

# Public Document Pack

## NORTH LINCOLNSHIRE COUNCIL

<b>GOVERNANCE SCRUTINY PANEL</b>
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### SPECIAL MEETING

14 August 2023

**Chairman:** Councillor Janet Lee

**Venue:** G01e/G02e,  
Church Square House  
Scunthorpe

**Time:** 4.00 pm

**E-Mail Address:**  
Matthew.nundy@northlincs.gov.uk

### AGENDA

1. Substitutions.
2. Declarations of disclosable pecuniary interests and personal or personal and prejudicial interests and declarations of whipping arrangements (if any).
3. Public speaking requests, if any.
4. Item requested for call-in, in accordance with paragraph 22 of Part D Rule 5 (Overview and Scrutiny Procedure Rules) of the council's constitution. (Pages 1 - 16)

Minute 7 of the Deputy Leader - Adults, Health, Families and Communities Cabinet Member meeting held on 8 August 2023 - Selective Licensing of Private Rented Accommodation

5. Added Item, if any.
6. Any other items that the Chairman decides are urgent by reason of special circumstances that must be specified.

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## PART D RULE 5 - OVERVIEW AND SCRUTINY PROCEDURE RULES

Call-in should only be used in exceptional circumstances. These are where members of the appropriate scrutiny panels have evidence which suggest that the cabinet or decision maker did not take the decision in accordance with the principles set out in Article 13 of the Constitution. (Call-in is of a decision made, but not yet implemented).

- (a) When decisions are made by the cabinet, an individual member of the cabinet or a committee of the cabinet, or a key decision is made by an officer under delegated authority (or under joint arrangements), those decisions shall be published, including wherever possible by electronic means, and shall be available at the main offices of the council normally within two working days of being made.
- (b) Chairmen and vice-chairmen of all scrutiny panels will also be sent copies of the records of all such decisions within the same timescale by the person responsible for publishing the decision, i.e. the proper officer of the council or his representative.
- (c) On publication of decisions in accordance with the council's executive arrangements, those decisions which can be subject to call-in as detailed in paragraph D5.22 (a) will come into force and may then be implemented on the expiry of two working days after publication, unless a scrutiny panel objects to a particular decision and calls it in.
- (d) During the period referred to in (c) above, the Director: Governance and Partnerships shall call in a decision for scrutiny by the relevant scrutiny panel if so requested by the chairman or any two members of any scrutiny panel, and shall then notify the decision taker of the calling in of a particular decision. The request shall also give clear reasons why the decision has been called in. (A proforma is available electronically from the Service Manager: Democracy).
- (e) Where a decision has been called in, any action to implement that decision will be suspended until it may be made in accordance with the following provisions of this procedure rule.
- (f) In consultation with the chairman of the relevant scrutiny panel, the Director: Governance and Partnerships shall call a meeting of that panel on such a date and at such time to be determined within five working days of the decision to call-in. The relevant cabinet member (together with the Chief Executive and/or Director(s)) shall be requested to be available to attend the meeting in order to respond to any questions from the panel on or relevant to the decision.
  - An agenda for the meeting to consider the called in decision will be sent to members of the scrutiny panel with a copy of the request for call-in, a copy of the decision and a copy of the report on which the decision was based.

- At the meeting of the panel the chairman or a nominee of the members who have requested the call-in, shall be required to present the reasons why the decision has been called in and initiate any questioning of the relevant cabinet member(s), together with the Chief Executive and/or Director(s), on or relevant to the decision.
  - The chairman shall then invite other members of the panel to ask the relevant cabinet member (together with the Chief Executive and/or Director(s) any further questions on or relevant to the decision.
  - The panel will then consider whether it has sufficient material before it on which to decide the next course of action i.e. to take no further action on the decision, refer it back to the decision maker for reconsideration or (in limited circumstances) to refer it to the council (see paragraphs (g) - (m) below).
  - If the panel decides that it needs further information and/or the attendance of particular persons in order to reach a decision it shall arrange a further meeting to enable the information and/or persons to be available.
  - The decision will remain suspended until the scrutiny process has been completed and one of the outcomes set out in paragraph (g) has been achieved.
- (g) If, having considered the decision, the relevant scrutiny panel is still concerned about it, then it may -
- (i) recommend (with any representations), that the decision be reconsidered by the body or person that made it, or
  - (ii) arrange for the full council to consider the decision and, where necessary, ask the executive or decision maker to reconsider it.
- If the decision is referred back to the decision maker or decision making body, that decision should be reconsidered within a further five working days.
- (h) Where the decision maker or decision making body reconsiders the decision it could -
- (i) confirm the original decision, or
  - (ii) agree to change that decision having considered the representations made by the scrutiny panel.
- (i) If, following an objection to a particular decision, the panel does not meet, or does meet but does not refer the matter back to the decision

making person or body, that decision shall take effect on the date of the scrutiny meeting, or the expiry of that further five working day period referred to in paragraph (f) above, whichever is the earlier.

