

## **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 4 December 2018 commencing at 6.30 pm.

**Present:** Councillor Mrs Sheila Bibb (Chairman)  
Councillor Mrs Gillian Bardsley (Vice-Chairman) and  
Councillor John McNeill (Vice-Chairman)

Councillor Owen Bierley  
Councillor Christopher Darcel  
Councillor Michael Devine  
Councillor Paul Howitt-Cowan  
Councillor Mrs Lesley Rollings  
Councillor Reg Shore  
Councillor Thomas Smith  
Councillor Roger Patterson

**In Attendance:**  
Ian Knowles Executive Director of Resources and S151 Officer  
Mark Sturgess Executive Director of Operations and Head of Paid Service  
Ady Selby Strategic Manager Services  
Grant White Enterprising Communities Manager  
Andy Gray Housing and Enforcement Manager  
Sarah Cattell Housing And Communities Project Officer  
Katie Coughlan Senior Democratic & Civic Officer  
Amy Potts Senior Project Support Officer  
Emily Holmes Selective Licensing Officer

**Apologies:** Councillor Steve England  
Councillor Mrs Pat Mewis  
Councillor Malcolm Parish  
Councillor Trevor Young

**Membership:** Councillor Roger Patterson substituting for Councillor Pat Mewis  
Councillor Reg Shore substituting for Councillor Trevor Young  
Councillor Tom Smith substituting for Councillor Steve England

#### **48 PUBLIC PARTICIPATION**

There was no public participation.

#### **49 MINUTES OF PREVIOUS MEETING**

(a) Meeting of the Prosperous Communities Committee – 23 October 2018.

**RESOLVED** that the Minutes of the Meeting of the Prosperous Communities Committee held on 23 October 2018 be confirmed and signed as a correct record.

#### **50 MATTERS ARISING SCHEDULE**

Members gave consideration to the Matters Arising Schedule which set out the current position of all previously agreed actions as at 26 November 2018.

**RESOLVED** that progress on the Matters Arising Schedule, as set out in the report be received and noted.

#### **51 MEMBERS' DECLARATIONS OF INTEREST**

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

#### **52 BROADBAND OPTIONS**

On 5 June, the Committee had received a report setting out issues affecting the extent and quality of superfast broadband services across the District. The report had also detailed initiatives in place to address such issues and had set out possible actions that the Council could take to support communities in need of improved broadband services.

At that meeting the Committee determined a number of actions to be progressed. The report for consideration therefore provided Members with an updated position since matters were last reported including information on the proposal to appoint a Community Broadband Officer, On-Lincolnshire Developments, updates on known issues across the District and work undertaken with the recently established Community Broadband Group.

Debate ensued and the Committee as a whole fully supported the proposals and the use of resources. Broadband was considered a vital resource in today's world and it was important that businesses and students alike across the District had equal access and opportunity to compete and be successful.

The Committee urged Officers to continue with their lobbying and expressed disappointment at the BDUK rollout position, noting that it was in fact tax payers money that was being used.

At the request of a Committee Member, the Director of Resources outlined the impact the Council's relationship with Quickline had previously had on the rollout. However it was

stressed that the original determination had now been over ruled and West Lindsey would be included in phase 3 although the extent of the coverage was still to be determined. The Director of Resources outlined value for money concerns which had been expressed by the Partnership with regards to the latest model. This was primarily as a result of the Government's changed stance of "fibre to the premise" as opposed to the cabinet.

The creation of Community Broadband Groups and community involvement was seen as a way to help demonstrate demand and in turn secure funding and would be a key tool in moving forward.

Broadband capability had recently been raised at a post-Brexit meeting and it had been acknowledged it would be a critical service if the UK as a whole was to succeed internationally. Having heard how the Government's national coverage statistics were calculated, meaning localised areas could be "hidden", all Members were of the view that the District needed to make as much noise as possible, from as many angles as possible regarding its lack of coverage in places.

In response to Members' questions Officers outlined the proposed Officer's role which would include helping communities facilitate access to services, investigating funding opportunities and again facilitating access to these, understanding 5G capability and its uses, educating communities regarding their options and to assist the Council in its lobbying efforts. This would be a fixed term contract, with Members noting that the terms and conditions associated to the post were the same as any other post. Whilst the other Districts had not expressed an interest to share this role to date, the opportunity would be raised again at future stakeholder meetings.

