

**MEMBERS INTERESTS 2012**

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a person or body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

**Interest**

**Prescribed description**

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

## **CABINET**

**HELD: 18 JUNE 2013**  
Start: 7.30pm  
Finish: 8.40pm

## **PRESENT**

Councillor I Grant (Leader of the Council, in the Chair)

Councillors		<u>Portfolio</u>
Mrs Hopley		Landlord Services and Human Resources
M Forshaw		Planning and Development
A Owens		Deputy Leader & Housing (Finance), Regeneration and Estates
D Sudworth		Health, Leisure and Community Safety
D Westley		Resources and Transformation

### In attendance

Councillors: Bell, Furey, Pendleton,  
Savage

### Officers

Managing Director (People and Places) (Mrs G Rowe)  
Managing Director (Transformation) (Ms K Webber)  
Assistant Director Housing and Regeneration (Mr B Livermore)  
Assistant Director Planning (Mr J Harrison)  
Borough Solicitor (Mr T Broderick)  
Borough Treasurer (Mr M Taylor)  
Transformation Manager (Mr S Walsh)  
Head of Leisure & Cultural Services (Mr J Nelson)  
LDF Team Leader (Mr P Richards)  
Contracts Performance Manager (Mr P Samosa)  
Principal Member Services Officer (Mrs S Griffiths)

## **6. APOLOGIES**

There were no apologies for absence.

## **7. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS**

There were no items of special urgency.

## **8. DECLARATIONS OF INTEREST**

The Leader declared a non-pecuniary interest in item no. 6 (e) (Use of Section 106 monies in Aughton and Burscough) as a member of Aughton Parish Council.

**9. MINUTES**

RESOLVED: That the minutes of the meetings of Cabinet held on 19 March 2013 and 16 May 2013 be approved as a correct record and signed by the Leader.

**10. ITEM REFERRED FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - TENANTS CASH BACK SCHEME**

Councillor Owens introduced the report of the Borough Solicitor which set out comments referred from the Executive Overview and Scrutiny Committee at its meeting held on 4 April 2013, when scrutinising the above item.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the report on the Tenants Cash Back Scheme be considered by the Executive Overview and Scrutiny Committee prior to it being considered by Cabinet.
- B. That call-in is not appropriate as it relates to an item already considered by the Executive Overview and Scrutiny Committee.

**11. MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 235 – 464 and 479 - 512 of the Book of Reports.

(Note: With the agreement of Cabinet, the Leader varied the Order of Business as members of the public were in attendance at the meeting in relation to item 6(g) (West Lancashire Local Plan 2012-2027). The decision in relation to this matter is recorded at minute no. 19 below).

**12. COMPLAINTS MONITORING**

The Leader introduced the report of the Transformation Manager which presented data on complaints received by the Council from April 2012-March 2013.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the complaints data for April 2012 – March 2013 be noted.
- B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Corporate Overview and Scrutiny Committee.

**14. QUARTERLY PERFORMANCE INDICATORS (Q4 2012-2013)**

Councillor Westley introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 31 March 2013.

The Transformation Manager circulated copies of a revised report.

In reaching the decision below, Cabinet considered the revised report and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the Council's performance against the indicator set for the quarter ended 31 March 2013 be noted.
- B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Corporate and Environmental Overview and Scrutiny Committee on 11 July 2013.

**15. REGULATION OF INVESTIGATORY POWERS ACT - ANNUAL SETTING OF THE POLICY AND REVIEW OF USE OF POWERS**

The Leader introduced the report of the Borough Solicitor which reviewed the Policy on the Use of the Regulation of Investigatory Powers Act 2000 (RIPA) and the use of covert surveillance and the acquisition of communications data in West Lancashire over the last year.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED: A. That the RIPA Guide and Guidance on Completing RIPA Authorisation Forms be approved.
- B. That the Council's RIPA activity be noted.

- C. That Managing Directors and Heads of Service be authorised to appoint officers to attend the Magistrates' Court to seek orders approving the grant or renewal of authorisations for direct surveillance, covert human intelligence sources and acquisition of communications data.

## **16. TENANT INVOLVEMENT STRUCTURE**

Councillor Mrs. Hopley introduced the report of the Assistant Director Housing and Regeneration which sought approval of the updated structure for Tenant Involvement and the new role for the Tenants and Residents Forum.

Councillor Mrs. Hopley referred to Minute no. 6 of the Landlord Services Committee (Cabinet Working Group) held on 12 June 2013 which was circulated at the meeting, which supported the recommendations to Cabinet.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the new structure for Tenant Involvement at Appendix C to the report, be approved.
  - B. That the new role for the Tenants and Residents Forum at Appendix D be approved, and the Assistant Director Housing and Regeneration be given delegated authority to update the Tenants and Residents Forum Constitution as appropriate.

## **17. USE OF SECTION 106 MONIES IN AUGHTON AND BURSCOUGH**

Councillor Sudworth introduced the joint report of the Assistant Director Community Services/Assistant Director Planning which considered proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision within the wards of Aughton and Burscough West.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

- RESOLVED:
- A. That the proposed project to provide new play equipment to Redsands, Rachel Taylor Memorial Field and William Arnold Silcock Memorial Field in Aughton be approved and the Section 106 commuted sum of £11,805 generated in the Aughton area be made available for the project.

- B. That the proposed project for drainage work to Richmond Park Public Open Space be approved and the Section 106 commuted sum of £28,000 generated in this area be made available for the project.
- C. That due to the need to start work the Assistant Director Community Services be authorised, in consultation with the relevant Portfolio Holder(s), to deal with any resolution made at the Executive Overview and Scrutiny Committee in relation to the drainage work to Richmond Park Public Open Space.

**18. ABBEY LANE PLAYING FIELDS, TRANSFER TO COMMUNITY SPORTS CLUB**

Councillor Sudworth introduced the report of the Assistant Director Community Services which considered the transfer of the Abbey Lane playing fields to a community sports club as part of an opportunity to attract external grant funding in order to support drainage improvement works to the site.

In reaching the decision below, Cabinet considered the comments of Councillor Sudworth and the Leader and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- (A) That the proposals be approved in principle, but that a further report containing additional details and a draft community user agreement be submitted to the next meeting of Cabinet on 17 September 2013.
  - (B) That the report be referred to the Executive Overview and Scrutiny Committee on 4 July 2013 for any agreed comments to be submitted to Cabinet.

**19. WEST LANCASHIRE LOCAL PLAN 2012 - 2027**

Councillor Forshaw introduced the report of the Assistant Director Planning which sought approval for the proposed Strategic and Land Allocation Modifications to the Local Plan and to the public consultation on all Main Modifications to the Local Plan as part of the Examination process.

The Assistant Director Planning circulated copies of additional information (Appendix G) together with revised recommendations.

In reaching the decision below, Cabinet considered the additional information at Appendix G, the revised recommendations and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the proposed Modifications to the Local Plan on strategic and land allocation matters recommended by the Local Plan Inspector (provided at Appendices A, B and Appendix G, subject to Whittle Drive, Ormskirk (Plan reference Min 122) and Green Island, Skelmersdale (Plan reference Min123) remaining in the Green Belt), be endorsed.
- B. That a six-week public consultation on all the proposed Main Modifications to the Local Plan, as required by the Local Plan Inspector, be authorised.
- C. That call-in is not appropriate for this item as this matter is one where urgent action is required in order to maintain progress of the Local Plan towards adoption in 2013.

## **20. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of that Act and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

## **21. MATTER REQUIRING DECISION**

Consideration was given to the report relating to the following matter requiring decision contained on pages 465 – 477 of the Book of Reports.

## **22. WEST LANCASHIRE INVESTMENT CENTRE - STAFF RELOCATION**

Councillor Owens introduced the report of the Assistant Director Housing and Regeneration which considered the relocation of Regeneration and Estates staff from the Investment Centre.

In reaching the decision below Cabinet considered the details set out in the report before it and accepted the reasons contained in it.

RESOLVED: A. That Regeneration and Estates staff be relocated from the Investment Centre, Skelmersdale to 52 Derby Street, Ormskirk (as referred to in Option B to the report) by 30 September 2013 and the financial implications be approved.



- B. That in view of the current promotional and marketing activities which have resulted in a net increase of four tenants since January 2013 and a reduction in void levels (which will include the suites to be vacated by the Regeneration and Estates staff) a further report on the performance of the Investment Centre be submitted to Cabinet on 18 March 2014.

Note

No representations had been received in relation to the above item being considered in private.

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LEADER





**AGENDA ITEM: 5(a)**

**CABINET: 17 September 2013**

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**Report of: Assistant Director Planning**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Gillian Whitfield (Extn. 5393)  
(E-mail: [gillian.whitfield@westlancs.gov.uk](mailto:gillian.whitfield@westlancs.gov.uk))**

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**SUBJECT: COVERING REPORT TO UPDATE COMMUNITY INFRASTRUCTURE LEVY –  
DRAFT CHARGING SCHEDULE**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To provide additional information/clarity to the original report which has been considered by the Executive Overview and Scrutiny Committee and Planning Committee.

**2.0 RECOMMENDATIONS**

2.1 That subject to consideration of the agreed comments received from Executive Overview and Scrutiny (Appendix 4) and Planning Committee (Appendix 5), the draft schedule at Appendix 2 to this report be approved and made available for public representation for 6 weeks in September-November 2013 (the consultation period).

2.2 That delegated authority is granted to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning & Development, to make any amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public, together with all the representations received during the consultation period and a statement detailing any such modifications.

2.3 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 4 July 2013.

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### **3.0 BACKGROUND**

- 3.1 This report is a cover report to the Community Infrastructure Levy – Draft Charging Schedule Cabinet Report. The Cabinet report (Appendix A) and the Draft Charging Schedule (Appendix 2) were prepared back in June, so that they may be considered by Executive Overview and Scrutiny and Planning Committee and that any agreed comments could be passed to Cabinet for consideration. Therefore, given the time lapse, a couple of points within the main Cabinet report now require updating. These updates seek to provide clarity and additional information and therefore do not materially change the content of the Cabinet report that has been considered by both Executive Overview and Scrutiny and Planning Committee.

### **4.0 UPDATES**

- 4.1 Subject to Cabinet approval, the consultation event is now scheduled to run from Thursday 26<sup>th</sup> September 2013 to Friday 8<sup>th</sup> November 2013.
- 4.2 In addition to paragraph 5.1 of the Cabinet Report, for clarity it should be noted that at least 15% of the CIL funds raised must to be passed to the parish council where development has taken place. This figure rises to 25% where there is a neighbourhood plan in place. The money may then be spent by the parish council to deliver their own infrastructure priorities or can be put towards more strategic infrastructure that may be funded through other CIL receipts. Where there is no parish council in place, the Borough Council must engage with the community in order to decide how such funds would be spent.
- 4.3 At paragraph 5.5, the number of Local Authorities now charging CIL is 15.
- 4.4 Paragraph 5.6 refers to the Central Lancashire authorities (Preston, Chorley and South Ribble) and notes that they are awaiting the results of the CIL examination. The results have since been released and found that, subject to a number of modifications, the CIL charging schedule for the area was acceptable. This included a charge for residential dwellings of £65 per square metre.
- 4.5 The table at paragraph 6.8 sets out the proposed CIL rates within the Draft Charging Schedule. Under the development type ‘apartments’, the table should read in brackets ‘including retirement apartments’. This inclusion will provide clarity regarding retirement development and is reflective of the economic viability evidence. This will also be reflected in the Draft Charging Schedule Document at Appendix 2.
- 4.6 Appendix 2 contains the full Draft Charging Schedule document. The information at paragraph 3.6 of this document and the subsequent table refer to broad infrastructure projects that were identified through the Local Plan process and which demonstrate a funding gap for infrastructure in order to justify the introduction of a CIL charge. However, the table in its current format could be mistaken for a list of projects that the Council has committed to

spend CIL revenue on. Therefore, it is proposed that paragraph 3.6 and the subsequent table are deleted and replaced with the following paragraphs:

- 3.6 The IDS was refreshed over the summer of 2013 and includes many schemes that, at this time, don't have known costs that can be included in demonstrating the funding gap. However, a number of schemes are more advanced or have greater certainty and the cost or estimated cost for these has been considered in establishing the current funding gap for infrastructure. The IDS is available separately within the CIL evidence base documents.
- 3.7 It should be noted that the details within the IDS do not enjoy any formal status and it has been prepared and published purely for illustrative purposes in association with this consultation and subsequent Examination of the CIL Draft Charging Schedule. The purpose of this schedule is to demonstrate the funding gap that is required to deliver infrastructure to support development in the Local Plan; thus justifying the introduction of a CIL charge. The list does not limit the Council to spending CIL revenue on the contents of the IDS as this decision will be made by the Council and the local community once the tariff has been adopted and funds are generated.

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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**

An equality Impact Assessment is included as an appendix to the original report.

### **Appendices**

- A. Report of the Assistant Director Planning
  - 1. Equality Impact Assessment
  - 2. Draft Charging schedule
  - 3. Plan
  - 4. Minute of Executive Overview and Scrutiny Committee
  - 5. Minute of Planning Committee





## APPENDIX A

### AGENDA ITEM: **5(a)**

**EXECUTIVE OVERVIEW AND SCRUTINY:**  
4 July 2013

**PLANNING COMMITTEE:**  
25 July 2013

**CABINET: 17 September 2013**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation )

**Relevant Portfolio Holder:** Councillor M Forshaw

**Contact for further information:** Gillian Whitfield (Extn. 5393)  
(E-mail: [gillian.whitfield@westlancs.gov.uk](mailto:gillian.whitfield@westlancs.gov.uk))

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### **SUBJECT: COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE**

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Wards affected: Borough wide

#### **1.0 PURPOSE OF THE REPORT**

1.1 To inform Executive Overview and Scrutiny, Planning Committee and Cabinet of the proposed Community Infrastructure Levy (CIL) rates as set out within the Draft Charging Schedule (draft schedule) (Appendix 2) and to seek approval from Cabinet to begin a 6 week consultation period in September – October 2013 prior to submission of the document, in November 2013, to the Planning Inspectorate for Examination in Public.

#### **2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY**

2.1 That the content of this report and the CIL rates within the draft schedule (Appendix 2) be considered and that agreed comments be referred to Cabinet for consideration.

#### **3.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

- 3.1 That the content of this report and the CIL rates within the draft schedule (Appendix 2) be considered and that agreed comments be referred to Cabinet for consideration.

#### **4.0 RECOMMENDATIONS TO CABINET**

- 4.1 That Cabinet, subject to consideration of the agreed comments received from Executive Overview and Scrutiny (Appendix 4) and Planning Committee (Appendix 5), approve the draft schedule at Appendix 2 to this report to be made available for public representation for 6 weeks in September-October 2013 (the consultation period).
- 4.2 That delegated authority is granted to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning & Development, to make any amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public, together with all the representations received during the consultation period and a statement detailing any such modifications.
- 4.3 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 4 July 2013.
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#### **5.0 COMMUNITY INFRASTRUCTURE LEVY BACKGROUND**

- 5.1 CIL is a new financial charge on development in England and Wales that Local Authorities can choose to charge on new developments in their area. The funds raised can be spent on providing infrastructure to support new development. CIL can operate alongside Section 106 obligations where they are required for site specific issues but is intended to provide up front transparency for developers in terms of financial contributions and to reduce the need for complex Section 106 obligations.
- 5.2 Whilst the introduction of CIL is not mandatory, the limitations to the use of Section 106 through placing the tests into regulation and limiting the ability to pool monies towards infrastructure suggests that many Local Authorities will be encouraged to introduce the CIL or face considerable reductions in financial obligations to support new development.
- 5.3 In the past ten years the Council has successfully secured in excess of £1million each for public open space and transport improvements. The expenditure of these funds is ongoing and will continue to be until the funds have been spent.
- 5.4 However, moving forward it will become increasingly difficult for the Council to secure sums of money and spend them in accordance with the current arrangements. For example, public open space contributions are sought based on a standard calculation and then spent reasonably flexibly in consultation with ward and parish councillors. The limitations to Section 106 mean that a standard tariff approach, as set out within the Council's Open Space / Recreation Provision in New Residential Development Supplementary Planning Document (2009) will only be acceptable through a CIL charge. It also means that Section



106 obligations will need to be much more specific in the initial stages regarding the details of the project, thus removing some of the flexibility we currently have. Officers are already being faced with challenges from the large house builders who require detailed justification up front regarding the financial obligations which are being asked of them.

### CIL Update

5.5 When the CIL was initially established, it was never intended that all Local Authorities would introduce the charge. Only those that could demonstrate viability would be likely to make the transition and it was predicted that this would be around 75% of all local authorities in England and Wales. CIL has been in operation for over three years now and to date:

- More than 100 local authorities across the country are working on CIL with a view to introducing a charge. This has doubled in the last 6-12 months suggesting that CIL is picking up momentum
- 13 local authorities have adopted a CIL charging schedule.
- Several more local authorities are either waiting to go to examination or are awaiting the results of their examination, including Central Lancashire (Preston, Chorley and South Ribble).

5.6 In terms of Local Authorities in the North West, Trafford and Bolton (Greater Manchester Authorities) have published preliminary draft charging schedules for consultation. Within the Lancashire sub-region, the Central Lancashire Authorities have recently gone through an examination of a Joint CIL Charging Schedule in April 2013 and are awaiting the results which will be provided verbally at the time of the Cabinet Meeting (17 September).

## **6.0 CURRENT POSITION**

6.1 In March 2012 the Council engaged consultants Keppie Massie and Quantity Surveyors Tweeds to assess the economic viability of development in the Borough. This work demonstrated the amount of 'surplus' value within each type of development that is expected to come forward within the Borough at different locations. It is from within this 'surplus' that a CIL charge can be derived.

6.2 The findings of the viability work were then cross-referenced with the Council's housing land supply and new Local Plan development allocations to ensure that any proposed charge does not unnecessarily risk the delivery of development within the Borough. These results then went into the Preliminary Draft Charging Schedule which was consulted upon in February – March of this year.

### **Consultation Findings**

6.3 A total of 49 respondents submitted comments to the Preliminary Draft charging Schedule from a mix of landowners, developers, house builders, infrastructure providers and local groups. The responses were made up of the following:

	Number
Support	14
Object to the principle of CIL	9
Object to rate / approach	13
No objections / no comments	9
Observations	4
Total	49

- 6.4 The majority of those objecting to CIL were opposed to the approach to the rate setting or the rates themselves rather than the principle and in many cases the respondent noted an overall support to the principle of CIL. The remaining objectors were those who objected to the principle of CIL. This was to some extent appeared to be as a result of a misunderstanding of CIL and the possible benefits of the system. However, some were just entirely opposed to any further costs to developers / landowners, irrespective of the need to consider infrastructure delivery.
- 6.5 Of those who submitted detailed comments questioning the methodology for assessing viability, the assumptions used and the level of the rate of CIL recommended, no respondent was able to substantiate their objections with evidence to support why the rate should be different. Even after several follow up attempts by the Council and our consultants, no further evidence was submitted and all objections were responded to in full within the consultation report (available separately as part of the CIL evidence base or on request).
- 6.6 The CIL regulations require a charging schedule to be based on appropriate and available evidence. The evidence used to establish the West Lancashire rate is based on the consultant's thorough understanding of the local market, numerous sources of data and discussions with local and national developers and house builders.

### **Recommendations and changes to the draft schedule**

- 6.7 A number of points were raised within the objections and through the consultant's annual refresh of the viability appraisals that have been given further consideration and resulted in amendments to the evidence of the draft schedule. These include:
- 1) Apartments – the evidence suggests that apartment development is marginal or unviable. As Policy RS2 of the emerging Local Plan (2012-2027) requires 20% of new residential development to be for elderly use (subject to viability), it is considered pertinent to reflect the possible contribution apartments could make to this market and therefore set them aside from residential with a nil rate.
  - 2) Retail – due to a further decline in comparison<sup>1</sup> goods retailing since the initial assessments, more detailed analysis has been undertaken with refreshed data. This shows that, in the town centres, comparison retail development is only likely to be marginal with little or no scope to introduce a charge. Whilst the

<sup>1</sup> Comparison Retail - Comparison goods are those typically clustered together in high streets, town centres or retail parks where similar goods may be compared by the consumer. Such good include electrical products, appliances, clothing and items bought less regularly.

assessments showed greater viability for such goods out of town centres, the Council does not expect to see any proposals for this type of development within its area over the life of the Local Plan. As such, a nil rate has been proposed for comparison retail. However, the viability assessments showed that convenience retail (generally supermarkets) remains viable and the charge of £160 which was previously consulted upon is still affordable across the Borough (excluding Skelmersdale).

3) Food and Drink – updated viability assessments show that a more modest charge of £90 per square metre would be affordable than the rate of £186 per square metre that was originally consulted upon. The adjusted charge of £90 would still allow for a 50% viability buffer i.e. £180 per square metre is the maximum affordable amount.

6.8 In addition to the above, further evidence has been provided to demonstrate that the Council does indeed have an infrastructure funding gap and therefore a CIL charge can be justified. Also, additional evidence has been provided to demonstrate that retail, food and drink development in Skelmersdale is likely to be marginal as part of a regeneration scheme.

### Proposed Draft Charging Schedule

Development Type	Proposed CIL Rate (£ per square metre)	
	Zone A	Zone B
Residential (dwelling house)	£85	£0
Apartments	£0	£0
Retail – Comparison	£0	£0
Retail – Convenience	£160	£0
Food and Drink (A3/A4)	£90	£0
All other uses	£0	£0

**Zone A** – The entire Borough outside of Zone B (Map 1)

**Zone B** – Skelmersdale and Up Holland inner areas (Map 1)

### 7.0 Next Steps

7.1 If Members are minded to grant approval to consult on the Draft Charging Schedule, a period of 6 weeks public consultation will be undertaken to allow respondents a final opportunity to submit comments and additional evidence. Whilst the results of this consultation cannot be predetermined, given the above amendments have been made in response to the initial consultation and given no objector was able to provide any evidence to substantiate further objections relating to the CIL rate and viability assumptions, it is unlikely that any significant evidence based objections would be submitted at this stage.

7.2 Notwithstanding this point, any comments that are submitted will be given full consideration before being summarised ready for submission to the Planning Inspector for Examination. If as a result of the consultation exercise it's considered that further amendments are required to the Draft Charging Schedule, then in order to expedite the progress of the document, recommendation 4.2 of this report, seeks delegated authority to the Assistant

Director Planning in consultation with the Portfolio Holder for Planning & Development, to make such amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public. The submission to the Planning Inspectorate will include all the representations received during the consultation period and a statement detailing any such modifications.

- 7.3 Furthermore, the Government is currently consulting on a number of possible amendments to the CIL regulations to make sure the levy is as flexible as possible. This includes regulations relating to exemptions, self builders and possible extension of the deadline for the restrictions to pooling Section 106 obligations from 2014 to 2015. Whilst the implications of the consultation are mainly related to operational issues rather than setting the levy, it is worth considering all of the findings which should be available in September and could be taken into account before submission for examination.
- 7.4 Once submitted to the Inspectorate, it is likely that an examination date would become available early 2014 when the document would be examined in public. Whilst the process is similar to that of the Local Plan, it is significantly scaled back. The timescales for this process, and in particular, the submission of the CIL Draft Charging Schedule for examination, are subject to the progress of the Local Plan as an up to date development plan is a prerequisite for a CIL charge. However, it is anticipated that the new Local Plan will be submitted to Full Council for adoption in October 2013.
- 7.5 In the event the examiner finds the CIL Draft Charging Schedule to be acceptable, adoption of the CIL would be subject to a vote taken by Full Council. This would also take place within the New Year following the examination of the CIL Charging Schedule.
- 7.6 In addition to the production of the charging schedule, future reports detailing proposed protocols for governance and administration of expenditure of CIL revenue will be brought to Cabinet for Members to consider alongside the implications for Section 106 funding and expenditure.
- 7.7 Finally, once in place, the CIL charge will apply until it is either withdrawn by the Council or updated and replaced. The Government, within The Community Infrastructure Levy Guidance (April, 2013), strongly encourages authorities to keep their charging schedules under review to ensure that the CIL charges remain appropriate over time. For instance, as market conditions change, and also so that they remain relevant to the gap in the funding for the infrastructure needed. In the event an update is required the process would be the same process as applied to the preparation, examination, approval and publication of the initial charging schedule.
- 7.8 It should be noted that at this time, the Planning Policy Team are working with Lancashire County Council to update the infrastructure evidence that we currently hold in order to determine some indicative costs for required infrastructure in the Borough, so that we may reasonably demonstrate a funding gap that justifies charging a CIL. Whilst the Council is aware that there is a funding deficit to support necessary infrastructure, until this information has been confirmed by LCC we have left these figures blank within the Draft charging

Schedule and will complete that in advance of the report going to Cabinet in September.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 Securing revenue to deliver infrastructure in order to support development needs is fundamental in delivering sustainable development and is key to the delivery of the Community Strategy. Ensuring the revenue secured cannot be challenged, and potentially lost, is equally important to delivering the Community Strategy.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 The costs of preparing a CIL charging schedule, and managing the ongoing implementation of it, are capable of being met by the levy itself through the regulations which permit up to 5% expenditure of the levy on administration costs. It is difficult to estimate with certainty how much this administration charge will deliver in income to the Council but a figure of £27,000 p.a. has been identified as part of the Council's MSR proposals. There will be a cost of approx £22,500 for the Public Examination of the charging schedule. This cost will be met by the budget agreed by Council in July to meet one off and transitional funding requirements that may be needed to implement MSR proposals.
- 9.2 In terms of revenue implications, it is difficult to predict how much development will come forward and when. However, using the Local Plan housing delivery targets as a baseline, multiplied by the proposed charge of £85 per square metre, a rough projection ranges from £425,000 per annum in the beginning of the Local Plan period (2015/16) to £1.1million per annum later in the period (2022/23) or as an average of approximately £800,000 per year. However this figure is subject to housing delivery rates.
- 9.3 Statutory regulations govern the way in which a CIL Charging Schedule will be prepared and these are in accordance with requirements set out within the Council's Charging Policy.

## **10.0 RISK ASSESSMENT**

- 10.1 The Community Infrastructure Levy Charging Schedule will ultimately be subject to an independent examination to ensure that all the correct procedures have been followed in preparing the document and will assess whether the document can be considered "reasonable" or not. In the event that the Council elects not to pursue a Community Infrastructure Levy for the Borough, there is a risk that the scaling back of Section 106 Obligations will limit the amount of infrastructure that may be funded through development and impact the delivery of the Local Plan and ultimately the Sustainable Community Strategy.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>
May 2013	Community Infrastructure Levy Economic Viability Report (Final)
May 2013	CIL Appropriate Balance Report
6 <sup>th</sup> April 2010	The Community Infrastructure Levy Regulations
February 2011	The Community Infrastructure Levy (Amendment) Regulations
April 2013	The Community Infrastructure Levy (Amendment) Regulations
April 2013	The Community Infrastructure Levy Guidance (CLG)

### **Equality Impact Assessment**

Although there will be a direct impact on members of the public, employees, elected members and / or stakeholders, it is likely that these impacts will be positive as the proposed new policy for Community Infrastructure Levy will ensure development delivers necessary infrastructure and services to support sustainable communities. An Equality Impact Assessment is attached as an Appendix to this report, the results of which have been taken into account in the recommendations contained within this report

### **Appendices**

Appendix 1 – Equality Impact Assessment

Appendix 2 — Draft Charging Schedule

Appendix 3 - Plan

Appendix 4 — Executive Overview and Scrutiny Committee Minute 4 July 2013 (Planning Committee and Cabinet only)

Appendix 5 – Planning Committee Minute 25 July 2013 (Cabinet only)

**Appendix 1 - Equality Impact Assessment - process for services, policies, projects and strategies**

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:          People of different ages – including young and older people          People with a disability;          People of different races/ethnicities/ nationalities;          Men; Women;          People of different religions/beliefs;          People of different sexual orientations;          People who are or have identified as transgender;          People who are married or in a civil partnership;          Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;          People living in areas of deprivation or who are financially disadvantaged.</p>	<p>No</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Existing draft Community Infrastructure Schedules from other Local Authorities. Feedback from the Preliminary Draft Charging Schedule Consultation carried out February – March 2013.</p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Through the Local Plan community consultation process, the issue of a developer tariff system, such as CIL, has been raised and views taken through discussion groups and in written format. The views of the public and any affected groups were also sought at a Stakeholder event in September 2012 and further consultation undertaken earlier this year for the Preliminary Draft Charging Schedule.</p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-          Eliminate discrimination, harassment and victimisation;          Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);          Foster good relations between people who share a protected characteristic and those who do not share it.</p>	<p>The CIL could assist in delivering the Councils duty to “advance equality of opportunity” by meeting the needs of people through infrastructure and service provision.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>No negative issues were raised</p>





# West Lancashire Borough Council

## Community Infrastructure Levy Draft Charging Schedule Consultation Document

September 2013

**John Harrison, DipEnvP, MRTPI**  
Assistant Director Planning  
West Lancashire Borough Council

[www.westlancs.gov.uk](http://www.westlancs.gov.uk)

WEST LANCASHIRE



LOCAL PLAN

## 1. Introduction and Background

- 1.1 The Community Infrastructure Levy (commonly called CIL) was introduced in April 2010 and is a charge that developers pay on new development. It allows local authorities in England and Wales to raise funds from developers who are undertaking new building projects in their area. The money can be used to pay for a wide range of infrastructure that is needed as a result of development and can include, for example, transport schemes, green spaces and the maintenance of new infrastructure.
- 1.2 This document is the Draft Charging Schedule (DCS) for West Lancashire Borough Council's Community Infrastructure Levy (CIL) and it was approved for publication at a meeting of the Council's Cabinet on 17 September 2013. This consultation follows the Preliminary Draft Charging Schedule consultation carried out earlier this year. Any representations submitted in relation to the DCS will be summarised and submitted in full to the examiner along with the DCS for independent examination.
- 1.3 The DCS is published in accordance with Part 11 of the Planning Act 2008 (as amended by Part 6 of the Localism Act 2011), and Community Infrastructure Levy Regulations 2010 (as amended by the Community Infrastructure Levy (Amendment) Regulations 2013).

## 2. How to Comment

- 2.1 The DCS is published for a six week consultation period from Thursday 19 September 2013 to the deadline at 5pm on Friday 1 November 2013. Comments are welcomed from everyone and we would encourage you to complete the consultation response form available on the website and in libraries and at Council offices.

All supporting documents, and the consultation response forms, are available on the web at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL)

Comments can be returned via the following methods:

- Email: [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk)
- in writing to: John Harrison DipEnvP  
Borough Planner  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
L39 2DF

If you wish to discuss any aspect of this document or require further information please contact the Planning Policy Team on **01695 585393**

More information on CIL can be found on the Government's website at:

<http://www.communities.gov.uk/planningandbuilding/planningsystem/communityinfrastructurelevy>

### **3. Background Evidence**

- 3.1 In setting the CIL rate for West Lancashire, the Council must have regard for the CIL Regulations and strike an appropriate balance between the desire for funding from CIL to support infrastructure and potential effects of the imposition of CIL on the economic viability of development. To ensure an appropriate balance is achieved appropriate evidence has been used and is available separately on the Council's website.

#### **Local Plan**

- 3.2 A requirement for introducing a CIL charge is that the charging authority (the Council) must have an up to date Development Plan. The Council has been working on a new Local Plan to replace the existing Local Plan that was adopted in 2006. Once the new Local Plan has been examined and found sound by an independent planning inspector, the Council will adopt it as the up to date development plan for its area.
- 3.3 It is hoped that the new Local Plan will be adopted in October 2013. However, the information within the Plan has helped to guide the evidence base for the CIL and, in particular, to demonstrate an infrastructure funding gap and identify the development type and location likely to be subject to any forthcoming CIL charge.

#### **Infrastructure Funding Gap**

- 3.4 Planning for infrastructure requirements to support growth is a fundamental part of the Local Plan process. Therefore, the Infrastructure Delivery Plan (IDP) was first published in January 2012 and has subsequently been updated. The IDP sets out the baseline provision for infrastructure in the Borough and also identifies any existing deficits and where a deficit may be created as a result of proposed development within the Local Plan.
- 3.5 The Infrastructure Delivery Schedule (IDS) sits alongside the IDP and sets out a list of known infrastructure requirements. The IDS includes details relating to the infrastructure scheme, including location, when it should be delivered, who will lead the delivery, the cost and the likely funding mechanisms to deliver the scheme. This information is then used to demonstrate the total funding gap and is the justification for introducing a CIL charge in the Borough.
- 3.6 The IDS was refreshed in May 2013 and includes many schemes that at this time don't have known costs that can be included in demonstrating the funding gap. However, of those schemes that are more advanced or have greater certainty the cost or estimated cost has been considered in establishing the current funding gap for infrastructure which amounts **TBC**. The IDS is available separately within the CIL evidence base documents but, briefly, this figure includes the following information set out in table 3.1 below:

SCHEME	COST (£)
Electrification of Ormskirk to Burscough line	10 – 40 million
Railway connection to Skelmersdale from the Kirby – Wigan line	50 -100 million
Extension and refurbishment of Mere Sands Woods visitor centre	500,000
New Skelmersdale sports centre	12 million
Haskayne Cutting nature Reserve – Installation of an access boardwalk	8,000
Health Centre Improvements Skelmersdale	TBC
Health Centre Improvements Burscough	TBC
Extension to primary school Burscough	TBC
Improvements to or replacement library Burscough	TBC
Cycle	TBC
Cycle	TBC
<b>Total</b>	TBC

Table 3.1

### Economic Viability Assessment

- 3.7 In order to demonstrate that a CIL charge is affordable within the Borough an economic assessment of the viability of development has been carried out. The Community Infrastructure Levy Economic Viability Assessment (EVA) is available separately on the Council's website and it is the findings of this document that underpins this charging schedule.
- 3.8 As a starting point, the EVA had regard to the West Lancashire's Affordable Housing Viability Study (November, 2010). It also took account of existing and emerging planning policy and property market evidence. This information was used to formulate development scenarios that would be tested for viability. The full method and assumptions are set out within the EVA as are the findings which demonstrated the development surplus likely to be available to accommodate a CIL charge in relation to each development scenario.
- 3.9 Through the process of the EVA, a stakeholder workshop was held in order to gain some informal feedback at the earliest stage possible from developers and parties likely to be affected by a CIL charge. Consultation was also undertaken through the Preliminary Draft Charging Schedule and the findings of this consultation helped to update and refresh the EVA assumptions so that they are as current and relative to the market as possible.
- 3.10 An additional background paper has also been produced which compares the findings of the EVA with the actual housing land supply and other expected development types in order to fully understand the consequences of introducing a CIL charge within the

Borough. The Appropriate Balance Report (June 2013) is also available separately on the Council website and sets out recommendations for a CIL charge in West Lancashire, having regard to the required amount of infrastructure funding. The recommended rates have been tested within the EVA to ensure they can be reasonably accommodated.

#### 4. Draft Charging Schedule

4.1 In line with the CIL regulations, the following development types will be liable for CIL:

- Development comprising 100m<sup>2</sup> or more of new build floor space;
- Development of less than 100m<sup>2</sup> of new build floor space that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

For development that is liable for the CIL charge the below table sets out the proposed CIL rates for West Lancashire.

Development Type	Proposed CIL Rate (£ per square metre)	
	Zone A	Zone B
Residential dwelling house	£85	Nil
Apartments	Nil	Nil
Retail – Comparison	Nil	Nil
Retail – Convenience	£160	Nil
Food and Drink (A3/A4)	£90	Nil
All other uses	Nil	Nil

**Zone A** – The entire Borough outside of Zone B (Map 1)

**Zone B** – Existing Skelmersdale and Up Holland settlement area (Map 1)

#### Calculating the CIL Charge

4.2 The Council will calculate the amount of CIL chargeable on qualifying development in accordance with Part 5 of The Community Infrastructure Levy Regulations (2010) (as amended). In summary the amount of CIL chargeable is calculated as follows:

$$\text{CIL Rate (£)} \times \text{net chargeable floor area (m}^2\text{)} \times \text{BCIS index figure (at date of planning permission)}$$

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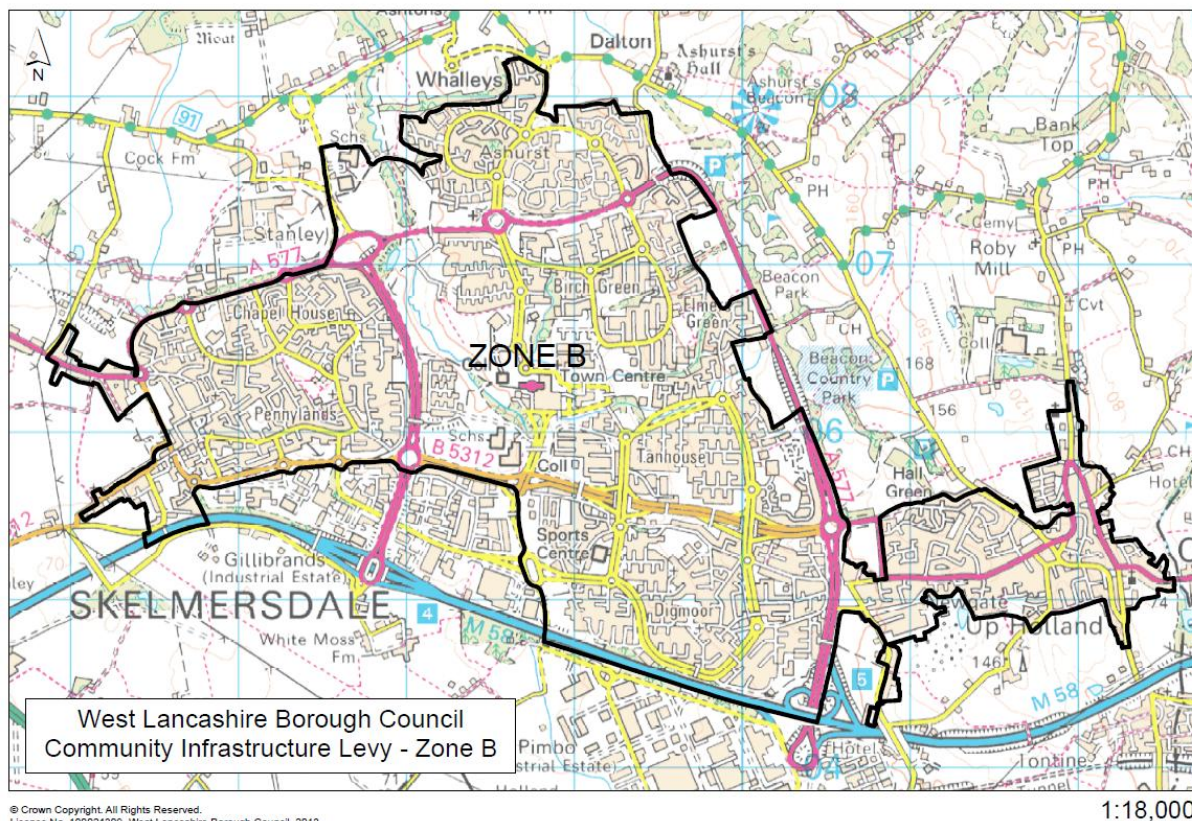
**BCIS Index figure (at date of implementation of the Charging Schedule)**

4.3 The above calculation multiplies the CIL rate e.g. £85, by the net new floor area and then adjusts the result accordingly to take account of inflation (BCIS index figure) at the time of planning permission. This ensures that any increase or decrease in inflation is reflected in the final chargeable amount.

4.4 The **CIL rate (£ per m<sup>2</sup>)** is the applicable rate from the above schedule.

The **net chargeable floor area (m<sup>2</sup>)** is the gross internal floorspace of the development minus the gross internal floorspace of any existing buildings that are to be retained or demolished, providing that they have been in continuous lawful use for at least six months in the past 12 months (Regulation 64). Where there is more than one use class on a development, the chargeable amount in each use class is calculated separately and then added together to provide the total chargeable amount. However, where the amount is less than £50 the chargeable amount is zero.

The **BCIS Index Figure (%)** is an annually updated measure of inflation published by the Building Cost Information Service (BCIS) of the Royal Institute of Chartered Surveyors (RICS). It ensures that the time between the grant of planning permission and commencement of development is taken into account.



## 5. Exemptions and Relief from CIL

5.1 The CIL regulations allow for certain types of development to be exempt from payment of CIL and also provide for two types of relief from CIL, mandatory and discretionary. The details of exemptions and relief circumstances are set out below:

### 5.2 Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings;
- Development of less than 100m<sup>2</sup> of new build floorspace, provided that it does not result in the creation of a new dwelling; this includes residential extensions;
- The conversion of a building in lawful use, or the creation of additional floorspace within the existing structure of a building in lawful use;
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations).

### 5.3 Development entitled to Mandatory Relief from CIL

- Development by registered charities for the delivery of their charitable purposes, as set out in Regulation 43 of the Community Infrastructure Levy Regulations 2010.
- Development of social housing, including rented and shared ownership dwellings that are let by a registered provider where the tenancy and shared ownership conditions are in accordance with Regulation 49 of the Community Infrastructure Levy Regulations 2010.

### **Exceptional Circumstances Relief from CIL**

- 5.4 Exceptional circumstances relief is not mandatory and the Council has the option whether or not to introduce such relief. To do so the Council must publish an exceptional circumstances policy on its website and will consider claims for relief on a case by case basis, provided the following three conditions are met:
- A section 106 agreement must exist on the planning permission permitting the chargeable development;
  - The charging authority must consider that the cost of complying with the section 106 agreement is greater than the levy's charge on the development and that paying the full charge would have an unacceptable impact on the development's economic viability. An assessment of this must be carried out by an independent person with appropriate qualifications and experience. The person must be appointed by the claimant and agreed with the charging authority;
  - Any relief the charging authority chooses to give must not constitute a notifiable state aid.
- 5.5 Such a policy is not part of the charging schedule and can be published at any time. The Government is currently consulting further on the above tests of qualification for exceptional circumstances relief and until this has been finalised, the Council is yet to make a decision regarding the introduction of such a policy.

### **6. Instalments Policy**

- 6.1 The majority of consultees who submitted representations to the Preliminary Draft Charging Schedule supported a policy which would allow payment by instalment. Consequently the Council is likely to introduce a CIL Instalment Policy in accordance with part 69B of the Community Infrastructure Levy (Amendment) Regulations 2011.

### **7. Consultation**

- 7.1 During the viability assessment process, a group of stakeholders were engaged in order to feed into the process. The stakeholders consisted of a cross section of representatives including house builders, retailers, land agents, housing associations, local authority representatives and County Council representatives.
- 7.2 During the first formal stage of consultation for the Preliminary Draft Charging Schedule, the Council engaged with the widest group of stakeholder's available and sought feedback on the key issues relating to the proposed CIL.
- 7.3 The Council took on board the comments received from the 49 respondents and detailed summaries of the submissions plus the Council's response and recommendations to the submissions are available in the Consultation Report on the Council's website at [www.westlincs.gov.uk/CIL](http://www.westlincs.gov.uk/CIL)

7.4 This final stage of consultation sets out what the Council considers to be the appropriate charge for the Borough and what will be submitted for independent examination.

## 8. Other Background Documents

8.1 Section three of this charging schedule sets out the key background evidence that supports the proposed charges and includes demonstrating there is an infrastructure funding gap and that development can reasonably afford to pay the CIL. Below is a full list of the documents which support CIL and are available on the CIL evidence page of the website ([www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL)):

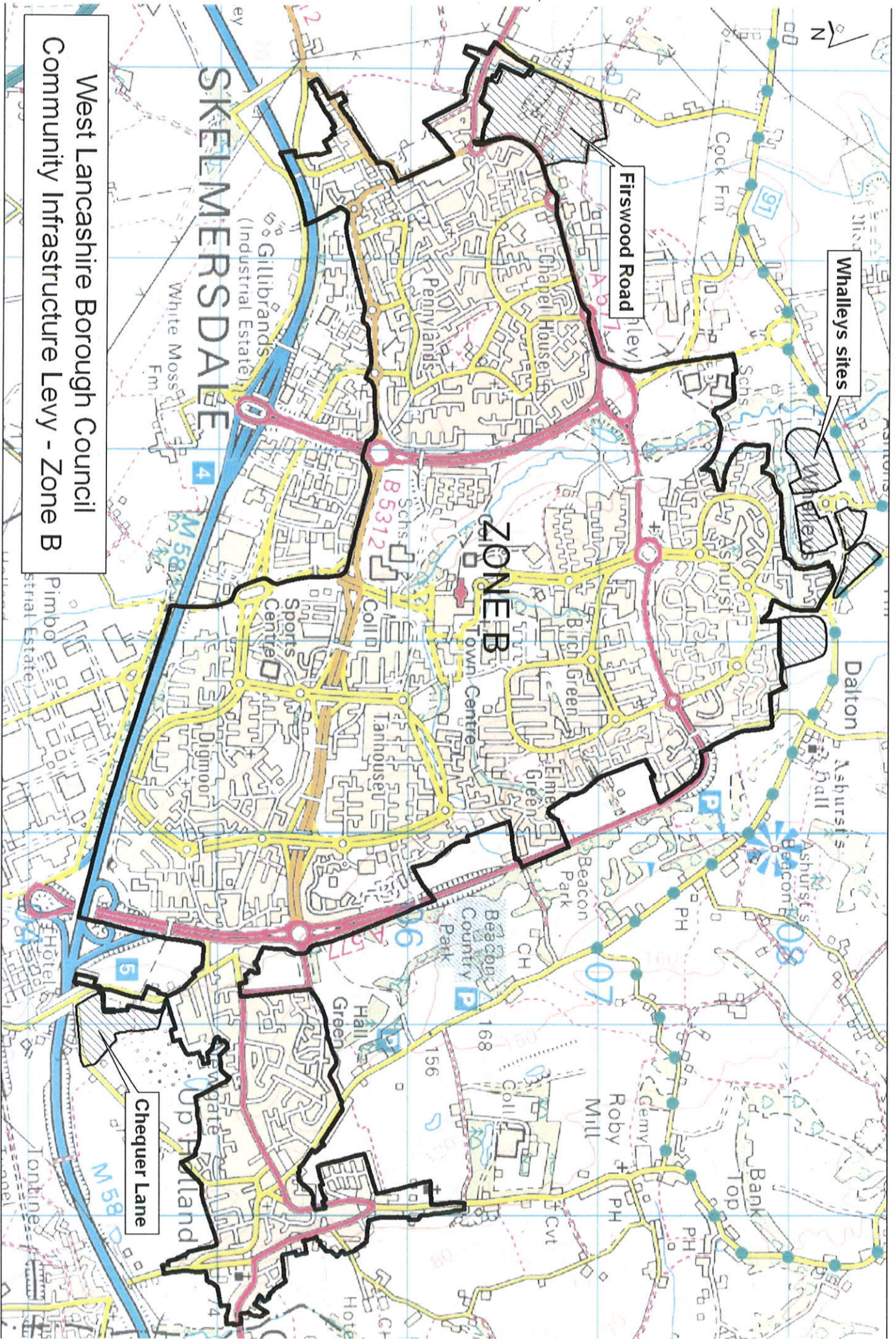
- **West Lancashire Economic Viability Assessment** (May 2013) – Sets out development viability in the Borough
- **West Lancashire Infrastructure Delivery Plan** (September 2012) – Sets out the existing and likely required infrastructure needed to support the Local Plan 2012 - 2027
- **West Lancashire Infrastructure Delivery Schedule** (June 2013) – Detailed list which is updated annually to reflect the delivery and progress of infrastructure schemes in the Borough
- **Appropriate Balance Report** (May 2013) – Sets out the justification for selecting the relevant charges, having regard to the economic viability evidence and the required infrastructure funding gap.
- **Approach to CIL and Section 106 Statement** (June 2013) – Sets out how the Council will manage both the CIL and Section 106 processes together.
- **Draft regulation 123 List** (June 2013) – Establishes what infrastructure types and projects will benefit from CIL funding and by omission, what could still be secured through Section 106 agreements in specific circumstances.
- **Draft Instalment Policy** (TBC) – This will establish an appropriate payment regime to assist with the development finance of larger schemes.
- **Draft Exceptional Circumstances Policy** (TBC) – Subject to the Government's consultation, this will set out the Council's policy regarding possible exceptional circumstances
- **West Lancashire Section 106 Performance Report** (June 2013) – Evidences the amount of funds secured through Section 106 obligations in the preceding 10 years.

## 9. Next Steps

9.1 Following consultation of this DCS, the Council will consider comments submitted and then provide these, along with any proposed modifications (set out in a Statement of Modifications) to the DCS to the inspector for full consideration through the examination process.



West Lancashire Borough Council  
Community Infrastructure Levy - Zone B





**CABINET: 17 SEPTEMBER 2013**

**MINUTE OF THE EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE: 4 JULY 2013**

**12. COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE**

Consideration was given to the report of the Assistant Director Planning, as contained on pages 89 to 107 of the Book of Reports, that provided information in relation to the proposed Community Infrastructure Levy (CIL) rates as set out within the Draft Charging Schedule (Appendix 2) that sought the views of the Committee prior to consideration by Cabinet on 17 September 2013.

Members raised comments and questions in relation to:

- The criteria relating to Zone allocation.
- The reasons for the inclusion of Up Holland in Zone B.
- The categories (development type) and the proposed CIL rate identified.
- The practicalities of assigning a “Zone C” and “Zone D”.
- Demonstrating CIL affordability against the economic assessment viability of a development.
- Comparisons against the approach used by other exemplified LA’s.
- The practical use of Section 106 monies.
- Opportunities to adjust future CIL charges.

The LDF Team Leader attended the meeting and responded to questions referencing details in the report. He explained that the report was due to receive consideration by the Planning Committee on 25 July 2013 and Cabinet on 17 September 2013.

The LDF Team Leader made an undertaking to provide a map, detailing the proposed Zone B, for inclusion with the papers for the item for 25 July 2013 Planning Committee.

As a consequence of the discussion on this item it was agreed that the following agreed comment be referred to Cabinet.

**RESOLVED:** That Zone B be reviewed and split into smaller zones with percentage viabilities rather than a blanket 0%, with particular reference to Up Holland.



**PLANNING COMMITTEE – 25 JULY 2013**

**28. COMMUNITY INFRASTRUCTURE LEVY - DRAFT CHARGING SCHEDULE**

Consideration was given to the report of the Assistant Director Planning as contained on pages 529 to 551 of the Book of Reports the purpose of which was to inform Members of the proposed Community Infrastructure Levy (CIL) rates as set out within the Draft Charging Schedule.

RESOLVED: That the contents of the report and the CIL rates within the draft schedule be noted.





**AGENDA ITEM: 5(b)**

**CABINET: 17<sup>th</sup> September 2013**

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**Report of: Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor V Hopley & Councillor A Owens**

**Contact for further information: Jonathan Mitchell (Extn. 5244)  
(E-mail: [jonathan.mitchell@westlancs.gov.uk](mailto:jonathan.mitchell@westlancs.gov.uk))**

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**SUBJECT: COUNCIL HOUSING LEASE ARRANGEMENTS**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the approach for Council housing made available to organisations under lease arrangements.

**2.0 RECOMMENDATIONS**

2.1 That the principle that council housing will be leased at social rent values, with the exemption of those leases in Appendix A, and the policy approach shown in Section 5 to be approved.

2.2 That exceptions to the policy of charging social rent values be considered when an organisation provides a service of social and community benefit and can demonstrate that they cannot afford to pay social rent levels.

2.3 That the Assistant Director Housing and Regeneration be given delegated authority in consultation with the Portfolio Holders for Landlord Services and Human Resources and Housing (Finance), Regeneration and Estates to enter into leases of Council dwellings where below social rents are deemed appropriate.

2.4 That the Assistant Director Housing and Regeneration be given delegated authority to obtain all necessary consents, approvals and permissions and to enter into all necessary documentation.

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### **3.0 BACKGROUND**

- 3.1 The Housing and Regeneration Service has a number of leases in place, whereby some of the Council's housing stock is let to external organisations.
- 3.2 Historically the rent charged to these organisations ensures that the income received is no less than that which would be achieved if the property were let as Council housing.
- 3.3 However, while this is the starting point of negotiations, the rent finally set under the lease, will have been based upon the delivery context, the type of service and/ or community benefit being provided by the organisation at the time the lease was commenced.
- 3.4 The majority of the leases commenced in the late 80's/90's when there was a drive to diversify the affordable housing offer available in the area by introducing different social housing providers. This meant that some housing associations leased property from the Council and this in turn provided local people with a wider choice of social housing landlord.
- 3.5 At the time this will have also assisted the Council who had some properties that were in need of significant capital investment and so lease terms were agreed that enabled the housing association to pay a low rent and thus invest in the property.
- 3.6 Leases also exist with organisations who are providing important services from their leased dwellings that help specific vulnerable client groups such as:
- ex-offenders
  - experiencing domestic violence
  - young and homeless / threatened
  - experiencing mental health problems
  - vulnerable by virtue of other reasons.
- 3.7 Such services have been helpful to the Council because they assist the Council in fulfilling its own statutory function and housing enabling role.
- 3.8 Having dedicated services in West Lancashire for vulnerable client groups, beyond that of emergency intervention which would ordinarily be provided by the Council, means that vulnerable clients have the potential to receive support in a manner that enables them to work through their crisis situation and take steps to move forward with their lives in an improved, person centred and co-ordinated manner. Such an approach is a more favourable solution to a crisis scenario than the Council having to react to emergency homeless situations and in the process, having to expend officer time and other Council resources.
- 3.9 In essence, where a below social rent has been charged, this would have been because the agreement would have been judged to provide some social and /or economic benefit to the Council.



- 3.10 Each lease at the time will have been considered on a case by case basis.
- 3.11 The organisation types who currently have leases for our Council dwellings consist of:
- Housing Associations
  - Small local charities
  - Statutory Agencies
  - Tenants Groups / Associations
- 3.12 There are approximately 100 Council dwellings subject to these different lease terms.
- 3.13 It is worth noting that funding approaches have changed over the years with the introduction of the Supporting People Programme in 2003. Some organisations have also reconfigured their services since their lease commenced and so it is now feasible that some organisations are able to absorb a full or partial increase in charge due to the way in which they are now funded.

#### **4.0 CURRENT POSITION**

- 4.1 Historically the Council has been able to be fairly flexible in its approach to making Council dwellings available to other organisations through leases. This would have been due to the circumstances at the time for both the Council but also the individual organisations. In some instances demand for Council housing was lower than is the case today.
- 4.2 Because of this past approach towards Council housing leases, there is an expectation from existing organisations that the Council would automatically continue to offer lease terms at below social rent, when it is time to renew a lease.
- 4.3 Although custom and practice endeavours to re-enforce the approach of income maximisation where appropriate, it would now seem timely to adopt a formal policy approach as shown in section 5 below.
- 4.4 This is particularly important given that there is an increased demand for Council housing and the fact that the Council housing service is now self-financing and so needs to ensure that the rental income derived from its dwellings is maximised so as to underpin its own financial business plan.
- 4.5 Officers are aware that they will need to seek legal advice as is appropriate to ensure that any lease negotiations, whether a lease renewal or granting of a new lease take account of relevant legislation that applies to such lease arrangements.

#### **5.0 PROPOSAL – POLICY APPROACH**

- 5.1 I have identified 7 properties in Appendix A which are let on a reduced rental basis and I believe for social value attributed to these should continue to be charged at a “peppercorn” rent and excluded from the policy approach referred to below.
- 5.2 The remainder of the leased properties identified in Appendix B would have a policy approach that falls within 2 parts (1&2).
- 5.3 Part 1 – It is proposed that the Council formally establishes the principle that any new lease arrangements for Council Housing shall require that Social rents apply. This shall be the same for any lease renewals of existing leases for Council Housing.
- 5.4 The rates to be charged would seek to achieve the equivalent to social rental income that would have been due, had those Council dwellings been let to households from the Council’s waiting list.
- 5.5 Part 2 - For some organisations increasing the lease charge to social rents will prove challenging.. This may also mean, if a service is being provided, they could no longer operate the intended service.
- 5.6 In such circumstances, where the organisation is able to clearly demonstrate that they are unable to absorb increased lease charges and that they have undertaken all reasonable steps to attempt to do so, then only when the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders is satisfied that they cannot pay the increased lease charges shall consideration be given to how best to proceed.
- 5.7 In considering how best to proceed the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holders would wish to understand the nature of the use of the Council housing and how its use meets the Councils Corporate and strategic housing priorities and if there is any added value by making it available to the organisation. The options available would be:
- a) Not allow the organisation to take a lease.
  - b) Issue a lease but at below social rent levels but with the organisation and Council agreeing the nature of the added value that is to be achieved by virtue of the Council allowing the lease to be provided at below social rents. This could take the form of a letter between both parties and / or memorandum of understanding that may also contain specific monitoring and review requirements.
  - c) Determine if another approach is appropriate. For example the Council charging market lease rates but provide a fixed grant per annum to the organisation, subject to Member approval.
- 5.8 It is intended that the above steps would help to ensure consistency of approach towards Council housing made available under lease arrangements and that of the commercial portfolio. Such a policy approach would enable improved transparency in considering whether to agree leases at below social rent levels.

- 5.9 This proposal will help Officers make informed decisions as to the nature of the services offered by organisations and how they fit within Council priorities.
- 5.10 Income maximisation is important to the Council but it is recognised that we work alongside a range of organisations that provide services to the local community. This policy approach is aimed at achieving the right balance between income maximisation and the provision of indirect Council support to organisations by way of reduced rent charges.