- (j) The relevant scrutiny panel may exercise its power in section 21(3)(b) of the Local Government Act 2000 to refer a matter to the council only if the panel considers that the decision is contrary to the policy framework or contrary to, or not wholly in accordance with the budget.
- (k) If a matter is referred to the full council in accordance with paragraph (j) above, the Director: Governance and Partnerships in consultation with the Mayor shall call an extraordinary meeting of the council within seven working days.
- (l) If the council does not object to a decision which has been made, then no further action is necessary and the decision will become effective on the date of that council meeting. However, if the council does object it has no power to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the council will refer any decision to which it objects back to the decision making person or body, together with its views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the cabinet as a whole or a panel of it, a meeting will be convened to reconsider that decision within five working days of the council request. Where the decision was taken by an individual cabinet member, that individual should reconsider the decision within five working days of the council request.
- (m) If the council does not meet, or if it does but does not refer the decision back to the decision making person or body, that decision will become effective on the date of the council meeting or expiry of the period in which the council meeting should have been called, whichever is the earlier.
- (n) The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the council's or the public's interests. The record of the decision, and notice by which it is made public shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. In the case of a key decision the provisions of Part D Rule 2.17 must be observed before the decision is taken. Such key decisions taken as a matter of urgency must be reported in accordance with Part D Rule 2.18 (2).
- (o) The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to council with proposals for review if necessary.

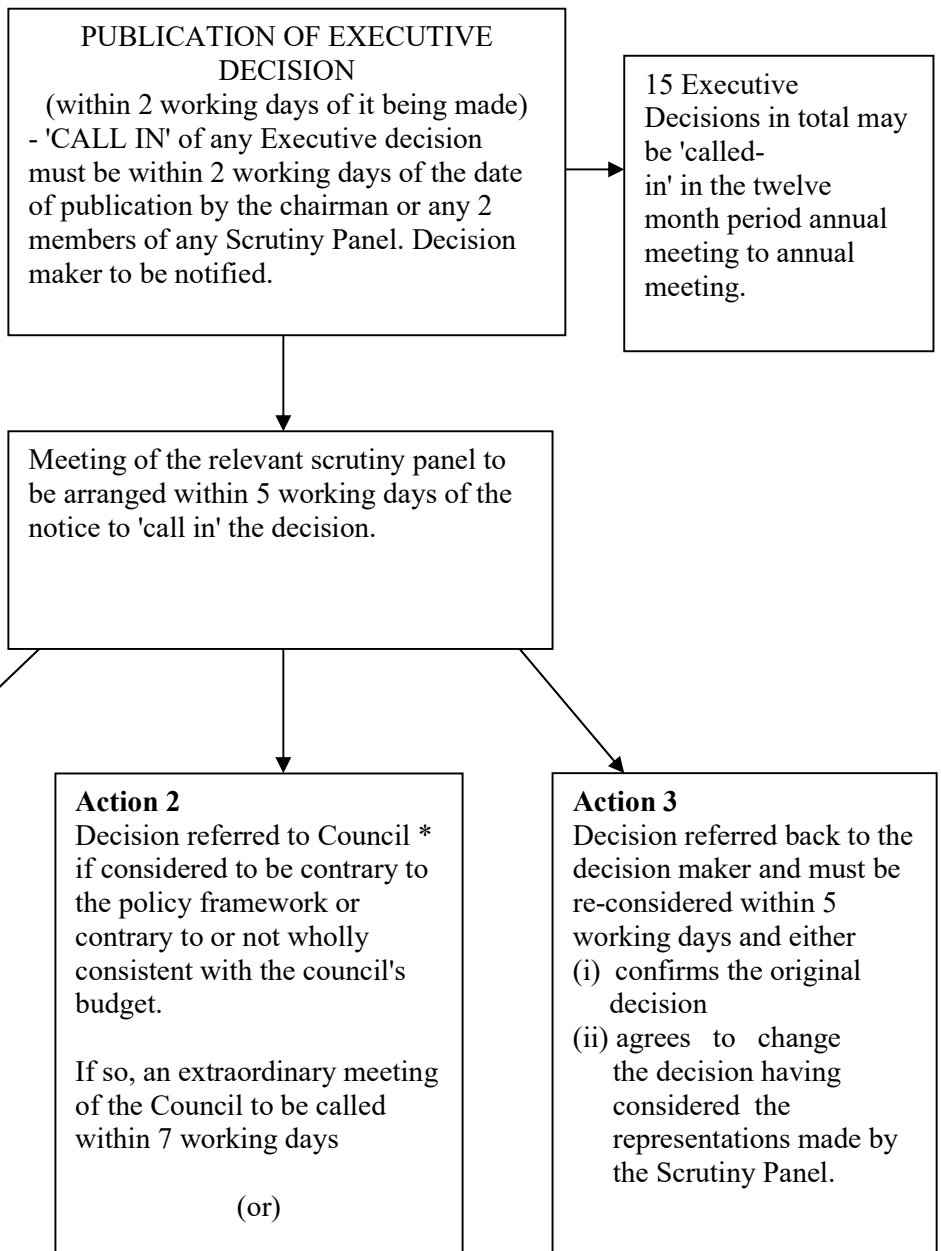
- (p) In order to ensure that call-in is not abused, nor causes unreasonable delay, but at the same time to ensure that there is an appropriate balance between effectively holding the Executive to account, being able to question decisions before they are implemented and allowing effective and efficient decision making by the Executive within the policy framework and budget agreed by the council, the following limitations have been placed on its use -
- (i) Call-in of any Executive decision must be within two working days of the publication of a decision.
  - (ii) The chairman or any two members of any overview and scrutiny panel are needed for a decision to be called in.
  - (iii) Overview and scrutiny panels may call-in fifteen Executive decisions in total in the twelve month period, annual meeting to annual meeting.

