirmed the impact of the Order, if made, would be monitored going forward.

RESOLVED that Schedule 4 of the Environmental Protection Act, as per the proposal in Appendix A of the report, be adopted to come into effect on the 17 August 2018.

Note: Councillor Gillian Bardsley declared a pecuniary interest in the following item of business (Housing Enforcement Policy and Civil Penalties) as a Landlord and left the Chamber prior to consideration of the item.

119 HOUSING ENFORCEMENT POLICY AND CIVIL PENALTIES

Members gave consideration to a report which sought approval of the revised Housing Enforcement Policy and the newly proposed Civil Penalties Policy.

The Housing Enforcement Policy was currently in operation but had been updated as a result of the Housing and Planning Act 2016 which allowed financial penalties to be imposed as an alternative to prosecution for certain offences. The Civil Penalties Policy would enable the Council to issue financial penalties directly to landlords who committed certain offences.

Consultation had been undertaken, the results of which were shared with the Committee

Financial penalties issued under the Policy would still be subject to challenge but they would not be issued by the Courts, however there would be a right of appeal for those issued a fine.

The rate of fines being proposed were outlined to the Committee and were contained with the Policy. Income received from penalties would be used to offset costs which may include additional legal costs incurred through the hearing of appeals and seeking of court orders.

It was anticipated that for lower level offences the proposed policy would streamline the process and be a more efficient and effective way in which to deal with matters. However each case would be reviewed and considered on its own merits.

In response to Members questions and comments Officers advised that Rent Repayment Orders could be sought, and outlined the circumstances when such an Order may be sought. The Policy expanded the scope as to when such an Order could be made. To-date the Authority had not used Rent Repayment Orders and it was an area that Officers would like to further explore, particularly in light of the some of the offences uncovered through the Selective Licensing Scheme.

This was a new piece of legislation and therefore there was little case law to rely on. As cases were heard the Policy would be reviewed and amended (by Committee) if need be.

There would be a database of rogue landlords, this would be populated with those persons who had either been prosecuted in Court, or who had received two civil penalties, and it

would be a national database.

From a customer point of view, and those raising concerns the process would be no different, only the way in which an offence identified was dealt with at the end of the process. It was also noted that Council would need to have the same "burden of proof" to issue a civil penalty as it would if it was taking the case to Court.

Officers confirmed the appropriate resources were in place, briefly outlined how these resources were apportioned to this work and indicated these would continue to be monitored through the Progress and Delivery reports going forward.

RESOLVED that:

- (a) the Updated Housing Enforcement Policy be approved to come into effect from the 21 May 2018; and
- (b) the Housing Enforcement Civil Penalties be approved to come into effect from the 21 May 2018.

Note Councillor Gillian Bardsley re- joined the meeting

120 HOUSING ASSISTANCE POLICY 2018 - 2022

Consideration was given to a report which presented an updated Housing Assistance Policy for approval. The Policy revision sought to amend the existing approach to DFGs and enhance their scope and impact. Furthermore the policy sought to introduce a completely new offer for Private Sector Renewal (PSR). The report further sought approval of additional finances required to provide the assistance offered through the Policy.

Members were advised of two omissions / errors contained within the report. Paragraph 8.1.2 of the Policy should read DBS check as opposed to CBR; and the table at 6.2 of the report should have included £100k of capital receipts. Members noted these two points.

In presenting the report Officers outlined in detail the types of support which the Policy would offer as set out in Sections 4.1 and 7.2 of the report. In respect of 7.2, since writing the report it had been suggested that the First Time Buyer initiative should be amended to simply be an Empty Property Buyer initiative. The rationale for this was explained and Members were agreeable to the amendment.

In response to Member comments and questions, Officers advised that where a charge against land was made to recover costs, costs recovered in respect of DFGs were allocated to capital receipts, whereas costs recovered in respect of PSR works would be re-invested and used to fund further work under the Scheme. The PSR assistance would only be available in Gainsborough, as the funding which supported the programme was from a pot of funding relating to the Regeneration and Growth of Gainsborough, which had been allocated within the Capital Programme sometime ago. Furthermore, with such finite and limited resources it was hoped that the targeting of resources would see a greater impact and would support the proactive work currently being undertaken in the area using statutory measures.

In light of the information provided it was proposed and seconded that recommendation a) be amended to read “approve the Housing Assistance policy as set out in Appendix 3 to come into effect on 1 June 2018 subject to the policy being amended as follows: - all references to the First Time Buyer initiative be amended to read Empty Property Buyer initiative”

On being put to the vote the amendment was carried and on that basis it was **RESOLVED** that:

- (a) the Housing Assistance Policy, as set out in Appendix 3, be approved to come into effect on 1 June 2018, subject to the Policy being amended as follows: - all references to the First time buyer initiative being amended to read Empty Property buyer initiative
- (b) it be **RECOMMENDED** to the Corporate Policy and Resources Committee that the earmarked reserve allocated for private sector renewal be released to fund the assistance offered within the Policy.

