

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

	General		
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 because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and 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 a connected person or, a body described in 10.1(1)(i) and (ii) and 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

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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: 16 SEPTEMBER 2014

Start: 7.30pm

Finish: 8.00pm

PRESENT:

Councillor: D Westley (Leader of the Council, in the Chair)

Portfolio

Councillors:	P Greenall	Deputy Leader & Street Scene
	M Forshaw	Planning and Development
	D Griffiths	Town and Village Centres
	Mrs J Houlgrave	Housing and Transformation
	D Sudworth	Health, Leisure and Community Safety
	D Whittington	Resources

In attendance: Councillors Oliver and Pendleton
Councillors

In attendance: Director of Revenues & Benefits, BT Lancashire Services
(Mr J Unsworth)

Officers:

- Managing Director (People and Places) (Mrs G Rowe)
- Managing Director (Transformation) (Ms K Webber)
- Assistant Director Housing & Regeneration (Mr B Livermore)
- Assistant Director Community Services (Mr D Tilleray)
- Assistant Director Planning (Mr J Harrison)
- Borough Treasurer (Mr M Taylor)
- Borough Solicitor (Mr T Broderick)
- Transformation Manager (Mr S Walsh)
- Strategic Planning & Implementation Manager (Mr P Richards)
- Organisational Re-Engineering Manager (Ms K Warmington)
- Principal Member Services Officer (Mrs S Griffiths)

16. APOLOGIES

There were no apologies for absence.

17. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS

There were no items of special urgency.

18. DECLARATIONS OF INTEREST

There were no declarations of interest.

19. MINUTES

RESOLVED That the minutes of the meeting of Cabinet held on 1 July 2014 be approved as a correct record and signed by the Leader.

Note

During reference to minute no. 15 of the above-mentioned meeting (Council land at Whitemoss), Councillor Sudworth declared a pecuniary interest and left the meeting. A company he does part-time work for provides services to Whitemoss, he knows the site owners and is also a member of the Whitemoss Community Fund Advisory Group.

20. HRA BORROWING - PILOT SCHEME - CABINET WORKING GROUP

The Leader introduced the report of the Borough Solicitor which outlined the resolution of Council on 23 July 2014 which sought the establishment of a Cabinet Working Group to investigate the feasibility of incorporating a pilot scheme using offsite manufactured low-carbon homes.

RESOLVED That the resolution of Council on 23 July 2014, detailed in paragraph 4.1 of the report, be noted and it be noted that, for the reasons stated in paragraph 5 of the report, the Leader has asked the Findon/Firbeck Cabinet Working Group to look into this matter as described.

21. MATTERS REQUIRING DECISIONS

Consideration was given to the reports relating to the following matters requiring decisions as contained on pages 309-788 of the book of reports.

22. STRATEGIC ASSET MANAGEMENT PROJECT

Councillor Westley introduced the report of the Assistant Director Housing and Regeneration which updated Members on the progress of the Strategic Asset Management Project and advised on the outcomes of the Rufford and Aughton Park Ward.

The report went on to advise on the updated consultation process and sought authorisation to appraise the assets within the remainder of the wards and to dispose of a site located at Gillibrands Industrial Estate, Skelmersdale.

The Assistant Director Housing and Regeneration circulated revised recommendations at the meeting.

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

- RESOLVED
- A. 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.
 - B. That the Ward Mapping Delivery Plan as set out in Appendix C be adopted and used by officers to map the remainder of the wards in the Borough.
 - C. That the Member consultation process illustrated in Appendix D be noted.
 - D. That the Assistant Director Housing and Regeneration be authorised to dispose of the land between Garnett Place and Greetby Place, Skelmersdale, which is an opportunity site as shown in Appendix E.

23. RISK MANAGEMENT

Councillor Whittington introduced the report of the Borough Treasurer which set out details on the key risks facing the Council and how they are managed.

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

- RESOLVED
- That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A) be noted and endorsed.

24. YEW TREE FARM DRAFT MASTERPLAN

Councillor Forshaw introduced the report of the Assistant Director Planning which provided an update on the progress of the Yew Tree Farm Masterplan Supplementary Planning Document (SPD) and recommended that the “draft” version of the document be approved for public consultation.

The Assistant Director Planning circulated revised recommendations and additional appendices (E & F).

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

- RESOLVED
- A. That the contents of the Yew Tree Farm Options Consultation Feedback Report set out at Appendix A of this report be noted.
 - B. That having had regard to the agreed comments of the Planning Committee (provided at Appendix C to the report) the Yew Tree Farm Draft Masterplan document (Appendix B to the report) be approved for public consultation from 9 October to 21 November 2014, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Draft Masterplan Document by Executive Overview and Scrutiny Committee, as per recommendation C below
 - C. That the Assistant Director Planning, be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Yew Tree Farm Draft Masterplan document, in the light of agreed comments from the Executive Overview and Scrutiny Committee, before the document is published for consultation.
 - D. That it be noted that Cabinet also had regard to the Sustainability Appraisal and Habitats Regulations Assessment provided as additional Appendices E and F in reaching their decision at B above, which will also be publicly available for comment as part of the consultation on the Yew Tree Farm Draft Masterplan document.
 - E. That call-in is not appropriate for this item as this report is being submitted to Executive Overview and Scrutiny Committee on 2 October 2014.

25. SKELMERSDALE & UP HOLLAND DEMAND RESPONSIVE TRANSPORT SYSTEM

Councillor Forshaw introduced the report of the Assistant Director Planning which provided an update upon the performance of the pilot demand responsive transport service since the implementation of revised membership criteria in January 2014.

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 success of the pilot scheme be noted and approval granted for the scheme to be continued.

- B. That delegated authority be granted to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning & Development, to review and, if required, amend the terms and conditions of the scheme, including membership criteria and operational management.
- C. That the S106 money from the KRM (Pimbo) development continues to be used to support this service, with any further funding provided by the Walkers S106.

26. ORGANISATIONAL RE-ENGINEERING (LANDLORD SERVICES (VOIDS & ALLOCATIONS, ESTATE MANAGEMENT & RENT AND MONEY ADVICE) MANAGEMENT REPORT

Councillor Mrs. Houlgrave introduced the joint report of the Assistant Director Housing and Regeneration and Transformation Manager which presented the findings and recommendations for savings and service improvements contained within the Organisational Re-Engineering – Landlord Services Management Report and commented on project implementation staffing.

Minute no. 6 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2014 was circulated at the meeting.

In reaching the decision below, Cabinet considered the comments of Councillor Mrs. Houlgrave, the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the recommendations for current/further service improvements contained within the Management Report at Section 5.0 be approved.
 - B. That the Assistant Director of Housing and Regeneration and Transformation Manager be given delegated authority to take action in connection with implementing the recommendations at Section 5.0 contained within the Management Report, subject to additional resource requirements being agreed in the future and to further discussions on project staffing.

27. ANTI SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

Councillor Sudworth introduced the report of the Assistant Director Community Services which proposed an update of the Scheme of Delegation to Chief Officers in order to prepare the Council for the enactment of certain provisions of the Anti-Social Behaviour, Crime and Policing Act 2014 due to come into force on 20 October 2014.

Minute no. 7 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2014 together with updated recommendations of the Assistant Director Community Services were circulated at the meeting.

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

- RESOLVED
- A. That it be noted that the Leader will delegate authority as set out in Annex 1 to the report and the Scheme of Delegation will be updated accordingly, with effect from 20 October 2014
 - B. That the initial Community Remedy thresholds detailed at paragraph 4.16 of the report be approved.
 - C. That a report be provided to Members in 12 months as detailed in paragraph 5.4 of the report.

28. REGULATION OF INVESTIGATORY POWERS ACT - ANNUAL SETTING OF POLICY AND REVIEW OF USE OF POWERS

The Leader introduced the report of the Borough Solicitor which reviewed the policy for the Regulation of Investigatory Powers Act (RIPA) and the use of covert surveillance and communications data 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 it be noted that for the period from the last annual report to date the Council has not authorised any relevant RIPA activity.
 - B. That the RIPA guide at Appendix 1 to the report be approved.

29. CAPITAL PROGRAMME OUTTURN 2013-2014

Councillor Whittington introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2013/2014 financial year.

Minute no. 8 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2014 was circulated at the meeting.

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

- RESOLVED
- A. That the final position, including slippage, on the Capital Programme for the 2013/2014 financial year be noted and endorsed.
 - B. 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 2 October 2014.

30. CAPITAL PROGRAMME MONITORING 2014/2015

Councillor Whittington introduced the report of the Borough Treasurer which provided an overview of the current progress on the Capital Programme.

Minute no. 9 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2014 was circulated at the meeting.

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

- RESOLVED
- A. That the progress on the Capital Programme as at the end of July 2014 be noted.
 - B. 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 2 October 2014.

31. CORPORATE PERFORMANCE INDICATORS Q1 2014-2015

Councillor Whittington introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 30 June 2014.

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

- RESOLVED
- A. That the Council's performance against the indicator set for the quarter ended 30 June 2014 be noted.
 - B. That the targets for the Revenues & Benefits and ICT Services proposed via the shared services contractual process be endorsed.
 - C. 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 23 October 2014

32. UNIVERSAL CREDIT PARTNERSHIP DELIVERY AGREEMENT

Councillor Mrs Houlgrave introduced the joint report of the Assistant Director Housing and Regeneration and Transformation Manager which set out the details on the introduction of Universal Credit in West Lancashire together with the Council's supporting role in this regard.

Minute no. 10 of the Landlord Services Committee (Cabinet Working Group) held on 11 September 2014 was circulated at the meeting.

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

- RESOLVED
- A. That delegated authority be granted to the Transformation Manager to enter into a Delivery Partnership Agreement, and any subsequent agreements, with the Department of Work and Pensions (DWP) and other supporting third party organisations to support residents in West Lancashire who claim Universal Credit, including entering into all necessary documentation and obtaining all necessary consents.
 - B. That call-in is not appropriate for this item as this matter is one where urgent action is required because of the timescales involved.

33. FINANCIAL REGULATIONS

Councillor Whittington introduced the report of the Borough Treasurer which considered the revision and update of the Council's Financial Regulations within the Constitution.

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

- RESOLVED
- That the updated set of Financial Regulations attached at Appendix 1 be endorsed and the document reissued to all staff.

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LEADER



AGENDA ITEM: 5(a)

**CABINET:
11 November 2014**

Report of: Assistant Director Street Scene

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor P Greenall

**Contact for further information: Mr G Concannon (Extn. 5191)
(E-mail: graham.concannon@westlancs.gov.uk)**

SUBJECT: SEPARATE COLLECTION OF RECYCLABLE WASTE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To outline the forthcoming regulatory changes and detail how they will be managed.

2.0 RECOMMENDATIONS

2.1 That the contents of the report be noted

2.2. The Assistant Director Street Scene in consultation with the Portfolio Holder be authorised to take all appropriate action to ensure the Council's waste collection arrangements meet the updated requirements for the collection of recyclable waste.

3.0 BACKGROUND

3.1 Since 2010 waste collection authorities (WCA) in England and Wales have had a duty, under section 45 of the Environmental Protection Act 1990, to arrange for the separate collection of at least two types of recyclable material from residential households. In addition, from 1 January 2015 regulations (the Regulations) issued as a result of a European Directive will require the "separate collection" of (four recyclable materials) paper, plastic, metals and glass for recycling. The aim of this is to increase the quality of recycled material by reducing contamination. This in turn is aimed at improving the environment and helping the economy.

- 3.2 The headline is that paper, metal, plastic and glass should be collected separately. However, the Regulations do not prohibit the co-mingled collection of these materials; rather they establish separate collections as the requirement but allow collection authorities to demonstrate that separate collection is not necessary or practical in their area, further detail of the requirements are given in the next paragraph.
- 3.3 The updated duties relating to the separate collection of waste can be summarised as follows:
1. Subject to paragraph (3) an establishment or undertaking which collects waste paper, metal, plastic or glass must do so by way of separate collection.
 2. Subject to paragraph (3) waste collection authorities must when making arrangements for the collection of waste paper, metal, plastic or glass, ensure those arrangements are by way of separate collections.
 3. The duties at 1 and 2 apply where separate collection is:
 - a) necessary to ensure the waste undergoes recovery operations in accordance with articles 4 and 13 of the Waste Framework Directive and to facilitate or improve recovery and ;
 - b) Technically, Environmentally and Economically Practicable (TEEP).
- 3.4 Guidance was expected from DEFRA who have been looking to clarify the conditions relating to when it was technically, environmentally and economically practicable (TEEP) to require separate collections. DEFRA advised they had decided not to complete this work and not offer any guidance. However, this does not remove the statutory obligation.
- 3.5 The amendment to regulation 13 details that waste collection authorities need to collect four materials separately and that there are two tests; a necessity test and a technical, environmental economic and practicable (TEEP) test. This means that collection agreements will need to be considered against these requirements.