(An illustrated version of the 'Call-in' procedure is set out for ease of reference in Table two at the end of these procedure rules).

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**Table Two**

**'CALL IN' OF DECISIONS  
MADE BUT NOT IMPLEMENTED (AND NOT  
URGENT)**



**Action A**

If the Council does not object to the decision then no further action is necessary and the decision will become effective on the date of the council meeting or if it does not meet on the expiry of the 7<sup>th</sup> day whichever is the earliest

**Action B**

If the Council does object to the decision, (it has no power to make a decision on an executive decision unless it is contrary to the policy framework or not wholly consistent with the budget) - the council will refer it back to the decision maker with its views. A meeting must then be held on the decision within 5 working days and can either choose to amend the decision or not before reaching a final decision and implementing it.



THE DIRECTOR GOVERNANCE AND PARTNERSHIPS IS REQUESTED TO CALL-IN A

DECISION OF **Deputy Leader - Adults, Health, Families and Communities  
Cabinet Member**

TAKEN ON **08/08/2023**

TITLE OF REPORT **Selective Licensing of Private Rented Accommodation**

MINUTE REFERENCE **7** REPORT REFERENCE **1.1**

CALL-IN REQUESTED BY (See Note 1)

Chairman or any two Members of any Overview and Scrutiny Panel

Name

Signature

**Councillor Christine O'Sullivan**



**Councillor Steve Swift**



DATE **09/08/2023**

Outline reasons for seeking a review of the decision and proposed alternative course of action.

**Through data the Labour Group has obtained and analysed, we believe there are in excess of 180 unlicensed properties that are being used for multiple occupation within the Crosby and Park Ward alone, with yet more properties in the Town Ward.**

**Houses of Multiple Occupancy is a huge issue in Scunthorpe. Consequently, the Labour Group has submitted an added item to be considered by a scrutiny panel in the near future on this very issue.**

**The Labour Group has the following concerns about the report, namely –**

- **The report references a public consultation and business case for a selective licensing scheme in North Lincolnshire. However, the appendix referred to in paragraph 2.6 has not published alongside the report. Please can the Labour Group see the appendix to explore which properties in Crosby & Park and Town wards it includes?**
- **What evidence is the council seeking to obtain, and how will this evidence be used to draft a business case?**
- **How will any business case, that is to be consulted on, be agreed before it is to be circulated for comment? Will members be able to**

