

Present: Councillor Judith Skinner (Chairman), Councillor Judy Welbourn (Vice-Chairman), Councillors Tom Ashton, Katie Chalmers, Anton Dani, Paul Goodale, Neill Hastie and Yvonne Stevens

In attendance:

Officers –  
Assistant Director - Regulation, Head of Public Protection and Deputy Monitoring Officer, Safer Communities Service Manager, Markets Manager and Democratic Services Officer

## **27 APOLOGIES**

Apologies for absence were tabled by Councillor Peter Bedford, Councillor Stephen Woodliffe substituting.  
Further apologies were tabled by Councillors Yvonne Stevens and Alison Austin and also Portfolio holder Councillor Tracey Abbott.

## **28 MINUTES**

With the agreement of the committee, the Chairman signed the minutes of the previous meeting held on 13 September 2022

## **29 DECLARATION OF INTERESTS**

Councillor Katie Chalmers declared in respect of the Housing Standards Item No. 3 within the agenda in that she acted as an agent for rented properties within the borough.

## **30 PUBLIC QUESTIONS**

None tabled.

## **31 JOINT SCRUTINY OF THE SOUTH AND EAST LINCOLNSHIRE COUNCIL**

Councillor Edward Mossop ELDC and Chairman of the Task and Finish Panel presented the report confirming that the Overview and Scrutiny Committees of Boston Borough Council, South Holland District Council, and East Lindsey District Council had commissioned a joint Scrutiny Task & Finish Panel to undertake a review of the progress on the opportunities identified in the approved business case for the South & East Lincolnshire Councils Partnership. The report would be presented to each of the Partnership Councils' relevant sovereign scrutiny committee and the scrutiny being undertaken was required under the Partnership's Memorandum of Agreement and was an annual commitment.

The review had undertaken a large consultation exercise initially with the executive boards from each council and their respective senior management and following on from those discussions, the group had felt it would be beneficial to speak to a wider range of people. Further investigations took place with the staff forum and that had enabled the group to identify additional recommendations including the last one, which was to

ensure that the pace of change was realistic and achievable. Whilst it was obvious that the changes had been implemented quickly, it was agreed that moving forward communications with staff and the public needed to be improved in the understanding of how the partnership worked and the pace of change needed to slow down and be impactful rather than do too much too soon. The review had worked independently of the recent Peer Challenge but it had been interesting to note that a number of the nuances the review group had returned had been echoed by the Peer Challenge. PSPS had also been key in establishing the partnership and a recommendation tabled sought to include them at an earlier stage in the development of the Annual Development Plan, to try to encourage a better working relationship with them.

Significant member comment and questioning followed which included:

*(Councillor Mossop's responses along with those of the portfolio holder are noted at the end of all the comments)*

Noting the recording of Lord Gary Porter within the report a request was made that the correct recording of his title be amended to Lord (Gary) Porter

Referencing the changes to IT and the move to Outlook 365 and iPad a member asked that all Councillors be involved in making the final decision and that they be accorded the option of having whichever device they feel is best for them be it Windows or Apple. Agreeing the practicality of one constitution across the three authorities, a member asked how the process was developing as it had been addressed by the previous Monitoring Officer who had indicated a timeline for implementation around the current time. It had been expected that an outside body would undertake the significant piece of work and an update on the position was requested.

Referencing the possibility of further single policies across the partnership, the member cited planning officers working across three authorities with two local plans and the benefits of one set of guidelines which would be time saving.

Further support was also tabled for the concept of looking at the three existing remuneration panels and the possibility of one over-arching panel which would ensure a level playing field for officers and members across the three authorities.

