

Minutes of a meeting of the **POLICY DEVELOPMENT PANEL** held in line with The Local Authorities & Police & Crime Panels (Coronavirus) (Flexibility of Local Authority & Police & Crime Panel Meetings) (England & Wales) Regulations 2020, on Tuesday, 15 September 2020 at 6.30 pm.

PRESENT

A R Woolf (Chairman)  
J D McLean (Vice-Chairman)

J R Astill  
R A Gibson  
M Hasan  
J L King

P A Redgate  
J L Reynolds  
G T D Rudkin  
S-A Slade

E J Sneath  
S C Walsh

In Attendance: The Executive Manager Delivery, the Place Manager, the Senior Policy Advisor, the Housing Landlord Manager, the Housing Services Manager, the Housing Options Manager, the Environmental Services Manager, the Democratic Services Manager and the Democratic Services Officer.

Apologies for absence were received from or on behalf of Councillors J Avery, F Biggadike and M D Booth

**14. APOLOGIES FOR ABSENCE.**

The Panel was advised of the following substitution for this meeting only:

- Councillor A M Newton was replacing Councillor M D Booth

**15. MINUTES**

Consideration was given to the minutes of the Policy Development Panel meeting held on 23 June 2020.

**AGREED:**

That the minutes be signed as a correct record as soon as practicable after the meeting.

**16. DECLARATION OF INTERESTS.**

There were none.

**17. QUESTIONS ASKED UNDER STANDING ORDER 6**

There were none.

**Action By**

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**18. TRACKING OF RECOMMENDATIONS**

There were none.

**19. ITEMS REFERRED FROM THE PERFORMANCE MONITORING PANEL**

There were none.

**20. KEY DECISION PLAN**

Consideration was given to the Key Decision Plan dated 2 September 2020.

**AGREED:**

That the Key Decision Plan be noted.

**21. POLICY REGISTER**

The Panel gave consideration to the Policy Register dated August 2020.

**AGREED:**

That the Policy Register be noted.

**22. REVIEW OF LETTINGS POLICY FOR SHDC'S INDUSTRIAL UNITS**

Consideration was given to the report of the Executive Manager – Property and Development, which set out the basis of the proposed replacement of the 2005 Lettings Policy for SHDC's industrial units with a new Lettings Policy, also providing the Panel with an update on these industrial units and the preparation of a replacement for the Asset Management Strategy 2014-19 for the Council.

The Council currently owned and managed five industrial estates at various locations across the District, totalling 50 units, 49 of which were currently let and producing income.

Members considered the report, and the following issues were raised:

- Had there been any problems with regard to the sub-letting of industrial units?
  - Officers responded that sub-letting had in some cases

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been a problem but that this issue was now being addressed as part of the proposed new Lettings Policy.

- Some micro-businesses only required a small amount of space, could consideration be given to dividing up spaces within industrial units to accommodate this?
  - Officers responded that consideration was already being given to different ways in which existing and any new build industrial units owned and managed by the Council could provide for the needs of such businesses.
- Members commented that it was satisfying to see that the vast majority of Industrial Units were let.

**AGREED:**

That the following recommendations be noted:

- a) That the Council's 2005 Lettings Policy for industrial units had been reviewed and that the Panel had considered the proposed replacement Lettings Policy, details of which were set out in the report, the new policy to be considered by the Cabinet at its meeting on 27 October 2020;
- b) That the recommendation to Cabinet that the current officer delegation *'to grant industrial unit tenancies which meet the lettings criteria of general or light industrial use and make determinations, in accordance with the approved policy, in respect of: the level of rent deposit payable, any rent free period to be granted, and any discount to be granted for additional units'* be updated and simplified to read: *'To grant industrial unit tenancies which meet the lettings criteria and make determinations, in accordance with the approved policy'* be noted and supported.
- c) That it be noted the proposed timetable for the drafting of a full Asset Management Strategy to replace the Council's Asset Management Strategy 2014-2019 had been impacted by the Covid 19 pandemic, and until the position was clearer on the impact on assets use and utilisation, the drafting and subsequent presentation of the draft Strategy continued to be paused.
- d) That the steps taken to improve the tidiness of the commercial property estate and preparations made for the grant of new leases (on approval of the new Lettings Policy) be noted.