## **6.0 INCOME FROM HOUSING LEASED PROPERTIES**

- 6.1 At present the leases held with external organisations provide income of £43,000 per annum.
- 6.2 If rents were increased to a social rent level then income up to £113,000 per annum might be able to be achieved from those leases which are currently due for renewal or their lease ends in the next 12 months. This is based upon an average Council property rent of £72.79 per week.
- 6.3 Additional income to that referred to at paragraph 6.2 could be achieved but around 70 of the 100 Council dwellings are subject to lease periods whereby there is still at least 10 years of the lease term remaining.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 There are no negative sustainability / community strategy impacts associated with this report, however if the Council were to aim to achieve social rent for its leased Council housing there may be some organisations that would not be able to continue with a lease. This may mean subsequent closure of the services being provided by them. Part B of the proposal in Section 5 is intended to have due regard to the impact of any lease charge increases on a case by case basis in order that the Council can consider the nature of the services offered and whether Council support by way of reduced leases charges or other approach, is appropriate, dependant on the organisations contribution to Council priorities and strategic housing objectives.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 Council housing is an asset and it is only proper that income from its use is maximised, particularly given the fact the there is an increased demand for Council housing and that the service is now operating under self financing arrangements.
- 8.2 By establishing the principle that social rents will apply to Council housing leased to organisations this may result in an increased income stream.

## **9.0 RISK ASSESSMENT**

- 9.1 By adopting a policy approach as proposed in Section 5 of this report, it will allow Council Officers to consider whether organisations are able to pay social rental rates for the use and occupation of council housing dwellings and whether granting use of the Council housing to the organisations is making best use of this Council asset.

## **10.0 CONCLUSIONS**

- 10.1 It is not appropriate to assume that organisations who currently hold leases with the Council still require lease charges to be set at below social rent. Their funding circumstances may have changed since the lease was originally agreed and so they may have capacity to pay increased rents. It is still prudent to try and maximise income from our Council housing asset where appropriate.
- 10.2 At the same time the Council needs to be mindful that some of the organisations that use Council leased dwellings provide services to specific vulnerable client groups. They may have insecure funding and so may be more reliant upon the reduced lease rent approach than others.
- 10.3 By introducing a process as referred to in Section 5, that is applicable to all organisations, it will bring parity to the process, transparency and enable Officers to maximise rental income where appropriate, whilst also having due regard to the strategic importance of any services that are provided from some of our Council housing leased properties within a West Lancashire context.
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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**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Appendix A - Council Housing Property Subject to Lease Arrangements

Appendix B - Council Housing Property Subject to Lease Arrangements

Appendix C - EIA Initial Assessment

Appendix D – Minute of Landlord Services Committee held on 11 September 2013 (to follow)

**Leases to be granted on a discounted rate**

Birchwood Centre (Crisis and Information Centre)	4 properties
Muir Group Housing Association (Woman's refuge)	3 properties

**Properties Subject to Lease Arrangements where the new policy will apply**

Riverside Housing Association	4 properties
New Progress Housing Association	9 properties
Lancashire Fire and Rescue	2 properties
Lancashire Police Authority	2 properties
Stonham Housing Association	17 properties
Muir Group Housing Association	38 properties
New Flyde Housing Association	1 property
Carr Gomm Society LTD	9 properties
Salvation Army Housing	2 properties
Digmoor TRA	1 property
Tanhouse TRA	1 property

## Appendix C

### Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>No.</p> <p>This report does not aim to change existing practice, but to establish a formal policy approach towards the leasing of Council dwellings.</p> <p>A number of leases are made available to organisations who provide services to vulnerable people, however the application of the policy approach will not have a disproportionately negative effect on EIA target groups.</p> <p>Where a proportionate impact may occur it will be balanced by the use of our council asset in a manner that will still assist in meeting housing need to another of the EIA groups.</p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p>The Council housing register and Housing Need Survey 2010 demonstrates an increased demand for social housing. It is therefore appropriate to consider how best to use this important asset to meet housing and community needs whilst at the same time trying to achieve a rental income stream at maximum levels.</p> <p>The policy approach allows for organisations to request consideration of reduced lease charges by the Assistant Director of Housing and Regeneration in consultation with the Portfolio Holder for Housing. This will enable consideration to take place and understand how the organisation service might contribute to the Council priorities.</p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>It is intended to seek views from tenants groups to determine if they are comfortable with this approach in using council house assets.</p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</p> <p><i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>No.</p> <p>The underlying purpose of this policy is to ensure that council assets are used in the best way possible to meet housing need whilst also achieving a fair rate of rental return.</p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	<p>N/A</p>







**AGENDA ITEM: 5(c)**

**CABINET: 17<sup>th</sup> September 2013**

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**Report of: Transformation Manager**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor I Grant**

**Contact for further information: Mr B Davies**

**(E-mail: [Bernie.Davies@oneconnectlimited.co.uk](mailto:Bernie.Davies@oneconnectlimited.co.uk))**

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**SUBJECT: UPDATED BENEFIT FRAUD SANCTIONS AND PROSECUTIONS POLICY**

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**1.0 PURPOSE OF THE REPORT**

1.1 This report proposes updates to the current Benefit Fraud Sanction and Prosecution Policy to take account of the changes brought about by the Welfare Reform Act.

**2.0 RECOMMENDATIONS**

2.1 That the updated Benefit Fraud Sanction and Prosecution Policy as detailed on Appendix 1 to this report be approved for implementation as soon as practicably possible.

2.2 That the Managing Director (Transformation) keeps the Benefit Fraud Sanction and Prosecution Policy under review in light of developments to the Single Fraud Investigation Service anticipated for 2014/15 and report to Cabinet with proposed amendments to the policy when more information becomes available.

2.3 That delegated authority be given to the Managing Director (Transformation) in consultation with the Leader to vary the application of the policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

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**3.0 BACKGROUND**

### **3.1 Current Approach**

- 3.1.1 The Borough Council's current Benefit Fraud Sanction and Prosecution Policy allows the Benefits Investigation Team, managed within the Revenues and Benefits Service, to consider the appropriate action in respect of individuals or groups who are found to be committing Housing and Council Tax Benefit fraud.
- 3.1.2 Appropriate action can include prosecution or in certain circumstances an alternative sanction of an Administrative Penalty or Formal Caution
- 3.1.3 All of these sanctions are currently being applied by the Benefit Investigation Team.
- 3.1.4 In 2012 the Welfare Reform Act extended the circumstances in which Councils could apply Administration Penalties in benefit fraud cases. In addition the Act introduced a new permissive power for Councils to apply 'Civil Penalties' for cases where an overpayment had been caused by the claimant's negligence or omission but fraud could not be proven. Civil Penalties became available from October 2012 and Councils were permitted to apply them to any benefit overpayments occurring wholly after this date.
- 3.1.5 The Welfare Reform Act also set out the framework for the creation of a Single Fraud Investigation Service bringing together combined expertise from the Department for Work and Pensions (DWP), Local Authorities and HM revenues and Customs.

### **3.2 Changes to Administrative Penalties and Prosecution Arrangements**

- 3.2.1 The Borough Council's current Benefit Fraud Sanction and Prosecution Policy confirms the types of sanction (Administrative Penalty, Formal Caution and Prosecution) that can be considered at the conclusion of a benefit fraud investigation conducted by the Benefit Investigation Team.
- 3.2.2 In 2012/2013 the Benefit Investigation Team was successful in:
- Offering 11 Administrative Penalties
  - Offering 11 Cautions
  - Prosecuting 25 cases
- In 2013/2014 the Benefit Investigation Team has so far been successful in
- Offering 1 Administrative Penalties
  - Offering 3 Cautions
  - Prosecuting 15 cases
- 3.2.3 In 2010 central government produced the document '*Tackling fraud and error in the benefit and tax credit system*' that sets out a new national approach to address benefit fraud and error.

- 3.2.4 Alongside the introduction of Universal Credit the government will create a Single Fraud Investigation Service (SFIS). The government's stated aims in this regard are to:
- a. Bring together the combined expertise of the welfare benefit fraud investigation work undertaken by the Department for Work and Pensions (DWP) Fraud Investigation Service (FIS), local authority (LA) benefit fraud investigators and Her Majesty's Revenues and Customs (HMRC) (in relation to Tax Credits) into a single service, and;
  - b. Minimise and prevent fraud and error getting into the benefit system through detection and correction together with punishing and deterring those who have committed fraud.
- 3.2.5 Although there are plans for a standard 'National Sanction Policy' once full SFIS practices and procedures commence for all LAs, this is not yet in place. This is expected to be introduced by 2014/15, and therefore further reporting will be required to Members on this issue in the future.
- 3.2.6 However, due to changes contained in the Welfare Reform Act 2012, the Council's current Benefit Fraud Sanction and Prosecution Policy should now be updated. This will affect the current policy in respect of Administrative Penalties and prosecutions and introduce "Civil Penalties".
- 3.2.7 An Administrative Penalty is an alternative to prosecution where the perpetrator accepts that he or she is responsible for the overpayment. The Welfare Reform Act amended both the amount of and the reasons why an Administrative Penalty could be offered.

### **3.3 Civil Penalties**

3.3.1 From October 2012 Councils are allowed to apply "Civil Penalties" of £50 where an overpayment occurs wholly after that date. This is a permissive power for the Borough Council (i.e. which it may choose to apply in cases it considers appropriate) which can be applied against persons who 'negligently':

- make an incorrect statement or representation, or
- give incorrect information or evidence, or
- fail to provide information,

where this results in a benefit overpayment. The Civil Penalty provisions cannot apply to matters subject to benefit fraud sanctions. To date no cases suitable for a Civil Penalty have been identified by the Benefits Service, however this is likely to change as cases in payment from October 2012 or later fall to be investigated.

3.3.2 The Civil Penalty will be in addition to the requirement for repayment of the overpaid benefit and decisions to apply the penalty will be considered by the Benefit Service. A right of appeal is available to the customer.

3.3.3 The Benefits Service proposes to apply Civil Penalties only in circumstances where the specific criteria described above are clearly evident. These are likely

to be cases where fraud investigation has commenced, but a prosecution or other sanction is not considered appropriate.

### **3.4 Administrative Penalties and Cautions**

3.4.1 Administrative Penalties and Formal Cautions are considered lesser sanctions as an alternative to prosecution due to the circumstances being less serious than other cases (usually with the overpaid benefit being less than £2,500). Both Administrative Penalties and Formal cautions are currently being utilised by the Benefit Investigation Team.

3.4.2 If a fraud involves an overpayment in excess of £2,500 and / or the circumstances are aggravated, prosecution will be considered in the first instance.

3.4.3 An Administrative Penalty was previously equivalent to 30% of the benefit overpayment which the claimant agrees to pay on top of the overpaid benefit. A person is under no obligation to accept an Administrative Penalty; however a refusal will result in the matter being considered for prosecution. The Welfare Reform Act increased Administrative Penalties so that they are now equivalent to 50% of any overpayment and the minimum amount of £350. This is a technical change rather than a matter of policy as it is required by legislation. The Act also introduced a 'fixed' Administrative Penalty of £350 for attempted fraud where no overpayment was generated. The Council's Benefit Investigation Team has yet to identify a case that will fulfil the criteria for a fixed Administrative Penalty.

3.4.4 It is envisaged that the use of Formal Cautions will diminish over time as they are unlikely to be included in the practices and procedures of SFIS upon commencement.

### **3.5 Establishment of SFIS**

3.5.1 In 2010 the Government produced the document 'Tackling Fraud and Error In the Benefit and Tax Credit System' that sets out a new national approach to address benefit fraud and error.

3.5.2 A pilot period that includes 4 Local Authorities has commenced to test ways of working as well as the impact of a single investigation policy and the new legislation. Therefore some design decisions will change or evolve as the best way to proceed is developed.

3.5.3 The results of the pilot period will be known by 2014 and work on the long term organisational model for SFIS will be issued for consultation and agreement with Ministers. In 2014/15 full roll out to all LA's will commence including IT solutions.

3.5.4 SFIS will investigate suspected fraud within Universal Credit and legacy benefits such as Housing Benefit, Income Support and Job Seekers Allowance. However

SFIS will not investigate Council Tax Support, social housing fraud or other corporate frauds.

3.5.5 Further reports will be issued to Members to confirm the progress of the implementation of SFIS and the impact for the Authority.

#### **4.0 KEY ISSUES**

4.1 The Welfare Reform Act 2012 introduced amendments to the criteria in respect of offering Administrative Penalties for offences with benefit overpayment occurring wholly after 1<sup>st</sup> May 2012, and Civil Penalties for negligent acts resulting in an overpayment of benefit from 1<sup>st</sup> October 2012.

4.2 It is proposed to make a number of revisions and updates to the Council's current Benefit Fraud Sanctions and Prosecutions Policy as follows:

- Include the technical changes to Administrative Penalties. This includes a minimum Administrative Penalty of £350 or 50% of the overpayment, whichever is greater (up to a maximum penalty of £2000) for overpaid benefits occurring wholly after 1<sup>st</sup> May 2012.
- Include the change permitting a fixed Administrative Penalty of £350 where an offence of benefit fraud has been committed, but the fraud is discovered and stopped before any overpayment of benefit is made.
- Reduce the time an individual, either claimant or employer, has to withdraw their agreement to pay the penalty ('cooling off period') from 28 to 14 days for overpaid benefit wholly after 1<sup>st</sup> May 2012. This is another technical change.
- Include the permissive power to apply a £50 Civil Penalty for non-fraud matters determined from 1<sup>st</sup> October 2012 for negligent actions that result in an overpayment of benefit within the provisions of the Social Security Administration Act 1992 (as amended by the Welfare Reform Act 2012).

4.2.1 Other proposed revisions are as follows:

- Include the existence of the Welfare Reform Act 2012 into the Statement of Intent.
- Include further clarification and amendment in respect of variations to sanction guidelines within the 'Statement of Intent' to account for the Crown Prosecution Service (CPS) being the prosecuting body. This is because the CPS will gradually assume responsibility for all prosecutions as SFIS is established.
- Include reference to the Crown Prosecution Service being able to prosecute fraud investigated by the Benefit Investigation Team.

#### **5.0 CONCLUSION**

5.1 The Authority is required to maintain an up to date sanctions policy. This report provides an update to the current policy and brings it into line with current DWP

recommendations. The additional powers available to the authority in respect of Civil Penalties may now be required in respect of recent overpayments.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no significant financial or resource implications arising from this report.

## **8.0 RISK ASSESSMENT**

8.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant operational risk registers. Failure to implement the changes to the policy would result in the Council failing to adopt the full range of punishment and deterrents now available to the authority.

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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**

There is a direct impact on members of the public, employees, elected members and stakeholders. Therefore an equality impact assessment is required. A formal equality impact assessment is attached as an appendix to this report, the results of which have been taken into account in the recommendations contained in this report.

### **Appendices**

1. Updated West Lancashire Borough Council Benefit Fraud Sanction Policy
2. Equality Impact Assessment

## **Appendix 1: West Lancashire Borough Council Benefit Fraud Sanction and Prosecution Policy**

### **1. Statement of Intent**

West Lancashire Borough Council has a duty to administer claims for Housing Benefit and Council Tax Support and a responsibility to prevent and detect benefit fraud. West Lancashire Borough Council is committed to protecting public funds and will consider sanction action against any person suspected of committing benefit fraud pursuant to the Social Security Administration Act 1992 (as amended) and The Welfare Reform Act 2007 and The Welfare Reform Act 2012.

The decision on sanction action to be taken in each individual case will be the responsibility of the Benefits Manager. In the case of prosecutions whilst the Benefits Manager can recommend a case for prosecution the decision to prosecute ultimately rests with the Borough Solicitor or Crown Prosecution Service.

West Lancashire Borough Council will comply with the Code for Crown Prosecutors.

The application of the policy may be varied when it appears that it is not in the best interests of the public, or all parties concerned, or due to comments received from the courts in respect of prosecutions in consultation with the Managing Director (Transformation) and Portfolio Holder.

This may mean that on occasion sanctions may be offered that fall outside the financial guidelines detailed below.

The prosecuting body may prosecute non-benefit fraud offences that arise out of the same circumstances subject to relevant authorisation from the Council's Legal Services section. Variations on the sanction guidelines will be monitored.

### **2. Guidance for Prosecutions**

The test to be applied in respect of prosecutions is the "Full Code Test" as set out in the Code for Crown Prosecutors.

The Full Code Test has two stages. The first stage is consideration of the evidence. If the case does not pass the evidential stage it must not go ahead no matter how important or serious it may be. If the case does pass the evidential stage, it proceeds to the second stage, whether sanction is needed in the public interest.

(a) The Evidential Stage must be satisfied i.e. there is enough evidence to provide a "realistic prospect of conviction" against each defendant on each charge.

A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates or judge hearing a case alone, properly directed in accordance with the law, is more likely than not to convict the defendant on the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A court should only convict if satisfied so that it is sure of the defendant's guilt.

## (b). Public Interest Criteria

The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed.

A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution.

### **3. Recovery of Overpayments**

Regardless of whether or not any sanction action is taken West Lancashire Borough Council will attempt to recover all recoverable overpayments including Civil and Administrative Penalties. Action taken will pursue all available methods of recovering the debt including taking civil action when necessary. The prosecuting body in prosecution cases may apply for compensation/confiscation orders as appropriate.

### **4. Consideration of Prosecution**

Consideration will be given to prosecution in all cases where:

- there is clear and unequivocal evidence of fraud, and
- the amount of fraud exceeds £2,500, and/or
- aggravating features are present irrespective of the amount

### **5. Consideration of an Administrative Penalty**

The application of an Administrative Penalty \* will be offered as an alternative to prosecution where:

- the overpayment is less than £2,500, or
- the 'penalty' does not exceed £2,000 within the provisions of the Welfare Reform Act 2012, and
- the customer accepts the overpayment is their responsibility, and
- the Benefits Manager is satisfied that there is no overriding deterrent factor in pursuing prosecution.

\* a fixed Administrative Penalty of £350 will be applied where an offence of benefit fraud has been committed, but the fraud is discovered and stopped before any overpayment of benefit is made;

\* a minimum penalty of £350 or 50% of the overpayment, whichever is greater (up to a maximum penalty of £2000) will be applied for overpaid benefit wholly after 1<sup>st</sup> May 2012.

\* an individual, either claimant or employer, has 14 days to withdraw their agreement to pay the penalty for overpaid benefit wholly after 1<sup>st</sup> May 2012.



## **6. Consideration of a Formal Caution**

A Formal Caution as an alternative to prosecution will be considered where:

- the fraud is less than £2,500, and
- the customer has admitted the offence, and
- the Benefits Manager is satisfied that there is no overriding deterrent factor in pursuing prosecution.

When deciding whether prosecution is appropriate, every case should be judged on its own merits.

## **7. Consideration of a Civil Penalty of £50 when a person:**

- negligently makes or gives an incorrect statement in relation to a benefit claim without taking reasonable steps to correct them resulting in an overpayment or
- negligently fails to disclose information or report changes to their circumstances without reasonable excuse resulting in an overpayment.

within stated legislative provisions.

## **8. Publicity**

The Borough Council will have a clear publicity plan to create a strong deterrent effect and to encourage the reporting of benefit fraud.

The aims of the publicity will be to demonstrate:

- the effectiveness of our preventative arrangement,
- sophistication of arrangements to detect fraud
- the likelihood of proportionate sanctions being applied
- the likelihood of losses being recovered
- the ease of reporting fraud through the hotline number and the online referral form.

The Publicity Plan will be delivered by identifying cases and / or campaigns that are suitable and appropriate for publicity, are in the public and council's interest, and will help to achieve the aims of the plan and therefore the current approach/arrangements will continue in this respect.

<p>1.</p> <p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>None identified</p>
<p>2.</p> <p>What sources of information have you used to come to this decision?</p>	<p>Information contained within relevant legislation, good practice and that gained from experience of the operation of the Borough Council's current Benefit Fraud Sanctions and Prosecution Policy</p>
<p>3.</p> <p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>The recommendations in this report are consequential from welfare reform (including the Welfare Reform Act) and the establishment of SFIS. These changes have therefore been the subject of Central Government consultation.</p>
<p>4.</p> <p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010?  Duties are to:-  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>No</p>
<p>5.</p> <p>What actions will you take to address any issues raised in your answers above</p>	<p>No further action required</p>



## **AGENDA ITEM: 5(d)**

**CABINET: 17 SEPTEMBER  
2013**

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**Report of: Assistant Director Community Services/Assistant Director Planning**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillor D. Sudworth/ Councillor M. Forshaw**

**Contacts for further information: Mrs. P.F.Campbell (Ext.5144)  
(E-mail:paula.campbell@westlancs.gov.uk)**

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**SUBJECT: USE OF SECTION 106 MONIES IN TARLETON**

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Ward affected: Tarleton

### **1.0 PURPOSE OF THE REPORT**

1.1 To consider the proposal from Tarleton Parish Council regarding the use of Section 106 monies received by the Council, from housing developers, for the enhancement of public open space and recreation provision within the ward of Tarleton

### **2.0 RECOMMENDATION**

2.1 That the proposed project to provide a new English Cricket Board Approved practice cricket net available for use by the community be approved and the Section 106 commuted sum of £10,000 generated in this area be made available towards the £20,500 cost of this project.

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### **3.0 BACKGROUND**

3.1 Members will recall that under policy LE.13 of the local plan, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a developer to provide on-site facilities, and where there is a deficiency of open space, the Council can require a commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.

- 3.2 In accordance with the decision of the Planning Committee held on January 10<sup>th</sup> 2002 the views of the relevant Parish Council/ward councillors are sought in respect of the potential use of this money.
- 3.3 In February 2011 an Officer Section 106 Agreements – Public Open Space Working Group was established to co-ordinate the receipt of the commuted sums, and report to Cabinet on proposals for the use of the S106 funding. A function of this group is to establish levels of uncommitted S106 funds across all wards, and consult with Parish Councils and ward councillors as to how this funding could be best utilised in line with the requirements of the S106 agreements.

#### **4.0 CURRENT POSITION**

- 4.1 Following consultation with Tarleton Parish Council there is currently one new proposal to put forward for consideration for existing Section106 funding in this area. The proposal is set out in section 6 of this report. The funding can only be used in accordance with the terms of the related Section 106 agreements for the enhancement of existing areas of public open space within the localities.
- 4.2 The Assistant Director Planning offers the view that the proposed use of monies is in accordance with planning policy and the terms of the Section106 Agreement and consequently supports the proposal.
- 4.3 The proposal is in keeping with the aims of the Borough Council Play Policy and Cultural Strategy.

#### **5.0 PROPOSALS**

- 5.1 It is proposed to enhance the area by providing a new permanent outdoor cricket practice net at Carr Lane to be made available for community use.

#### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The project will support the Council's strategic aims in respect of improving access to quality facilities, providing facilities to improve the health and quality of life of the community, and ensuring access to a wide age range.

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The estimated capital cost of the proposal referred to at section 5.1 will be £20,500 for the cricket net project at Tarleton. The funding is split £10,000 section 106 funding with the remaining funding being from Tarleton Cricket club.

## **8.0 RISK ASSESSMENT**

- 8.1 Section 106 funds need to be spent in accordance with criteria set out in the related planning agreements and usually within a set time from payment. If the Council does not spend the monies in accordance with the set criteria then they will be repayable to the developer. This risk can be mitigated by assessing all project proposals prior to commencement to assure compliance, and working in partnership with the applicants to ensure criteria is adhered to.

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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**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 1 to this report, the results of which have been taken into account in the recommendations contained within this report.

### **Appendices**

Appendix 1 - Equality Impact Assessment – Use of Section 106 Monies in Tarleton ward.

Date: 23/08/2013

Completed by : P.F.Campbell.

<p>1.</p>	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>Use of Section 106 monies in the way proposed will improve access to open space facilities for all members of the community therefore the decision to support this scheme will not disadvantage or have a disproportionately negative effect on the above groups of people</p>
<p>2.</p>	<p>What sources of information have you used to come to this decision?</p>	<p>Consultation with Tarleton Parish Council and assessment by Section106 Working Group (Public Open Space).</p>
<p>3.</p>	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Proposals for these schemes were received from Tarleton Parish Council community consultation.</p>
<p>4.</p>	<p><i>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</i>  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Consideration of the needs of all the community will be considered as part of the design process, therefore support for the scheme can only help our ability to meet our duties under the Equality Act 2010</p>
<p>5.</p>	<p>What actions will you take to address any issues raised in your answers above</p>	<p>Regular liaison with Tarleton Parish Council throughout the design and implementation process will allow all issues to be considered.</p>



## **AGENDA ITEM: 5(e)**

**CABINET: 17<sup>th</sup> September 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor D Sudworth**

**Contact for further information: John Nelson (Extn. 5157)  
(E-mail: John.Nelson@westlancs.gov.uk)**

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**SUBJECT: ABBEY LANE PLAYING FIELDS, TRANSFER TO COMMUNITY SPORTS CLUB**

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The following wards are affected: -  
Ormskirk and Burscough Wards

### **1.0 PURPOSE OF THE REPORT**

1.1 To consider additional details of a proposed draft community use agreement and approve the Transfer of Abbey Lane Playing Fields to a Community Sports Club.

### **2.0 RECOMMENDATIONS**

2.1 That the Assistant Director Community Services and the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Health, Leisure and Community Safety and the Portfolio Holder for Housing (Finance), Regeneration and Estates be authorised to:

- (a) enter into and to grant a long term lease, subject to a Community Use Agreement, at a peppercorn rent to Burscough Juniors Football Club for the changing room and pitches located at Abbey Lane playing fields, as shown edged red on the attached plan, with provision for the club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.
- (b) identify and engage a contractor to carry out the drainage works on the site.

- (c) take all necessary steps, enter into all necessary agreements and to obtain any consents and permissions to facilitate the scheme.
- 2.2 That this item is not available for call in as it has previously been submitted to the Executive Overview and Scrutiny committee meeting held on the 4th July 2013.
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### **3.0 BACKGROUND**

- 3.1 At its meeting on 18 June 2013 Cabinet approved the proposals, in principle, relating to the Abbey Lane Playing Fields and asked that a further report containing additional details and proposed terms of a community user agreement be submitted to this meeting and also referred the report to the Executive Overview and Scrutiny Committee meeting on 4 July 2013 for comment.
- 3.2 At its meeting on 4 July 2013 the Executive Overview and Scrutiny Committee, considered the item 'Abbey Lane Playing Fields, Transfer to the Community Sports Club – Item Referred by Cabinet and resolved as follows:

“RESOLVED:

That the Council goes out to consultation to those “leagues” that used (Abbey Lane Playing Fields) in the last 10 years.”

### **4.0 CONSULTATION**

- 4.1 Further to the comment referred to Cabinet from the Council’s Executive Overview and Scrutiny Committee, a letter outlining the proposals and survey questionnaires was sent to the leagues which have used Abbey Lane Playing Fields in the last 10 years (both football and cricket).
- 4.2 The Chairman of the Ormskirk and District Football League assisted in identifying the league contacts, provided comment on the content of the questionnaire and offered assistance to other leagues who wished for further information/discussion.
- 4.3 A copy of the letter and questionnaire is attached at appendix 1.
- 4.5 The letter and questionnaire was sent to seven league organisations, four responses were received; Southport and District Cricket League, Craven Minor Junior Football League, Southport and District Amateur Football League and Ormskirk and District Sunday Football League.
- 4.6 The responses received were all positive regarding the proposals to enter into partnership with Burscough Juniors and to undertake the improvement works. All the leagues indicated that they would have teams interested in using the facilities in the future. The responses to questions 1, 2 and 3 were ‘yes’ from all



the respondents, with no proposals identifying funding from any other source. Concern was expressed regarding access for adult football matches; this has been taken into account in the drafting of the community use agreement.

#### 4.7 General comments received.

- We fully support Burscough Junior Football club in securing the long term use of recreational facilities in the area. We fully support the club in their far sighted initiative. (*Craven Minor League*)
- Any assistance for the opportunity for juniors and adults to play football on a good pitch is supported. We hope that junior footballers would eventually wish to continue playing football when they become eligible for open age football the S&DL will positively benefit from players wishing to join our league as a club or individually. (*Southport and District Amateur Football League*).
- The West Lancashire Area and Burscough in particular suffer from a shortage of public grass football pitches available to adult teams.... Having made use of the Abbey Lane site over previous seasons we would accept two pitches being made available for adult Sunday Football.... Whilst as an FA affiliated league we FULLY support youth development, the removal of Abbey Lane as a venue for adult Sunday football would undoubtedly see a decline in participation in the Ormskirk and Burscough area as no other viable alternatives are available without excessive travel. (*Ormskirk and District Sunday Football League*).

#### 5.0 CURRENT POSITION

- 5.1 Burscough Juniors have agreed to maintain provision for six full size adult pitches at Abbey Lane Playing Fields and to make them available for clubs to hire the facilities both for one off games and as part of a league programme. In addition access will be maintained for cricket teams and leagues to hire the facilities and access will be maintained for the Archery club to be based at this site.
- 5.2 Burscough Juniors arrange for a fun day at Abbey Lane on Saturday 20<sup>th</sup> July 2013, this was to allow the team managers, club officials/principals, players and parents a chance to look at the facilities and engage in the opportunities and challenges for the club should the transfer proceed. The event was successful with a high level of attendance from club members, officials and parents.
- 5.3 The club are currently working on the business plan and the final grant submission document which is to be submitted to the Football Foundation at the end of October.

## 6.0 COMMUNITY USE AGREEMENT

- 6.1 A Community Use Agreement will form part of the lease documentation for the site. This will ensure access is provided to other sports clubs and sports activities outside of football, protection of the existing cricket pitches, access for archery and for other sports to ensure multi sports access and protect community use for the site.

The key components and aims of the of the community use agreement are:

Burscough Junior Football Club (The Club) will be required to

General Principles:

- Provide opportunities for local community and sports organisations to participate in sport and physical activity for health improvement and development;
- Operate in line with the national agenda for sport taking into account nationally adopted strategies;
- Generate positive attitudes in sport and physical activity by young people and reducing the drop out rate in sports participation;
- Increase the number of people of all ages and abilities participating in sport and physical activity including people with disabilities;

Specific items:

- Maintain access for other teams outside of Burscough Juniors Football Club to use the site.
- Maintain provision during the football season for 6 adult size football pitches on the site.
- Maintain provision during the cricket season for 2 cricket squares and markings for cricket matches during the cricket season, including provision to rotate use of the outfield of the cricket area between junior and senior games to minimise surface damage.
- Maintain access during the identified outdoor season for an archery club to access the site, including provision to rotate use of the pitch in the designated archery area between junior and senior games to minimise surface damage.
- For all of the above the club will be able to charge a hire fee. A charging schedule should be submitted to the Council on an annual basis; such charges should be comparable to charges found locally, (Lancashire and Merseyside area).
- The Club will be required to provide utilisation information, providing a breakdown of use across the range of sports, activities, gender and age.

- 6.2 The community use agreement will operate for as long as the facilities are provided in accordance with the Lease.
- 6.3 The Councils Head of Leisure and Cultural Services (or other appointed representative) will meet with the Chairman of Burscough Juniors FC on an annual basis to assess the adequacy and compliance of the implementation of the community use agreement.

## **7.0 THE TRANSFER PROCESS**

- 7.1 The Club require security of tenure of at least 25 years in order to secure the Football Foundation grant funding. The Club have requested a lease of a minimum period of 25 years to secure the grant but would welcome a longer term. A plan of the site is attached at appendix 2.

## **8.0 DISPOSAL**

- 8.1 Abbey Lane playing fields was purchased from Lancashire County Council by West Lancashire District for the sum of £51,250 in 1992. The site had formally been the camp for nearby former Burscough aerodrome. The land is in the asset register as having a de minimus value however the changing rooms/pavilion area has an existing use value of £584,153. Members should be mindful that by granting a lease of at least 25 years to the Burscough Junior football club the site is effectively taken out of the Council's control for purposes of the Strategic Asset Management Plan (SAMP) process. However, officers believe that there is sufficient alternative sites which could be utilised in this regard.
- 8.2 The disposal is at less than best value but members may believe that the social, economic and environmental benefit which will be gained by letting the site and securing the funding for drainage works is sufficient mitigation.
- 8.3 The disposal of a facility/land at less than the best value that can reasonably be obtained may require Secretary of State Consent. Providing that the undervalue does not exceed £2m and that there are social, economic and environmental benefits in transferring the land then the Council can transfer the land at an undervalue and there will be no need to obtain specific Secretary of State consent. The Land is accorded the status of EN3 Green Infrastructure/Recreation Space in the soon to be adopted Local Plan which will be in force until 2027 and accordingly its valuation does not exceed £2m therefore Secretary of State Consent is not required.
- 8.4 The transfer to the Club provides the Council with significant grant funding which would not otherwise be available to the Council. The benefits to the community from this arrangement include investment to improve the site facilities and secure and provide for long term sustainable community facility.

## **7.0 PROPOSALS**

- 7.1 It is proposed that subject to discussions with Burscough Juniors Football Club, that the Council enter into a long lease (minimum 25 years) at a peppercorn rent for the facilities at the Abbey Lane site, with provision for the

Club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.

- 7.2 The lease with the Club is conditional to the Club being awarded the Football Foundation grant funding.
- 7.3 The Council will continue to provide day to day grounds maintenance under an agreed schedule. The Council would continue to cut the grass and undertake routine day to day grounds maintenance tasks under the existing specification.
- 7.4 The Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of a replacement drainage system. It is proposed that this sum continues to be allocated to the site.
- 7.5 The Club have agreed to undertake the responsibility for service charges, building and access maintenance and any additional grounds maintenance work for the site, including day to day works and supplementary costs for ongoing drainage maintenance works and improvements.
- 7.6 The changing rooms and main building facility will be leased on a full repairing lease with responsibility for the club to maintain the facility during the lifetime of the lease.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 The proposals will allow Burscough Juniors Football Club to increase involvement in community activity and club development and subject to grant funding, will support access to quality facilities and will have a positive impact on health, inclusion and community use of the site.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 The Council have allocated a capital sum of £100,000 towards the drainage improvement works at the Abbey Lane site.
- 9.2 In addition to the capital funding the Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of the drainage system. It is proposed that this sum continues to be allocated each year to fund scheduled annual maintenance works for the drainage system with this work being coordinated by the Borough Council.
- 9.3 As previously reported a small reduction on staff cost will be achievable as a result of the transfer of the Abbey Lane site to a community club, the employment contract changes will result in a notice of compulsory redundancy for a small proportion of the contacted work. A redundancy cost associated with the loss of summer hours will need to be accommodated; this is expected to be less than £500.
- 9.4 The overall cost of managing the site under this arrangement will be lower than the Councils current operating costs, the club will be able to attract a reduction

on the rates payable for the site of 80% and be able to reduce operational costs for the site as a result of voluntary support for the club.

9.5 Savings will be achieved for the Council from building service and building maintenance costs which will be reduced as a result of the transfer this is estimated at £10,800. Although the Council will no longer collect income from the site in the future.

9.6 The budget income estimates for 2013/14 is £4,600. This budget income figure will not be achieved in this year and would not in any case be achievable in future years without the capital investment grant funding and drainage improvements.

## **10.0 RISK ASSESSMENT**

10.1 The granting of a long lease and license to the Club for the Abbey Lane site will restrict the Councils options for this site for the term of the agreements.

10.2 The Club may cease to operate or may not be able to sustain the operation of the site. The facilities would then be transferred back to the Borough Council. Assessment of the business plan and governance arrangements for the Club will be scrutinised to identify and minimise any problems with the sustainability of the Club. The award of the Football Foundation grant will be subject to providing a viable and sustainable business plan.

10.3 The grant application to the Football Foundation is made by Burscough Juniors Football Club; the award of any grant will be to Burscough Juniors Football Club. While the Council will facilitate the project management and engagement of the contractors for the works, the responsibility for any potential clawback from the Football Foundation for non performance and future delivery remains with the club.

## **11.0 CONCLUSIONS**

11.1 That Burscough Juniors Football Club provides a valuable community and recreational service and the Council should support their development proposals by providing the security of a dedicated site for the club to develop. The lease option will also provide access to external grant funding for improvements to the site from a grant source which would not otherwise be available to the Council.

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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**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 3 to this report, the results of which have been taken into account in the recommendations contained within this report.

## **Appendices**

Appendix 1	Consultation letter and questionnaire.
Appendix 2	Plan of the site
Appendix 3	Equality Impact Assessment.



**Directorate of People and Places**  
**David P. Tilleray BSc(Hons) MBA MCIEH**  
**Assistant Director Community Services**

**Robert Hodge Centre, Stanley Way**  
**Skelmersdale, West Lancashire, WN8 8EE**  
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*Email:* [emma.davies@westlancs.gov.uk](mailto:emma.davies@westlancs.gov.uk)

*Date* 1<sup>st</sup> August 2013

*Please ask for:* Emma Davies  
*Direct dial no:* 01695 585145  
*Extension:* 5145

## **Abbey Lane Playing Fields – Transfer to Community Sports Club**

I am writing to inform you of recent proposals re the Community Transfer of Abbey Lane Playing Fields, Burscough.

Abbey Lane Playing Fields were established in 1994 and have predominantly been used by football teams. In the summer months, additional space is allocated to Cricket and more recently, an Archery Club have made Abbey Lane their club base.

The drainage system has had ongoing problems with the surface & lower level drainage systems. This has resulted in the pitches being unplayable for most of the season hence teams are no longer able to commit to a season booking due to the intermittent availability of pitches.

The estimated cost to carry out the required drainage works on the whole site is £240,000. The council have allocated a sum of £100,000 towards the drainage improvement works. The £140,000 shortfall would need to be sought through external partnership funding.

The council have looked at options that involve Burscough Junior Football Club leasing the facilities on a long-term basis. The council have approved this in principal, in view of the Football Foundation having agreed to the principal of awarding the grant of £140,000 to meet the shortfall.

Any community transfer would need to recognise the multi-sport use at the site hence the existing provision for cricket and archery will be maintained.

West Lancashire Borough Council would like to consider the views of Abbey Lane user groups, both past and present, with regards to this proposal.

For your information, this consultation has been sent to representatives from the following leagues:

Football:       Southport & District  
                  Ormskirk & District  
                  Wigan & District  
                  Preston & District  
                  South West Lancs  
                  Craven Minor  
Cricket:        Southport & District

If you would like to have any discussions across your leagues re this proposal, please contact Eddie Pope, Chairman of Ormskirk & District league: Tel: 01704 894540

If you require further information, you can read the full Cabinet report re Abbey Lane Transfer proposal, by viewing the following link:

<http://online.westlancs.gov.uk/coins/submissiondocuments.asp?submissionid=14432>

We would be very grateful if you could complete the attached consultation questionnaire and return it, to myself, no later than **Friday 23<sup>rd</sup> August**.  
emma.davies@westlancs.gov.uk

Thank you in advance for your co-operation

Yours sincerely

Emma Davies  
Partnership & Services Development Officer

Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)

Kim Webber B.Sc., M.Sc.  
Managing Director (Transformation)



# **Abbey Lane Playing Fields – Consultation**

**Name of Organisation:**

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Please circle answers:

**1** Does your organisation support the proposal re Burscough Junior Football Club leasing Abbey Lane on a long-term lease agreement, with the assistance of grant funding from the Football Foundation?

YES            NO

Comments

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**2** Do you foresee that, if the proposal goes forward with Burscough Junior Football Club, this would be advantageous for football development within the local area?

YES            NO

Comments

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**3** Burscough Junior Football Club have agreed that, if successful with the transfer, they would retain six adult pitches and two cricket pitches, which would be available to hire.

Would you, or teams within your league, be interested in hiring the pitches/facilities in the foreseeable future?

YES            NO

Comments

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**4** If you are not in agreement with the Burscough Juniors Football Club proposed transfer, do you have ideas as to how alternative funding gaps could be reached?

YES            NO

Comments

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**5** If you have any additional comments related to the proposed transfer of Abbey Lane Playing Fields to Burscough Juniors Football Club, please write below.

Comments

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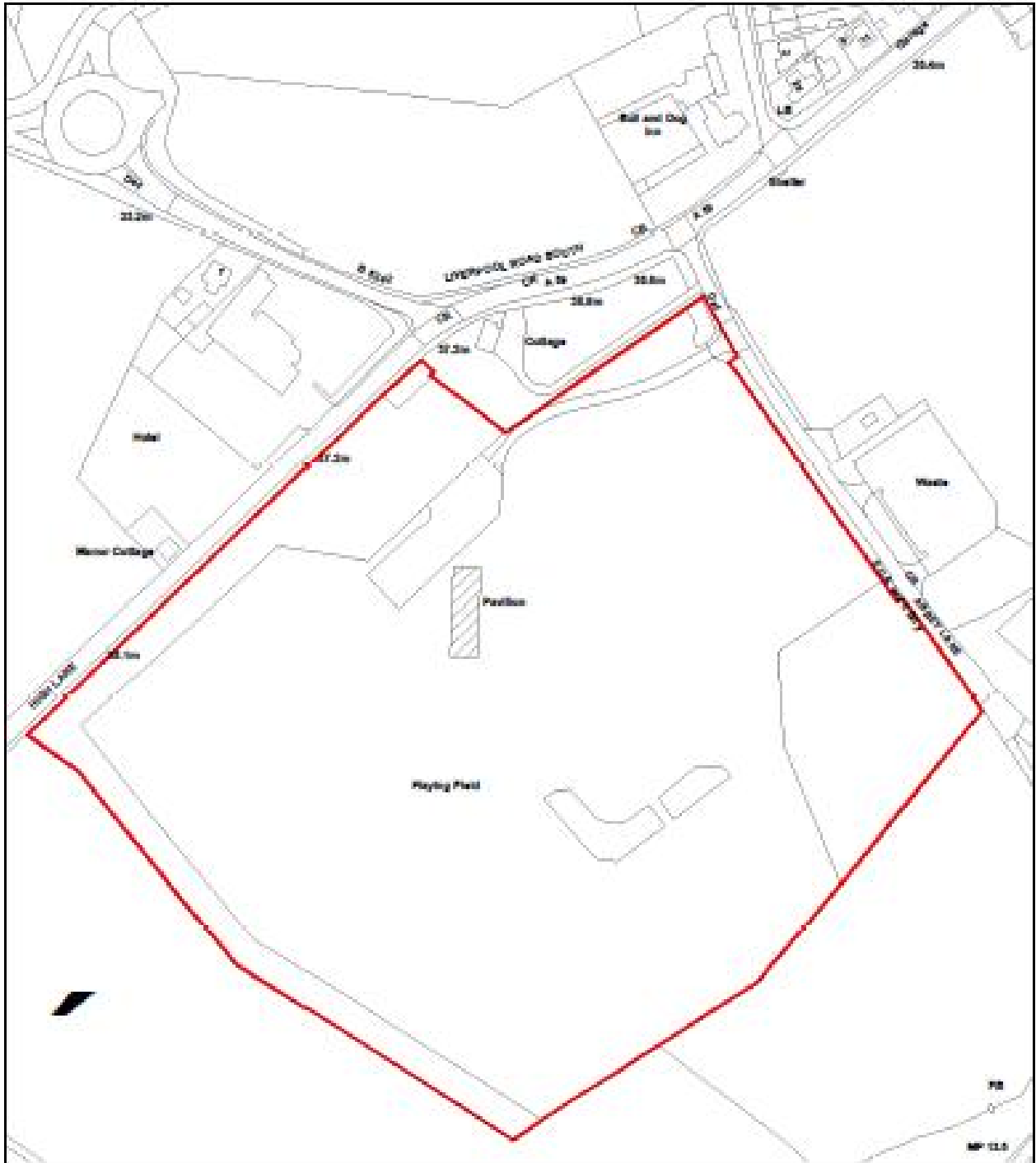
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***Please return, no later than Friday 23<sup>rd</sup> August, to  
[emma.davies@westlancs.gov.uk](mailto:emma.davies@westlancs.gov.uk)***



## West Lancashire Borough Council

Plan Title

ABBEY LANE PLAYING FIELDS AND PAVILION, BURSCOUGH  
DEED C914 LA696633 Building Area 533 sqm  
PLAN WLP112/A AREA edged red 10.15 ha (25.07 acres) 09/07/2009

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Scale 1:2,500

Date: 31<sup>st</sup> August 2013

Completed by : J.F.Nelson

<p>1.</p>	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>The arrangement with the junior football club and inclusion of a community use agreement will maintain and improve access to the facilities for all members of the community; therefore the decision to support the community transfer of the facility will not disadvantage or have a disproportionately negative effect.</p>
<p>2.</p>	<p>What sources of information have you used to come to this decision?</p>	<p>Consultation with the Parish Council, with Liverpool Football Association, Football Foundation officials, team principals and team managers from Burscough junior football teams. Consultation with leagues that have used the facility during the last 10 years.</p>
<p>3.</p>	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Proposals for this arrangement have been discussed with the Councils Executive Overview and Scrutiny Committee, Burscough Parish Council. Team managers and club officials from Burscough Junior Football club.</p>
<p>4.</p>	<p><i>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</i>  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>The proposals and recommendation in the report do not hinder our ability to meet our duties under the Equality Act 2010</p>
<p>5.</p>	<p>What actions will you take to address any issues raised in your answers above</p>	



**AGENDA ITEM: 5(f)**

**CABINET: 17th September 2013**

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**Report of: Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor A Owens**

**Contact for further information: Rachel Kneale (Extn. 2611)  
(Email: [rachel.kneale@westlancs.gov.uk](mailto:rachel.kneale@westlancs.gov.uk))**

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**SUBJECT: STRATEGIC ASSET MANAGEMENT PROJECT**

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Borough Wide Interest

**1.0 PURPOSE OF THE REPORT**

- 1.1 To update Members on the progress of the Strategic Asset Management Project; to advise on the outcomes of the Skelmersdale North ward, and sites at Station Approach and Churchfields in Ormskirk; and to seek authority to dispose of assets.
- 1.2 To note that slippage will occur in relation to the Ward Map Delivery Plan to allow for work on the Employment Area Remodelling Project to proceed.

**2.0 RECOMMENDATIONS**

- 2.1 That the contents of the report, including the work undertaken by officers to date, and the progress on the assets previously identified for disposal be noted.
- 2.2 That the Assistant Director Housing and Regeneration be authorised to take the actions recommended in Appendix A, B and C in relation to the 93 sites in the Skelmersdale North ward together with the 2 Churchfields, Ormskirk, which is an opportunity site.
- 2.3 That the sites set out in Appendix D that are no longer required for their current uses as set out in that Appendix be appropriated as required for regeneration purposes for the reasons set out in the report.
- 2.4 That the Assistant Director Housing and Regeneration be authorised to take all necessary steps to appropriate the sites referred to in Appendix D and sign the memoranda of appropriation.

- 2.5 That planning permission be sought for residential development on land off Station Approach, Ormskirk, together with improvements to the capacity of the Ormskirk railway station car park and recreational improvements to the adjacent woodland area, as detailed in paragraph 4.3.
- 2.6 That if planning permission is granted for the development, a report be presented in the future to include detailed options for the long term management of the car park and the nature reserve and the disposal of the residential site.
- 2.7 That an appropriate amount of the capital receipt for the sale of the residential land referred to in 2.6 above be set aside to undertake the improvements to the capacity of the Ormskirk railway station car park, together with ecological and recreational improvements to the adjacent woodland area.
- 2.8 That the decision to determine the appropriate amount to be set aside for the improvements be delegated to the Assistant Director Housing and Regeneration, in consultation with the Portfolio Holder for Housing (Finance), Regeneration and Estates and the Portfolio Holder for Resources and Transformation
- 2.9 That the sites set out in Appendix E be re-categorised to category 2 given the recent decision made by the Homes and Communities Agency with regards to Clawback, as detailed in paragraph 4.7.
- 2.10 That it be acknowledged that there will be some slippage in the previously agreed Ward Mapping Delivery Plan to allow for work on the Employment Area Remodelling Project to proceed.
- 2.11 That funding of £10,000 be made available from contingencies to enable sites designated in previous reports as '1 – Seek to Dispose' along with those identified in Appendix A, to be progressed further as detailed in paragraph 8.2.

---

### **3.0 BACKGROUND**

- 3.1 The Strategic Asset Management Project commenced in September 2010 and to date asset reviews have been completed for the following wards:

Burscough West	Ashurst
Knowsley	Parbold
Wrightington	Digmoor
Birch Green	Scarisbrick
North Meols	Aughton & Downholland
Newburgh	Derby

- 3.2 Some of the assets have development potential and, where appropriate, planning applications have been submitted to secure their enhanced value. To ensure there is no delay in marketing sites with an enhanced value anticipated to exceed the current delegation level of £20,000, authorisation for disposal has been sought as each ward is referred to Cabinet.

- 3.3 At the Cabinet meeting on 12<sup>th</sup> January 2012, a Ward Mapping Delivery Plan was approved. In this Plan, the next ward to be considered is Scott.

## 4.0 CURRENT POSITION

### 4.1 Skelmersdale North & Industrial Estate Remodelling

The Skelmersdale North ward required the assessment of 93 sites. The results are set out in Appendix A. There are a number of sites with potential for alternative uses, including residential development. In total 14 sites have been identified for disposal. The ward also includes a number of assets within the Stanley and Gillibrands Employment Areas. In the main these sites have been categorised as category 3 and have not been appraised as part of the SAMP process. This is because a separate detailed study is required into the potential of existing employment areas to deliver 22 ha of additional land through the remodelling, redevelopment and regeneration of existing vacant and under used sites (as agreed in the West Lancashire Replacement Local Plan 2012 – 2027).

- 4.2 The study work will need to examine both Council owned land within the industrial estates as well as privately owned sites that are underutilised, and as such will need to go further than the usual SAMP approach. As such the large industrial estates in Skelmersdale will be essentially taken out of the SAMP and dealt with separately. It will include assessments of the potential for the rationalisation of Council owned assets and possible partnership arrangements with private landowners to enable larger sites to be assembled and brought forward. It will also inform how WLBC assets in employment areas are categorised and, where appropriate, further authority will be sought to dispose of sites in the future. Given that this work will be similar to that being undertaken under the SAMP process, it is envisaged that the task should be undertaken by the SAMP team along with other Officers within the Economic Regeneration Team, in parallel with their existing activities, along with potential additional assistance as required from the Planning Service, the County Council and external assistance if required. It is inevitable, however, that this will result in some slippage to the previously agreed Ward Mapping Delivery Plan. However to ensure that works still continues on the SAMP, all be it at a slower pace, one member of the SAMP team will continue to work primarily on this activity.

- 4.3 Currently work is being undertaken on producing a garage strategy across the Borough. To date a stock survey has been completed and the findings of this along with proposed recommendations will be presented to Members at a later date. Within the Skelmersdale North ward alone there are a high number of Council-owned garages and this was the same within the Digmaor and Birch Green Wards. Given that the emerging garage strategy will inform the future disposal, if any, of the current garage stock, the vast majority of garages within Skelmersdale North have been categorised as 3's. However, as a development opportunity currently exists at present for a partly vacant garage court at 185 Windrows, authority is sought to dispose of this site to test the market.

### 4.4 Station Approach, Ormskirk

When Cabinet considered the Derby ward last January, the future of land at Station Approach, Ormskirk was deferred to allow the preparation of a separate report. The land in question comprises the Council owned car park at Ormskirk Station; an extensive area of woodland to the north (which is a designated nature reserve); and a parcel of land between the woodland and the grounds of Ormskirk C of E Primary School (see Appendix F). Although protected from

development, the latter area has some potential for residential development if it can be demonstrated that significant benefits to the local community will arise in ecological, recreational and/or social and economic terms. To achieve such benefits, it would be necessary to reinvest some of the capital receipts on improvement schemes e.g. upgrading the habitat and the recreational potential of the nature reserve, and the provision of additional car parking facilities (in conjunction with and jointly managed by Merseyrail) for users of the Station. At this stage, it is not possible to determine how much of the capital receipt would be required for such improvements but it is likely to be a significant amount.

4.5 To progress this matter, it will be necessary to detail a package of improvement measures and to make a pre-planning application submission for the scheme. If a favourable response is received, a formal planning application would follow. Members should be aware that a planning permission is likely to involve a legal agreement (section 106) to secure the full implementation of the improvements.

4.6 Other sites

Since the March 2013 Cabinet Meeting work has been continuing on sites previously approved for disposal. This can be summarised as:

- Planning permission has been granted on two sites; Land adjacent to 49 Hoole Lane in Banks and Land adjacent to 47 Witham Road in Skelmersdale.
- The site on Hoole Lane has recently been marketed and a sale has been agreed.
- The sale of a site previously approved for disposal at Elmers Green Lane in Skelmersdale has recently been completed.
- Planning applications have recently been submitted for residential developments on 2 sites in the Birch Green and Ashurst Wards – at Flordon and Marlborough Court.

4.7 Clawback

Members may be aware that a number of assets within the Councils' ownership are subject to a clawback payment to the Homes and Communities Agency (HCA) if the assets are sold on the open market. There are assets of this type within the Skelmersdale Wards and 4 such sites have previously been approved for disposal. Written communication between the Council and HCA has taken place over recent months to determine whether or not the HCA would reduce the percentage of clawback on sites we wish to dispose of as at present it stands at 52% with a yearly decrease of 2%. As explained to the HCA, it is felt that these assets would, once developed, help to regenerate the wards which they are in and also act as catalysts to further development. However, the HCA have maintained their stance and are not willing to reduce the percentage of clawback. Therefore, it is necessary to re-categorise the previously identified category 1 assets to category 2, as set out in Appendix D. This will allow for the sale of these sites to be re-examined in the future when the clawback % is further reduced.

4.7 Opportunity Site

As previously reported, there will also be 'opportunity sites' when sites outside the ward being reviewed require consideration e.g. if an enquiry to purchase is made. Rather than lose a potential capital receipt, such sites will be considered alongside, and in a similar manner to, the wider programme of Asset



Management. One such site is 2 Churchfields, Southport Road in Ormskirk (see Appendix G). Previously the asset had been appraised with the adjacent Civic Hall in September 2011. However given the current decision made regarding the long term future maintenance and use of the Civic Hall, this adjacent site can now be realised for disposal. This land has several development and disposal options and has been identified as a category 1 site

## **5.0 APPROPRIATION**

5.1 The current uses of some of the sites considered under the SAMP process do not provide the best use of the land/buildings. Many of these sites could be better utilised for alternative purposes, as defined in the SAMP process. These include those sites set out in Appendix D. It will be necessary to appropriate most of these sites from their current use as set out in Appendix D to regeneration purposes.

## **6.0 PROPOSALS**

6.1 Appendix A sets out recommendations for the 93 sites in Skelmersdale North

6.2 Officers will continue to spend time working on the assets identified within the ward to progress to pre-application and planning application stages.

6.3 In accordance with the previously agreed Ward Mapping Delivery Plan, the next ward to be considered is Scott.

## **7.0 SUSTAINABILITY IMPACTS**

7.1 The outcomes of the Strategic Asset Management Project and the nature of any schemes that come out of this project will ultimately ensure a number of key objectives of the Community Strategy are met, including affordable housing, young and older people, the economy and jobs and better environment, plus cross cutting themes such as reducing deprivation in our communities.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 Securing the enhanced valuation of assets to be disposed will continue to require resources e.g. planning application fees, surveys etc. It was reported at the last Cabinet that as a long term measure there will be a need to pump prime the project by the retention of a small percentage of future capital receipts or a budget being made available from revenue resources.

8.2 To date approximately £13,600 has been spent out of the current allocation of £20,000. The planning system promotes, in many cases, the submission of formal pre-application advice prior the making of a formal planning application. A fee is attracted to this and the same level of detail is often required as for a formal planning application in terms of surveys and assessments. Hence the remaining £6400 will not be sufficient to allow the continued disposal of assets with an enhanced value for a pro-longed period of time. I would ask that a further £10,000 be allocated for this project to allow the continued roll out of sites for disposal.

- 8.3 With regard to staff resources, as noted in 4.1, it is envisaged that the SAMP team will be heavily involved in the assessment of the potential for remodelling existing employment area across the Borough.

## **9.0 RISK ASSESSMENT**

- 9.1 As previously reported, the project has demonstrated that many of the assets held by the Council have the potential for development or for utilising in a different way. If this potential is realised, their value will be significantly enhanced either financially or as benefit to the community. There will be opportunities in some cases to generate capital receipts from their disposal. If the assets are not considered in a timely fashion, taking into consideration other development such as Skelmersdale Town Centre project, this could represent a significant loss of capital receipts for the Council or the reduction in value if a successful adverse possession claim is made by a third party.

## **10.0 CONCLUSIONS**

- 10.1 It is important to continue to roll out the Strategic Asset Management Project across the Borough to enable all assets to be identified and assessed, but equally officers need to spend time working on assets categorised as 1 for pre-applications and planning applications. The project will ultimately ensure the asset register is fully up to date and the ownership of all the assets is challenged to determine those that are suitable for further development are identified and progressed. The study work required to specifically consider the remodelling potential of the industrial areas in Skelmersdale will assess both public and private sector land and will ensure that the Council maximises opportunities for the creation of new employment sites to allow business expansion and growth, and meet the objectives of the new Local Plan.

---

### **Background Documents**

West Lancashire Strategic Asset Management Plan, which is available at:  
[www.westlancs.gov.uk/living\\_in\\_west\\_lancs/regeneration\\_projects/action\\_plans.aspx](http://www.westlancs.gov.uk/living_in_west_lancs/regeneration_projects/action_plans.aspx)

### **Equality Impact Assessment**

The previous Equality Impact Assessment undertaken for the Cabinet report prepared for the September 2010 meeting will suffice for this report as the content of the project remains the same.