<p>view the evidence that has been received to assist in the process?</p> <ul style="list-style-type: none"> <li>• How will the council consult on the business case? No information is contained in the report as to how it will be undertaken ie public events, written invitation to comment etc.</li> <li>• Labour Councillors, via the Local Government elections, represent all of Scunthorpe. Therefore, the Labour Group, or at least the Shadow Cabinet Member, would respectfully request that once the evidence has been received, the council share the evidence so that it can contribute towards the business case.</li> </ul>	
<p>Is the decision considered to be contrary to the policy framework or contrary to, or not wholly in accordance with the budget?</p> <p><b>Yes - this has significant potential financial implications on associated budgets and future budget setting.</b></p>	
<p>Please return to:-</p> <p>The Director Governance &amp; Partnerships          FAO Head of Democratic Services          Civic Centre          Scunthorpe DN16 1AB</p>	<p>Received:</p> <p>Copies to:-</p>

pto

Note 1 – A decision made by the Cabinet, an individual member of the Cabinet or a committee of the Cabinet or a key decision made by an officer under delegated authority from the Cabinet or an area committee or under joint arrangements once published can be called-in by the Director Governance and Partnerships at the request of the Chairman or any two members of an appropriate Scrutiny Panel.

Note 2 – This form must be returned by 5.00 pm (4.30 pm on Friday) on the second working day after the publication of the decision (see below)

## CALL-IN

Example timetable is as follows

EXECUTIVE PANEL MEETING DECISIONS*		PUBLICATION OF EXECUTIVE DEADLINE*		SCRUTINY CALL-IN DECISION		SCRUTINY TO MEET AND DEADLINE*
Monday	Π	Wednesday	Π	Friday	Π	Friday
Tuesday	Π	Thursday	Π	Monday	Π	Monday
Wednesday	Π	Friday	Π	Tuesday	Π	Tuesday
Thursday	Π	Monday	Π	Wednesday	Π	Wednesday
Friday	Π	Tuesday	Π	Thursday	Π	Thursday

\*The above days do not include bank and other holidays



**DEPUTY LEADER - ADULTS, HEALTH, FAMILIES AND COMMUNITIES  
CABINET MEMBER**

**8 August 2023**

**7 SELECTIVE LICENSING OF PRIVATE RENTED ACCOMMODATION** – The Director: Economy and Environment submitted a report seeking approval of a public consultation and business case to consider a selective licensing scheme in North Lincolnshire.

It was the council's ambition to be the best place for its people. To achieve this there was a clear commitment to ensuring that the council supported provision of a safe and healthy place for communities to flourish and be resilient. The provision of suitable and well managed housing was fundamental in delivering this outcome.

On 18 July 2017, Cabinet agreed, subject to the production of a business case and a public consultation exercise, to consider a scheme for selective licensing (minute 1271 refers). It was decided, in line with guidance, that there were alternative interventions that should be tried before a scheme for Selective Licensing was introduced. A variety of these alternative interventions had been attempted, since 2017 to date, including a voluntary landlord accreditation scheme.

The option to review the selective licensing scheme was due to the increasing nature of housing management issues, criminal landlord activity, public health, environmental and anti-social behaviour, negatively impacting on communities. Existing powers and collaborative working had had little impact and mixed success in delivering the positive change that achieved the council's priorities for people and place. Therefore, the introduction of the more robust powers available through selective licensing must be reconsidered.

Councils had discretionary powers to introduce selective licensing schemes requiring all private landlords with houses in a designated area to operate under the terms of a licence. Licence conditions typically covered matters related to the property being safe and well managed.

Before a selective licensing scheme could be introduced, an evidence-based business case must be produced detailing the objectives of the scheme. The business case must also identify ways to achieve the same objectives and complementary measures which would be taken alongside the proposed scheme. A scheme should be introduced only when there were no other practical and beneficial alternatives.

**Resolved** – (a) That consideration be given to the introduction of a selective licensing scheme, subject to a business case and consultation; (b) that the proposal to develop a business case and undertake a consultation be approved, and (c) that findings be submitted to the Cabinet Member for final decisions around implementation of a selective licensing scheme.

