

**BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**

**ENVIRONMENT AND COMMUNITY PANEL**

**Minutes from the Meeting of the Environment and Community Panel held on Tuesday, 13th February, 2018 at 6.00 pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn PE30 5DQ**

**PRESENT:** Councillor C Sampson (Chairman), Miss L Bambridge, A Bubb, Mrs S Collop, J Collop (substitute for M Wilkinson), C J Crofts (substitute for G Hipperson), Mrs S Fraser, T Smith, Mrs J Westrop, D Whitby and Mrs A Wright (substitute for M Taylor)

**Portfolio Holders:**

Councillor I Devereux, Portfolio Holder for Environment  
Councillor A Lawrence, Portfolio Holder for Housing and Community  
Councillor Mrs E Nockolds, Portfolio Holder for Culture, Heritage and Health

**Officers:**

Sarah Dennis, Partnerships and Funding Officer  
Honor Howell, Assistant Director  
Lyn Ibbitson, Senior Housing Standards Officer  
Mark Whitmore, Principal Environmental Health Officer

EC74: **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hipperson, Taylor, Mrs Wilkinson and Richard Fisher, Arboricultural Officer.

EC75: **MINUTES**

**RESOLVED:** The Minutes from the previous meeting were agreed as a correct record and signed by the Chairman.

EC76: **DECLARATIONS OF INTEREST**

There were no declarations of interest.

EC77: **URGENT BUSINESS**

There was none.

EC78: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor Parish – Items EC81 and EC82.

**EC79: CHAIRMAN'S CORRESPONDENCE**

There was none.

**EC80: FINANCIAL ASSISTANCE SCHEME - THEMED REVENUE FUND (20 MINS)**

The Partnership and Funding Officer presented the report and explained that the Council operated a Financial Assistance Scheme to support local community groups. Local community groups must apply for funds and demonstrate that they met pre-set criteria. The theme of the annual £4,000 fund was decided on an annual basis and the report requested that members consider the use of the themed fund for 2018/2019.

The recommendation was that the themed fund be used towards the commemoration of the end of World War 1.

The Chairman thanked the Partnership and Funding Officer for her report and invited questions and comments from the Panel, as summarised below.

Councillor Smith asked if this would be a good opportunity to compose a list of all War Memorials in the Borough. Councillor Crofts commented that the Royal British Legion may already have a list and the Partnership and Funding Officer agreed to look into what records were already kept.

In response to a question from Councillor J Collop it was explained that certain criteria had to be met to access the fund and in the past it had been used for events, memorials and it brought communities and local groups together. He also asked what would happen if the fund was oversubscribed.

The Portfolio Holder for Culture, Heritage and Health, Councillor Nockolds explained that she would meet with the Partnership and Funding Officer and the Executive Director to look at the applications for funding against the criteria. Usually small amounts of up to £250 were awarded. The Panel was informed that a delegated decision would be published with the outcome of the applications, which all Councillors would be able to view and it would be subject to the usual call in process.

**RESOLVED:** The Panel recommended that the themed fund for 2018/2019 be used towards the commemoration of the end of World War 1 as detailed in the report.

**EC81: LITTERING AND DOG FOULING (30 MINS)**

The Principal Environmental Health Officer presented the report which provided an overview of the legislation relating to dog fouling and littering, an update on how the team managed complaints and presented options for future work in these areas.

The Chairman thanked the Principal Environmental Health Officer for his report and invited questions and comments from the Panel, as summarised below.

The Vice Chairman, Councillor Bambridge explained that she had worked with a Primary School on a PUP (Pick up Please) campaign and had carried out letter box drops and put up posters. Councillor Bambridge referred to other Local Authorities that had introduced Public Space Protection Orders (PSPO's) so that if dog owners did not carry a bag with them they could receive a fine. She asked if this was something that could be considered in the Borough. The Principal Environmental Health Officer explained that there was a PSPO in place in relation to dog fouling and restrictions on where dogs could go, for instance play areas and certain beaches. The Principal Environmental Health Officer explained that the current PSPO was up for renewal at the end of the year and lots of options could be considered during its review.

In response to a question from Councillor Bubb it was explained that the majority of dog bins were in Parishes and the Clean Up team would be able to provide figures on how many bins were in the Borough. Councillor Bubb explained that in Dersingham some of the dog bins were sponsored which helped to cover the cost and he suggested that this could be introduced in other areas. The Principal Environmental Health Officer informed the Panel that dog waste could go in any bin. Dog bins were more prominent in rural areas and popular dog walking areas.