### **Appendices**

- Appendix A - Skelmersdale North asset recommendations
- Appendix B - Location plans of Category 1 sites
- Appendix C - Knowsley Recommendations
- Appendix D – Land to be appropriated
- Appendix E – Clawback sites to be re-categorised
- Appendix F - Land ownership plan of Station Approach, Ormskirk
- Appendix G – Land at 2 Churchfields, Ormskirk

## APPENDIX A

### Strategic Asset Management– Skelmersdale North Recommendations

Site Ref	Site Location	Recommendation	Category
SN3.13	Land adjacent to 1 Kiln Lane	Dispose	1*
SN5.3	Car park adjacent 4 Seddon Place, Stanley	Dispose for development or to nearby businesses for expansion	1*
SN6.1	Land to rear of 1-11 Tarlwood	Dispose	1*
SN6.3	Land adj to 18-20 Appleton Road,	Dispose	1*
SN7.3	Garage court in front of 179-185 Windrows	Dispose	1*
SN7.7	Land to south of 2 - 8 Winrows	Part dispose/part retain	1*/3
SN7.8a	Land to the west of Willow Hey	Part dispose/part retain	1*/3
SN7.8b	Land to north of electricity sub station, Willow Hey	Dispose	1*
SN7.9	Land to east of Willow Hey	Dispose	1*
SN8.4	Landscaping belt to south of Wolverton	Part dispose/part retain	1*/3
SN8.5	Land to front of 27-29 Wolverton	Dispose to adjoining occupiers	1
SN8.6	Land to front of 31-33 Wolverton	Dispose to adjoining occupiers	1
SN10.10	Sub station rear of 76 Yewdale	Dispose	1
SN10.11	Sub station adjacent 272 Yewdale	Dispose	1
SN5.5	Land to rear of recycling centre, Glenburn Road	Seek to dispose of or develop in the future in partnership with the adjoining land owners	2

SN7.2	Land in front of 83 Willow hey	Dispose in future	2
SN10.13	Land to north of Glenburn College	Dispose in the future	2
SN 1	18 – 32 Gorsey Place, Gillibrands	Retain. Cabinet authority already in place to redevelop (Greenshoots)	3
SN 2	Land adjacent 12 Greenway Close	Retain	3
SN3.1	Garages & land north of 6 Teviot	Retain	3
SN3.2	Garages and land to the north of 6 Thorpe	Retain	3
SN3.3	Garages and Land to the north 13 Thornby	Retain	3
SN3.4	Land to the front of 138 – 148 School Lane	Retain	3
SN3.5	Land to the Front of 2-14 Aspen Way	Retain	3
SN3.6	Land to the front of 5 – 6 Thirsk	Retain	3
SN3.7	Land to the front of 3 – 25 Aspen Way	Retain	3
SN3.8	Land adjacent to 77 Aspen Way	Retain	3
SN3.9	Land to the front of 41 – 47 Aspen Way	Retain	3
SN3.10	Land to the front of 49 – 71 Aspen Way	Retain	3
SN3.11	Land to the east of Thorndale	Retain	3
SN3.12	Land to the front of 2-26 Greenway Close	Retain	3
SN3.14	Land adjacent 6 Holly Close	Retain	3
SN3.15	Garages 1-10 Willow Drive off Larch Close	Retain	3
SN3.16	Land to the front of 28-32 Willow Drive	Retain	3

SN3.17	Garages 1 – 8 Church Road adjacent to 44 Aspen Way	Retain	3
SN3.18	Garages 1-6 Poplar Drive ad to 32 Aspen Way	Retain	3
SN3.19	Electricity sub station ad to 8 Sycamore Drive	Retain	3
SN3.20	Remaining garages blocks on Aspen Way Estate	Retain	3
SN3.21	Remaining landscaping Aspen Way Estate	Retain	3
SN4.1	Berry Close Amenity Land	Retain	3
SN4.2	Open space adjacent to Neverstitch Road	Retain	3
SN4.3	Thurston Garages	Retain	3
SN4.4	Thurston Housing	Retain	3
SN4.5	Remaining landscaping at Thurston	Retain	3
SN4.6	Electricity sub station at Millrose Close	Retain	3
SN4.7	Land at 6 Mill Lane	Retain	3
SN5.1	Robert Hodge Centre, Stanley Way	Retain	3
SN5.2	Car park at centre of Seddon Place, Stanley	Retain with enhanced capacity	3
SN5.4	Landscaping at Seddon Place, Stanley	Retain	3
SN5.6	Remaining landscaping at Stanley Industrial Area	Retain	3
SN6.2	Land to front of 11 Tarlswood	Retain	3
SN6.4	Land to east of Tanfields	Retain	3
SN6.5	Play area rear 83-91 Tanfields	Retain	3
SN6.6	Landscaping adj 113 Tanfields	Retain	3

SN6.7	Former meeting room at 131 Tanfields	Retain	3
SN6.8	Tanfields & Tarlwood garage blocks	Retain	3
SN6.9	Remaining landscaping at Tanfields, Tarlwood & The Tamneys	Retain	3
SN7.1	Land to the east of St Edmunds School	Retain	3
SN7.4	Garage court in front of 111 Windrows	Retain	3
SN7.5	Garage court in front of 78 Willow Hey	Retain	3
SN7.6	Various garage sites off The Tamneys, The Winsters, Willow Hey and Winrows	Retain	3
SN7.8c	Land to south of sub station, Willow Hey	Retain	3
SN7.10	Remaining landscaping at New Church Farm	Retain	3
SN7.11	6 Church Road, Skelmersdale	Retain	3
SN8.1	Garages 1-6 Wolverton	Retain	3
SN8.2	Unadopted parking bays in Wolverton	Retain	3
SN8.3	Remaining landscaping at Wolverton	Retain	3
SN9.1	Tawd Valley Park North	Retain	3
SN9.2	Tawd Valley Park South	Retain	3
SN9.3	Land between Southway & Glenburn College	Retain	3
SN10.1	Yewdale landscaping south 7-43	Retain	3

SN10.2	Unadopted car access ways at Yewdale	Retain	3
SN10.3	Land to front of 10 Yewdale	Retain	3
SN10.4	Land to east 134-146 Yewdale	Retain	3
SN10.5	Land to east 272-280 Yewdale	Retain	3
SN10.6	Unadopted parking front 90-96 Yewdale	Retain	3
SN10.7	Yewdale Garages	Retain	3
SN10.8	Unadopted footpaths within Yewdale	Retain	3
SN10.9	Remaining landscaping within Yewdale	Retain	3
SN10.12	Landscaping to north west of 310 Yewdale	Retain	3
SN10.14	Meeting Rooms, 300 Yewdale	Retain	3
SN11.1	Units 6-12 Grimrod Place & 2-14, 34-40 & 1-15 Gorsey Place, Gillibrands, Skelmersdale	Retain	3
SN11.2	Landscaping to north of Greetby Place	Retain	3
SN11.3	Land to west of Whiteledge Road, Gillibrands	Retain	3
SN11.4	Land ad to 53 Glebe Road, Gillibrands	Retain	3
SN11.5	Landscaping to east of Glebe Road adjacent to Garnett Place	Retain	3
SN11.6	Units 14 & 15 Glebe Road, Gillibrands	Retain	3
SN11.7	Housing on Glebe Road	Retain	3
SN11.8	Car park off Gillibrands Road	Retain	3

SN11.9	Units 2-4, 16-26, 28-32, 45, 46 & 47 Greenhey Place	Retain	3
SN11.10	34,34a, 35, 35a & 37 Greenhey Place, Greenhey Court	Retain	3
SN11.11	Remaining landscaping at East Gillibrands	Retain	3
SN11.12	Electricity sub station ad 26 Greenhey Place, Gillibrands	Retain	3

### Key to scoring

**1- DISPOSE** - Assets which have development potential which we would seek to dispose of with or without planning permission. Assets which could be sold to adjoining owners e.g. pieces of land to enable curtilage extensions.

(\* denotes sites believed to have a value of more than £20,000)

**2 - DISPOSE IN FUTURE** - Assets that have a worth which cannot be realised at the present time e.g. existing tenancy or lease agreements.

**3 - RETAIN** - Assets which should be retained.



## APPENDIX B

### Location Plans for Category 1 sites



## West Lancashire Borough Council

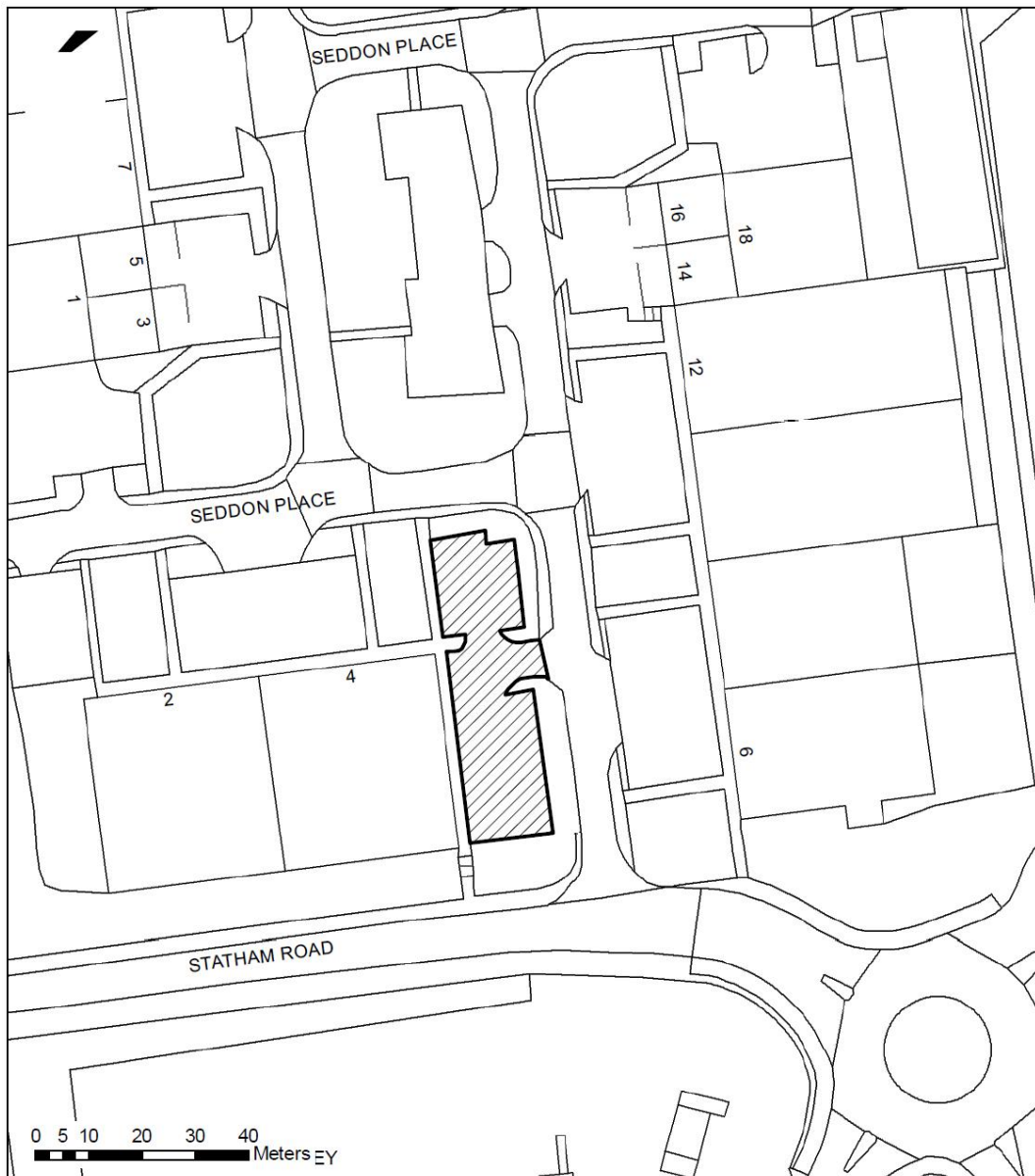
SN 3.13

16/08/2013

LAND ADJACENT TO 1 KILN LANE, SKELMERSDALE WN8 8PW  
DEEDS C271 & HR63 LA934252 Area hatched 371 sqm

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Scale 1:1,000



## West Lancashire Borough Council

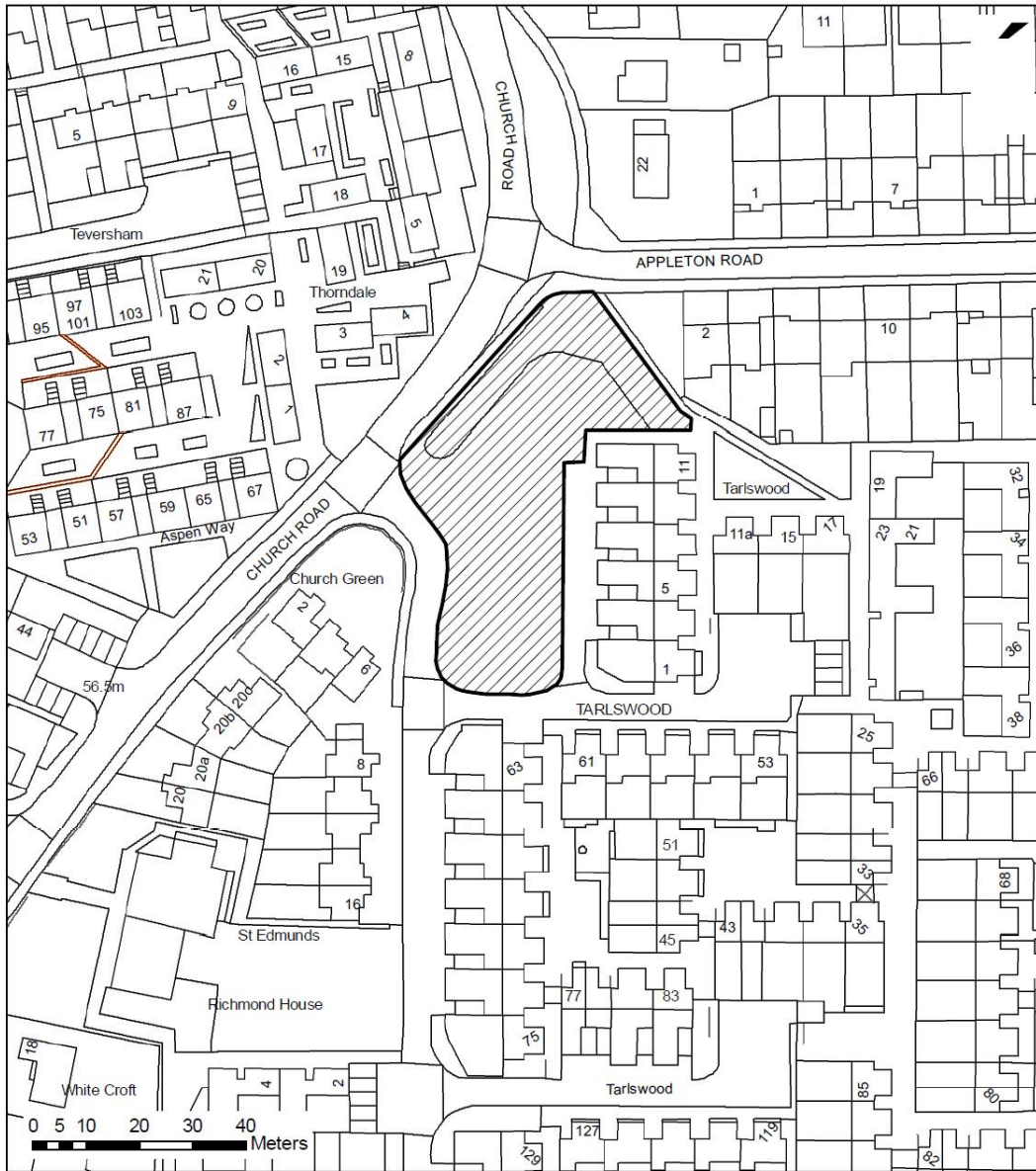
SN 5.03

CAR PARK ADJACENT TO 4 SEDDON PLACE, STANLEY, SKELMERSDALE  
 DEED C1011 LA754097 part of Highway transfer  
 AREA hatched 0.0868 ha (0.22 acres)

16/08/2013

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Scale 1:1,000



## West Lancashire Borough Council

SN 6.01

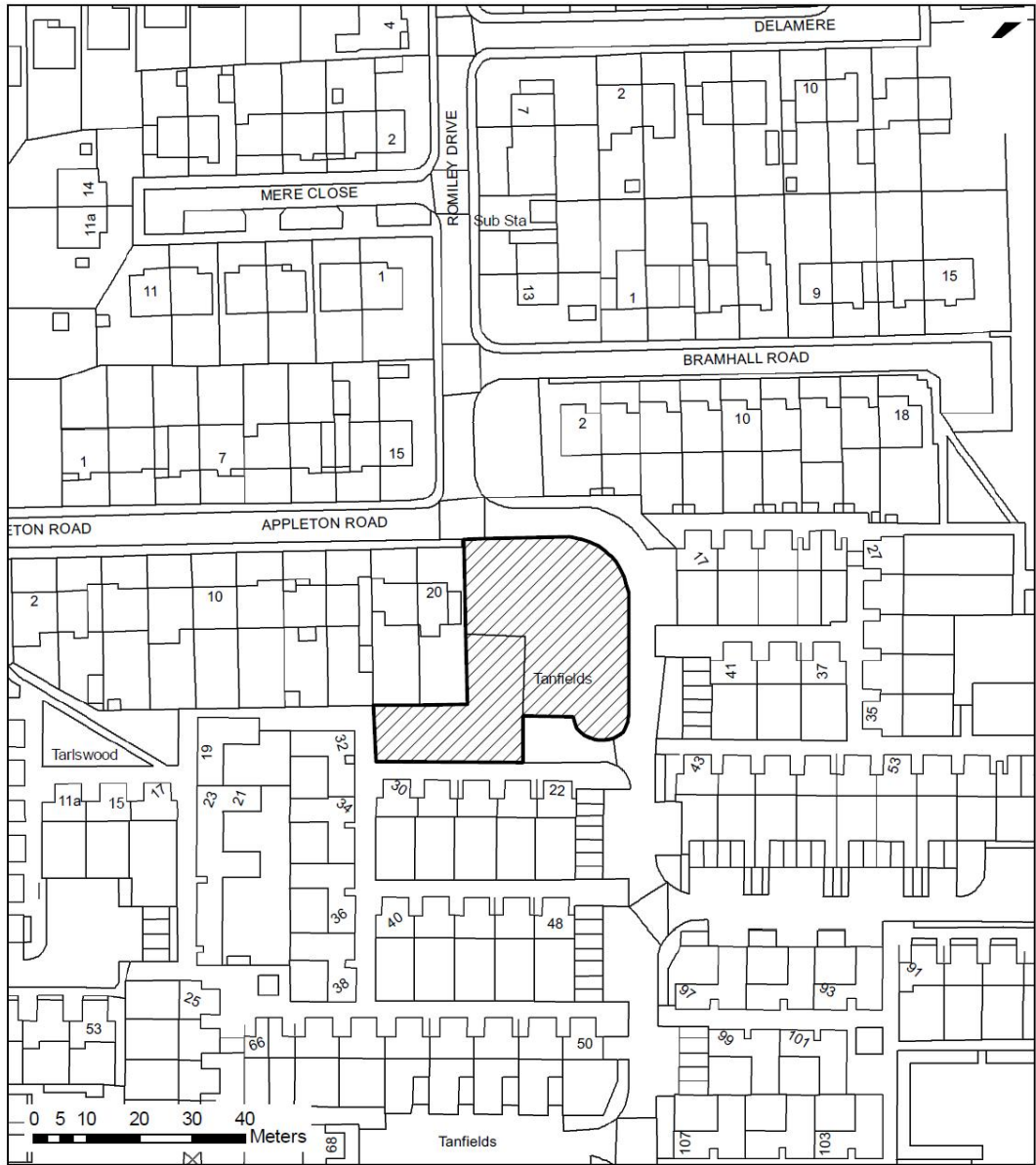
16/08/2013

LAND TO REAR OF 1-11 TARLWOOD, NEW CHURCH FARM, SKELMERSDALE  
DEEDS C660(3) & HR64 LA933491

Area hatched 1999 sqm

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Scale 1:1,000



## West Lancashire Borough Council

SN 6.03

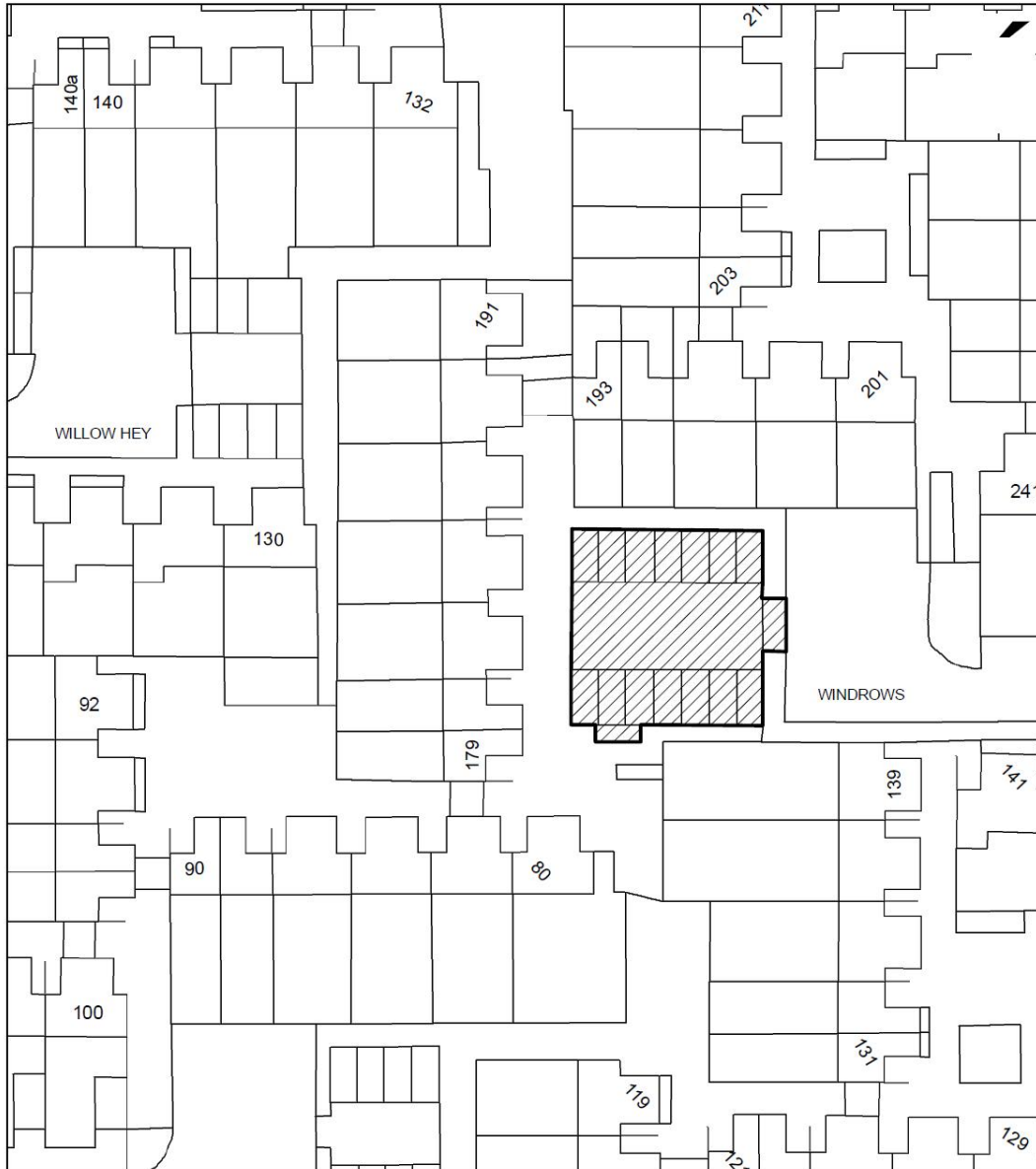
16/08/2013

LAND ADJACENT TO 20 APPLETON ROAD, NEW CHURCH FARM, SKELMERSDALE  
DEEDS C660(3) & HR64 LA933491

Area hatched 1326 sqm

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Scale 1:1,000



**West Lancashire Borough Council**

SN 7.03	16/08/2013
GARAGE COURT TO FRONT OF 185 WINDROWS, NEW CHURCH FARM WN8 8NP DEEDS C660(3) & HR65 LA934528	
Area hatched 346 sqm	
Crown Copyright. All Rights Reserved. Licence No. 100024309.	
Scale 1:500	



**West Lancashire Borough Council**

SN 7.07	LAND TO SOUTH OF 2-8 WINDROWS, NEW CHURCH FARM DEEDS C660(3) & HR65 LA934531    Area hatched 1254 sqm	16/08/2013
Crown Copyright. All Rights Reserved. Licence No. 100024309.		Scale 1:1,000



## West Lancashire Borough Council

SN 7.08a (part)

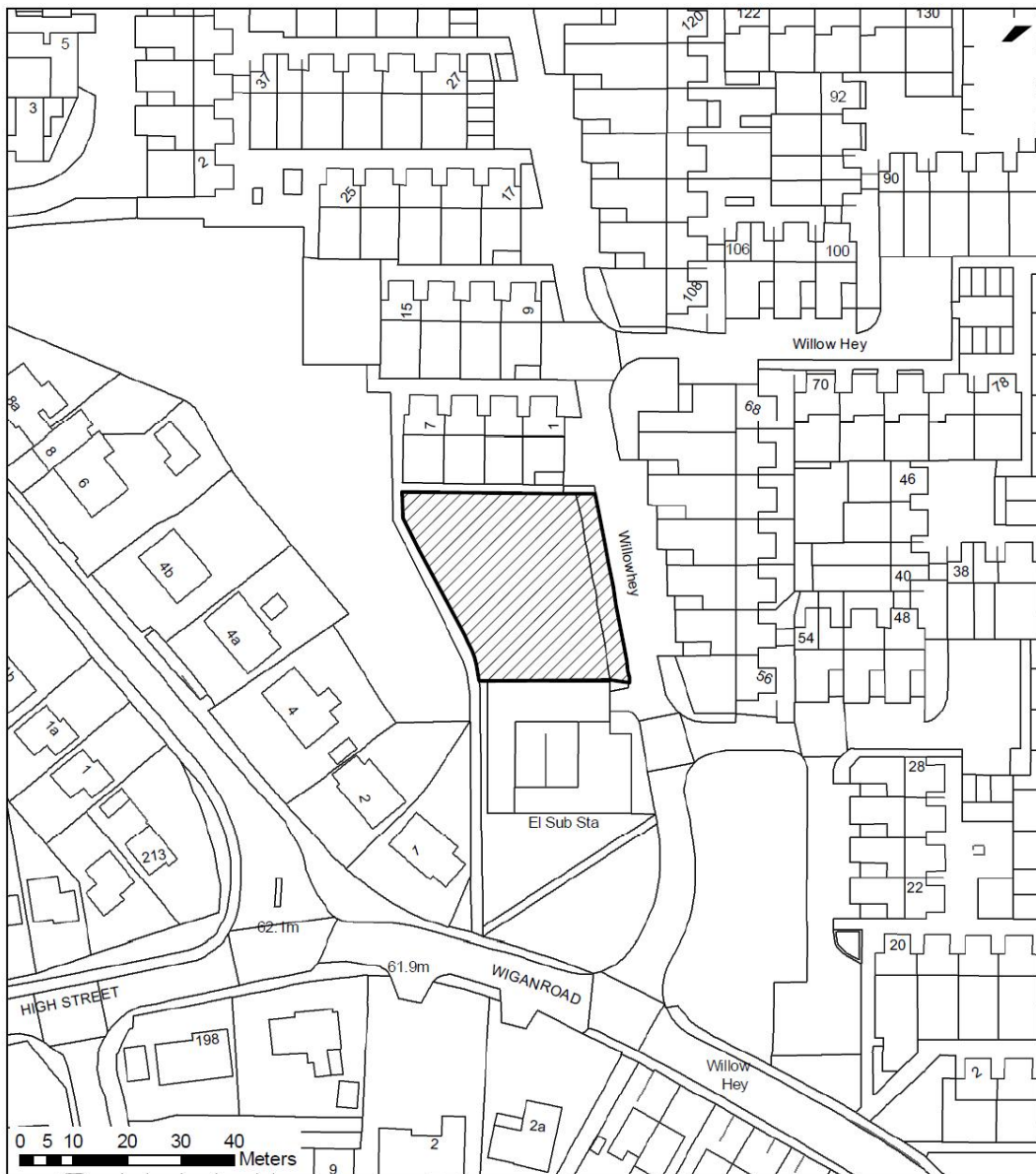
16/08/2013

LAND TO WEST OF WILLOW HEY, NEW CHURCH FARM, SKELMERSDALE  
DEEDS C660(3) & HR65 LA934530

Area hatched 905 sqm

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Scale 1:1,000



## West Lancashire Borough Council

SN 7.08b

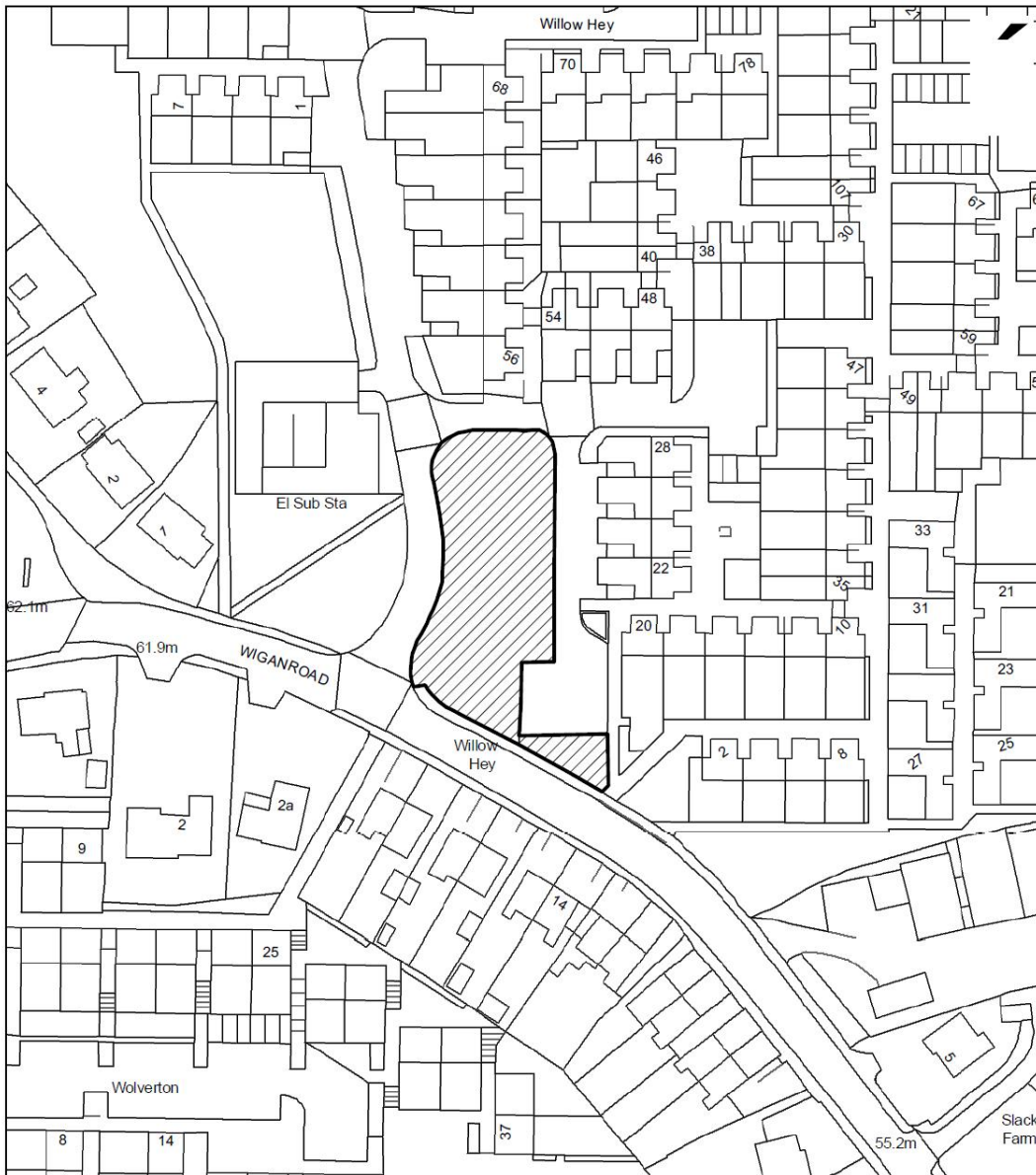
16/08/2013

LAND TO NORTH OF SUB STATION, WILLOW HEY, NEW CHURCH FARM  
DEEDS C660(3) & HR65 LA934530      Area hatched 1144 sqm

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Scale 1:1,000





## West Lancashire Borough Council

SN 7.09

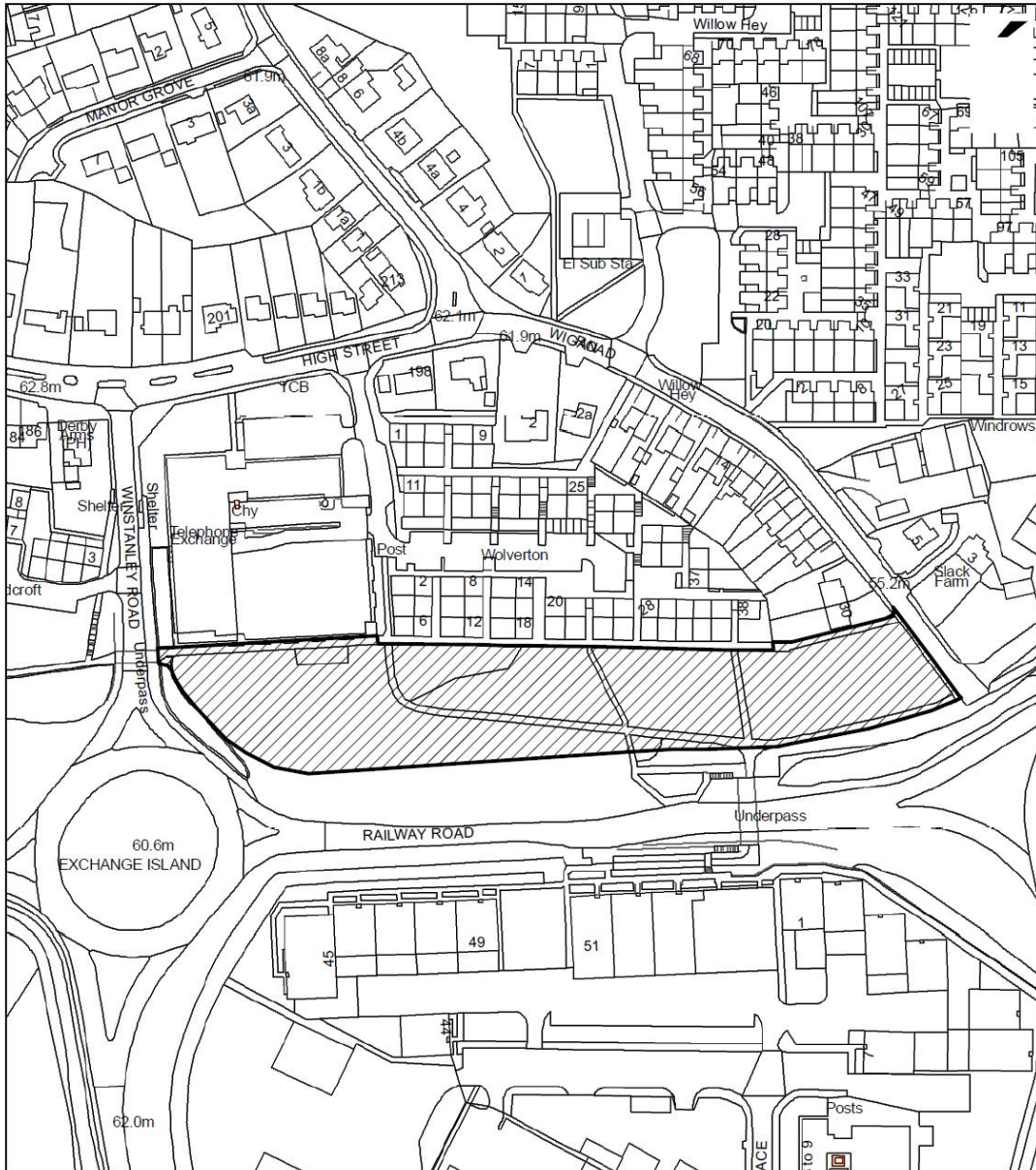
16/08/2013

LAND TO EAST OF WILLOW HEY, NEW CHURCH FARM, SKELMERSDALE  
DEEDS C660(3) & HR65 LA934529

Area hatched 1284 sqm

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Scale 1:1,000



## West Lancashire Borough Council

SN 8.04

16/08/2013

LANDSCAPING BELT TO SOUTH OF WOLVERTON, SKELMERSDALE  
DEEDS C969 LA734507

Area hatched 11627 sqm

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Scale 1:2,000



**West Lancashire Borough Council**

SN 8.05		16/08/2013
<p>LAND TO FRONT OF 27 &amp; 29 WOLVERTON, PENNYLANDS, SKELMERSDALE  DEEDS C660(231) &amp; HR38 LA956975</p>		
		Area hatched 106 sqm
<p>Crown Copyright. All Rights Reserved. Licence No. 100024309.</p>		
		Scale 1:500



**West Lancashire Borough Council**

SN 8.06		16/08/2013
LAND TO FRONT OF 31 & 33 WOLVERTON, PENNYLANDS, SKELMERSDALE DEEDS C660(231) & HR38 LA956975 <span style="float: right;">Area hatched 155 sqm</span>		
Crown Copyright. All Rights Reserved. Licence No. 100024309. <span style="float: right;">Scale 1:500</span>		



## West Lancashire Borough Council

SN 10.10

16/08/2013

ELECTRICITY SUB STATION TO REAR OF 76 YEWDALE, SKELMERSDALE  
DEEDS C660(3) & HR66 LA933029

Area hatched 26 sqm

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Scale 1:1,000



## West Lancashire Borough Council

SN 10.11

16/08/2013

ELECTRICITY SUB STATION ADJACENT 272 YEWDAL, SKELMERSDAL  
DEEDS C660(3) & HR66 LA933029

Area hatched 27 sqm

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Scale 1:1,000

## APPENDIX C

### Strategic Asset Management–Knowsley Recommendations

Site Ref	Site Location	Recommendation	Category
KN.27	2 Churchfields, Southport Road, Ormskirk	Dispose – potential residential in future	1*

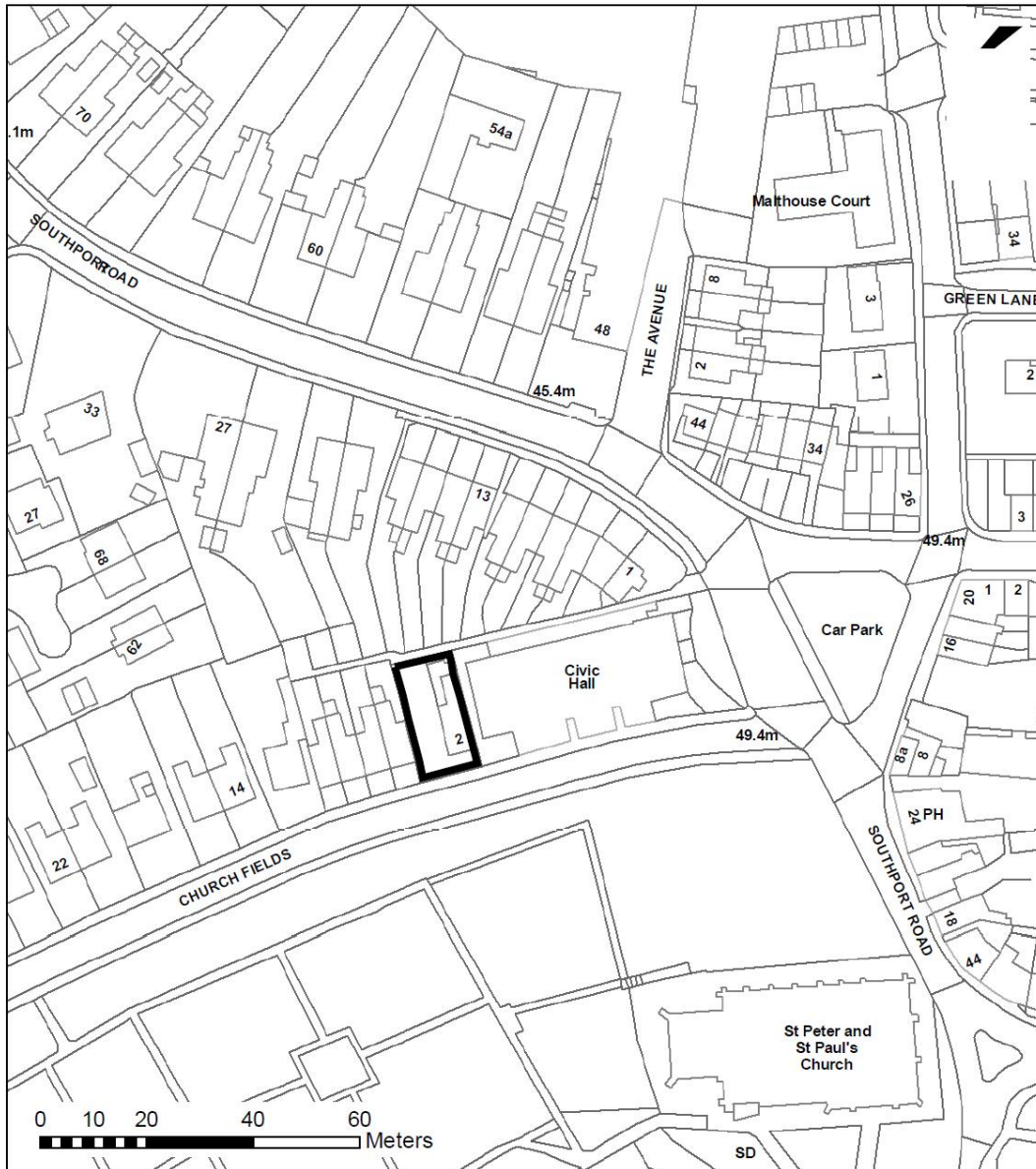
#### Key to scoring

**1- DISPOSE** - Assets which have development potential which we would seek to dispose of with or without planning permission. Assets which could be sold to adjoining owners eg pieces of land to enable curtilage extensions.

(\* denotes sites believed to have a value of more than £20,000)

**2 - DISPOSE IN FUTURE** - Assets that have a worth which cannot be realised at the present time e.g. existing tenancy or lease agreements.

**3 - RETAIN** - Assets which should be retained.



## West Lancashire Borough Council

Plan Title	16/08/2013
2 CHURCHFIELDS, SOUTHPORT ROAD, ORMSKIRK L39 1LN	
Area edged black 267 sqm	
DEED C85 LAN84312	
Crown Copyright. All Rights Reserved. Licence No. 100024309.	Scale 1:1,000



**APPENDIX D**  
**Land to be Appropriated**

<b>Site Ref</b>	<b>Address</b>	<b>Current Use</b>
ASH107	Land east of Marlborough	Housing
BG2.3	Land opposite 2-10 Flordon	Housing
BG5.4	Land adjacent 75 Irwell	Housing
SN3.13	Land adjacent to 1 Kiln Lane	Housing
SN5.3	Car park adjacent 4 Seddon Place, Stanley	Estates but part of highway transfer therefore adopted by LCC
SN6.1	Land to rear of 11 Tarlwood	Housing
SN6.3	Land adj to 20 Appleton Road,	Housing
SN7.3	Garage court in front of 185 Windrows	Housing
SN7.7	Land to south of 2 - 8 Winrows	Housing
SN7.8a	Land to the west of Willow Hey	Housing
SN7.8b	Land to north of electricity sub station, Willow Hey	Housing
SN7.9	Land to east of Willow Hey	Housing
SN8.4	Landscaping belt to south of Wolverton	Estates
SN8.5	Land to front of 27-29 Wolverton	Housing
SN8.6	Land to front of 31-33 Wolverton	Housing
SN10.10	Sub station rear of 76 Yewdale	Housing
SN10.11	Sub station adjacent 272 Yewdale	Housing
KN.27	2 Churchfields, Southport Road Ormskirk	Community Services

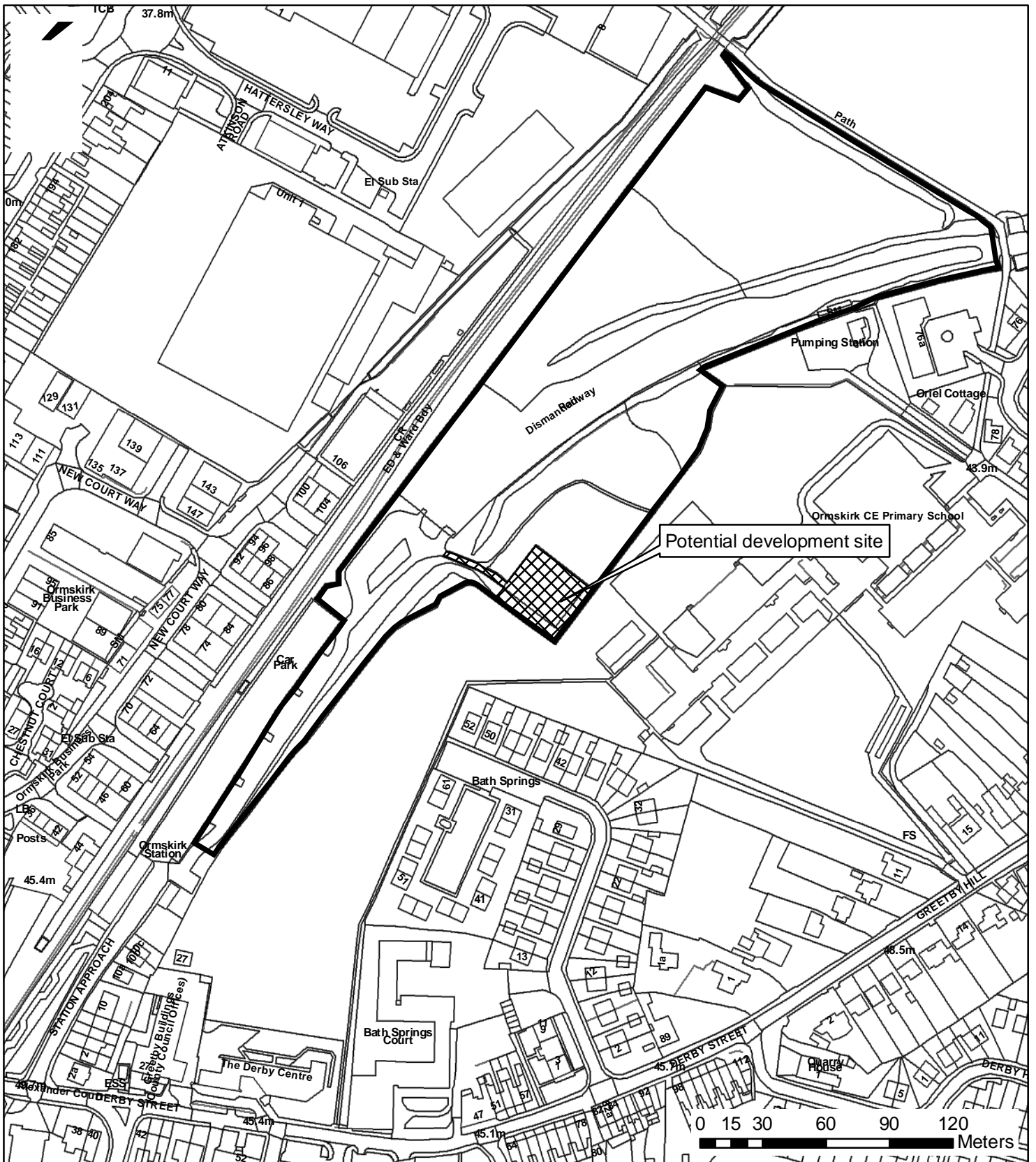


## APPENDIX E

### Sites with Clawback Re-categorised

<b>Site Ref</b>	<b>Site Location</b>	<b>Clawback as of 2013-2014</b>	<b>Category</b>
BG2.6	Land adjacent 58 Flaxton	52%	2
BG5.2	Land to rear of Prescott's Farm	52%	2
DIG2.6	Land to the north of the Fire Station	52%	2
DIG2.11	Landscaping north side of Ormskirk Road	52%	2





# West Lancashire Borough Council

DER 33

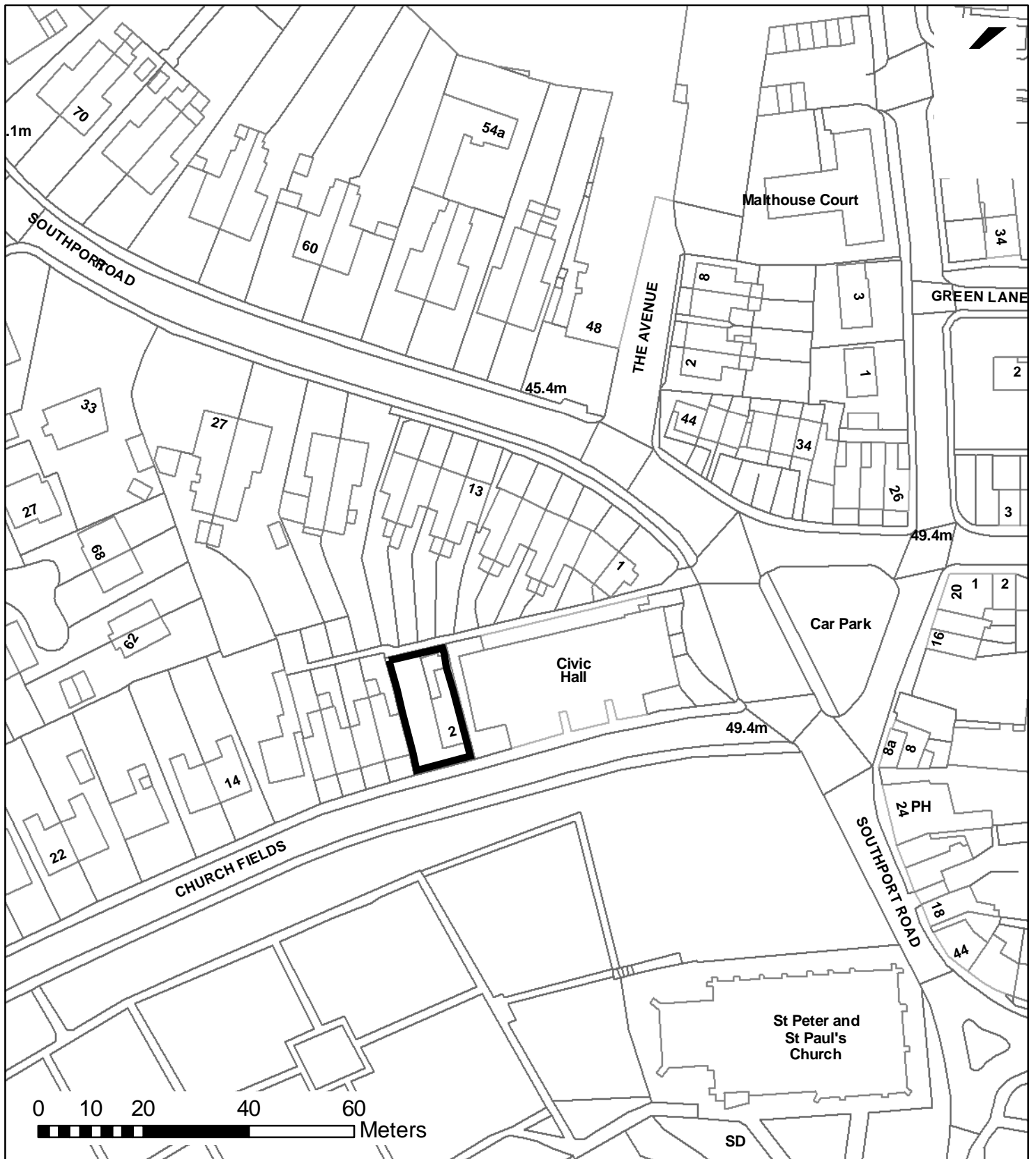
04/09/2013

LAND AT STATION APPROACH, ORMSKIRK - CAR PARKING AND AMENITY  
 DEED C679 LAN84838 Area edged black 3.5663 ha (8.8125 acres)

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Scale 1:2,500





# West Lancashire Borough Council

Plan Title

16/08/2013

2 CHURCHFIELDS, SOUTHPORT ROAD, ORMSKIRK L39 1LN  
 Area edged black 267 sqm  
 DEED C85 LAN84312

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Scale 1:1,000







**AGENDA ITEM: 5(g)**

**CABINET: 17<sup>th</sup> September 2013**

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**Report of: Assistant Director Planning**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Tina Iball (Extn. 5197)**  
**(E-mail: [Christina.iball@westlancs.gov.uk](mailto:Christina.iball@westlancs.gov.uk))**

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**SUBJECT: SUSTAINABLE ENERGY STRATEGY**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

- 1.1 To present the final draft of the Council's Sustainable Energy Strategy, intended to assist in the delivery of carbon reduction and improved sustainability across the Borough.
- 1.2 To inform Members of the responses received during the consultation process and how they have been addressed in the revision of the document.

**2.0 RECOMMENDATIONS**

- 2.1 That Cabinet the Sustainable Energy Strategy appended to this report be approved and adopted.
  - 2.2 That delegated authority be given to the Assistant Director Planning, in consultation with the Portfolio Holder Planning and Development, to assist in the delivery of the Strategy.
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### **3.0 BACKGROUND**

- 3.1 The Sustainable Energy Strategy aims to assist in the delivery of carbon reduction across West Lancashire. It seeks to highlight the work that's already ongoing in the Borough, identify specific areas to tackle further and present action plans on how we intend to achieve this.
- 3.2 A draft Sustainable Energy Strategy was brought to Cabinet and approved for public consultation in February 2012. Since this time the document has been thorough the consultation process and revised, taking all comments into consideration.

### **4.0 CONSULTATION**

- 4.1 The Strategy went out to public consultation for a four week period in March/April 2013, utilising local media promotion and direct mail contacts. 34 representations were received during the consultation process. 21 of these submissions were received from individual residents and 13 were received on behalf of organisations, namely Parish Councils, community groups and environmental campaign groups. Overall, the consultation process highlighted some excellent additional points and further actions for investigation and has resulted in minor changes to the draft document. A full summary of the representations received during the consultation process can be viewed in Appendix 2 of this report.
- 4.2 The majority of comments received were in relation to the renewable energy section (chapter 3.0) of the Strategy. A substantial number of responses expressed concerns regarding wind turbine developments and requested stronger local policies are required to prevent their siting in areas designated as Green Belt, areas of landscape importance or near residential areas.
- 4.3 It should be noted that the Strategy encourages the use of all renewable technologies and makes reference to national and local planning policies, but it is not itself a planning policy or supplementary planning document. The suitability of technologies must be considered in balance with landscape sensitivity and the understanding that some locations lend themselves to some technologies better than others. With regards to wind turbine developments, the National Planning Policy Framework (NPPF) and planning policies in the emerging Local Plan are in place to ensure that adverse impacts are properly addressed and are balanced with the long term environmental benefits of renewable energy. The intended role of this strategy document is to help develop ways to reduce carbon emissions in the Borough.

### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The Sustainable Energy Strategy will help to develop stronger communities through the delivery of local energy projects and help to improve health and well being as we work to reduce fuel poverty and provide affordable warmth for all. It will also contribute to sustainable development by encouraging the wise use of natural resources and help to enhance a green economy through renewable energy generation and local delivery of the Green Deal.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no financial implications arising from this report or adoption of the Sustainable Energy Strategy. Any financial requirements to enable delivery of a carbon reduction project or progress an action within the Strategy will be considered independently and, where required, brought before Cabinet for approval.
- 6.2 Implementation of the action plans within the Strategy will require staff time, however this can be covered within existing resources.