In light of the recent issues experienced by two communities within the District, Members questioned whether there were further steps the Authority could take to ensure broadband connectivity was secured at development stage, for example with planning conditions. The Executive Director of Operations advised there were limitations on the requirements which could be placed on a developer and suggested such a requirement, if challenged, would not pass the proportionate test.

**RESOLVED** that:

- (a) the budget and formal recruitment process, to appoint to the post of Community Broadband Officer, be supported; and
- (b) the Council's on-going commitment to providing support for communities suffering from poor broadband services be supported.

**Note:** Prior to consideration of the next item of business, Councillor Gillian Bardsley declared a pecuniary interest in respect of the report and agenda item 6d (Selective Licensing 12 Month Review) as she was a landlord with property in the South West Ward. Councillor Gillian Bardsley then withdrew from the Chamber.

### **53 BANNING ORDERS HOUSING AND PLANNING ACT 2016**

The Committee gave consideration to a report which sought to provide information in regards to the Council's proposed approach to seek banning orders for rogue landlords under the Housing and Planning Act 2016.

As part of the revised powers provided through the HPA 2016 a provision to seek a banning order against a rogue landlord or property agent was included.

In April 2018 the powers relating to banning orders came into force along with the commencement of a database for rogue landlords and property agents which would identify those who had been subject to them or who have received two or more financial penalties.

In July 2018 the Council enacted its powers in relation to issuing civil penalties for Housing Act offences and this additional power will complement and sit alongside this.

Recent guidance issued advised that if the Council was to use its banning order powers it must have a policy statement to that effect. It was being proposed that the information shown in Appendix 1 of the report would be the Council's Banning Order Policy and would form an Appendix to the already approved Housing Enforcement Policy.

Debate ensued and Members welcomed the report and the Council's approach to Housing Enforcement in general, all were in agreement it was important to tackle and crack down on rogue landlords and sub-standard housing conditions, using all powers available.

In response to Members' questions, Officers confirmed that there were adequate resources within the team and such activities were deemed "part and parcel of the role". As with all new activities its impact would be monitored and kept under review. Officers confirmed banning orders would apply District Wide, not just to the licensed areas.

Clarity was sought regarding the meaning of the final bullet point in paragraph 1.2 of the proposed policy. Having heard the explanation, this being that a single order could cover more than one activity, as opposed to having to apply for multiple orders against a person, it was suggested the final bullet point "Doing two or more of those things" required further clarity and Officers undertook to re-look at the wording on adoption.

Members asked a number of questions regarding the database, what information was held and who it was available to, noting that it was not currently available to the general public but the Government were continuing to look at the feasibility of this within the context of data protection legislation. Data sharing did take place between local authority areas, and the First Tier Tribunal were responsible for its maintenance and publication.

**RESOLVED** that:

- (a) the Council shall seek banning orders as appropriate and in line with the powers designated under the Housing and Planning Act 2016.
- (b) the Banning Orders Policy as detailed in appendix 1 be approved to enable the Council to do this.

**Note:** Prior to consideration of the next item of business, Councillor Gillian Bardsley returned to the Chamber and re-joined the meeting.

## **54 HOUSES OF MULTIPLE OCCUPATION (HMO) POLICY**

Under the Housing Act 2004, larger Houses in Multiple Occupation (HMOs) that were 3 or more storeys and occupied by 5 or more persons forming at least 2 separate households were required to be licensed.

With effect from 1 October 2018 mandatory licensing of HMOs had been extended so that smaller properties used as HMOs in England which housed 5 people or more in 2 or more separate households would now in many cases also require a licence.

In line with this change the Council was now seeking to put in place its own set of standards in relation to HMOs to ensure that existing and prospective landlords were aware of their obligations and the requirements the Authority would place upon them alongside the legislation.

Members therefore gave consideration to a report which sought agreement to the introduction of a new policy and standards relating to Houses in Multiple Occupation (HMOs).

A proactive ongoing piece of work was underway to determine the likelihood of HMOs within the district. Officers outlined the numerous ways in which HMOs could be identified and the way in which resources were being deployed to ensure that the Council were using all of the intelligence available to identify and deal with HMOs.