4.0 CURRENT POSITION

- 4.1 The Council, consistent with other collection authorities across Lancashire and the North West provides a co-mingled collection service of dry recyclates, paper and card in the blue bag and plastic, cans and glass in the blue bin. This collection regime, in partnership with our disposal authority (Lancashire County Council), delivers quality recyclate with low levels of contamination. The service is delivered as part of the refuse and recycling collection services and waste minimisation programme, provided to all residential properties across the Borough; 48,250 properties at 1 April 2014.
- 4.2 The service provides and maintains an alternate week, three-stream waste collection service including the kerbside collection of six dry recyclate materials and green waste collections for all those properties with gardens. The service is

continually monitored by both the Council (the collection authority) and Lancashire County Council (the disposal authority) to ensure value for money, efficiencies and maximisation of recycle.

- 4.3 All collected material is deposited at the transfer station at the Robert Hodge Centre, in specific dedicated bays to ensure no mixing of collected material takes place. The material is then transported to the specific material reprocessing facility as directed by Lancashire County Council (the disposal authority) for further separation.
- 4.4 The material recovery facilities across Lancashire were previously managed by Global Renewables Lancashire Ltd via a contract with Lancashire County Council (the Disposal Authority). This contractual arrangement has been terminated from August 2014 by mutual agreement. Ownership and management responsibilities have now transferred to Lancashire County Council and Blackpool Metropolitan Borough Council. The change hopefully will present greater opportunities for waste management across Lancashire, via improved flexibility of current arrangements.

5.0 PROPOSALS

- 5.1 The Waste and Resources Action Programme (WRAP) work with a wide range of parties from businesses, trade bodies and local Authorities looking at practical advice. They are funded by all four Governments across the UK and EU and run programmes across the UK, Scotland, Wales and Northern Ireland. WRAP have produced a guidance document 'Waste Regulations Route Map' to assist Local Authorities in understanding the requirements of the new legislation. The Route Map has been developed by a working group comprising of members of the local authority waste networks and WRAP aims to reduce the extent to which Local Authorities need to invest in advice and help bring consistency and clarity to the way that the regulations are interpreted.
- 5.2 The Route Map comprises three main sections:
1. A step by step process for Councils to follow as they assess whether their waste collection services are compliant with the requirements to separately collect certain materials;
 2. Frequently asked questions about what the law requires and;
 3. A signpost to useful resources to help Councils in their assessments. While it is primarily concerned with household collections, it is also relevant to Waste Disposal Authorities (WDAs).
- 5.3 Officers are currently undertaking an assessment of all our waste management arrangements as suggested in the Waste Regulations Route Map. Following this exercise I shall consider whether any modifications to operations are required. In order to allow for this, having regard to the relevant implementation date a delegation for action, in consultation with the Portfolio Holder is requested in order that necessary steps may be taken. If any significant changes are made (which is not anticipated) then these would be reported to the next meeting of Cabinet.

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 some financial/ resource implications arising from this report in respect of officer time and potential consultant costs, however these will be met using existing resources.

8.0 RISK ASSESSMENT

- 8.1 Failure to implement requirements may result in challenges before the Courts or enforcement action by the Environment Agency. (The relevant Regulation whose powers include the serving of statutory notices, some carrying criminal sanction for breach (a contravention notice). The consequences for such action include adverse publicity, service disruption, considerable costs in meeting any challenge, costs of corrective action found to be necessary, potential for damages by any person/body directly affected.
- 8.2 With this in mind, it is important that the Council is able to demonstrate that the current collection regime of mixed dry recyclate is compliant in what the Council considers technically, environmentally, economically practicable (TEEP).
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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



AGENDA ITEM: 5(b)

CABINET:
11th November 2014

PLANNING COMMITTEE:
13th November 2014

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Ian Bond (Extn. 5167)
(E-mail: ian.bond@westlancs.gov.uk)

**SUBJECT: FULWOOD & DOUGLAS AVENUE, TARLETON AND JUNCTION LANE,
BURSCOUGH CONSERVATION AREA CHARACTER APPRAISAL
UPDATES**

Wards affected: Tarleton and Burscough East

1.0 PURPOSE OF REPORT

1.1 To consider the adoption of updated conservation area character appraisals for Fulwood and Douglas Avenue and Junction Lane Conservation Areas and report back to Members the results of the public consultation on both documents. To consider the representations received, whether changes are required as a result and to approve the Character Appraisal updates.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the decision to adopt the Fulwood and Douglas Avenue Conservation Area Character Appraisal (Appendix A) and the Junction Lane Conservation Area Character Appraisal (Appendix B) be delegated to the Assistant Director Planning in consultation with the Portfolio Holder for Planning and Development.

2.2 That the decision to extend the boundary of the Fulwood and Douglas Avenue Conservation Area designation by the inclusion of the area marked extension 1 on plan 2 at Appendix A be delegated to the Assistant Director Planning in consultation with the Portfolio Holder for Planning and Development.

- 2.3 That the decision to extend the boundary of the Junction Lane Conservation Area designation by the inclusion of the area marked extension 2 on plan 2 at Appendix B be delegated to the Assistant Director Planning in consultation with the Portfolio Holder for Planning and Development.
- 2.4 That in exercising the delegations at 2.1, 2.2 and 2.3 the Assistant Director Planning be authorised, in consultation with the Portfolio Holder for Planning and Development, to make any necessary amendments to the Appraisals and Conservation Area designations in the light of agreed comments made by Planning Committee.

3.0 RECOMMENDATION TO PLANNING COMMITTEE

- 3.1 That the report be considered and agreed comments be forwarded to the Assistant Director Planning.
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4.0 BACKGROUND

- 4.1 The update of the character appraisals for both the Fulwood and Douglas Avenue and Junction Lane Conservation Areas is part of a rolling programme of appraisals of all the Conservation Areas in West Lancashire. The Borough Council has an obligation under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas.

5.0 THE PURPOSE OF CONSERVATION AREA APPRAISALS AND THE REVIEW

- 5.1 The Planning (Listed Building and Conservation Areas) Act 1990 imposes a duty on local planning authorities to designate as Conservation Areas any “areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Conservation area appraisals aim to identify the special architectural or historic interest of conservation areas as well as clarifying any issues relating to boundaries. Local authorities should look to review areas to maintain and strengthen their commitment to their stewardship of the historic environment.
- 5.2 Due to the size, nature and location of both areas the character and appearance of both Fulwood and Douglas Avenue and Junction Lane Conservation Areas has not been subject to rapid change since the previous reviews. Therefore in this instance, the character appraisal update is not intended to supersede the previous appraisals, carried out in 1998, but aims to re-affirm the special architectural or historic interest of the area which justifies its designation. The exercise also adds a further layer of understanding by recording changes and potential threats to the character and appearance of the Conservation Area.

- 5.3 English Heritage guidance (*Understanding Place: Conservation Area Designation, Appraisal and Management*, 2011), states that the outcome of a review might typically be an addendum to the existing appraisal, recording what has changed, confirming (or redefining) the special interest that warrants designation, setting out any new recommendations and revising the area's management strategy.

6.0 THE REVIEW PROCEDURE

- 6.1 As part of this review an objective study was conducted, assessing the contribution (both architecturally and historically) of individual properties in both Conservation Areas. This work included a photographic survey of properties. The results of the exercise have helped develop a matrix which identifies the '*contribution*' made by buildings measured against the key characteristics of the Conservation Areas (buildings can either have a positive, neutral or negative contribution). The appraisal work also extended beyond the current boundaries of the Conservation Areas and has been used to examine the potential for extending the boundary of the Conservation Areas. This information is illustrated in plan form and is included in the draft character appraisal documents for both conservation areas.
- 6.2 The draft appraisal documents (copies attached to this report – appendices A and B) have been prepared using the previous reviews and the building assessments. A copy of the draft documents was sent to property addresses in the conservation areas, relevant Parish Councils and to properties affected by the draft proposals contained in the reviews. Copies of the appraisals were made available on the Council's website, placed in local libraries. Hard copies were available on request. The closing date for comments was the 26th September 2014. In total we received 4 comments on the draft documents (see attached Appendix D for further details).
- 6.3 Arising from the appraisal process are a number of recommendations, a summary of which follows.
- 6.4 In both conservation areas, the appraisal updates highlighted the fact that since the previous appraisal, the General Permitted Development Order (GPDO) has changed, allowing for the installation of solar photo voltaic (PV) or solar thermal equipment in certain locations on buildings without the need for Planning Permission. It acknowledges that at present there is no planning control over this type of work within either Conservation Area, although this could be achieved by including such works within a new Article 4 (2) Direction. As this is not felt to be a significant issue within either Conservation Area at this present time, the recommendation within both Appraisal Updates is not to amend the Article 4 (2) Direction to control the installation of solar photo voltaic (PV) or solar thermal equipment, but to retain it in its current form.

Fulwood and Douglas Avenue Conservation Area

- 6.5 Two potential extensions to the conservation area have been considered as part of the appraisal. Extension 1 is a modest extension which would include

two additional properties – No's 244 and 246 Hesketh Lane. These two properties are considered to display many of the same key characteristics (see Section 4 of the draft appraisal) as the properties within the existing conservation area and are visually, seen in the same context of the other properties, in the conservation area which are addressed along Hesketh Lane. It is recommended that these two properties are included and the Conservation Area boundary is duly amended to reflect the change.

6.6 The second extension considered in the draft appraisal document (paragraphs 6.12 - 6.14) relates to No's. 241, 243 and 247 to 261 (inclusive) Hesketh Lane. Although the value, to the street scene, of these properties is recognised as being important, they are not considered to display a consistency in the key characteristics highlighted as being important on the properties within the existing Conservation Area. The likely effect of extending the area to include these properties would be a watering down of the special character of the area. It is therefore not considered appropriate to take this extension forward.

6.7 The following issues were taken forward into the management plan:

- Inappropriate front boundary treatments in terms of walls fences, gates and gate posts.
- Gaps and/or poor condition of existing hedged boundaries.
- Large areas of hard standing or paving to the front of dwellings.
- Removal or loss of the original detailing and features of the important unlisted Edwardian properties.

It is proposed that that these issues will continue to be tackled through a number of means including the control of development and the use of enforcement action where it is appropriate to do so. Retaining the additional control of the Article 4 (2) Direction and providing advice to owners as requested and making residents aware of potential funding such as Conservation Area Grant schemes and the Hedging Grant scheme.

Junction Lane Conservation Area

6.8 Two potential extensions to the Conservation Area have been considered as part of the appraisal (see Map 2 within draft appraisal document).

6.9 Extension 1 would result in the inclusion of three properties located across the main road from the war memorial and the existing Conservation Area boundary – No's. 255, 263 and Clayton House located on Liverpool Road South. Whilst these properties share a number of characteristics with the properties within the conservation area, they are however disconnected from the rest of the properties by Liverpool Road South, which acts as a barrier to both movement and views in and out from the conservation area. The three properties are discretely located and would create a conservation area with a distorted and rather convoluted boundary. It is therefore not felt appropriate to take this extension forward.

6.10 Extension 2 would amend the conservation area boundary as it relates to the northern tip of the current area. The change would include a short section of brick wall fronting onto Junction Lane (a detail typical in the area) and a decorative terracotta garden wall with an elaborate balustrade detail located in front of No's 1b and to the side of 1a Junction Lane. This was likely part of the pleasure gardens of No. 1 Junction Lane which historically occupied a larger site. Currently a small section of the feature wall is included within the conservation area by virtue of it being located within the plot of No.1 Junction Lane. It would be appropriate both visually and historically to adjust the boundary of the conservation area to include the whole of the feature wall within it.