## **7.0 RISK ASSESSMENT**

- 7.1 Central Government requests Local Authorities measure and report greenhouse gas emissions associated within their own operations on an annual basis and report their figures on their Council website. This year West Lancashire Borough Council has reported a 27% reduction on our 2006/07 baseline, exceeding our target 25% reduction by 2020.
- 7.2 DECC produce yearly reports regarding Borough wide emissions but there are no legal requirements or financial penalties should the Council fail to meet carbon reduction targets or Climate Local commitments. There could be a reputational risk should we not be seen to be actively working to help reduce carbon emissions and tackle fuel poverty across our area.
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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**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

### **Appendices**

1. Equality Impact Assessment
2. Summary of Consultation Responses
3. Sustainable Energy Strategy

## Appendix 1: Equality Impact Assessment - process for services, policies, projects and strategies

<p>1. Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>No.</p> <p>Actions within the Sustainable Energy Strategy will have a positive effect on all groups; however in some areas, primarily with regards to accessing Government funding, some groups are given priority over others e.g. the elderly and those on benefits. These are national eligibility criteria and can not be controlled locally.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Government eligibility criteria for ECO funding.</p>
<p>3. How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>The Strategy has been through a public consultation process. The Strategy was open to comments for a period of 1 month and promoted through local PR channels. I also attended Parish Council meetings and made direct contact with relevant groups/organisations.</p>
<p>4. Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>No.</p> <p>The Strategy promotes community action from those who have a collective interest in energy reduction. This may result in communities taking action e.g. those who reside in properties which are hard to treat or located off the gas grid.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>N/A</p>

## Appendix 2: Summary of Consultation Responses

INDIVIDUAL REPRESENTATIONS				
No.	Respondent	Chapter	Comment/Issues	Response/comment/action
1	Mrs Alison Rees, Wrightington resident	Renewable Energy	Requested that statements from both West Lancashire local policy and central government policy be regarded as significant with regards to wind turbine development, including NPPF, Local Plans and the Wind Turbines (Minimum Distances from Residential Premises) Bill.	<p>Both the current and emerging Local Plans contain planning policies on wind turbines. The new Local Plan 2012-2027 has been produced in line with the National Planning Policy Framework (NPPF) guidance which requires Local Planning Authorities to have a positive strategy to promote energy production from renewable sources, while ensuring that adverse impacts are addressed satisfactorily. Whilst this Strategy document encourages the use of all renewable technologies and makes reference to national and local planning policies, it should be noted that it is not itself a planning policy document</p> <p>The Council doesn't currently have any intention to utilise the Wind Turbines (Minimum Distances from Residential Premises) Bill to introduce a minimum separation distance policy. The Bill hasn't been progressed since its second reading in the House of Lords in June 2011 and consequently there are currently no minimum separation distances in English planning law. It may therefore be considered to be at odds with the intentions of the NPPF to introduce this in policy.</p>

2	P. Banks, Appley Bridge resident	Renewable Energy	Support for renewable energy alternatives to wind power e.g. solar energy. Concern over turbine height and blade length required to achieve greater efficiencies and the impact this would have on landscape.	It's agreed that there will need to be great diversity of renewable energy technologies and schemes utilised at a wide variety of sites and locations to meet national renewable energy generation targets. It's also agreed that the suitability of technologies must be considered in balance with landscape sensitivity and the understanding that some locations lend themselves to some technologies better than others. With regards to wind turbine developments, planning policies are in place to ensure that adverse impacts are addressed satisfactorily taking into consideration the size of any proposed turbine.
3	Mr. David Young, Wrightington resident	Introduction	Agree in principle with the overall strategy objectives.	Support noted.
		Renewable Energy	The renewable energy generation targets place far too great a dependence on wind generated energy. Strongly against turbine development harming green belt land and distracting from the visual amenity of the landscape, influencing the quality of the environment and the lives of residents, in contrary to Council policies. Supports alternative renewable energy technologies and supports a balance between low carbon energy and protecting the special character of the landscape.	The NPPF and Policy EN1 of the emerging Local plan 2012 - 2027 indicate that proposals in the Green Belt will need to demonstrate how the benefits of the proposal outweigh the harm to the Green Belt whilst ensuring any adverse impact on local amenity are satisfactorily addressed. The NPPF does place significant weight on the long term carbon reduction benefits provided by renewable technologies, which must be considered against the relatively short term impacts of a 20 year structure. However, it is agreed that there needs to be a balance achieved through utilising a range of renewable energy technologies and protecting our landscape history and character.
4	Mrs Yvonne Young,	Introduction	Agree in principle with the overall strategy objectives.	Support noted

	Wrightington resident	Renewable Energy	The renewable energy generation targets place far too great a dependence on wind generated energy. Strongly against turbine development harming green belt land and distracting from the visual amenity of the landscape, influencing the quality of the environment and the lives of residents, in contrary to Council policies. Supports alternative renewable energy technologies and supports a balance between low carbon energy and protecting the special character of the landscape.	As part of the evidence base for the new Local Plan, West Lancashire was included in 2 separate studies to investigate the Boroughs capacity to deliver renewable energy. Whilst the studies used differing methodologies. Both concluded that West Lancashire could generate the highest output of renewable energy through wind turbine developments, however both studies did arrive at this conclusion looking at what is technically deliverable rather than what is viable and the Strategy has been amended to explain this.
5	Mr. Bill Ainscough, Wrightington resident	Introduction	Sustainable Energy Strategy is welcomed and, subject to comments, strongly supported.	Support noted
		Residential	Strongly supports the objectives. Recommended suggested wording to place more emphasis on the importance of retro-fitting.	Agreed and included.
		Renewable Energy	Agree and support emphasis of an integrated approach to carbon reduction. Suggests amendment to Objective 3 'To increase <i>appropriate</i> renewable energy generation'. More clarification required on the findings of the renewable energy capacity studies, with removal or updating of the generation targets table and areas of least constraint	Whether a development is deemed appropriate or not is a planning issue, should permission be required. Its agreed greater clarification on the findings of the Capacity study was required and this has been included.
			Recommends recognition that impact on landscape is a primary consideration for wind turbine development and the identified area of least constraint is referred to in section 3.5.	It is felt that the Strategy already recognises landscape impact as a primary consideration, along with the other listed issues. Reference to the area designated of least constraint in this chapter is not suitable as this area refers only to large scale wind turbine developments.
	Requests development of an indicative plan identifying areas considered to be generally suitable for the provision of wind energy generation and the inclusion of wind energy generation case studies	There are no plans to undertake further work to identify areas suitable for wind turbine installation as each application needs to be assessed on its own merits, depending on the proposed location and scale of the turbine,.		

		<p>It is recommended that Table 3.2.2 is removed or updated as it is considered misleading. If the table remains within the document, text should be included to appropriately reference and provide action within the Strategy to recognise the significant advances in alternative technologies since the Strategy was produced e.g. improved commercial viability of solar PV</p>	<p>It's agreed that table 3.2.2 did require further explanation to avoid misinterpretation. It is also agreed that the results will date quickly as technologies advance. It is for this reason that the proposed targets have not been included in the emerging Local Plan, which sets out a 15 year plan for the Borough. However, it was felt appropriate to include in this Strategy, which can be reviewed and updated should further work be undertaken.</p>
		<p>Requests inclusion of stronger wording regarding the impacts wind turbine developments could have on landscape, as provided by the Landscape Character SPG 'tall columnar constructions should be avoided, as should uncharacteristically or visually intrusive development, or development which interferes with long distance views from high points accessible to the public'.</p>	<p>Whilst this guidance provides a useful context for the consideration of planning applications, it does not provide strict criteria which all proposals must meet in order to be considered acceptable in planning terms. Individual proposals must be considered on their own merits, within the specific local context and must have regard to the wider Development Plan. This is made up of Local Plan policies, the emerging Local Plan policies and the National Planning Policy Framework (NPPF). It is the role of the planning system, through consideration of all of this guidance, to assess planning applications, including those for wind turbines, and to balance the impacts of each proposal with the benefits.</p>
	Sustainable Development	<p>Requests removal of reference to require developers to meet requirements of Policy EN1 of the Local Plan, including the district heating policy as this is a draft document and yet to be tested through consultation.</p>	<p>Policy EN1 has been under scrutiny by a Planning Inspector over recent weeks. The Policy has been found sound and shall remain in the Strategy and Local Plan.</p>
		<p>Supports the objective to encourage sustainable development but suggests any proposals for district heating should come from developers rather than result from council led proposals.</p>	<p>Planning authorities are being encouraged to support and promote the delivery of infrastructure for district heating, to help developers achieve future building regulations targets.</p>
	Green Communities	<p>Suggests adopting a more pragmatic approach to district heat networks, differentiating between retrofitting solutions and more complex networks.</p>	<p>Noted</p>



		Sustainable Development	Supports proposed Local Plan Policy EN1 but disagree with the requirement that all major developments explore district heating, stating that a blanket approach is inappropriate and could waste resources that could be used on viable sustainable development measures. The disadvantages of district heating, most notably in terms of commercial viability, should also be discussed, and suggests that reference to this policy is removed until it becomes adopted Council policy.	The emerging Local Plan 2012-2027 has recently been scrutinised by the Planning Inspectorate, who supported the proposed policies. If a developer is able to prove that a district heating scheme is unviable and a satisfactory standard of sustainability can be achieved by other means this will be acceptable.
			Support for the implementation of an Allowable Solutions Fund following the introduction of a zero carbon standard, to allow developers to pay a levy if they don't meet the standard, which can then be utilised to improve environmental performance of existing homes, which would fit with the Strategy's recognition of the importance of retrofitting.	Support noted.
		Business and Industry	Agree with and support content of these section	Support noted.
		Transport	Agree with and support content of these section	Support noted.
6	Mr. Andrew Porter, Wrightington resident	Renewable Energy	The renewable energy generation targets place far too great a dependence on wind generated energy, which can't be relied upon and will have an effect on the National Grid distribution system. Supports a greater contribution from other renewable technologies which work alongside wind turbines. Also highlights green belt considerations and the impact turbines have on the landscape, in comparison with other technologies such as wind turbines.	Addressed above.

7	Bev Barnes, Heskin resident	Renewable Energy	Objection to wind turbine developments. Supports alternatives that have less visual impact on the area. Council should be protecting the landscape of the Borough. States NPPF and local policy against inappropriate development that's harmful to green belt.	Addressed above.
8	J.J. Ainscough, Ainscough Building Supplies, Wrightington	Renewable Energy	The renewable energy generation targets place far too great a dependence on wind generated energy, which have a large impact on the landscape causing great loss on visual amenity. Support for other sustainable technologies that have very little impact on landscape.	Addressed above.
9	Mrs Christine Birchmore, Resident	Renewable Energy	Support for renewable energy technologies such as solar PV and air source heat pumps being used to reduce fuel poverty.	Agreed and included.
			Objection against wind turbines blotting the landscape. Development in Green belt should be kept to an absolute minimum.	Addressed above.
10	Mr. Geoff Birchmore, Wrightington resident	Renewable Energy	Strong objection to wind turbine development in green belt and agricultural areas. Highlights considerations including impact on the landscape, noise, shadow flicker and the impact on migrating birds and aircraft.	Addressed above.
			Support for alternative renewable technologies being utilised and associated income generation used as a contribution towards projects to alleviate fuel poverty and hard to treat homes.	Agreed and included.
11	Mr. Ben Hughes, Wrightington resident	Renewable Energy	Objection to wind turbine development in the Green belt due to impact on landscape from an unreliable technology.	Addressed above.

12	Dr. E Gradwell, Wrightington resident	Renewable Energy	Supports consideration of alternative forms of renewable energy other than wind turbines, which don't cause health risks and loss of visual amenity.	Addressed above.
13	Mrs M Gradwell, Wrightington resident	Renewable Energy	Supports consideration of alternative forms of renewable energy other than wind turbines, which don't cause health risks and loss of visual amenity.	Addressed above.
14	Mr. Chris Byron, Aughton resident	Renewable Energy	Objection to wind turbine development due to well documented health issues. Requests consideration of a policy prescribing separation distances from turbine to residential dwelling, varying with height of turbine. Sole reliance on desk-bound assessments is not sufficient.	Addressed above.
15	Ms. Kierstan Boylan, Wrightington resident	Introduction	The overall Strategy seems acceptable.	Support noted.
		Renewable Energy	Emphasis that renewable energy sources should be steered towards solar panels and other alternative technologies to wind turbines. Wind turbines destroy visual amenity and the lifestyles of families who live in the vicinity, and are inappropriate development in green belt. Secondly, wind power is not reliable and causes problems for the national grid.	Addressed above.
			Strongly object that 92% of the Boroughs contribution to renewable energy targets will be generated by onshore wind. Support to reduce the number of wind turbines and ensure sustainable alternatives are available.	Addressed above.
16	Mrs Karen Colins, Wrightington resident	Renewable Energy	Strategy places too much dependence on wind generated energy that has the most significant impact on landscape. There needs to be greater contribution from other technologies to achieve acceptable balance. Wind power is not reliable and causes problems for the National Grid.	Addressed above.

			NPPF and local policy against inappropriate development that's harmful to green belt and states avoidance of tall columnar constructions.	Addressed above.
17	Mr. Joe Gray, Resident	Residential	Proposes the Council should run a service to provide thermal imaging surveys for householders, on their request, to help identify heat loss occurring in their property.	The Council does own a thermal imaging camera that is used to identify heat loss and insulation requirements on Council owned housing stock. Offering this as a service for private homeowners is something that we could investigate. The Council did undertake a 'Hot Lofts' thermal imaging survey of the Borough by helicopter in 2011, however the results of which must be used with caution due to influencing factors such as occupation and heating at the time of survey.
		Renewable Energy	Council to provide independent information and financial advice on savings to be made from installing solar roof panels	An advice service is available provided by the Environmental Strategy Officer. Other independent advice sources are also available from organisations such as the Energy Saving Trust. Contact details provided within the Strategy.
18	Mrs Susan Lace, Resident	Residential	Support works to encourage householders to insulate their homes effectively and use low energy equipment where possible.	Support noted.
		Renewable Energy	Supports the use of renewable technologies that pose very little impact on the landscape e.g. solar panels and ground source heat pumps.	Support noted.
			Objection to the introduction of wind turbines which have a detrimental effect on large areas. Green belt should be protected. Wind turbines are inappropriate close to residential properties.	Addressed above.

19	Mr Stuart Watt, Wrightington resident	Renewable Energy	Request for the inclusion of a policy to further protect and safeguard the landscape in West Lancashire, especially those areas designated to be of county or local importance in terms of landscape history, as designated in the existing Council SPG.	The existing SPG referred to is still given significant weight in planning decisions. Despite the age of the document the Council considers the document to still be broadly applicable given the lengthy time period associated with significant landscape change. The Council does intend to produce Supplementary Planning Guidance to accompany the renewable energy chapter of the emerging Local Plan. This will aim to provide further guidance to both planners and developers, in line with the NPPF national guidance, however given the current stage of the new Local plan, development if this document is not imminent.
20	Mr Mark Calland, Wrightington resident	Renewable Energy	Requests consideration of the 'Distances to Residents Properties Bill' in the Strategy for referral when considering wind turbine applications	Addressed above.
21	Ms Megan Rees, Wrightington resident	Renewable Energy	Objection against wind turbine development within West Lancashire greenbelt. Reference to the Councils Greenbelt Study and request for a supplementary guidance document to protect our green belt from incompatible wind turbine developments.	Addressed above.

<b>ORGANISATION REPRESENTATIONS</b>				
<b>No.</b>	<b>Respondent</b>	<b>Chapter</b>	<b>Comment/Issues</b>	<b>Response/comment/action</b>
1	Ormskirk and District Friends of the Earth (c/o Frank Kennedy)	Introduction	Sign up to Climate Local.	Action Completed
		Renewable Energy	No mention of solar technology in generation targets. Strategy needs to better promote solar technologies.	It's agreed that solar thermal technologies have an important role to play in reducing our dependence on fossil fuels and achieving renewable energy targets. Solar thermal generation has unfortunately been omitted from the generation targets within the renewable energy capacity study however, as this study was published three years ago regrettably it can't be altered but this comment has been noted for any future works. It's anticipated that the capacity of solar thermal would be similar to solar PV as this contribution was based on number of dwellings and amount of available roof space.
		Sustainable Development	Would like to see higher sustainable energy standards imposed than those in line with building regulations. Wants to see more pressure on developers to use renewable technologies	The Code for Sustainable Homes and BREEAM standards set out in the new Local Plan do go above and beyond the requirements of Building Regulations. Whilst the Council agrees that new developments should be as sustainable as possible, we must also consider the impact such requirements have on the viability of developments. We encourage energy reduction through use of the energy hierarchy, rather than pushing developers to utilise expensive renewable technologies without ensuring a fabric first approach. However, as Building Regulations and Code/ BREEAM levels increase in the next few years, developers will need to utilise renewable and sustainable technologies to achieve the required energy reductions.
		Transport	Would like to see an objective to improve traffic flow through Ormskirk especially around Moor Street/ Stanley Street, to help improve air quality.	The possibility of an Ormskirk by-pass option has been investigated in previous years. Other possible measures are highlighted as part of the West Lancashire Air Quality Action Plan.

2	Gillian Whitfield, WLBC (Planning Policy)	Renewable Energy	Include the finding of the Lancashire Sustainable Energy Study.	Agreed and included.
3	Friends of the Earth North West (c/o Helen Rimmer)	Introduction	Overall support for the Strategy and the seven broad objectives. Recommends inclusion of a comprehensive set of time limited targets to encourage ambition, drive, implementation and commitment e.g. number of homes to be retrofitted.	The green agenda and the various funding mechanisms available to help initiatives such as retro-fitting, installation of micro-generation etc are constantly evolving and changing, making the inclusion of some targets very difficult. The Strategy targets have therefore been set in line with national targets and progress will be reported annually.
		Renewable Energy	Recommends a strong target for renewable energy generation, linked to the Local Plan, to ensure the Borough fulfils its contribution of Lancashire's renewable energy capacity. A policy to support small scale wind power for our farming communities should also be included.	Agreed and included. Small wind turbines in rural communities will be considered in line with the NPPF and local planning policy. As required by the NPPF, the Council has a positive strategy to promote energy from renewable sources, while ensuring that adverse impacts are addressed satisfactorily.
		Green Communities	Welcomes the focus on community based energy efficiency and renewable energy.	Support noted.
		Business and Industry	Recommends the Council conducts an assessment of the risks that possible future commercial development of shale gas production in West Lancashire may have on our rural economy, communities and environment.	The responsibility for planning/ control of this industry lies with Lancashire County Council
		Transport	Transport section is limited. Would like to see more cycle initiatives e.g. cycle lanes and cycling training offers, along with targets driven by number of short journeys made by bike. Car clubs and the provision of electric vehicle charging points are also recommended.	Initiatives such as cycle lanes fall within the responsibility of Lancashire County Council. The Council has previously ran a car sharing club for employees but unfortunately its use did not warrant continued financial spend in this area. We are currently investigating the provision of electric vehicle charging points. Where specific targets are made, they must be SMART and easily measurable. Number of avoided car journeys is not considered to be measurable.

4	Wrightington Residents Against Turbines (WRAT) Group (c/o Karen Collins)	Renewable Energy	<p>The renewable energy generation targets place too much dependence on wind generated energy, which has a significant impact on the landscape. There needs to be a greater contribution from other renewable technologies to achieve a balance between low carbon energy and protecting the special character of the landscape.</p>	<p>Its agreed that there will need to be contributions from a mix of low carbon technologies, if we are to meet renewable energy targets. The renewable energy generation targets are only a guide as to how this can be achieved. The Strategy clearly outlines that proposals for wind turbines will be assessed on their own merits, in line with the NPPF and ensuring consideration is given to impacts on landscape and amenity.</p>
			<p>Existing Council policies, including the SPG: Areas of Landscape History Importance recommending 'the avoidance of tall columnar constructions' should provide a level of protection against wind turbine development.</p>	<p>The Council's Natural Areas and Areas of Landscape Importance Supplementary Planning Guidance (SPG) is one of the planning documents given consideration when determining planning applications that may have an impact on the Borough's landscape, and consequently this is referenced as a consideration for any renewable energy project within the Sustainable Energy Strategy. Whilst this guidance you point to in the SPG provides a useful context for the consideration of planning applications, it does not provide strict criteria which all proposals must meet in order to be considered acceptable in planning terms.</p>
			<p>Recommends the Strategy should include a statement confirming that the 'impact of wind turbine development on landscape is a primary consideration', and a definitive plan subject to planning controls for the siting of turbines in West Lancashire.</p>	<p>Individual proposals must be considered on their own merits, within the specific local context and must have regard to the wider Development Plan. This is made up of Local Plan policies, the emerging Local Plan policies and the National Planning Policy Framework (NPPF). It is the role of the planning system, through consideration of all of this guidance, to assess planning applications, including those for wind turbines, and to balance the impacts of each proposal with the benefits.</p>
5	Paula Huber, WLBC (Regeneration)	Business and Industry	<p>Recommends WLBC should be doing more to encourage our contractors to reduce their carbon footprints, to demonstrate the Councils commitment to tackling this agenda from all sides.</p>	<p>Agreed. Included within the Commercial action plan for further investigation.</p>



6	Dalton Parish Council (c/o Elizabeth-Anne Broad)	Residential	Welcomes making homes more energy efficient, however the same offer should be available to all. Presently, the Green Deal is skewed to tenants/fuel poor whilst missing the masses.	The Green Deal is available to all homeowners and businesses. Depending on each residents situation, ECO funding may be available to subsidise the required measures and ultimately reduce the Green Deal loan value, however this specifically targets those on benefits, struggling in fuel poverty or living in hard to treat properties. Green Deal has been developed to aid 'the masses'. The main concern is those in fuel poverty that move into a property with a green deal loan already attached to it.
			Concerned that waste energy comes top if this means 'energy from waste' as such plants are resource hungry and could hinder recycling. Emission from such plants are also potentially harmful. Utilising methane from existing landfill is recommended.	Wasted energy' was referred to in this context as heat lost through inadequate thermal insulation properties in buildings.
		Renewable Energy	The Chapter on wind is weak in protecting residents from the impact of wind turbines. No mention of distance from property or height to distance quotas. Concerned about low frequency noise. Encourage tightened policy with definitions of appropriateness.	Addressed above.
			Concerned by the absence of policy on solar parks. Encourage policy to make it difficult for a developer to utilise agricultural land for this purpose.	Proposals for solar parks, which would result in the loss of agricultural land, would need to be considered on their own merits, in line with national and local policies.
7	Chris Carpenter, WLBC (Environmental Health)	Transport	Air quality monitoring continues within the Borough with no new areas of concern being identified. Latest assessment results and progress update are now available on the Council website, highlighting recent work with partners in relation to improving the air quality management area and the Borough as a whole.	Comments noted.

8	Wrightington Parish Council (c/o Mrs Carolyn Cross)	Renewable Energy	The overall policy is agreeable. Support renewable energy proposals but would like to see more emphasis on promoting solar technologies, particularly in rural areas, with wind turbines reduced to a minimum.	Addressed above.
		Transport	Improvements are needed to public transport, cycleways and pedestrian routes to encourage a reduction in car use. A review of public transport charges is also recommended to encourage greater use and make these services more sustainable in the long term.	This Strategy aims to do all it can to promote public transport and make its use as easy as possible, however the services provided and the costs charged to users are beyond the Council's control.
9	Community Keep Warm Ltd (c/o Mark Kelly)	Residential	Suggested reference to properties with defective cavity wall insulation. Many properties insulated 10+ years ago with wool or foam insulation now suffer from wet, sunken or disintegrated insulation leaving cold spots. These properties can be identified with thermal imaging technology and require extraction of old insulation and new installed. Hard to treat properties with narrow cavities also omitted, which can now be treated with bonded bead insulation.	Agreed and included.
10	Natural England	Renewable Energy	Enquiry as to whether the findings of the Renewable Energy Studies identify potential effects of wind turbines on qualifying species? If so, this should be referred to within the document.	The planning policy document 'Habitat Regulation Assessment' does refer to this issue. This can be viewed on the council website.
11	Downholland Parish Council (c/o Jill Cavan)	Renewable Energy	The movement towards sustainable energy should not take place without due consideration of the effects on the quality of residents lives. Individual schemes should be subject to full public consultation.	Addressed above.

		Transport	Supports the objective of encouraging sustainable transport, such as public transport but there should be regular and dependable public transport connections between larger centres such as Ormskirk and the outlying villages so people are able and keen to use it.	Comments noted.
12	Aughton Parish Council (c/o Irene Roberts)	Renewable Energy	Separation Distance Policy should be should be formulated and adopted to safeguard/protect residential amenity particularly for those properties within close proximity of a Wind Turbines. This should be added into Local Plan along with requirement to consider other issues such as landscape character and noise etc.	Addressed above.
13	Burscough Community Energy Company and Burscough Sustainability Working Group of Burscough Parish Council (c/o Cynthia Derelli)	Residential	Two issues are being confused, fuel poverty as a result of household poverty and fuel efficiency, as a factor of the type of fuel plus the insulation factors in the house itself.	The Strategy clearly outlines that fuel poverty is determined by the interaction of a number of factors but 3 key components are the cost of the fuel being consumed, the energy efficiency of the home and the household income.
		Renewable Energy	<p>Would like to see a more positive angle on wind energy. Issues such as flicker, birds and radar interference have been exposed as myths by experts are all given credence. On the other hand, the work being done to map areas suitable for wind is not engaged with.</p> <p>The Council is failing to have a policy in place that will positively promote the use of this resource, in spite of recognising in the Strategy that the Borough is well suited to it.</p>	<p>The Strategy fully supports the development of wind energy developments, while ensuring that any adverse impacts are addressed. Considerations to potential issues such as shadow flicker and ecology are part of the planning approval process, which this Strategy aims to inform about.</p> <p>Both the current and emerging Local Plans contain planning policies on wind turbines. The new Local Plan 2012-2027 has been produced in line with the National Planning Policy Framework (NPPF) guidance which requires Local Planning Authorities to have a positive strategy to promote energy production from renewable sources, while ensuring that adverse impacts are addressed satisfactorily. Whilst this Strategy document encourages the use of all renewable technologies and makes reference to national and local planning policies, it should be noted that it is not itself a planning policy document</p>

		Green Communities	Burscough Renewable Energy Company has completed two schemes installing solar panels at the Cricket Club and the Stanley Institute. Financed initially by grants from the Parish Council, the aim is to use the feed-in tariff to develop other projects on renewable energy for the benefit of the community, as well as providing an advert for the potential of renewables.	Noted and supported. Case study detailing the work of the Burscough Renewable Energy CIC to be included in the 'Green Communities' chapter.
		Sustainable Development	Questions who is responsible for implementing increasingly stringent standards. Would like to see the Local Plan take a more positive approach to encouraging the use of brownfield sites.	Unfortunately Central Government have steered away from bringing in national sustainability standards for new developments. Local Authorities have the power to do this through the planning process, which has been incorporated into West Lancashire's emerging Local Plan 2012-2027.
		Business and Industry	Would like to see the Council brief local businesses on the potential of renewables and grants available etc.	A series of informative Resource Efficiency seminars have been delivered to West Lancashire businesses over the last few years. The programme was delivered by Groundwork, in partnership with Enworks, providing business support and ongoing advice services to many local businesses across the Borough. Hopefully, further funding will be sought to continue this support in the future. This Strategy also aims to be an effective and up to date advice service on renewables and grants/ funds available.
		Transport	Enquiry as to why only Ormskirk is designated an AQMA and whether monitoring has been undertaken in Burscough.	Air quality pollutants are monitored across the Borough, particularly in areas with busy traffic. Only the small area around Moor Street was been identified to breach national levels, predominantly due to heavy queuing traffic in narrow built-up streets.



# **SUSTAINABLE ENERGY STRATEGY**

**2012- 2020**



***West Lancashire Borough Council***

***Planning Services***

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# 1.0 INTRODUCTION

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## 1.1 EXECUTIVE SUMMARY

West Lancashire Borough Council recognises that, while climate change is an internationally important problem, we can play a significant part in tackling the issue locally. It is also recognised that, through working together to reduce carbon emissions, we can also reap many other benefits along the way. Whether you live, work, visit or travel through West Lancashire, this strategy will contain something to help you reduce energy costs, save money and reduce carbon emissions.

### 1.1.1 THE PURPOSE OF THIS GUIDE



This Sustainable Energy Strategy is essentially a Council document that contains actions, projects and ideas we would like to develop to reduce carbon emissions across the Borough. We appreciate that we can't do this alone and as we start to progress ideas and develop our action plans, we hope to work in partnership with many external organisations along the way.

The strategy also aims to provide useful information and ideas to a whole range of audiences including homeowners, businesses and developers. The 'How to' guides included within each chapter of the strategy aim to help the target audience, signposting to useful websites from organisations who are specialists in the field, without re-iterating the wealth of information already available..

### 1.1.2 CONTINUAL DEVELOPMENT

The green agenda is developing at a very fast rate. This guide has been developed as a web based document to allow easy revision, ensuring it remains current and up to date. As we develop the energy saving projects set out in our action plans, we will aim to continually add case studies and share our knowledge through this document. We are also interested to hear about your energy saving initiatives at home, at work or with your community.





## 1.2 THE WAY FORWARD

### 1.2.1 THE CHALLENGE

The [UK Climate Change Act \(2008\)](#) set a legally binding target for reducing UK CO<sub>2</sub> emissions by at least 80% by 2050. It also established the [Committee on Climate Change \(CCC\)](#), an independent body set up to advise UK Government on setting and meeting carbon budgets, and preparing for the impacts of a changing climate.



The CCC's first binding carbon budget, established in 2009, sets a target to achieve a 34% reduction in emissions by 2020. The reductions required to meet this are set out in the [UK Low Carbon Transition Plan \(2009\)](#).

[The Renewable Energy Strategy \(2009\)](#) also sets an additional target for the UK to achieve 15% of its energy consumption from renewable sources by 2020.

### 1.2.2 THE AIMS OF THE STRATEGY

The main aims and objectives of this strategy have been identified as:



**OBJECTIVE 1:** To improve the energy efficiency of West Lancashire's housing.



**OBJECTIVE 2:** To tackle hard-to-treat properties, reduce fuel poverty and ensure affordable warmth for all.



**OBJECTIVE 3:** To increase renewable energy generation across the Borough.



**OBJECTIVE 4:** To support and aid the development and installation of community energy projects.



**OBJECTIVE 5:** To encourage sustainable development and low carbon buildings.



**OBJECTIVE 6:** To encourage sustainable business and industry across West Lancashire.



**OBJECTIVE 7:** To encourage sustainable travel and reduce transport related emissions across the Borough.

### 1.2.3 TIMESCALES

The overall targets of this strategy sit in line with national policy, which will take us to 2020. However, each section of the strategy also comprises an action plan listing potential projects which are felt would achieve our local aims and objectives.



Timescales for completion of each action have been split up into short, medium and long term. A short term action is scheduled to be completed within the next 12 months, a medium term action within one to three years, and a long term action within the next three to five years. Some actions have also been labelled as 'ongoing'. This primarily relates to an advice service or signposting which is already in operation and will continue indefinitely.

The strategy, action plans and timescales will be monitored and reviewed on an annual basis. Progress reports and outcomes will be included in the revised document to share knowledge and promote successful projects as they develop.

## 1.3 NATIONAL, REGIONAL AND LOCAL POLICY CONTEXT

This strategy does not intend to duplicate or repeat existing national, regional or local plans, policies or strategies. It should therefore be considered alongside these documents and where relevant, a link has been provided to the document or a related webpage. The strategy does aim to fulfil requirements placed on Local Authorities within these policy documents, to reduce carbon across their areas.



### 1.3.1 CLIMATE LOCAL

Climate Local is a Local Government Association (LGA) initiative to 'drive, inspire and support Councils to act on the causes and effects of climate change'.

Becoming a Climate Local Council involves a four stage cycle:

**1**

**Sign up to the Climate Local commitment:** Council Members considered the requirements and agreed to sign up to the Climate Local commitment at a Cabinet meeting in November 2012. The signed document can be viewed in Appendix 1 of this strategy.

**Declare commitments and actions:** Within six months of signing up, Councils are asked to set out the actions they intend to undertake locally, clearly setting out priorities, resources, deliverability and progress reporting.

**2**

- This strategy document aims to fulfil this requirement. The Councils aims and objectives are set out in Chapter 1.2 and an action plan for each objective is included in the following sections. The action plans primarily focus on actions to be initiated, and where possible completed within the next 12 to 24 months.

**3**

**Sharing learning and experiences:** Councils are encouraged to share learning and experiences with other Councils. The Climate Local forum provides interactive space to share knowledge and post case studies.

- Case studies have been included throughout this document to inform of the energy saving projects we have delivered so far, the barriers we had to overcome and the successes achieved.

**Sharing progress:** Climate Local Councils are encouraged to keep communities and stakeholders up to date with how they are getting on. It is requested that we share progress on our commitments and actions once a year.

**4**

- This document is to be reviewed and updated on an annual basis, with an accompanying progress report detailing outcomes and actions completed.

### 1.3.2 HOME ENERGY CONSERVATION ACT (HECA)

In July 2012, the Department of Energy and Climate Change (DECC) released [Home Energy Conservation Act guidance](#) highlighting how Local Authorities have a unique position to be able to help improve the energy efficiency of all residential housing.

The guidance requests 'Councils set their own priorities, ambitions and related targets, based on local needs and circumstances'. It also requests Councils prepare progress reports each year setting out the energy conservation measures that are considered 'practicable, cost effective and likely to result in significant improvement in the energy efficiency of the Boroughs housing stock'.

Whilst this strategy does not intend to set specific targets for emissions reductions from the housing sector in West Lancashire, it does acknowledge national targets and aims to fulfil HECA requirements. It identifies the current situation, highlights local needs and sets priorities to address these issues within a clear and deliverable action plan.



West Lancashire Borough Councils 1<sup>st</sup> HECA report, for the period 2012-13, can be viewed in Appendix 2 of this document. This will be reviewed, updated and reported annually as part of the Sustainable Energy Strategy review.

## 2.0 RESIDENTIAL AND DOMESTIC SECTOR

---

### 2.1 BACKGROUND

There are approximately 24 million homes in the UK, responsible for around 43% of total UK greenhouse gas emissions. In 1990, the level of CO<sub>2</sub> emissions from housing alone was in the region of 160 million tonnes per year and it has reduced very little since this time.

The Government intends to make all new dwellings built after 2016 meet a net zero carbon standard, which should stop further growth in domestic CO<sub>2</sub> emissions. However, the majority of our homes, and anything built before 2016, is likely to still exist in 2050 and will therefore make up around 80% of our future housing stock.

Retrofitting these homes with energy efficiency measures to reduce the loss of heat energy through uninsulated walls and roof space is key, if we are to meet our carbon reduction targets. To achieve this we need to improve energy efficiency and tackle fuel poverty. We need to move away from fossil fuels as the main source of energy and exploit renewable energy sources.

This will not only reduce emissions associated with burning carbon intensive fossil fuels, but provide security in our energy supplies as we rely less on fuels imported from abroad. Aiding the development of a green economy can offer many other benefits and opportunities through the creation of green jobs and growth of the renewables industry.



#### 2.1.1 ENERGY EFFICIENCY

The UK has some of the worst performing buildings in Europe, with over half of our homes without sufficient insulation, leaking heat and wasting energy.



Emissions from dwellings vary depending on their size, build type, design and the number of occupants and their lifestyles. Average CO<sub>2</sub> emissions from an individual dwelling is in the region of 1.5 tonnes per year, however a large family dwelling is likely to emit more, whilst a small one bedroom flat will usually emit much less.

The physical characteristics of a dwelling will also have a major effect on its efficiency. The number of exposed external walls and the construction materials and methods all affect the overall heat loss. Different types and ages of dwellings will all have different energy characteristics.

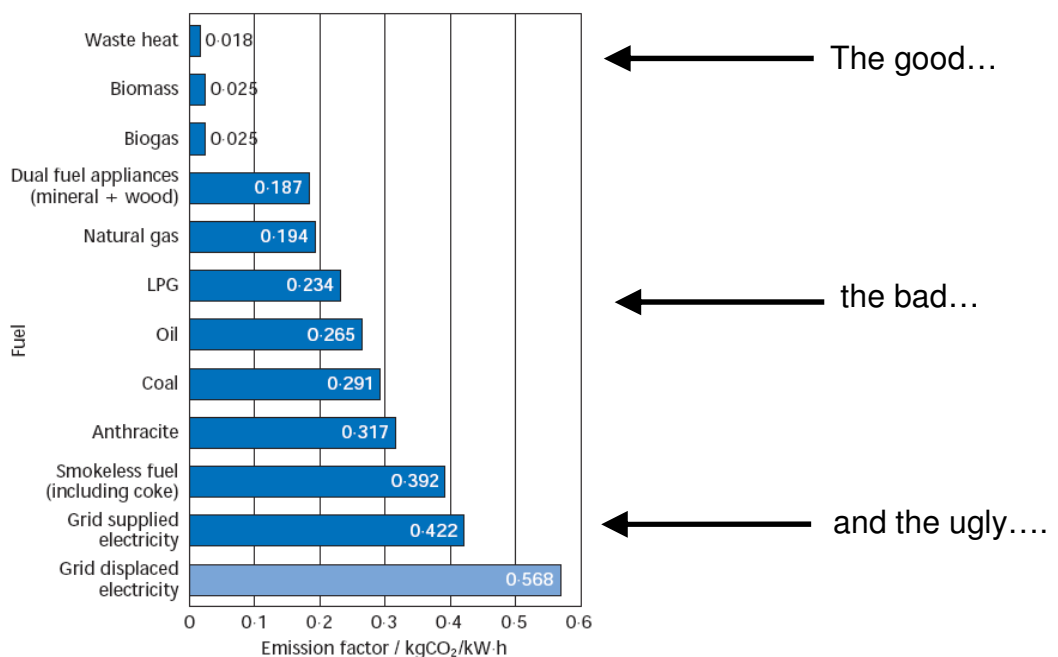
The energy efficiency rating of a property is measured by the [Standard Assessment Procedure \(SAP\)](#). This gives the property a rating between 0 and 100, banded A to G, based on the calculated annual energy cost for space and water heating. The higher the number, the better the energy performance of the dwelling.



Increases in SAP ratings are often associated with a reduction in dwelling age, with the most modern stock usually having the highest SAP rating. Older dwellings (pre-1919) and converted flats often suffer with high heat loss and low SAP ratings.

### 2.1.2 CO<sub>2</sub> EMISSIONS

Different fuels used for heating also have varying levels of carbon content within them, which are released to the atmosphere during combustion.



**Diagram 2.1.2:** Carbon content of fuels

As illustrated in diagram 2.1.2, natural gas systems release significantly lower levels of carbon per KWh of energy used. Fuel switching properties using electric or solid fuel heating to gas will significantly reduce emissions from domestic heating. This can be further reduced by the use of renewable or sustainable heating sources, which are discussed later in this document.

### 2.1.3 FUEL POVERTY

A household is currently considered to be in fuel poverty when residents need to spend more than 10 percent of their income to maintain an adequate level of warmth in their home. Whether a household is in fuel poverty or not is determined by the interaction of a number of factors, but 3 key components are:

- the cost of energy
- the energy efficiency of the home (and therefore how easily and cheaply it can be heated)
- the household income.

[The UK's Fuel Poverty Strategy](#) provides [fuel poverty statistics](#) identifying approximately 4 million households (around 18% of all households) as being fuel poor, with levels increasing annually over recent years. Those struggling in fuel poverty are often the most vulnerable groups within our communities including the elderly, those on benefits and those with young children. Rising energy prices have also seen an increase in the number of families struggling to pay their energy bills and maintain an adequate level of warmth in their home. It's also thought to be common amongst those living in private rented accommodation.



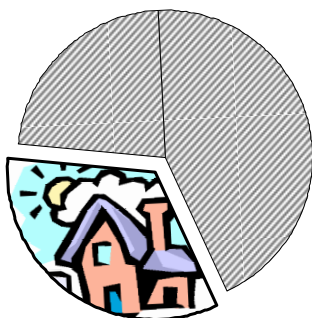
However, the [Hills Fuel Poverty Review](#), concluded and published in March 2012, has cast significant doubt on existing statistics and proposes a new way to define fuel poverty. This separates the extent of the issue (the number of people affected) from its depth (how badly people are affected). The findings of this review are currently with the Department of Energy and Climate Change to ensure future policies are as effective as possible. Improving the fuel poverty measurement is a key part of this.

### 2.1.4 HARD TO TREAT HOMES

Basic insulation measures to lofts and cavity walls are the fundamental first steps to affordable warmth and making a home thermally efficient. However, many properties have been built in a way that doesn't allow the resident to benefit from these cheap and easy measures. Many homes throughout the UK are of solid wall construction, without a cavity to fill, or have narrow sub-50mm cavities which are more difficult to fill. This is most common in older houses (pre 1920) and blocks of flats.

Homes are also considered hard to treat when located off the gas network. Depending on the distance to the nearest gas connection, it's often economically unfeasible to connect properties to the gas grid, leaving the resident reliant on inefficient heating systems such as solid fuel, oil or electric. Statistics from the [English House Condition Survey](#) show that 62% of people in fuel poverty live in hard to treat homes.

## 2.2 WEST LANCASHIRE HOUSING



35% of CO<sub>2</sub> emissions in West Lancashire originated from the domestic sector in 2010 (DECC, 2011). Improving the energy efficiency of the Borough's housing stock will provide many benefits including reduced fuel consumption, lower energy bills and reduced carbon emissions, warmer homes and improved health and well being.

There is an estimated 47,345 residential dwellings in West Lancashire. 85% of these properties are privately owned, with 12% being privately rented. Social housing makes up the remaining 15%, with the Local Authority owning 13% and the remaining 2% currently under Housing Association ownership. Improving the condition of our housing stock will therefore need to be approached from a variety of angles to suit the mix of property types and tenures.

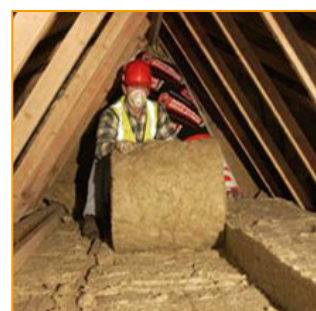
### 2.2.1 ENERGY EFFICIENCY

The average SAP rating of privately owned properties in West Lancashire is 53. This is better than the national average of 48, but needs to be significantly improved if we are to reduce emissions from this sector. Typically, the lower SAP ratings are found in older, pre-1919 dwellings and converted flats, which suffer with high heat loss. The privately rented dwellings across the Borough have an average SAP rating of 51.

By area, the lowest mean SAP rating was found in the Western parishes sub-area (46), followed by the Northern parishes sub-area (51). The Skelmersdale sub-area has the highest mean SAP rating (56) with the remaining sub areas being very close to the Borough average (53).

[A West Lancashire Housing Stock Condition Survey](#) undertaken on behalf of the Council in 2010 identified the following, which starts to indicate the scope for improvement:

- ❖ 43% of privately owned properties have less than 200mm of loft insulation, with 2.9% having no loft insulation at all.
- ❖ The largest percentage of dwellings has between 50mm to 150mm loft insulation. Converted flats and small terraced houses appear to have the least.
- ❖ Around 10% of converted flats and small terraced housing are heated by electric storage heaters. A carbon intensive, inefficient method of space heating.



Adopting a whole-house approach to installing energy efficiency measures is the most cost effective and efficient way to improving the housing stock.



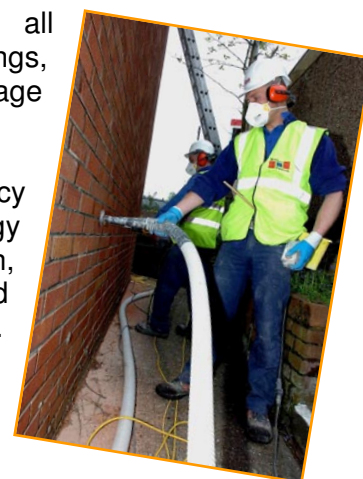
Table 2.2.1 illustrates the energy efficiency measures that could be carried out on privately owned homes across the Borough:

Measure	Dwellings	Percent of stock
Loft insulation	14,200	35.4%
Wall insulation	9,900	24.7%
Double glazing	3,100	7.7%
Cylinder insulation	28,800	59.3%
New boiler	7,600	18.9%
New central heating	600	1.5%

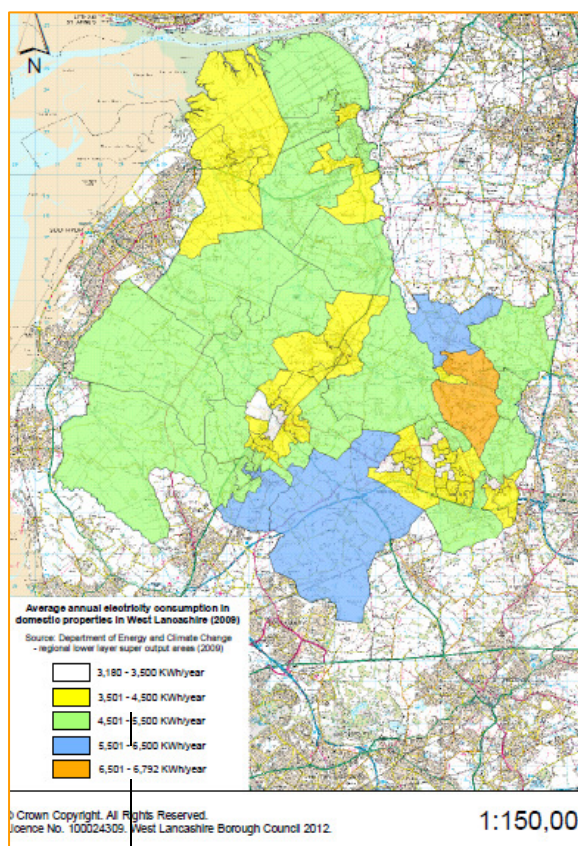
**Table 2.2.1:** Energy efficiency measures that could be carried out.

The housing stock condition survey predicted that, if all combinations of improvements were carried out to all dwellings, the total cost would be around £38.6 million. This is an average of £1,120 per dwelling.

It should be noted however, that improving energy efficiency does not necessarily equate to a reduction in energy consumption. In the majority of cases there will be a reduction, but, for example, where a household is in fuel poverty and improvements are made, energy consumption may well go up. In such dwellings the occupiers may have been heating the dwelling to an inadequate level using expensive fuel. Use of cheaper fuels can create affordable warmth, but also lead to increased energy consumption.



## 2.2.2 CO<sub>2</sub> EMISSIONS



[Domestic energy consumption data](#) for the Borough is provided by the Department of Energy and Climate Change. The following statistics are taken from the most recent data set for 2010 and provide 'average' consumption figures.

Its should be borne in mind however that houses do vary enormously in size and generally, the larger the property, the higher the consumption of energy and the higher the running costs and carbon emissions.

The average household electricity consumption in the Northwest of England is 4,221KWh a year. West Lancashire residents consume a higher than average 4,624KWh a year.

To try and pinpoint the cause, detailed national consumption data has been mapped by sub area, the results of which are illustrated in diagram 2.2.2a opposite.

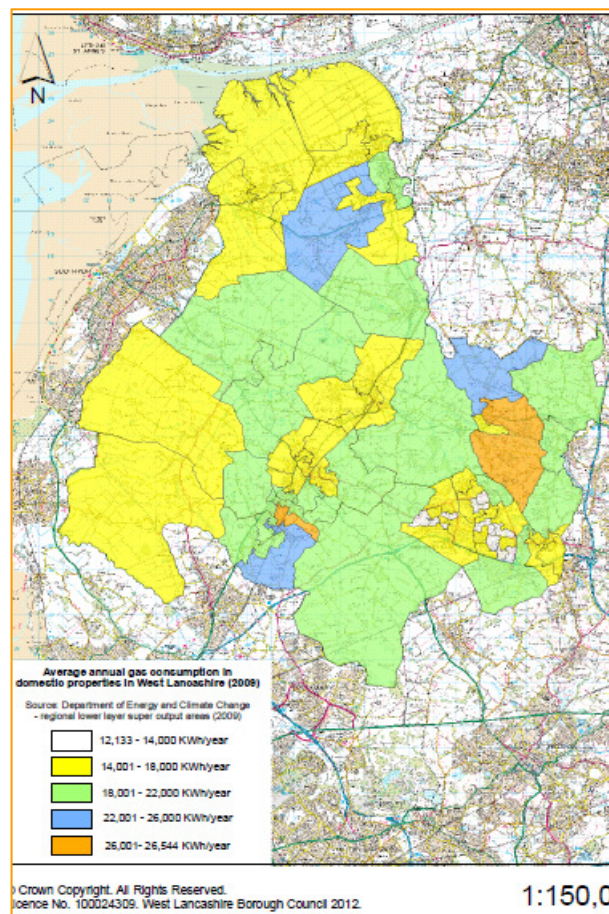
Diagram 2.2.2a: Electricity Consumption in West Lancashire

The highest consumption of electricity occurs in the areas to the South of the Borough around Aughton, Bickerstaffe and Simonswood Moss, and to the East around Parbold, Dalton and Bispham Green. It must be borne in mind that areas such as Bickerstaffe contain areas off the gas grid that are heated by electricity and therefore expected to be higher.

The average domestic gas consumption in the Northwest is 15,232KWh a year. Again, West Lancashire residents consume a higher than average 16,626KWh a year.

The pattern of gas consumption follows a similar trend to that of electricity, as illustrated in diagram 2.2.2b opposite. The highest consumption being seen around the Parbold area and up towards Bispham Green. Other areas of high consumption include Aughton and the Northern Parishes. However, it should be highlighted that this could occur for a number of reasons. It doesn't necessarily mean that housing in these areas is less efficient than elsewhere in the Borough.

In total this equates to 270 kilotonnes of CO<sub>2</sub> being released from the domestic sector in 2010. This is a 7% reduction in emissions since 2005. For national comparison this is divided by population of the Borough, equating to 6.9 tonnes of CO<sub>2</sub> per capita in West Lancashire. This is higher than the Northwest and national emissions level of 6.3 and 6.6 tonnes per capita respectively.



### 2.2.3 FUEL POVERTY

Diagram 2.2.2b: Gas Consumption in West Lancashire

In 2010, 19.2% of households in West Lancashire were thought to be living in fuel poverty (DECC, 2010). Those most vulnerable in West Lancashire are thought to be elderly, those on benefits or with young children and those living in hard to treat homes.

West Lancashire has an ageing population, with around 32% over the age of 65, so consideration needs to be given to the support required by older households, where tenants are more vulnerable to illness from cold and damp homes.

### 2.2.4 HARD TO TREAT HOMES

**Insulation** - During the growth of Skelmersdale in and around the 1960's, the Wimpey no fines and Bison concrete type properties were prolifically used. This is primarily because they were quick



and relatively inexpensive to build, making them a very attractive option to developers. As a result, these types of properties are a very common sight in areas such as Digmoor and Tanhouse, primarily as small blocks of flats and maisonettes.

These properties are structural precast concrete units with solid external walls, making them thermally inefficient and unsuitable for cavity wall insulation. Properties such as this need to be insulated internally or externally to reduce heat loss and improve the energy efficiency of the building envelope. External wall insulation is most common, where a layer of insulation is fixed to the walls then covered with render.



According to the [Energy Saving Trust](#), around 45% of the heat lost in a solid walled home without insulation is lost through the walls. Insulating solid walls not only reduces the amount of energy lost, but it also saves the householder around £475 a year. The photograph opposite was taken with a thermal imaging camera and shows the comparison in heat loss between a terraced property with the benefit of solid wall insulation against one that is yet to be insulated.

Over the last few years the Council has been working to externally insulate all their solid walled properties, improving thermal comfort and reducing energy bills for our tenants.

There is also the option of utilising a polyurethane, spray based insulation for properties that have narrow or variable cavities, are random stone built or are at risk from the ingress of rainwater due to the location and orientation of the property.

Properties with defective cavity wall insulation can also bring problems. Many properties insulated 10+ years ago with wool or foam insulation now suffer from degraded, sunken or disintegrated insulation that is sitting in pockets within the cavities, providing minimal thermal benefits and causing cold spots. These properties can be identified with thermal imaging technology and may require extraction of the old insulation before new can be installed, which can be a timely and expensive exercise.

**Areas off the gas network** - Approximately 11% of housing in West Lancashire is also located off the gas grid. Without access to the mains gas supply, properties usually rely on oil, electric or solid fuel heating. These fuels are often inefficient and expensive, leaving the resident struggling to maintain comfortable temperatures in their home and afford their heating bills. Renewable heat technologies are now starting to offer an affordable alternative. More information is provided in Chapter 3: Renewable Energy.



## 2.3 A RESIDENTS GUIDE TO REDUCING ENERGY AND CARBON EMISSIONS

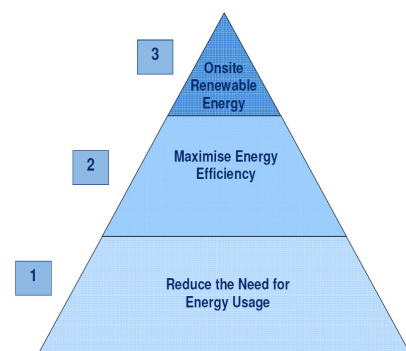
### 2.3.1 RETROFIT YOUR PROPERTY

If we are to make any progress towards meeting UK CO<sub>2</sub> targets and improving the energy efficiency of our housing stock, we will need to concentrate on retrofitting our homes. The retrofitting of homes and the resulting reduction in energy demand is the most cost effective and efficient way to ensure progress towards meeting UK carbon reduction targets.

### 2.3.2 THE ENERGY HIERARCHY

The energy hierarchy should be used when applying energy efficiency and renewable energy measures to any dwelling, be it retrofitting an existing property or a new build development. The hierarchy, as illustrated below, sets out the most effective way to reduce a dwellings energy consumption and carbon emissions.

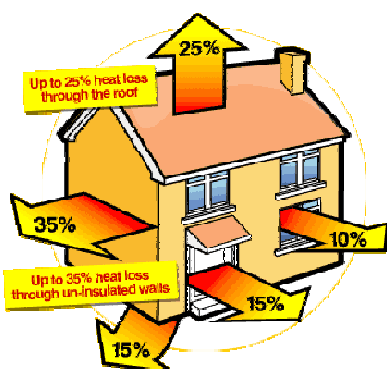
1. Reduce the energy demand by establishing a well insulated building envelope; insulate loft and walls, low air permeability and passive design. Make behavioural changes.
2. Use energy efficient lighting and appliances. Replace old central heating boilers with new models with upgraded heating controls.
3. Make up any remaining energy deficit by installing low or zero carbon technologies, where possible, and generating energy on site e.g. solar thermal hot water or biomass heating. As an alternative, substitute low efficiency fossil fuel systems with more efficient installations e.g. replacing electric heating with air source heat pumps in areas off the gas grid.



Following the basic rules of the energy hierarchy will ensure the highest carbon savings in relation to cost effectiveness.

### 2.3.3 ENERGY EFFICIENCY

An uninsulated house loses approximately 25% of heat loss through the roof and 35% through the walls. The primary measures required to improve the energy efficiency of a dwelling are:



- 270mm of loft insulation
- Cavity wall insulation (or solid wall insulation if required)
- Energy rated double glazing
- High efficiency heating system
- Pipework and 70mm cylinder jacket insulation.

The quick wins with regards to improving the energy efficiency of a dwelling at minimal costs are provided by loft and cavity wall insulation measures, which have been heavily targeted over the last few years. These measures are quick and easy to install and will have a noticeable impact on energy bills and carbon footprint. A loft insulation top up and cavity wall insulation can save up to £310 a year per dwelling!

There is a vast amount of information and help already available informing of various energy efficiency measures that you can undertake to save energy and money.

The links below provide a list of helpful websites:



**Energy Saving Trust**

['Save energy and money today – take action!'](#)



**Act on CO<sub>2</sub>**

['Its time to act!'](#)



**English Heritage**

['Saving energy in older homes'](#)



**DEFRA**

['Water saving tips'](#)



**Institute for Sustainability**

['Improving Building Fabric'](#)

## 2.4 SUPPORT PROGRAMMES AND FINANCIAL INCENTIVES

### 2.4.1 THE GREEN DEAL

[The Green Deal](#) is a new Government finance framework that aims to reduce carbon emissions and lift families out of fuel poverty by significantly improving the energy efficiency of local homes and businesses. The Green Deal offers the opportunity to install energy efficiency measures in homes and commercial buildings, with no upfront costs. The costs incurred are then attached to the property, as a form of loan, which is repaid through the savings the resident makes on their energy bills.

Eligible energy saving improvements include:

- Insulation (loft and wall)
- Heating and hot water
- Draught-proofing
- Double glazing
- Renewable energy technologies



The Green Deal model, introduced on the 28<sup>th</sup> January 2013, will work on a 'golden rule' principle that the cost of installing the energy efficiency measures must be less than the expected savings on energy bills made as a result of the retrofit. This will be measured by attaching a Green Deal charge to the electricity meter at the property concerned.

The Green Deal process has four stages:

1. **Assessment:** You will need to have an Energy assessment carried out on your property by an independent, green deal approved energy assessor. This will provide a list of recommended energy efficiency measures your property would benefit from and calculate how much this would save you on your energy bills.
2. **Finance:** Choose a Green Deal provider who will arrange and fund your chosen energy savings measures. You will be required to sign a Green Deal agreement with the provider at this stage.
3. **Installation:** The Green Deal provider will arrange for a Green Deal installer to visit your property and carry out the agreed works.
4. **Repayment:** You pay back the cost of the improvements over time through the savings on your energy bills. Your electricity supplier will pass your payments on to your Green Deal Provider.

**Please note:** Interest will be charged on these payments. It is up to the Green Deal Providers to decide this interest rate, so it will be worth while to shop around to find the best deal. The Council would recommend seeking at least **3** quotes before going ahead with any one provider.

All organisations working to deliver the Green Deal must be approved and authorised, to ensure fairness and transparency in delivery of the initiative. Look for the mark of quality from any Green Deal assessor, provider or installer you deal with.



You can search for Green Deal certified companies on the [Oversight and Registration Body](#) website.

The Energy Saving Trust also has an independent list of [EST Green Deal certified installers](#) which can be viewed on their website.

The links below provide helpful websites for further information:



**Gov.uk**  
[‘Green Deal Information’](#) and [‘Quick Guides’](#).



**Energy Saving Trust**  
[‘Green Deal and ECO’](#)

## 2.4.2 ENERGY COMPANY OBLIGATION (ECO) FUNDING

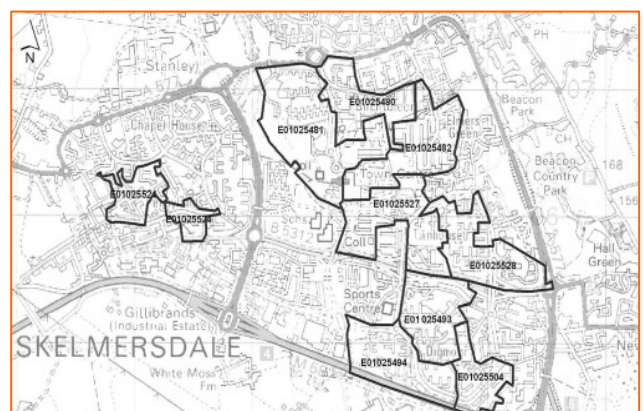
Alongside the introduction of the Green Deal, a new Energy Company Obligation (ECO) funding source is available. The ECO primarily aims to provide additional funding for the installation of expensive measures on hard to treat homes (e.g. solid wall insulation) that would not satisfy the golden rule through Green Deal finance alone.

In the majority of cases your Green Deal installer will seek ECO funding on your behalf and provide you with costs for repayment which include any ECO discount. Installers may ask questions regarding receipt of any qualifying benefit claims, which may increase the ECO funding available.

ECO funding is split into 3 elements:

1. **Affordable warmth:** to provide heating and insulation improvements for low income and vulnerable households (excluding social housing tenants).
2. **Carbon savings:** to provide funding to insulate solid-walled properties (internally or externally) and those with hard-to-treat cavities.
3. **Carbon saving communities:** to provide insulation measures to people living in the bottom 15% of the UK’s most deprived areas. In West Lancashire this includes the areas of Skelmersdale outlined in Diagram 2.4.2 below.

**Diagram 2.4.2:** Areas qualifying for the carbon saving communities element of ECO funding.



### 2.4.3 GREEN DEAL CASHBACK SCHEME

This is a further initiative introduced by the Government to help kick-start take up of the Green Deal. The Cashback Scheme is being offered on a first-come, first-served basis for a limited period while funds last.