Where a potential HMO was identified it would be investigated and determined in line with the standards set out in appendix 1.

Debate ensued and Members welcomed the report and approach. Members considered there was value in promoting and communicating the identification work being undertaken, as communities often held useful information which could be of assistance. Officers outlined the promotion work that would be undertaken.

It was noted that the standards made no reference to matters concerning noise. In response Officers advised that Housing Enforcement relied upon multiple pieces of legislation and no one piece of legislation would deal with all matters. Whilst the HMO legislation did not place any requirements regarding noise on landlords both building regulations and anti-social behaviour legislation did and these were alternative powers that could be used alongside the HMOs Policy.

**RESOLVED** that:

- (a) the HMO Standards set out in appendix 1 be approved;
- (b) these standards will sit alongside and work in conjunction with the Council's

Housing Enforcement Policy; and

- (c) the standards to come into effect from the 1<sup>st</sup> of January 2019.

**Note:** Prior to consideration of the next item of business, Councillor Gillian Bardsley withdrew from the Chamber having declared a pecuniary interest in respect of the report earlier in the meeting.

## **55 SELECTIVE LICENSING TWELVE MONTH REVIEW**

The Committee gave consideration to a report which sought to update Members in regard to the Selective Licensing Scheme.

In presenting the report, Officers outlined the current position including the financial position, the support being offered to Landlords and the approach to Enforcement. Information was also provided in respect of the Tenant Passport Scheme which had been implemented in January 2018 but to-date had not resulted in any real impact with there having been only one application. Officers were currently reviewing the Scheme with a view to re-introducing it to make it more effective. Landlords had expressed a view in being engaged in the process and it was intended to do so. Future timescales associated with the project and the associated work being undertaken to reduce anti-social behaviour were also shared with Members.

Debate ensued and Members welcomed the work which had been undertaken to date and the approach being adopted. In responding to Members' questions, Officers confirmed they always publicised prosecutions, unless there were mitigating circumstances, and offered such examples. It was noted that where financial penalties (outside of the court system) had been issued these could not be publicised to the same level. Press releases of this nature were often well "commented on" on the Council's Facebook and Twitter sites and often led to people reporting further concerns for investigation.

**RESOLVED** that:

- (a) the success of the scheme to-date and the positive impact it is having within the South West Ward area be recognised;
- (b) in line with legislation, the income derived from the scheme be used to continue to fund the administration of the scheme for a further 2 year period, until December 2020; and
- (c) a further update be provided in 12 months' time.

**Note:** Prior to consideration of the next item of business, Councillor Gillian Bardsley returned to the Chamber and re-joined the meeting.

## **56 PROGRESS AND DELIVERY PERIOD 2 2018/2019**

Members gave consideration to a report which assessed the performance of the Council's services through agreed performance measures, as at the end of Period 2. 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:

- \* Contract Management and Procurement
- \* Customer Services
- \* Financial Services
- \* Garden Waste
- \* Trinity Arts Centre
- \* Healthy District
- \* Street Cleansing

Those areas described as risks included:

- \* Asset and Facilities Management
- \* Development Management
- \* Enforcement
- \* Markets
- \* Regulatory Services

Further information was given on each of the above.

Debate ensued and with reference to performance indicators around Healthy Districts, a Member questioned whether the indicator measures were enough and provided the level of detail Members required. For example, some Members were keen to closely monitor the number of participants through the Health Hub, as its introduction had been controversial. Members would have also welcomed the opportunity to review the types of activity on offer, the programme of events and the level of take up. It was understood free memberships were being offered and it was suggested that this could be skewing figures.

In response, the Executive Director of Operations advised that the Committee were due to receive a report at their next meeting relating to the Leisure Contract and such information could be included within that.

Similar comments regarding the activity of the Trinity Arts Centre were expressed, with some Members expressing concern that the performance indicators were solely financial and profit orientated. It would be useful to understand the breadth of the activity being undertaken, how young people were being engaged, the variety of the offer and those attending the Centre.

In response the Executive Director of Operations acknowledged that the performance indicators did have a financial focus as ultimately the Centre covering its costs was a

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necessity. He undertook to request the Centre Manager to respond to the points raised and this information would be shared with all Committee Members

The Chairman advised that the Leisure Culture Events and Tourism Group regularly looked at such matters and such information was readily available.  
Members spoke highly of the new Centre Manager's passion and enthusiasm for the Centre's success.