RH

**23. EMPTY HOMES STRATEGY**

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Consideration was given to the report of the Executive Director Commercialisation which asked the Panel to consider the revised Empty Homes Strategy, provide feedback and approve the Strategy to go to Cabinet.

The number of empty homes in South Holland was monitored closely to ensure reasonable steps were taken to bring properties back into use. The Council's current Empty Homes Strategy required updating to take account of changes in legislation including Council Tax reforms. An incremental empty homes premium had been approved which introduced higher charges for long term empty homes. The Empty Homes Strategy would cover the Council's overarching objectives with a clear link to the Private Sector Housing Enforcement Policy.

The Empty Homes Strategy had been revised to deliver the following aims:

- Reduce the number of long term empty homes (residential properties), and increase housing supply in South Holland by bringing them back into use.
- Minimise the number of properties becoming long term empty (six months plus) by identifying them early and working with owners as soon as possible.
- Provide a contact point and resource for owners of empty properties.
- Work in partnership with other agencies to tackle the problem of empty properties.

Members considered the report and the following issues were raised:

- Members asked what happened with houses that were empty because they were not habitable, and could the Authority provide any assistance?
  - Officers responded that this issue was addressed as part of the Housing Assistance Policy (to be considered later in the meeting), and that there was a provision within that Policy to help in these circumstances.

**AGREED:**

That the report be noted.

**24. TENANCY MANAGEMENT POLICY**

Consideration was given to the report of the Executive Director

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Commercialisation which sought approval of the Tenancy Management Policy.

South Holland District Council's Housing Services Team managed approximately 4000 properties. The Tenancy Management Policy set out how the Team managed Introductory and Secure tenancies including: Succession, assignment and mutual exchange; Right to buy; Joint tenancies; Relationship breakdown; Running a business from home; Sub-letting and lodgers; Gardens; Infestations; Keeping animals and pets; Anti-Social Behaviour; Access; Abandonment; Disabled aids and adaptations; Termination of tenancies; Rent and use and occupation accounts; Other breaches of tenancy; Decanting to alternative accommodation; Management of introductory tenancies; Monitoring tenancies and the condition of properties; Safeguarding; Personal property and insurance; and Tenancy fraud.

The introduction of a Tenancy Management Policy and supporting procedures would ensure a consistent and transparent approach was delivered, and would be a point of reference for officers to base decisions on. Many items in the policy related to items prescribed by housing legislation.

Members considered the report, and the following issues were raised:

- Members commented that the succession of tenancies only seemed to allow one succession to a tenancy. Was there any flexibility to extend beyond this?
  - Officers clarified that criteria for who could succeed a tenancy was dictated by Housing Law, and that the law stated that there could be only one automatic succession. It was also clarified that succession was linked to the tenancy, and not the property. It was important to consider how the Authority managed demand for housing.
- Members noted the information provided by officers, but requested that consideration be given to making succession less constrained by allowing succession to carry on beyond one.
- Members also stated that making tenancy succession more flexible could have an impact on housing stock and the ability to provide it to other people in need – any changes would need to balance these two issues.
  - Officers responded that a policy for discretionary successions could be developed, but that it would be discretionary, and the succession would succeed the

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tenancy and not a property. It was difficult to adopt such a policy as they did not always operate as intended however, officers would consider the members' request.

- Members were concerned that, with regard to joint tenancies, a joint tenant could serve a notice to end a joint tenancy, even without the knowledge or consent of the other joint tenant.
  - Officers agreed that in some circumstances, this could be a cause for concern however, the ability to do this was detailed within the Housing Act, and the Authority could not override this legislation. If there was a joint tenancy, the Authority would ensure that the other party was aware of the situation, but could not stop notice being served on the tenancy.
  
- With regard to Joint to sole tenancy, members understood that a joint tenant could be removed from a joint tenancy – what would happen with the remaining tenant if they did not wish to end the tenancy?
  - Officers advised that, in practice, if one tenant wanted to be removed from the tenancy, the tenancy had to be ended – this was dictated by the Housing Act. However, the Authority would attempt to work with the remaining tenant.
  
- How was an 'acceptable condition' for a garden to be kept in established, and how was this dealt with when it became a problem.
  - Officers commented that what constituted an 'acceptable condition' could vary from person to person however, where disagreements arose, the Authority would attempt to use mediation to resolve any issues.
  
