

CABINET

30 MARCH 2015

Present: Councillors Birch (chair), Chowney, Cartwright, Forward, Hodges, Poole, Atkins and Pragnell

Cabinet members thanked Neil Dart, who would be retiring as Director of Corporate Resources, for his excellent service and advice to the council.

73. DECLARATIONS OF INTEREST

The following councillors declared an interest in the minutes:

Councillor	Minute Number	Interest
Chowney	76 – Proposed Discretionary Selective Licensing Scheme for Private Rented Homes in Hastings	Prejudicial – he owns a tenanted property in the town
Forward	76 – Proposed Discretionary Selective Licensing Scheme for Private Rented Homes in Hastings	Prejudicial – she owns a tenanted property in the town
Hodges	76 – Proposed Discretionary Selective Licensing Scheme for Private Rented Homes in Hastings	Prejudicial – he is a trustee of Magdalen and Lasher charity
Poole	76 – Proposed Discretionary Selective Licensing Scheme for Private Rented Homes in Hastings 78 – Leisure Facilities Strategy Refresh	Prejudicial – she is a trustee of Magdalen and Lasher charity Personal – she is a Director of the Combe Valley Countryside park Community Interest Company
Pragnell	78 – Leisure Facilities Strategy Refresh	Personal – he is a Director of the Combe Valley Countryside park Community Interest Company

74. MINUTES OF THE MEETING HELD ON 2 MARCH 2015

RESOLVED that the minutes of the meeting held on 2 March 2015 be approved and signed by the chair as a correct record

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RESOLVED the chair called over the items on the agenda, under rule 13.3 the recommendations set out in minute numbers 79 and 81 were agreed without being called for discussion

MATTERS FOR CABINET DECISION

**75. REVIEW OF THE HASTINGS HOUSES IN MULTIPLE OCCUPATION
ADDITIONAL LICENSING SCHEME**

The Head of Housing and Development presented a report on the review of the additional houses in multiple occupation (HMO). Under the existing scheme, which was introduced in September 2011, landlords and freeholders of HMOs in Gensing, Castle, Braybrooke and Central St Leonards wards were required to licence their properties with the council. The scheme lasts for five years, unless revoked earlier.

Since the scheme was launched, 507 properties in the four wards had been licensed. Under the Housing Act 2004, the council was required to review the scheme against its original objectives. If a scheme failed to meet its targets then it may be revoked early. The report set out progress against the objectives and continued success of the scheme in ensuring HMOs met the standards required by legislation, and recommended a further exit review is carried out in the final year of the scheme.

Councillor Forward moved approval of the recommendations to the report, which was seconded by Councillor Cartwright.

RESOLVED (unanimously) that the success of the scheme is acknowledged and a further exit review is carried out in the final year of the scheme

The reason for this decision was:

The review demonstrates that licensing is working and achieving against the original objectives. However, it is clear that more work is needed and therefore the review sets objectives for the scheme going forward and recommends that a further exit review is carried out in the final year of the scheme.

**76. PROPOSED DISCRETIONARY SELECTIVE LICENSING SCHEME FOR
PRIVATE RENTED HOMES IN HASTINGS**

Councillors Chowney and Forward, having declared a prejudicial interest in this item, left the chamber while the matter was discussed.

The Head of Housing and Development presented a report on the proposed designation of a selective licensing scheme for private rented homes in seven wards around the borough. Under the Housing Act 2004, local authorities had powers to introduce an additional licensing scheme, which required all privately rented properties within a defined area to be licensed with the council. The approach was in keeping with the targets set out in the council's housing strategy to improve housing standards

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and management arrangements of privately rented properties and to tackle anti-social behaviour.

The seven wards selected in the borough; Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings, Ore and Tressell, had above average levels of privately rented dwellings. The council's findings indicated that areas with a high density of private rented dwellings often had higher levels of anti-social behaviour. The designation would come into effect from 26 October 2015, for a period of five years.

The license for private rented properties in the seven wards included conditions in respect of the standard of accommodation, how the property is to be managed and the tenancy arrangements. Landlords would also be required to prove that they were a fit and proper person to hold the licence.

The proposed scheme had been subject to a public consultation between 20 October 2014 and 5 January 2015. The results of the consultation indicated that many residents supported the introduction of such a scheme; however, opposition had been received from many private landlords, managing agents, letting agents and landlords associations. Following the results of the consultation, a number of revisions were made to the council's proposals on selective licensing for example reducing the number of wards and reducing the level of fees. Discussion took place regarding the police report on anti-social behaviour, the legal implications of which are detailed in pages 21 and 22 of the supplementary agenda reports pack.