Councillor Whitby highlighted problems within his Ward and explained that the Parish Council had been looking at options to try and reduce the amount of dog fouling. The Principal Environmental Health Officer explained that Parish Councils were welcome to contact the team for advice and guidance. He explained that Parish Councils would also be consulted during the review of the PSPO.

The Panel discussed fly tipping and it was explained that signage was used, but sometimes was not enough of a deterrent. The Principal Environmental Health Officer explained that if people were caught fly tipping they would be prosecuted. He explained that the Council could carry out investigations on private land, but it would be the land owner's responsibility to clear the land.

Councillor Mrs Collop raised concern that sometimes people could accidentally drop litter without realising and provided an example of where someone had been fined for accidentally dropping a receipt from their wallet. The Principal Environmental Health Officer explained that

enforcement officers should use common sense in cases like this and give the person the opportunity to pick up the litter if it was a genuine accident.

The Portfolio Holder for Environment, Councillor Devereux explained that the Borough Council had options when it came to problems with littering and dog fouling. They could educate, publicise and then take enforcement action where necessary. He explained that enforcement and prosecution was usually only an option when there was evidence to support it. He encouraged Members to support option two as set out in the report which was to bring back a report to the Panel outlining the scale of the problem of littering and dog fouling across the Borough and the resources required to deliver an enforcement strategy to address the problem effectively.

Councillor Mrs Westrop explained that she supported option two as she felt that dog fouling was a big problem. She explained that there was a lack of knowledge and personal responsibility and by taking forward option two, the scale of the problem would be identified. She also commented that the cost of licensing dog waste bins was sometimes an issue for Parish Councils.

In response to a question from Councillor Mrs Fraser, it was confirmed that any proposals for a new post would cover the whole Borough, not just King's Lynn. Councillor Mrs Fraser commented that a campaign had taken place in Grimston, where dog fouling had been sprayed with yellow paint, however this was a short term solution.

In response to Councillor J Collop, the Principal Environmental Health Officer explained that in the team there was three full time and three part time Community Safety and Neighbourhood Nuisance Officers, one Antisocial Behaviour Officer, and one full time and two part time Neighbourhood Officers. He commented that the team was very busy. In response to a question from Councillor J Collop, the Principal Environmental Health Officer agreed to confirm if any of their functions were charged to King's Lynn Special Expenses.

Councillor J Collop acknowledged that litter and dog fouling was a very important issue, but he referred to the challenging budget and how the Council was required to make savings. He explained that any extra posts would need to be justified and balanced.

The Principal Environmental Health Officer clarified that the Street Scene Team were involved in street cleaning and went out early in the morning, especially at the weekends. He explained that the Community Safety and Neighbourhood Nuisance Team were an enforcement team.

Councillor J Collop thanked all of the officers which were involved in the clean-up of North Lynn and the alleyways and explained that it was an ongoing project with the community.

Councillor Crofts explained that he also had concerns about the additional budget which would be required. He commented that he would like to see more dog fouling prosecutions. The Principal Environmental Health Officer agreed that it would be good to see more prosecutions come forward, but it was difficult to deal with as it had to be witnessed and there had to be sufficient evidence, which meant that officers would have to spend time in certain locations.

Councillor Smith commented that he received calls from residents to report problems, including hanging dog waste bags on branches. He explained that often bins got full, so bags would be just dropped next to the bin. He suggested that the Council investigate which bins were often very full and look at supplementing them.

In response to a further question from Councillor Smith, it was confirmed that if additional fines were issued it could contribute towards the cost of the new post.

Councillor Mrs Wright commented that she felt that the potential extra post was taking the focus in the wrong place. She referred to the success that the Portfolio Holder had had in increasing the rate of recycling through education and campaigning and she suggested a similar approach for littering and dog fouling.

The Portfolio Holder for Housing and Community, Councillor Lawrence explained that fast food wrappers on the highway, which had been thrown out of vehicles was also an issue. He suggested that car registration numbers could be put on the wrappers so that culprits could be identified. The Principal Environmental Health Officer explained that he would have a look at campaigns which had been run in other places to tackle fast food wrappers.