Concerns were noted by a number of members at the amount of negative responses of staff members via the staff questionnaire and the staff forum which a member felt to be pretty damning. It appeared that the feedback was more concerning than in previous years. Noting that the Deputy Chief Executive (Communities) said that there was a need to build on communications, it was agreed that their representation was a good and balanced account in respect of staff. Members noted the senior managers were not picking up the feelings of their staff. Managers needed to be very honest with their staff with many of the junior staff being overwhelmed with the increased workload since the partnership, with some having team meetings and others not having had one since coming out of the pandemic. Boston staff in particular seemed to feel they are not a part of the team which was very worrying. There appeared to be a patronising practice to praise in public but not within the work environment. Whilst the LGA Inspector had picked up on the fact that those in the higher echelons were very happy with the situation it was equally important that the lower/junior staff also felt valued. It was obvious from their feedback they did not feel valued nor included in the progress of the partnership.

A member stressed that as a party member on two of the authorities, they never ceased in their praise of the workload the senior staff undertook, stating that the partnership would never have been successful without them

Referencing the way forward of the partnership a member stated he felt the recommendation did not fully explain the direction or ultimate aim, nor he felt, the priorities of the three Councils. It appeared to be moving to align all three into one Council whilst also stating that individual sovereignty would be maintained which was confusing. Noting the alignment of portfolio holders and policies the member further questioned who would be financing and asked if it would be the Council with the most money. Whilst he appreciated the reasoning for the sharing of senior officers as being a cost effective measure, other impacts from the partnership had not been so successful with the implementation of recess which Boston had never been subjected to, resulting in no officers being available over that time, albeit members continued to work. There had been ongoing issues of continual late reporting being tabled, with agendas being published with reports marked to follow, difficulty in contacting senior officers and ongoing tabling of late reports causing problems for committees'. Concluding the member stated he felt Boston Council had not benefitted as much as the other two Councils from the partnership, but did complement the review group on the work undertaken.

Responding to the questions and comments Councillor Mossop stated:

The report was open and honest with positive and negative issues identified from the review. The concerns of the staff feedback had been recognised and would be taken forward with improved consultation being one of the recommendations. Alignment was the way forward and not a merger. Any merger would be a political decision and for consideration at a later date. Alignment of the three Councils would result in a powerhouse to move onwards. Referencing the question in respect of the alignment of the three constitutions, Councillor Mossop noted if the Monitoring Officer had previously indicated a timeline then the Cabinet should move the item forward

The Portfolio Holder addressed the meeting and clarified the position of the priorities which had been taken through Full Council and had not changed. The report was welcomed and alongside the Peer Review it helped to identify and resolve problems. The alignment has results in driving a lot of funding into Boston including the Town Deal and improvements to CCTV. Noting the staff feedback, he felt it reassuring that the staff had felt able to be as honest as they had been. A big issue continued to be the ICT for members, and alignment of that would be significantly less time consuming than at present with the need to move between different systems. However it was important that the right process was in place prior to implementation.

In conclusion Councillor Judith Skinner Chairman of the committee voiced her gratitude at the opportunity of having been able to participate in the review and to work alongside members of the other Councils and gain an insight into their thinking.

## **32 BOSTON MARKET**

The Markets Manager presented the report confirming they were new to the post having taken up the position on 25<sup>th</sup> July 2022 and stressed how committed they were in the new role and to the future of the markets.

The manager confirmed he was gradually building relationships with the traders and that a full service review was being undertaken which would save money, improve the markets provision and hopefully sustain them moving forward.

The outcomes of the review would be reported back to the committee, along with quarterly updates on the progress of the markets. Members were advised that actions had taken place in respect of broken cobble stones within the market place which would be replaced and also the issue of the broken bollard at Bank Street was under repair, although with utility cables having been discovered underneath the site, temporary fold down bollards would be in place for the interim.

Working alongside the events team, it was hoped to introduce events on market days to encourage greater footfall to benefit market traders and town businesses and a number of ideas had been identified. An overview of the events for Christmas 2022 was also provided.

