

## CABINET

6.00 P.M.

20TH MARCH 2018

**PRESENT:-** Councillors Eileen Blamire (Chairman), Janice Hanson (Vice-Chairman), Darren Clifford, Brendan Hughes, James Leyshon, Margaret Pattison, Andrew Warriner and Anne Whitehead

Officers in attendance:-

Susan Parsonage	Chief Executive
Kieran Keane	Assistant Chief Executive
Mark Davies	Chief Officer (Environment)
Suzanne Lodge	Chief Officer (Health and Housing)
Paul Thompson	Accountancy Manager
Anne Marie Harrison	Economic Development Manager
David Brown	Interim Head of Legal and Democratic Services and Monitoring Officer
Dave Rigby	Interim HR and OD Manager
Liz Bateson	Principal Democratic Support Officer

### 80 MINUTES

The minutes of the meetings held on Wednesday 7<sup>th</sup> and Tuesday 13<sup>th</sup> February 2018 were approved as correct records.

### 81 ITEMS OF URGENT BUSINESS AUTHORISED BY THE LEADER

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

### 82 DECLARATIONS OF INTEREST

No declarations were made at this point.

### 83 PUBLIC SPEAKING

Members were advised that there had been a request to speak at the meeting from a member of the public in accordance with Cabinet's agreed procedure, as set out in Cabinet Procedure Rule 2.7, with regard to the report on the Implementation of Additional and Selective Licensing (Minute 84 refers). Mr Hemingway addressed Cabinet in support of the proposal to trial an alternative approach to additional and selective licensing.

The Chairman advised the meeting of a revision to the order of the agenda for the convenience of the public speaker.

### 84 REVIEW OF THE CONSULTATION ON THE IMPLEMENTATION OF ADDITIONAL AND SELECTIVE LICENSING IN A DEFINED AREA OF THE WEST END OF MORECAMBE

(Cabinet Member with Special Responsibility Councillor Warriner)

Cabinet received a report from the Chief Officer (Health & Housing) 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 an enforcement approach.

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

	<b>Option 1:</b>	<b>Option 2:</b>	<b>Option 3:</b>
	Do Nothing	Use TCA funds to introduce a trial scheme of intelligence led, targeted approach to enforcement in a defined area of the West End of Morecambe	Introduce a licensing scheme in a defined area of the West End of Morecambe
<b>Advantages</b>	<p>The council operates a minimum service to meet its statutory obligation.</p> <p>No additional costs</p>	<p>Intelligence gathering will identify the majority of private rented properties.</p> <p>Not restricted by licensing legislation</p> <p>Targets the bad landlords not the good ones.</p> <p>Avoids risk of additional costs being passed onto tenants</p> <p>Avoids risk of stigmatising the area</p> <p>Consistent with enforcement outside the defined boundary where a landlord owns properties elsewhere in the district.</p> <p>Takes into account the feedback from the consultation</p> <p>Takes into account new enforcement powers including banning orders and</p>	<p>Intelligence gathering will identify all privately rented properties.</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>rent repayments orders and civil penalties.</p> <p>Builds links and collaboration with responsible landlords</p> <p>Potential for increased goodwill from landlords</p> <p>Cost neutral as funded from TCA</p> <p>No risks of costs from challenge and judicial review</p> <p>It would complement existing regeneration schemes.</p> <p>If this approach doesn't work, it is a clear indication that licensing is needed.</p>	<p>A licensing scheme would complement existing regeneration programmes.</p>
<b>Disadvantages</b>	<p>The council is not taking advantage of all statutory tools available to it to improve conditions in the private rented sector.</p> <p>The council is not maximising the funding offered by the TCA grant.</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>Requires alternative resourcing, as no license fees</p> <p>No mandatory requirement to identify a responsible person.</p> <p>No mandatory requirement to be a fit and proper person to be a landlord.</p> <p>No mandatory requirement to register.</p>	<p>The scheme is restricted to one area. The boundary is not flexible.</p> <p>Licensing is restricted to five years.</p> <p>Large bureaucratic burden of legal paperwork.</p> <p>Targets all landlords irrespective of their history of compliance, so time will be spent licensing good landlords.</p>
<b>Risks</b>	<p>Failure to meet the corporate priority of improvements to the private rental sector.</p>	<p>Relies on collaboration with good landlords.</p>	<p>Restrictions on the use of fee income: enforcement requirements are</p>

	<p>Failure to meet outcomes for TCA grant.</p> <p>Issues escalate and there is no additional resource to tackle them.</p>	<p>No register of landlords.</p> <p>Level of enforcement is difficult to predict and could result in an additional cost burden to the Council, although this could happen anyway.</p>	<p>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 and to therefore meet objectives.</p> <p>Problems identified in the proposal could displace elsewhere with no specific resource available to address this.</p> <p>Complaints from landlords about increased regulation.</p> <p>The possibility of rent rises with additional costs being passed on to tenants.</p> <p>Increase in homelessness as some tenants become 'too risky'.</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 was Option 2: use TCA funds to introduce a trial scheme of intelligence led, targeted approach to enforcement in a defined area of the West End of Morecambe.