Discussion took place regarding the proposed fee structure for the scheme. Members were mindful of the additional legal implications to the report, regarding the dispensation of the fee for local charities. The legal implications are available to view on page 19 to 20 of the supplementary agenda reports pack.

Councillor Birch moved approval of the recommendations to the report, which was seconded by Councillor Cartwright.

Members voted on recommendation numbers 1, 2, 3, 4, 5, 6 and 8, as detailed below. Councillors Hodges and Poole, having declared a prejudicial interest in recommendation number 7, left the chamber during the vote on this item.

RESOLVED (by 4 votes for, 2 against) that:

- 1. all privately rented dwellings in Braybrooke, Castle, Central St Leonards, Gensing, Old Hastings, Ore and Tressell wards are designated as subject to selective licensing under section 80(6) of the Housing Act 2004 on the grounds of persistent or significant anti-social behaviour associated from the private rented sector.**
- 2. officers are instructed to urgently explore the new legislative provisions relating to the implementation conditions required for selective licensing, which is likely to come into force on the 1 April 2015 and to report back to Cabinet about the potential to introduce licensing to other wards and the requirements involved.**

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3. the designation comes into force on the 26 October 2015 and lasts for a period of 5 years.
4. the licensing conditions proposed at Appendix five are agreed.
5. the proposed fee structure at Appendix three is adopted.
6. the reduced rates on licence fees offered through the Additional Houses in Multiple Occupation Licensing Scheme are harmonised to match the reduced rates offered via the proposed Selective Licensing.
8. the Director of Regeneration is given delegated authority to sign the Hastings Borough Council designation for an area for Selective Licensing 2015 from the 30 March 2015.

RESOLVED (by 2 votes for, 0 against with 2 abstentions) that:

7. charitable organisations that own and/or manage housing in the designated area are subject to licensing but exempted from paying a fee.

The reason for this decision was:

1. The Council recognises the contribution made by charitable housing providers in the Borough of Hastings and although cannot exempt charities from the requirement to be licensed, it is proposed to exempt charities providing housing from paying a licence fee.
2. In making this recommendation, officers have taken account of the fact that there will be some additional financial impact on other landlords who will be required to pay a licence fee, but we consider that this is justifiable in terms both of the additional impact and of the reasons for giving the exemption.
3. The licence fees for non-exempt landlords are set out at paras 22-24 of the main report The standard fee of £460 is already lower than the fee charged by many other authorities who have introduced selective licensing, and the discounts for those who apply early and/or those who are members of accredited schemes will make it possible for a landlord to obtain a licence for as little as £150. Phased payments (report para.28) over five years for larger landlords (more than 10 properties) will provide additional assistance. Officers consider these fees to be reasonable, proportionate and affordable by landlords, and that the reasons for exempting charities render it justifiable and desirable to do so.
4. The exemption is proposed for the following main reasons:
 - a. charitable landlords are not profit-making organisations;
 - b. their purposes in letting accommodation are charitable and generally for the purpose of providing decent accommodation for those on lower incomes, in some ways akin to social housing; charitable status and aims provide some assurance that the landlords are responsible landlord organisations that take their obligations seriously;

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- c. charitable landlords that are not registered providers of social housing are regulated by the Charity Commission; registered societies (formerly industrial and provident societies) are also regulated by the Financial Conduct Authority;
 - d. these factors together with officers' experience suggests that the licensing of charitable stock is likely to be less complex and expensive to process, for example because the standard of accommodation is already higher, tenant conduct is more appropriately dealt with, and the landlords are generally have a greater sense of responsibility.
5. Officers have also taken account of the fact that some housing provided by charitable landlords is exempt from licensing altogether (where the charity is also a registered provider (s.79(3)(a), 2004 Act) as is social housing provided by profit-making registered providers (s.79(3)(b)) and local authority housing (Selective Licensing of Houses (Specified Exemptions) (England) Order 2006/370)
 6. While those landlords are also regulated by the HCA, officers consider that charitable landlords in Hastings also provide accommodation that is similar to social housing in relation to the standard and management of the accommodation provided, by way of the charitable aims and objectives referred to above, e.g. the relief of poverty, and given that charities are subject to a substantive level of regulation beyond that of private sector landlords (even those who are accredited and who will be eligible for a significant reduction especially if they apply early).