6.11 The following issues have been taken forward into the management plan:

- Concerns over the high volume of vehicular traffic on Junction Lane
- Bland surface treatment of carriageway and footway
- Gaps to existing hedges in conservation area.
- Inappropriate boundary treatments e.g. different wall styles or heights, removal of original gate piers
- Widening of driveways or extension of hard standing within the frontage of the plots
- Removal of the original detailing and features to important unlisted Victorian properties.

6.12 It is proposed that that these issues will be tackled through a number of means including the control of development and the use of enforcement action where it is appropriate to do so. Retaining the additional control of the Article 4 (2) Direction and providing advice to owners is also important. We also need to make residents aware of the potential funding for minor improvements that are currently available via the Conservation Area Grant scheme and the Hedging Grant scheme.

7.0 CONSULTATION RESPONSES

Fulwood and Douglas Avenue

7.1 In total, five responses were received from residents to the draft character appraisal update for Fulwood and Douglas Avenue Conservation Area. Details of the responses can be found in the Consultation report attached to this report (see Appendix C). The comments raise concerns with traffic congestion and road safety associated with the authorised use of No.2 Fulwood Avenue as a Nursery School. Concern is also expressed over the condition of the road surface in Fulwood Avenue. One respondent expressed the view that the area should no longer be designated a Conservation Area.

- 7.2 Two residents felt solar P.V panels were detrimental to the appearance of properties within the Conservation Area and supported the use of an Article 4(2) Direction to bring them within planning control.
- 7.3 One resident wrote in support of both proposed extensions (1 and 2) to the Conservation Area.

Junction Lane

- 7.4 Three responses were received to the draft character appraisal update for Junction Lane Conservation Area. Details of the responses can be found in Appendix D attached to this report. These were from residents living within the existing conservation area. The comments contained in two of the responses mainly related to a specific enforcement case involving the demolition of a wall on the edge of the Conservation Area. The respondents' comments on the importance of preserving boundary treatments, including walls are noted. Walls, in particular the role played by frontage walls, are already recognised as being important assets within the Character Appraisal update and their retention is supported within the Management Plan.
- 7.5 One resident supported the control of solar P.V panels through a change in the current Article 4(2) Direction. A further resident opposed this measure.
- 7.6 Two residents support proposed extensions 1 and 2 (identified in the draft appraisal) to the Junction Lane Conservation Area.

8.0 PROPOSED ACTIONS

- 8.1 Taking into account the comments received through the consultation I propose to take forward the recommendations identified in both the draft appraisals.
- 8.2 The boundary to Fulwood and Douglas Avenue Conservation Area will be amended to include No's 242 and 244 Hesketh Lane.
- 8.3 The boundary to Junction Lane Conservation Area will be amended to include the boundary feature and land in front of No's 1a and 1b Junction lane.
- 8.4 Whilst the comments are noted in relation to the harm caused by existing roof mounted Solar P.V installations I am unconvinced by the level of harm and feel the pressure to change is somewhat limited. I will however continue to monitor the issue and other permitted development in both conservation areas with a view to bring a further report on this matter, if the numbers of installations increase to significant levels.

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.
- 9.2 The need to continue with efforts to protect and improve the quality of the District's environment including the streetscene, natural and built heritage of our towns, villages and countryside has been identified as a key issue in the Sustainable Community Strategy.
- 9.3 The historic environment has an important role to play in contributing to sustainability in West Lancashire. The appraisals help value the distinctiveness of the local areas and provide a better understanding of the state of the physical and historical environment. The work seeks aims to improve the environment and cultural heritage of the wider community.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 There are no significant financial or resource implications arising from the Appraisal updates.
- 10.2 Small scale conservation area enhancement works including the Traditional Features Grant Scheme is currently supported by funding under the Conservation Area Enhancement budget within the Capital Programme.

11.0 RISK ASSESSMENT

- 11.1 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.

11.0 CONCLUSIONS

- 11.1 The review of the Borough's conservation areas remains important work, which is essential for the proper management of our important historic places. The re-appraisal work has confirmed that both Fulwood and Douglas Avenue and Junction lane Conservation Areas retain their special architectural or historic interest.

Background Documents

The background documents to this report (as defined in Section 100D(5) of the Local Government Act 1972) are as follows:

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
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- | | |
|------|---|
| 2011 | Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage) |
| 1998 | Fulwood and Douglas Conservation Area Appraisal |
| 1998 | Junction Lane Conservation Area Appraisal |

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

- A. Fulwood and Douglas Avenue Conservation Area Draft Character Appraisal
- B. Junction Lane Conservation Area Draft Character Appraisal
- C. Fulwood and Douglas Avenue Conservation Area Consultation responses
- D. Junction Lane Conservation Area Consultation responses
- E. Equality Impact Assessment
- F. Minute of Cabinet 11 November 2014 (Planning Committee only)



Fulwood and Douglas Avenue Conservation Area

Draft Character Appraisal



September 2014

1. Introduction

- 1.1. This appraisal is part of a rolling programme of appraisals of all the conservation areas in West Lancashire. The Borough Council has an obligation under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas.
- 1.2. The Fulwood and Douglas Avenue conservation area was designated by West Lancashire District Council in 1975. The two linked avenues form part of a small unique residential development that lies off Hesketh Lane in Tarleton, approximately 350 metres south of Hesketh Bank (see **Location Plan** for context). The two avenues form a pair of narrow, single carriageway access drives which run east towards the bank of the River Douglas. The properties, dating mainly from the turn of the 20th Century, are a mixture of large, bespoke designed detached and semi-detached houses.
- 1.3. The last appraisal of the conservation area was carried out in April 1998. Whilst we feel that the levels of change have been modest since that time, this document aims to identify and re-affirm the special architectural or historic interest of the area which justifies its designation. In this instance this review is not intended to supersede the previous 1998 appraisal, but rather adds a further layer of understanding in recording changes and potential threats to the character and appearance of the conservation area.
- 1.4. English Heritage, in its relevant guidance¹, states that the outcome of a review might typically result in an addendum to the existing appraisal, recording what has changed, confirming (or redefining) the special interest that warrants designation, setting out any new recommendations and revising the area's management strategy.
- 1.5. As part of this review an objective study has been conducted, which has assessed the contribution (both architecturally and historically) that individual properties make within the conservation area. This appraisal work has extended beyond the boundaries of the current conservation area and is used to examine the potential for extending the boundary of the conservation area. The outcome of this study is illustrated in **Map 2**.

2. Planning Policy Context

- 2.1. At a national level the National Planning Policy Framework (NPPF) sets out the Government's Planning policies for England and how these are expected to be applied. The *framework* recognises that a core role of the planning system is to conserve heritage so it can be enjoyed by future generations and sets out the wider social,

¹ Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage, March 2011).

cultural, economic and environmental benefits of heritage. Paragraph 127 of the NPPF states that local planning authorities should ensure that conservation areas justify their status because of their architectural or historic interest.

- 2.2. The West Lancashire Borough Council Local Plan Development Plan Document 2012 – 2027 guides development within the Borough. The vision for the plan is for West Lancashire to be an attractive place where people want to live, work and visit. The distinctiveness of West Lancashire including the contribution made by its historic buildings and places should be valued, sustained and where possible enhanced.
- 2.3. Policy EN4 of the Local Plan (Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets) identifies that the historic environment has an aesthetic value which helps create a unique sense of place. Protection is to be afforded the historic environment, and there is a presumption in favour of the conservation of designated heritage assets (which includes Conservation Areas).
- 2.4. The West Lancashire ‘Design Guide’ Supplementary Planning Guidance (published in January 2008) provides specific direction in relation to design, including works to buildings in the historic environment. It states that development proposals should always be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the building and/or wider area.

3. History and Development

- 3.1 A brief history of the Fulwood and Douglas Avenue conservation area and its surroundings was published in the 1998 conservation appraisal. This history, together with those of all the 28 conservation areas in the Borough, has been published in a document entitled *The Conservation Areas of West Lancashire: A Brief History (2007)* which is available to download from www.westlancs.gov.uk/heritage

4. Summary of Special Interest

Key Characteristics of the Conservation Area

- 4.1 Below is a list of key attributes of the conservation area;
 - Substantial and essentially bespoke designed, two-storey detached houses dating from the late C19 and early C20.
 - Regular residential plot sizes of approximately a quarter of an acre (0.1ha).

- The layout of the two avenues creates an *Arcadian*² feel with houses set centrally within generous, open plots within a mature landscape framework.
- Development of a consistent building line set back around 10 metres from the roadside, allowing space for open garden amenity space.
- Many of the traditional properties have an architectural form and detailing influenced by the *Arts and Crafts*³ movement.
- The use of front-facing two-storey gabled features to buildings.
- Feature bay windows to properties.
- A typical palette of materials drawn from smooth-faced red brick, white painted roughcast render, grey roofing slate and Rosemary red roof tiles.
- Typical late Victorian/ early Edwardian detailing to the houses, including the use of leaded window glass (including some coloured glass), open or semi-enclosed porches, the use of string or band feature courses and the use of decorative terracotta, timber and brick features.
- Prominent feature chimneys.
- Painted timber casement windows.
- Large detached garages (former coach houses) which mimic the materials and architectural styling of the houses.
- Overhanging or protruding roof eaves (supported by exposed roof *spar* ends or decorative brackets).
- Mature garden areas with hedges used as boundaries and to separate the plots.
- Uninterrupted enclosed views down both avenues framed by trees and hedges on either side.
- Relatively small areas of hardstanding within the residential curtilage – usually leading to a garage.
- Well-established mature tree cover which forms a canopy over the roads and softens the views of properties in the conservation area.

² An artistic and landscape movement which sought to achieve rural housing which, was more in harmony with the nature of its setting. Buildings were often to be viewed within their landscape settings.

³ 'Arts and Crafts' was an artistic movement which grew out of a concern for the effects of industrialisation. It valued traditional skills and natural materials.



One of the original Edwardian properties displaying a number of original features.



Another of the Edwardian properties - illustrating bespoke design but use of a common palette of materials and colours

4.2 The Fulwood and Douglas Avenue conservation area was designated in 1985 on the basis that it represented a well-defined example of an Edwardian residential park development in West Lancashire. The layout was achieved by applying a simple

'design code' on the sale of the plots, setting out a regular plot size, the building line and controlling the materials used for the construction of the houses.

- 4.3 Several new houses have been added in Fulwood Avenue in the decades since the original Edwardian development. Although these have commonly used differing materials, architectural styles and generally have been of a different mass and scale, the building line and regular plot size established at the initial conception of the development, has largely been respected. This has helped to preserve the overall coherent character and appearance of the conservation area.

5. Assessment of Special Interest

Location and Setting

- 5.1 The conservation area is located to the northern edge of Tarleton and is part of a linear urban area which has stretched out along Hesketh Lane from the village centre, connecting with Hesketh Bank. The surrounding landscape is agricultural in nature with market gardening predominant on the mosslands to the west of the settlement.
- 5.2 Being adjacent to the River Douglas, the land at the eastern end of the conservation area gently slopes towards a wooded river terrace. Beyond the last house on Douglas Avenue, the land falls away down to the former railway embankment and the bank of the River Douglas beyond.
- 5.3 Views into the conservation area are restricted by a framework of dense tree and vegetation cover to the west and east. To the north, the views are restricted by residential development along Greenways. The views south of Douglas Avenue are across a small open pasture and east across the River Douglas over the fields beyond, both serve to give a semi-rural context and feel to the area. These views are illustrated in **Map 2**.

