



CITY OF  
*Lincoln*  
COUNCIL

**Chief Executive & Town Clerk**

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**TO ALL EXECUTIVE MEMBERS**

**Democratic Services** are dealing with this matter

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Date: 24 September 2018

**EXECUTIVE - MONDAY, 24 SEPTEMBER 2018**

Dear Councillor,

Further to the previously issued agenda for the Executive meeting of Monday, 24 September 2018, please find attached minute extracts in relation to the following items.

6. Review of Mandatory Houses in Multiple Occupancy Licensing Scheme  
(Pages 3 - 6)
7. Modern Slavery Statement and Charter (Pages 7 - 8)
8. Introduction of 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018'. (Pages 9 - 12)

If you require any further information please feel free to contact me using the information provided above.

Yours faithfully,

**Graham Watts**

**Democratic Team Leader and Elections Manager**

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**EXTRACT FROM COMMITTEE**

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**Policy Scrutiny Committee**

**19 September 2018**

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**14. Review of Mandatory Houses in Multiple Occupation Licensing Scheme**

The Private Housing Team Leader:

- a) Presented a report which reviewed the Council's scheme for the mandatory licensing of Houses in Multiple Occupation.
- b) Reported that new legislation came into force on 1 October 2018 which extended the criteria for the types of Houses in Multiple Occupation that would need a licence and imposed minimum room sizes and new mandatory conditions to be applied to all licences.
- c) Reported that the adoption of amenity and space standards for the district clarified the Council's expectations for the standard of shared housing in Lincoln, helping landlords to know what they needed to provide and supporting officers to respond to challenge.
- d) Reported that it was estimated that the number of Houses in Multiple Occupation requiring a licence as a result of the new requirements would increase from 300 to 900 properties.
- e) Presented the Council's revised Mandatory Licensing of Houses in Multiple Occupation as set out in Appendix A of the report, effective from 1 October 2018, and highlighted the following key changes:
  - a number of definitions within the licence had changed, which were clarified in appendices attached to the scheme;
  - a new Houses in Multiple Occupation online portal was in the process of being configured which would enable applications for licences to be submitted electronically. The scheme had therefore been amended to reflect this;
  - the licence fee had been updated to reflect changes to the Trusted Landlord Scheme;
  - the variation fee included in Appendix 5 would be removed from the scheme. This was in response to case law which had been published subsequent to the writing and publication of the report for this meeting;
  - in terms of renewals, legislation prescribed and restricted what documents the Council could require applicants to submit for an application to be valid. The revised scheme specified these requirements;
  - the revised scheme defined 'appropriate people' to hold a licence, in that they needed to prove that they had the necessary financial resources and had authority to act in respect of any property associated with the application;

- a number of amendments to Appendix 10 in relation to satisfactory management arrangements. This outlined what the Council expected of landlords, with high-profile prosecutions having already been executed regarding landlords, ensuring that the Council continued to be robust through its processes and ensuring that they were complied with. Evidence could also be collated electronically as part of the online portal to assist with this;
  - adopted standards had been incorporated into the scheme to reflect new minimum requirements, but this also included guidance from a discretionary perspective in addition to those that were mandatory. Lincoln had a large number of Houses in Multiple Occupancy so it was important to push standards, with these revisions set out in Appendices 11 and 12 relevant to all Houses in Multiple Occupancy in the city, which were consistent with neighbouring areas;
  - further clarity was provided in relation to fire safety and fire doors in particular;
  - further clarity was provided in respect of conditions associated with smoke alarms and carbon monoxide alarms;
  - further clarity was provided regarding the requirement of landlords to ensure compliance with the Council's waste disposal scheme, particularly in relation to bins being left on streets after they had been emptied which was consistently the subject of a number of complaints;
  - in terms of inspections, the same procedure under the Trusted Landlord Scheme would be followed. Where a landlord had already been accredited they would be passported without the need for an initial inspection, although they would still be inspected during the length of the licence. The system used to process applications had a risk assessment element associated with it which would indicate where inspections were required dependent on what was included as part of an application. Taking into account the estimated 900 properties that needed to be inspected upon being granted licences, this would assist in prioritising those initial inspections;
  - the inclusion of provision in Appendix 16 of the scheme to limit the length of a licence between one and three years for those landlords where problems had been experienced previously.
- f) Highlighted that the proposed new scheme not only implemented the legislative changes but also made best use of the Council's discretionary powers to set good standards of amenities and room sizes and use licence conditions to uphold good property management practices. This reflected the Council's Vision 2020 priorities to improve the standard of private sector housing in the city and tackle rogue landlords.
- g) Invited members' questions and comments.