Occupancy on the Wednesday market remained consistently higher than on the Saturday market but moving forward there would be a push to attract new traders across all the markets with significant consideration being given to the Bargate Green market which had potential for a variety of markets, but which to date had proved difficult in attracting and sustaining regular traders.

Another area being explored was youth markets for younger traders which had proved very successful elsewhere within the county. The average age of traders nationally was over 40 years of age so the importance of encouraging younger traders to sustain the markets could not be ignored.

A number of ongoing problems had been identified including the ad-hoc timetables of buses including cancelled services due to a lack of drivers which impacted on visitors.

Concluding the Markets Manager advised he had recently attended a seminar alongside colleagues nationally and whilst he recognised the work needed to improve the current market provision, he felt optimistic that if managed well it would succeed. He also advised that he was building relationships with traders from other areas within the county encouraging them to stand at Boston when they were not on their regular markets.

Significant member debate followed which included the following:

Additional information was requested in respect of the revenue of each of the markets to establish the current position of revenue against expenditure with a view to drive traders and not to be concerned about revenue. A further request was made for a copy of the Markets Charter to allow a full understanding of the rules therein. Members were advised that there was a split of 50/50 with traders using their own stalls and using the Council ones.

There was recognition from a number of members at the impact of Stickney Car Boot on the Saturday market and the comparison of charges currently in place and the restrictions of the Charter prohibiting car boots within the markets. One option suggested charging traders for 6 months and then permitting 6 months free standing.

Other suggestions tabled were promotion of Bargate Green and the car park to build on the independent shops in Pen Street, with potential offers to the shops in the area to stand on the site selling their end of range products whilst also promoting their own shops and supporting the aim to characterise that area of town as an independent shopping district. A suggestion was also made to contact the vegetable packaging factories to offer them an outlet to sell all their goods which did not comply with the standards required by their customers.

Other options for bespoke markets included pump square. There was support for the introduction of the youth markets which would encourage a younger dynamic to the sites along with potential support of parents supporting the young traders.

Bespoke / specialist markets were also suggested with potentially one per month which would attract visitors both with a specific interest in them and also visitors who may be curious. The town would then build a reputation for such markets resulting in increased traders to established markets. Seasonal markets were further suggested to add to the existing Christmas market.

Free parking provision on market days was also suggested, along with encouragement of food stalls which would add to the atmosphere of the market with the aroma of their goods and liaison with existing European shopkeepers to trade on the market was agreed as a positive move, to get a wider variety of catering units. There was agreement that the market had historically been a lively, exciting place to visit and had been a destination in its own right without the support of the established shopping offer in the town. Referencing the Charter a member noted it should be celebrated but equally should reflect the changes since its implementation and consideration given to the current day and need for flexibility in allowing car boots and flea markets.

Concerns raised included the lack of toilet provision following the closure of what had been the market traders preferred site at Fish Hill along with traffic movements including speeding cyclist which was a serious concern to the elderly visitors, together with free parking in the market place on market days which made negotiating the market place dangerous. Further concern noted the negative appearance of the many empty shops around the town and lack of good shops which discouraged visitors, impacting on footfall on market days.

Issues in respect of public transport were also noted in that elderly residents who visited in the morning had to wait until late afternoon before being able to get a bus home with there being no lunchtime service. Further concerns noted alternative sites offering car boots and the low rates in place for traders, however it was noted that Boston Market provided electricity and the option of hiring stalls. Members also noted that the offer on the market was prestigious as a market and not a car boot sale.

### **RECOMMENDED:**

That the Environment and Performance committee recommend that Cabinet and the Portfolio Holder establish an occupancy target of:

70% for Bargate Green on a Wednesday

90% for the Market Place on a Wednesday

80% for the Market Place on a Saturday

And also consider the opening of Bargate Green on a Saturday and review the market charges to seek to attain the targets.

### **33 HOUSING STANDARDS. OUTCOME OF TASK AND FINISH GROUP REVIEW**

The Safer Communities Service Manager presented the report confirming the review had been convened following significant concerns by many members at the quality of some private rented housing within the borough.