Councillor Parish, addressed the Panel under Standing Order 34 and commented that he was aware of previous legislation that meant that establishments were responsible for picking up litter within a radius of their premises. The Principal Environmental Health Officer explained that this was in effect previously but had been overridden by the potential for each area to bring into force a PSPO. The Council could introduce a PSPO for local businesses to clean up certain areas in their vicinity.

The Chairman, Councillor Sampson suggested that the use of volunteers could be investigated. He also made reference to nominating street residents to lead on issues in urban areas. The Chairman indicated that he supported option two.

The Vice Chairman explained that sometimes in areas where waste was collected in black bags, sometimes the bags would split or be ripped open and litter would be left on the street after the collection.

She also referred to the amount of litter in the Walks and how frequently it required clearing.

**RESOLVED:** That officers bring a fully costed report back to the Panel outlining:

1. The scale of the problem of littering and dog fouling across the borough.
2. The resources required to deliver a robust littering and dog fouling enforcement strategy to address the problem effectively.

EC82: **TREE STRATEGY (30 MINS)**

The Chairman reminded the Panel that they had previously considered the Draft Tree Strategy. The revised version was now presented to the Panel. The Chairman invited questions and comments from the Panel, as summarised below.

Councillor Bubb commented that the report made no mention of Mistletoe and he felt that in some cases it should be protected. The Portfolio Holder for Culture, Heritage and Health explained that the amount of Mistletoe in the Walks had increased and it could have a negative effect on the trees if there was too much. She explained that some may have to be cut down and it could be donated to charity so it could be sold. She explained that all trees in the Walks were checked annually.

The Portfolio Holder for Environment, Councillor Devereux commended the strategy and felt that it was useful to have a vision for the future and an implementation plan.

Councillor Parish addressed the Panel under Standing Order 34. He explained that he would like to see the Tree Preservation Order process made simpler and more detail on how developers and land owners could be encouraged to plant trees should be included. Councillor Parish commented that it would be good to have some sort of incentive for Parishes to plant trees, such as the ability to purchase discounted trees via the Borough Council.

Councillor Parish commented that there needed to be more stringent checks on planting schemes which were conditions of planning permissions to ensure that the correct planting had been carried out.

Councillor Mrs Collop and J Collop explained that they had an issue in their Ward with some large trees which were too big and out of control. Councillor Mrs Collop commented that large roots could cause issues with pushing up pavements.

Councillor Mrs Wright asked if community orchards were an option and it was explained that there were already several of these around the Borough.

**RESOLVED:** The Panel supported the draft Strategy.

EC83: **HOUSES IN MULTIPLE OCCUPATION AND HOUSING UPDATE (30 MINS)**

The Senior Housing Standards Officer presented the Panel with information on Houses in Multiple Occupation (HMO's) and future changes to legislation and requirements for HMO's.

The Chairman thanked the Senior Housing Standards Officer for her presentation and invited questions and comments from the Panel, as summarised below.

In response to a question from the Chairman, the Senior Housing Standards Officer explained that the problem in King's Lynn was not as bad as in some areas; however it was often difficult to get landlords to do the work to bring housing up to standard. She explained that an informal approach was tried first and the background to the case was investigated.

Councillor Smith thanked the Housing Standards team for their work as poor standards could be very dangerous. He asked if the Council could 'name and shame' bad landlords to warn the general public. The Senior Housing Standards Officer explained that Government would be creating a rogue landlord database which the Borough Council could add to and it would be publicly available.

Councillor Mrs Westrop welcomed the changes to requirements for HMO's including changing from a three storey house to a two storey. She explained that often there could be a lot of people living in a small house which were currently hidden under the radar. The Senior Housing Standards Officer explained that when the new conditions were introduced management regulations could be enforced even in a property that was unlicensed.

Councillor J Collop felt that sometimes fines were too minor punishment for landlords and in serious cases they should be prosecuted. He explained that the strongest punishment possible should be used for landlords who did not provide adequate living conditions. The Senior Housing Standards Officer explained that landlords had been successfully prosecuted in this area.

The Chairman encouraged the Panel to share information with officers if they were aware of a potential unlicensed HMO so that it could be investigated.

**RESOLVED:** (i) The Update was noted.  
(ii) A further update be presented to the Panel twelve months after the introduction of the new requirements for HMO's.

EC84: **WORK PROGRAMME**

Members of the Panel were reminded that an eform was available on the Intranet which could be completed and submitted if Members had items which they would like to be considered for addition to the Work Programme.