The conclusion from the public consultation on the introduction of licensing welcomed the fact that the council were looking to introduce an initiative to address some of the underlying issues with the private rented sector in the West End. It was not clear that there was support for the introduction of a licensing scheme, however, a number of significant risks were identified.

To take account of the outcome of the consultation and address some of these risks, it is recommended that a targeted enforcement approach be introduced in the West End of Morecambe for a defined period of time. This approach would aim to build a sustainable, collaborative approach with responsible landlords, while targeting those who don't co-operate. It would avoid the risk of additional costs from licensing being passed on to tenants and avoid the high volume paperwork required to administer a licensing scheme. It would offer a different approach to improving conditions in an area by targeting rogue landlords, so it is likely to be supported by good and well intentioned landlords and would complement the work of the newly established anti-social behaviour team and the approach being developed by work on the Transformation Challenge Award. Targets will be developed to assess the impact of this approach to be fed into an evaluation in 18 months. If this approach were to fail, it would be a clear indication and build a stronger case that the council should pursue licensing in the future.

Councillor Warriner proposed, seconded by Councillor Hanson:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the outcome of the public consultation on the possible introduction of licensing in a defined area in the West End of Morecambe be noted.
- (2) That, based on the feedback from the consultation, Cabinet agree to trial an alternative approach to additional and selective licensing as outlined in the report, which involves targeted enforcement of those landlords who are failing to meet and maintain standards.
- (3) That approval be given to the designation of the area referred to in the report, and defined in the map set out in Appendix 1 to the report, as being subject to the targeted enforcement programme.
- (4) That the trial referred to in (3) be implemented for a period of not more than 18 months (using existing Transformational Challenge Award grant) with a report back to Cabinet following this. This would include an evaluation of the alternative approach to enable Cabinet to consider its' effectiveness and whether there was still a case for considering the introduction of additional and selective licensing.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

Improvements in the private rented sector and housing renewal in the West End of Morecambe were identified as priorities in the 2016 -2020 Corporate Plan to support positive improvements in the health and wellbeing of residents in the district. An alternative approach to licensing by using an intelligence led targeted approach to enforcement will address some of the concerns and risks identified by the consultation

while delivering the same objectives.

## 85 CHANGES TO COUNCIL HOUSING TENANCY AGREEMENT

### (Cabinet Member with Special Responsibility Councillor Warriner)

Cabinet received a report from the Chief Officer (Health & Housing) which sought Cabinet approval to make changes to the Council Housing Tenancy Agreement relating to secure and introductory tenants

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

	<b>Option 1:</b> Do nothing – continue with the existing tenancy agreement	<b>Option 2:</b> Cabinet approves the proposal to revise the tenancy agreement
Advantages	Simplicity of continuation. Marginal cost savings	The tenancy agreement is updated to ensure that it meets current standards and requirements, and it fit for purpose.  The tenancy agreement remains an effective management tool.
Disadvantages	The existing tenancy agreement does not reflect current standards and requirements.	Marginal costs of implementation.
Risks	The tenancy agreement will not be wholly fit for purpose as an effective management tool.	The Office of Fair Trading publication on unfair terms in tenancy agreements has been referred to throughout this process. This approach will help minimise risk relating to the robustness of the content of the new agreement.

The Officer preferred option is Option 2 for the reasons set out above. The need has been identified for the Council to review its tenancy agreement to ensure that the agreement remains fit for purpose and can be used as an effective management tool. The agreement has also been updated to ensure that it meets tenant expectations in terms of clarity and understanding.

Councillor Warriner proposed, seconded by Councillor Pattison:-

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

Councillors then voted:-

***Resolved unanimously:***

- (1) That the proposed changes to the Tenancy Agreement be approved.
- (2) That the Principal Housing Manager be authorised to consult with tenants regarding the proposed changes to the Tenancy Agreement, and to serve the necessary preliminary notice of variation.
- (3) That a further report be brought to Members following the completion of the consultation process.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

The decision is consistent with the City Council’s Corporate Plan, supporting the Council’s objectives to deliver value for money, customer focussed services and support sustainable communities.