The rationale for the review was to investigate whether officers were being provided with the appropriate regulatory power in order to improve the quality of living for many residents within the rented sector in the Borough of Boston, to hold landlords accountable for the condition and standard of their properties and if applicable to introduce / look at the possibility of alternative licensing options for rented accommodation. It was anticipated that the outcomes would improve housing standards in private rented accommodation, improve the health of the residents within the Borough and reduce incidents of environmental crime and improve the appearance of the Borough

Under the Housing Act officers from the Housing Standards Team utilised two primary sections to carry out enforcement work. The Housing Health and Safety Rating Scheme – Assessing the 29 hazards that may be present in a home and determining whether the risk to the occupant(s) warrants the intervention of enforcement action, e.g. improvement notice, prohibition orders, emergency remedial action and, the Mandatory House in Multiple Occupation (HMO) Licensing Scheme – requiring landlords of larger HMOs, rented out to 5 or more people who form more than 1 household, to register with the Local Authority, provide relevant certification, co-operate with programmed inspections and maintain the property to the standards contained within the guidance of the act. Under a Selected Licensing Scheme a Local Authority can define a geographical area, covering some or all wards, which would be subject to specific requirements of the Housing Act. Under such a scheme all landlords of private rented properties, regardless of whether they are a single household or multi-occupied, would be required to register their property with the Local Authority, provide proof of specific detailed documentation e.g. gas safety, electrical safety, energy performance etc. and cooperate with the requirement for regular checks to be carried out by the Housing Standards Team. The cost of administering such a scheme would be covered by licensing fees, paid by the landlord of the registered property. Any set up costs for the scheme, for the evidence gathering, rationale and stakeholder consultation could also be recuperated through the licence fee.

The evidence gathered had been wide ranging with most in person, some via written representation with a few refusing to attend at all. The meetings had been scheduled to allow a cross-section between attendees which had proved positive with a meeting with representatives from two other authorities where selective licencing had been trialed, one meeting with the police, fire and council officers and others with letting agents, with immigrant communities and with the councils own housing team.

On considering the representation in respect of selective licensing it was recognised that an area of the town would need to be defined and within that area all private rented property would need to be registered. Although selective licensing would not fix all the issues identified on its own, it would assist in supporting other parties however it would enable officers to visit all properties. The downside being that the good landlords would need to register also. A financial commitment would be required up front to allow evidence to be gathered to justify the rationale.

Issues identified through the consultation process included common subjects including not knowing who the landlord is with issues of sub-letting leading to lengthy enforcement action. Environmental Crime and accountability. Concerns within the migrant communities of fear of retribution if they complained about poor housing, fear of liaising with the authorities and ongoing problems in respect of what is identified as a family group size.

The mini task force of housing standards, police and fire representatives endeavoured to visit as many homes as possible in line with housing legislation which helped identify the residents and the visits enabled intelligence gathering. There had been an increase in enforcement work undertaken in the previous 18 months with FPN's being issued.

Councillor Paul Goodale the Chairman of the review group addressed the meeting at this part in the proceeding and advised he would be happy to take questions during debate, but tabled his thanks to Councillors Welbourn and Woodliffe for their contribution to the review. He stated that some of the testimony received had been quite harrowing and difficult to listen to in respect of some of the problems residents were continually subjected to and it had focused the group on the rationale for the review.

Member deliberation followed which included:

A member stated they felt the report to be quite one sided, stating they knew that the properties they were responsible for were immaculate and looked after and the report did not reflect the private landlords' who did look after their tenants, who paid the higher taxes and who would be subject to selective licensing even though they had done nothing wrong. The member further stated that a landlord could not tell a tenant how to live but only ask them to look after the property. Seconding the comments a further member who stated he now used an agent to deal with his tenants added that he knew there were bad landlords but it was the agents who should be accountable and responsible for checking properties.