- What was the situation regarding the keeping of pets?
  - Officers clarified that, permission had to be requested to keep any pets (other than 2 small caged birds, 1 small fish tank or 1 small caged rodent) before the tenancy started. If the new tenants already had pets, they would be advised that permission had to be sought, and the offer letter laid out how this could be done.
  
- With regard to abandonment, what were the timescales before the Authority took repossession of the property, and who was responsible for the property while it was empty?
  - Officers advised that this would be 28 days from the date of abandonment (once this had been established).

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Officers would visit the property four times within this period to gather intelligence on whether the property was abandoned. Responsibility for the property depended on the situation, but where possible, the Authority would work with the tenant and family.

- With regard to Anti-Social Behaviour, badly maintained gardens etc, how could members find out who owned a property, and who to report to?
  - Officers stated that as information constantly changed, it would be preferable to liaise with the Housing Management Team. Where a property was not Council-owned, any issues could be forwarded to the Community Safety Team.
- Members questioned whether information on the discretionary home loss payment to tenants should be explained more fully, with accountability being clearer?
  - Officers advised that homeless payments were set out in Housing Act 1973. The payments were discretionary and circumstances could differ – it would therefore be difficult to be more specific within the policy.
- Members commented that the Housing Act dictated how certain situations should be dealt with – it was requested that this be stated within the policy, where this applied, so that it was clearer which actions were dictated by legislation and which were within the Authority’s gift to decide.

**AGREED:**

That the draft Tenancy Management Policy be supported for consideration by the Cabinet, subject to the following:

- i. That consideration be given to a discretionary tenancy succession policy to provide more flexibility than the current policy (which only allowed succession to carry on beyond one), to be balanced against any impact on the Council’s housing stock; and
- ii. That the policy document made it clearer which areas were dictated by the Housing Act.

**25. HOUSING ASSISTANCE POLICY**

Consideration was given to the report of the Executive Director Commercialisation (S151 Officer) which included the Housing Assistance Policy for the Panel’s attention. The aim was to

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update policies, thus enabling South Holland District Council to assist a range of vulnerable and/or disadvantaged households.

By adopting the policy, South Holland District Council would focus on preventing people having to give up their homes, thus promoting and enabling independent living by supporting those who may be at risk, to access housing (including their current home) which met their needs.

The programme of assistance would include:

- Providing adaptations to help disabled people to live independently and safely in their own homes through disabled facilities grants;
- Providing a range of measures to create sustainable and appropriate housing for people who may be vulnerable and/or disadvantaged;
- The provision of grants to help vulnerable homeowners to improve their homes and to facilitate property owners bringing housing stock back into use;
- Assistance to those who were either threatened with homelessness or who were homeless persons, to either prevent their homelessness and/or allow access to suitable housing;
- Assistance to SHDC tenants when emergencies occurred and intervention could maintain their tenancy and/or prevent their homelessness.

Members considered the report, and the following issues were raised:

- Members stated that it was important that the various programmes of assistance were publicised to ensure that those who needed them were aware of the help available.
- The various schemes within the policy were invaluable to the community.

**AGREED:**

That the Panel noted the report, prior to its consideration by the Cabinet.

**26. MARKET TRADER FEES**

Consideration was given to the report of the Environmental Services Manager, which laid out details of the proposed new market trader fees which were due to come into effect from 1

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December 2020.

A previous report, which had been considered by the Cabinet, Performance Monitoring Panel and Council, had outlined the re-opening of markets with significant changes to arrangements following the Covid lockdown, in addition to a recommendation to review the fees traders paid in Spalding.

Due to the change in arrangements, a review of the fees, which were higher in Spalding due to the previous stall provision, would be required. Benchmarking work had been undertaken to understand charges in other local markets, and to establish whether the fees proposed should be reviewed further.