The following items were suggested for consideration to be added to the Work Programme:

- Markets
- Annual Cheese Fare
- Update on the Docks
- Pontoons

**RESOLVED:** The Panel's Work Programme was noted.

EC85: **DATE OF THE NEXT MEETING**

The next meeting of the Environment and Community Panel would be held on Tuesday 27<sup>th</sup> March at 2018 at 6.00pm in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn.

**The meeting closed at 8.05 pm**



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Houses in Multiple Occupation

Lyn Ibbitson, Senior Housing Standards Officer

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Definition of an HMO – Housing Act 2004

- Most Houses in Multiple Occupation are properties rented out to 3 or more people who do not form the same household and share facilities such as a bathroom or kitchen;
- There are other HMOs including some buildings converted into flats;
- A detailed definition can be found in the Housing Act 2004 s254-259

## Mandatory licensing of HMOs

HA 2004 – *the current situation*

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- Five or more people forming more than one household
- At least three storeys
- The occupants share toilet, bathroom or kitchen facilities
- Currently we have 30 licensed HMOs

## HMO Management Regulations

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- Adequate facilities for the level of occupancy
- Windows and bannisters in good repair
- Clean communal areas
- Regular testing of gas and the electrical system
- Overcrowding
- We risk assess the frequency of inspections

## Standards that apply in HMOs

HHSRS – 29 hazards e.g.

(6) Carbon monoxide (1) damp and mould, and  
(2) Excess cold



## HHSRS - overcrowding

(11) Overcrowding



## Standards that apply to all

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- Safe electrics



## HHSRS-apply to all properties incl. HMOs

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Falls between levels



Shower in a larder

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Receptacles strategically placed to catch rainwater

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What's behind the square window today?



A horse on the roof!



## The HMO Licensing process

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- Application completed, information supplied
- Validation (of documents provided)
- Check ownership, planning
- Assess the proposed management arrangements
- Issue a draft licence (consultation period)
- Right of appeal

## Identifying HMOs – how do we find them?

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- Via officers from other departments
- Neighbour's complaint
- Tenant's complaint
- Noise/ASB
- Extra bins being requested
- Police, Fire Service, Gangmaster and Labour Abuse Authority, Immigration
- Facebook, Gumtree!

## HMO investigations

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- Check any history on the property
- Create a new record and log info
- Officer makes contact to check on signs of multi-occupancy
- Visit and assess whether licensable or not
- If licensable, owner advised of process
- Officer, if able to assess the property condition, advise, take appropriate action

## Ministry of Housing, Communities and Local Government\*

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- Housing is back on the agenda at Cabinet level, and for the first time since 1970, *housing* appears in the title of the department and the title of the Secretary of State responsible for it, Sajid Javid.
  
- \* formerly DCLG



Government review of HMO licensing  
*...what is coming*

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- HMO licensing has had a positive impact on improving conditions in larger properties, but growth in the market has led to some smaller properties being let that fall outside the parameters of licensing;
- Expanding licensing will uncover any landlords letting properties below an acceptable standard and help to enable councils to require improvements;

Government proposals: to extend mandatory HMO licensing to include:

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- 5 unrelated occupiers – not dependent on having 3 storeys
- Self-contained flats (with 5 occupiers)
- Minimum sleeping room size 6.5m<sup>2</sup>
- Detailed definitions, effective date and guidance awaited (*probably April*)

HMO upstairs from restaurant



Plug socket behind the same bed with  
an extension lead on an extension lead



## HMO above another restaurant

Stairs from 1<sup>st</sup> to 2nd  
very steep  
uneven treads  
no handrail  
lino longer than the tread  
Window at the top only  
No artificial lighting



## A successful prosecution...



not an HMO but...

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unfortunately this is how some live

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## Fire in an HMO



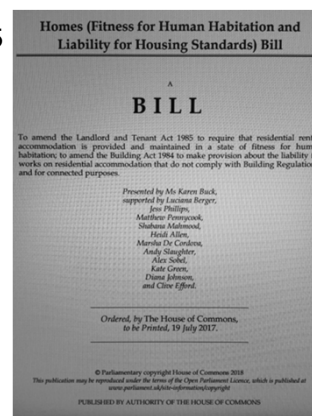
This HMO became a squat





## Homes (Fitness for human habitation)

- The government stated recently that it is going to support Karen Buck MP's Private Member's Bill which requires that properties to be fit when they are let.
- It amends the Landlord and Tenant Act 1985
- and the Building Act 1984
- Tenants will be able to take their own action.
- The second reading was on 19<sup>th</sup> January.



