

CABINET

6.00 P.M.

16TH APRIL 2024

PRESENT:- Councillors Phillip Black (Chair), Caroline Jackson, Joanne Ainscough, Gina Dowding, Tim Hamilton-Cox, Peter Jackson, Catherine Potter, Nick Wilkinson and Jason Wood

Apologies for Absence:-

Councillor Jean Parr

Officers in attendance:-

Mark Davies	Chief Executive
Luke Gorst	Chief Officer - Governance and Monitoring Officer
Paul Thompson	Chief Officer - Resources and Section 151 Officer
Joanne Wilkinson	Chief Officer - Housing and Property
Liz Bateson	Principal Democratic Support Officer

94 MINUTES

The minutes of the meeting held on Thursday 7 March 2024 were approved as a correct record.

95 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

The Chair advised that there were no items of urgent business.

96 DECLARATIONS OF INTEREST

The following Councillors declared an interest in Agenda Item 8: Review of the Consultation on Landlord Licensing and the enforcement of housing standards in the West End of Morecambe.

- *Councillor Potter declared an interest in view of her being a private landlord but not with a property in the West End*
- *Councillor Wilkinson declared an interest in view of him being an HMO landlord but not with a property in the West End*
- *Councillor Hamilton-Cox declared an interest in view of him being a landlord but not with property in the West End.*
- *Councillor Ainscough declared an interest in view of her son being in privately rented accommodation in the West End.*

97 PUBLIC SPEAKING

Members were advised that there had been no requests to speak at the meeting in accordance with Cabinet's agreed procedure.

98 PROJECTS AND PERFORMANCE: Q3 2023-24

(Cabinet Member with Special Responsibility Councillor Hamilton-Cox)

Cabinet received a report from the Chief Executive to provide an update on performance and projects during Quarter 3 of 2023-24 (October – December 2023).

No options were provided as the report was for commenting and noting. Cabinet welcomed the revisions that officers had made to the presentation of the reports. It was noted that the range of indicators would be reviewed, and suggestions were made for inclusion in future reports including progress on Whitelund, B&B figures and the inclusion of a project summary.

Resolved

- (1) That the report be noted.

Reasons for making the decision:

Monitoring of strategic projects and key performance indicators provides a link between the Council Plan 24-27 by providing progress updates.

99 REVIEW OF THE CONSULTATION ON LANDLORD LICENSING AND THE ENFORCEMENT OF HOUSING STANDARDS IN THE WEST END OF MORECAMBE.

(Cabinet Member with Special Responsibility Councillor Caroline Jackson)

Cabinet received a report from the Chief Officer Housing and Property to review the outcome of the public consultation on the introduction of licensing in a defined area in the West End of Morecambe and make a decision on the approach to enforcement of housing standards.

The options, options analysis, including risk assessment and officer preferred option, were set out in the report as follows:

Option 1: Do nothing

Option 2: Introduce a selective landlord licensing scheme in the West End of Morecambe.

Option 3: Update an alternative enforcement approach, build on landlord and tenant engagement and explore the introduction of a Good Landlord Charter.

	Option 1: Do Nothing	Option 2: Introduce a selective landlord licensing scheme in the West End of Morecambe	Option 3: Update an alternative enforcement approach, build on landlord and tenant engagement and explore the introduction of a
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			Good Landlord Charter
Advantages	<p>The council operates a minimum service to meet its statutory obligation. No additional costs</p>	<p>Intelligence gathering will identify all privately rented properties and prepare for the possible introduction of a landlord register.</p> <p>The need for a licence holder will identify a responsible person for each property.</p> <p>All licence holders will have to meet a fit and proper person test.</p> <p>A properly administered licensing scheme should be cost neutral to the council but deliver positive benefits to the housing stock and local area.</p> <p>Residents, potential residents and investors will be reassured of the council's commitment to making improvements to the private rented sector.</p> <p>A licensing scheme would complement existing regeneration programmes.</p>	<p>Intelligence gathering will identify all privately rented properties and prepare for the possible introduction of a landlord register.</p> <p>Not restricted by licensing legislation</p> <p>Targeting of problem properties/landlords rather than blanket approach</p> <p>Takes into account feedback from the consultation.</p> <p>Avoids risk of contributing to a reduction in supply of housing in the PRS.</p> <p>Avoids risk of additional costs being passed onto tenants with associated risk of homelessness.</p> <p>Avoids risk of stigmatising the area but promotes positive renting.</p> <p>Consistent with enforcement outside the defined boundary where a landlord owns properties elsewhere in the district.</p>