**86 REVIEW OF HOUSING ALLOCATION POLICY**

**(Cabinet Member with Special Responsibility Councillor Warriner)**

Cabinet received a report from the Chief Officer (Health & Housing) to request approval of the revised Housing Allocation Policy.

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

	<b>Option 1:</b> Do not approve the revised Housing Allocation Policy.	<b>Option 2:</b> Approve the revised Housing Allocation Policy.
Advantages	No notable advantages.	Compliant with current legislation and good practice. Reduce homelessness and will give young people and people fleeing domestic abuse from outside the District the opportunity to apply to the housing register.
Disadvantages	Not able to carry out our statutory duties to prevent homelessness and assist those who fall outside the current local connection criteria, for example, Lancashire Care leavers and those fleeing violence from other areas not being able to apply to the housing register. Increased statutory homeless applications.	Increase in applications from other Districts or Counties which will increase the administration of applications and potentially reduce the number of available properties.

Risks	Increased complaints and legal challenge.	The revised allocation policy has been reviewed in line with current up to date guidance to avoid risks associated with legal challenge.
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As described in the report, the officer preferred option is Option 2 to approve the revised Housing Allocation Policy see (Appendix 1).

Adoption of the revised Housing Allocation Policy will ensure the policy is “fit for purpose” for those in the greatest housing need. Ensuring we are compliant with current law and guidance relating to the impending Homeless Reduction Act new duties from April 2018. The revised Policy will also ensure that residents who apply to the council for housing will continue to be treated fairly and in accordance with the law. The proposals provide clarity that applicants falling within the statutory reasonable preference groups will have access to the housing register whilst continuing to recognise good practice.

Councillor Hanson proposed a revision to the local connection criteria and officer advice was sought to ensure that the amendment would be lawful.

Following on from clarification from the Chief Officer (Health & Housing) and the Interim Head of Legal and Democratic Services that the amendment if suitably worded was lawful and unlikely to have a major impact on housing allocations, Councillor Hanson proposed, seconded by Councillor Pattison:

“That the Changes to the Local Connection Criteria (exceptions) be revised to include individuals who were born and lived in the area continuously for a minimum of fifteen years.”

The amendment was agreed unanimously. Councillors then voted on the original recommendation, as revised:-

***Resolved unanimously:***

- (1) That the Changes to the Local Connection Criteria (exceptions) be revised to include individuals who were born and lived in the area continuously for a minimum of fifteen years.
- (2) That the revised Housing Allocation Policy, as amended to include (1) above, be approved.

**Officer responsible for effecting the decision:**

Chief Officer (Health & Housing)

**Reasons for making the decision:**

The allocation of social housing directly contributes to the Health & Wellbeing corporate priority by improving access to good quality affordable housing. Officers will be able to monitor the impact of the revision to the Local Connection Criteria (exceptions) and if necessary re-visit the decision if it proves to have too profound an effect on housing allocations.



**87 2017-18 PERFORMANCE MONITORING QUARTER 3****(Cabinet Member with Special Responsibility Councillor Blamire)**

Cabinet received a report from the Chief Executive to report on the overall performance of key indicators for October - December 2017 (Quarter 3).

As the report was primarily for noting and comments, no options were provided.

Councillor Blamire proposed, seconded by Councillor Clifford:-

“That the recommendation, as set out in the report, be noted.”

Councillors then voted:-

***Resolved unanimously:***

(1) That the performance of key indicators at the end of Quarter 3, 2017-18, be noted.

**Officer responsible for effecting the decision:**

Chief Executive

**Reasons for making the decision:**

The City Council's Performance Management Framework requires regular reporting of operational, as well as financial performance.

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Chairman

(The meeting ended at 6.30 p.m.)

**Any queries regarding these Minutes, please contact  
Liz Bateson, Democratic Services - telephone (01524) 582047 or email  
ebateson@lancaster.gov.uk**

**MINUTES PUBLISHED ON TUESDAY 27<sup>TH</sup> MARCH, 2018.**

**EFFECTIVE DATE FOR IMPLEMENTING THE DECISIONS CONTAINED IN THESE MINUTES:  
FRIDAY 6<sup>TH</sup> APRIL, 2018.**