## Changes affecting bad landlords

- Civil Penalties – up to £30,000  
(money to the Council, not the Court)
- Rent Repayment Orders – up to 12 months' rent returned to tenant (or Council)
- Banning Orders – where a landlord with a poor track record can be regarded as not *Fit & Proper* not just for housing offences but those involving offences unrelated to housing

APPENDIX 1- Financial Penalty Notice Matrix

Factors	Score = 1	Score = 5	Score = 10	Score = 15	Score = 20	Total
1 - Deterrence & Prevention (Pick only one box to the right)	High confidence that a financial penalty will deter repeat offending. Informal publicity not required as a deterrence.	Medium confidence that a financial penalty will deter repeat offending. Minor informal publicity required for mild deterrence in the landlord community.	Low confidence that a financial penalty will deter repeat offending (e.g. no contact from offenders). Some informal publicity will be required to prevent similar offending in the landlord community.	Little confidence that a financial penalty will deter repeat offending. Likely informal publicity will be required to prevent similar offending in the landlord community.	Very little confidence that a financial penalty will deter repeat offending. Informal publicity will be required to prevent similar offending in the landlord community.	
2 - Application of Financial Incentive (Pick only one box to the right)	No significant assets. No or very low financial profit made by offender.	Little asset value. Little profit made by offender.	Small portfolio landlord (between 2-3 properties). Low asset value. Low profit made by offender.	Medium portfolio landlord (between 4-5 properties) or a small Managing Agent. Medium asset value. Medium profit made by offender.	Large portfolio landlord (over 5 properties) or a medium to large Managing Agent. Large asset value. Large profit made by offender.	
3 - Offence & History (Pick only one box to the right)	No previous enforcement history. Single low level offence.	Minor previous enforcement. Single offence.	Recent second time offender. Offence has moderate severity or small but frequent impact(s).	Multiple offender. Ongoing offence of moderate to large severity or a single instance of a very severe offence.	Serial offender. Multiple enforcement over recent times. Continuing serious offence.	
4 - Harm to Tenant(s) (Weighting x 2) (Pick only one box to the right)	Very little or no harm caused. No vulnerable occupants. Tenant provides no information on impact.	Likely some low level health/harm risk(s) to occupant. No vulnerable occupants. Tenant provides poor quality information on	Likely moderate level health/harm risk(s) to occupant. Vulnerable occupants potentially exposed. Tenant provides some information on impact but with no	High level of health/harm risk(s) to occupant. Tenant(s) will be affected frequently or by occasional high impact occurrences. Vulnerable occupants	Obvious high level health/harm risk(s) and evidence that tenant(s) are badly and/or continually affected. Multiple vulnerable occupants	Double score



	impact.	primary or secondary evidence.	more than likely exposed. Small HMO (3-4 occupants), multiple occupants exposed. Tenant provides good information on impact with primary evidence (e.g. prescription drugs present, clear signs of poor health witnessed) but no secondary evidence.	exposed. Large HMO (5+ occupants), multiple occupants exposed. Tenant provides excellent information on impact with primary and secondary evidence provided (e.g. medical, social services reports).	
Final Total					Add total of above here

Score Range	Fee
1 - 5	£250
6 - 10	£500
11 - 20	£750
21 - 30	£1,000
31 - 40	£2,500
41 - 50	£5,000
51 - 60	£10,000
61 - 70	£15,000
71 - 80	£20,000
81 - 90	£25,000
91 - 100	£30,000

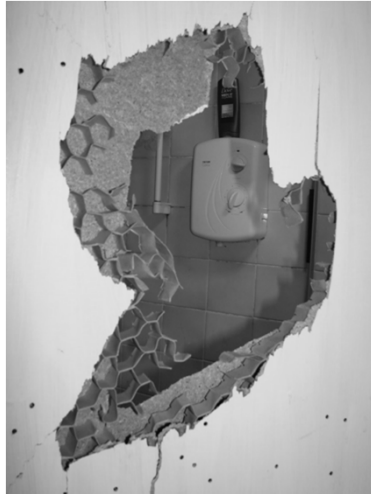
Scoring regime –

- Each row should be scored in order with only one option being chosen for each row.
- All rows MUST be scored.
- Note the score in the Total column.
- Factor 4 - Harm to Tenants has an additional weighting, which will double the selected score.
- In the final cell at the bottom of this column insert the final total.
- The score should then be compared to the sliding scale of enforcement fee to be levied.