			<p>Builds on links and collaboration with responsible landlords</p> <p>Provides advice and support for tenants and landlords</p>
Disadvantages	<p>Missed opportunity to use additional powers to improve housing conditions in the West End.</p> <p>Investors interested in Morecambe may not be reassured of the council's commitment to improvement of the area as a whole.</p> <p>Problems continue to increase</p>	<p>The scheme is restricted to one area. The boundary is not flexible.</p> <p>Licensing is restricted to five years.</p> <p>Administering a licensing scheme might take resources away from supporting landlords and tenants.</p> <p>Targets all landlords irrespective of their history of compliance, so time will be spent licensing good landlords.</p> <p>Risk of alienation of private landlords.</p>	<p>No revenue raised from licensing fees so must be covered by existing resource.</p> <p>Miss out on the opportunity to use additional legal powers from licensing.</p> <p>Membership of a landlord register is currently voluntary, and the legislation to make it mandatory might not be implemented.</p> <p>Membership of a Good Landlord Charter is voluntary.</p>
Risks	<p>Failure to meet the corporate priority to improve the quality of accommodation.</p> <p>Escalation of issues without additional resource to tackle them.</p>	<p>Decrease of supply and alienation of private landlords.</p> <p>Risk of encouraging private landlords to leave the market resulting in a decrease in supply of PRS and associated increase in homelessness.</p> <p>Increase in difficulties for tenants in finding</p>	<p>Relies on collaboration with good landlords.</p> <p>Low take up of Good Landlord Charter.</p> <p>Enforcement requirements are difficult to predict and could result in additional cost burden to the Council.</p>

		<p>accommodation and an associated increase in homelessness.</p> <p>Costs of scheme to landlords passed on to tenants in increased rent, when rents are already high.</p> <p>Enforcement requirements are difficult to predict and could result in additional cost burden to the Council.</p> <p>Landlord and other opposition could make it difficult to deliver the scheme</p> <p>Problems identified in the proposed area could displace elsewhere with no specific resource available to address this.</p> <p>Complaints from landlords about increased regulation.</p> <p>Stigmatisation of the area.</p> <p>Discouragement of investment in the defined area.</p> <p>Costs to defend a scheme if faced with judicial review</p>	
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The officer preferred option is option 3 as this builds on work to develop relationships with private landlords and tenants to maximise the supply of good quality, affordable accommodation, and concentrates resource where it is most needed.

Councillor Caroline Jackson proposed, seconded by Councillor Hamilton-Cox:-

“That the recommendations, as set out in the report, be approved.”

By way of an amendment, which was accepted as a friendly amendment, Councillor Wood proposed a revision to the wording of recommendation (2) with the insertion of ‘*at this time from this consultation*’ after ‘landlord licensing’.

By way of a further friendly amendment Councillor Ainscough proposed an additional recommendation “that Cabinet agree to the development of an action plan that will be reported back to Cabinet.” This was accepted as a friendly amendment by Councillor Caroline Jackson.

After further discussion Councillor Wood proposed that recommendation (3) be revised with the words ‘agree to a public consultation on’ replaced with “to co-develop and agree to’ the introduction of a Good Landlords Charter. This was also accepted as a friendly amendment.

Councillors then voted on the recommendations, as amended:-

Resolved:

(8 Members (Councillors Ainscough, Dowding, Hamilton-Cox, Caroline Jackson, Peter Jackson, Potter, Wilkinson and Wood) voted in favour, and 1 Member (Councillor Phillip Black) voted against.)

- (1) That Cabinet notes the outcome of the public consultation on the proposal to introduce landlord licensing in a defined area in the West End of Morecambe.
- (2) That Cabinet agrees to not implementing landlord licensing at this time from this consultation, but to concentrate on a more intelligence led, targeted enforcement approach.
- (3) That approval be given to co-develop and agree to the introduction of a Good Landlords Charter.
- (4) That Cabinet agrees to the commissioning of a full stock condition survey to support the work in the Homes Strategy.
- (5) That approval be given to the development of an action plan that will be reported back to Cabinet.

Officer responsible for effecting the decision:

Chief Officer Housing and Property

Reasons for making the decision:

While any form of landlord licensing may initially appear to be a straightforward solution to improving standards in the private rented sector, its implementation comes with significant drawbacks including administrative burdens, and potential unintended consequences such as disincentivising landlords from participating in the market and passing on costs to tenants. By contrast, a targeted approach offers a more nuanced

and flexible strategy for addressing non-compliance and poor standards as well as safeguarding tenants' rights. By focusing resources on properties with a history of compliance or safety concerns, this approach can achieve improvements in housing standards without burdening compliant landlords. This approach proposed fosters a culture of cooperation and shared responsibility among landlords, tenants, and other stakeholders.

The decision is consistent with the Council Plan:

Health and Happy Communities – Access to Quality Housing A Co-operative, Kind and Responsive Council – Partnership, Listening and Empathy
Lancaster City Council – Homes Strategy 2020-2025

Chair

(The meeting ended at 7.27 p.m.)

**Any queries regarding these Minutes, please contact
Liz Bateson, Democratic Support - email ebateson@lancaster.gov.uk**

MINUTES PUBLISHED ON THURSDAY 18 APRIL, 2024.

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:
FRIDAY 26 APRIL, 2024.**