Historic Development

- 5.4 Tarleton and Hesketh Bank originally developed as agricultural communities on a narrow ridge above the River Douglas and River Ribble flood plains. Small scale farm development occurred in the mid to late 19th century, taking advantage of land drainage and the benefits of the fertile soils to the west of the villages.
- 5.5 Linear residential expansion followed in the period after the opening of the Preston to Southport railway in 1882. A new Railway Station and a Station Hotel were built approximately 0.5km north of the conservation area, in Hesketh Bank to take advantage of the new trade in salad goods to feed the expanding populations in Preston, Southport and Liverpool. Landowners and speculative housing developers began to recognise the opportunities this presented, including attracting wealthy Southport businessmen and merchants to a quieter, semi-rural environment. The area

was envisaged as “residences for businessmen who like to mix with the rapid action of their town and business life, some of the pleasures and quietness which can only be found on the countryside”.⁴

- 5.6 Development in the locality was aided by the sale of land by the Hesketh family who were large landowners in the area. Two major sales of land took place, the first in 1882 and the second in 1915. In the second of these sales Henry Alty bought 40 acres with the purpose of disposal for residential development. A Southport newspaper article in 1898 clearly showed the high demand for proposed development in Hesketh Bank at the time, with Fulwood and Douglas Avenues fitting into this new planned pattern of villa residences. In preparation for the construction of the new dwellings, essential services such as water and sewage were provided and trees were planted to provide a more attractive environment for the houses.
- 5.7 The main phases of development in the Fulwood/Douglas Avenue conservation area occurred over a period of more than 30 years from around 1893 until 1931. Douglas Avenue was extensively completed in the first phase between 1893 and the end of the Edwardian period. The principle properties on Fulwood Avenue were constructed in a second phase lasting up until the early 1930s. The remaining residential development has occurred gradually over the ensuing years as the residual plots were sold off. This phasing for the development is described below and illustrated in **Map 1**:
- First Phase (*late Victorian/Edwardian period*) from 1893 – 1911; construction of Nos. 1, 3, 5, 7, 9 and 11 Douglas Avenue, Nos. 236, 238 and 240 Hesketh Lane and Nos. 2 and 3 Fulwood Avenue.
 - Second Phase (*Arts and Crafts period*) from 1911 – 1931; Nos. 1, 5, 7 and 11 Fulwood Avenue built.
 - Third Phase (*Post War Modern period*) from;
 - (A) 1955 – 1963; Nos. 4 and 6 Fulwood Avenue constructed.
 - (B) 1963 – 1971; No 9 Fulwood Avenue and 240a Hesketh Lane.
 - (C) 1984 – 1992; No 11a Fulwood Avenue.
 - (D) 1992 onwards; Nos. 8 and 10 Fulwood Avenue.

Layout, Architectural Quality and Built Form

- 5.8 Fulwood and Douglas Avenue lies 0.5km south of the site of the former brickworks owned by Mr Henry Alty, who purchased the land for residential development. The bricks were made from locally sourced clay which was dug from the banks of the adjacent River Douglas. Contemporary reports claimed that the brickworks, at peak capacity, were capable of producing 25,000 bricks a day. It is likely that these local bricks were used in the construction of the original houses within the conservation area.

⁴ ‘More about Hesketh and Becconsall’ T.E Whittingham (1986).

5.9 The houses in Fulwood and Douglas Avenue were advertised at the time of construction, within a local newspaper, as being “villa residences” with enough grounds for a tennis or croquet lawn – popular active pastimes of the era. Building plots of approximately ¼ acre (0.1ha) were sold off separately to individuals, but in order to ensure consistent quality in the layout and appearance of the houses, covenants established rules (similar to modern-day planning controls or the application of a *design code*⁵).

5.10 The covenant restricted the housing layout and materials used for the houses. An extract from the covenant stipulates that each site should be provided:

“One dwellinghouse with suitable outbuildings and a coach house and stable” and that “all buildings had to be constructed of good brick or stone or both, set in lime mortar and sound timber and ... covered with good Cumberland or Welsh slates or terracotta tiles”.

5.11 The architectural style and design of the early (first phase) houses on Douglas Avenue follow the common convention borrowed from late Victorian domestic architecture of the period. Details include the use of engineered red brick and stone sills, natural grey slate roofs with ‘Gothic’ architectural detailing. The early phase of houses, from this period, are noted as having a greater floor to ceiling height and vertical emphasis with tall, narrower window openings (sliding sash windows) and steeply pitched gables with turned painted timber finials.

5.12 At the turn of the 20th Century the *Arts and Crafts* movement was starting to influence domestic architecture, with house styles starting to move away from the ubiquitous Victorian Gothic common throughout the country. The Edwardian period also brought in a ‘lighter’ touch to house design with the introduction of cottage features, applied timber detailing, use of rendered elevations, feature porches and coloured glass.

5.13 The second phase of development, typified in Fulwood Avenue, has house styles using half timbering detailing to the gables, elaborate wooden porches and the variety of bay windows with leaded light detailing. The transition in architectural style during this time can be seen in the contrast in the appearance between the Douglas Avenue properties and Nos. 2 and 3 Fulwood Avenue, which appear more influenced by the *Arts and Crafts* movement. The use of a roughcast finish to walls, deep gables, exposed roof spar ends, tall chimneys and a variety of bay window styles typifies this cottage *vernacular*⁶ style that was popularly employed by speculative builders in the expansion of many towns and suburbs.

⁵ A design code is a set of illustrated design rules and requirements which instruct and can help guide the physical development of a site or area.

⁶ Vernacular architecture is commonly based upon housing forms reflecting local traditions and materials rather than mainstream fashions and styles.

- 5.14 The layout within the plots also differs. The style of Nos. 2 and 3 Fulwood Avenue create a more naturalistic relationship between the house and garden setting. However, development along Douglas Avenue has a more built-up and suburban feel – particularly evident in its inclusion of semi-detached houses.

Open Space, Parks, Gardens and Trees



Fulwood Avenue

- 5.15 The entrance to Douglas Avenue is marked by two cast iron gate posts, which most likely date from the original layout and development of the road. There are no similar gateposts at the entrance to Fulwood Avenue, although a rounded metal base at the entrance to this avenue possibly suggests that metal estate fencing marked the original boundary. The boundary of the properties is generally informal hedging, interspersed with large, mature trees. There are a number of individual trees, groups of trees and an area of woodland within the conservation area that are protected by designation. These are illustrated in **Map 2**.
- 5.16 Although the western end of the conservation area is impacted upon, somewhat, by traffic noise from Hesketh Lane, the trees and hedges and narrow carriageway width helps enclose the area and limit its impact.
- 5.17 The absence of footpaths and the general lack of vehicles entering both roads mean that the area is relatively peaceful creating a more tranquil, rural feel when compared to the surrounding residential developments along Hesketh Lane.

- 5.18 Apart from the garden spaces which are important in providing a setting for the residential properties, an important open area is the mixed formal/informal garden area belonging to No. 11 Douglas Avenue, which lies at the eastern end of the conservation area.
- 5.19 The two avenues function, in essence, as two Cul-de-Sacs as Fulwood Avenue is effectively blocked at the end, preventing vehicular access on to Douglas Avenue. They are, however, linked by an unmade track. The informal nature of the track greatly contributes to the rural feel in the eastern portion of the conservation area.

6. Further Action and Issues

Possible changes to the conservation area boundary

- 6.1 In relation to conservation areas, national planning guidance states that when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. Although this section specifically refers to designation, this principle is also be used when considering boundary revisions to existing conservation areas.
- 6.2 The boundary of the Fulwood/Douglas Avenue conservation area has remained the same since its designation in 1985 and is tightly drawn around the two avenues. This is largely because the adjacent properties on Hesketh Lane do not share the same history and the age and architectural style of the properties becomes more varied. However, it is clear that some of the dwellings, close too, and adjoining the current conservation area, date from a similar period and echo some of the detailing and features commonly found within the Conservation Area. For example 242 Hesketh Lane is similar in appearance to properties on Fulwood Avenue.
- 6.3 As part of any re-appraisal of a conservation area, it is good practice to assess properties beyond the current boundary. With this in mind as part of the survey/evaluation process, a number of properties in close proximity to the existing boundary have been identified (using the same criteria as those within the conservation area) for their possible inclusion within the existing conservation area. These have been divided into two possible extensions to the conservation area and have each been assessed to determine the extent to which they reflect the conservation area's key characteristics (identified in Section 4).
- 6.4 In line with English Heritage guidance⁷ we propose that the possible extensions, set out below, should be subject to public scrutiny and consultation with local residents before a decision is taken to amend the conservation area boundary.

⁷ Paragraphs 1.13-1.16 Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage, March 2011).

- 6.5 A Local Authority's power to cancel or vary a designation is given by Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of procedure, the local authority must follow the same publicity procedures to vary or cancel a designation as they do to designate an area. In addition, notice will be given to the Secretary of State and English Heritage with details of the area affected.

The following possible extensions are illustrated in **Map 2**:

Possible Extension 1

Nos. 242 and 244 Hesketh Lane

- These two properties lie immediately north of the existing conservation area fronting onto Hesketh Lane. Both properties were likely built at a similar time to the main phases of development in the conservation area (between 1893 – 1931). They share similar sized plots to properties within the conservation area and are positioned set back from the road on a similar building line to Nos. 238 and 240 Hesketh Lane. Both properties have some degree of hedged boundary, but have also seen their front gardens eroded by hard standing and parking areas.
- 6.7 Both properties have mature trees and gardens which visually contribute positively to the setting of the current conservation area, albeit No. 244 has a reduced garden at the front of the property.
- 6.8 No. 242 is a former Doctor's Surgery. Externally it exhibits a number of architectural features typical of the *Arts and Crafts* period, including the use of roughcast render and brick elevations, bay windows, gable features with exposed roof spars, prominent chimneys and corner detailing. It retains a number of its original features and is appears contemporaneous with the styles evident on Fulwood Avenue.
- 6.9 Whilst there has been some loss of detailing on both properties, most noticeably, the loss of original windows, the form, scale, layout and the shared (group) value between both properties remains positive and they appear a contiguous part of the adjacent conservation area.
- 6.10 No. 244 is perhaps later in age but still has an architectural form and detailing commonly expressed by properties within the conservation area, albeit it is acknowledged to be plainer in style. This detail includes red brick elevations with first floor rendered panels and dentil course detailing to the windows surrounds. Other features, common to those in the conservation area, include a feature bay window, a prominent front facing gable, slate roof, timber fascia and tall brick chimneys.



242 Hesketh Lane



244 Hesketh Lane

- 6.11 Having considered the above, our recommendation, subject to consultation with local residents and consideration of any comments received, is that these two properties should be added into the conservation area.

Recommendation – *To amend the conservation boundary to include Nos. 242 and 244 Hesketh Lane, Tarleton.*

Possible Extension 2

6.12 (A) Nos. 247 - 253 Hesketh Lane

This group of 4 properties, made up of 2 pairs of semi-detached brick houses, were built in a similar period to those within the conservation area and display a number of common characteristics with properties in both Fulwood and Douglas Avenues. These include timber porches, feature gable ends (Nos. 251 and 253 have half-timbered detailing), slated feature front bay windows and feature chimney stacks. However, it is clear that the architectural form of the properties is different and there has been some loss in detailing, with some original features – e.g. doors and windows have been replaced with UPVC. The plot sizes are also different – being much longer and narrower with less space to the sides than those within the conservation area and the buildings themselves are sited slightly further forward. As a result most of the frontage areas are given over to hardstanding for parking of vehicles. This diminishes the appearance of the frontage and diverges from the more typical sense of space afforded properties found within the conservation area.



249 Hesketh Lane



251 Hesketh Lane

6.13 **(B) Nos. 241, 243 & 255 – 261 Hesketh Lane**

These represent three pairs of smaller semi-detached, red brick properties adjacent the conservation area. Nos. 241 and 243 are immediately opposite (to the west of) the conservation area and Nos. 255 - 261 lie to the north west on the opposite side of Hesketh Lane to Nos. 242 and 244 (see possible extension 1). Whilst the properties probably date from the early C20 and have some interesting detailing including small ground floor splayed front bays and ornate arched brick door surrounds, they differ greatly from those found in the conservation area in terms of architectural appearance, detailing and plot size. A higher proportion of the original building features have been lost or replaced and this has resulted in a loss in the clarity of their original design. The best example, No. 261 has retained most of its original features, including timber sash windows with upper leaded stained glass detailing to the upper lights.



255 Hesketh Lane



261 Hesketh Lane

6.14 Whilst it is noted that both groups of properties identified in the possible extensions A and B, are of value in themselves they do not however have either a strong architectural or historic association with the development of Fulwood and Douglas Avenue. Their contribution to the areas character and or appearance would therefore be limited.