77. MANAGEMENT RESPONSE TO THE OVERVIEW AND SCRUTINY REVIEW OF OUTSOURCED CONTRACTS

The Director of Corporate Resources presented a management response to a recent report on the Overview and Scrutiny review of outsourced contracts.

Councillor Roberts, as chair of the review, presented the recommendations to Cabinet. He explained that the review had originally been set up to examine whether the council was achieving best value from its procurement process, and the procedure for monitoring outsourced services.

East Sussex Procurement Hub had brought the review team up to date on the council's procurement arrangements and examples of good practice, particularly regarding achieving social value from outsourced services. The review team also considered the impact of recent reforms to procurement legislation. Members investigated potential barriers to engaging with a broad range of business through the procurement process, and how these obstacles might be overcome in the future.

Councillor Cartwright moved approval of the recommendations the report, which was seconded by Councillor Hodges.

RESOLVED (unanimously) that –

- 1) The review team be thanked for their report**
- 2) The three recommendations in the report be agreed**

The reason for this decision was:

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To ensure that the review findings and recommendations are reported and will be followed up.

78. LEISURE FACILITIES STRATEGY REFRESH

The Leisure Development Manager presented a report on the refreshed Hastings leisure facilities strategy.

In 2008, Hastings Borough Council, Rother District Council, East Sussex County Council and Sport England had commissioned a leisure facilities strategy for Hastings and Rother between 2009 and 2020. The strategy was key to future leisure facility development, as part of the council's broader aim to encourage a healthy lifestyle.

It was necessary to review and refresh the recommendations contained within the strategy against short term changes in leisure facility supply and demand information. An updated audit of local facilities had been carried out, using a Sport England model to measure whether existing facilities were capable of meeting local demand. The refreshed recommendations highlighted where a current surplus or deficit of a particular type of facility. A consultation had also been undertaken with a range of national governing bodies, local facilities and clubs.

The Leisure Development Manager said that the strategy would be revised to include the Combe Valley Countryside Park.

Rother District Council planned to commission an update of their assessments and recommendations in 2015/16.

Councillor Poole moved approval of the recommendations to the report, which was seconded by Councillor Chowney.

RESOLVED (unanimously) that: -

- 1) The contents of the refreshed strategy be agreed, and;**
- 2) The proposed recommendations and actions be agreed**

The reason for this decision was:

The council and its partners are committed to the implementation of the Hastings and Rother leisure facilities strategy (2009 – 2020). The original assessments are now considered to be out of date. The refreshed version includes up-to-date recommendations for Hastings, which are founded on new assessments and stakeholder consultation.

79. CONTRACTING OUT PART VII HOUSING ACT 1996 FUNCTIONS

The Chief Legal Officer submitted a report to ensure the validity of decisions carried out by Independent Reviews Limited (IRL) or any other contractor.

In January 2008, the Head of Housing had signed an agreement with IRL to carry out part VII Housing Act 1996 on behalf of the council. Part VII of the act applies to S202 review investigations and decisions. Due to changes in personnel at the council, it

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had not been possible to verify whether Cabinet gave executive authority in January 2008 for these arrangements. It was therefore necessary for Cabinet give approval to contract out the function and ratify the decisions taken since January 2008.

RESOLVED that –

- 1) **Cabinet confirm the contracting out of a part VII Housing Act 1996 (as amended) function namely S202 review investigations and decisions by (IRL) or any other contractor, and;**
- 2) **Cabinet retrospectively ratify any S202 review decisions carried out by (IRL) from January 2008**

The reason for this decision was:

The council need to be able to resist any challenge to the contracting out of S202 Housing Act 1996 (as amended) decision with IRL (or any other contractor). The council need to retrospectively ratify any decisions carried out by IRL from January 2008.

80. **MINUTES OF THE MEETING OF MUSEUMS COMMITTEE HELD ON 16 MARCH 2015**

The minutes of the meeting of Museums Committee held on 16 March 2015 were submitted.

RESOLVED that the minutes of the Museums Committee meeting held on 16 March 2015 be received

EXCLUSION OF THE PUBLIC

RESOLVED that the public are excluded from the meeting during the consideration of items of business listed below because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 3 of schedule 12A to the Local Government Act 192 referred to in the relevant report.

81. **4 STANIER ROAD**

The Head of Finance submitted a report which sought approval to settle the rent review of 4 Stanier Road.

RESOLVED that the rent review be settled for the amount specified in the Head of Finance's report

The reason for this decision was:

This will be increased revenue income to the council.

(The chair declared the meeting closed at. 7.40 pm)

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