In responding to Members' questions, Officers advised that Development Management fees were difficult to predict and the introduction of the Local Plan had seen the number of large scale speculative applications reduce.

In response to a Member's question it was confirmed the take up rate for green waste collections in Market Rasen was 47.8%.

Members questioned why the cost of the average DFG appeared to be rising and were advised that costs in general were increasing together with the number of more complex applications. It was likely the target would need to be reviewed. Officers were in the process of a developing a countywide framework for the commissioning of such contracts; this would address pricing consistency and provide greater stability around budgeting.

With reference to the Plough Inn, which had been a venture to support new small businesses, Members noted the report advised that there had been a number of recent "notices to quit", Members therefore enquired how the asset was marketed, and who the marketing was directed at, as they considered the units came with a number of attractive features, Officers undertook to provide this information outside of the meeting to all Committee Members

Regarding homelessness and enforcement, both of which were in areas deemed to be "in the red" a Member enquired as to whether this was due to a lack of resources. In responding Officers advised additional resources were always welcome however there was strong sense that the measures were not accurately reflecting what was happening within the service. This was something that had been picked up in the recent audit into Enforcement. Members had being provided with some additional information which presented the data within context, noting that if long standing open cases (which were not been worked on) were removed from the data set, the time frame for all other cases was significantly reduced. However it was stressed that the demand, particularly in planning enforcement, was both consistent and continuous.

Having heard Members' comments throughout the debate, the Executive Director of Operations advised that all measures were reviewed annually. Measures would not be amended in year as this did not assist with comparative work. This review process included meeting with every team manager to ensure their targets were still appropriate and providing meaningful data. There was also a small working group of Members convened annually to assist Officers in setting new targets. Members were encouraged to engage in this process, in order to ensure future targets were reflective of needs, whilst balancing the need to not over collect data.

**RESOLVED** that having critically appraised the performance of the Council's

services and key projects through agreed performance measures, 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.

## **57 JOINT WASTE STRATEGY FOR LINCOLNSHIRE**

Members gave consideration to a report which sought endorsement of a refreshed Joint Municipal Waste Management Strategy for Lincolnshire (JMWMS).

The Joint Municipal Waste Management Strategy (JMWMS) for Lincolnshire was a statutory document that set out a 10-year plan for the management of household waste in Lincolnshire.

The last strategy was written in 2008 and focussed on diverting waste from Landfill which had all but been achieved following the provision of a new Energy for Waste facility at Hykeham.

The Strategy had been subject to public consultation between April and July and the new version had been revised in line with consultation feedback, including from West Lindsey Council and other stakeholders.

Members had previously expressed views that the objectives weren't SMART enough and that the document needed an action plan to support it.

The final version has been amended taking into account feedback from all stakeholders and it was now supported by an action plan. Full consultation responses were included at Appendix B and C of the strategy document.

The Headline vision and key objectives were shared with the Committee.

The strategy had been adopted by the Lincolnshire Waste Partnership and the document was now ready for formal adoption by all local authorities in Lincolnshire. The recommendation had been carefully developed and ensured that all Councils were adopting the same thing.

There was a very lengthy discussion regarding current recycling practises, the Government's changing stance towards plastic, the need to deliver quality over quantity, the reduction in education and enforcement and the impact of all these were having on targets.

**RESOLVED** that the proposed Joint Municipal Waste Management Strategy (JMWMS), attached as Appendix 1, be endorsed, subject to the Strategy, in the same form, being formally adopted by Lincolnshire County Council as Waste Disposal Authority and all the other Waste Collection Authorities in Lincolnshire.

**Note:** Members of the Committee also wished to place on record that whilst they had endorsed the Strategy they did express concern that the Action Plan was not detailed enough and were of the view that the document needed to be reviewed regularly.

## 58 WORKPLAN

Members gave consideration to the Committee Work Plan.

**RESOLVED** that the workplan as set out in the report be received and noted.

## 59 EXCLUSION OF PUBLIC AND PRESS

**RESOLVED** that under Section 100 (A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act.

## 60 FUTURE OF GAINSBOROUGH MARKETS

Members gave consideration to a report which sought agreement to the future delivery method for Gainsborough Market.