Members considered the report, and the following issues were raised:

- Members asked whether trader representation had been taken into account.
  - Officers responded that traders had been contacted via their representative and had expressed a desire to have fees in line with those charged at other markets. These views had been considered and the fees proposed had been reduced further due to the contact with traders.
- Why had Spalding market been compared to Kings Lynn market? Comparisons should be made to other markets in the district instead, such as Holbeach and Long Sutton.
  - Comparisons had firstly been made with markets in Lincolnshire, and then markets outside of the County, in order to get a fuller picture.
- It was suggested that Spalding market holders pay the same rate per stall as traders did in Holbeach and Long Sutton. Councillor Newton commented that the traders had recommended that they pay 51p per foot until the end of the financial year. There were two options within the report and it was suggested that members consider a third point – that when charging was considered again in December, that all South Holland market traders paid the same.
  - Officers responded that parts 5.3.1 and 5.3.2 of the report made reference to responses from representatives. The amount of 51p had been added as an option as a point of comparison.
- If charging for markets at Spalding was to be the same as Holbeach and Long Sutton, would subsidised parking also

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apply?

- Officers responded that this would be for the Cabinet to consider.
- It was suggested that fees could be put on hold for the remainder of the financial year, and that a full review of market sustainability and pricing could be undertaken as part of the Town Centre Improvement Plans.
- Members questioned what the timeframe was for the Town Centre Improvement Plans for Holbeach and Spalding?
  - Officers responded that both Plans had been ratified in October 2019, and work on the initiative had started with an event at the South Holland Centre in February 2020. The Plan was not to initiate a regeneration project of the towns, rather it was considering improvements and the Pride initiative. Markets would be included as part of the work, but not a large scale regeneration. There had been a pause in work during the Covid period however a steering group had now been set up, which would review the plan to ensure that it was still relevant and had the required impact. A meeting was to be held at the end of September to go through the first part of the plan, and markets would be discussed.

Councillor Newton proposed that the Panel vote on a third option (for submission to the Cabinet) – that Spalding market traders be charged the same amount per foot as stall holders at Holbeach and Long Sutton markets. Councillor Walsh seconded the proposal. The Panel voted on the proposal, and it was defeated.

**AGREED:**

That following consideration by the Policy Development Panel, market fees for Spalding, as detailed within the report, be reconsidered by the Cabinet, in line with the benchmarking exercise that had been undertaken.

CP

**27. POLICY DEVELOPMENT PANEL WORK PROGRAMME**

The Panel considered a report by the Executive Manager Governance, which set out the work programme of the Panel. The work programme consisted of two sections, the first setting out the dates of future panel meetings along with proposed items for consideration, and the second setting out Task Groups that had been identified by the Panel.

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Members considered the report, and the following issues were raised:

- In response to a question asking whether the Data Protection Task Group should remain on the Work Programme, the Chairman clarified that although it had finished its initial work, it had been decided to leave the Task Group as pending, in order to look at any issues that could arise in the future. Where Task Group members were no longer members or part of the Panel, replacements would be appointed where necessary.
- The Chairman of the Planning Design Task Group provided an update on its progress, following information that he had received from the Planning and Building Control Manager. The Task Group had produced a report to the Policy Development Panel at its meeting on 23 June 2020, where it had been agreed that further work be carried out due to an extended timeline resulting from the cancellation of the South East Lincolnshire Joint Strategic Planning Committee because of the Coronavirus pandemic. It was important that the Task Group's work continue and that work undertaken to date not be lost however, there could be implications as a result of the Government White Paper on Planning Reform. The Principal Planning Officer would be the new Lead Officer to the Task Group.
  - The Chairman of the Panel commented that the White Paper may be published later in the year, with some direction possible after Christmas. He felt it would therefore be better to wait until the new year before continuing the work of the Planning Design Task Group and starting the work of the CIL Task Group. Membership of both Task Groups should remain the same.
  - It was requested that an update on Planning reform be provided to the Panel at its meeting on 19 January 2021, to be removed if no information was available.
- The Chairman stated that the Health and Safety Policy was to be considered at the next Panel meeting on 4 November 2020 and was to be added to the Work Programme.
- The Chairman introduced the Senior Policy Advisor to the Panel. He would be attending all future meetings to assist the Panel in looking forward at Government level policy items that could have an effect on the authority.

**AGREED:**

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a) That the Work Programme be noted;

b) That an update on Planning reform be added to the Panel's Work Programme on 19 January 2021;

c) That work on the Planning Design Task Group recommence, and the CIL Task Group commence in the new year, once the implications of the Government White Paper on Planning Reform were known; and

d) That the Health and Safety Policy be added to the Panel's Work Programme on 4 November 2020;

PN CM

PH RB CM

NK CM

**28. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT.**

There were none.

(The meeting ended at 8.50 pm)

(End of minutes)