## Minimum Energy Efficiency Standards

- MEES Regs – working towards rented properties only being rented out with satisfactory thermal insulation
- From April 18 for a new tenancy, a property should be rated an E on an Energy Performance Certificate (EPC)
- Bedsits don't require EPCs unless the building had previously been assessed. But a self contained flat within an HMO with shared facilities etc. does need one.

Boo



Poo



## Housing and Planning Act ...

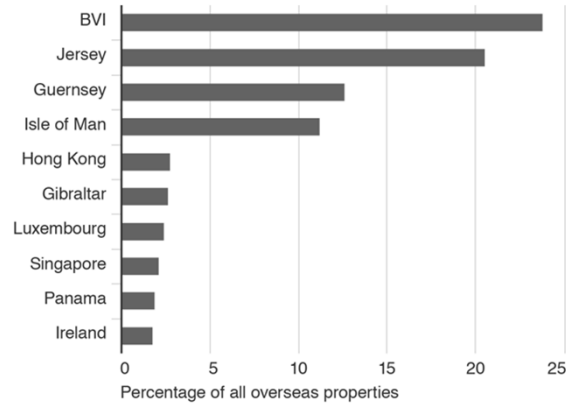
- Insert the following new Clause—
- **“Electrical safety standards for properties let by private landlords**
- in relation to—
- (a) the installations in the premises for the supply of electricity, or
- (b) electrical fixtures, fittings or appliances provided by the landlord.
- (3) The duties imposed on the landlord may include duties to ensure that a
- qualified person has checked that the electrical safety standards are met.
- (5) The regulations may require the landlord—
- (a) to obtain a certificate from the qualified person confirming that
- electrical safety standards are met, and
- (b) to give a copy of a certificate to the tenant, or a prospective tenant, or
- any other person specified in the regulations.
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## Property owners overseas

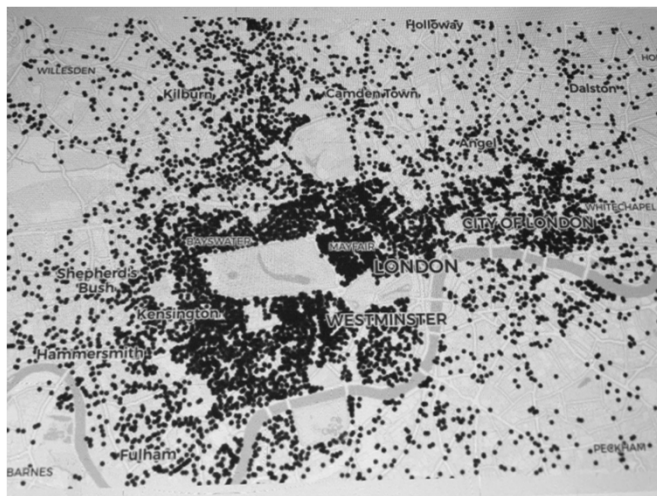


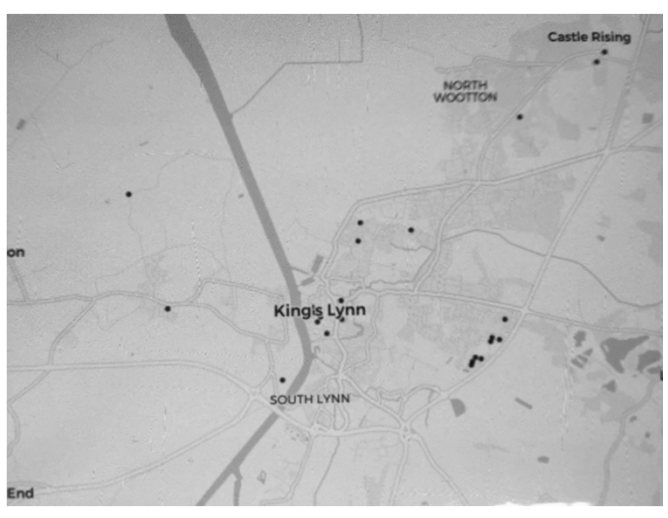
### Top 10 countries owning properties in England and Wales

One in four properties registered overseas are owned by companies in the British Virgin Islands (BVI)



Source: Land Registry Overseas Company Ownership Data, January 2018





Any questions?