Note: Councillor Gillian Bardsley, during consideration of the above item, declared a pecuniary interest as landlord and left the meeting. Councillor Mrs Bardsley did not take part in the deliberations or vote on the above item of business but did return to the meeting thereafter.

121 BUSINESS RATE GROWTH POLICY

Consideration was given to a report which sought approval to introduce a Business Rate Growth Policy in order to attract new and expanding business to locate in West Lindsey, specifically on its Strategic Employment Sites (as defined within the Central Lincolnshire Local Plan), these being the Central Lincolnshire Food Enterprise Zone at Hemswell Cliff and Somerby Park in Gainsborough.

In presenting the report Officers outlined in detail the rationale for the Policy, the contents of the proposed Scheme, as summarised at Section 3 of the report, the costs associated with its introduction and how these would be financed, details of how the Scheme would be promoted and finally how applications would be assessed and decisions made.

RESOLVED that it be **RECOMMENDED** to the Corporate Policy and Resources Committee that the Business Rate Growth Policy for West Lindsey’s Strategic Employment areas, as detailed within the report be approved.

122 WEST LINDSEY COMMERCIAL LOAN POLICY AND FRAMEWORK

Members gave consideration to a report which sought to introduce a Commercial Loan Policy and Framework, that if implemented would allow the Council to lend money to third party organisations, through a discretionary Commercial Loan to support Growth and Economic Development.

The Gainsborough Growth Fund had now ceased to exist and a number of financial support

initiatives were being proposed for introduction, this being one of them.

The Scheme would not be promoted and those approaching the Council for financial support under the Policy would be supported in applying for assistance from other funders and lenders in the first instance.

The ways in which risks had been mitigated through the Policy were outlined to Members, and loans would not be made to individuals. All “loan offers” under the Policy would need final approval by the Corporate Policy and Resources Committee.

RESOLVED that it be **RECOMMENDED** to the Corporate Policy and Resources Committee that the Commercial Loan Policy be approved in order to allow the Council to award discretionary commercial loans to third party organisations in support of local growth and economic development.

123 PROGRESS AND DELIVERY (PERIOD 4)

Members gave consideration to a report which assessed the performance of the Council's services and key projects through agreed performance measures. Members were asked to review performance and recommend areas where improvements should be made, having regard to any remedial measures already included within the report.

The report summary was structured to highlight those areas that were performing above expectations, and those areas where there was a risk to either performance or delivery.

Areas described as performing well included:

- Benefits – Customer Satisfaction
- Revenues
- Local Land Charges
- Licensing
-

Those areas described as risks included:

- Overall Complaints
- Enforcement
- Street Cleaning Income
- Markets
- Home Choices

Further information was given on each of the above.

Debate ensued and the report and general direction of travel was welcomed.

Whilst complaints overall were up, Members commented that this was an improved position in light of the fact that complaints were now being more accurately recorded, and as such was to be expected.

Making reference to Waste Services and the reduced recycling rate, a Member referenced that he had previously made enquiries of Lincolnshire County Council as to what potential penalties could be levied against the Authority if the target was not met and under what legislative basis, however the position had been unknown. The Member sought indication as to whether the position had yet been clarified and Officers undertook to further investigate this.

Members commented on the difficult winter the Market Traders had endured and it was suggested that maybe initiatives such as that seen at Cottingham whereby traders were only charged for 9 months of the year should be investigated, with the Council offering support sooner rather than later due to the recent bad weather.

In response Officers outlined the previous decisions Members had made with regard to the Market, alongside this a raft of improvements were being implemented including the introduction of a dedicated Markets Manager and £25k events programme. The suggestion would be taken back to Officers concerned for consideration, however the importance of not conflicting with the good work currently being undertaken was stressed.

Volunteer litter picks were to be encouraged wherever possible and in response to Members' questions Officers outlined how income was generated through the street cleansing service.

RESOLVED that having critically appraised the performance of services and key projects, and having had regard to the remedial measures suggested in the report, and the information provided in response to Member questions, no further formal action be requested at this stage, however the suggestions made throughout the debate be considered.

124 WORKPLAN

Members gave consideration to the Committee Work Plan.

The Lead Officer advised that post Annual Council, at which the Committee make-up would be determined, he would be working with Lead Members of the Committee to identify key reports for the 2018/19 civic year.

In response to questions Officers outlined the background to, and future intention of, the Gainsborough Green Corridor report. In light of the work required Members were advised that this item would be re-scheduled for November 2018.

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

125 CLOSING REMARKS

This being the last meeting of the Civic Year the Chairman expressed thanks to all Members and Officers for their dedication and work over the past 12 months.

The Committee in turn paid tribute to the Chairman for her work and leadership over the

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period.

Vice-Chairman Councillor England addressed Members indicating that he intended to stand down from his duties on the Committee for new challenges, and spoke of the honour and pleasure it had been to serve on the Committee.

The meeting concluded at 8.27 pm.

Chairman