The Cashback scheme offers householders the opportunity to take up a Green Deal finance package and claim cash back on the improvements they have done. Packages could be worth over £1,000 as the more you do, the more you get.

£125 million was initially earmarked for this Cashback Scheme, and the rates received for each measure installed can be viewed [here](#). These are guaranteed for the first £40 million, after which they are likely to reduce.

For more information and to apply for the Green Deal Cashback Scheme, please visit the [Green Deal Cashback website](#).

# The Green Deal

Cashback for energy-saving  
home improvers



Department  
of Energy &  
Climate Change



## 2.5 CASE STUDY

### 2.5.1 COUNCIL HOUSING STOCK

West Lancashire Borough Council is one of a few local authorities to have retained a relatively large housing stock, comprising approximately 6,000 properties. We have been working to improve the energy efficiency of our stock through a number of measures:

- Loft insulation top up's
- Cavity wall insulation
- External wall insulation
- A-rated energy efficient glazing
- Fuel switching
- Renewable energy installations



Fuel switching from electricity to gas is taking place in areas where a connection to the gas grid is close enough to make it economically viable. Whilst gas central heating is still reliant on a finite fossil fuel, it's far more efficient and less carbon intensive than electric heating. This makes it cheaper for the resident to heat their home and reduces the associated carbon emissions from the property.

In areas where this isn't possible, the installation of renewable heating technologies are being investigated and installed where technically feasible and economically viable. Further information and case studies regarding this work are detailed in section 3: Renewable Energy.

## 2.6 FUTURE ACTION

### 2.6.1 OBJECTIVE 1: TO IMPROVE THE ENERGY EFFICIENCY OF WEST LANCASHIRE'S HOUSING

ACTION:	MECHANISM:	PARTNERS:	TIMESCALE:
Sign up to 'Climate Local'.	<ul style="list-style-type: none"> <li>- Consider the requirements of signing the Climate Local commitment and seek Member approval.</li> <li>- Ensure actions fulfil the requirements identified.</li> <li>- Utilise the forum facility to share experiences and knowledge.</li> </ul>	WLBC	Short term
Increase the number of properties with the recommended level of loft and cavity wall insulation.	<ul style="list-style-type: none"> <li>- Investigate energy efficiency projects deliverable through ECO/ Green Deal/ Home Improvement Agency.</li> <li>- identify barriers preventing take up and investigate possible solutions.</li> </ul>	WLBC Potential partners	Medium term
Provide an easily accessible and helpful advice service for households across all tenures.	<ul style="list-style-type: none"> <li>- Environmental Strategy Officer to ensure up to date advice can be given to residents regarding energy efficiency options.</li> <li>- Maximise publicity by utilising media opportunities and community newsletters.</li> <li>- Target all homeowners, tenants and landlords with information to encourage action, including behavioural change actions.</li> <li>- Promote and raise awareness of the energy hierarchy.</li> </ul>	WLBC	Ongoing
Continue to progress the energy efficiency work programme on Council owned properties.	<ul style="list-style-type: none"> <li>- Installation of basic insulation measures, where possible.</li> <li>- Complete window replacement programme.</li> <li>- Tenant and staff liaison and education.</li> <li>- Ensure sustainability issues are considered during the production of the Asset Management Strategy. Educate tenants to ensure significant weight is given to this issue in the decision making process.</li> </ul>	WLBC Potential funding partners	Ongoing
Secure maximum funding from all available sources for energy efficiency projects.	<ul style="list-style-type: none"> <li>- Maintain up to date knowledge of all funding streams available and submit bids to develop suitable, eligible energy saving projects.</li> <li>- Develop new and strengthen existing partnerships with funding providers.</li> </ul>	WLBC Potential partners	Ongoing
Work with landlords to improve energy standards in the private rented sector.	<ul style="list-style-type: none"> <li>- Increase the number of privately rented properties that have basic energy efficiency measures installed.</li> <li>- Utilise the West Lancashire Landlord Accreditation Scheme to</li> </ul>	WLBC Local Landlord/ Letting Groups	Medium term

	provide information and promote energy efficiency grants/ offers to landlords.		
Aid successful role out of the Green Deal.	<ul style="list-style-type: none"> <li>- Investigate partnership opportunities for the Council.</li> <li>- Consider the possibility of a joint scheme working in partnership with neighbouring authorities and local Registered Social Landlords.</li> <li>- Promote, instil confidence and encourage take up of the scheme.</li> <li>- Ensure the scheme is delivered to a high standard by Green Deal approved assessors and installers.</li> </ul>	WLBC Potential Green Deal providers	Short term
Produce a HECA progress report on an annual basis.	<ul style="list-style-type: none"> <li>- Work with Lancashire authorities to establish a Lancashire-wide reporting template.</li> <li>- Produce a further report, fulfilling all requirements, highlighting progress across the Borough.</li> </ul>	WLBC Lancashire authorities	Short term

## 2.6.2 OBJECTIVE 2: TACKLE HARD TO TREAT PROPERTIES, REDUCE FUEL POVERTY AND ENSURE AFFORDABLE WARMTH FOR ALL

ACTION:	MECHANISM:	POTENTIAL PARTNERS:	TIMESCALE:
Identify opportunities to retrofit hard to treat homes in the private sector.	<ul style="list-style-type: none"> <li>- Identify all properties in need of solid wall insulation and their ownership.</li> <li>- Promote and encourage take up of free measures that can be delivered through grant funding. Include private homes in Council projects where possible.</li> <li>- Investigate and aid roll out of the Green Deal.</li> <li>- Investigate and develop projects to initiate community action from those living in privately owned, solid walled properties or off the gas grid.</li> </ul>	WLBC Local installers Energy suppliers Home Improvement Agency	Medium term
Lead by example by continuing to tackle fuel poverty in Council housing.	<ul style="list-style-type: none"> <li>- Continue to focus on reducing energy consumption in hard to treat properties and those located off the gas grid.</li> </ul>	WLBC Potential funding partners	Ongoing
Explore opportunities for fuel switching.	<ul style="list-style-type: none"> <li>- Identify all areas without connection to the gas grid. Explore the distance to the nearest grid connection and the potential for fuel switching.</li> <li>- Investigate potential funding options and grant availability.</li> </ul>	WLBC Potential Community Energy Groups	Medium term
Aid the implementation of a fuel poverty referral system.	<ul style="list-style-type: none"> <li>- Support the set up of the Lancashire Warm Homes Healthy People (WHHP) project.</li> <li>- Enable easy referral of residents identified as fuel poor following home visits by frontline staff.</li> <li>- Improve communication with Public Health contacts.</li> </ul>	WLBC Lancashire County Council Home Improvement Agency NHS	Short term
Consider projects specifically focused on the vulnerable groups of our communities.	<ul style="list-style-type: none"> <li>- Target the elderly and those with young children.</li> <li>- Identify funding streams to help deliver extra support to West Lancashire's aging population e.g. the Warm Homes, Healthy People fund.</li> <li>- Tailor energy efficiency advice and promotion of grants via health related events e.g. doctors campaigns.</li> <li>- Target properties with low SAP ratings.</li> </ul>	WLBC NHS Related charities/ support groups	Medium Term

## 3.0 RENEWABLE ENERGY

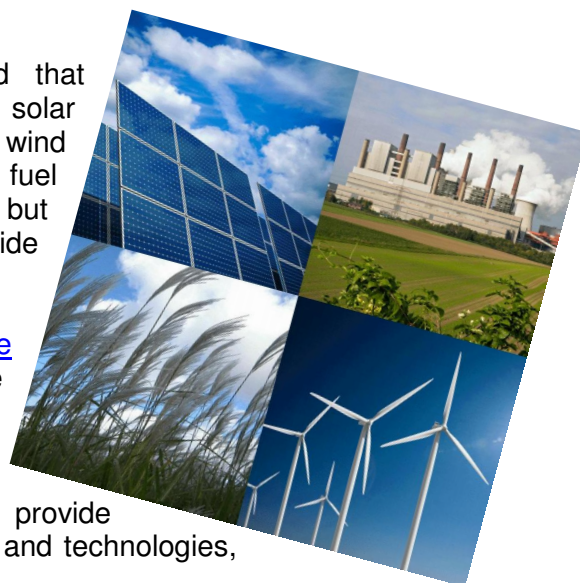
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### 3.1 BACKGROUND

Utilising sustainable technologies to exploit our renewable energy resources and generate low carbon electricity and heat has seen substantial growth over the last few years.

It's becoming increasingly well recognised that utilising low carbon technologies such as solar photovoltaics (PV), biomass boilers and wind turbines will not only reduce fossil fuel consumption and associated CO<sub>2</sub> emissions, but also reduce energy bills and potentially provide income generation.

[The Department of Energy and Climate Change](#) is committed to increasing the proportion of energy we use that originates from a renewable source. It is recognised that this will not only increase the security of the energy supplies in the UK but also provide opportunities for investment in new industries and technologies, developing a greener economy.



Recognising that the depletion of our domestic fossil fuel reserves, combined with the projected growth in global energy demand, is putting our energy security at risk, the Governments [Renewable Energy Roadmap](#) sets out actions to meet the UK target to generate 15% of our energy from renewable sources by 2020.

Whilst the technologies and capacity to achieve this already exist, it presents a significant challenge over the coming years. However, exploiting our renewable sources now will allow us to be less reliant on others in the future.

#### 3.1.1 SUSTAINABLE ENERGY



The energy hierarchy follows a 'be lean – be clean – be green' principle; however the urgent need to reduce carbon emissions will require the use of all means available. In practical terms, initiatives to minimise energy demand, improve energy efficiency and develop renewable energy technologies will need to work in parallel, and in many instances will be the elements of an integrated approach. The energy hierarchy should therefore not restrict the use of low carbon technologies but be seen as an integrated approach to energy reduction.

## 3.2 WEST LANCASHIRE ENERGY DEMAND AND SUPPLY

### 3.2.1 ENERGY DEMAND

In 2009, the total energy consumption of the Borough was 2,753.5 gigawatt hours (GWh), responsible for 723.4 kilotonnes of CO<sub>2</sub> emissions (DECC, 2012). In the same year, just 3% of the UK's energy consumption originated from a renewable source, indicating we have a very long way to go if we are to meet the UK renewables target by 2020.

### 3.2.2 RENEWABLE ENERGY CAPACITY

To help tackle climate change and reduce our dependency on fossil fuels, West Lancashire Borough Council supports an increase in the use and supply of renewable and low carbon energy. The Local Plan supports the delivery of this objective, provided any proposals can demonstrate that they will not result in unacceptable harm to the local environment.

The use of low carbon technologies depends very much on the surrounding landscapes of an area and what they lend themselves to. The very nature of the landscape in West Lancashire, which is predominately flat and open, lends itself to some technologies more than others.

To investigate West Lancashire's capacity to deliver low carbon and renewable energy technologies two studies have been undertaken:

[The Liverpool City Region Renewable Energy Capacity Study](#): Commissioned in 2010, this study considered the viability of different forms of energy generation and identified possible constraints across the Borough. Unsurprisingly, the study concluded that West Lancashire is well suited to wind power generation, due to the large expanses of flat land with relatively high wind speeds.

The study identified areas generally considered to be suitable for large scale wind development. This was achieved through identifying areas with wind speeds exceeding 6.5m/s and giving consideration to other local constraints. These included, but are not restricted to, a 500m address buffer, a 100m buffer from listed buildings, conservation areas, deep peat areas and sites of ecological conservation e.g. SSSI's and Green Belt land.

The general area identified to be of least constraint and greatest wind resource is south of Great Altcar, adjacent to the River Alt. A map showing this identified area can be viewed [here](#). However, further detailed appraisals of the broad areas of least constraint will be required before any wind scheme could be considered.

The study also identified renewable energy generation targets, derived from the Regional Spatial Strategy targets and based upon the Boroughs capacity to generate. The findings are illustrated in Table 3.2.2 overleaf.



These targets are set out as guidelines and should not be interpreted as maximum targets for energy delivery. Nor should they be considered restrictive in terms of what technology is proposed, for example a spread of smaller scale developments over a wider area, utilising a mixture of renewable energy types may achieve a similar or better result than focusing on a single large scale development in one location.

Indicative Renewable Energy Generation Targets (including existing installed capacity at July 2009)			
Indicative Renewable Energy Generation Size/Type	2010 (MW)	2015 (MW)	2020 (MW)
Onshore Wind Farms (Single, large and small stand along turbines)	22.64	27.44	27.44
Building Integrated Wind	-0.03	0.09	0.24
Biomass CHP	0.63	0.98	1.33
Anaerobic digestion (AD)	0.22	0.66	1.1
Photo Voltaic (PV)	0.02	0.71	1.43

**Table 3.2.2:** Renewable Energy Generation Targets for West Lancashire

These generation targets are not intended to place a dependence on wind generated renewable energy. West Lancashire Borough Council supports contributions from all other renewable energy technologies and recognises that many technologies are better suited to certain locations with landscape and amenity considerations.

[The Lancashire Sustainable Energy Study](#): Consultants SQW and Maslen Environmental were commissioned by Lancashire County Council to provide a Borough level interpretation of the [North West Renewable and Low Carbon Energy Capacity and Deployment Study \(2010\)](#) regarding renewable energy potential and deployment.



This assessment estimated that West Lancashire has a renewable energy capacity of 1,630MW, which equates to 15% of the total capacity for Lancashire.

Similar to the Liverpool City Region Study, the technology providing the largest resource is wind, reflecting West Lancashire's rural characteristics and low population density. Microgeneration was also highlighted but with much smaller amounts of available resource in the form of waste and biomass.

In addition, a planning guide and summary factsheet has also been produced to assist with understanding this topic. These documents can be viewed [here](#).

### **3.2.3 TECHNICAL POTENTIAL VERSUS DEPLOYABLE POTENTIAL**

The above mentioned studies provide an estimation of technical potential to deliver renewable energy generation within the Borough. They do not provide an indication of best approach for the Local Authority or provide an indication of whether the targets, and the renewable technologies they relate to, are feasible. Nor do they provide strict criteria which all proposals must meet in order to be considered acceptable in planning terms.

Many other factors need to be taken into account to identify the likely level of deployment over time, for example economic, environmental and planning considerations. Whilst an area of least constraint and greatest wind resource has been identified, individual proposals must be considered on their own merits, within the specific local context and must have regard to the wider Local Plan. These are discussed further in Chapter 3.5.

### **3.2.4 RENEWABLE ENERGY PLANNING POLICIES**

The Council is currently in the process of adopting a new Local Plan for West Lancashire 2012 - 2027. This emerging Local Plan has been produced in line with the National Planning Policy Framework (NPPF) guidance which requires Local Planning Authorities to have a positive strategy to promote energy production from renewable sources, while ensuring that adverse impacts are addressed satisfactorily.

Whilst this Strategy document encourages the use of all renewable technologies and makes reference to national and local planning policies, it is not itself a planning policy document. The current Replacement Local Plan 2001 – 2016 and the new Local plan 2012 – 2027 can be viewed [here](#).



### 3.3 A GUIDE TO RENEWABLE ENERGY INSTALLATION

Whether retrofitting a renewable technology into an existing building or installing into a new build development, there are always considerations that need to be borne in mind and a trusted supply chain with a performance guarantee should always be used.

The design and installation of renewables into new build developments is also considered within Chapter 5: Sustainable Development.

#### 3.3.1 LOW CARBON TECHNOLOGIES

There are various forms of renewable electricity and heat generating technologies. Over recent years this sector has seen dramatic growth; one of only a few given the current economic climate. Significant investment in this area has resulted in the technologies advancing at a rapid rate to achieve greater efficiencies. Additionally, growth in this sector has resulted in these technologies becoming increasingly cost-effective with installation prices dropping significantly, especially in the case of Solar PV. When coupled with the subsidies available from Government, the installation of renewables is often the most feasible and viable option.

There are a wide range of renewable technologies which utilise natural elements such as the sun, air and wind to generate energy. There is already a wealth of information available to inform of what renewable technologies do and how they work. These include solar photovoltaics (PV), solar thermal hot water, biomass boilers, wind turbines, air source/ ground source heat pumps, combined heat and power (CHP) units, energy from waste and hydroelectricity, to name a few. The links below provides a list of helpful websites:



Energy Saving Trust  
[‘Generate your own energy’](#)



West Lancashire Borough Council  
[‘Renewable energy factsheets’](#)



Centre for Sustainable Energy  
[‘Sustainable energy’](#)



TADEA  
[‘Supporting sustainable’ growth’](#)

### 3.3.2 MICROGENERATION CERTIFICATION SCHEME

The [Microgeneration Certification Scheme \(MCS\)](#) certifies renewable technologies used to produce electricity and heat. The MCS is also linked to the financial incentives, explained in Chapter 3.4, which requires both the products and installers to be accredited to ensure eligibility.

To check if a product or installer is MCS certified, visit the [MCS website](#).



### 3.3.3 SOLAR KEYMARK

The [Solar Keymark scheme](#) is equivalent to the MCS but covers the certification of solar thermal products only. Unlike the MCS scheme, it does not cover installation company certification. Consumers are able to use a CEN Solar Keymark approved product and still claim the Renewable Heat Incentive, provided the installation has been undertaken by an MCS accredited installer.



The Solar Keymark Database

## 3.4 SUPPORT PROGRAMMES AND FINANCIAL INCENTIVES

### 3.4.1 FEED-IN TARIFF (FIT)

The Feed-in Tariff is a Government incentive to increase the level of renewable energy in the UK and work towards our national target of 15% of energy from renewables by 2020.

The Feed-in Tariff provides the owner of any renewable electricity generating technology with a fixed income for every kilowatt hour (KWh) they generate, making renewable technology a more affordable and feasible option.

If you are eligible to receive FITs you will benefit in 3 ways:

- **The generation tariff:** a set rate paid for every kWh of electricity generated, paid by the energy supplier (tariffs vary between technologies and dates of installation).
- **The export tariff:** a further payment from your energy supplier for each kWh that isn't used on site, which you export back to the electricity grid.
- **Reduced energy bills:** as you use the electricity you generate on site and therefore use less from the grid.



Further information on how FITs work, the generation tariffs for different renewable technologies and advice on how to sign up to the scheme, can all be found on the [Energy Saving Trust](#) website.

### 3.4.2 RENEWABLE HEAT INCENTIVE (RHI)

The Renewable Heat Incentive is designed to provide financial support to encourage individuals, businesses and communities to switch from fossil fuel heating to renewable sources such as biomass.

This support comes in 2 phases:

- **Renewable heat premium payments (RHPP):** an upfront payment to help with the initial purchase of the renewable heating system.
- **Renewable heat incentive:** currently available to the non-domestic sector. The domestic element is due to be launched in Spring 2014, subject to parliamentary approval. Guidance indicates that technologies installed from July 2009 will be eligible.

For further information and eligibility criteria please visit the [Energy Saving Trust](#) website.

## 3.5 CONSIDERATIONS



There are many hurdles which must be overcome to reach the installation stage of a renewable energy project.

When a homeowner considers investing in renewables it's usually on the basis of either an attractive investment or a reduction in their carbon footprint. In these situations, the benefits of any investment are directly attributable to the owner of the technology and will help to build an appealing project.

However, managing to get the business case to stack up for commercial installations, especially those in multi-occupancy or multi-ownership buildings, can be far more complicated. Issues such as leasing arrangements, tenure contracts and split incentives often cause complications. Where investments are made, they are usually driven by financial incentive, rather than to improve energy efficiency and reduce carbon emissions. Some of the barriers identified by property and industry professionals are discussed in the following sections:

### 3.5.1 THE BUSINESS CASE



When presenting the business case in support of investing in renewable energy, it is important to consider the savings that will be made on energy bills, alongside any income you may receive from financial incentives such as the Feed-in Tariff or Renewable Heat Incentive.

Other benefits that may help the case to stack up include encouraging existing occupiers to extend their lease and reduce voids, the replacement of existing failing plant or equipment and to improve green credentials and company image.

### 3.5.2 DISRUPTION

The installation of renewables can be disruptive, especially if internal pipework is required. Where possible, it's far easier to undertake the works when part or all of the building is vacant. Nevertheless, low disruption retrofits are possible with careful planning and arrangements for additional heating.

### 3.5.3 CAPITAL FUNDS

Depending on the type of project you're implementing there are different finance models that may be of interest, if you are struggling to fund the installation upfront.

The financial income provided by the Feed-in Tariff and Renewable Heat Incentive can make a loan or repayment scheme attractive. Funding aid can also be available for some projects from CESP and CERT, as detailed in Chapter 2.4.



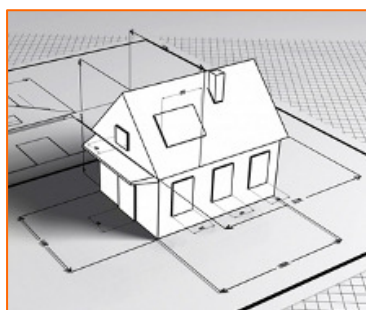
Some commercial projects may be suited to an Energy Services Company (ESCO) model whereby a partnership with an investor is utilised. Further information regarding ESCo's can be found in Chapter 4.

### 3.5.4 LOCATION AND ORIENTATION

The type of technology you are considering will have an impact on where it can be located. For example, solar technologies such as photovoltaics or hot water systems ideally need to be located on a south facing roof slope to achieve maximum generation. Consider any surrounding vegetation that may cause shading in future years. Localised wind speeds for turbines and local sources of fuel and access arrangements for deliveries to biomass boilers may also need consideration.



### 3.5.5 PLANNING PERMISSION



Depending on the technology you have chosen and the type of project you are proposing, be it domestic or commercial, you may need to secure planning permission prior to installation.

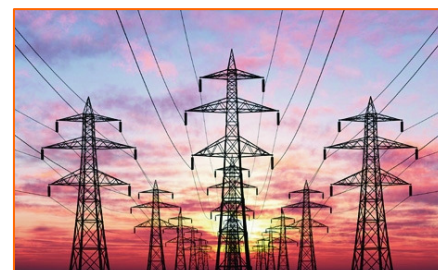
Some technologies, in some circumstances, do benefit from permitted development rights and will therefore not require planning permission, providing certain criteria are met. A factsheet on each renewable technology and all related planning information has been produced by CLASP and can be viewed on the [Council website](#). More information on national and local planning polices can be found in Chapter 5, however it is strongly advised that you check with the Council prior to any works starting.

Applications will need to be considered on their own merits, within the specific local context and must have regard to the wider Development Plan. This is made up of Local Plan policies, the emerging Local Plan policies and the National Planning Policy Framework (NPPF). The NPPF emphasises the importance of providing for appropriate renewable energy development, which is in keeping with the sustainable development message that runs through the Policy.

This also applies to development within the Green Belt, where renewable and low carbon energy development proposals can demonstrate that the harm to the Green Belt is outweighed by the wider benefits of the development.

### 3.5.6 GRID CONNECTION

Larger electricity generating installations must have permission to connect to the grid from the [Distribution Network Operator \(DNO\)](#), which in West Lancashire is [Electricity Northwest](#). Application can be a lengthy process so it's advisable to make contact with the DNO as soon as possible into the project. Location and access to the nearest sub stations also need to be considered.



### 3.5.7 IMPACTS ON LANDSCAPE CHARACTER AND VALUE

The impact of any development on the landscape character and value is a primary consideration, especially in the case of wind turbine installations.

Local Supplementary Planning Guidance (SPG) '[Natural Areas and Areas of Landscape History Importance](#)' was adopted in accordance with the current West Lancashire Replacement Local Plan. This document identifies and designates areas of importance for landscape history. These areas are designated on a scale of local, county and regional importance, which will need to be given due consideration against any development.



The Borough has also been divided up to represent the different areas of landscape character across West Lancashire. There are thirteen landscape character areas in total, each listed with their key characters and mechanisms for minimising environmental impact.

Photo montages are required with wind turbine applications to help determine the impact on visual amenity.

The Borough also has 28 conservation areas and various buildings listed for their historical importance. Further information on West Lancashire heritage is available on the [Council website](#).

### 3.5.8 IMPACTS ON LOCAL AMENITY

The proximity and impact on nearby local residents is always a principal consideration for any installation, mainly in terms of noise impacts from technologies such as air source heat pumps and wind turbines. Visual impact on the living conditions of neighbouring properties, with regards to outlook, is also considered.

Air source heat pumps generally do not cause an issue provided they are located away from openable windows to habitable rooms. Wind turbines however, need far greater assessment to ensure nearby residents are safeguarded. In many cases a noise consultant is required to undertake an assessment over a given radius around the proposed site, which increases with distance in relation to the size of the installation.

[Shadow flicker](#) can also occur, albeit infrequently, when the rotating wind turbine blades periodically cast shadows through windows of neighbouring properties. This does need to be given consideration during the planning stages of a wind turbine development.



### 3.5.9 ECOLOGICAL IMPACTS

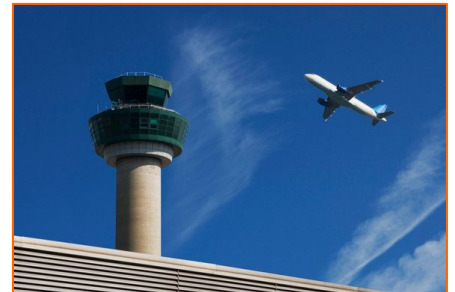


Local wildlife and biodiversity must also be given due consideration, again predominantly to wind turbine developments but this issue can also be applicable when siting a large boiler house for example.

The migratory route of birds is usually a key issue, depending on the height of the proposed structure, and is particularly relevant in West Lancashire with reserves like Martin Mere attracting species such as the pink footed geese. A qualified ecologist should be consulted prior to any wind turbine development.

### 3.5.10 IMPACTS ON AVIATION NAVIGATION SYSTEMS

Wind turbine developments can create problems for aviation organisations, causing radar interference and obstruction to low flying air traffic. Local and national aviation authorities such as [National Air Traffic Services \(NATS\)](#) are consulted through the planning process to ensure such impacts are avoided. NATS also provide a [pre-planning application advice service](#) on their website.



## **3.6 CASE STUDIES**

The Council are piloting a number of renewable technologies on our buildings and housing. Information regarding our experiences implementing these schemes and the savings we have seen are detailed in the case studies below, along with some other independent case studies from across the Borough. We hope these will be of benefit to those considering similar schemes in the future.

### **3.6.1 AIR SOURCE HEAT PUMPS**

There are currently 69 Council properties heated by air source heat pumps in West Lancashire. The properties are located within the sheltered housing schemes on Beechwood Court, Skelmersdale and Church Road/ Stockley Crescent, Bickerstaffe, both of which home elderly tenants, vulnerable to fuel poverty and the associated health risks of a cold home.

With no connection to the gas grid, these properties were previously heated by electric storage heaters, an inefficient and expensive form of heating which often couldn't provide an adequate level of warmth during the winter months.

The heat pumps installed at Beechwood Court have successfully delivered efficient, controllable heating, on demand, even with outside temperatures as low as -15°C.

Continual monitoring since completion of these projects in 2011/12 has seen significant savings in energy consumption, electricity bills and carbon emissions.

Other benefits of the installations include:

- Easy to install with minimal disruption to residents.
- Low maintenance.
- Elegant modern radiators replace storage heaters.
- Temperature controls ensure an adequate level of warmth is maintained.

A recent press article regarding the Beechwood Court installation can be found overleaf.



## Energy efficient future for tenants

### Installation Summary

42 warden-assisted flats

Ecodan chosen to lower the building's energy rating, improve efficiency and reduce tenants energy bills

Originally heated by electric heaters connected to an Economy 7 circuit

One 5kW unit installed for every 2 flats

14kW unit installed to service communal areas

Installed over a period of weeks with tenants in situ



The tenants of 42 warden-assisted flats owned by West Lancashire Borough Council, are looking forward to enjoying reliable, energy efficient heating thanks to the installation of a number of Ecodan air source heat pumps which provide them with low carbon, renewable energy.

In a move to increase the energy rating for the flats in Beechwood Court, Birkrig, Skelmersdale, the Council has replaced its old heating system which was run on a number of direct electric heaters connected to an 'Economy 7' circuit, with Mitsubishi Electric's energy efficient, Ecodan system.

Following a review of the old system the Council called in Accredited Ecodan Installers, Dalliam Ltd, to advise on an energy efficient, cost effective, low carbon replacement. Taking into account energy calculations from a survey of the building, Dalliam's Managing Director, Bill Tyrer, and his team set about designing a new system.

"We know that people are often afraid to use their heating because of the cost, but these residents are vulnerable and need to keep warm when the weather conditions are poor. Our priority was to provide them with a reliable, effective heating and hot water system that was also affordable," said Mr Tyrer.

"The new system not only provides that, but has also lowered both the energy rating and the carbon emissions for the building, thereby fulfilling the Council's brief."

One 5kW Ecodan unit was installed for every two flats, providing heat via a radiator circuit fitted with independent lockable heating stats and thermostatic radiator valves, further helping to save energy costs.

A 14kW Ecodan unit has also been installed to provide heating and domestic hot water to the warden's accommodation and the communal dining area, and hot water for use in the kitchen, hair salon and guest rooms.

The replacement project has been carried out over several weeks and some of the units that were installed towards the end of last winter have already been given a thorough testing with the onset of bitterly cold weather, which saw temperatures dipping down as far -17°C. During this time, however, the tenants remained warm and cosy as the new system maintained a constant temperature of 24°C.

Councillor Val Hopley, portfolio holder for Landlord Services at West Lancashire Borough Council, said:

"We are incredibly impressed by the Ecodan system. In fact, during the very severe weather last year, when we compared Beechwood Court with other Council buildings using gas boilers, it was the only one that did not fail in some way in its heating and hot water."

### 3.6.2 SOLAR PHOTOVOLTAICS (PV)

To date, the Council has installed a total capacity of 41KW of solar PV technology on five sheltered housing schemes and two Council offices. The electricity generated from these systems is used on site, reducing the Councils energy bills and carbon footprint.



The systems also generate an income from the Feed-in Tariff for the next 25 years. The funding from this contributes to a Community Energy Fund for recycling into other energy saving projects.

All installations have been in place for over a year now and the energy generation from the systems has exceeded our expectations. Table 3.6.2 below details the KWh generation, savings on energy bills, income from the Feed-in Tariff and CO<sub>2</sub> savings over the last 12 months.

	1 <sup>st</sup> year's generation (KWh)	Savings on energy bills (£)	FIT Income (£)*	CO <sub>2</sub> Savings (kg/yr)
Beechwood Court	2538	228	1,182	1,376
The Dell	2363	212	1,100	1,283
Victoria Court	2480	223	1,155	1,338
Crosshall Court	7918	712	3,231	4,291
Bath Springs Court	4354	391	1,793	2,359
52 Derby Street	7006	630	2,747	3,797
61 Westgate	6962	626	1,301	3,773

**Table 3.6.2:** Solar PV generation, savings and FIT income

\* Please note: These systems were installed prior to the FIT review and are receiving the higher FIT rate of 43.3p/KWh. These rates were correct at the time of installation but are index linked and increase year on year.

#### CASE STUDY: DOMESTIC SOLAR PV SYSTEM IN TARLETON\*

A resident invested in a 2.5KW system for his four bedroom, detached property in Tarleton in May 2011. The system comprises 14 panels and manufacturers' guidance predicted generation around 2,170KWh of electricity a year.

The system has been monitored closely over the first year and has actually generated a total of 2,100KWh, pretty much matching expectations. On a bright sunny day, the owner has recorded the system generating approximately 12 - 14 KWh, which just about covers the daily consumption of the home. Typically an average unit of electricity costs around 12 pence per KWh resulting in savings of around £252 off the properties energy bill.

The owner also receives 43.3pence\* for every KWh the system generates from the feed-in tariff, plus an additional 3p\* for every KWh he doesn't use and sells back to the national grid. This is deemed to be 50% of the amount generated as the system isn't fitted with an export meter. This provided an income of approximately £940 in the first year.

Whilst undoubtedly the efficiency of the system will drop off over future years, these statistics predict a payback period of around 9-10 years; however the owner will continue to benefit from the feed-in tariff for 25 years.



### 3.6.3 SOLAR THERMAL HOT WATER

#### Solar Thermal Hot Water

Marlborough Court sheltered housing scheme benefits from a solar thermal system which helps provide hot water to its residents. Part funded by the Low Carbon Buildings Programme, this system helps provide reductions in gas consumption, energy bills and carbon emissions.



## 3.7 FUTURE ACTION

### 3.7.1 OBJECTIVE 3: INCREASE RENEWABLE ENERGY GENERATION ACROSS THE BOROUGH

<b>ACTION:</b>	<b>MECHANISM:</b>	<b>POTENTIAL PARTNERS:</b>	<b>TIMESCALE:</b>
Investigate opportunities to encourage take up of low carbon technologies.	<ul style="list-style-type: none"> <li>- Provide an advice service to residents, businesses and community groups.</li> <li>- Educate and raise public awareness, to aid installation and finance models where possible.</li> </ul>	WLBC Energy Saving Trust/ Referral agencies	Ongoing
Investigate barriers preventing take up of renewables and how these can be overcome.	<ul style="list-style-type: none"> <li>- Establish a network of local contacts to provide a greater confidence in renewables and share local knowledge.</li> <li>- Promote successful installations, details of their performance and benefits provided to owners.</li> </ul>	WLBC Local installers, contractors, energy generators	Ongoing
Investigate the opportunities provided by Energy Services Companies (ESCO's) and potential finance models.	<ul style="list-style-type: none"> <li>- Gain experience from operational ESCo's in the Northwest.</li> <li>- Investigate the opportunities an ESCo could provide for Council projects.</li> </ul>	WLBC Potential ESCO partners	Long term
Continue to investigate feasibility of renewable technologies for social housing located off the gas grid.	<ul style="list-style-type: none"> <li>- Continue to investigate options to reduce the number of dwellings with electric heating systems.</li> <li>- Install renewable heating technologies, where feasible and economically viable.</li> <li>- Monitor performance and report on savings.</li> <li>- Provide leadership and promote successful projects.</li> </ul>	WLBC Potential funding partners	Ongoing
Investigate the potential for renewable energy generation on Council estates.	<ul style="list-style-type: none"> <li>- Identify areas of least constraint for potential energy generation.</li> <li>- Investigate interest from private investors to develop any identified sites.</li> </ul>	WLBC Potential private investors/ developers	Medium term
Implement policies/guidance to promote renewable energy.	<ul style="list-style-type: none"> <li>- Develop local plan policies, in line with relevant planning guidance, to promote the use of renewable technology through the Development Control process.</li> </ul>	WLBC	Short term
Continue to report on Borough wide energy use and carbon emissions.	<ul style="list-style-type: none"> <li>- Identify and promote progress towards reducing the Boroughs energy use and carbon footprint, on a local area basis.</li> </ul>	WLBC DECC	Ongoing

Develop the Council's Community Energy Fund (CEF) to incorporate private investment, where possible.	<ul style="list-style-type: none"><li>- Investigate the use of the CEF for community energy projects.</li><li>- Establish whether the CEF can be utilised to aid feasibility/ implementation of district heating systems through Local Plan policy, or link to the Allowable Solutions framework.</li></ul>	WLBC	Medium term
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## 4.0 GREEN COMMUNITIES

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### 4.1 BACKGROUND

The role communities can play in reducing CO<sub>2</sub> emissions and tackling climate change is an important one. Community energy initiatives can cover various aspects of collective action, with the aims of reducing, managing or renewably generating energy, or the group purchasing/ collective switching of energy providers.

This can have a significant impact on residents and businesses alike, be it the promotion of behavioural changes across an area or the implementation of a community owned energy generation project.

There are many reasons why a local community may embark on an energy saving project from a mutual interest in reducing CO<sub>2</sub> emissions to the lack of gas in their area, which has left them reliant on expensive and inefficient heating.

Recent years have seen more and more community owned energy projects being delivered, predominantly focussed on energy and heat generation enabled through the financial support provided by Government schemes such as the [Feed-in Tariff and Renewable Heat Incentive programmes](#).



#### 4.1.1 COMMUNITY BASED ENERGY EFFICIENCY PROJECTS

Community projects have a vital role to play in engaging people and helping to deliver real carbon and energy savings on the ground. Projects may include the refurbishment of a community building, the provision of home energy checks in a local area, a community engagement event or thermal imaging initiatives, to name a few.

The [Energy Saving Trust's Communities programme](#) is no longer in existence but their website is full of case studies detailing community group achievements and the challenges groups met along the way.



#### 4.1.2 COMMUNITY BASED RENEWABLE ENERGY PROJECTS

Community renewable energy projects are becoming increasingly popular as, not only can they provide a community group with an income, they also provide a secure energy supply and protection from increasing energy prices.



Renewable energy projects can take two forms. They can consist of a group of individuals all interested in investing in a certain technology e.g. solar PV, who group together to achieve economies of scale and increased buying power.

Alternatively, and more commonly, a renewable heating technology is installed which can supply all properties and buildings in the local vicinity. This is known as [district heating](#) or a local energy network.

## 4.2 THE BENEFITS OF COMMUNITY ENERGY PROJECTS

Community energy projects can deliver a vast number of benefits, both in terms of helping to meet national energy reduction and renewable energy targets, but more so in delivering wider benefits to a local area.

### 4.2.1 LOCAL AREA BENEFITS

These can include:

- An opportunity to work in partnership with your neighbours and local community members, improving social cohesion.
- Improve the green economy in your area, improving local skills and creating jobs.
- Utilising opportunities which may not have been available or attractive to commercial investors.
- Helping to alleviate fuel poverty in the local area.
- Influencing behaviour change and helping your community make savings on their energy bills.



### 4.2.2 COMMUNITY ENERGY FUNDS



The [Feed-in tariff](#) (FIT) and [Renewable Heat Incentive](#) (RHI) have made renewable technologies and district heating networks an attractive investment. These incentive schemes provide an income for varying time periods ranging between 7 and 25 years, which in many cases is utilised to re-pay initial investments to buy and install the plant. However, following payback this money can be recycled into a 'Community Energy Fund' for re-investment into other energy schemes.

The Council has set up a Community Energy Fund to receive the FIT and RHI income from Council installed energy projects. The fund is currently in its infancy, but will eventually hold enough to invest into further energy projects.

## 4.3 DELIVERY MECHANISMS

### 4.3.1 COMMUNITY GROUPS

Community groups are successfully delivering energy projects across the country. Whether it's a group formed through a mutual interest or a subsidiary group off another e.g. a Parish Council, once established you will be able to tap into a vast amount of free advice services and potential funding opportunities.



### 4.3.2 COMMUNITY INTEREST COMPANIES

A Community Interest Company (CIC) is a limited company that is created by a group of people who want to conduct a business for community benefit, and not for private financial gain.

The CIC status is achieved by a 'community interest test' which ensures the business will function for, and all profits are dedicated to, community purposes.

The CIC [regulator's website](#) is run by the Department of Business, Innovation and Skills.

### 4.3.3 ENERGY SERVICES COMPANY (ESCO'S)

An Energy Services Company (ESCO) is a partnership or business that finance, install, and operate energy services. They can be public, private or a social enterprise venture with community involvement.

There are many variations of ESCo models and roles they can play, which can be developed to suit a particular project. Depending on the partnership and type of ESCo model adopted, profits from energy developments are often available to be recycled into further local energy projects. The successful implementation of a community energy project often relies heavily on partnership working based on an ESCo model.





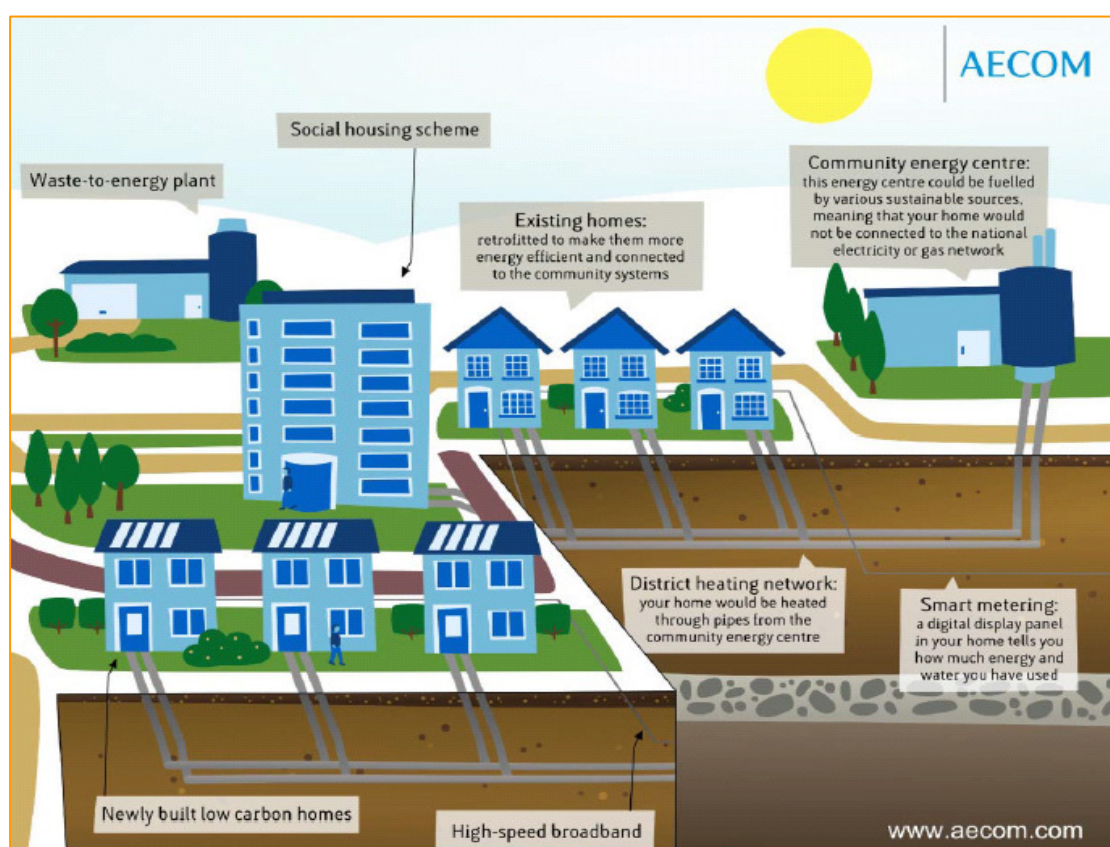
## 4.4 DISTRICT HEATING/ LOCAL HEAT NETWORKS

The national grid is a huge network that provides electrical power all over the UK. However, when it comes to heat generation, this is still very much reliant on individual boiler systems. Whilst [district heating](#) has been commonplace in many European countries for years, it still only provides roughly 1-2% of the UK's demand. Analysis shows that in the right conditions, district heating could supply up to 14% of the UK heat demand.

District heating networks can offer a cost effective, viable and low carbon solution to local heat demand. They supply heat to buildings and homes through a network of highly insulated pipes similar to a conventional boiler, however all pipework is fed from a single decentralised energy centre as shown in Figure 4.2 below.

Ideally a district heating system will supply large energy consumers with a mix of uses and peak demands. For example, a mix of homes and businesses require energy at different times of the day, therefore enabling the system to smooth out demand and run efficiently at a relatively constant level. Every building is fitted with a heater meter to monitor how much heat is used.

Heat networks can be supplied from a diverse range of renewable heat technologies, commonly including biomass boilers, combined heat and power (CHP) units and energy from waste facilities.



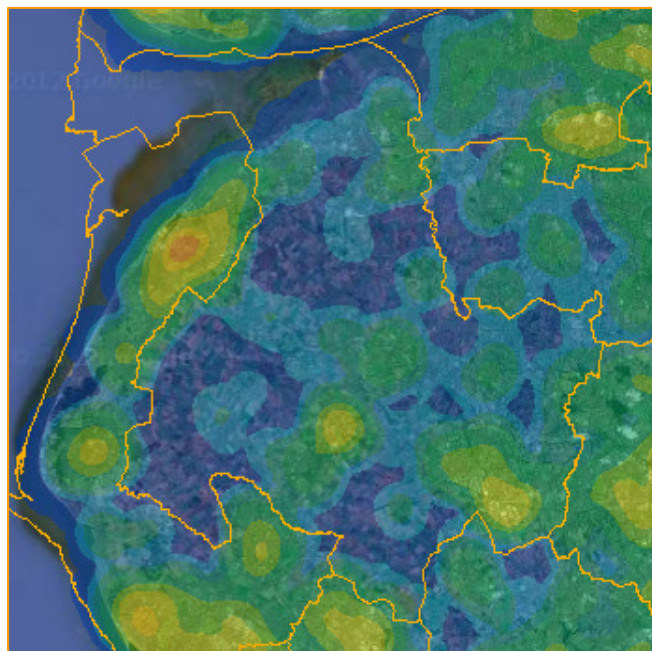
**Figure 4.2:** Diagram of local energy network showing potential components including district heating system.

The advantages of a heat network are provided from the efficiencies and economies of scale that are achievable through such a system, providing an effective tool against fuel poverty. The ability to consolidate heat supply, together with the ability to bulk buy fuels, means that district heating can often provide cheaper energy, reducing consumers energy bills. Maintenance costs of the plant will also be reduced and usable space within the buildings supplied will increase. Such efficiencies provide a significant reduction in associated carbon emissions as a single piece of equipment determines the CO<sub>2</sub> output for multiple end users.

District heating networks can be applied at a variety of scales, from a few buildings to whole cities. A network also has the ability to incorporate low or zero carbon technologies, which are often not efficient or effective at smaller scales. Also, district heating pipes are not specific to one technology and can therefore connect to a range of sources of heat supply including CHP, biomass, energy from waste, ground source heat pumps, geothermal heat or large power stations.

In most cases a mix of energy use with a high density demand is helpful in justifying the installation of a district heating scheme. If a scheme is not connected to the natural gas grid, the carbon and cost savings can be significant. The use of large scale renewable technologies also means there is less reliance on gas supplies and less impact from rising fuel prices, providing greater security in energy supplies.

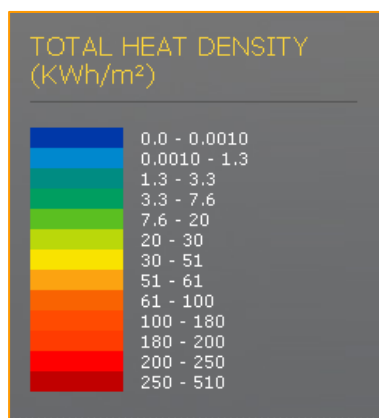
#### 4.4.1 HEAT MAPPING



Heat mapping is an ideal tool to identify areas that have a high heat demand and may benefit from a district heating system. DECC have recently released [national heat maps](#) showing the total heat density in any area selected.

The heat map produced for the West Lancashire area is shown opposite, highlighting, as expected, a higher energy demand in the denser urban areas of Skelmersdale and Ormskirk.

[The renewable energy capacity study](#) also identified Ormskirk town centre as a potential energy priority zone for district heating. This is primarily due to large energy consumers such as the leisure centre, all located within close proximity of each other.



#### 4.4.2 DISTRICT HEATING PIPEWORK

District heating pipework is critical to the success of any system. Depending on the scale of the heat network, pipework is usually the most expensive element of any scheme and can account around a third of the overall cost.

There are two main types of pipework: plastic and steel. Plastic is cheaper to install and its flexibility lends it to areas where there are difficult ground conditions. Steel is more commonly used for larger commercial installations due to its strength and durability.

Thermal insulation of the pipes is critical. Heat loss from district heating schemes is usually found to be between 5-20% and can be affected by a number of factors such as the length of pipework from the energy centre and the standard of the material used. Thickness of pipework insulation will also need consideration prior to trenching works to bury the pipes, which can affect construction costs.



#### 4.4.3 THE ADVANTAGES OF LOCAL HEAT NETWORKS

- Significantly reduced capital costs for energy plant, especially if connecting to an existing heating network or provision through an ESCo model, in partnership with an investor.
- Significant contribution towards compliance with future building regulation standards and local planning policy.
- Greater fuel efficiencies than that delivered through the national grid. District heating has the ability to generate heat at low costs, helping to reduce fuel poverty.
- Reduced requirement for plant room space.
- Significant CO<sub>2</sub> savings, reducing the carbon footprint of the development.
- Reducing plant management and operational risks.
- Improved energy performance certificate / display energy certificate ratings.
- Good reliability as most systems are built with stand-by heating capacity to ensure heat is always available.
- Comfort and confidence for tenants that they will have controllable heat on demand, and only pay for what they use.

#### 4.4.4 THE DISADVANTAGES OF LOCAL HEAT NETWORKS

- If not already present, a full wet system will need to be installed into each property.
- Disturbance when laying pipework, although steps to reduce this are available.
- Pipework distances can significantly increase costs so long pipe runs could make a scheme unviable.
- Space required for the location of an energy centre, including fuel storage.
- Physical barriers such as crossing major roads etc with pipework, can often cause delays and be an added expense to an installation.
- Access for fuel deliveries by large vehicles is required on a regular basis.

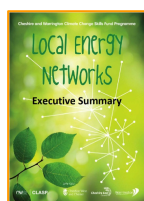
Some of the considerations listed in paragraph 3.5 of Chapter 3: Renewable Energy are also applicable e.g. planning requirements and will need to be given attention during the design stages.



## 4.5 COMMUNITY ENERGY: STAGES OF DEVELOPMENT

Researching the feasibility of a project is the first step towards progressing any project idea, no matter how small. An initial scoping assessment to identify suitability and overall viability is essential. This may include data gathering, project definition, options appraisals, financial business modelling, procurement and delivery and maintenance issues, to name a few.

There is a wealth of information readily available to take you through the stages of development, with experiences and case studies from those who have already achieved it. The links below provides a list of helpful documents and websites for further information:



[Local Energy Networks](#) has been developed by Cheshire and Warrington Councils, in association with [CLASP](#).

[Community Energy: Planning, Development and Delivery](#) has been developed by the [Town and Country Planning Association](#).



The Department of Energy and Climate Change's [Community Energy Online portal](#), including a range of ['How to' and good practise guides](#) on all aspects of community energy projects.

[GOV.UK's Community Energy Guide and Community Energy Contact Group.](#)



The Energy Saving Trusts [Community Energy Toolkit](#)

[Ashton Hayes CIC website](#), full of stories, tips and advice on how they are working to become England's first carbon neutral village.



[Planning for low carbon living](#): toolkit on all aspects of community energy

CLASP Factsheet  
[An introduction to District Heating](#)

**CLASP.**

## 4.6 SUPPORT PROGRAMMES

### 4.6.1 RENEWABLE HEAT PREMIUM PAYMENT COMMUNITY SCHEME

This is a new and innovative fund to assist community projects across the country, supporting communities to deliver clusters of domestic renewable heating systems. The Scheme is funded by DECC and implemented by the Energy Saving Trust.

DECC state that the fund is ‘targeted at making renewable heating affordable for middle to low income households and aims to maximise carbon reduction by reaching homes with high carbon, and expensive to run heating systems, especially those off the gas network’.

For more information, eligibility criteria and application details please visit the [Energy Saving Trust](#) website.

### 4.6.2 THE RURAL COMMUNITY ENERGY FUND

The Department of Energy and Climate Change have announced a £15m fund open to rural communities that aspire to generate their own clean, green power. Launched in June 2013, the fund aims to help rural communities to carry out feasibility studies into renewable energy projects and fund the costs associated with applying for planning permission. More information can be found on the [Gov.UK](#) website.

### 4.6.3 THE COMMUNITY GENERATION FUND

This National fund aims to help deliver widespread development of community owned renewable energy infrastructure. More information can be found on the [Community Generation Fund](#) website.

### 4.6.4 COMMUNITY ENERGY CHALLENGE

The Community Energy Challenge is an initiative from The Co-operative, working in partnership with the [Centre for Sustainable Energy](#). They look to support small, ambitious community energy projects across the UK, offering mentoring, technical advice and facilitation services. More information can be found on the [Community Energy Challenge](#) website.

### 4.6.5 CORE FUNDING FOR LOCAL ENTERPRISE PARTNERSHIPS

£25m of Government funding has been made available to support [local enterprise partnerships](#) in their pursuit for sustainable economic growth.

### 4.6.6 OTHER FUNDING OPTIONS

To ensure you remain up-to-date and hear about any new funding options that become available which your community group may qualify for, keep an eye on the [Community Energy page of the Gov.UK website](#).



## 4.7 CASE STUDIES

### 4.7.1 BURSCOUGH RENEWABLE ENERGY COMMUNITY INTEREST COMPANY (CIC)

Initially formed as a working group of Burscough Parish Council, the Burscough Sustainability Group had many years of experience in delivering energy efficiency projects. These included initiatives such as public education campaigns for residents, working with schools and lobbying supermarkets to adopt greener policies.

In November 2010, the Group formed the Burscough Renewable Energy Company, a Community Interest Company with the main aim to support and promote the use of renewable energy technologies.

Since this time the group has successfully delivered two renewable energy projects, installing solar photovoltaic installations at Burscough Cricket Club and the Stanley Institute. Financed initially by grants from Burscough Parish Council, the CIC have successfully utilised this money to secure an income for the next 25 years from the Governments Feed-in tariff.



The solar installations are less than 4 KW in size and the energy they produce is being used on site by the community buildings, providing them with free electricity and noticeable savings on their yearly bills.

The income received from the Feed-in tariff will be used to develop further renewable energy projects in the future, for the benefit of the community. The systems are also invaluable in terms of educating and prompting the benefits of renewable technologies to the surrounding communities.

### 4.7.2 GROUNDWORK PENNINE LANCASHIRE

In 2010 West Lancashire Borough Council teamed up with [Groundwork Pennine Lancashire](#) to deliver community based energy projects across the Borough.

Whilst this partnership has now come to an end, some of the projects undertaken are detailed below:

- Delivery of a workshop for the rural business community regarding sustainable farming practices.
- Various energy surveys conducted on Parish Council buildings, village halls and community group buildings.
- Successfully writing bids and securing funding for energy efficiency works and renewable energy installations on community buildings including the Scout group, Hut on the Hill, and Asmall Primary School.



### 4.7.3 COLLECTIVE ENERGY SWITCHING

Councils across Lancashire, including West Lancashire Borough Council recently launched a collective energy switching scheme called '[People Power](#)'.



To get a good price for your energy, you need to regularly check the market to see if you can save by switching to another supplier. Many people do not or are unable to switch meaning they could be paying too much for their energy. The People Power scheme was introduced to help Lancashire residents find out if they can save money by switching energy providers.

The first round of registration with the scheme was open in March 2013, with an auction to find the best deal being held on 8<sup>th</sup> April. Despite local press coverage, advertising and registration drop –in sessions, numbers participating in the scheme were far lower than expected.

The results of the scheme are currently being evaluated and a decision will be made as to whether another round of registration is held later in the year. Please visit the [Council webpage](#) for further information.

In the meantime, should you wish to see if you can make savings through changing your supplier, the following gas and electricity comparison websites may be of interest:



- [USwitch](#)
- [Confused.com](#)
- [Compare the Market](#)
- [Money Saving Expert](#) - [Cheap Energy Club](#)



#### **4.7.4 BIOMASS DISTRICT HEATING SCHEME – OAKGATE CLOSE, TARLETON.**

West Lancashire Borough Council is nearing completion of its first biomass district heating system. This is a small pilot scheme that serves 21 sheltered housing flats located in Oakgate Close, Tarleton.

The 60KW biomass pellet boiler is located within an energy centre a few meters from the building, together with a fuel storage unit and backup gas boiler. Previously on old, inefficient electric storage heaters, the residents' flats are now fully fitted with wet radiator systems and will be provided with heating and hot water on demand as and when they require it.

Each flat is fitted with a heat meter, so residents' consumption can be monitored remotely and they will only be billed for what they use. Once the system is commissioned and registered with Ofgem, it will also generate an RHI income for 20 years, providing an impressive payback period and contributions to the Councils Community Energy Fund, for recycling into further projects.

At the time of writing, the system isn't fully up and running but details on consumption, energy costs, performance and maintenance and tenant satisfaction will be included in due course.



## 4.8 FUTURE ACTION

### 4.8.1 OBJECTIVE 4: SUPPORT AND AID THE DEVELOPMENT AND INSTALLATION OF COMMUNITY ENERGY PROJECTS

ACTION:	MECHANISM:	POTENTIAL PARTNERS:	TIMESCALE:
Target community groups to promote delivery of energy projects.	<ul style="list-style-type: none"> <li>- Provide leadership and encourage community action to install energy efficiency measures.</li> <li>- Provide energy information events to community groups.</li> <li>- Engage community groups to motivate residents and join forces to take action.</li> <li>- Promote the benefits achieved through community economies of scale and improved buying power.</li> </ul>	WLBC Interested community groups Local installers and funders	Medium term
Aid development and provide support to potential energy projects.	<ul style="list-style-type: none"> <li>- Increase local knowledge of required energy efficiency improvements on an area by area basis and develop community projects to suit e.g. a community solid wall insulation programme.</li> <li>- Provide support with feasibility investigations to establish projects and help get them off the ground.</li> </ul>	WLBC Interested community groups Local installers and funders	Ongoing
Improve the energy efficiency of Council owned community centres, working in partnership with local community groups.	<ul style="list-style-type: none"> <li>- Promote and raise awareness of behavioural measures to save energy in the local community.</li> <li>- Lead by example by implementing energy saving measures and ensuring Council owned community centres are as efficient as possible.</li> <li>- Seek funding to develop further projects initiated by local community groups.</li> <li>- Produce a community centre guidance document on reducing energy consumption.</li> </ul>	WLBC Interested community groups	Medium term
Provide leadership to encourage energy efficiency in private community centres and community group buildings.	<ul style="list-style-type: none"> <li>- Promote action on Council owned buildings and encourage action Borough-wide.</li> <li>- Initiate contact with community groups with building ownership e.g. the Scouts group.</li> <li>- Provide support with project development.</li> </ul>	WLBC Interested community groups West Lancashire Council for Voluntary Service (CVS)	Medium term

## 5. SUSTAINABLE DEVELOPMENT

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### 5.1 BACKGROUND



Ensuring the properties we build over the coming years are designed and constructed sustainably is another key component to a low carbon future.