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**NORTH LINCOLNSHIRE COUNCIL**

**DEPUTY LEADER – ADULTS, HEALTH, FAMILIES AND COMMUNITIES CABINET MEMBER**

**SELECTIVE LICENSING OF PRIVATE RENTED ACCOMMODATION**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To approve a public consultation and business case to consider a selective licensing scheme in North Lincolnshire.

**2. BACKGROUND INFORMATION**

- 2.1 Our ambition is for North Lincolnshire Council to be the best place for our people. To achieve this there is a clear commitment to ensuring that we support provision of a safe and healthy place for our communities to flourish and be resilient. The provision of suitable and well managed housing is a fundamental intervention in delivering this outcome.
- 2.2 On the 18 July 2017 Cabinet agreed, subject to the production of a business case and a public consultation exercise to consider a scheme for Selective Licensing. It was determined, in line with guidance, that there were alternative interventions that should be utilised before a scheme be introduced for Selective Licensing. A variety of these alternative interventions have been attempted, since 2017 to date, including a voluntary landlord accreditation scheme.
- 2.3 The option to review the selective licensing scheme is due to the increasing nature of housing management issues, criminal landlord activity, public health, environmental and anti-social behaviour, negatively impacting upon our communities. Existing powers and collaborative working have had little impact and had mixed success in delivering the sustained positive change that achieves our priorities for people and place. We must therefore reconsider the introduction of the more robust powers available through selective licensing.
- 2.4 Councils have discretionary powers to introduce selective licensing schemes requiring all private landlords with houses in a designated area to operate under the terms of a licence. Licence conditions typically cover matters related to the property being safe and well managed.

- 2.5 Before a selective licensing scheme can be introduced, an evidence-based business case must be produced detailing the objectives of the scheme. The business case must also identify alternative ways to achieve the same objectives and complementary measures which will be taken alongside the proposed scheme. Only where there are no other practical and beneficial alternatives should a scheme be introduced.
- 2.6 The proposed designated area substantially remains the same as in 2017, please see appendix 1 (selective licensing business case 2017) covering properties in Crosby, Park and Town Wards. Consideration of streets in the Frodingham ward will also be included in the evidence gathering before final designated boundaries are confirmed.

### **3. OPTIONS FOR CONSIDERATION**

- 3.1 Option 1 - To approve a business case and public consultation to be undertaken around a selective licensing scheme.
- 3.2 Option 2 - For NLC not to utilise Selective Licensing as an intervention to help deliver the offer of safe and healthy housing for all.

### **4. ANALYSIS OF OPTIONS**

- 4.1 Option 1 - To give approval to build a business case and consult around a designated area to apply selective licensing, would provide the evidence required to implement a selective licensing scheme.

NLC can then determine, with a good level of evidence and public feedback, the decision whether to introduce selective licensing, as a further intervention to achieve our ambition and offer for people and place.

To progress this option would give us opportunity to build the evidence and change our current interventions and enforcement, specifically targeted at the designated area to trial and learn from.

- 4.2 Option 2 – To not progress would mean that the Council cannot consider implementing a Selective Licensing scheme as a tool to support our priorities.

### **5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

- 5.1 The preparation of the business case and consultation requirements will be done within existing budgets and resources.



6. **OTHER RELEVANT IMPLICATIONS (e.g., CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

6.1 The preparation of the business case and consultation will not have an impact of the Crime and disorder act, it will not affect Equalities nor is there any impact on Carbon Net Zero ambition.

It will enable the council to take an evidence-based decision on whether to implement selective licensing to assist in delivery of the council priorities and council plan.

7. **OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)**

7.1 There are no IIA considerations at the stage of preparing a business case and consulting.

8. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

8.1 N/A

9. **RECOMMENDATIONS**

9.1 The Cabinet Member agrees that they will consider the introduction of a selective licensing scheme, subject to a business case and consultation.

9.2 Approval for a business case to be developed and a consultation to be undertaken.

9.3 Results from this work will be presented back to Cabinet Member / Cabinet for final decisions around implementation of selective licensing scheme.

DIRECTOR OF ECONOMY AND ENVIRONMENT

Church Square House  
SCUNTHORPE  
North Lincolnshire  
Post Code  
Author: Lisa Swainston  
Date: 25.5.23

**Background Papers used in the preparation of this report –**

Selective Licensing in the private rented sector – a guide for local authorities (DCLG 2015).

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