



CABINET: 10 APRIL 2019

Report of: Borough Solicitor

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SUBJECT: CALL IN ITEM – LEASEHOLDER PROPERTIES AND THE PLANNING PROCESS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To advise on the decision of the Executive Overview and Scrutiny Committee at its meeting on 28 March 2019 in relation to a called-in item referred back to Cabinet by the Executive Overview and Scrutiny Committee on Leaseholder Properties and the Planning Process.

2.0 RECOMMENDATION

- 2.1 That Cabinet give consideration to the resolution of the Executive Overview and Scrutiny Committee as detailed in paragraph 3.2 below in light of the comments of the Director of Development and Regeneration and Borough Solicitor contained within paragraph 4.0.

3.0 BACKGROUND

- 3.1 The Executive Overview and Scrutiny Committee at its meeting on 28 March 2019 considered a called in item from the Cabinet meeting of 12 March 2019 entitled “Leaseholder Properties and the Planning Process”.
- 3.2 The resolution of the Executive Overview and Scrutiny Committee is set out below:-

“That Cabinet asks the Chief Executive, in consultation with the Leader, to examine potential for any further measures that might be invoked, within existing legislation, which might reduce the onerous terms of the kind of leaseholds which are of concern to members”.

4.0 COMMENTS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION AND BOROUGH SOLICITOR

- 4.1 Existing legislation does not provide the Council with the power to intervene to reduce onerous leasehold terms. However, as noted in the Director of Development and Regeneration's report, the Secretary of State for Communities and Local Government has stated his intention to introduce new legislation to make the leasehold system in England fairer and more transparent. In addition, and as noted, the Law Commission's report on leasehold enfranchisement is awaited, as a change in the law will be required in order to afford better protection to leaseholders.
 - 4.2 Following consideration of the report by Cabinet on 12 March 2019, the Housing, Communities and Local Government Select Committee has lent its weight to the call for urgent reform through the publication of its report, on 19 March 2019, recommending a series of measures to redress the balance of power towards leaseholders in order to avoid their exploitation by developers, freeholders and managing agents.
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Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Report of the Executive Overview and Scrutiny Committee Meeting held on 28 March 2019