Whilst the economic down turn has had a negative impact on the construction industry, putting developers under increased financial pressures, this isn't a reason to dismiss sustainability as a primary consideration during the design, construction and use of a development.

#### 5.1.1 THE BUSINESS CASE

A sustainably built development is often considered to cost substantially more than a development built to conventional standards, however this is often an incorrect assumption.

Sustainable design features can be built into a development with minimal additional cost, if considered at the earliest planning and feasibility stages. Some features can even reduce costs, for example allowing natural ventilation rather than mechanical air conditioning.

Ensuring the use of locally sourced materials can also help to keep construction and transport costs to a minimum. Environmentally sound or reclaimed materials also have lower embodied energy than processed products, delivering them to the market at lower costs than energy intensive materials.

Market demand for sustainability is also growing, making sustainable developments more attractive to the buyer due to reduced running costs on energy and water bills. Developers need to be innovative if they are to take advantage of this emerging market opportunity.

A document produced by [Communities and Local Government](#) aims to provide guidance on the costs of building houses to Code standards. This '[Updated Cost Review](#)' was produced in August 2011. It updates previous documents and reports on developers experiences in delivering sustainability measures over the last few years.



## 5.2 LEGISLATION AND POLICY

### 5.2.1 BUILDING REGULATIONS



Building Regulations requirements, with regards to energy consumption and CO<sub>2</sub> emissions, were made increasingly stringent in the most recent revision in 2010. The new [Building Regulations Part L document 'Conservation of Fuel and Power'](#) now has a greater impact on refurbishments as well as new build and implements a zero carbon timeline. This requires all new dwellings to be 'zero carbon' by 2016 and all new non-domestic buildings to be 'zero-carbon' by 2019.

It is now also mandatory to achieve a 25% improvement on the 2006 building regulation CO<sub>2</sub> reduction target. This is set to increase gradually over the next few years, setting zero carbon targets for social and private domestic properties and public and private non-domestic buildings, as shown in Table 5.2.1.

CO2 Reduction Target over 2006 Compliant Building				
Year	Residential (Social)	Residential (Private)	Non-Domestic (Public)	Non-Domestic (Private)
2006	25%	0%	0%	0%
2010	44%	25%	25%	25%
2013	Zero Carbon	44%	44%	44%
2016	Zero Carbon	Zero Carbon	100%	100%
2018	Zero Carbon	Zero Carbon	Zero Carbon	100%
2019	Zero Carbon	Zero Carbon	Zero Carbon	Zero Carbon

**Table 5.2.1:** Future National Buildings Targets

[SAP assessments](#) are used to demonstrate compliance with Part L of the Building Regulations at the design stage. They calculate the energy cost and carbon emissions generated to heat, light, ventilate and provide hot water to the dwelling. Further calculations will be required post construction to take account of any changes that have occurred during the build process. More information on SAP assessments is provided in chapter 2.1.1).

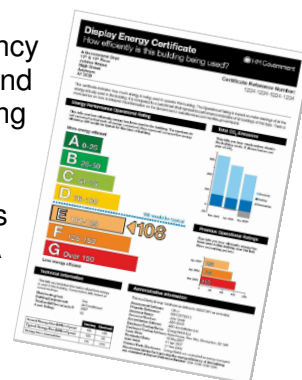


### 5.2.2 ENERGY PERFORMANCE CERTIFICATES (EPC's) AND DISPLAY ENERGY CERTIFICATES (DEC's)



[Energy Performance Certificates](#) (EPC's) are a legal requirement for any property being bought, sold or rented. They contain an assessment of how energy efficient the property is and provide a rating from A-G. They also contain a recommendations report providing information on how the property can be made more energy efficient and reduce CO<sub>2</sub> emissions.

EPC's will assist in raising awareness of energy efficiency improvements and fuel costs amongst home-owners and tenants. They show the costs of space and hot water heating to aid comparison between similar properties.



[Display Energy Certificates](#) (DEC) are similar documents required to assess the energy rating of public buildings. A DEC should be displayed clearly in buildings occupied by public authorities and institutions that provide services to the public, that have a floor area over 1,000m<sup>2</sup>.

### 5.2.3 PLANNING POLICY

The need to achieve sustainable development is a key priority of the current [National Planning Policy Framework \(NPPF\)](#). This priority runs through all aspects of the plan making and decision taking process, highlighting how the planning system has a key economic role in helping to deliver sustainable development.

The NPPF encourages Local Planning Authorities to prepare a Local Plan for their area, consistent with the framework, which contributes towards the achievement of sustainable development.

### 5.2.4 WEST LANCASHIRE LOCAL PLAN 2012-2027



West Lancashire's emerging Local Plan, which is currently under examination by the Planning Inspectorate, sets out policies to sustain the Borough's environment and address climate change through development.

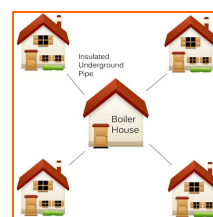
Policy [EN1 - Low Carbon Development and Energy Infrastructure](#): requires developers to consider low carbon design in all new developments and achieve the one of the following:

- Code for Sustainable Homes level 3 as a minimum for new residential developments and conversions. This increases to level 4 and 6 in line with increases to Part L of the Building Regulations.
- BREEAM 'very good' standard as a minimum for new commercial developments of more than 1000m<sup>2</sup>. This increases to 'excellent' and 'zero carbon' standards, in line with the increases to Part I of the Building Regulations.



Policy EN1 also requires all major developments:

- Explore the potential for the installation of, or connection to an existing, district heating network. See Chapter 4: Green Communities for more information on district heating networks.



## 5.3 NATIONAL STANDARDS

### 5.3.1 CODE FOR SUSTAINABLE HOMES (CfSH)

[The Code for Sustainable Homes](#) is a national standard relating to the design and construction of sustainable new homes. It provides a comprehensive measure of sustainability, ensuring that new homes deliver real improvements in energy efficiency, environmental performance and carbon reduction.



Assessments are carried out in two phases:

- **A Design Stage Assessment** is carried out at the initial stages of development when the design of the building is first considered. This is based on detailed documentary evidence and commitments which results in an interim certificate of compliance being issued.
- **A Post Construction Assessment** is completed at the final stages of the development. Based on the design stage review, this includes a confirmation of compliance, including site records and visual inspection, and results in a final certificate of compliance.

The Code measures sustainability against 9 categories, rating the dwelling as a complete package and essentially benchmarking sustainability credentials. The categories include:



- Energy and CO<sub>2</sub> emissions
- Water
- Materials
- Surface water run-off
- Waste
- Pollution
- Health and well-being
- Management
- Ecology

Current Building Regulations are equivalent to, and therefore ensure achievement of, Code level 3 in the energy and CO<sub>2</sub> category. This is set to increase to Code level 4 in 2013 as Buildings Regs become more stringent and introduce a 44% improvement on the dwelling emission rate.

### 5.3.2 BREEAM NON-DOMESTIC DEVELOPMENTS

BREEAM is the national standard for assessment of all non-domestic new builds. The [BREEAM New-Construction package](#) contains a number of different assessments for various non-domestic building types, such as industrial, education, healthcare and offices, as well as less common building types which can be assessed by developing bespoke criteria. There are also assessments for BREEAM Communities, Ecohomes and refurbishments.

Similar to the Code for Sustainable Homes, the assessments contain categories covering energy, water, waste and pollution, to name a few, and credits are allocated to the standard of sustainability met for each category.



### **5.3.3 CODE FOR SUSTAINABLE HOMES ASSESSMENTS AND ENERGY (SAP) ASSESSMENTS AND PERFORMANCE CERTIFICATES**

The Council can undertake both [Energy \(SAP\) Assessments](#) and [Code for Sustainable Homes assessments](#) in-house.

We also offer a Code for Sustainable Homes pre-assessment estimator to give an indication of the development's achievements during the early stages.

Please see the leaflet over the page for more information on the service we can provide and the benefits of undertaking a Code for Sustainable Homes assessment.



# Code for Sustainable Homes



## What is the Code for Sustainable Homes?

The Code is a national standard for the sustainable design and construction of new homes. It provides a comprehensive measure of sustainability, helping new homes deliver real improvements in energy efficiency, environmental performance and carbon reduction.

### Can West Lancashire Borough Council provide a Code assessment?

Yes! The Council can now offer assessments undertaken by a qualified, licensed and registered Code assessor.

Assessments are carried out in two phases:

**A Design Stage Assessment** is carried out at the initial stages of development when the design of the building is first considered. This is based on detailed documentary evidence and commitments which results in an interim certificate of compliance being issued.

**A Post Construction Assessment** is completed at the final stages of the development. Based on the design stage review, this includes a confirmation of compliance, including site records and visual inspection, and results in a final certificate of compliance.

As part of our competitive service, West Lancashire Borough Council also offers:

**A Pre-Assessment Estimator** which can be utilised to provide an indicative Code level achievement. This will be based solely on information provided by the developer and does not include registration with approved body or issue of a certificate.

The Council's Building Control services also offer SAP assessments and advice related to Building Regulations. Visit [http://www.westlancs.gov.uk/planning/building\\_regulations](http://www.westlancs.gov.uk/planning/building_regulations)

### How much does an assessment cost?

Costs are dependant on the size of the development and the number of assessments required. Please contact us initially with project details and we will be able to provide a quotation to suit your requirements. A fee schedule and application form can be found at [www.westlancs.gov.uk/planning](http://www.westlancs.gov.uk/planning)

## West Lancashire Borough Council

52 Derby Street  
Ormskirk  
Lancashire  
L39 2DF



Contact: Tina Iball  
Phone: 01695 585197

E-mail: [christina.iball@westlancs.gov.uk](mailto:christina.iball@westlancs.gov.uk)

If you would like to know more about the Code for Sustainable Homes or need an assessor, please get in touch for more information to see how we can help.

[www.westlancs.gov.uk/](http://www.westlancs.gov.uk/)

## What does an assessment include?

The Code measures sustainability against 9 categories, rating the dwelling as a complete package and essentially benchmarking sustainability credentials. The categories include:

- \* Energy and CO2 emissions
- \* Water
- \* Materials
- \* Surface water run-off
- \* Waste
- \* Pollution
- \* Health and well-being
- \* Management
- \* Ecology



Throughout the assessment process the Code assessor will work closely with you to identify your requirements, explain the level of information required and offer impartial design advice to achieve the required rating. All assessments will be based on

To view our guide to sustainable development and construction visit [www.westlancs.gov.uk/qogreen](http://www.westlancs.gov.uk/qogreen)

## Why undertake a Code assessment?

There are many benefits to having a Code rating for a new development:

- \* a recognised mark of quality
- \* demonstrate sustainability performance of builds
- \* help with the marketing of the development
- \* raised sustainability credentials
- \* public relations opportunities
- \* differentiate yourselves from competitors
- \* meet growing consumer demand
- \* be ready for increasingly stringent requirements
- \* lower running costs for homebuyer
- \* reduced greenhouse gas emissions and carbon footprint
- \* better adaptation to climate change



## 5.4 PLANNING PERMISSION

When submitting a planning application for a major development (over 10 dwellings or industrial/ commercial developments over 1,000m<sup>2</sup>), it is a local requirement that all applicants submit a Sustainability Statement as part of the application.



Please follow this link for more information on the [national and local requirements](#) when submitting an application to West Lancashire Borough Council.

The Sustainability Statement should include details of how the applicants intend to meet the requirements of [Policy EN1](#) of the new Local Plan and outline all sustainable design features to be incorporated into the development.

Whilst it's appreciated that many of these design features are not considered at outline planning stage, the majority can be achieved more easily and cheaply if considered as early in the planning process as possible. Intentions to include other design features further down the line should also be included at this stage.

Chapter 5.5: 'A guide to Sustainable Development' aims to provide a list of sustainability features for consideration and incorporation into any new development, or refurbishment where applicable.

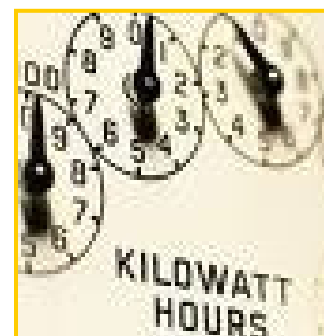
## 5.5 A GUIDE TO SUSTAINABLE DEVELOPMENT

To enable sustainable living and working, buildings must be efficient, and therefore cheap to heat and power. The following checklist aims to act as a guide to developers, architects, builders and homeowners when designing any new build, or where applicable, refurbishment works.

The measures detailed below are recognised in the [Code for Sustainable Homes](#) and [BREEAM assessments](#), where applicable, and will contribute to a developments credit score and overall assessment rating.

### 5.5.1 DEMAND ENERGY MINIMISATION

- Achieve low U-values to ensure good fabric energy efficiency.
- Use materials with good thermal mass that have high specific heat capacity, high density and low thermal conductivity, enabling them to slowly store and release heat.
- Ensure a high level of insulation.
- Maximise solar gain and natural light with large south facing windows in main living spaces/ habitable rooms.
- Install energy metering with display devices.
- Ensure drying space is available, avoiding the need for heating and drying appliances.
- Provide energy labelled equipment and white goods, including cold storage refrigeration systems.
- Ensure all external lighting is energy efficient.
- Investigate local energy generation from low or zero carbon energy sources, including district heating systems (see Chapters 3 and 4 for more information).
- Provide necessary space and internet connection to allow home working, reducing the need to travel.
- Use deciduous tree landscaping to provide shade during summer months.
- Allow natural ventilation to avoid the use of mechanical air conditioning.
- Install energy efficient transport systems such as escalators and moving walkways.



### 5.5.2 WATER CONSERVATION



- Reduce the use of potable water consumption through specifying water efficient fittings and appliances, and water recycling systems.
- Consider rainwater harvesting for external water uses.
- Ensure water consumption monitoring devices are installed.
- Install a leak detection system.

### 5.5.3 MATERIALS

- Use materials with lower environmental impacts (including embodied carbon) over their lifetime, including those used for landscaping and boundary protection.
- Always use responsibly sourced materials, from basic building elements to finishing elements.
- Use thermal insulation with a low embodied environmental impact relative to its thermal properties. There are many types of natural, sustainable, insulation for example hemp natural fibres, recycled cotton, sheep's wool or cellulose insulation, which comes from recycled newspapers.



### 5.5.4 SURFACE WATER RUN-OFF



- Manage surface water run-off to avoid, reduce or delay discharge of rainfall run-off to watercourses.
- Keep areas of hard standing to a minimum.
- Consider Sustainable Drainage System (SuDS) techniques.
- Ensure effective water management through the use of permeable surfaces, filter drains, rainwater and greywater harvesting, filter strips (vegetated channels) and swales and green roofs.
- Avoid development in medium or high risk flood areas identified in [The West Lancashire Strategic Flood Risk Assessment](#).

### 5.5.5 WASTE

- Provide adequate internal and external storage for waste and recyclables, including facilities for operational-related waste streams.
- Promote resource efficiency by effective management and reduction of construction waste.
- Provide compost facilities to reduce household waste.
- Encourage the use of recycled or secondary aggregates, reducing demand for virgin material.
- Where possible, fit floor and ceiling finishes selected by the building occupant to avoid unnecessary waste of materials.



## 5.5.6 POLLUTION



- Utilise thermal and acoustic insulating materials, and refrigerants, that have a low Global Warming Potential (GWP) throughout their manufacture, installation, use and disposal.
- Install A-rated heating and cooling systems that minimise nitrogen oxide (NO<sub>x</sub>) emissions.
- Ensure external lighting is concentrated in required areas and upward lighting is minimised to reduce light pollution.

## 5.5.7 HEALTH AND WELL-BEING

- Ensure a good level of natural daylighting.
- Ensure adequate sound insulation to ensure noise attenuation from neighbouring developments.
- Provision of private outdoor space.
- Encourage a healthy indoor environment through appropriate ventilation.
- Install effective design measures that promote low risk, safe and secure access and use of the building.



## 5.5.8 MANAGEMENT



- Provision of a building user guide enabling occupants to operate the building efficiently.
- Ensure sustainable procurement is built into all aspects of the development.
- Compliance with a recognised construction certification scheme such as the 'Considerate Construction Scheme'.
- Design, plan and deliver accessible, functional buildings in consultation with future building occupants, where possible.

## 5.5.9 ECOLOGY

- Look to develop sites that have a low ecological value to wildlife i.e. brownfield sites and avoid the use of sites that have not been previously disturbed.
- Protect any existing ecological features from damage during the construction phase.
- Carry out works to enhance the ecological value of the site post development and minimise the long term impact of the development, working on the recommendations of a qualified ecologist.
- Ensure efficient use of the buildings footprint by ensuring that land and material use is optimised across the development.



## 5.5.10 TRANSPORT



- Locate development in proximity to good public transport networks and local amenities, helping to reduce transport related pollution.
- Ensure adequate provision of cycle facilities.
- Consider car parking capacity as an incentive to promote the use of alternative means of transport to the development, other than the private car.
- Ensure development of a Travel Plan during the early design stage, to consider accommodating a range of travel options.

Ensuring your design and construction team are familiar with the practices outlined above and have the skills and expertise to achieve a sustainable approach is critical for future development. It is also equally important to ensure the developments are promoted and marketed effectively to ensure buyers understand and value the benefits that sustainable design will provide.

The links below provide a list of helpful websites that provide further information:



Town and Country Planning Association  
[‘Good Practice Guidance: Sustainable Design and Construction’](#)



Business Link  
[‘Sustainability in the Construction Industry’](#)



Environment Agency  
[‘Sustainable Construction’](#)

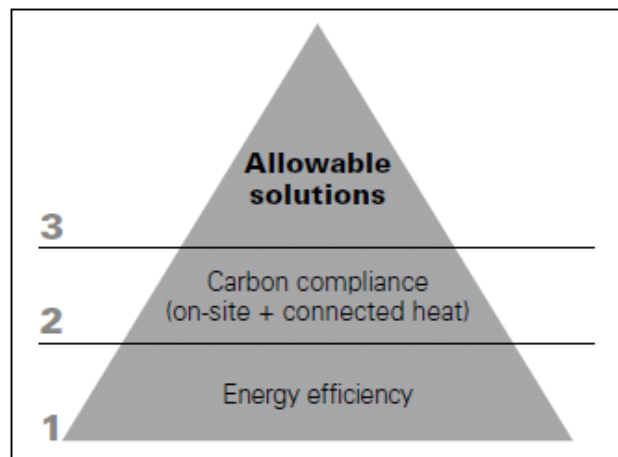
## 5.6 ALLOWABLE SOLUTIONS FUND

Energy efficiency measures and low carbon technologies can only go so far towards achieving a zero carbon development. 'Allowable solutions' is the Government's [proposed framework](#) to allow carbon offsetting to deal with the residual emissions. It also proposes the predictable level of costs that the construction industry can be expected to bear through this mechanism.

The [Zero Carbon Hub](#) is in the process of developing a finalised framework presented in '[Allowable Solutions for Tomorrow's New Homes](#)'. This document aims to balance national policy objectives with a local approach, enabling payment for carbon savings through a clear structure.

The proposed [EN1 policy](#) of the new Local Plan includes an onus on the Council to consider the requirements of this framework, once finalised, and how we can use this mechanism to fund and support other carbon savings projects in West Lancashire. Potential areas for funding could include district heating feasibility or installation contributions and other low carbon projects across the Borough.

Whilst this is yet to be investigated, developers are encouraged to consider the potential impact this requirement could have on future developments, if they do not start to consider and implement sustainability measures now.



## 5.7 CASE STUDIES

### 5.7.1 ELMSTEAD DEVELOPMENT IN SKELMERSDALE ACHIEVES CODE FOR SUSTAINABLE HOMES LEVEL 4

West Lancashire Borough Council, in partnership with the Homes and Communities Agency (HCA), Fawley Construction Ltd and John McCall Architects has recently completed a development comprising 17 new Council homes in Elmstead, Skelmersdale.



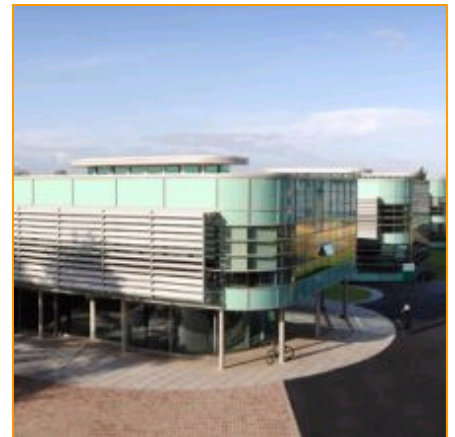
The dwellings have been well designed and constructed to achieve Level 4 Code for Sustainable Homes.

Measures implemented to achieve this include a high level of insulation to reduce the need for heating and cooling, the installation of internal and external energy and water saving devices, good day lighting levels and sound insulation, to name a few. The A-rated energy efficient boilers and domestic solar PV systems will also ensure lower energy bills for Council tenants.

### 5.7.2 EDGE HILL UNIVERSITY

[Edge Hill University](#) has displayed an admirable contribution to sustainable development over recent years and won many awards for their work along the way.

The Faculty of Health is a state of the art, eco-friendly building that has many energy efficiency and low carbon features. These include a natural underground water source from the nearby lake which is channeled through pumps and heated using solar power, to provide over 50% of the building's hot water demand. The building also has a unique 'live energy wall' which changes colour as the buildings energy consumption increases, reminding occupants to switch off.



The Durning Centre is entirely heated by recovering waste heat from IT servers and the University Data Centre, which is powered by a considerable array of photovoltaic cells. It also exports heat to two other university buildings.

### **5.7.3 WEST LANCASHIRE INVESTMENT CENTRE SUSTAINABLE DRAINAGE SYSTEM**

The West Lancashire Investment Centre was designed and constructed to allow for the sustainable drainage of all surface water run-off leaving the site. The car parking area has permeable paving allowing water to soak away and excess surface water outfalls into open swales around the perimeter of the site.

The most important consideration when incorporating a SUD system into a new development is to ensure that a long term maintenance plan is in place for any silt traps or pipework and that it will be implemented.





## 5.8 FUTURE ACTION

### 5.8.1 OBJECTIVE 5: TO ENCOURAGE SUSTAINABLE DEVELOPMENT AND LOW CARBON BUILDINGS

ACTION:	MECHANISM:	POTENTIAL PARTNERS:	TIMESCALE:
Implement planning policies/guidance to promote sustainable development.	<ul style="list-style-type: none"> <li>- Develop local plan policies, in line with relevant planning guidance, to promote sustainable development through the Planning process.</li> <li>- Encourage and provide support to developers to incorporate sustainability measures into the design and construction of new developments.</li> <li>- Revise the 'Energy Statement' requirements within the Council Validation Checklist document.</li> </ul>	WLBC	Short term
Explore the possibility of utilising a Community Energy Fund, or allowable solutions, to aid delivery of off site carbon reduction projects in West Lancashire.	<ul style="list-style-type: none"> <li>- Enable financial contributions from those unable to meet sustainability requirements to aid the implementation of energy efficiency/ carbon saving projects and district heating installations in areas, where it may be feasible.</li> </ul>	WLBC	Short term
Investigate the opportunities for district heating and incorporation into future developments.	<ul style="list-style-type: none"> <li>- Investigate financial options to aid delivery e.g. community or ESCo models.</li> <li>- Utilise the heat mapping resources available to explore possibility of decentralised heating in areas of suitable new development.</li> <li>- Monitor installed capacity of renewable energy across the Borough.</li> </ul>	WLBC	Ongoing
Investigate the opportunities to develop a West Lancashire network of local, sustainable suppliers and contractors.	<ul style="list-style-type: none"> <li>- Investigate the feasibility of producing a local network facility to aid easy procurement of local, sustainable materials and services.</li> <li>- Work with local suppliers and installers to produce, promote and encourage use of the network and other areas it could be utilised.</li> <li>- Investigate existing resources such as the Northwest Construction Knowledge Hub, the Lancashire Best Practice Club and West Lancashire Construction Academy.</li> <li>- Support the smaller self-builders who may require additional support and advice to economically install sustainable measures. Initiate case study sharing with the larger developers.</li> </ul>	WLBC Interested partners	Medium term

## 6. BUSINESS AND INDUSTRY

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### 6.1 BACKGROUND

It makes good business sense to ensure your organisation is working as efficiently as possible. This includes the building your business is based in and the operations your business undertakes. Improving your businesses green credentials will not only increase your profit margin but can provide various other benefits and advantages to your employees and clients, giving you the competitive edge.



The Government intends to make all new private non-domestic developments built after 2019 meet a net zero carbon standard, which should help to prevent further growth in commercial CO<sub>2</sub> emissions from buildings. However, as with the housing sector, the majority of our commercial buildings, and anything built before 2016, is likely to still exist in 2050. Existing buildings will therefore make up around 80% of our future commercial stock.

The focus now needs to be on retrofitting to significantly improve our existing building stock and become operationally efficient, if we are to achieve the UK targets and reduce carbon emission by 80% by 2050.

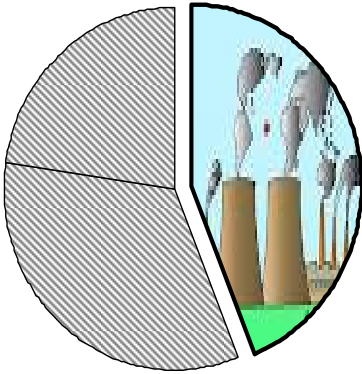
#### 6.1.1 THE BUSINESS CASE

Reducing the consumption of expensive finite resources will provide many benefits for a business:

- Reduce long term operating costs.
- Reduce its carbon footprint.
- Reduce exposure to legislative costs associated with current and future carbon legislation (as detailed in Chapter 6.4.3).
- Reduce risk from increasing energy prices and future energy market volatility.
- Make it easier to achieve carbon neutrality/ the Carbon Trust Standard.
- Help to communicate your businesses environmental credentials, which are becoming increasingly important to clients and customers.



## 6.2 WEST LANCASHIRE'S BUSINESS AND INDUSTRY



The latest statistics indicate that 41% of CO<sub>2</sub> emissions in West Lancashire originate from the industrial and commercial sector. A total of 312 kilotonnes of CO<sub>2</sub> was associated with this sector in 2010 (DECC, 2011).

West Lancashire has a diverse, and relatively stable, local economy. This is strengthened by some large, internationally renowned companies who have established a base in the area. West Lancashire has seen significant employment growth over recent years, primarily in the manufacturing and distribution sector, with Skelmersdale serving as a regionally important distribution hub.

Over 41,000 people are employed in the West Lancashire borough, with the majority being focused in the Skelmersdale area. The five main sectors of the Borough's economy are concentrated within distribution and retail, manufacturing, health, business services and education. The rural nature of the Borough, with over 90% being green belt land, also gives rise to a large agricultural economy that accounts for 40% of employment.

The nature of a business and its primary use of energy will dictate which area should be the main focus of any efforts to reduce consumption and make the biggest carbon and cost savings.

## 6.3 A BUSINESS GUIDE TO REDUCING ENERGY AND CARBON EMISSIONS

### 6.3.1 ENERGY USE AND CARBON FOOTPRINT MONITORING

The first step towards making your business more energy efficient and reducing your carbon footprint is to establish your current energy consumption and calculate the associated carbon emissions. This will provide you with a baseline for comparison, to quantify reductions as you make improvements.

The Department of Energy and Climate Change (DECC) has published [‘Guidance on how to measure and report your greenhouse gas emissions’](#). The guidance includes an easy to use spreadsheet which calculates associated emissions from energy consumption data entered and guidance on how to set targets to reduce them. The guidance is applicable to organisations of all sizes, as well as public and third sector organisations.



West Lancashire Borough Council use this method of calculation and reporting for our carbon footprint, the results of which can be viewed on the Council's webpage [‘What the Council is doing to tackle climate change’](#).

### 6.3.2 ENERGY AND RESOURCE EFFICIENCY

The measures needed to improve the energy efficiency of your workplace will vary significantly depending on the type of building, the required workplace environment and the nature of the work your business undertakes. However, in all cases the energy hierarchy (see Chapter 2.3.2) should be employed.



Buildings need to be well insulated, just as houses do, to prevent heat loss and make them easy and cheap to keep warm. However in the majority of cases air conditioning and cooling plant is also required to ensure a comfortable temperature can be maintained during the summer months. IT solutions and other office equipment will also generate heat which may result in additional cooling being required. The use of A-rated, energy efficient appliances and lighting are also equally important considerations, to name a few.

Depending on the nature of your business, your processes and operations may be able to run more efficiently, your waste may be more valuable than you think and your staff may benefit from some green improvements.

There is a vast amount of information and help already available informing of various energy efficiency measures that businesses can undertake to save energy, save money and increase profits.

The links below provides a list of helpful websites.



**The Carbon Trust**

[‘Green Your Business for Growth’](#).

[‘Technology and Energy Management Publications’](#)



**Groundwork Pennine Lancashire**

[‘Resource Efficiency Support’ \(for SME’s\)](#)

[‘Lancashire Business Environment Association’](#)

Should you be planning to build new commercial premises or undertake major refurbishment to your current building, the Sustainable Development checklist in Chapter 5 of this document also provides further areas for consideration.

### **6.3.3 ENERGY EFFICIENCY IN FARMING/ AGRICULTURAL SECTOR**

Similar to all businesses, increasing efficiency in the agricultural sector will increase profits, helping the farming industries to stay afloat in the current economic climate and improve rural economic development. In turn this enables the development of sustainable communities and improved food security.

Whilst the measures to be undertaken are very farm specific, areas such as heating, lighting, ventilation and water conservation are often key.

The links below provide details of helpful websites specific to the farming/ rural industry:



**Farming Futures**

[‘Energy Efficiency’](#)



**National Farmers Union**

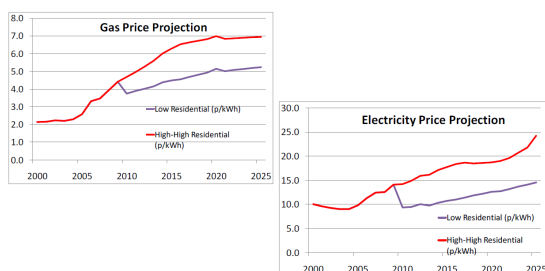
[‘NFU farm Energy Service’](#)

## 6.4 SUPPORT PROGRAMMES AND FINANCIAL INCENTIVES

### 6.4.1 ENERGY SAVINGS

Reducing the amount of energy your business consumes will obviously result in reductions on your energy bills. Displacing the necessary energy you use from the national grid with that generated from a renewable source will also provide further reductions on your fuel bills.

#### Fuel price projections



The recent increases in electricity and gas prices are also predicted to continue for the foreseeable future, as illustrated opposite (CLASP, 2012). Reducing your energy use will offer protection from these price increases and provide security in our energy supplies as we rely less on fuels imported from abroad.

When deciding whether to invest in energy saving measures, the savings on your energy bills should always be factored in and will often provide a very attractive payback period.

### 6.4.2 FUNDING STREAMS

Depending on the nature of your business, there are opportunities to secure funds to help you become more sustainable.

- The [Feed-in Tariff and Renewable Heat Incentive](#) are available to all businesses and will provide an income from renewable energy generation for up to 25 years. Further details on these Government initiatives are provided in Chapter 3: Renewable Energy.
- The [Energy Efficiency Financing Scheme](#) provides funding to businesses to invest in cost effective energy efficiency equipment and low carbon technologies. Provided by the [Carbon Trust](#), working in partnership with Siemens Financial Services, it provides flexible financing options to any business wanting to reduce their energy costs and become more efficient. Financing payments are calculated so that they can be offset through the anticipated energy savings, therefore designed for energy efficiency improvements to pay for themselves.
- The [Energy Entrepreneurs Fund](#) is a £35m Government fund provided by DECC to help SME's come up with the low carbon ideas for the future. The fund is designed to help innovators and entrepreneurs develop and demonstrate low carbon technologies.
- [Enhanced Capital Allowances](#) allows businesses to claim 100% first year tax relief on energy saving plant, technologies and machinery. The scheme allows businesses to write off the whole cost of the equipment against taxable profits in the year of purchase.



### 6.4.3 GOVERNMENT CARBON LEVIES

Along with all the support and financial incentives, the Government are also increasing the pressure on businesses to take action to reduce carbon sooner rather than later.

- [The Carbon Reduction Commitment \(CRC\) Energy Efficiency Scheme](#) has been implemented to improve energy efficiency and cut carbon emissions from the business sector. Currently focussed on large public and private sector organisations, performance in reducing energy consumption must be reported and organisations are entered into a [performance league table](#), with reputational and financial penalties for under performance.
- [EU Emissions Trading System \(ETS\)](#) is relevant for electricity generation and energy intensive industries such as power stations, refineries and large manufacturing operations. Participating industries must try to operate within their given emissions allocation or buy allowances from the carbon market.



- The [Climate Change Levy](#) is a tax applied to commodities such as gas, electricity and other finite resources, for businesses in the industrial, commercial, agricultural and public administration sectors. The tax is charged at a specific rate per unit of energy, which varies for each industry sector. However, a 65% discount from CCL can be obtained if the organisation meets challenging [Climate Change Agreement](#) targets in energy reduction.

Note: Emissions covered by the CCA or EU ETS are excluded from the CRC.

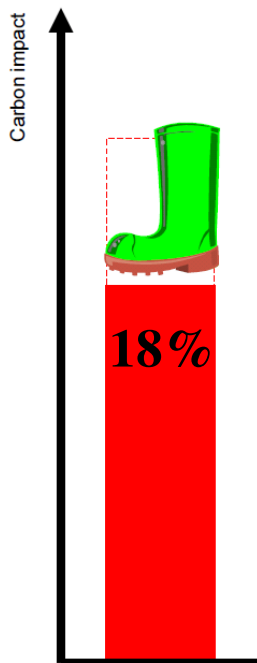
## 6.5 CASE STUDIES

### 6.5.1 BOOTHS SUPERMARKET

Booths supermarkets are known for their excellent sustainability credentials. Back in 2010 the supermarket chain opened a new store in Tarleton, designed and constructed to ensure operation is as efficient as possible throughout the stores life. Measures include efficient design to maximise the use of natural light, a heat recovery system and use of recycled rainwater, to name a few. The supermarket also specialises in local produce and suppliers from the Lancashire area to reduce associated food miles.



### 6.5.2 WEST LANCASHIRE BOROUGH COUNCIL



The Council is committed to achieving our carbon reduction target of a 25% reduction in emissions by 2020, from our 2006/07 baseline, as set out in the [Council's Climate Change Strategy](#). Our carbon footprint is calculated in accordance with DECC guidance, as detailed in Section 6.3.1 and reported annually.

Since 2006/07 the Council has reduced our electricity consumption by 19%. Gas consumption has been reduced 20% on the baseline. Overall we have reduced our emissions 18% on the baseline.

Recent refurbishments to the main Derby Street office in Ormskirk incorporated energy efficiency measures including an insulation top up, energy efficient lighting, new A-rated windows and a new energy efficient air cooling system. As a result, we have seen 14% reduction in electricity consumption and 23% savings in gas consumption on the previous year.



## 6.6 FUTURE ACTION

### 6.6.1 OBJECTIVE 6: ENCOURAGE SUSTAINABLE BUSINESS AND INDUSTRY ACROSS WEST LANCASHIRE

ACTION:	MECHANISM:	POTENTIAL PARTNERS:	TIMESCALE:
Encourage businesses to improve their sustainability.	<ul style="list-style-type: none"> <li>- Provide information and signposting to advice for businesses.</li> <li>- Investigate alternative ways to best support businesses to become resource efficient.</li> <li>- Investigate links to existing business support programmes.</li> <li>- Actively promote funding streams when they become available.</li> </ul>	WLBC	Ongoing
Establish the best mechanisms to help the rural business sector.	<ul style="list-style-type: none"> <li>- Establish the services and actions we can take to proactively help the farming industry become more energy and water efficient.</li> <li>- Consider actions to minimise the impact of climate change on food security.</li> </ul>	WLBC Potential interested partners	Medium Term
Investigate opportunities to encourage and aid local installers to up-skill and enable local delivery of the Green Deal.	<ul style="list-style-type: none"> <li>- Contact local installers and seek interest in delivering Green Deal and assessment training.</li> <li>- Investigate the delivery of local training opportunities for local contractors to gain qualified Green Deal Assessor accreditation.</li> </ul>	WLBC Potential interested partners	Medium term
Investigate energy efficiency improvements to Council owned offices, industrial premises and estates.	<ul style="list-style-type: none"> <li>- Conduct energy surveys on Council owned estates and implement identified measures required e.g. regeneration of the dilapidated industrial units on Gorsey Place, Skelmersdale.</li> <li>- Identify funding opportunities to aid the financing of such projects.</li> <li>- Investigate opportunities to promote the sustainability agenda through the Council's asset management programme, especially any land sold for development.</li> </ul>	WLBC Potential funders	Medium term

Explore opportunities to link with existing programmes and services.	- Initiate partnerships with organisations already delivering services in West Lancashire which may be able to incorporate sustainability e.g. Greenshoots.	WLBC Potential interested partners	Ongoing
Encourage Council contractors to take action to reduce emissions associated with their operations.	- Encourage businesses working on behalf of the Council to improve sustainability and reduce the carbon footprints of their organisations. Promote their achievements through this Strategy. - Utilise the tender/procurement process for contractors to display their sustainability policies and demonstrate Council commitment to the agenda.	WLBC Council contractors	Short Term
Investigate opportunities to attract a low carbon business sector to West Lancashire.	- Promote West Lancashire's opportunities to exploit renewable technologies - Promote Skelmersdale economical employment land opportunities, along with excellent transport links for travel and distribution.	WLBC Potential interested partners	Long term

## 7.0. TRANSPORT

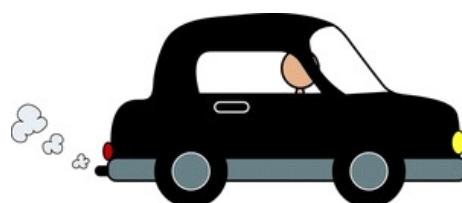
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### 7.1 BACKGROUND

Emissions from transport, particularly vehicles, accounts for a significant proportion of greenhouse gas emissions. [The UK Low Carbon Transition Plan](#) (2009) sets a target to reduce transport related emissions by 14% on 2008 levels, by 2020.

Nationally, Government have started to take action to work towards this target by implementing the following:

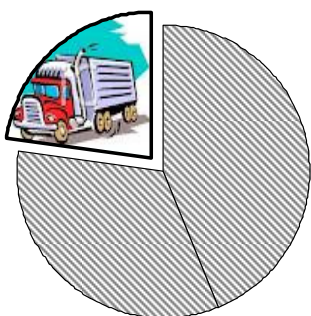
- Cutting average emissions targets from new cars.
- Putting pressure on the EU to lower emissions from vans.
- Investing in low carbon buses.
- Supporting development of electric vehicles.
- Financing the development of ultra low carbon vehicles and fuels for the future.
- Improving cycle storage at railway stations.



However, carbon emissions associated with road transport are still projected to increase by between 11-13% by 2020. This is in spite of improvements in conventional engine technology, which means new cars will produce 40% less emissions in 2020.

Although these national initiatives will have an impact in West Lancashire there also remains plenty to be done to reduce transport emissions at a local level.

### 7.2 TRANSPORT EMISSIONS IN WEST LANCASHIRE



According to latest statistics, transport emissions account for 24% of total carbon emissions in West Lancashire, which in 2010 related to 179 kilotonnes of CO<sub>2</sub> (DECC, 2011).

If West Lancashire is to achieve the 14% reduction that has been applied nationally, this would require a reduction of 25 kilotonnes by 2020.

Whilst transport is the lowest contributor to the Boroughs carbon footprint, it is still accountable for a high percentage of emissions. This could be attributed to a number of factors including the rural nature of the area, high levels of car ownership and commuting, Skelmersdale's ideal location on the distribution network and a limited public transport provision.

## 7.2.1 WEST LANCASHIRE AIR QUALITY MANAGEMENT AREA

In addition to carbon dioxide (CO<sub>2</sub>), vehicle exhaust emissions also contain other gases harmful to the environment such as nitrogen oxide (NO<sub>x</sub>), carbon monoxide (CO) and particulate matter (PM<sub>10</sub>). Local authorities are required to monitor and assess the levels of these gases across their areas and report on the [air quality](#) levels, as a requirement of the Environment Act, 1995.



In 2009, the air quality around the Moor Street area of Ormskirk was found to be exceeding annual air quality objectives and in 2010 was designated as an [Air Quality Management Area](#).

In order to reduce emissions, an [Air Quality Action Plan](#) was developed to reduce traffic congestion and address other contributing factors. Whilst these actions will help reduce CO<sub>2</sub> emissions, this strategy does not wish to re-iterate actions within this plan, many of which are related to transport.

## 7.3 A GUIDE TO REDUCING TRANSPORT EMISSIONS

### 7.3.1 DOMESTIC TRAVEL

If we are to make any impact on transport emissions we will all need to take responsibility for getting out of our cars and using more sustainable means. Increasing travel on public transport (buses and trains) not only reduces carbon emissions; it will also save you money on fuel costs and reduce congestion on the roads, helping to improve local air quality.

The links below provide details of helpful websites that provide information and help planning a low carbon journey:



**Traveline**

[Plan a journey on public transport here](#)

**Lancashire County Council**  
[For local bus information](#)



### 7.3.2 COMMERCIAL TRAVEL

Whether you're in the transport and distribution business or just have staff commuting to your offices, you can still play an important part in reducing the Boroughs transport emissions.

Developing a [Travel Plan](#) for your organisation will enable delivery of a package of suitable measures to encourage staff to use an alternative to single-occupancy car use. This plan can include measures such as car sharing schemes, provision of cycling facilities, promotion of bus services to the office and restricted car parking, to name a few. Policies to encourage use of a local workforce and allow home working will also help to reduce the need to travel and reduce vehicle use in the area.

Should you own a vehicle fleet, measures such as regular servicing and maintenance will ensure your vehicles are running efficiently. Effective journey planning will also ensure your vehicles are not travelling further than they need to, increasing fuel expenses and emissions. The following links may be of interest to employers to help improve fleet management and promote sustainable travel to employees:



**Energy Saving Trust**

['Fleet Management advice and best practise guidance'](#)

**Liftshare/ Shared Wheels**

['Promote car sharing in Lancashire'](#)



**Edie**

['Tips for Greener Fleet Management'](#)

### 7.3.3 CYCLING / WALKING

Cycling and walking offers many benefits. It's an excellent way to get fit and lose weight; it will save you money on fuel bills and avoid traffic jams. Using less fuel will also reduce CO<sub>2</sub> emissions contributing to climate change, and improve local air quality.

West Lancashire offers a great network of cycle/ pedestrian paths to make journeys safer and more enjoyable. More information on what West Lancashire can offer for cyclists is available from the links below.

#### ***Travelwise Lancashire***

[For information on cycling, walking and car sharing](#)



#### ***Cycle Streets***

['Cycling intelligence and journey planning for your local area'](#)

#### **Lancashire County Council**

['Information on all things cycling, including cycle routes, events, local cycle clubs and training.'](#)



Many organisations offer a 'Cycle to Work Scheme'. This provides employees with the opportunity to purchase a bike tax-free through the scheme, which is then paid for through monthly deductions from your salary for one year.

This is a great way to show your organisations support to reduce car travel and promote healthy lifestyles by encouraging staff to cycle to work.

#### ***Cycle to Work Scheme***

['Tax free bicycles for employees'](#)



### 7.3.4 ELECTRIC VEHICLES AND CHARGING NETWORKS

The electric vehicle industry has grown significantly over recent years. Vehicle improvements and the increasing cost of fossil fuels have created an interest in electrically powered transport, which in turn has seen improvements in the electric vehicle charging network.

Electric vehicle chargepoints are rapidly becoming a more common sight across the UK. Users of electric vehicles require charging facilities to be easily accessible and conveniently located to instil confidence and ease in electrically powered travel.

The location of electric vehicle chargepoints can be easily investigated on the [Electric Vehicle Network](#) website.

## 7.4 FUTURE ACTION

### 7.4.1 OBJECTIVE 7: ENCOURAGE SUSTAINABLE TRAVEL AND REDUCE TRANSPORT RELATED EMISSIONS ACROSS THE BOROUGH

ACTION:	MECHANISM:	POTENTIAL PARTNERS:	TIMESCALE:
Promote sustainable travel choices such as public transport, cycling and walking.	<ul style="list-style-type: none"> <li>- Promote and signpost to journey planning facilities to encourage modal shift from the car.</li> <li>- Work in partnership with organisations already delivering promotional campaigns e.g. Lancashire County Council.</li> </ul>	WLBC LCC	Ongoing
Investigate opportunities to work with local businesses to encourage local procurement policies.	<ul style="list-style-type: none"> <li>- Promote local supply chains available in West Lancashire, where possible.</li> </ul>	WLBC Interested parties	Medium term
Identify opportunities to aid the movement of goods as efficiently as possible.	<ul style="list-style-type: none"> <li>- Investigate any opportunities to minimise the transportation of goods to rural businesses in the Borough.</li> <li>- Promote journey planning, low carbon fleet management, driver behaviour programmes etc.</li> </ul>	WLBC Interested parties	Medium term
Support the development of low carbon infrastructure to support sustainable travel choices.	<ul style="list-style-type: none"> <li>- Provide support, where possible, into investigations for the Skelmersdale rail link.</li> <li>- Investigate demand and feasibility for an electric vehicle charging network.</li> </ul>	WLBC Interested parties	Long term

## 8.0. APPENDICIES

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### 8.1 REFERENCES

[Ashton Hayes Go Carbon Neutral](#)

[Burnley and Pendle Borough Council](#)

[BRE](#)

[Business Link](#)

[Carbon Trust](#)

[Centre for Sustainable Energy](#)

[CLASP \(Climate change support programme for Local Authorities\)](#)

[Climate Change Northwest](#)

[Climate Local \(LGA\)](#)

[Committee on Climate Change](#)

[Communities and Local Government](#)

[Department for Transport](#)

[Department of Business, Innovation and Skills \(CIC Regulator\)](#)

[Department of Energy and Climate Change \(DECC\)](#)

[Direct Gov](#)

[Eastleigh Borough Council](#)

[Edge Hill University](#)

[Energy Saving Trust](#)

[English Heritage](#)

[Envirolink Northwest](#)

[Farming Futures](#)

[Gov.uk](#)

[Groundwork Pennine Lancashire](#)

[Homes and Communities Agency](#)



[HM Revenue and Customs](#)

[Institute for Sustainability](#)

[Lancashire County Council](#)

[Local Government Association](#)

[Microgeneration Certification Scheme](#)

[National Energy Foundation](#)

[National Farmers Union](#)

[National Grid](#)

[NetRegs](#)

[Northwest Climate Change Partnership](#)

[Office for Renewable Energy Deployment \(ORED\)](#)

[Planning Portal](#)

[Stockport Borough Council](#)

[Sustainable Development Commission](#)

[TADEA](#)

[Town and Country Planning Association](#)

[Traveline](#)

[Travelwise](#)

[Wigan Borough Council](#)

[Zero Carbon Hub](#)

# Climate Local

## West Lancashire Borough Council

### Our commitment to taking action in a changing climate

We recognise that our council has an important role to help our residents and businesses to capture the opportunities and benefits of action on climate change. These include saving money on energy bills, generating income from renewable energy, attracting new jobs and investment in 'green' industries, supporting new sources of energy, managing local flood-risk and water scarcity and protecting our natural environment.

**We will progressively address the risks and pursue the opportunities presented by a changing climate, inline with local priorities, through our role as:**

- Community leader – helping local people and businesses to be smarter about their energy use and to prepare for climate impacts;
- Service provider – delivering services that are resource efficient, less carbon intensive, resilient and that protect those who are most vulnerable to climate impacts;
- Estate manager – ensuring that our own buildings and operations are resource efficient, use clean energy, and are well prepared for the impacts of a changing climate.

In signing this commitment, **we will:**

- **Set locally-owned and determined commitments** and actions to reduce carbon emissions and to manage climate impacts. These will be specific, measurable and challenging;
- **Publish our commitments, actions and progress**, enabling local communities to hold us to account;
- **Share the learning from our experiences and achievements** with other councils; and
- **Regularly refresh our commitments and actions** to ensure they are current and continue to reflect local priorities.

[Date]
[Name of council or group of councils]
[Signature of Leader or Mayor of Council]

8.1.2 APPENDIX 2: HECA REPORT (2012-13)

FURTHER REPORT: West Lancashire Borough Council, March 2013

i) LOCAL ENERGY EFFICIENCY AND FUEL POVERTY AMBITIONS AND PRIORITIES			
ACTION	OUTCOMES	TIMING	COMMENTS
Carbon & Fuel Poverty Reduction Target	<p>West Lancashire Borough Council is committed to reducing greenhouse gas emissions and fuel poverty. Current performance on carbon emissions is 6.9% per capita with 19.2% of households being in fuel poverty (data from DECC Fuel Poverty Statistics 2010) <a href="https://www.gov.uk/government/organisations/department-of-energy-climate-change/series/fuel-poverty-sub-regional-statistics">https://www.gov.uk/government/organisations/department-of-energy-climate-change/series/fuel-poverty-sub-regional-statistics</a></p> <p>The Council is currently in the process of adopting a Sustainable Energy Strategy for West Lancashire. The Strategy, which is currently out for consultation, sets out a series of actions on how we plan to reduce Borough wide emissions and work towards achieving affordable warmth for all.</p> <p>The Draft West Lancashire Sustainable Energy Strategy can be view <a href="#">here</a>.</p> <p>Members are to consider commitment to Climate Local on adoption of the Sustainable Energy Strategy later in the year.</p>	<p>2020</p> <p>Sept' 13</p>	
West Lancashire Climate Change Strategy 2008	<p>Aim to reduce emissions directly associated with Council operations by at least 25% against a 2006/07 baseline.</p> <p>The Councils carbon footprint is reported annually to The Department of Energy and Climate Change, in line with their guidance. Since 2006/07 the Council has reduced our electricity consumption by 19% and our gas consumption by 20%. To date, we have reduced our overall CO<sub>2</sub>e emissions by 18% on the baseline.</p>	2020	

	The Councils 2012 carbon footprint report can be viewed <a href="#">here</a> .		
Lancashire Health & Wellbeing Board: Emerging Strategy	The ambition of the strategy is to work better together to deliver real improvements to the health and wellbeing of Lancashire's citizens and communities. The strategy has identified 10 'concrete' interventions to be delivered in the first three years of the strategy of which affordable warmth is one.	2013-2020 10 identified interventions incl affordable warmth to be delivered by 2016	West Lancashire will contribute towards this and is an active member of the Lancashire Energy Officers Group
Lancashire Climate Change Strategy	Lancashire aims to reduce greenhouse gas emissions from the use of energy in homes by 30% by 2020. This will be done by improving energy efficiency, minimising waste and exploiting renewable sources of energy.	2009-2020	West Lancashire will contribute towards this and is an active member of the Lancashire Energy Officers Group
West Lancashire Local Plan 2012 - 2027	Should the Councils proposed new Local Plan be approved and adopted later in the year, all new developments will be required to meet the following: <ul style="list-style-type: none"> <li>- Achieve the Code for Sustainable Homes Level 3 as a minimum standard for new residential developments, rising to level 4 and level 6 in line with increases to Part I of the Building Regulations.</li> <li>- Achieve BREEAM 'very good' standard as a minimum for new commercial buildings, rising to 'excellent' and 'zero carbon' in line with increases to Part L of the Building Regulations.</li> <li>- Require all major developments to investigate the potential for a district heating network.</li> </ul>	Sept' 2013	

<b>ii) MEASURES WE ARE TAKING TO RESULT IN SIGNIFICANT ENERGY EFFICIENCY IMPROVEMENT OF OUR RESIDENTIAL ACCOMODATION</b>			
Green Deal and Energy Company Obligation (ECO)	<p>There are no plans for West Lancashire Borough Council to take on the role of Green Deal Provider but discussions on an approach to Green Deal and securing ECO funding are being discussed through the Lancashire Energy Officers Group.</p> <p>ECO funding will also be utilised as far as possible on West Lancashire's social housing stock, to improve the energy efficiency of our homes and benefit tenants</p>	Preparatory work during 2013	
Feed in Tariffs Scheme	<p>We currently have installed 7 PV installations on Council owned buildings, which have a total output of 41KW.</p> <p>We may look to increase this on other suitable buildings and possibly residential dwellings providing sheltered accommodation for the elderly. This is to be investigated later in the year</p>	2013	
Renewable Heat Premium Payment	<p>We have installed 144 Air Source Heat Pump installations, aided through contributions from the Renewable Energy Premium Payment for Social Landlords. This has been achieved in 3 phases, with the first completed in 2011 and the last phase just entering completion stages.</p> <p>We are also in the early stages of installing a communal biomass heating system into a sheltered housing scheme containing 21 flats. The energy centre is scheduled to be on site in approximately 2 months. This has been funded based on the Renewable Heat Incentive finance model.</p> <p>We also plan to investigate further renewable heating options for other areas of Skelmersdale where properties are located off the gas grid.</p>	<p>Summer ' 2013</p> <p>2014</p>	

Energy Efficiency Measures	2,070 Council properties have received replacement A-rated double glazed windows. 236 properties have received a connection to the gas grid and new A-rated gas central heating to replace electric storage heaters. Further works will continue into 2013.	2013	
EPC's	<p>Based on the 2010 Private Sector Stock Condition Survey, the average Standard Assessment Procedure (SAP) rating was identified as 53 slightly higher than the national average which is currently 52.9 (English Housing Survey 2010-11). The higher the SAP the better the energy rating.</p> <p>The Council will explore opportunities to ensure the SAP rating remains above the national average.</p> <p>The Council will ensure that valid EPC's are available when considering properties for the Rent Deposit Guarantee Scheme and raise awareness on the requirement for EPC's in private rented properties in preparation for the mandatory requirements in 2018.</p>		
Minimum standards in the private rented sector	<p>The Council in partnership with the Residential Landlords Association operates the West Lancashire Landlord Accreditation Scheme which aims to encourage landlords to become accredited and thereby improving property and management standards.</p> <p>We will work with accredited landlords to raise awareness of the Green Deal and other initiatives to help them improve the efficiency of their properties.</p>	On-going	
<b>iii) MEASURES WE PROPOSE TO COST EFFECTIVELY DELIVER ENERGY EFFICIENCY IMPROVEMENTS IN RESIDENTIAL ACCOMODATION BY USING AREA BASED / STREET BY STREET ROLL OUT</b>			

Firbeck Revival Project	<p>West Lancashire Borough Council is currently undertaking a regeneration project to revive an estate in Skelmersdale, comprising 78 houses and 32 flats of mixed social and private tenure. All dwellings are hard to treat, system built properties which are to receive external wall insulation, loft top-ups, new windows and doors and connection to a biomass district heating network. ECO funding will be utilised to aid delivery of these measures.</p> <p>The work programme for social housing will continue to focus on properties with a lower SAP rating, primarily hard to treat and those located off the gas grid.</p>	2014	
<b>iv) FUEL POVERTY ACTIONS</b>			
West Lancashire Warm Homes Healthy People Project.	The Council has secured Warm Homes Healthy People funding via the Department of Health and is running a scheme for the over 75's offering free boiler servicing, repair or replacement along with other measures to help them keep warm and reduce energy bills.	Jan-March 2013	
Loft & Cavity Wall Insulation Scheme	<p>Funding was secured via utility partners to offer a Neighbourhood Energy Saving Scheme which offered free loft and cavity wall insulation to all private tenants and home owners irrespective of their income. To date the scheme has completed over 1000 installations.</p> <p>CERT funding was also secured to deliver over 900 loft and cavity wall installations to Council owned properties in 2012. We hope to secure ECO funding to continue to roll out this programme across the rest of the stock.</p>	Aug 2011 – March 2013	

Collective Energy Switching	<p>We are one of the Lancashire authorities working together to develop a Collective Energy Switching Scheme which has secured funding from the DECC Cheaper Energy Together fund.</p> <p>The Council will promote the scheme to residents both locally through press releases and our website. There will also be a Lancashire wide campaign via bus shelter adverts, bill boards, radio adverts etc.</p>	On-going from April 2013	
<b>v) NATIONAL AND LOCAL PARTNERS</b>			
NW Carbon Action Network	The Council links into the NW CAN network to share knowledge on reducing domestic-sector carbon footprint and tackling fuel poverty across the region.	Ongoing	
Lancashire Home Energy Officers Group	<p>The Lancashire Home Energy Group consists of representatives from the 12 district councils in Lancashire, Blackburn with Darwen Council, Blackpool Council, Lancashire County Council and Lancashire County Developments Ltd.</p> <p>The Group was established in 2007 and works in partnership to improve the energy efficiency of Lancashire's Homes, address health inequalities exacerbated by living in cold damp homes, reduce fuel poverty, tackle seasonal excess deaths and reduce carbon emissions from the domestic sector.</p>	Ongoing	









**AGENDA ITEM: 5(h)**

**PLANNING COMMITTEE:  
5 September 2013**

**CABINET: 17 September 2013**

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**Report of: Assistant Director Planning**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Mr Peter Richards  
(E-mail: peter.richards@westlancs.gov.uk)**

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**SUBJECT: SEFTON LOCAL PLAN – PREFERRED OPTIONS CONSULTATION**

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Wards affected: Borough-wide

**1.0 PURPOSE OF THE REPORT**

- 1.1 To inform Cabinet of the Sefton Local Plan Preferred Options consultation and to seek approval for the proposed consultation response at Appendix A.

**2.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

- 2.1 That Planning Committee consider the proposed consultation response at Appendix A and that agreed comments be referred to Cabinet for consideration.

**3.0 RECOMMENDATIONS TO CABINET**

- 3.1 That the proposed consultation response provided at Appendix A for submission to Sefton Council be approved.
- 3.2 That Call In is not appropriate for this item due to the deadline for consultation responses of 27 September 2013.