Recommendation – *Not to amend the conservation boundary to include either possible extensions A or B indicated above.*

7. Article 4 (2) Direction

7.1 Households and property owners within the conservation area have had their permitted development rights to carry out certain works, without planning permission removed. The implications of the ‘direction’ are summarised below:

Element of Article 4(2) Direction	Importance in the context of the Fulwood Avenue/Douglas Avenue Conservation Area
Erection, alteration or removal of a chimney on dwelling or building in curtilage.	These features are important in the context of the buildings in this Conservation Area, particularly those identified as being important unlisted buildings.
Enlargement, improvement or other alteration of a dwelling.*	Strong justification is required to remove this particular right and the Council feels that it is justified in respect of this Conservation Area.
Alteration of dwelling roof.*	Alteration to inappropriate roof materials in this Conservation Area would severely affect its character as the slate and red tiled roofs are distinctive features.
Erection/construction of a porch outside any external door.*	Such development would have a major effect on the character of the area.
Provision within curtilage of a building, enclosure, swimming or other pool incidental to the enjoyment of the dwelling or required for the maintenance, improvement or alteration of building or enclosure.*	The provision of such features which do not currently require planning permission would have a great effect upon this particular Conservation Area.
Creation of hard surfaces within the curtilage of a house incidental to its enjoyment.*	The introduction of hard surfaced areas in a couple of cases has already affected the character of this Conservation Area and future control should be exercised.

Installation, alteration or replacement of satellite antenna on house or curtilage.*	Satellite antenna will need to be controlled to ensure that they are correctly sited.
Erection or demolition of gates, fences, walls or other means of enclosure within the curtilage.*	Boundary hedgerows are particularly important features in this Conservation Area and control is required over their replacement by walls.
Painting of a dwelling or building or enclosure within the curtilage.*	Inappropriate painting of the buildings would affect the character of the Conservation Area.

* In respect of these developments a direction only relates to those developments fronting a highway, a waterway or an open space (defined as any land laid out as a public garden, or used for the purposes of public recreation, or land which is a disused burial ground). In the case of an extension, if any part such as the side fronts the highway etc. then this will be covered. Sec of State states that powers in relation to extensions should only be used exceptionally.

7.2 The Council considers that following this review of the Fulwood Avenue/Douglas Avenue conservation area, there remains a clear justification for the continued application of an Article 4 (2) Direction. This should continue to be applied across the whole of the conservation area and relate to the aspects of development as set out in the above table.

7.3 Since the previous Appraisal, the General Permitted Development Order⁸ has been changed, allowing for the installation of solar photo voltaic (PV) or solar thermal equipment in certain locations on buildings without the need for Planning Permission.

7.4 At present there is no planning control over this type of work within the conservation area, although this could be achieved by including such works within a new Article 4 (2) Direction. However, although some solar PV/thermal panels have been installed within the conservation area in recent years, there is not felt to be sufficient pressure, at the current time, to cause serious harm to either the character or appearance of the conservation area.

Recommendation – *To retain the Article 4 (2) Direction in its current form.*

8. Further Development in the Conservation Area

8.1 One of the threats identified within the conservation area appraisal (see Management issues – Part 9 below) is the possibility of future pressure for further development. The residential plots along both avenues are quite large and are on the

⁸ The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2011 – Part 40 of Schedule 2

whole of a regular size – an aspect which has been identified (Section 4) as positively contributing to the character and appearance of the area.

- 8.2 Maintaining a regular plot size and layout consistent with the majority of the conservation area is therefore important. Some parts of the conservation area however do not exert that characteristic and it would be wrong to apply a uniform design code across the whole of the area. The plot relating to No. 11 Douglas Avenue is particularly large and unlike that belonging to 11 Fulwood Avenue, has never been sub-divided. If any significant development proposals did come forward in the future, their impact upon the character and appearance of the conservation area will need to be carefully assessed.

9. Positive Contributors to the Conservation Area

- 9.1 The key characteristics of the conservation area, as identified in section 4.1, form the basis of the positive contributors to the area. This includes the value of the original development, in terms of the buildings and landscape and the intrinsic link between the two. **Map 2** also illustrates the outcome of an assessment of the houses within the conservation area – including those that make a positive contribution to the special character of the area.

10. Management issues

- 10.1 The Management Plan for a conservation area is an essential tool in ensuring the special character of the area is preserved and enhanced. The issues identified during the previous (1998) Appraisal included:

- Inappropriate boundary treatments in terms of walls, gate posts and gaps in hedging.
- Large areas of hard standing or paving to the front of dwellings.
- Modern lighting columns on Fulwood Avenue and Douglas Avenue.
- Gaps in the lines of trees alongside the Avenues.
- Removal of the original leaded windows on some of the important unlisted Edwardian properties.
- Poor condition of the gateposts at the entrance to Douglas Avenue and the lack of a similar feature at Fulwood Avenue.

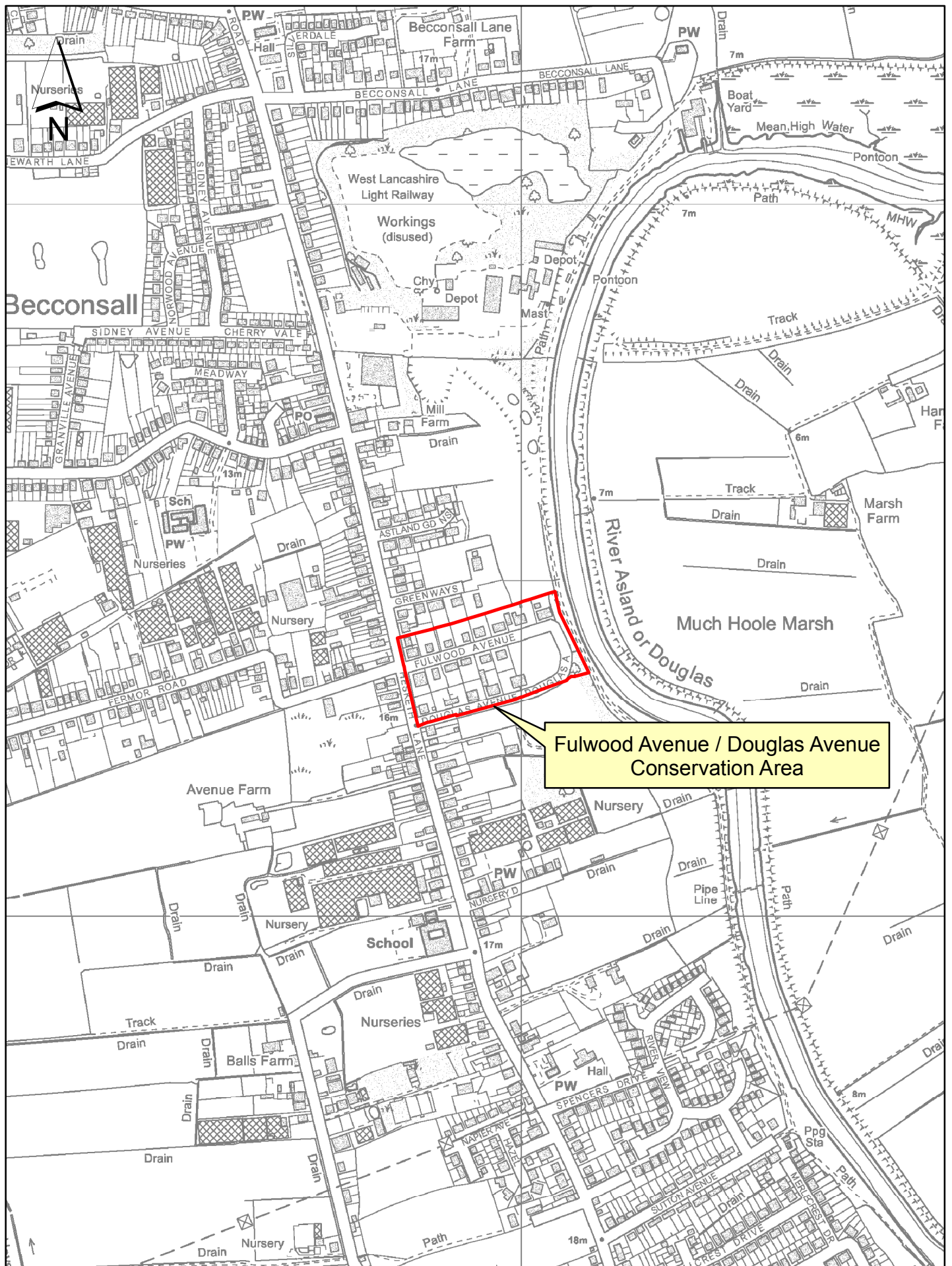
- 10.2 In terms of progress made with regards to these issues, the modern lighting columns have since been replaced with those of a more sympathetic design. The gateposts at the entrance to Douglas Avenue have also since been painted, although this will be a continuing maintenance requirement. A number of trees and groups of trees within the conservation area are protected by Tree Preservation Orders. These are

illustrated in Appendix 2. Works to trees within the conservation area are controlled by the Council under existing planning legislation, which requires prior notification of the any works to prune or fell trees.

10.3 The following issues have been identified as part of this current update and/or are issues which were identified during the 1998 appraisal and remain relevant;

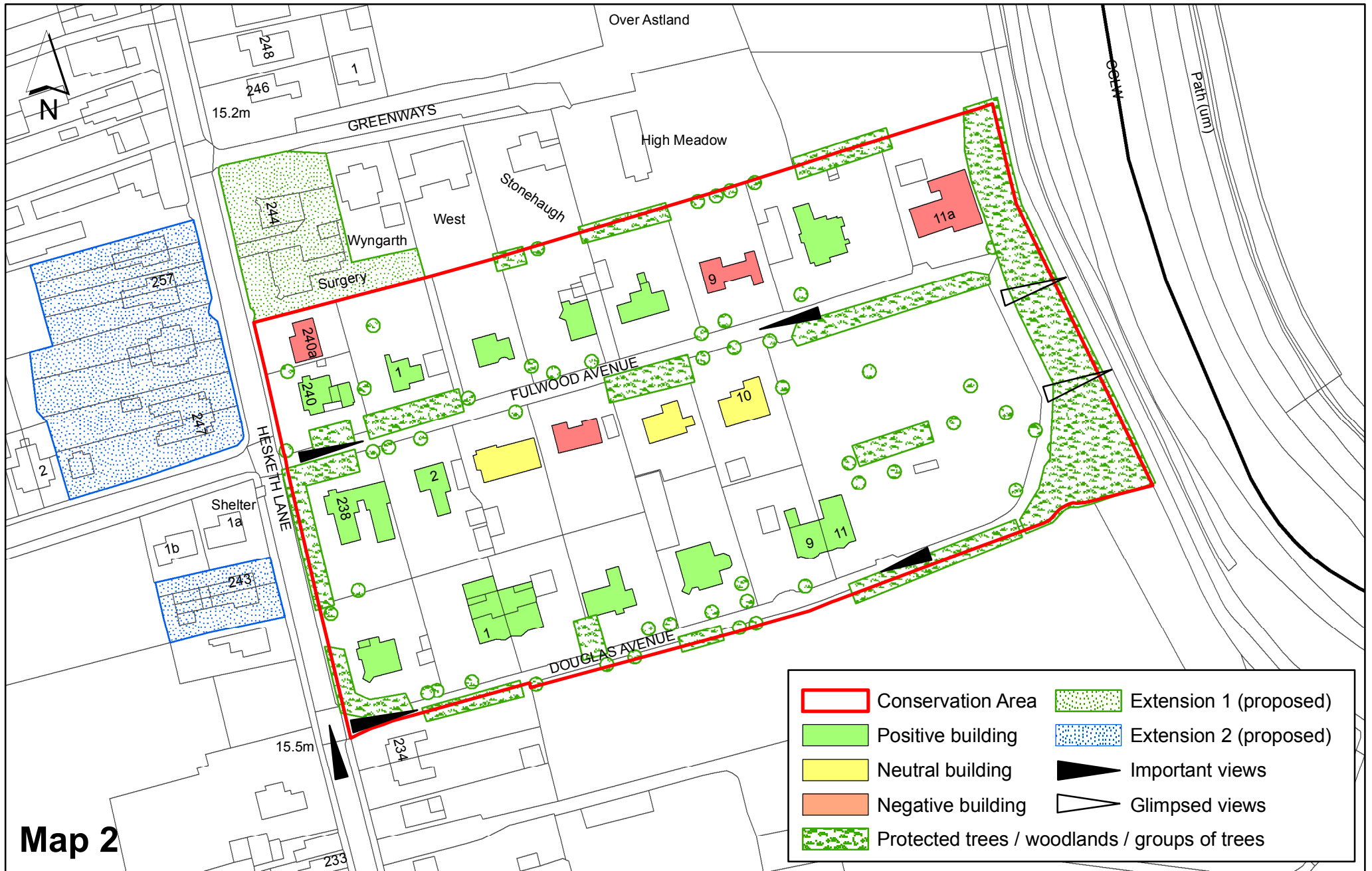
Issue	Action required	Implementation
Inappropriate front boundary treatments in terms of walls, fences, gates and gate posts.	In the long term to seek the replacement of any walls/fences with more appropriate boundary treatments (native species hedges).	The Article 4 (2) Direction aims to prevent the erection of further inappropriate walls/ fences/gates. Residents to be made aware of the Hedging Grant Scheme available for the repair or reinstatement of hedging.
Gaps and/or poor condition of existing hedged boundaries.	Replant gaps in existing hedging by additional planting.	Residents to be made aware of the Hedging Grant Scheme for the planting of appropriate hedging.
Large areas of hard standing or paving to the front of dwellings.	Encourage the removal of hard surfaces and their replacement with smaller parking areas and natural vegetation (gardens).	Through negotiation with landowners and the Article 4 (2) Direction to prevent further such development.
Removal or loss of the original detailing and features of the important unlisted Edwardian properties.	Encourage the restoration of any lost traditional features. Use of development control powers to prevent any further loss of traditional features and where possible require the reinstatement or restoration of important historical features.	Providing advice to owners as requested and making residents aware of potential funding through Conservation Area Grant schemes. Through the control of development and use of enforcement section under Article 4 (2) Direction powers.