In September 2017, Prosperous Communities Committee resolved to adopt a Vision and some Objectives for the future delivery of Gainsborough Market.

In December 2017, Prosperous Communities Committee **RESOLVED** that: -

- (a) Officers be tasked to procure a partner organisation and/or market operator to run markets in the market Square in Gainsborough on behalf of the Council. The operation of the markets by a partner or other organisation should adhere to the vision and objectives for the market agreed by the Committee at its meeting on 12 September 2017. Any agreement for a third party to run markets in the Market Square in Gainsborough should enable the Council to control the form, frequency and type of market operated, including a break clause which would allow the Council to take back control of the market in appropriate circumstances; and
- (b) In recognition that any procurement process designed to achieve recommendation 1 above would take time to complete, and that there is an urgent need to develop and improve the Markets in Gainsborough, Officers are tasked to implement the improvements associated with Option A, in-house delivery, immediately as set out in section 5 of the report and the business plan (appendix 1 of the report), including the development and implementation of a "Promotion and Events Strategy" using the in-house communications resource.

Officers updated the Committee in terms of progress achieved against both resolution (a) and (b) above. As a result a Member workshop held been held in November 2018 to again consider possible ways forward in light of the issues identified in trying to deliver resolution

(a). Arising from the views expressed at the workshop Officers had put forward two options for consideration.

Lengthy discussion ensued during which Members shared their views on each of the tabled options.

Whilst some supported the involvement of Marshall's Yard, others expressed concern that the scope was not wide enough and the existing business would see no benefit from the proposed approach. It was also suggested there could be a conflict of interest, however others saw this as a common interest as opposed to conflict. Option 2 would allow the Council to assist not only Traders, but also existing businesses and to be in a position to tailor any support to suit the Council's needs. Others were of the view that Marshall's Yard had a proven track record of delivery, had expertise in marketing and the option clearly delivered some direct costs saving, with any risk of being "out of pocket" transferred. Option 2 could be costly to the Council if it did not succeed.

There were differing views as to the level of involvement the Town Council should have, however all were in agreement that they did need to be engaged.

Following much discussion regarding the costs, risks and benefits associated with each Option, Option 1 was proposed and seconded.

A Member suggested that any agreement to negotiate, as detailed in Option1, should be held within a maximum and minimum limit, suggesting a £5k variance.

In light of the comments and concerns raised Councillor Reg Shore proposed the following amendment to Option 1, namely that the words " whilst seeking to employ their (Marshall's Yard) marketing skills and imagination to assist the business already in existence in the market place and struggling"

This was duly seconded, but on being put to the vote Councillor Shore indicated he wished to withdraw the amendment.

Having been proposed earlier in the meeting it was duly seconded that any negotiations referred to in Option1 be held within a £5k tolerance of both the upper and lower limit.

On being put to the vote the amendment was carried and Option 1, as amended, was then proposed and seconded.

It was moved and seconded that any vote taken on the matter be by way of recorded vote.

Having been proposed and seconded earlier in the meeting, the motion was then put to a recorded vote.

Votes were cast as set out below:

**For:** - Cllrs, Bibb, Bardsley, Bierley, J McNeill, Devine, Howitt-Cowan, Patterson, Smith

**Against:** - Cllrs Darcel, Rollings, Shore

**Abstain:** - None

With the majority of Councillors voting in favour of the motion (8), the motion was declared **CARRIED** and therefore it was **RESOLVED** that:

- (a) the Council work with Marshall's Yard with a view to moving the existing Farmers and Craft Markets out of Marshall's Yard and into the Town Centre. Marshall's Yard be requested to continue to provide marketing, communications and event planning for the markets including a summer event and a Xmas event.

Such arrangement to be in place for an initial one year period at a cost of £30-35k, subject to ongoing negotiations. Any variation to this amount (within a 5k tolerance of both the upper and lower limits.) be agreed jointly by the Chairmen of Prosperous Communities and Corporate Policy and Resources Committees;

- (b) a Town Centre Task Force Board consisting of Officers and Members for WLDC and the Town Council be established; and
- (c) Gainsborough Town Council be engaged and urged to contribute to the new revenue costs of any proposed changes.

The meeting concluded at 9.29 pm.

Chairman