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**4.0 BACKGROUND**

4.1 Sefton are currently consulting on their Preferred Options for the Sefton Local Plan. Their Preferred Options document has developed since their Options consultation in the summer of 2011, taking into account various new background evidence that Sefton have collated.

4.2 Previously, at Options stage, Sefton consulted on three options involving different levels of residential development, with two of the options involving significant Green Belt release. Our consultation response at that time stated:

*West Lancashire would hope that, in identifying locations for any Green Belt development, Sefton will also take into account the need to limit urban sprawl and protect the strategic gaps created by Green Belt between settlements in Sefton and West Lancashire and to ensure that development on the Sefton side of the boundary will not compromise flood risk or infrastructure on the West Lancashire side of the boundary.*

4.3 This remains the central issue for West Lancashire to consider in relation to the Sefton Local Plan, alongside any transport or environmental implications for West Lancashire of development in Sefton.

## **5.0 PROPOSALS IN THE SEFTON LOCAL PLAN PREFERRED OPTIONS**

5.1 The Preferred Options of the Sefton Local Plan selects Option 2 from the previous Options consultation in relation to residential development. Option 2 involves Sefton meeting their own housing needs within their Borough (10,700 dwellings between 2012 and 2030), but not seeking additional housing growth over and above those objectively-assessed needs.

5.2 This means that Sefton are not seeking that West Lancashire, or any other authority, should help them to meet their own housing needs. However, it does mean that Sefton have had to propose quite significant areas of Green Belt release across their Borough, including some close to or adjoining the borough boundary with West Lancashire.

5.3 Proposed allocations (Policies SR4 and SR5) that are close, or adjacent, to the Borough boundary include:

- a housing site at Moss Lane, Churchtown, which adjoins the Borough boundary and North Meols ward;
- A mixed-use site (housing and employment) at Crowland Street, Southport, which adjoins the Borough boundary and North Meols and Scarisbrick wards;
- A strategic employment site at Southport Business Park at Town Lane Kew, adjacent to the Borough boundary and Scarisbrick and Halsall wards;
- A number of smaller housing sites on the edge of Ainsdale adjacent, or close, to the Borough boundary and Halsall ward;
- A strategic employment site to the north of Formby industrial estate, lying between the A565 (Formby bypass) and the Borough boundary, so directly adjoining Aughton & Downholland ward; and

- Two sites to the north of Lydiate allocated as reserve housing sites, which are close to the Borough boundary and Aughton & Downholland ward.
- 5.4 The most significant area of Green Belt release proposed in the Preferred Options of the Sefton Local Plan is to the east of Maghull between the M58 and the existing built-up area of Maghull and any development here is proposed to include a new train station on the Ormskirk to Liverpool Central line to serve North Maghull and improvements to Junction 1 of the M58 to make the junction a full, four-arm junction and so enable access to and from the Switch Island direction.
- 5.5 Policy SR10 of the Preferred Options outlines Sefton's transport priorities, which include the Thornton-Switch Island Link and "*Improved access to Southport from the east [A570 corridor]*". However, there are no details as to how this access to Southport from the east may be improved.

## **6.0 PROPOSED CONSULTATION RESPONSE**

- 6.1 A proposed consultation response is provided at Appendix A for consideration by Cabinet. It is the view of officers that the Preferred Options of Sefton's Local Plan will have little direct effect on West Lancashire, despite some of the proposed allocations being directly adjacent to the borough boundary and so it should be broadly supported, particularly in relation to its selection of Option 2 for housing requirements and their rejection of Options 1 and 3 which would have had greater impacts on West Lancashire. However, there are some concerns that it is worth WLBC making comment on so that Sefton Council are fully aware of the potential impacts on West Lancashire.
- 6.2 The key concern relates to the potential impact of new development in Sefton (particularly in Southport) on the road network in West Lancashire. Despite the planned Thornton-Switch Island Link, it is likely that any Southport traffic seeking to access the motorway network will still need to travel across West Lancashire to access the M58 or M6, along with any traffic travelling to parts of West Lancashire itself or places like Wigan on the other side of West Lancashire.
- 6.3 New development will inevitably lead to an increase in this traffic flow across West Lancashire which will have impacts on the A570 and the moss roads in the Western Parishes. While it is welcome that the Sefton Local Plan lists as one of its transport priorities "*Improved access to Southport from the east [A570 corridor]*" there has to be a concern as to what such improvements might be and whether they will in any way improve movement of traffic generally along the A570 or dissuade traffic from using the moss roads.
- 6.4 The allocations at Moss Lane, Churchtown; Crowland Street, Southport; and Southport Business Park are likely to have particular impacts on traffic on the A570 and the moss roads. The concern with the impact on the A570 is not simply about flow through the Western Parishes but also flow through Ormskirk, given that any traffic between Southport and the M58 is likely to end up coming through Ormskirk on the A570.

- 6.5 The other key concern for officers relates to the allocation of two reserve housing sites to the north of Lydiate. While these sites will not have any significant impact on West Lancashire itself and it is acknowledged that they are only reserve housing sites, were these sites to be released from the Green Belt and ultimately be developed, they would close the strategic Green Belt gap between Maghull / Lydiate and Aughton / Holt Green.
- 6.6 The village of Holt Green to the south of Aughton is only 1.5 km from the existing built-up area of Maghull / Lydiate. The release of these sites from the Green Belt would reduce this gap to less than 1 km. The gap to the main built-up area of Aughton would be reduced to 2 km. As such, given the potential impact on the purposes of including land within the Green Belt (in particular that of preventing neighbouring towns from merging into one another), it is recommended that we ask Sefton to reconsider the release of Green Belt in this location and the allocation of these reserve housing sites.
- 6.7 In summary, while it is right and appropriate for WLBC to make comment to Sefton on the areas of concern highlighted above, it is unlikely that the Sefton Local Plan will have an unacceptable impact on West Lancashire. As such, WLBC's response should be one of broad support of Sefton's selection of Option 2 with the caveat that Sefton should investigate further the concerns WLBC have raised on specific points.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 The sustainability implications of the Sefton Local Plan revolve around potential localised impact on those parts of the Borough adjoining proposed allocations across the borough boundary in Sefton and the potential impacts on highways in the Borough, especially the A570. If the A570 becomes further congested as a result of the additional development in Southport, this could have a negative impact on those villages along the A570 and, in particular, Ormskirk.
- 7.2 The Sefton Local Plan has no significant impact on crime and disorder within West Lancashire. The Sefton Local Plan has no significant links with the Sustainable Community Strategy.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 There are no financial or resource implications of this report.

## **9.0 RISK ASSESSMENT**

- 9.1 Were WLBC not to provide a consultation response to the Sefton Local Plan Preferred Options consultation, outlining any concerns the Council has over Sefton Council's proposals, Sefton Council cannot take them into consideration as they refine their Local Plan. It may also prejudice any representation WLBC may make at Publication stage for the Sefton Local Plan as if WLBC chose not to raise concerns now it may undermine the reasoning for doing so at later date.

9.2 In addition, WLBC are bound by the Duty to Co-operate to ensure ongoing co-operation with neighbouring authorities on all strategic and cross-boundary planning issues for both our own planning documents and those of our neighbours. If WLBC do not demonstrate that ongoing co-operation, it can lead to concerns regarding our legal compliance with legislation and regulations when preparing our own future Development Plan Documents.

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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.

Sefton Local Plan Preferred Options document and other background evidence is available to view at: [www.sefton.gov.uk/localplan](http://www.sefton.gov.uk/localplan)

### **Equality Impact Assessment**

There is no direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is not required.

### **Appendices**

- A. Proposed Consultation Response to the Sefton Local Plan Preferred Options Consultation
- B. Minute of Planning Committee held on 5 September 2013 (Cabinet only)







Directorate of Transformation

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

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Jane Gowing  
Head of Planning Services  
Sefton MBC  
First Floor Magdalen House  
Trinity Road  
Bootle L20 3NJ

Date: 18 September 2013  
Your ref:  
Our ref:  
Please ask for: Peter Richards  
Direct dial no: 01695 585046  
Extension: 5046

Dear Jane

**RE: Sefton Local Plan – Preferred Options consultation**

Thank you for inviting West Lancashire Borough Council to comment on Sefton Council's Preferred Options of the Sefton Local Plan. West Lancashire Borough Council welcomes this opportunity to continue the close working relationship with Sefton Council on planning matters and it is recognised that the need to co-operate on strategic planning matters between ourselves will only grow under the recent changes to the planning system.

To this end, West Lancashire Borough Council is glad to broadly support the Preferred Options of the Sefton Local Plan, particularly with regard to the selection of Option 2 with regard your housing requirement. Option 2 provides the appropriate balance for Sefton to meet its objectively-assessed housing needs within its own boundary and so minimises the negative impacts on neighbouring boroughs.

Both Option 1 and Option 3, as consulted upon in July 2011, have the potential to have significant negative impacts on West Lancashire either because Sefton would not meet its own housing needs (and therefore be reliant upon neighbouring boroughs to do so) or because Sefton would be seeking to grow beyond its needs (and so potentially detract from development opportunities in its neighbouring boroughs).

However, there are three areas of concern that West Lancashire Borough Council would like to raise with Sefton Council and request that Sefton Council look at how potential impacts could be mitigated through the Sefton Local Plan or that a particular allocation be reconsidered.

Firstly, there are a number of proposed development allocations (in Policies SR4 and SR5) that are located adjacent, or very close, to the borough boundary with West Lancashire, particularly in the Southport, Churchtown, Ainsdale and Formby areas. While West Lancashire Borough Council does not object to these allocations, we would wish to ensure that all potential impacts of these sites on land and communities within West Lancashire have been considered and that policy requirements for mitigation for any negative impacts on the West Lancashire side of the boundary are included within the Sefton Local Plan.

**Gill Rowe LL.B (Hons) Solicitor**  
**Managing Director (People and Places)**

**Kim Webber B.Sc., M.Sc.**  
**Managing Director (Transformation)**

Secondly, those same allocations have the potential to generate fairly significant traffic travelling through West Lancashire on the A570 and / or the local moss roads in the Western Parishes. Policy SR10 is supported when it prioritises “*Improved access to Southport from the east [A570 corridor]*” but West Lancashire Borough Council would welcome further detail or discussion on what these improvements may be, especially where the improvements are needed within West Lancashire.

In particular, the impact of increased traffic on the A570 on Ormskirk must be considered, as there is already significant congestion within Ormskirk and through-traffic travelling between Southport and the M58 contributes to this. Indeed, one of the reasons that the West Lancashire Local Plan 2012-2027 does not focus more development in the Ormskirk area is the added congestion this would likely cause, and so West Lancashire Borough Council would have concerns if additional traffic generated in Sefton were to add to this congestion in Ormskirk. Regard should also be had to the forthcoming West Lancashire Highways & Transport Masterplan from Lancashire County Council on this matter.

Thirdly, West Lancashire Borough Council wishes to express concern regarding the allocation of the two sites to the north of Lydiate as reserve housing sites (SR4.47 and SR4.48). These sites would be released from the Green Belt and, in the long-term, would likely be developed. The release of this land from the Green Belt would close the strategic Green Belt gap between Maghull / Lydiate and Aughton / Holt Green.

The village of Holt Green to the south of Aughton is only 1.5 km from the existing built-up area of Maghull / Lydiate. The release of these sites from the Green Belt would reduce this gap to less than 1 km. The gap to the main built-up area of Aughton would be reduced to 2 km. As such, given the potential impact on the purposes of including land within the Green Belt (in particular that of preventing neighbouring towns from merging into one another), West Lancashire Borough Council would ask Sefton Council to reconsider the allocation of these sites and review whether alternative sites would have less of an impact on the purposes of the Green Belt, for example, sites on the western side of Maghull which do not form part of a strategic gap and are partially contained by the existing built-up area.

It is West Lancashire Borough Council’s view that the release of sites SR4.47 and SR4.48 would be better considered as part of a cross-boundary strategic Green Belt review given that it affects a strategic gap between two settlements in separate authorities.

If you have any queries regarding our comments on the Preferred Options of the Sefton Local Plan, please do not hesitate to get in touch with me or Peter Richards.

Yours sincerely,

**John Harrison**  
Assistant Director Planning



**AGENDA ITEM: 5(i)**

**CABINET: 17 SEPTEMBER 2013**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE:  
24 OCTOBER 2013**

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**Report of: Transformation Manager**

**Relevant Head of Service: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor D Westley**

**Contact for further information: Ms A Grimes (Extn. 5409)  
(E-mail: [alison.grimes@westlancs.gov.uk](mailto:alison.grimes@westlancs.gov.uk))**

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**SUBJECT: QUARTERLY PERFORMANCE INDICATORS (Q1 2013/14)**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To present performance monitoring data for the quarter ended 30 June 2013.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Council's performance against the indicator set for the quarter ended 30 June 2013 be noted.

2.2 That the call-in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate & Environmental Overview & Scrutiny Committee on 24 October 2013.

**3.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE**

3.1 That the Council's performance against the indicator set for the quarter ended 30 June 2013 be noted.

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## **4.0 CURRENT POSITION**

- 4.1 Members are referred to Appendix A of this report detailing the quarterly performance data.
- 4.2 Of the 31 indicators:
- 15 are on target
  - 6 indicators narrowly missed target; 5 were 5% or more off target
  - 1 is data only and 4 are not collected in this period.

As a general comparison, Q1 performance within the 2012/13 suite showed 13 indicators were on target.

- 4.3 Improvement plans are already in place for those indicators where performance falls short of the target by 5% or more for this quarter if such plans are able to influence outturn.
- 4.4 These plans provide the narrative behind the outturn and are provided in Appendices B1-B4. Where performance is below target for consecutive quarters, plans are revised only as required, as it is reasonable to assume that some remedial actions will take time to make an impact.
- 4.5 For those PIs that have flagged up as 'amber' (indicated as a triangle), an assessment has been made at head of service level based on the reasons for the underperformance and balancing the benefits of implementing an improvement plan versus resource implications. This is indicated in the table.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The information set out in this report aims to help the Council improve service performance and is consistent with the Sustainable Community Strategy aim of providing good quality services that are easily accessible to all.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no direct financial or resource implications arising from this report.

## **7.0 RISK ASSESSMENT**

- 7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report. Monitoring and managing performance information data helps the authority to ensure it is achieving its corporate priorities and key objectives and reduces the risk of not doing so.

## **8.0 CONCLUSIONS**

- 8.1 The performance indicator data appended to this report details the council's current performance against the key performance indicators from the full suite of indicators for 2013/14 as agreed by Cabinet in March 2013.
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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**

Appendix A – Quarterly Performance Indicators for Q1 April-June 2013/14

Appendix B – Improvement Plans

- B1: HS13-WL114: % LA properties with CP12 outstanding
- B2: TS24a-BV212: Average time taken to re-let local authority housing GENERAL NEEDS
- B3: BV12: Working Days Lost Due to Sickness Absence
- B4: WL108: Average waiting time for callers to the contact centre (seconds)














# APPENDIX A: QUARTERLY PERFORMANCE INDICATORS





Icon key					
PI Status		Performance against same quarter previous year			
	OK (within 0.01%) or exceeded	15	Improved	14	
	Warning (within 5%)	6	Worse	12	
	Alert (by 5% or more)	5	No change	1	
	Data only	1	/	Comparison not available	4
	Awaiting data	0		Awaiting data	0
N/A	Data not collected for quarter	4			
Total number of indicators		31			

## Shared Services<sup>1</sup>

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
R1-BV9 % of Council Tax collected	30.61%	58.35%	86.96%	98.06%	30.59%	58.07%	86.77%	96.40%	28.33%	28.50%	Performance impacted by welfare reform changes and automated recovery processes slightly delayed whilst robust system testing was implemented and signed off.  Issues discussed at monthly Quality of Service meetings. Recovery plans in place. Statutory reminders issued in relation to all non-summonsed outstanding balances.		
R3-BV10 % of Non-domestic Rates Collected	32.48%	60.38%	87.87%	97.67%	32.31%	61.41%	88.04%	95.40%	27.89%	28.80%	Performance impacted by welfare reform changes and automated recovery processes slightly delayed whilst robust system testing was implemented and signed off.  Issues discussed at monthly Quality of Service meetings. Recovery plans in place. Statutory reminders issued in relation to all non-summonsed outstanding balances.		






PI Code & Short Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	2011/12	2011/12	2011/12	2011/12	2012/13	2012/13	2012/13	2012/13	2013/14				
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
R4 Sundry Debtors (cash collected and write offs)	1,236,117	2,615,231	3,817,022	5,814,105	1,134,242	2,718,863	4,031,803	5,675,860	1,217,643	1,224,674			
B1 NI181 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	10.95	8.99	9.06	7.19	12.34	11.40	12.08	10.31	7.12	12.00			
B2 Overpayment Recovery of Housing Benefit overpayments (payments received)	N/A	£88,460	£127,047	£186,926	£48,280	£90,397	£130,250	£170,882	£43,041		Quarter outturn reported as data only.		
ICT1 Severe Business Disruption	N/A	N/A	N/A	N/A	100%	100%	100%	100%	100%	99%			
ICT2 Minor Business Disruption	N/A	N/A	N/A	N/A	97%	98%	100%	100%	100%	97%			

### Community Services


PI Code & Short Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	2011/12	2011/12	2011/12	2011/12	2012/13	2012/13	2012/13	2012/13	2013/14				
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
WL08a Number of Crime Incidents	1,565	1,628	1,488	1,395	1,444	1,392	1,351	1,253	1,271	1,565			
WL18 Use of leisure and cultural facilities (swims and visits)	284,845	287,724	268,446	341,024	296,315	280,865	241,569	321,278	302,367	273,750			



## Housing & Regeneration

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
HS1-WL111 % Housing repairs completed in timescale	85.51%	89.92%	95.79%	92.98%	94.62%	98.18%	98.66%	97.90%	97.20%	95.5%		↑	
HS13-WL114 % LA properties with CP12 outstanding	0.11%	0.04%	0.19%	0.07%	0.01%	0.09%	0.08%	0.11%	0.07%	0%	Target based on legal requirement for all eligible properties to have certificate. Improvement plan attached as Appendix B1.	↓	
TS24a-BV212 GN Average time taken to re-let local authority housing (days) – GENERAL NEEDS	N/A				21.32	19.70	21.75	29.67	53.61	22.00	As previously forecast, performance is below target. Improvement plan attached as Appendix B2.	↓	
TS24b-BV212 SP Average time taken to re-let local authority housing (days) – SUPPORTED NEEDS	N/A				47.59	73.29	167.57	50.23	29.94	45.00		↑	
TS1-BV66a % Rent collected (excluding arrears brought forward)	97.95%	97.84%	98.34%	98.42%	98.02%	98.15%	98.63%	98.41%	97.58%	97.00%		↓	

## Planning

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 157a Processing of planning applications: Major applications	28.57%	33.33%	61.54%	22.22%	55.56%	80.00%	33.33%	80.00%	30.00%	65.00%	This represents 3 out of 10 complex applications. Outturn largely beyond control of officers. A small number of major applications are received, often very complex, involving decisions being delegated to committee or subject to S106 agreements.  No improvement plan beyond detail above	↓	

PI Code & Short Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	2011/12	2011/12	2011/12	2011/12	2012/13	2012/13	2012/13	2012/13	2013/14				
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 157b Processing of planning applications: Minor applications	78.33%	76.47%	84.42%	85.46%	81.33%	82.09%	73.13%	75.86%	87.50%	75.00%			
NI 157c Processing of planning applications: Other applications	92.16%	96.77%	93.13%	99.20%	92.53%	92.54%	91.78%	89.23%	91.61%	85.00%			
WL24 % Building regulations applications determined within 5 weeks	66.67%	75.74%	80.60%	87.18%	79.29%	79.51%	66.20%	73.33%	80.00%	70.00%			

### Transformation

PI Code & Short Name	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	2011/12	2011/12	2011/12	2011/12	2012/13	2012/13	2012/13	2012/13	2013/14				
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
BV12 Working Days Lost Due to Sickness Absence	1.97	2.24	2.28	1.90	2.26	2.42	2.14	2.31	2.63	2.02	Improvement plan attached as Appendix B3.		
BV8 % invoices paid on time	95.72%	97.47%	98.20%	97.84%	97.46%	96.98%	96.71%	97.82%	97.21%	98.24%	Head of Service's amber assessment: improvement plan not required.		
WL19b(ii) % Direct Dial calls answered within 10 seconds	81.62	81.53	82.49	83.17	79.20	78.49	78.38	79.47	79.55	82.21	Staff have been reminded of the importance of prompt call answering /making arrangements during absences.  Head of Service's amber assessment: improvement plan not required.		
WL90 % of Contact Centre calls answered	91.9%	92.0%	90.9%	87.8%	84.7%	85.7%	88.8%	89.9%	87.3%	90.6%	Performance affected during April as a result of a greater than usual volume of calls for Council Tax bills and the introduction of Council Tax Support. Performance in May and June exceeded target (94.74% and 91.55% respectively).  Head of Service's amber assessment: improvement plan not required.		
WL108 Average waiting time for callers to the contact centre (seconds)	19.00	21.00	19.00	46.00	38.00	46.00	26.00	36.00	47.00	26.25	Performance affected during April as a result of a greater than usual volume of calls for Council Tax bills and the introduction of Council Tax Support.		

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											Performance in May exceeded target and June was 1 second under target.  Improvement plan attached as Appendix B4.		

### Street Scene

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
WL01 No. residual bins missed per 100,000 collections	65.31	147.93	68.38	44.94	49.96	63.36	65.40	87.09	64.78	70		↓	✓
WL06 Average time taken to remove fly tips (days)	1.04	1.05	1.07	1.19	1.18	1.10	1.12	1.05	1.05	1.09		↑	✓
NI 191 Residual household waste per household (Kg)	120.78	125.26	123.97	124.36	121.91	122.3	131.59	116.18	115.14	123.48		↑	✓
NI 192 Percentage of household waste sent for reuse, recycling and composting	52.49%	49.62%	44.65%	42.52%	51.48%	52.74%	44.17%	40.73%	52.35%	47.58%		↑	✓
NI 195a Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Litter	N/A	1.83%	.83%	2.17%	N/A	.33%	1.00%	N/A	N/A	1.61%	Surveyed three times each year. No data for Q1. Q4 survey data analysis delayed due to vacant post (now filled).	/	N/A
NI 195b Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Detritus	N/A	4.64%	13.43%	4.15%	N/A	6.49%	3.10%	N/A	N/A	7.33%	As for NI195a	/	N/A

PI Code & Short Name	Q1 2011/12	Q2 2011/12	Q3 2011/12	Q4 2011/12	Q1 2012/13	Q2 2012/13	Q3 2012/13	Q4 2012/13	Q1 2013/14	Current Target	Comments	Q1 13/14 vs Q1 12/13	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 195c Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Graffiti	N/A	2.33%	.67%	.33%	N/A	.67%	.00%	N/A	N/A	1.11%	As for NI195a	/	N/A
NI 195d Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Fly-posting	N/A	0.00%	0.00%	0.00%	N/A	0.00%	0.00%	N/A	N/A	0.00%	As for NI195a	/	N/A

Notes: <sup>1</sup> Managed through One Connect Limited contract. Contractual targets are annual and set via SLA. Quarter targets are provided as a gauge for performance but are not contractual.

"NI" and "BV" coding retained for consistency/comparison although national reporting no longer applies

<b>PERFORMANCE IMPROVEMENT PLAN</b>	
<b>Indicator</b>	<b>WL114:</b> % LA properties with CP12 outstanding
<p><b>Reasons for not meeting target</b> Properties requiring a gas certificate alter on a daily basis and are monitored weekly at service management team level. A very small number of tenants still refuse to give access.</p>	
<p><b>Brief Description of Proposed Remedial Action</b> We continually work to reduce the number of properties that do not have a current CP12, this is monitored weekly at the service management team.</p> <p>We will continue to work with our contractor to reduce the number of properties without a current CP12 and cater for individual tenant needs. In addition we continue to maximise publicity utilising our own newsletters / leaflets and the local media emphasising the importance of allowing access and publicising evictions.</p> <p>We will continue to fit gas restriction devices on properties with a history of repeat “no access”, this device restricts the delivery of gas to the boiler which will prompt the tenant to phone us for access.</p>	
<p><b>Resource Implications</b></p> <p>A small cost is associated with fitting gas restriction devices, which is met from existing budgets.</p>	
<p><b>Priority</b> High</p>	
<p><b>Future Targets</b> No change</p>	
<b>Action Plan</b>	
<p><b>Tasks to be undertaken</b> As outlined above</p>	<p><b>Completion Date</b> On-Going</p>

<b>PERFORMANCE IMPROVEMENT PLAN</b>	
<b>Indicator</b>	TS24a Average time taken to re-let local authority housing (days) - GENERAL NEEDS
<b>Reasons for not meeting target</b>	
<p>Performance has been above target due to delays in advertising properties whilst awaiting cost of repair work. This measure was introduced to control spending in 2012/13 which has resulted in a backlog.</p> <p>The Kitchen Refurbishment Programme has also resulted in inevitable delays in the re-letting of those empty properties requiring new kitchens. This is mainly due to the added process of ordering and awaiting delivery of kitchen units from the manufacturers.</p>	
<b>Brief Description of Proposed Remedial Action</b>	
<p>Increased turnaround times have been an inevitable result of measures taken to reduce projected overspend in 2012/13, and therefore will be a constraint until the backlog of empty homes has been cleared.</p> <p>Void properties placed on hold over the latter part of 2012/13 due to budgetary pressures, have now started to be released for letting. This will be done on a phased basis in liaison with the Council's maintenance contractors. It is important to note however that the release of long term voids will result in an increase in void turnaround times when the properties are subsequently let and will impact on performance in 2013/14.</p> <p>To reduce delays caused by the Kitchen Refurbishment Programme, officers are investigating the options for holding stock locally.</p> <p>Finally to avoid duplication, keep costs low and speed up the process, the councils surveyors rather than the contractors are now pre inspecting empty properties to identify work required.</p>	
<b>Resource Implications</b>	
None	
<b>Priority</b>	
Low	
<b>Future Targets</b>	
No change	
<b>Action Plan</b>	
Ensure that all new voids are relet within target.	Ongoing
Work with contractors to minimise delays with kitchen refurbishment works.	Ongoing
Consider options for kitchen stock to be held locally	Sept 2013
Release all voids on hold, where it is economically viable to do so.	Ongoing

<b>PERFORMANCE IMPROVEMENT PLAN</b>	
<b>Indicator</b>	<b>BVPI 12 Sickness Absence</b>
<b>Reasons for not meeting target</b>	
<p>The Council's target for 2013/14 is to achieve (not more than) 8.08 working days lost per employee, measured on a rolling 12 month basis. This equates to a quarterly target of 2.02 days per full time equivalent. There has been a rise in the quarterly absence rate from 2.31 in Q4 to 2.63 in Q1.</p> <p>This is related to an increase in the number of long term sickness absences that have been present in the workforce for the last few months rather than short term repeated absences.</p> <p>These long term absence cases are being closely monitored by Service Managers supported by the Human Resources Team within the scope of the Council's management of sickness absence policy and with advice and assistance being provided from the Occupational Health Service.</p> <p>A number of the longer term cases are now being resolved, with either staff leaving or subsequently returning to work. In the month of June 2013, 11 of the recorded 22 long term cases were concluded.</p> <p>The most common reasons for long term absence include, Surgery; tumours, heart problems, respiratory problems and broken bones,. There is therefore little opportunity for interventions in the workplace with these types of absences. Nevertheless managers are in regular contact with individuals and continue to monitor progress and improvement with a view to facilitating phased returns to work as soon as appropriate and in line with medical advice.</p>	
<b>Brief Description of Proposed Remedial Action</b>	
<ul style="list-style-type: none"> <li>• The HR team will continue to focus on providing detailed management information which will assist managers to effectively identify all short term cases of sickness absence which have exceed the agreed 'trigger' levels, together with all on-going long term cases of sickness absence.</li> <li>• The HR team has now returned to full complement and this will help further address the issue.</li> <li>• HR will continue to meet with individual Heads of Service to provide advice and support to ensure managers have the continued skills and confidence to address absence issues appropriately.</li> <li>• The revised Management of Sickness Absence Policy was implemented in January 2012. A review of the effectiveness of the Policy is ongoing which will result in improved guidance for managers.</li> </ul>	
<b>Resource Implications</b>	
<p>Timely interventions and practical support will continue to be needed from managers, which can make a real positive difference to attendance levels.</p> <p>The HR team will provide support and guidance to managers on the implementation of the revised policy.</p>	

<b>Priority</b> High	
<b>Future Targets</b> Continue with existing target.	
<b>Action Plan</b>	
<b>Tasks to be undertaken</b>	<b>Completion Date</b>
See proposed remedial action (above)	Ongoing with sickness absence levels continuing to be reported on a monthly basis
Review of Sickness Absence Policy concluded	January 2014



<b>PERFORMANCE IMPROVEMENT PLAN</b>	
<b>Indicator</b>	WL108 Average waiting time for callers to the Contact Centre (seconds)
<b>Reasons for not meeting target</b> <ul style="list-style-type: none"> <li>• Resource issues within Customer Services during this quarter.</li> <li>• Increase in call volume during April following the introduction of certain changes to welfare reform for example the introduction of social sector size criteria and council tax support.</li> </ul>	
<b>Brief Description of Proposed Remedial Action</b> <ul style="list-style-type: none"> <li>• Recruitment of additional staff in line with the vacancy approval process (all within budget).</li> <li>• Monitoring call volumes and working with our partners OCL to improve call handling demand.</li> </ul>	
<b>Resource Implications</b> Additional resources met from within existing budgets	
<b>Priority</b> High	
<b>Future Targets</b> The outturn for Q1 was 47 seconds. This improved during May (11 seconds) and June (27 seconds); the previous target of 26.25 will therefore remain for 2013/14.	
<b>Action Plan</b>	
<b>Tasks to be undertaken</b>	<b>Task Completion Date</b>
See above comments.	Recruitment process commenced and ongoing.





**AGENDA ITEM: 5(j)**

**CABINET: 17 SEPTEMBER 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor D Sudworth**

**Contact for further information: Paul Charlson (ext 5246)  
(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LICENSING ACT 2003 - EARLY MORNING RESTRICTION ORDER**

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Wards affected: Derby, Scott, Knowsley and Aughton Park

**1.0 PURPOSE OF REPORT**

1.1 To consider a funding request relating to the adoption procedure for an Early Morning Restriction Order for the Ormskirk area.

**2.0 RECOMMENDATION**

2.1 That either:

- (a) The funding detailed in paragraph 7.2 of this report for use in accordance with the decision of the Licensing and Gambling Committee of 30 July 2013 be approved; or
- (b) The funding request be refused.

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**3.0 BACKGROUND**

3.1 Cabinet Members will be aware that the Police and Social Responsibility Act 2011 amended the Licensing Act 2003 (the 2003 Act) with effect from the 31 October 2012. One of these amendments was to create Sections 172A to 172E

in the 2003 Act, which gives the Council, acting in its role as Licensing Authority (the Authority), the power to create an Early Morning Restriction Order (EMRO).

- 3.2 An EMRO enables the Authority to prohibit the sale of alcohol for a specific time period between the hours of 00:00 and 06:00 in the whole or in part of the Borough. The Home Office Statutory Guidance issued under Section 182 of the 2003 Act (the Guidance) states that an EMRO is designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.

#### **4.0 CURRENT POSITION**

- 4.1 A formal request to consider an EMRO for the Ormskirk area was received from a Ward Member on 18 November 2012, which was presented to the Licensing and Gambling Committee (the Committee) on 5 February 2013. The Committee resolved to consider the request and instructed the Assistant Director Community Services to gather preliminary evidence, including the views of partner agencies and available alternative options, for presentation to the Committee, so an informed decision could be made whether to propose an EMRO for the Ormskirk area.

- 4.2 The requested information was presented to the Committee on 30 July 2013. After considering the information, it was resolved:

- A. *That, the Assistant Director Community Services be given delegated authority to agree the final wording for a proposed Early Morning Restriction Order (EMRO) for the Ormskirk area in consultation with the Chairman of the Licensing & Gambling Committee. The EMRO is to include the following proposed restrictions:*
- i. The area of the EMRO is to be one mile radius from the Clock Tower in Ormskirk Town centre.*
  - ii. To operate from 00.30 hours on Tuesday, Wednesday, Thursday and Friday mornings.*
  - iii. To operate in the months of January to June and September to December each year with the exclusion of the period between 20 and 31 December and 1 and 4 January each year.*
- B. *That the Assistant Director Community Services be given delegated authority to undertake a full consultation on the proposed EMRO for the Ormskirk area, subject to (C) below.*
- C. *That Cabinet be asked to provide the funding for consultation, hearing and any ancillary work or advice required to undertake the EMRO adoption procedure.*

*In reaching its decision, the Committee considered the report of the Assistant Director Community Services, the attached representations and recommendation, together with further evidence presented by Councillor Owens as to telephone complaint logs, graphs and a petition from New Way Tenants and Residents Association. The Committee also recognised*

*that this is a new piece of legislation and that there is a high risk of challenge to the procedure from interested parties.*

- 4.3 This decision was contrary to the recommendation contained in the report, and for Member information, a copy of the two reports that have been presented to the Committee (but not the related appendices) are provided at Appendices B and C to this report. This includes the legislative background and details of the EMRO implementation process.

## **5.0 ISSUES**

- 5.1 In accordance with the decision of the Committee on 30 July 2013, this report details the estimated funding required for the consultation, hearing and any ancillary work or advice required to undertake the adoption procedure for an EMRO for the Ormskirk area.
- 5.2 As stated in the decision of the Committee, the legislation that allows the Authority to implement an EMRO is new. The statutory provisions and the Guidance are very brief and allow scope for interpretation of requirements. Currently, there are only a very limited number of local authorities that have formally decided to use this legislation, and none have yet decided to introduce an EMRO following consultation. Therefore, there is no decided case law.
- 5.3 Consideration of the request for funding needs to be made in the light of other competing priorities and budgetary issues. The Council's Business Plan sets out how we will reduce our spending requirements by 30% over the period 2011-15, and consequently any new spending decisions need to ensure that investment is targeted on key priority areas.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The 2003 Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The estimated required funding to carry out the decision of the Committee is £24,270. The majority of this funding will be spent on specialist counsel (on tendered rates) to ensure the delivery of appropriate advice at several stages (see further commentary in the risk assessment). There will also be a need for additional officer time to assist the process in both Licensing and Legal Services, where duties cannot be accommodated on present resources (even with reprioritisation of workload). It is proposed that overtime arrangements will be relied upon in this regard. It is to be appreciated that this is the best estimate of resource requirement at this stage and there may be a need to revisit the matter of resources dependent on advice received and the volume of evidence to be marshalled in considering the EMRO.

7.2 The detail of the requested funding, which could be provided from the Major Projects Reserve, is set out below:

<b><i>Preparation</i></b> Counsel advice / drafting of the Order	
<b>Sub Total</b>	<b>£3,380</b>
<b><i>Consultation</i></b> Required letters, public notices, meetings, publicity etc.	
<b>Sub Total</b>	<b>£2,450</b>
<b><i>Preparation for hearing</i></b> Collation of responses, preparation of report Counsel advice and legal support	
<b>Sub Total</b>	<b>£9,330</b>
<b><i>Hearing processes</i></b> <i>Licensing and Gambling</i> Counsel advice and legal support <i>Full Council</i> Counsel advice and legal support	
<b>Sub Total</b>	<b>£6,760</b>
<b><i>Post decision and implementation</i></b> Counsel advice / preparation of final order Required letters, public notices, meetings, publicity etc.	
<b>Sub Total</b>	<b>£2,350</b>

**Implementation total**

**£24,270**

7.3 It is to be noted that no provision has been made in relation to any challenge that may be made to the making of the EMRO.

## 8.0 RISK ASSESSMENT

8.1 The Guidance makes it clear that an EMRO is a powerful tool and that Councils should consider whether other measures may address the problems that have been identified as the basis for introducing an EMRO. The parameters of an EMRO should also be based on sufficient evidence that will stand up to detailed cross examination during any hearing. Members should be aware that Officers are of the view that there is a significant risk of legal challenge, and the cost implications could be significant were a legal challenge to be successful. As well as its own costs, the Council could be liable to pay court costs as well as

potentially having to meet any claim for compensation - e.g. for loss of earnings to those businesses affected by the EMRO.

- 8.2 The legislation is new and untested, and communication with the Home Office and those local authorities that have formally considered an EMRO to date indicates that legal challenges against the introduction of an EMRO are likely to be robust and aggressive. They may also be coordinated to suppress the costs to those who may wish to challenge.
- 8.3 If Cabinet approve the funding in accordance with this report, Counsel advice will initially be sought. Members will be kept informed of any issues arising from the EMRO implementation process.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Home Office Amended Guidance issued under Section 182 of the Licensing Act 2003:  
June 2013

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

- A Equality Impact Assessment.
- B Licensing and Gambling Committee Report: 5 February 2013
- C Licensing and Gambling Committee Report: 30 July 2013

**Appendix A**  
**Equality Impact Assessment - process for services, policies, projects and strategies**

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:  <i>People of different ages – including young and older people</i>  <i>People with a disability;</i>  <i>People of different races/ethnicities/ nationalities;</i>  <i>Men; Women;</i>  <i>People of different religions/beliefs;</i>  <i>People of different sexual orientations;</i>  <i>People who are or have identified as transgender;</i>  <i>People who are married or in a civil partnership;</i>  <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i>  <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>No. Whilst the matter contained in this report applies equally to all activities and premises prescribed within the area. If an EMRO is proposed, a full public consultation will be undertaken to ascertain any issues.</p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p>The legislation requires that a period of public consultation be conducted, which will ascertain any inequality issues.</p>
3.	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>If agreed, a proposed EMRO will be subject to a period of public consultation, the results of which will be brought back to the Licensing and Gambling Committee for determination.</p>
4.	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-  <i>Eliminate discrimination, harassment and victimisation;</i>  <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i>  <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>No. If approved, the proposed EMRO would apply equally to those activities required under relevant legislation within the proposed EMRO area.</p>
5.	<p>What actions will you take to address any issues raised in your answers above?</p>	<p>If agreed, a proposed EMRO will be subject to a period of public consultation, the results of which will be brought back to the Licensing and Gambling Committee for determination.</p>



**Appendix B**  
**Licensing and Gambling Committee Report: 5 February 2013**



**AGENDA ITEM:**

**LICENSING & GAMBLING  
COMMITTEE: 5 FEBRUARY 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Paul Charlson (ext 5246)**  
**(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LICENSING ACT 2003 - EARLY MORNING RESTRICTION ORDERS**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To determine a formal request to consider an Early Morning Restriction Order for the Ormskirk area.

**2.0 RECOMMENDATIONS**

2.1 That the Committee resolve to consider or dismiss a request for an Early Morning Restriction Order for the Ormskirk area submitted by Councillor Owens.

2.2 That if the Committee agree to consider the request detailed in paragraph 2.1, the Assistant Director Community Services be instructed to gather preliminary evidence in respect of a proposed Early Morning Restriction Order for the Ormskirk area, including the views of partner agencies and available alternative options, for presentation to the Licensing and Gambling Committee.

**3.0 BACKGROUND**

- 3.1 Members will be aware that the Police and Social Responsibility Act 2011 amended the Licensing Act 2003 (the 2003 Act) on the 31 October 2012. One of these amendments was to create Sections 172A to 172E in the 2003 Act, which gives the Council, acting in its role as Licensing Authority (the Authority), the power to create an Early Morning Restriction Order (EMRO).
- 3.2 An EMRO enables the Authority to prohibit the sale of alcohol for a specific time period between the hours of 00:00 and 06:00 in the whole or in part of the Borough.
- 3.3 The Home Office Statutory Guidance issued under Section 182 of the 2003 Act (the Guidance) states that an EMRO is designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 3.4 Once established, the supply of alcohol in contravention of an EMRO would be an 'unauthorised licensable activity' which is an offence under Section 136 of the 2003 Act and could result in a closure notice (and subsequent Closure Order under the Criminal Justice and Police Act 2001) or review of the respective licence / certificate on crime prevention grounds.
- 3.5 Accordingly, an EMRO:
- Applies to the supply of alcohol authorised by Premises Licences, Club Premises Certificates and Temporary Event Notices (TEN);
  - Can apply for any period beginning at or after 00:00 and ending at or before 06:00. It does not have to apply on every day of the week and can apply for different time periods on different days of the week;
  - Can apply for a limited or unlimited period (for example, an EMRO could be introduced to cover a specific event);
  - Can apply to the whole or any part of the Borough, but can exclude premises which have clearly demonstrated to the Authority that it does not contribute to the problems that form the basis for a proposed EMRO;
  - Will not apply to any premises on New Year's Eve (defined as 00:00 to 06:00 on 1 January every year);
  - Will not apply to the supply of alcohol to residents by accommodation providers between 00:00 and 06:00, provided the alcohol is sold through mini-bars and/or room service; and
  - Will not apply to a relaxation of licensing hours by virtue of an order made under Section 172 of the 2003 Act (e.g. Jubilee celebrations).

#### *Outline of the EMRO implementation procedure*

- 3.6 The implementation of an EMRO is dictated by the 2003 Act, the Licensing Act 2003 (Early Morning Restriction Orders) Regulations 2012 and the Guidance. A proposed EMRO must be advertised for at least 42 days on the Council's website and in a local newspaper. A notice of the proposal must also be sent to all affected people in the EMRO area and be displayed in the area generally. The Authority should also inform responsible authorities and neighbouring licensing authorities.

- 3.7 During the 42 day consultation period, the Authority may receive relevant representations in relation to any aspect of a proposed EMRO. If one or more relevant representations are received, a hearing of the Licensing and Gambling Committee (the Committee) must be held to consider them. It should be noted that Guidance expects that such hearings may take place over several days.
- 3.8 The hearing process is similar to that for a Premises Licence application; however, Members should note the following in relation to a hearing about a proposed EMRO:
- The hearing must commence within 30 working days following the last day of the consultation period;
  - To allow any third party to attend, the hearing does not have to take place on consecutive working days if this is considered it to be in the public interest;
  - The Authority must give its determination within 10 working days of the conclusion of the hearing; and
  - The Authority is not required to notify those making representations of its determination so that the determination may be put before Full Council to decide whether or not to make the EMRO.
- 3.9 As a result of the hearing, the Committee has three options:
- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives;
  - To decide that the proposed EMRO is not appropriate for the promotion of the objectives and therefore that the process should end;
  - To decide that the proposed EMRO should be modified. However, the consultation and determination process must be completed again.
- 3.10 If the Committee is satisfied that the proposed EMRO is appropriate for the promotion of the licensing objectives, its determination must be put to full Council for final approval and implementation.
- 3.11 No later than 7 days after the day on which the EMRO is made, the Authority must send a notice to all affected persons and display a notice in the EMRO area. Notice must also be given to neighbouring licensing authorities and the Secretary of State. Details of the EMRO must be maintained on the Council's website and the Council's Statement of Licensing Policy should also be revised, which would include a further period of public consultation.

#### **4.0 CURRENT POSITION**

- 4.1 A formal request to consider an EMRO for the Ormskirk area was received from Councillor Owens on 18 November 2012. This request is attached at Appendix 1 to this report, which details the reasons for the request and provides examples of the problems experienced in the area.
- 4.2 If the Committee resolves to consider this request, it is recommended that more detailed preliminary evidence, opinions and options are obtained so the Committee can make an informed decision whether to propose an EMRO.

## 5.0 ISSUES

- 5.1 Members will be familiar with the four statutory licensing objectives under the 2003 Act, which are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 5.2 If the Committee resolves to consider the request detailed at paragraph 2.1, the Guidance states that an EMRO should only be contemplated when there is sufficient evidence. Accordingly, the Committee should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of the licensing objectives. The Committee should consider evidence from partners, including responsible authorities and the Community Safety Partnership, alongside evidence from Council Members and Officers, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.
- 5.3 The Guidance provides a non-exhaustive list of matters that should be considered as part of the evidential argument for an EMRO:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - Statistics on local anti-social behaviour offences;
  - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - Environmental health complaints, particularly in relation to litter and noise;
  - Complaints recorded by the Council, which may include complaints raised by local residents or residents' associations;
  - Residents' questionnaires;
  - Evidence from local Councillors;
  - Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
  - Changes in terminal hours of premises;
  - Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times; and
  - Evidence obtained through local consultation.
- 5.4 The Guidance further suggests that the Authority should consider the general balance between the promotion of the licensing objectives and the burdens on the licensed trade.
- 5.5 Notwithstanding the above paragraphs, the Guidance also makes it clear that an EMRO is ultimately a weapon of last resort and other options should be considered before the implementation of an EMRO. The evidential burden will

rest with the Authority to prove that it has exhausted all other options, which would include:

- Review the licence of any particular troublesome premises;
- Planning controls;
- Encouraging business lead initiatives - i.e. “best practice guide”;
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
- CCTV;
- Designation of places where alcohol may not be consumed publicly and the confiscation of alcohol in such areas;
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices;
- Prosecution of drunks causing offence;
- Prosecution for sale of alcohol to a drunk individual under Section 141 of the 2003 Act;
- Late Night Levy;
- Police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;
- Introduction of a Cumulative Impact Policy.

5.6 In light of some of these options, the co-operation and support from Lancashire Constabulary (the Police) will be necessary.

5.7 The evidential burden on the Authority could therefore potentially have two aspects. Firstly, the Authority will need to prove that the problem in the first instance warrants the use of an EMRO; and therefore support from the Police will be important. Secondly, that all other options have been tried and have failed in solving the problem.

5.8 Informal evidence of a significant number of low level nuisance / crime incidents has already been submitted to the Licensing Service by Councillor Owens and the principle of an EMRO is supported by the New Way Tenants and Residents Association. However, this information forms only part of the evidence detailed at paragraph 5.3. Furthermore, Members should be convinced that the options detailed in paragraph 5.5 have been considered and have been unsuccessful.

5.9 The Committee should note that the Guidance is explicit in stating that an EMRO is a “powerful tool” and it would therefore seem that the scale of the issue would need to be severe nuisance for an EMRO to be implemented. Several other local authorities are at varying stages EMRO development, but it should be noted that the majority of these are currently city authorities. By way of example, Norwich City Council is seeking an EMRO in response to rising crime since licensed premises opening hours were extended to 06:00 in 2009. In this case, violent crime was quoted to have increased by 10.6% and common assault increased by 64.8%, compared to the three-year period before 2009. The resultant proposed EMRO seeks to limit alcohol sales to 02:30 or 03:00 on weekdays and 03:30 or 04:00 at weekends.

- 5.10 The Committee may also wish to consider whether any potential stigma may be attached to the proposed EMRO area, given that the Guidance makes it clear that an EMRO is a weapon of last resort. There is also a perceived risk that an EMRO could reduce the attraction of not only the area affected by the EMRO but wider areas of the Borough. An EMRO also has the potential to drive away trade to neighbouring towns and cities that do not have restricted hours for alcohol sales. An EMRO could therefore affect local trade, the late night economy and reduce employment opportunities, the impact of which could spread beyond the night time economy and have a detrimental effect on the general local economy in the area.
- 5.11 Not to proceed in accordance with the Guidance would leave the Council open to legal challenge and could raise public expectations that the evidential base and/or the opinions received may not be able to support. Accordingly, it is proposed that the Committee be provided with more detailed preliminary evidence, opinions and options if it wishes to consider proposing an EMRO for the Ormskirk area. Members should also note that the collation of such information would take a significant amount of Officer time and should not expect a further report for at least four months.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The 2003 Act legislation has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The recommendations contained in this report can be met within existing resources. However, no budget has been allocated for the costs associated with the implementation and/or enforcement of an EMRO. These matters will be the subject of future reports, if the Committee is mindful to propose an EMRO.

## **8.0 RISK ASSESSMENT**

- 8.1 Outside of the hearing process outlined in this report, Judicial Review is the only method by which an EMRO could be successfully challenged. There is no appeals process, as the Authority has the power to revoke an EMRO under Section 172D(1) of the 2003 Act. Nevertheless, the cost implications of a Judicial Review should be considered, but Members should note that there are currently no legal cases to take guidance from on this matter.
- 8.2 By way of indication as to potential legal challenge, it is known that some licensing solicitors indicate that whilst Judicial Reviews can be costly, this is not necessarily the case if licensed premises act collectively and all contribute towards the legal costs of employing a specialist legal team. This is advocated

as being commercially more beneficial than having to cope with the effects of an EMRO and the perceived damage it could do to licensed premises and the late night economy.

- 8.3 It is also known that some licensing solicitors are advising affected licensees to act swiftly and collectively against any indication of an intention to introduce an EMRO. Licensed premises and their representatives are therefore encouraged to express a strong willingness to challenge any decision to introduce an EMRO. Strength in numbers is perceived to give licensed premises the best chance to succeed, as this will also allow licensed premises to put forward a strong case for the Authority to consider trade friendly alternatives to tackle perceived problems with the late night economy. For example, the best practice schemes referred to above, Purple Flag scheme, taxi marshalls, street pastors, street ambassadors etc.
- 8.4 Furthermore, some licensing solicitors also appear to advocate the potential to challenge the legality of the power of an EMRO itself under human rights legislation, whereas others would seek to challenge a local authority on procedural grounds. This is because an unsuccessful challenge may also be perceived to be beneficial if the commercial gains from delaying the effects of an EMRO outweigh the cost of the challenge. However, again there are currently no legal cases to take guidance from on this matter.
- 8.5 The Council would not be the first local authority to consider an EMRO, as several local authorities including Norwich City Council, Derby City Council and the City of London Corporation are at varying stages of development. Nevertheless, Members should consider the balance between the promotion of the licensing objectives and the burdens of the licensed trade, before any measures are taken.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Home Office Amended Guidance issued under Section 182 of the Licensing Act 2003: October 2012

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

- 1 Formal request to consider an EMRO. Received from Councillor Owens: 18 November 2012.
- 2 Equality Impact Assessment.





**AGENDA ITEM:**

**LICENSING & GAMBLING  
COMMITTEE: 30 JULY 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Paul Charlson (ext 5246)  
(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LICENSING ACT 2003 - EARLY MORNING RESTRICTION ORDER**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To provide Members with preliminary evidence in respect of a proposed Early Morning Restriction Order for the Ormskirk area, including the views of partner agencies and available alternative options.

**2.0 RECOMMENDATIONS**

2.1 That the Licensing and Gambling Committee does not proceed with the proposal of an Early Morning Restriction Order for the Ormskirk area as there is insufficient suitable preliminary evidence at this time.

**3.0 BACKGROUND**

3.1 Members will recall that a formal request to consider an Early Morning Restriction Order (EMRO) for the Ormskirk area was received from Councillor Owens on 18 November 2012. This request was presented to the Licensing and Gambling Committee (the Committee) on 5 February 2013 in the report attached at Appendix B - the contents of which must be taken into account when reading this report.

3.2 The Committee resolved to consider Councillor Owens' request and instructed the Assistant Director Community Services to gather preliminary evidence, including the views of partner agencies and available alternative options, for presentation to the Committee, so an informed decision could be made whether to propose an EMRO for the Ormskirk area.

3.3 The Committee also confirmed those organisations, businesses and representative groups within Ormskirk that should be contacted to obtain their views. These included:

- Responsible Authorities as stated under the Licensing Act 2003;
- All businesses, including licensed businesses;
- Private hire operators;
- Ward Councillors;
- Hospital-Accident and Emergency Department;
- Transport Authorities;
- Director of Student Services Edge Hill University;
- Director of Student Union Edge Hill University;
- Transport Police;
- Residents Associations.

#### 4.0 CURRENT POSITION

4.1 The letter, attached as Appendix C to this report, was sent to approximately 350 relevant organisations, businesses and representative groups on 13 March 2013. The letter requested that responses be submitted by 7 June 2013.

4.2 A total of 28 responses have been received. 6 responses are in support of an EMRO and 19 are against. 3 'neutral' responses have also been received, which do not state a specific preference for or against the proposal of an EMRO. A copy of each response is provided in the respective Appendix as detailed in tables 1, 2 and 3 below.

Table 1: outline of the 19 responses against the proposal of an EMRO for the Ormskirk area

No.	Date rec'd	From	Summary	App.
1	04/04/13	Belpasso Oil and Wine Company	Economy will suffer.	D
2	09/04/13	Ormskirk Karate Sandra Brookfield	Council should be supporting businesses not restricting them.	E
3	24/04/13	Fat Olive, Ormskirk Jennifer Hardman-Varley	Small businesses will not be able to survive.	F
4	24/05/13	CCTV	No evidence to support an EMRO.	G
5	24/05/13	Environmental Protection	No evidence to support an EMRO.	H

6	24/05/13	Community Safety Partnership	Insufficient evidence to support an EMRO.	I
7	29/05/13	John Gaunt Solicitors on behalf of Marston's for Disraeli's, Ormskirk	Economic impacts and social impacts.	J
8	31/05/13	Disraeli's, Ormskirk Sue Jones	Effect on all businesses not just the licensed trade, must be an alternative to an EMRO.	K
9	01/06/13	Amy Livesey Student and part time worker at Styles Bar, Ormskirk	Loss of job, huge effect on economy, students would not want to come in to Ormskirk if pubs close early.	L
10	05/06/13	Kate Charlton Part time worker at Styles Bar, Ormskirk	Loss of job, affect all businesses, distract people coming to Ormskirk, devastating effects on the local economy.	M
11	06/06/13	A and B Cabs, Ormskirk	Effects on business and other local businesses, could not keep drivers if pubs close early.	N
12	06/06/13	GE Real Estate Clients: Wheatsheaf Walk and 33-39 Moor Street	Clients will potentially lose tenants, lead to further voids in the town and see a spiral of decline from which Ormskirk will not recover.	O
13	06/06/13	Queens Head, Ormskirk Elaine Wright	Disastrous for business and other bars and businesses.	P
14	07/06/13	Styles Bar, Ormskirk Alun Comer	Huge impact on business and other local businesses.	Q
15	07/06/13	Styles Bar, Ormskirk Philip Watson	Catastrophic to Ormskirk night time economy, knock on effect to night time economy.	R
16	07/06/13	JD Wetherspoon Solicitors Nigel Connor	Other measures should be looked at before an EMRO is formally considered.	S
17	07/06/13	IKO Ventures Ian Gordon in respect of the Green Room, Ormskirk	Damage the local economy, threaten local businesses and deprive people of local venues.	T
18	11/06/13	Liquid Bar, Ormskirk Pedro Andrade	Town will severely suffer if an EMRO is imposed with people moving out of	U

			the town to drink and returning later.	
19	12/06/13	Love Ormskirk Katie Givens (Managing Director)	EMRO could reduce the attraction of the town, detrimental to town, reduce employment opportunities.	V

4.3 The arguments contained in the responses against the proposal of an EMRO are summarised below:

- The loss of business will have immediate consequences for businesses;
- Closure of premises will drive business elsewhere;
- Change to the infrastructure of the town, with consequent loss of business and employment;
- Level of vibrancy in the town would cease to exist; this would impact upon the viability of the centre as a whole;
- Taxi firms, take-away food outlets and retailers will be impacted upon, not just the licensed trade;
- People will migrate to Liverpool and Southport, not just for late night entertainment but for all socialising and retail needs;
- If people migrate to other towns and cities they may return at a later hour than is currently the case;
- Popularity of the University would suffer if the town is to be regarded as somewhere that didn't have anything to offer students. A fall in the popularity of the University would have further adverse effects on the town as business and employment prospects fall;
- Town may experience a serious and potentially much more difficult situation in controlling street drinking and house parties;
- Governments own advice on EMRO's is that other avenues should be explored before their introduction;
- Noise problems could be resolved by other means.

Table 2: outline the 6 responses supporting the proposal of an EMRO for the Ormskirk area.

No.	Date rec'd	From	Summary	App.
1	31/03/13	New Way Tenants and Residents Association	Noise nuisance and anti-social behaviour.	W
2	28/05/13	Merseyrail	Support introduction of an EMRO due to the significant increase in alcohol related incidents and offences over the past few years.	X
3	30/05/13	Jane Thomson Ormskirk resident	Noise Nuisance.	Y
4	05/06/13	Councillor Adrian Owens	By introducing an EMRO, anti-social behaviour will be curtailed.	Z

5	07/06/13	Mr and Mrs M Jones Ormskirk residents	Welcome formal proposal for an EMRO due to noise and anti-social behaviour problems in Ormskirk.	1A
6	07/06/13	Ormskirk Community Partnership	Anti-social behaviour.	1B

4.4 The arguments contained in the responses in support of the proposal of an EMRO are summarised below:

- Night time economy would continue to flourish as licensed premises will still be able to open later at weekends;
- Anti-social behaviour needs to be curtailed;
- Residents need to get more sleep;
- Better community relations to develop;
- A reduction in economic damage;
- Reduction in noise nuisance.

Table 3: outline of the 3 'neutral' responses, which did not state a preference for or against the proposal of an EMRO for the Ormskirk area.

No.	Date rec'd	From	Summary	App.
1	25/03/13	Edge Hill University, Ormskirk Christine Coleman	Decision on licensing hours is a matter for the Local Authority.	1C
2	16/05/13	Barn Lodge Veterinary Hospital, Ormskirk Austin Kirwan	Outline of local issues and potential debate.	1D
3	12/06/13	Lancashire Constabulary Chief Inspector Edward Newton	Guidance states that an EMRO is a "weapon of last resort" and other options should be considered before its implementation.	1E

## 5.0 ISSUES

5.1 Members will be familiar with the four statutory licensing objectives under the Licensing Act 2003 (the 2003 Act), which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

5.2 The legislative and procedural requirements for an EMRO are stated in the report attached at Appendix B. For Members' benefit, the relevant section of the Secretary of State's Guidance issued under Section 182 Licensing Act 2003 (the

Guidance) is also provided at Appendix 1F to this report. Members should consider the Guidance carefully, as not to proceed in accordance with the content would leave the Council open to legal challenge.