10.4 This document and the Appraisal document highlight the important features and the areas where action will be desirable in the future. How the works are financed largely depends on the ownership situation and on the availability of public sector finance to support those works that are not viable for the landowners. It is expected that the checklist above will be used as a starting point for determining the areas for priority action and for where funds should be targeted in the future should they become available.



Fulwood Avenue / Douglas Avenue
Conservation Area







Junction Lane Conservation Area

Draft Character Appraisal



September 2014

1. Introduction

- 1.1 This appraisal is part of a rolling programme of appraisals of all the conservation areas in West Lancashire. The Borough Council has an obligation under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to review, from time to time, its Conservation Area designations, and under Section 71 of this Act to formulate and publish proposals for the preservation and enhancement of these areas.
- 1.2 The Junction Lane conservation area is a good example of a Victorian residential development, containing some impressive historic buildings which contribute significantly to the quality of the environment in Burscough. The Junction Lane Conservation Area was designated by West Lancashire District Council in 1985. It was extended in 1998 to include numbers 1-15 (odd) Junction Lane, plus 31 Junction Lane – the former Junction Hotel and the War memorial and memorial garden, in which it is located (see **Location Map**).
- 1.3 The last appraisal of the conservation area was carried out in 1998. Whilst we feel that the levels of change have been modest since that time, this document aims to identify and re-affirm the special architectural or historic interest of the area which justifies its designation. In this instance this review is not intended to supersede the previous 1998 appraisal, but rather adds a further layer of understanding in recording changes and potential threats to the character and appearance of the conservation area.
- 1.4 English Heritage, in its relevant guidance¹, states that the outcome of a review might typically result in an addendum to the existing appraisal, recording what has changed, confirming (or redefining) the special interest that warrants designation, setting out any new recommendations and revising the area's management strategy.
- 1.5 As part of this review an objective study has been conducted, which has assessed the contribution (both architecturally and historically) that individual properties make within the conservation area. This appraisal work has extended beyond the boundaries of the current conservation area and is used to examine the potential for extending the boundary of the conservation area. The outcome of this study is illustrated in **Map 2**.

2. Planning Policy Context

- 2.1. At a national level the National Planning Policy Framework (NPPF) sets out the Government's Planning policies for England and how these are expected to be applied. The *framework* recognises that a core role of the planning system is to

¹ Understanding Place: Conservation Area Designation, Appraisal and Management (English Heritage, March 2011).

conserve heritage so it can be enjoyed by future generations and sets out the wider social, cultural, economic and environmental benefits of heritage.

- 2.2 Paragraph 127 of the NPPF states that local planning authorities should ensure that conservation areas justify their status because of their architectural or historic interest.
- 2.3 The West Lancashire Borough Council Local Plan Development Plan Document 2012 – 2027 guides development within the Borough. The vision for the plan is for West Lancashire to be an attractive place where people want to live, work and visit. The distinctiveness of West Lancashire including the contribution made by its historic buildings and places should be valued, sustained and where possible enhanced.
- 2.4 Policy EN4 of the Local Plan (Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets) identifies that the historic environment has an aesthetic value which helps create a unique sense of place. Protection is to be afforded the historic environment, and there is a presumption in favour of the conservation of designated heritage assets (which includes conservation areas).
- 2.5 The West Lancashire ‘Design Guide’ Supplementary Planning Guidance (published in January 2008) provides specific direction in relation to design, including works to buildings in the historic environment. It states that development proposals should always be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the building and/or wider area.
- 2.6 In the wider context, Burscough is the Borough’s third largest settlement. It is designated in the Local Plan through Policy GN1 ‘Settlement Boundaries’ as a Key Service Centre – this makes it a key location for new development.

3. History and Development

- 3.1 A brief history of the Junction Lane conservation area and its surroundings was published in the 1998 conservation appraisal. This history, together with those of all the 28 conservation areas in the Borough, has been published in a document entitled *The Conservation Areas of West Lancashire: A Brief History (2007)* which is available to download from www.westlancs.gov.uk/heritage

4. Summary of Special Interest

- 4.1 The Junction Lane Conservation Area is a Victorian development possessing significant group value, visually illustrating the era’s eclectic architectural style. The area represents the Victorian period of prosperity in Burscough, owing to its location at the junction between the Leeds-Liverpool Canal and railway. The re-naming of

what was previously known as 'Old Green Lane' to Junction Lane reflected the importance of the railway's arrival to Burscough.

4.2 Key Characteristics of the Conservation Area

- The linear form of development which affords views along the whole of the conservation area.
- Numbers 5 -15 Junction Lane are substantial two storey semi-detached houses constructed of 'fair faced', mellow red brick which demonstrate a number of Victorian details including:
 - Painted sandstone dressings for window cills, and heads, incorporating a carved floral design above the ground floor bay window
 - Steeply pitched roofs covered with natural blue slate
 - Overhanging roofs with sculptured barge boards and pronounced eaves supported on moulded brackets or corbels
 - Cast iron rain water goods
 - Painted timber vertical sliding sash windows with horns and without glazing bars.
 - Large porches located to the side of the property, featuring fine detail including moulded painted plasterwork to the eaves and gothic arched windows.
- Numbers 21 – 23 Junction Lane are substantial 2½ storey Victorian red brick, blue slate roofed properties with decorative coloured black and buff brick banding. Detailing includes decorative barge boards and sandstone dressings for window cills, and heads, incorporating a carved design above the first floor windows.
- Numbers 12 – 20 and 25 Junction Lane are substantial 2/3 storey villa-style properties, all of which (apart from number 16-18) are detached.
- Number 20 reflects the Victorian taste for Gothic architecture with its ecclesiastical² detailing and is the only property faced with a buff coloured stone rather than brick
- Numbers 27 and 29 are smaller scale semi-detached brick built and slate roofed properties. They have buff sandstone dressings for window cills and heads, canted bay windows to the ground floor, 2 over 2 sash windows and wood panelled doors with plain fanlights over.
- Most houses in the area have generous plot sizes of around 100m² and a building line set back to around 10m creating a feeling of openness and spaciousness – of villas within a garden setting.
- Well-established tree cover to the frontages of the properties, which forms a canopy over the roads and softens the built features.

² Contains architectural elements which display features found in Church architecture, including mullioned windows, a Canterbury cross and pinnacle in the shape of a Christian cross.

- Mature gardens with defined boundaries created by brick walls or hedges.
- A number of properties on the eastern side of Junction Lane have retained their original brick front boundary walls with stone capping and some also have ornate gate piers, inscribed with the name of the property. Others have re-built them in a similar style.
- Most front boundaries on the western side are formed by hedges.



5. Assessment of Special Interest

Location and Setting

- 5.1 The Junction Lane conservation area is close to the town centre of Burscough and is entirely surrounded by urban land uses. To the North West and South East of the conservation area there are residential developments of varying ages and density. To the North East is a former industrial site which is currently the site of a new housing development – including new build homes and the conversion of the former Ainscough Flour Mill to apartments. To the South West is a recreational Park. Junction Lane itself is a busy route, linking the Liverpool to Preston, A59 to the A5209 and the M6 beyond. Close by to the east is the Liverpool to Preston railway line and Burscough Junction Station only 75 metres from the conservation area. The Leeds - Liverpool Canal is approximately half a kilometre to the north of the conservation area.
- 5.2 Burscough is situated some 50 feet above sea level, on a low sandy ridge standing above what was formerly inhospitable marshy land. The higher ground was a more attractive place to live and developed as a communication route.

- 5.3 The conservation area and the immediate surrounding area is extensively flat, although the road rises as it passes over the railway line. The long straight nature of Junction Lane enables views through and along the conservation area (east to west and vice versa). Trees and shrubs in the front gardens of properties filter expansive views of the buildings from the roadside. Views of the roofscape can be seen from the bridge over the railway. The important views within and outside the conservation area are illustrated in **Map 2**.

Historic Development

- 5.4 Prehistoric relics such as ancient canoes have been found around Burscough, confirming that it had prehistoric inhabitants, probably attracted by the fish in the nearby Martin Mere which was then much larger than it is at present. However, there are no known sites of archaeological interest within the conservation area. There is a reference to Burscough at the end of the 12th Century being called “Burgustud”, suggesting a Norse origin. The settlement was raised in status by the founding of the nearby Burscough Priory in 1189 under the Augustinian Order who ran a Leper Hospital. The Priory had a major influence on the settlement until its dissolution in 1536.
- 5.5 The draining of Martin Mere began in 1692, and enabled the reclaimed fertile land to be put to intensive agricultural use, and Burscough became a centre for the sale and processing of agricultural produce. This role was given impetus by Burscough’s role as a communication centre: the Liverpool to Preston road became a turnpike in 1771; the Leeds and Liverpool Canal was commenced in 1774; the Liverpool, Ormskirk and Preston railway was opened in 1849 and the Southport to Wigan line was opened in 1855.
- 5.6 From examination of historic mapping of the area it is apparent that the phasing of development along Junction Lane occurred as follows:
- The original development took place between 1845 and 1893
 - The second phase, during the 1930s, saw nos. 12 and 14 built
 - The third phase during the 1980s/1990s saw the houses within the grounds of no. 1 Junction Lane and the Lathom Close mews development to the rear of no. 25 constructed.

This phasing is illustrated in **Map 1**.

Layout, Architectural Quality and Built Form

- 5.7 The War Memorial and no. 1 Junction Lane with its unusual red brick extension mark the current entrance to the conservation area which continues down to the station.

5.8 Most properties within the conservation area have plots of a regular size and shape, the average plot size being around 100m². Exceptions to this are:

- The Lathom Close development which was formed from the garden space of no. 25
- Numbers 27 and 29 both have plots of reduced depth, possibly due to the previous sale of land to the rear.
- Numbers 1a – 1d which were created from the sub-division of the plot of no. 1 during the latter half of the 20th century. There remains physical evidence that this was once all part of one large garden space in the retention of a red brick wall with distinctive baluster feature which runs in front of both 1a and 1b Junction Lane.



Former garden feature of no. 1 running in front of no. 1b Junction Lane

5.9 The architectural style of the original houses on Junction Lane is typically late Victorian. As a group they provide a visual illustration of how speculative builders of the era made use of the canals and new railways, enabling the easier and cheaper transportation of building materials. The buildings within the Conservation Area demonstrate High Victorian eclecticism to a greater or lesser degree. This includes the craze for including a variety of colours and textures in their façades, a combination of different architectural styles including some with strong Gothic elements (particularly no. 20), and others using a more simple vernacular building style with some Gothic overtones.

Open Space, Parks, Gardens and Trees

5.10 There is one area of public open space within the conservation area. This is the memorial garden area at the corner of Liverpool Road South and Junction Lane which provides the setting for the war memorial. It is characterised by low, clipped

hedging, formal flower beds and grassed areas intersected by tarmac paths. Recent additions include bench seating.