The Chair made reference to the Council's recent landmark £400,000 fine which he said would hopefully act as a significant deterrent to other rogue landlords in the city.

Members were pleased to see the introduction of minimum standards, particularly in relation to room sizes for bedrooms and communal living space such as kitchens.

In response to a question regarding the number of landlords currently signed up to the Trusted Landlord Scheme, it was noted that 20 landlords had signed up which equated to approximately 200 properties.

A comment was made that standards for fire doors should be applicable and adhered to in any case, outside of the requirements of a Houses in Multiple Occupancy licence. It was noted that landlords were unable to identify the requirements of fire door standards in layman's terms, so it was sometimes difficult to ensure that the necessary doors were put in place for properties they owned or managed. The revised scheme assisted with this and made it more clear as to what standards would be acceptable in respect of fire doors.

Discussion ensued in respect of portable electrical appliances and safety checks. It was noted that a declaration from the landlord stating that they were safe was sufficient and that they did not require an electrician's certificate. Fixed electrical wiring installations were required to be tested by a qualified electrician within a five year period. The Chair asked whether some investigatory work could take place to see whether there were more occurrences of fires at properties where portable electrical appliances had not had Portable Appliance Tests undertaken.

A member queried the term 'fit and proper' as outlined in the Scheme, which related to an applicant who may not be considered as appropriate to be granted with a licence should they have a history of certain criminal offences or sentences for example. This was defined in the legislation so the term 'fit and proper' needed to be reflected in the scheme. In the event that someone applied for a licence in their capacity as an agent on behalf of a property owner who had been judged not to be 'fit and proper', conditions could be put in place to specify that the property owner could not have any involvement in the management of that property as a House in Multiple Occupancy.

Members discussed the term of the licence, which could be up to five years, and the associated inspection programme for properties taking into account the estimated 900 properties that would now require a licence. A question was asked as to whether officers had any doubts as to the scheme and maintaining standards in view of this. The Team Leader confirmed that every property would be inspected during the term of its licence. Recommendations and conditions would be put in place following any inspection which would be followed up to ensure that the necessary actions had been taken. Initial inspections would be undertaken on a priority basis assessed on the content of applications, with other inspections programmed during the term of the licence. In addition, adhoc inspections would take place should complaints be received from tenants.

A question was raised regarding the five year term of the licence and whether this could be reduced to three years. It was noted that there would need to be justification to limit the term of a licence, especially given that there was a licence fee payable by applicants every time they applied. The Council in its consideration of the application need to ensure that it was being proportionate and reasonable.

RESOLVED that the proposed City of Lincoln scheme for Mandatory Licensing of Homes in Multiple Occupation be supported and recommended to the Executive for approval, subject to removal of reference to the variation fee from the scheme and Appendix 5.

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## EXTRACT FROM COMMITTEE

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Policy Scrutiny Committee

19 September 2018

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### 13. Modern Slavery Statement and Charter

The Public Protection, Anti-Social Behaviour and Licensing Service Manager:

- a) Presented a report which informed the Policy Scrutiny Committee of the Council's roles and responsibilities relating to modern slavery;
- b) Informed the Committee of the requirement for the Council to have a Modern Slavery Statement in place and presented the City of Lincoln Council's proposed statement, as set out in Appendix A of the report.
- c) Presented the Committee with the Charter Against Modern Slavery, as set out in Appendix B of the report, and took members through the ten commitments for local authorities to attain.
- d) Invited members' questions and comments.

A question was raised as to what would happen to any victims of modern slavery should any instances be reported or highlighted by the Council, either through officers or members. It was noted that this would depend upon the individual circumstances of the case, but Lincolnshire Police's Understanding and Safeguarding Emerging Communities team would be involved, together with Social Services, as such victims were often vulnerable. The City Council may become involved should consideration need to be given to re-housing, for example.

Regarding sub-contractors, a question was raised as to how the wages they paid their employees was monitored further to point 3 of the Charter which sought to challenge any abnormally low-cost tenders to ensure they did not rely upon the potential contractor practising modern slavery. It was noted that the Council's procurement processes had a number of checks in place to address this matter.

RESOLVED that the adoption of the Modern Slavery Statement and Charter Against Modern Slavery be supported and recommended to the Executive for approval.