Referencing a similar project some ten years previously, a member recalled that the same issues had been addressed at that time when rogue landlords had been prevalent within the town and funding had been secured to implement the rogue landlord scheme. The issues continued and had indeed escalated to present day and the member stressed that the ambition of the regulatory scheme was not to attack the small scale good landlords, but had always been to target the rogue landlords and letting agents – the people who continued to benefit significantly but provide poor housing. The issues identified for the rationale of the review needed to be addressed. The sub-letting of rooms was an ongoing serious problem which had to be tackled urgently.

Further comments commended the thorough report which had been produced following the review, stating that it did not criticise the good landlords at all and the rationale was very clear in that it was looking at poor housing standards. Notation was also made of the support of some of the Council's own officers in introducing selective licensing noting it would make a significant difference. Reference was made also to the success of the scheme trialled at other authorities with the substantial increase in inspections permitted which had resulted in vast improvement in standards overall. Reference was made to representation stating that workers on zero hours' contracts were rejected by good landlords and had no option but to go to the poor ones for accommodation which was sub-standard.

The Safer Communities Service Manager offered a point of clarification at this time and confirmed that the terms of remit of the review had been to look at poor quality housing and as such, by default the focus had been on poor landlords which was the main concern. Whilst the borough did have some good letting agents and some bad letting agents it was the landlords own choice of which agent they wanted to manage their property.

A member of the group echoed the sentiments and stated clearly that the review had not been to vilify good landlords or good agents. Committee was asked to recognise that as in many reviews, evidenced information had been submitted in exempt measures and considered on its value for inclusion in the final determination. Such evidence was not made public due the nature of its content.

The Safer Communities Service Manager offered a further point of clarification in respect of recommendation 4 noting that it was not to provide a translation service, but just to recommend that the sister scrutiny committee take into account all the representation received by the migrant communities, some of which was not specific to housing, within a review of the migrant communities which had already been suggested for that committee.

Summarising Councillor Goodale stated the review had not been an attack on landlords and significant evidence had been received for both good and bad landlords. The aim of the recommendations was to create a level playing field and not penalise good landlords or agents. It was solely aimed at penalising bad landlords. The review as also just for private rented it was not aimed as social housing. The current Council could only lay the foundations as it would be dissolved in May 2023 and the new Council would then take whatever decisions agreed forward. The evidence base was strong and compelling and the report identified that. The report does not say all issues are all the landlords fault as clearly damage and other incidents are the responsibility of the tenant, but quality of housing, lack of facilities and others are their responsibility. By trialling selective licensing which would raise the standards of that area which could impact on other areas and it would also provide the important tools to enable officers to go in and inspect all properties quickly and without hindrance. Some of the evidence received in exempt measures relating to ongoing court cases had noted Category A hazards within properties. With the possibility of unidentified people living in similar circumstances the Council had a duty to do something. There had been overwhelming disbelief from all those who made representation that there was no legal register identifying all the owners of rented accommodation.

## **RECOMMENDED:**

That the Environment and Performance Committee recommend that Cabinet:

1. Lobby Central Government to introduce a mandatory requirement for all privately rented accommodation to be registered with Local Authorities, including those rented through letting agents.
2. Consider the introduction of a Selected Licensing Scheme for specific wards within the Borough of Boston.
3. As an alternative to Recommendation 2, to consider the reinvestment of income received through fixed penalty notices issued to private landlords to fund posts within the Housing Standards Team to carry out proactive inspection work within the private rented sector.
4. Agree to recommend that the Corporate & Community consider the following as a future topic – An investigation in to the issues being faced by the migrant community of Boston, to include; housing, education, employment, access to public services and funding, translation services.



**34 DRAFT LITTER AND FLY TIPPING STRATEGY**

Deferred until next meeting.

**35 WORK PROGRAMME**

Deferred until next meeting.

The Meeting Closed at 9.30 pm