- 5.11 In the rest of the conservation area, one of the most important aspects and defining features is the tree cover, particularly along the Junction Lane frontages. Every garden has at least one mature specimen tree in the front, side and rear garden. There is a wide range of species, including holly, chestnut, beech and silver birch. The trees are important to the conservation area for many reasons, not least because they are attractive features in their own right. They also add colour to the area, changing with the seasons, soften the hard edges of buildings and structures and can screen and frame views. There are a number of individual trees and groups of trees within the conservation area that are protected by designation. These are illustrated in **Map 2**.
- 5.12 Many of the boundaries to properties along Junction Lane are created by hedges and shrubs, both evergreen, such as holly, privet, yew and laurel, and deciduous such as hawthorn.
- 5.13 The footways and the carriageway are all surfaced with black bitumen, as are many of the private drives. The kerbs are all relatively modern concrete.

6. Further Action and Issues

Possible changes to the conservation area boundary

- 6.1 In relation to conservation areas, national planning guidance states that when considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest. Although this section specifically refers to designation, this principle is also be used when considering boundary revisions to existing conservation areas.
- 6.2 The boundary of the Junction Lane conservation area was extended in 1998 to include numbers 1-15 (odd) Junction Lane, plus 31 Junction Lane – the former Junction Hotel and the War memorial and small park in which it is sited.
- 6.3 Any review of a conservation area should further assess properties beyond the current boundary, whilst ensuring it remains coherent and does not contain features which dilute the special character of the area. As part of this survey process, a number of properties in close proximity to the existing boundary were evaluated for their potential for inclusion within an extension. Two possible extensions have been assessed to determine the extent to which they reflect the conservation area’s key characteristics. They will be subject to further public consultation before any further action is taken and would require Council approval as part of any agreed appraisal.
- 6.4 On both Liverpool Road North and Liverpool Road South there are a number of properties which echo some of the styling and features of those within the conservation area. However the character of much of the development along both Liverpool Road North and Liverpool Road South differs from that within the conservation area, principally due to the lack of tree cover, narrower plot size and lack of mature garden area to the front, which is largely tarmac. This detracts from the ‘garden setting’ and spacious feel to the plots and therefore links these properties more closely to Burscough centre, slightly further north, rather than to the conservation area.
- 6.5 A Local Authority’s power to cancel or vary a designation is given by Section 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In terms of procedure, the local authority must follow the same publicity procedures to vary or cancel a designation as they do to designate an area. In addition, notice will be given to the Secretary of State and English Heritage with details of the area affected.

The following possible extensions are illustrated in **Map 2**:

Possible Extension 1

No. 255, 263 and Clayton House Liverpool Road South

6.6 No. 255 – a former vicarage built around 1850 - and Clayton House were built around the same time as the original 19th century development in Junction Lane. No. 263 is the associated Lodge/Coach House of Clayton House, but is now a separate dwelling.



255 Liverpool Road South



Clayton House, Liverpool Road South



263 Liverpool Road South

- 6.7 These properties share a number of characteristics with the properties within the Junction Lane conservation area, including a mature garden setting, Victorian styling and detailing, as well as their form as substantial detached villa properties.
- 6.8 Whilst it is noted that these properties identified above are of value in themselves, they are however disconnected from the conservation area by the main road – Liverpool Road South, which acts as a barrier to movement and views. The inclusion of these properties would effectively change the focus of the conservation area to the war memorial, rather than the value attained by its present linear form. It would create a conservation area with a distorted and rather convoluted boundary. Changing the boundary may in this sense dilute its special character.

Recommendation – *Not to amend the conservation area boundary to include possible extension 1 indicated above.*

Possible Extension 2

Section of garden wall to the front of 1b and side of 1a Junction Lane

- 6.9 No. 1 Junction Lane formerly occupied a larger site than at present, and would have been a prominent property given its location. Its grounds included pleasure gardens incorporating the land now occupied by 1a, 1b and 1c. The only remaining evidence of this is a terracotta garden wall with elaborate balustrade detail which runs at the front of no. 1b and to the side of no. 1a. A small section of this feature is included within the conservation area boundary by virtue of it being located within the plot of no. 1, however it would seem logical to adjust the boundary to include the whole of this feature.

- 6.10 Having considered the above, our recommendation, subject to consultation with local residents, is that the entirety of the balustrade wall feature, stretching across the boundary of 1a and 1b Junction Lane should be included within the conservation area.

Recommendation – *To amend the conservation boundary to include the garden wall feature located to the front boundary of 1b, and side of 1a Junction Lane.*

7. Article 4 (2) Direction

- 7.1 Property owners within the conservation area have had their permitted development rights to carry out certain works, without planning permission removed. The implications of this ‘direction’ are summarised below:

Element of Article 4 (2) Direction.	Importance in the context of the Junction Lane Conservation Area
Erection, alteration or removal of a chimney on dwelling or building in curtilage.	These features are important in the context of the buildings in this conservation area.
Enlargement, improvement or other alteration of dwelling.*	Strong justification is required to remove this particular right but the Council does feel it to be justified in terms of windows doors and other building features. Control over extensions is also considered to be extremely desirable in this conservation area.
Alteration of dwelling roof.*	Alteration to the roof materials in this conservation area would severely affect its character due to the current predominant use of natural materials.
Erection/construction of a porch outside any external door.*	The erection of an unsympathetically designed porch would be detrimental to the buildings in the conservation area.
Provision within curtilage of a building’s, enclosure, swimming or other pool incidental to the enjoyment of the dwelling or required for the maintenance, improvement or alteration of building or enclosure. *	The provision of such features which do not currently require planning permission could have a great effect upon this particular conservation area.
Creation of hard surfaces within the curtilage of a house incidental to its enjoyment.*	The introduction of hard surfaced areas could severely affect the character of this conservation area.
Installation, alteration or replacement of satellite antenna on house or curtilage.*	Satellite antenna will need to be controlled to ensure that they are correctly sited.
Erection or demolition of gates, fences,	Boundary walls in particular are important

walls or other means of enclosure within the curtilage.*	features in this conservation area.
Painting of dwelling or building or enclosure within the curtilage.*	Painting of the buildings would affect the character of the conservation area.

* In respect of these developments a direction only relates to those developments fronting a highway, a waterway or an open space (defined as any land laid out as a public garden, or used for extension, if any part such as the side fronts the highway etc. then this will be covered. The Secretary of State advises that powers in relation to extensions should only be used exceptionally.

7.2 The Council considers that following this review of the Junction Lane conservation area, there remains justification for the continued application of an Article 4 (2) Direction on the whole of the conservation area in relation to the aspects of development set out in the above table.

Recommendation – *To retain the Article 4 (2) Direction in its current form.*

8. Further Development in the Conservation Area

8.1 In principle further development could be allowed within the conservation area as it lies within the settlement boundary of Burscough as defined by the West Lancashire Local Plan Development Plan Document 2012 - 2027.

8.2 However, in practice we feel there is little scope for new development other than small scale extensions/alterations to the existing buildings. Development proposals need to respond to the key characteristics identified in Section 4 and retain elements which are seen as positively contributing to the character and appearance of the area.

8.3 Maintaining a linear built form and layout consistent with the majority of the conservation area, with properties set back from the frontage is important. Retaining existing boundary treatments and the established trees and hedges is essential to overall feel of the conservation area.

8.4 If any significant development proposals did come forward in the future, their impact upon the character and appearance of the conservation area as a whole would need to be carefully assessed.

9. Positive Contributors

9.1 The key characteristics of the conservation area, as identified in section 4.1, form the basis of the positive contributors to the area. This includes the value of the original development, in terms of the buildings and landscape and the intrinsic link between the two. **Map 2** also illustrates the outcome of an assessment of the houses within

the conservation area – including those that make a positive contribution to the special character of the area.

10. Management issues

10.1 The Management Plan for a conservation area is an essential tool in ensuring the special character of the area is preserved and enhanced. The issues identified during the previous (1998) Appraisal included:

- High volume of vehicular traffic
- Bland surface treatment of carriageway and footway
- Gaps in hedges on South West frontages
- Unsympathetic lighting columns and lanterns

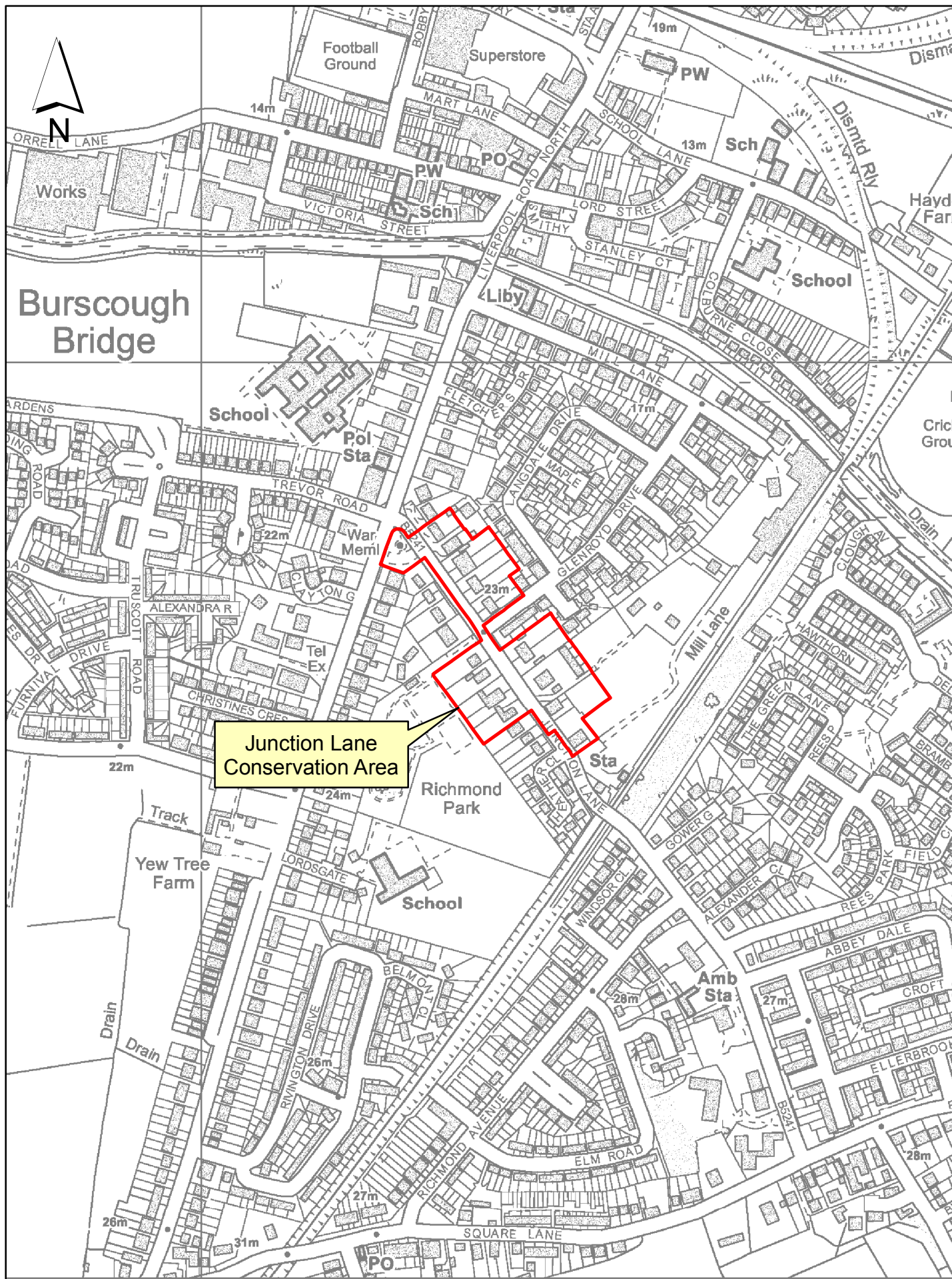
10.2 In terms of progress made with regards to these issues, the modern lighting columns have since been replaced with those of a more sympathetic design. Some of the gapping in the hedging to the properties fronting Junction Lane has been addressed through the introduction of the Council’s Hedge Planting Grant. Some gaps to hedging within the War Memorial Gardens have also been filled.