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**EXTRACT FROM COMMITTEE**

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**Licensing Committee**

**18 September 2018**

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**46. Introduction of 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018'**

The Public Protection, Anti-Social Behaviour (PPASB) and Licensing Service Manager:

- a. presented a report which outlined the requirements of the Animal Welfare (licensing of activities involving animals) (England) Regulations 2018 which came into force on 1 October 2018
- b. reported that the Regulations would be the primary legislation for the licensing of the following animal activities;
  - Animal boarding (catteries and kennels)
  - Home boarding of dogs
  - Dog day care
  - Dog breeding
  - Riding establishments
  - Sales of animals (formerly pet shops)
  - Performing animals (formerly a registration administered by LCC)
- c. reported that all animal activities would be subject to the same regime which would bring them all into alignment, conditions were nationally set for each defined activity as contained within the Regulations
- d. outlined that the Regulations introduced a star rating system to allow customers to see how businesses performed against the Regulation Standards, this star rating would have to be on display alongside the licence at the premises
- e. stated that a scoring matrix would be in force to ensure consistency for scoring the star rating scheme, there was an internal appeal process for this process
- f. reported that the inspections would be carried out by the Council's Animals Warden and there would also be a vet check
- g. reported that the fees and charges were to be locally set based upon full cost recovery, as set out in the regulations and the proposed fees and charges outlined in section 4.4 of the report as follows:
  - The proposed fee for all licensable animal activities: **£250 + vets fees**
  - The fee of **£250 + vets fees:** proposed for all licences whether issued for 1, 2 or 3-year periods

*(It was reported that this was due to the officer work remaining the same albeit over a variable period. This should also be viewed as an incentive for businesses to be compliant in order for them to be eligible for a longer licence term.)*

- h. advised that the proposed charges above, as detailed within the report would be amended to state that the performing animals licence should be £220 not £250 due to there being no risk score attached to that licence fee
- i. advised in addition to the report that the members could decide to offer a reduction in fees for registered charity for catteries, kennels, and performing animals
- j. reported that delegation of powers would be proposed as set out below:
  - Granting of a licence – delegated to officers.
  - Refusal of a licence – delegated to officers, appeal heard by full Licensing Committee. Appeal of council decision to be heard by a First Tier Tribunal.
  - Suspension of a licence – delegated to officers to be authorised by Team Leader or above. (to be heard by full Licensing Committee within 28 days)
  - The guidance issued by DEFRA 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 Procedural guidance notes for local authorities' Page 9, clearly set out the grounds for suspension of a licence and the mechanism for suspension dependent upon the offence as well as grounds for reinstatement.
  - Revocation of a licence – full Licensing Committee.
- k. advised on the recommendation in the report at section 11 of the report to consider the proposed fees prior to referral to Executive and then Council.
- l. invited members questions and comments.

Cllr Smith sought clarification regarding the position with the dog breeders.

Cllr Kerry raised concerns about the enforcement against, for example, dog breeders and how this would be dealt with. The PPASB and Licensing Manager advised that the team would act upon any information received. If an individual wanted to advertise on media outlets, they would need to provide a registration number in order to try to capture those smaller breeders. The Licensing Officer stated that it was difficult to predict what the enforcement levels would be at this stage.

Cllr Vaughan sought clarification regarding a right to appeal which was confirmed to end with the PPASB and Licensing Manager and the Assistant Director for Communities and Environment. Cllr Vaughan asking whether the council would choose the vet for this work.

The PPASB and Licensing Manager confirmed that a procurement process for authorised vet(s) to undertake this work would be commenced.

Cllr Vaughan sought clarification on enforcement procedures in relation to other performing animals other than owls.

The PPASB and Licensing Manager stated that the regulations included ferrets/bird demonstrations, however, would not include circus performing animals which were not permitted under other legislation.

Cllr Briggs sought clarification regarding the cost of breeding a dog, registering it, feeding/taking care of it and the profit relating to this.

The PPASB and Licensing Manager stated that if the applicant could prove the overall cost of vaccinations, microchipping, registering and raising the puppy up to point of sale etc. this amount would be considered in relation to the definition of dog breeders/permitted profit margins.

The Assistant Director for Communities and Environment reassured members that resources were in place to administer the legislative changes to the licensing of animal activities. The standards of the council were high and the legislation was welcomed by the team to consolidate the framework for this regime. It was suggested that a progress report back to the Committee be provided in 6 months' time.

### **The Decision**

That the following recommendations be referred to Executive and Council:

- 1 To approve the fees for all licensable activities under 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 of:
  - £250 plus Vet's fees
  - The revised figure for the performing animals licence of £220
  - A 10% reduction in fee for licences charged for catteries, kennels, and performing animals.
- 2 That a further progress report be provided to Licensing Committee 6 months after the commencement of the operation of the new regulations.

### **Reasons for the Decision**

A unanimous decision was reached by members of the Licensing Committee. Members fully supported the decision and members agreed with the proposals and were pleased to see the various regimes being brought together and were grateful for the work of the team.

Dated:                      Signed                      .....

Designation: Licensing Officer

Please address any communications to:

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