- 5.3 The Guidance clearly states that an EMRO should only be contemplated when there is sufficient evidence. Accordingly, the Committee must be satisfied that it has sufficient evidence to demonstrate that the proposal of an EMRO for the Ormskirk area is appropriate for the promotion of the licensing objectives. The Guidance also states that the Committee should consider evidence from partners, including responsible authorities and the Community Safety Partnership, alongside its own evidence. Whilst the information contained in this report is only preliminary, it provides the Committee with sufficient indication so an informed decision can be made at this stage.
- 5.4 The Guidance provides a non-exhaustive list of matters that should be considered as part of the evidential argument for an EMRO:
- Local crime and disorder statistics, including statistics on specific types of crime and crime hotspots;
  - Statistics on local anti-social behaviour offences;
  - Health-related statistics such as alcohol-related emergency attendances and hospital admissions;
  - Environmental health complaints, particularly in relation to litter and noise;
  - Complaints recorded by the Council, which may include complaints raised by local residents or residents' associations;
  - Residents' questionnaires;
  - Evidence from local Councillors;
  - Trends in licence applications, particularly trends in applications by types of premises and terminal hours;
  - Changes in terminal hours of premises;
  - Premises' capacities at different times of night and the expected concentrations of drinkers who will be expected to be leaving premises at different times; and
  - Evidence obtained through local consultation.
- 5.5 Given that only preliminary information has been sought, it is not possible to address all of the above points at this time. Furthermore, not all of the preliminary evidence received would stand up to the level of scrutiny required as part of the hearing process in its current form, as it does not provide a suitable amount of prescriptive detail. Nevertheless, evidence of a significant number of low level nuisance / crime incidents based around certain areas of Ormskirk has been submitted, but this is not substantiated by any responsible authority or other source outside those representing the views of local residents.
- 5.6 It is important to note that no information to substantiate the introduction of an EMRO has been received from any responsible authorities - particularly those involved in the control of crime, disorder and/or nuisance or directly affected by it (i.e. the Police [including the Community Safety Partnership and CCTV], the Council's Environmental Protection service and Health Authority). Without any suitable evidence submitted by these organisations, it is not possible to demonstrate that an EMRO is a reasonable and proportionate course of action in

accordance with the Guidance. It should also be noted that at those local authorities that have taken a formal approach to introducing an EMRO, the process has been supported by one or more responsible authorities – this includes Blackpool, Norwich, Plymouth, Chesterfield and Hartlepool. No such approach has been made by any responsible authority in West Lancashire.

5.7 According to Home Office sources, only the above mentioned local authorities are currently formally considering an EMRO. However, only Hartlepool Borough Council has followed the statutory process to conclusion at this time, whereby following the formal proposal of an EMRO, a hearing was held on 7 May 2013. After consideration of the evidence, Hartlepool's Licensing Committee determined that it would not be appropriate to introduce an EMRO at the current time even though evidence was submitted by responsible authorities. The Committee resolved to revisit the issue in 2014 to establish whether specific improvements had been made. The minutes of this hearing are attached at Appendix 1G.

5.8 The Guidance makes it clear that an EMRO is a powerful tool and the Committee should consider other measures that may address the problems that have been identified as the basis for introducing an EMRO. The evidential burden will rest with the Council to prove that it has exhausted all other options and so the Committee will need to be convinced that the options detailed below have been implemented and subsequently failed, thus leaving a demonstrable need to consider an EMRO:

- Review the licence of any particular troublesome premises;
  - The Council makes use of this provision. However, only 3 licences were called in for review in 2012/13 and none of these were in the Ormskirk area, which does not suggest a level of concern that would substantiate the use of an EMRO.
- Encouraging business lead initiatives - i.e. "best practice guide";
  - The Best Bar None initiative was introduced within Ormskirk town centre approximately 3 years ago, but there was only limited engagement from the licensed trade. However, it is known that licensing solicitors are advising affected licensees to act swiftly and collectively against any indication of an intention to introduce an EMRO. Licensed premises and their representatives are therefore encouraged to express a strong willingness to challenge any decision to introduce an EMRO. Strength in numbers is perceived to give licensed premises the best chance to succeed, as this will also allow licensed premises to put forward a strong case for the Council to consider such trade friendly alternatives to tackle perceived problems with the late night economy. For example, Best Bar None, Purple Flag scheme, taxi marshalls, street pastors, street ambassadors etc. Accordingly, it is likely that the licensed trade within Ormskirk may now be more receptive to such initiatives given the potential implications of an EMRO – which is indicated in some of the responses received. Evidence that all of these initiatives have been used without success must be available before an EMRO is proposed.

- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the Council;
  - No such formal arrangements exist with regard to licensing issues. Again, these options must be sufficiently explored before an EMRO is proposed.
- Provision of CCTV;
  - 3 additional CCTV cameras are being installed on St Helens Road to improve coverage on the 'red route' between Ormskirk town centre and Edge Hill University. It is anticipated that these additional cameras will be installed by the end of September 2013. The impact of these cameras must be assessed before an EMRO is proposed.
- Designation of places where alcohol may not be consumed publicly and the confiscation of alcohol in such areas (e.g. Designated Public Places Orders - DPPOs);
  - No suitable evidence was available to support the use of a DPPO when the issue was last examined in 2009. However, given the current available evidence of a number of low level nuisance / crime incidents in the Ormskirk area, such measures should be re-examined before an EMRO is considered. It should be noted that the cooperation and input of the Police is vital given that they are the primary enforcing authority.
- New anti-social behaviour legislation;
  - The Anti-social behaviour Bill is due to be enacted in 2014 and it contains provisions for a Public Space Protection Order (PSPO). It is anticipated that Section 53 will allow Local Authorities to designate a PSPO if reasonably satisfied that two conditions are met:
    1. (a) activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or  
(b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
    2. The effect, or likely effect, of the activities
      - (a) is, or is likely to be, of a persistent or continuing nature,
      - (b) is, or is likely to be, such as to make the activities unreasonable, and
      - (c) justifies the restrictions imposed by the notice.
  - Persons who breach any restriction imposed can be fined or given a fixed penalty notice. Whilst publicity and signage may restrict offences, the use of a PSPO would still rely on police resources and in this respect this order would draw some similarity with a DPPO described above.
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices, prosecution of drunks causing offence, prosecution for sale of alcohol to a drunk individual under Section 141 of the 2003 Act, and powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises in respect of



which a TEN has effect on grounds of disorder, the likelihood of disorder, or noise emanating from the premises causing a nuisance;

- The Police have not submitted any evidence that would support the use of an EMRO. Therefore, Members need to be convinced that there is a sufficient need to use these powers and that this option has been fully explored and deemed to be incapable of addressing the alcohol-related problems in the Ormskirk area before an EMRO can be considered.
- Late Night Levy;
  - This allows the Council to charge an additional licence fee for specific premises within a designated area to assist with policing the night time economy. The additional licence fee is shared with the Police, but is not ring-fenced for use within the relevant local authority. The evidential base for the levy is similar to that required for an EMRO, but the Committee will need to be convinced that this option has been adequately examined before proposing an EMRO.
- Introduction of a Cumulative Impact Policy.
  - No Cumulative Impact Policy is operated within West Lancashire. The evidential base for such a policy is similar to that required for an EMRO, but the Committee will need to be convinced that this option has been adequately examined before proposing an EMRO.

5.9 Furthermore, the Committee will need to be satisfied that the following have been addressed as the result of a proposed EMRO:

- Any potential stigma that may be attached to Ormskirk town centre;
- Any potential migration of the public to other licensing / Police districts;
- 'At-home' drinking away from the supervised environment of licensed premises;
- Potential closure of licensed businesses and associated job losses;
- Indirect impact on local taxis, tradesmen, food and drink suppliers etc.

5.10 The above issues have been raised in those responses which highlight a perceived risk that an EMRO could reduce the attraction of Ormskirk and would have the potential to drive away trade to neighbouring towns and cities that do not have restricted hours for alcohol sales. Other responses state that an EMRO would affect local trade and reduce employment opportunities, the impact of which could spread beyond the night time economy and have a detrimental effect on the general local economy in Ormskirk. Members should also note that an EMRO only prevents the sale of alcohol beyond a certain time and it does not apply to other licensable activities. Premises could continue to offer other licensable activities such as regulated entertainment and late night refreshment until the closing time on the respective licence.

5.11 However, there are also potential benefits to an EMRO, which in addition to the issues raised in the responses, include:

- Customers may choose to come to the town centre earlier rather than drinking at home (pre-loading);
- People may return home earlier reducing noise nuisance as people either walk home or go home by taxi;
- Police and other emergency service resources may be freed up.

- 5.12 Not to proceed in accordance with the Guidance would leave the Council open to legal challenge and could raise public expectations that the evidential base and/or the opinions received may not be able to support. The Guidance is explicit in stating that EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance, and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises. The adequacy and transparency of the evidence is vital. The parameters of an EMRO need to be made based on robust data that will stand up to detailed 'forensic' cross examination during any hearing. Whilst there is preliminary evidence of problems within the Ormskirk area, it is not considered these instances alone are sufficient so as to fulfil the evidential burden required to introduce an EMRO at this time – particularly given the lack of support from any responsible authority.
- 5.13 If Members consider that existing preliminary information is insufficient or not readily available, but the Committee believes there are alcohol-related problems that could be addressed by an EMRO, the Guidance further states that the Committee can consider conducting or commissioning a specific study to assess the position. This may involve conducting observations of the night time economy to assess the extent of incidents relating to the promotion of the licensing objectives. In order to identify the areas in which problems are occurring, information about specific incidents can be mapped, and where possible, a time analysis undertaken to identify the key times and locations at which there are specific issues. It should be noted that no budget or staff resource exists for such a study. Therefore, if Members wish to choose this option, a further report will be required to outline the process and costs.
- 5.14 In the light of the information contained in this report, if the Committee resolves to propose an EMRO, a further report will be submitted to determine the process and the parameters of the proposed EMRO (i.e. location, days, times, duration etc.) as well as any budgetary implications – which are likely to be significant.
- 5.15 If the Committee resolves not to propose an EMRO, Members may wish to set a review date to reassess the situation. A period of 2 years would be recommended to allow suitable evidence to be sought.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The 2003 Act has the potential to impact upon the Community Strategy. The contents of this report have the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D).

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 No budget has been allocated for the costs associated with the implementation and/or enforcement of an EMRO or any specific studies to assess the night time economy in Ormskirk. These costs are likely to be significant and will be the subject of future reports, if the Committee resolves to take further action.

7.2 The implications of legal challenge should also be carefully considered, as these could incur significant officer and legal costs.

## **8.0 RISK ASSESSMENT**

8.1 Outside of the hearing process required to propose and formalise an EMRO, Judicial Review is the only method by which an EMRO could be successfully challenged. There is no appeal process, as the Authority has the power to revoke an EMRO under Section 172D(1) of the 2003 Act. Nevertheless, the cost implications of a Judicial Review should be carefully considered, but Members should note that there are currently no legal cases to take guidance from on this matter.

8.2 By way of indication as to potential legal challenge, it is known that some licensing solicitors indicate that whilst Judicial Reviews can be costly, this is not necessarily the case if licensed premises act collectively and all contribute towards the legal costs of employing a specialist legal team. This is advocated as being commercially more beneficial than having to cope with the effects of an EMRO and the perceived damage it could do to licensed premises and the night time economy. It is known that the licensed trade within Ormskirk has been approached by prominent national legal firms in this regard and therefore there is a real risk of Judicial Review.

8.3 Furthermore, some licensing solicitors also appear to advocate the potential to challenge the legality of the power of an EMRO itself under European human rights legislation, as well as challenging a local authority on procedural grounds. This is because an unsuccessful challenge may also be perceived to be beneficial if the commercial gains from delaying the effects of an EMRO outweigh the cost of the challenge. It also presents a risk that the Council may be involved in case determined by the European Court of Human Rights. However, again there are currently no legal cases to take guidance from on this matter.

8.4 The Council would not be the first local authority to consider an EMRO since the introduction of this power, but only a low number of authorities are currently at a formal stage and these are at varying stages of development. The one local authority that has formally proposed an EMRO, has decided not to proceed at this time, even though evidence was submitted by responsible authorities. The national picture appears to be one of caution, waiting to ascertain the full implications of this new legislative power. Nevertheless, Members should carefully consider the available evidence to ensure the balance between the promotion of the licensing objectives and the burdens of the licensed trade, before any action toward an EMRO is taken.

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## **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Home Office Amended Guidance issued under Section 182 of the Licensing Act 2003: June 2103

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

- A Equality Impact Assessment.
- B Licensing and Gambling Committee Report: 5 February 2013.
- C Letter sent to relevant organisations, businesses and representative groups on 13 March 2013

Consultation responses:

- D Belpasso Oil and Wine Company
- E Ormskirk Karate, Sandra Brookfield
- F Fat Olive, Ormskirk - Jennifer Hardman-Varley
- G CCTV
- H Environmental Protection
- I Community Safety Partnership
- J John Gaunt Solicitors on behalf of Marston's for Disraeli's, Ormskirk
- K Disraeli's, Ormskirk - Sue Jones
- L Amy Livesey, Student and part time worker at Styles Bar, Ormskirk
- M Kate Charlton, Part time worker at Styles Bar, Ormskirk
- N A and B Cabs, Ormskirk
- O GE Real Estate Clients: Wheatsheaf Walk and 33-39 Moor Street
- P Queens Head, Ormskirk - Elaine Wright
- Q Styles Bar, Ormskirk - Alun Comer
- R Styles Bar, Ormskirk - Philip Watson
- S JD Wetherspoon Solicitors - Nigel Connor
- T IKO Ventures - Ian Gordon in respect of the Green Room, Ormskirk
- U Liquid Bar, Ormskirk - Pedro Andrade
- V Love Ormskirk - Katie Givens (Managing Director)
- W New Way Tenants and Residents Association
- X Merseyrail
- Y Jane Thomson, Ormskirk resident
- Z Councillor Adrian Owens
- 1A Mr and Mrs M Jones Ormskirk residents
- 1B Ormskirk Community Partnership
- 1C Edge Hill University, Ormskirk - Christine Coleman
- 1D Barn Lodge Veterinary Hospital, Ormskirk - Austin Kirwan
- 1E Lancashire Constabulary - Chief Inspector Edward Newton

- 1F Extract from of Secretary of State's Guidance issued under Section 182 Licensing Act 2003 relating to EMROs
- 1G Hartlepool BC Licensing Committee: minutes of meeting 7 May 2013





**AGENDA ITEM: 5(k)**

**CABINET: 17 September  
2013**

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**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor D Westley**

**Contact for further information: Mrs Natasha Bryan (Extn. 5098)  
(E-mail: natasha.bryan@westlancs.gov.uk)**

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**SUBJECT: RISK MANAGEMENT**

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**Borough Wide Interest**

**1.0 PURPOSE OF THE REPORT**

1.1 To set out details on the Key Risks facing the Council and how they are being managed.

**2.0 RECOMMENDATION**

2.1 That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A) be noted and endorsed.

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**3.0 BACKGROUND**

3.1 Risk management is not about being 'risk averse' – it is about being 'risk aware'. Risk is ever present and some amount of risk taking is inevitable if the Council is to achieve its objectives. Risk Management is about effectively managing risks that could affect the Council and/ or the community. It is also about making the most of opportunities and achieving objectives. By being 'risk aware' the Council is in a better position to avoid threats and take advantage of opportunities.

3.2 It is a best practice requirement that the Risk Management Policy and Strategy and the Key Risks Register are reviewed and reported to Members on a regular

basis. Risk Management reports have been submitted to Cabinet bi-annually over the last couple of years.

- 3.3 Key Risks are defined as the highest priority risks that may prevent the Council from achieving its priorities / objectives or may result in the failure of a service, or the failure to comply with legislation. The Key Risks Register gives a summary of these risks and the work that is being undertaken to mitigate them, although many of these risks will have already been the subject of separate committee reports. In addition each Service maintains its own risk register of the specific risks that they face.

#### **4.0 CURRENT SITUATION**

- 4.1 The Risk Register attached (Appendix A) shows the current Key Risks and the measures in place to manage those risks.

- 4.2 Some of the key risks and changes in the register are as follows:

- ICT Infrastructure Development – This is a new risk in relation to the end of life of certain ICT systems or software. It highlights some of the potential issues such as loss of data, resource implications etc. This risk will be addressed within the draft ICT strategy currently being considered by Heads of Service.
- Loss of Personal Data – The action plan to develop the Data Protection framework has now largely been completed.
- Achieving a balanced budget position for 2015/16 – The MSR report to Council in July 2013 set out how a balanced budget for 2014/15 will be achieved but the on-going reductions in Government funding means that there is a longer term financial risk facing the Council.

- 4.3 There are no risks that have been assessed in the “very concerned” category that would require urgent action at the highest level to reduce the risk to an acceptable position. There are a number of risks in the “concerned” or “uneasy” category but this is largely due to external factors that are not within the direct control of the Council.

#### **5.0 NEXT STEPS**

- 5.1 The Risk Management Framework continues to operate effectively. Training and development for officers has been provided and the Risk Management Working Group continues to meet on a regular basis. A detailed review of the operation of this framework will be reported to Audit and Governance Committee in January 2014. This report will also consider whether any changes are necessary to the Risk Management Policy and Strategy.

#### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**



6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 The successful management of the key risks facing the Council will ensure that resources are used effectively and efficiently.

## **8.0 RISK ASSESSMENT**

8.1 The continued identification and review of key risks is essential to ensure the management and mitigation of those risks, the successful achievement of the Authority's objectives, demonstrate effective provision of its services and the maximisation of opportunities.

8.2 By continually monitoring and reviewing the Risks and the Risk Management Framework we will ensure that it continues to meet external assessment criteria and best practice requirements.

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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**

Appendix A – Key Risks Register



# Appendix A Key Risk Register - Cabinet September 2013



Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Corporate Services: Borough Treasurer	Treasury Management Investments are riskier given current market conditions	The volatility in financial markets has meant that investments are now less secure than previously. There is the potential that significant sums of money could be lost.	There is a treasury management policy and strategy in place. Well trained staff make investments with the guidance of brokers and Sector. Investments can only be made in top rated UK based institutions or other local Authorities and for a maximum of three months.	Borough Treasurer	Operational arrangements continue to be reviewed and monitored in light of current market conditions. There continues to be a very limited number of secure investment options but the priority is the safety of the Council's investments.		5 Content
Community Services	Business Continuity - Potential for disruption	Lack of Business Continuity planning could have severe impact on service provision across critical Service Areas.	Key Service areas have been identified and individual plans put in place. These plans are tested on a regular basis and updated accordingly.	Emergency Planning Officer	The most recent test "Operation Stephenson" showed that the plan was adequate however it did recommend some minor areas for improvements		4 Content
Housing & Regeneration: Housing	Failure to deliver Affordable Housing Strategy	The Affordable Housing Strategy will deliver a series of plans that will outline our future affordable housing interventions programme, will establish Housing Needs data that will help in negotiation for affordable housing provision on mixed development sites and will identify plots of land that may be suitable for affordable housing development.	The established Affordable Housing Panel will shape appropriate policy responses. A Borough wide Housing Needs survey, Framework Formulation and an Affordable Housing Viability Study will need to be considered by the Affordable Housing Panel.	Housing Strategy and Development Programme Manager	<p>a) Work is on-going to maximise the amount of affordable housing achieved from market housing sites through the use of planning obligations and the Section 106 arrangements.</p> <p>b) The Housing Strategy Section continues to work with Registered Providers to identify land sites suitable for the development of 100% affordable housing schemes.</p> <p>c) At this current time 25 affordable homes are being built by Regenda Housing Group in the rural village of Banks. The homes are scheduled to be completed later in the year and are being built by a local building company on behalf of Regenda.</p> <p>d) Through our new partnership arrangement with Regenda Housing Group a planning application has been submitted to develop 12 affordable</p>		6 Uneasy

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
					homes in Burscough on land at Pickles / Furnival Drive. e) Through our partnership arrangement mentioned above, Regenda Housing Group, supported by the Council submitted three funding bids to the HCA to develop up to 64 affordable units through the National Affordable Housing Programme. The bid was successful. The final number to be achieved will be dependent upon the outcome of the respective planning applications.		
Council Wide	Failure to properly implement and accommodate requirements imposed by the Localism Act 2011	<p>Significant and wide ranging effects of legislation on a variety of council services, with new interfaces with outside agency/bodies at a time of reducing resources.</p> <p>There is a need to translate the requirements of the legislation into working practices and communicate the appropriate messages to Members and officers. Additional powers are granted to assist the Council in its delivery of services with more local liaison and accountability. The prospect of greater community engagement and</p>	<p>An implementation plan with allocation of roles agreed by Heads of Service, including legal support and regular reviews is in place. Training is to be undertaken within service areas. Legislation tracking in place. Budget/resources considerations to be kept under review.</p>	Managing Directors and Heads of Service	<p>Significant work undertaken to accommodate requirements including: Predetermination; new standards regime; pay accountability; petitions scheme; community right to challenge; Housing finance changes; assets of community value; community infrastructure levy. Others changes either awaited by being brought into force or to be handled include various Planning and Housing initiatives. Resources to react to initiatives to be kept under review.</p>		12 Concerned

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
		opportunities for residents for involvement in services and other matters.					
Council Wide	Loss of personal data	The Information Commissioner can take a range of actions against the Council for breaches of the Data Protection legislation including issuing undertakings to commit the Council to a particular course of action to improve its compliance with DPA, audit, serve enforcement notices and Stop Now Orders and, in the case of a serious breach, can serve a Monetary Penalty Notice up to £500,000. A loss of personal data would result in negative press coverage, damage to the Council's reputation, officer time and resources in addressing the breach and potentially action against the Council by the data subject.	The Council has had Data Protection policies in place for some years. Corporate policies have been updated and service specific policies are being updated. New roles of Senior Information Risk Owner (SIRO) and Information Asset Owners (IAO) have been introduced in an updated DP Policy. An action plan is in place to assist compliance.	Managing Directors and Heads of Service	The action plan has now largely been completed.		6 Uneasy

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Planning Services	Failure to deliver a new Local Plan	The future housing, economic and infrastructure needs of the Borough would not be fully met. Also a greater risk of development occurring in unsustainable locations.	A Local Development Scheme (LDS) has been produced setting key targets and milestones relating to delivery of the LDF. These are replicated in the Council's Business Plan and in the Service Action Plan	Assistant Director Planning	Examination completed. Recently completed public consultation on proposed main modifications. Awaiting Inspectors report.		8 Uneasy
Housing & Regeneration: Housing	Failure to deliver Skelmersdale Town Centre Regeneration	<p>Opportunity - The project will provide a mix of residential, commercial, leisure and education accommodation opportunities.</p> <p>Threat - We could fail to address the economic issues, not address residents' requirements and have an impact on the Council's reputation.</p>	<ol style="list-style-type: none"> <li>1. Continue to consult with public where relevant.</li> <li>2. Collaboration agreement in place.</li> <li>3. Continue to engage with the "other" landowners to encourage their participation in the scheme.</li> <li>4. The Executive Procurement and Projects Manager reviews this risk regularly as part of the on-going project management.</li> <li>5. Maintaining regular contact with developer and potential retail/commercial/leisure occupiers.</li> </ol>	Deputy Assistant Director Housing & Regeneration	Currently working with St Modwen to bring forward three housing sites within the Town Centre. An update report will be submitted to Cabinet in September 2013.		9 Uneasy
Corporate Services: Transformation	ICT Infrastructure Development	Several ICT systems/software applications coming to end of life in future years	ICT Strategy. Strategic review of the desktop provision within WLBC estate proposed to develop options and recommendations for ICT infrastructure.	Transformation Manager	Being addressed in the draft of the ICT Strategy currently being assessed by Heads of Service.		12 Concerned

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Corporate Services: Transformation / OCL	Failure to manage the impact of the Government's Benefit Reforms	The government has reduced its financial support for Council Tax benefit by 10% from April 2013, which creates a financial risk for both the Council and local benefit claimants. There are further risks from the proposed changes on universal credits.	Details on emerging benefit issues are reported to Members on a regular basis and policies to deal with reductions in benefit funding will be developed as this position becomes clearer.	Transformation Manager / Exchequer Services Manager	A new Council Tax Support Scheme was implemented on 1st April 2013.		8 Uneasy
General Revenue Account	Achieving a balanced budget position for 2015/16	The latest spending review has announced further cuts in Government funding for 2015/16 which will need to be addressed to meet the statutory requirement to set a balanced budget.	The medium term financial forecasting process and business plan will set out how this financial challenge will be met.	Managing Directors and Heads of Service.	The MSR report to Council in July 2013 set out how a balanced budget position will be achieved for 2014/15. This risk reflects the longer term financial challenge facing all local authorities.		10 Concerned

Level of Concern	Action Required
Very concerned	Urgent attention required at senior level to ensure risk is reduced to an acceptable level. Action planning should start without delay. Progress on actions should be reported to Joint Managing Directors / Leader.
Concerned	Requires mitigation, contingency plan and identification of early warning indicators. Progress reported to DSH
Uneasy	Acceptable. Requires mitigation. Reviewed at Service Level.
Content	Acceptable. Keep under review but no action required unless changes occur.







**AGENDA ITEM: 5(I)**

**CABINET: 17<sup>th</sup> September 2013**

**EXECUTIVE OVERVIEW AND  
SCRUTINY: 3<sup>rd</sup> October 2013**

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**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillors D Westley & A Owens**

**Contact for further information: Marc Taylor (Extn. 5092)  
(E-mail: [Marc.Taylor@westlancs.gov.uk](mailto:Marc.Taylor@westlancs.gov.uk))**

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**SUBJECT: REVENUE BUDGET POSITION**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To set out key features on revenue budget performance for both the General Revenue Account (GRA) and Housing Revenue Account (HRA).

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the outturn position for the last financial year be noted and endorsed.

2.2 That the financial performance in the current year to date be considered and noted.

2.3 That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the financial position of the Revenue Accounts be noted.

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## **4.0 BACKGROUND**

- 4.1 Monitoring reports on the budget position are produced on a regular basis to ensure that Members are aware of the financial performance of the Council, and so that appropriate action can be taken to deal with any issues.
- 4.2 This report provides details on the financial performance of the GRA and the HRA in the 2012-13 financial year, as well as providing an initial analysis of significant issues in the current financial year.

## **5.0 GENERAL REVENUE ACCOUNT OUTTURN POSITION**

- 5.1 The final outturn position shows an overall favourable variance of £211,000, which is equivalent to 1.5% of the total budget. This continues the track record of delivering outturn performance in line with the budget that has consistently been achieved by the Council in recent years. It also means that another year's successful performance has been achieved, which is a credit to the Council, given the very difficult financial climate that it is operating in. The outturn position for individual services is shown in Appendix 1.
- 5.2 Some of the key features of the outturn position include:
- The active management of staffing levels has meant that the corporate savings target of £280,000 for staff efficiencies was achieved
  - The shared service arrangement for Revenues, Benefits and IT Services with Lancashire County Council and One Connect Ltd delivered the budgeted saving of £0.5m
  - Income performance has generally been good with most services achieving their budget targets. There were a number of areas where income performance was below target including Building Control, Car Parks and Treasury Management. However this was more than offset by strong performance in other areas particularly Planning Application Fees and the Commercial Property Portfolio
- 5.3 During the course of the year, financial monitoring identified a number of favourable budget variances that have allowed a number of new and additional projects to be brought forward. This included £328,000 to fund capital schemes for Sandy Lane in Skelmersdale and Moor Street in Ormskirk. It also includes £225,000 to support the budget for 2013/14 including funding to support phase 1 of the Blue Wheelie Bin scheme.
- 5.4 The Council determined how the remaining favourable budget variances of £211,000 should be used when it agreed the Major Service Review report at its meeting in July. This included providing additional funding for the Blue Wheelie Bin Scheme, extra CCTV cameras, dealing with health and safety issues and IT system upgrades.

5.5 The budget that has been set for 2013/14 contains just under £300,000 of budget streamlining or tightening savings. These proposals are based on budgets that were under spent in 2012/13 and can be removed with minimal service implications. Consequently a significant element of the favourable budget variance for 2012/13 has been taken into account in setting the current year's budget.

## **6.0 HOUSING REVENUE ACCOUNT OUTTURN POSITION**

6.1 The introduction of the new HRA self-financing system in 2012-13 led to a significant increase in activity and a restructuring of budgets, including the need to deliver a capital programme that was almost double its previous size. As a consequence there has been greater variation from budget than in previous years. However while there have been a number of spending pressures these have been offset by savings made in other areas, and consequently the overall budget target has been achieved.

6.2 There has been an overspend on interest costs as a result of interest rates rising between when the draft budgets were drawn up (in November/December 2011) and when the borrowing for self-financing took place at the end of March 2012. The Council was still however able to borrow at very favourable rates, and took out a package of loans at a fixed average interest rate of 3.47% with a duration of between 15 and 50 years.

6.3 There has been an adverse variance in response repairs and void repairs, which has repeated the pattern of previous years. However, spending in these areas is very much demand led which makes it particularly difficult to control expenditure. Consequently budgets for 2013/14 have been adjusted accordingly to match the trend pattern of expenditure. In contrast spending on disabled adaptations, which is equally demand led was significantly below budget for the year.

6.4 The HRA budget target to generate £23.932m of income from rents, fees and charges was slightly exceeded and this represents a good level of performance considering the difficult financial climate.

6.5 The active management of staffing levels ensured that there was a significant favourable budget variance on employee costs. Equally, management of supplies and services and premises costs also delivered a considerable saving against budget.

6.6 The HRA provided a significant contribution to the Housing public sector capital programme, and details on this are provided in the Capital Programme Outturn report elsewhere on this agenda. The slippage on this capital programme, including the HRA funds used to support it, have been rolled forward into 2013-14, and this has meant the level of HRA reserves at the year end has been larger than in previous years.

## **7.0 CURRENT YEAR BUDGET ISSUES**

- 7.1 The GRA and the HRA have both met their budget targets for 2012-13 and this continues the trend of delivering favourable budget variances in recent years. Consequently it can reasonably be expected that this strong financial performance will be carried forward, in many cases, into the new year. However the difficult economic climate will undoubtedly cause pressures, and in particular may make income targets more difficult to achieve in certain areas.
- 7.2 Employee costs form a significant proportion of the Council's total budget and consequently are very important from a budget management perspective. An agreement was reached on the pay award for 2013/14 in July, which will see a 1% increase in NJC pay costs and the removal of spinal column point 4 (with staff on this grade uplifted onto spinal column point 5). The cost of a 1% pay increase is around £140,000 for the GRA and around £40,000 for the HRA. However the budget estimates had assumed a 1% increase and consequently this announcement will not impact on our financial performance against budget. There are also only a very small number of staff on spinal column point 4, and consequently the deletion of this point will not have a significant financial impact.
- 7.3 In October 2012 the Council agreed a package of Major Service Review (MSR) proposals to deliver the necessary savings to balance the budget, and these savings items have then been built into the budget for 2013-14. The budget monitoring that has taken place to date has identified that the majority of these savings have been successfully implemented and are currently being delivered.
- 7.4 There have been certain issues / delays in implementing car park charging in Skelmersdale and the Planning OR review (which is the subject of a separate report elsewhere on this agenda). However this type of situation should be expected when delivering a large scale savings programme. The early achievement of other MSR savings including changes to the Environmental Protection Service, the community transfer of the Civic Hall and Ashurst meeting room, and the recharging of the Housing Support Services Manager post, will though ensure that the Council exceeds its budgeted savings from the MSR programme by the year end.
- 7.5 The external income that the Council generates can be one of the most volatile areas of the budget, with income going up and down due to factors outside our direct control. This area is a particular concern at the moment given the state of the economy. However at the current time income levels are generally performing close to budget in most areas.
- 7.6 There are a number of services where income performance is better than budget particularly in relation to Planning application and pre-application fees. Income performance on the Commercial Assets Portfolio is also positive although this is likely to be adversely affected by rent reviews during the course of the year. In contrast income performance is running slightly behind the budget target in a number of other areas including car parks and the market.

7.7 There are a number of risk areas within the budget where there is significant uncertainty at the current time. These are mainly as a result of new changes that are being implemented this year including Council Tax and Housing Benefit reform, Business Rate retention, Individual Electoral Registration and Pensions Auto Enrolment. These areas are being closely monitored and any significant issues will be reported in the mid year review report to Cabinet in November.

7.8 Putting all of these factors together, at the current time it is expected that the bottom line position for the GRA and the HRA will be within their overall budget targets, although with some favourable and some adverse variances.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **9.0 RISK ASSESSMENT**

9.1 The formal reporting of performance on the General and Housing Revenue Accounts is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.

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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**

Appendix 1 – General Revenue Account Outturn Position

Appendix 2 – Minute of Landlord Services Committee – 11 September 2013 (to follow)

**APPENDIX 1  
GENERAL REVENUE ACCOUNT OUTTURN POSITION**

Budget area	Net Budget £000	Variance from Budget £000	Variance %
Community Services	5,002	-130	-2.6%
Corporate Services			
- Borough Solicitor	1,387	-85	-6.1%
- Borough Treasurer	1,268	-110	-8.7%
- Transformation Manager	1,577	-130	-8.2%
Housing and Regeneration	1,346	-255	-18.9%
Planning Services	1,786	-220	-12.3%
Street Scene	5,085	-250	-4.9%
Central Budget Items	-3,191	136	4.3%
Employee savings target	-280	280	See note
Contributions to capital agreed in mid year review by Council in December 2012		328	Para 5.2
Support for the 2013-14 Budget agreed by Council in February 2013		225	Para 5.2
<b>TOTAL BUDGET REQUIREMENT</b>	<b>13,980</b>	<b>-211</b>	<b>-1.5%</b>

Table Notes

The budget figures for each Service have been updated to include year-end capital accounting adjustments and the allocation of central budget items to services. These are technical accounting adjustments that do not affect the bottom line budget position.

The employee savings target is a corporate budget heading that is held centrally. The actual savings that are made in relation to this item are contained within services. Consequently savings made elsewhere will offset the apparent variance on this budget area.

General

It should be recognised that some areas of the budget are within the Council's control, for example the filling of vacant posts to achieve salary savings. However other areas such as external income can be volatile where we are exposed to market forces. In addition some service areas are demand led where it can be difficult to directly control expenditure.

Community Services – Favourable variance £130,000

There was a significant favourable variance for the service this year with the largest single contributory factor being managed savings on staffing. There were also savings on supplies and services expenditure, which is also within the direct control of the Council.

Car park income was below target and this was mainly as a result of less income being generated at the Derby Street site than was originally anticipated. Income from fines was though in excess of budget and this has helped to offset some of the shortfall from car park charges. Income from regular stallholders on Ormskirk Market was also below the budget target. These external income areas are not though within the direct control of the Council.

#### Borough Solicitor – Favourable variance £85,000

During the year there was a substantial amount of Legal Costs recovered mainly in respect of an ex-gratia payment from the Planning Inspectorate. There are also a number of minor savings made on a wide range of budget headings, which when combined explain the overall favourable variance.

Income from Local Searches is currently performing broadly in line with the budget target. Additional provision was made though to cover the potential costs that could arise from the legal challenge being made against all local authorities by property search companies.

#### Borough Treasurer – Favourable variance £110,000

A significant saving on external audit fees was made as a result of the new contract with Grant Thornton, and there was also a large saving on historic pension costs. Both of these factors have been reflected in the current year's budgets. Elsewhere staffing and other budgets are being effectively controlled which resulted in an overall favourable variance being delivered over the course of the year.

#### Transformation Manager – Favourable variance £130,000

The shared service arrangement with the County Council and One Connect Limited for Revenues, Benefits and IT Services performed on target, which means that the budgeted savings of £0.5m were delivered. The new shared service arrangement with Wigan Council for payroll services also delivered additional savings this year.

There was a favourable budget variance on salary costs across the Service resulting from the active management of staffing levels. There was also a range of minor savings on other budget headings that have contributed to the overall positive financial performance.

#### Housing and Regeneration – Favourable variance £255,000

Income performance on the Commercial Assets Portfolio held up extremely well during the year. Due to a marketing exercise undertaken by Estates there has been an increase in demand which has resulted in more lettings, and in fact all the commercial units below 4,500 square feet are now let. The empty rates liability has been controlled effectively, and the recent demolition of Gorseley Place should assist in the management of this area in the future.

Within the Investment centre ring fenced account, a range of initiatives have been implemented to address the financial deficit including tight cost control, reviewing contracts where possible, and developing conference income. Financial performance has improved as a result although an overall loss was made for the year.

Property costs have been effectively managed throughout the year in conjunction with service managers. This has resulted in a favourable variance primarily due to repairs and maintenance expenditure savings.

When all of these factors are put together and combined with a number of staff savings, the overall position is a significant favourable variance.

#### Planning Services – Favourable variance £220,000

There was a significant adverse variance on Building Control income as a result of the state of the economy and due to factors that are outside the Council's control. This position was, however, mitigated by survey works carried out for a Housing contract. Performance on Pre-Application and Development Control income was, however, considerably above the budget target. Consequently, there was a significant overall favourable variance on income.

There were also managed savings on staffing and supplies and services that meant the Service achieved an overall favourable variance.

#### Street Scene – Favourable variance £250,000

The Service had to manage some major issues during 2012-13 including achieving MSR savings of around £800,000 and commencing the new transport contract. Both of these targets were successfully achieved. New vehicles started to be delivered towards the back end of the financial year and will facilitate more efficient operational arrangements in the future.

The financial performance for the year was very positive and has been achieved in large part by budget streamlining savings that have already been incorporated into the 2013-14 budget.





**AGENDA ITEM: 5(m)**

**CABINET: 17 September 2013**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
03 October 2013**

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**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillors D Westley and A Owens**

**Contact for further information: Mrs K Samosa (Ext. 5038)  
(E-mail: karen.samosa@westlancs.gov.uk)**

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**SUBJECT: CAPITAL PROGRAMME OUTTURN 2012/2013**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To provide a summary of the capital outturn position for the 2012/2013 financial year.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the final position, including slippage, on the Capital Programme for the 2012/2013 financial year be noted and endorsed.

2.2 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 3<sup>rd</sup> October 2013.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the final position on the Capital Programme for the 2012/2013 financial year be noted.

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## 4.0 BACKGROUND

- 4.1 Members have been kept informed of the financial position of the Capital Programme with regular monitoring reports. The last such Report was presented to Cabinet and Executive Overview and Scrutiny in March 2013 and reported on a Capital Programme of £13.362m. This report provides Members with the final position on capital schemes for the 2012/2013 financial year.
- 4.2 It should be noted that the final accounts for the 2012/2013 year are subject to audit and the figures contained in this report are, potentially, subject to change. However, the Audit is nearing completion and no issues have been raised on the capital programme to date. Members will be informed in due course of any significant matters arising from the Audit.
- 4.3 The position on the current Programme is discussed elsewhere on this Agenda.

## 5.0 CAPITAL PROGRAMME

- 5.1 The Capital Programme of £13.362m at the end of the 2012/2013 financial year is analysed by Service in Appendix A.
- 5.2 The key results for the year on the capital programme are that good progress has been made in delivering schemes and that overall spending is within budget. Specific issues are discussed in Appendix B.

## 6.0 CAPITAL EXPENDITURE

- 6.1 The total capital expenditure for 2012/2013 was £10.241m. This represents 77% of the total Budget for the year. This compares to recent programmes as indicated in Table 1:

Year	Expenditure £m	Budget £m	% Spend against Budget
2012/2013	10.241	13.362	77%
2011/2012	8.845	12.659	70%
2010/2011	8.097	11.043	73%

- 6.2 100% spend against the Budget is never anticipated due mainly to reasons beyond the Council's control. For example, some schemes are reliant on a significant amount of match funding and external contributions and others are demand led or dependant upon decisions made by partners. It is recognised that in such cases, schemes can be subject to considerable lead in times and delays because of the decision making processes in other organisations. As such, these schemes only start when their funding details have been finalised. Another reason is that some contracts include retentions or contingencies that will only be spent some time after completion of the contract. Approvals for schemes that are affected by such issues are to be slipped into the 2013/2014 Programme and are discussed in section 8.
- 6.3 The percentage spend against budget has been higher this year than the previous two years. This is a good result when the overall budget is higher as well. This

means that total spending was £1.4m more than 2011/2012 and £2.1m more than 2010/2011. Scheme progress on spending and slippage are analysed in the appendices.

## 7.0 CAPITAL RESOURCES

- 7.1 A breakdown of the resources of £13.362m identified to fund the programme is shown in Appendix A.
- 7.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy sales) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.
- 7.3 Following a slow start, 25 Right to Buy sales were generated against the target of 16 for the year along with 3 land sales. This is analysed in Table 2

<b>Table 2: Usable Capital Receipts against Budgets</b>			
Year	Estimate £'000	Actual £'000	% Received against Budget
Right to Buy Sales	175	291	166%
Land Sales	50	102	204%
Total	225	393	175%

- 7.4 The upturn in capital receipts being generated is a positive sign after a number of years. This is due to a combination of factors including changes to the Right to Buy Discount coupled with the upturn in the general availability of mortgages.
- 7.5 Following a change in Government rules on the retention of Housing capital receipts, the Council has been able to keep an extra £0.128m that reflects the outstanding debt associated with the right to buy properties that have been sold. Before the changes in the rules, this element would have had to be paid over to the Government. Proposals on how this funding should be used will be brought to Cabinet and Council as part of the Mid Year Review later this year.
- 7.6 The impact of the general increased receipts on the Capital Programme will also be reviewed and factored into the Mid Year Review. However, the first call on these resources will be to enable Phase 2 of the Blue Wheelie Bin scheme to proceed.

## 8.0 SLIPPAGE OF APPROVALS

- 8.1 Schemes that are not completed within the financial year for which they are scheduled are slipped into the following financial year along with their unused expenditure and resource approvals.
- 8.2 The total slippage figure for capital schemes from 2012/2013 is £3.217m. This compares to recent programmes as indicated in Table 3:

Year	Slippage £m	Budget £m	% Spend against Budget
2012/2013	3.217	13.362	24%
2011/2012	3.258	12.659	26%
2010/2011	2.932	11.043	26%

8.3 Further analysis on the slippage is provided in the appendices.

## **9.0 EXPLANATION OF VARIANCE**

9.1 Heads of Service have considered the position of individual schemes at the year-end and have taken the opportunity of revising budget allocations to take account of new information affecting the spending profiles of their schemes.

9.2 The budgeted expenditure for the 2012/2013 Capital Programme was £13.362m. Taking account of expenditure of £10.241m and slippage of £3.217m, there is a total budget requirement of £13.458m. This means that there is an overall adverse variance on programmed approvals of £0.96m.

9.3 The variance is fully funded and is analysed in Appendix D.

9.4 The remaining capital programme is being delivered within the budget that was set and issues regarding scheme under/overspends are discussed in the Appendices.

## **10.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

10.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. Individual project plans address sustainability and Community Strategy issues and links to Corporate Priorities. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable.

## **11.0 RISK ASSESSMENT**

11.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.

### **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**

- A Capital Expenditure and Resources Compared to Budget
- B Heads of Service Comments
- C Analysis of Significant Slippage
- D Analysis of Variances



**2012/2013 CAPITAL PROGRAMME  
OUTTURN EXPENDITURE AND RESOURCES BUDGET**

Service	Budget Approval	Actual		Variance		Slippage	
	£'000	£'000	%	£'000	%	£'000	%
<b>EXPENDITURE</b>							
Housing and Regeneration							
Public Sector Housing	9,058	6,769	75%	-0	0%	2,289	25%
Housing Strategy	150	0	0%	0	0%	150	100%
Property Management	392	307	78%	0	0%	85	22%
Regeneration	0	0		0		0	
Community Services							
Private Sector Housing	882	641	73%	26	3%	215	24%
Other Community Services	2,547	2,350	92%	-122	-5%	320	13%
Planning	60	40	67%	0	0%	20	33%
Corporate Services	273	134	49%	0	0%	139	51%
	<b>13,362</b>	<b>10,241</b>	<b>77%</b>	<b>-96</b>	<b>-1%</b>	<b>3,217</b>	<b>24%</b>
<b>RESOURCES</b>							
Capital Grants	2,050	2,212	108%	-264	-13%	102	5%
HRA	9,058	6,630	73%	139	2%	2,289	25%
GRA	305	114	38%	-13	-4%	204	67%
Capital Receipts	1,949	1,285	66%	42	2%	622	32%
Internal Borrowing	0	0	0%	0	0%	0	100%
	<b>13,362</b>	<b>10,241</b>	<b>77%</b>	<b>-96</b>	<b>-1%</b>	<b>3,217</b>	<b>24%</b>





**CAPITAL PROGRAMME OUTTURN 2012/2013**  
**HEADS OF SERVICE COMMENTS**

<b>Public Sector Housing</b>
<p>Budgets on Sheltered Housing Schemes, Environmental Improvements, Windows and Doors, the Housing Computer System, Fixtures and Fittings, and Garages have been re-aligned to facilitate the requirements of the programme.</p> <p>Slippage has been incurred on: Sheltered Housing Schemes, Environmental Improvements, Windows and Doors, Energy Efficiency Schemes, Structural Works, Professional Fees, Communal Areas, and the General Contingency due to various factors which have been explained in Appendix C.</p>
<b>Housing Strategy</b>
<p>An Affordable Housing Development Project which will support the development of up to 32 affordable homes in the borough is being explored and planning application approval is awaited before the scheme can progress. This budget has, therefore, been slipped into the new financial year.</p>
<b>Property Management</b>
<p>The Corporate Property Programme comprises a number of schemes most of which were completed by the 31st March. However, there were delays on various projects including the demolition of Westec House, Public Convenience refurbishments, Civic Hall boiler replacement, and memorial works which have been slipped into the new financial year.</p>
<b>Corporate Services</b>
<p>Progress made on delivering Parish Capital Schemes rests with individual Parishes and is not within the direct control of the Borough Council. The balance on this budget has, therefore, been slipped into the new financial year.</p> <p>The ICT Infrastructure budget has been utilised to fund the costs associated with the transfer of ICT related equipment due to the demolition of Westec House along with agreed contract payments to Lancashire County Council/One Connect Ltd.</p> <p>Slippage on the Electronic Document Management System is for final account payments that are due in the new Year.</p> <p>The Capital Development Programme is set up to fund various projects, including Web Improvements and Wireless Network, which are progressing.</p>

**CAPITAL PROGRAMME OUTTURN 2012/2013**  
**HEADS OF SERVICE COMMENTS**

<p><b>Community Services - Private Sector Housing</b></p>
<p>Approvals for Disabled Facilities Grants are fully committed at the end of the year although some payments will be made at the beginning of the new year.</p> <p>Demand for Renovation Grants has been less than anticipated and the unused approval has been returned to the general capital pot. The Clearance Programme at Lime Court budget has been fully spent.</p> <p>Unfortunately, discussions with possible partners have proved unsuccessful so far on the Empty Homes Initiative so the funding has been slipped into the new financial year when the Scheme will be reviewed.</p>
<p><b>Other Community Services</b></p>
<p>Demolition works on Skelmersdale Sports Centre that were approved as part of the Council's Major Service Review have been included in the Capital Programme due to the nature of the works.</p> <p>The Leisure Trust funding is part of an on-going agreement and the budget is fully spent as with the Environmental Health Computer system.</p> <p>Building works for the CCTV Suite Relocation and camera replacements and upgrades are mostly complete but have incurred some slippage into the new year.</p> <p>The Play Area Improvements Budget is an ongoing Capital Programme and two potential schemes that are under discussions with residents have been slipped into the new financial year. New schemes using recently approved section 106 monies will be completed after the financial year end and have also been slipped.</p> <p>Flood Alleviation schemes at Calico Brook and Dock Brook are complete apart from retentions that will slip into the new financial year and additional expenditure incurred has been funded by Government Grant.</p>
<p><b>Planning</b></p>
<p>The remaining approval for the Skelmersdale Town Centre/Skelmersdale Vision Project is a contingency for environmental improvements following the acquisition of land and has been slipped into the new financial year.</p> <p>The remaining Planning schemes are demand led and unused budgets on the Free Tree Scheme, Conservation Area Enhancement Grants and Buildings at Risk have been slipped.</p>

**2012/2013 CAPITAL PROGRAMME OUTTURN  
ANALYSIS OF SIGNIFICANT SLIPPAGE**

Scheme	Amount of Slippage	Reason for Slippage
	£'000	
ICT Development Programme	68	Various ongoing ICT schemes that will be completed in the next financial year.
Parishes Children's Play	163	New schemes introduced late in the financial year that will be progressed in 2013/2014.
Playground Improvements	55	Incomplete site works at the end of the year.
Replacement CCTV Suite - (Camera Upgrade)	102	Works incomplete at 31st March and rolled forward to 2013/2014.
Empty Homes Initiative	100	Discussions with possible partners have proved to be unsuccessful so far.
Disabled Facilities Grants	115	Budget committed for grants at 31st March but not paid until early 2013/2014.
Affordable Housing	150	Partnership arrangement awaiting planning application approval before scheme can progress.
Corporate Property Investment Programme	85	Delays on various projects including: the demolition of Westec House, Public Convenience refurbishments, Civic Hall boiler replacement, and memorial works.
Sheltered Housing/Cat II Upgrades	109	Delays with the installation of the new biomass heating scheme at Oakgate Close has meant that completion had to be deferred and will now be undertaken within the new financial year.
Environmental Improvements	152	Delays in obtaining tenant proposals have meant this programme will now be undertaken in the new financial year.
Windows and Doors	1,104	Issues with sub-contractors and adverse weather have prevented the external rendering from being completed in year. This will now complete within the new financial year.
Energy Efficiency Works	366	Delays due to issues relating to the installation of new gas supplies along with delays in the delivery of the new biomass heating plant. The Programme is due to complete early in the new year.
Structural Works to Properties	60	Delays due to adverse weather on the external rendering programme which will now complete in the new financial year.
Professional Fees	83	On-going Programme that is fully committed at the end of the financial year but will be expended in the new year.
Communal Areas	107	Awaiting finalisation of Programmes.
General Contingency	264	Contingency to cover works of a capital nature that are carried out at a time of void repairs that has not been called upon in year.



**2012/2013 CAPITAL PROGRAMME OUTTURN**  
**ANALYSIS OF VARIANCES**

Scheme	Amount of Variance	Reason for Variance
	£'000	
Demolition of Skelmersdale Sports Centre	56	Funding was agreed in July 2012 as part of the MSR process. Demolition took place within 2012/2013.
Flood Alleviation Schemes	50	Final phase of the schemes at Dock and Calico Brooks funded from Government Grant.
Derby Street Car Park	16	Additional works led to an overspend that has been funded from capital receipts.
Housing Renewal Grants	<b>-26</b>	Demand less than anticipated has led to funding being returned to the Capital Pot.
	<b>96</b>	





**AGENDA ITEM: 5(n)**

**CABINET: 17 September 2013**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
03 October 2013**

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**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillors D Westley and A Owens**

**Contact for further information: Mrs K Samosa (Ext. 5038)  
(E-mail: karen.samosa@westlancs.gov.uk)**

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**SUBJECT: CAPITAL PROGRAMME MONITORING 2013/2014**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To provide an overview of the current progress on the Capital Programme.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the progress on the Capital Programme as at the end of July 2013 be noted.

2.2 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 3<sup>rd</sup> October 2013.

**3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the current progress on the Capital Programme be noted.

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**4.0 BACKGROUND**

4.1 It is an agreed policy and best practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of the Capital Programme. This is the first such report for the 2013/2014 financial year.

## **5.0 CAPITAL PROGRAMME BUDGETS**

- 5.1 A Capital Programme totalling £19.597m was approved at Council on 23<sup>rd</sup> February 2013.
- 5.2 Slippage totalling £3.217m from the 2012/2013 Programme is included for consideration elsewhere on this Agenda and has been added to the 2013/2014 Programme.
- 5.4 The Capital Programme for 2013/2014 is, therefore, now £22.814m. This is analysed by Service in Appendix A.

## **6.0 CAPITAL EXPENDITURE**

- 6.1 Normally, new capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead in times, for example, because of the need to undertake the tendering process and award contracts at the start of the scheme. Other schemes are dependant on external partner funding and these schemes can only begin once their funding details have been finalised.
- 6.2 This pattern has been repeated in the current year with £2.058m of expenditure having been incurred by the end of July. This compares to £1.993m at the same point in 2012/2013 and £1.653m in the previous year.
- 6.3 It is anticipated that most schemes will progress and use their approval for the year. All schemes, however, will be reviewed over the coming months and a Revised Medium Term Programme will be reported to Members in the autumn.

## **7.0 CAPITAL RESOURCES**

- 7.1 Total budgeted resources for the year are £22.814m. This is analysed in Appendix A and includes funding for slippage.
- 7.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.
- 7.3 In recent years, receipts from this source have fallen dramatically and the budget for usable capital receipts to be generated from Council House sales in the year is set at £0.120m from 12 sales. However, during 2012/2013 sales increased due to a number of factors. This has continued into the new year with 17 sales being completed by the end of July generating £0.178m of useable capital receipts.
- 7.4 In addition to receipts from council house sales the Council also has a programme to sell plots of its land. £50,000 is included in the 2013/2014 Capital Programme from this source. To date, there have been 2 land sales generating £22,000.
- 7.5 Overall budgeted capital receipts from in year asset sales provide a relatively small proportion of the funding for the Capital Programme. Options for the use of the



additional receipts generated over and above the budget will be reviewed over the medium term and will be reported to Members in due course.

- 7.6 Following a change in Government rules on the retention of Housing capital receipts, the Council is now able to keep extra receipts that reflect the outstanding debt associated with the right to buy properties that have been sold. Previously, this element would have had to be paid over to the Government. Proposals on how this funding should be used will be brought to Cabinet and Council as part of the Mid Year Review later this year.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. Individual project plans address sustainability and Community Strategy issues and links to Corporate Priorities. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report monitors progress against the plans.

## **9.0 RISK ASSESSMENT**

- 9.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions or decisions are not started until funding is secured and other resources that are subject to fluctuation are monitored closely to ensure availability.

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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**

- A Capital Programme Service Budgets
- B Minute of Landlord Services Committee held 11 September 2013 (to follow)



**2013/2014 CAPITAL PROGRAMME**  
**EXPENDITURE AND RESOURCES BUDGET**  
as at July 2013

Service	Budget
	£'000
<b>EXPENDITURE</b>	
Housing and Regeneration	
Public Sector Housing	18,134
Housing Strategy	894
Property Management	282
Regeneration	723
Community Services	
Private Sector Housing	560
Other Community Services	1,334
Planning	80
Street Scene	360
Corporate Services	0
Financial Services	110
Transformation	338
	<b>22,814</b>
<b>RESOURCES</b>	
Capital Grants	262
HRA	11,104
HRA Borrowing	6,858
GRA	1,252
Capital Receipts	3,338
	<b>22,814</b>





**AGENDA ITEM: 5(o)**

**CABINET: 17 September 2013**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor M Forshaw**

**Contact for further information: Mr C Brady (Extn. 5125)  
(E-mail [colin.brady@westlancs.gov.uk](mailto:colin.brady@westlancs.gov.uk))**

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**SUBJECT: PARKING ENFORCEMENT**

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Wards affected: Borough Wide

**1.0 PURPOSE OF THE REPORT**

1.1 To advise Members on the revised arrangements for parking enforcement adjudication.

**2.0 RECOMMENDATIONS**

2.1 That Cheshire East be nominated as the replacement for Manchester City Council as lead authority in relation to the Parking and Traffic Regulation Outside London (PATROL) adjudication body.

2.2 That the Assistant Director Community Services be authorised to administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.

2.3 That call in is not appropriate for this item in view of the immediate deadline for a response.

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**3.0 BACKGROUND**

3.1 West Lancashire Borough Council operates parking enforcement on its Pay and Display car parks in Ormskirk.

- 3.2 Drivers using the car parks must adhere to the regulations set out in the Traffic Regulation Order (TRO) otherwise a Penalty Charge Notice (PCN) may be issued for which a fine is payable.
- 3.3 PCNs are issued in accordance with the Traffic Management Act 2004 (TMA 2004). As part of the Act drivers are able to make representations against the issue of PCNs.
- 3.4 If a representation is received and not accepted, the vehicle owner/driver is able to appeal to an independent Adjudicator, whose decision is binding on both the vehicle owner/driver and the Council.
- 3.5 The Parking and Traffic Regulation Outside London (PATROL) body provides the appeals and adjudication service for all participating Councils and the current arrangements were put in place following a decision of Cabinet on 16 March 2004.
- 3.6 The Adjudicator is hosted by a “lead authority” which provides facilities and accommodation for the Adjudicator, but without being involved in the Appeals process.
- 3.7 The lead authority is currently Manchester City Council, who have recently given notice to terminate their role as lead authority for the service. Cheshire East Council has offered to undertake the role of lead authority, with no other Council coming forward for consideration.

#### **4.0 ISSUES**

- 4.1 As part of the change, the agreement under which the lead authority provides services is being updated to reflect changes in legislation and a greater indemnity protection in respect of its role.
- 4.2 As part of TMA 2004 there must be an independent appeals procedure, which is provided by PATROL.
- 4.3 Without the independent appeals process the Council would need to operate its car parks as a private company, issuing fixed penalty notices.
- 4.4 PATROL has requested confirmation from participating Councils of their approval to the proposed change to the lead authority by 30 September 2013.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 Efficient off-street parking enforcement enables the Council to maintain direct control of parking on its pay and display car parks, thereby ensuring that car parking is well managed to the benefit of both the community and businesses alike.

## **6.0 PROPOSALS**

- 6.1 In order to retain existing enforcement arrangements on its car parks, this Council agrees to the proposal for the replacement lead authority in relation to the parking adjudication service (PATROL) to be Cheshire East Council.
- 6.2 Minor amendments to the PATROL arrangements may be required from time to time in the future and the Assistant Director Community Services be given delegated authority to deal with these as appropriate.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are no significant financial or resource implications arising from the contents of this report.

## **8.0 RISK ASSESSMENT**

- 8.1 This report is designed to ensure that the Council can continue with its existing enforcement arrangements on its car parks. If the recommendations are not agreed then it would mean that the Council would have to operate its car parks as a private company.

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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**

None