10.3 The following issues have been identified as part of the update or are issues of continuing relevance:

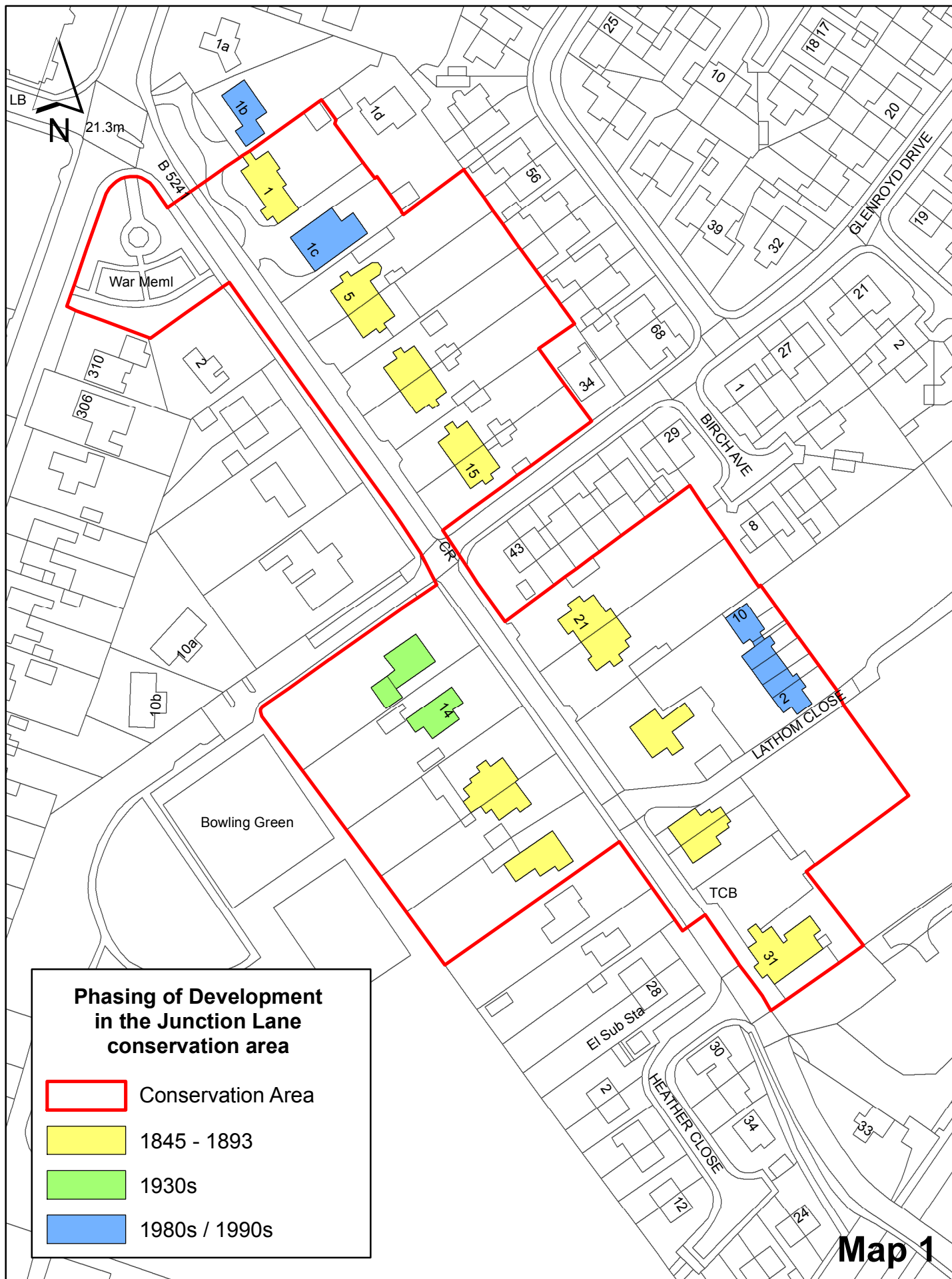
Issue	Action required	Implementation
High volume of vehicular traffic	Consider what if any traffic restrictions/regulations could be placed on Junction Lane.	Local authority action in consultation with L.C.C and Highways Agency when possible
Bland surface treatment of carriageway and footway	Resurface with more suitable materials	Local authority action in consultation with L.C.C if funding is available
Gaps to existing hedges in conservation area.	Replant gaps in hedges and/or provide new hedges with suitable species.	Residents to be made aware of the Hedging Grant Scheme.
Inappropriate boundary treatments e.g. different wall styles or heights, removal of original gate piers	Encourage owners to maintain existing boundaries and gate piers. Provide advice as required. Publish leaflets to inform property owners of their responsibilities and restrictions.	Through the development control process and through negotiation with property owners. Providing advice to owners and Potential for funding through Conservation Area Grant scheme.
Widening of driveways or extension of hard	Removal of these features and their replacement with	Through negotiation with landowners and the Article 4 (2)

standing within the frontage of the plots	a smaller parking area and natural vegetation.	Direction to prevent further such development.
Removal of the original detailing and features to important unlisted Victorian properties.	Potential enforcement action to require the reinstatement of features and prevention of further unsympathetic alterations. Encourage the restoration of any lost features.	Through Development Control enforcement section under Article 4 (2) Direction powers. Provide advice to owners as requested and making residents aware of potential funding through Traditional Features Grant scheme.

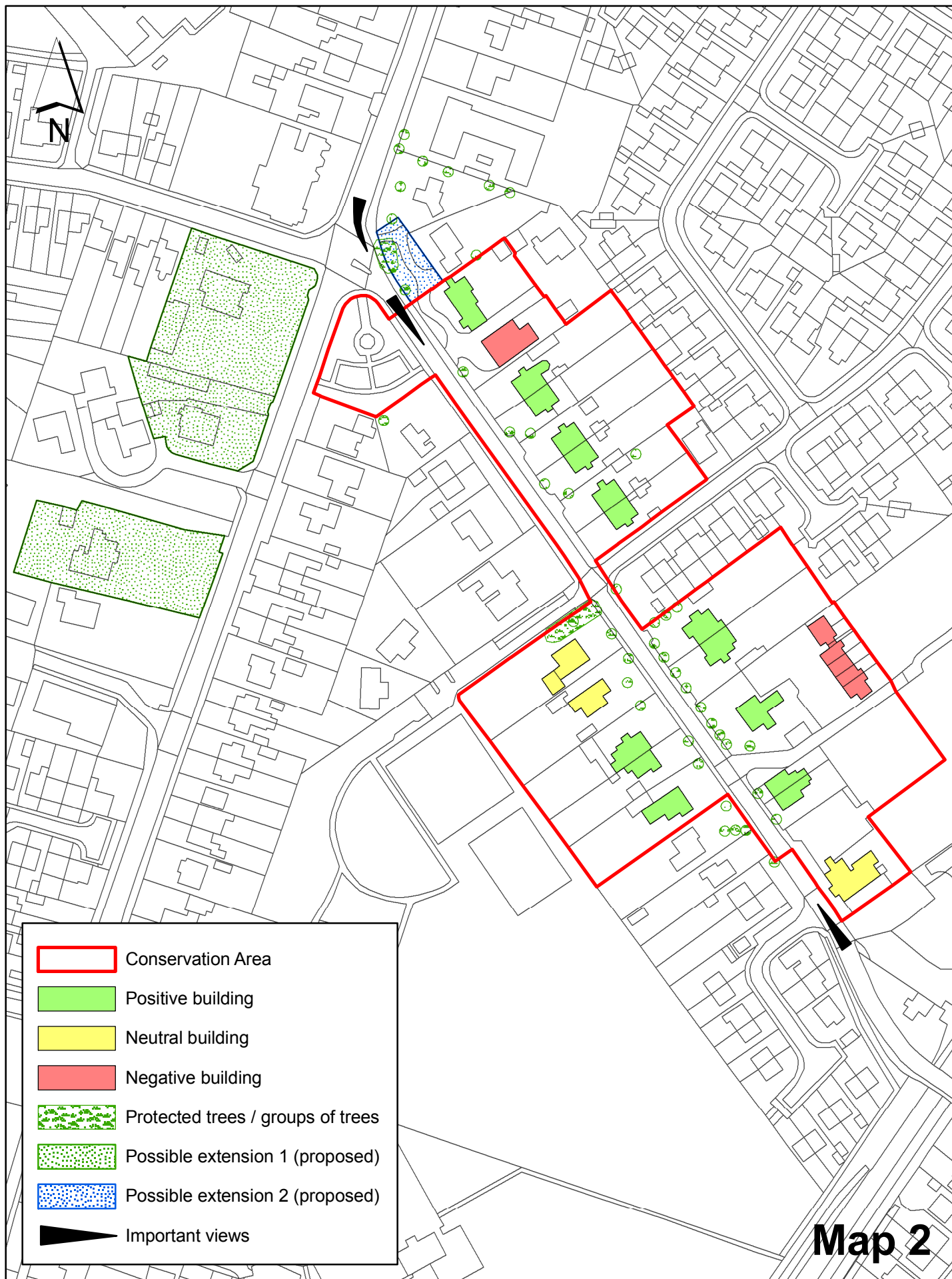
10.4 This document and the Appraisal document highlight the important features and the areas where action will be desirable in the future. How the works are financed largely depends on the ownership situation and on the availability of public sector finance to support those works that are not viable for the landowners. It is expected that the checklist above will be used as a starting point for determining the areas for priority action and for where funds should be targeted in the future should they become available.



Junction Lane
Conservation Area



Map 1



Appendix C – Fulwood and Douglas Avenue Conservation Area Consultation responses

No.	Respondent	Comment/Issues	Response/comment/action
1.	Resident	<p>Support for the extension of the Conservation Area to include nos. 242 and 244 Hesketh Lane.</p> <p>The trees within the boundary of 242 and 244 Hesketh Lane should be protected through Tree Preservation Orders.</p> <p>More resources should be spent on improving the appearance of the Conservation Area.</p> <p>Support section 10.3 of the document which states that replacement trees will be sought to for any requiring removal or when seeking more appropriate boundary treatment. These should be native species.</p> <p>The installation of solar panels on properties should be controlled through addition to the Article 4(2) Direction.</p>	<p>This support is noted.</p> <p>If these properties are included within the Conservation Area as part of a boundary extension, then these trees will be afforded a level of protection by virtue of works to them being controlled. Alternatively, a request for a Tree Preservation Order can be made to the Council.</p> <p>Comment is noted.</p> <p>This support is noted.</p> <p>An Article 4(2) Direction can only control the installation of solar panels on elevations which face onto a highway. There is not deemed to be sufficient pressure for such works to warrant such a control at this stage, but the situation can be monitored.</p>

		<p>The Council should be proactive in regular monitoring and photographic records.</p> <p>Inspection of protected trees should take place annually and results published on Council website.</p> <p>Concern about the impact of the Nursery School at No.2 Fulwood Avenue on the condition of the road surface and congestion at drop off/pick up times and generally around road safety.</p> <p>The Council should explore the creation of a partnership for the maintenance and repair of the road surfaces.</p>	<p>This has been achieved through the character appraisal update – photographs and notes of individual properties were taken and kept as a record.</p> <p>Landowners themselves have a legal duty to make sure that any tree under their ownership - or that they are responsible for - does not cause foreseeable damage to people or property. Should property owners have a concern about any tree(s) on their land, the Council offers a tree health and safety survey service to all residents at a charge of £50 per hour + VAT.</p> <p>Highway safety issues should be directed to either Lancashire County Council or Lancashire Police.</p> <p>Both Fulwood and Douglas Avenues are unadopted roads and therefore are not maintained by the Highway Authority at public expense. The County Council as the local Highway Authority has a statutory duty only to maintain adopted streets and it makes budgetary provision only to fulfil this statutory duty. Further information on Private Road issues can be found on the Lancashire County Council website at:</p>
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			http://www3.lancashire.gov.uk/corporate/atoz/a to z/service.asp?u_id=1065&tab=3&siteid=5409&pageid=29027&e=e
2.	Resident	<p>The Conservation Area designation should be removed.</p> <p>Concern about the poor appearance of the Outbuilding's used for the nursery business at No.2 Fulwood Avenue.</p> <p>Concern about the impact of the Nursery School on the condition of the road surface and congestion at drop off/pick up times and generally around road safety.</p>	<p>Comment noted.</p> <p>The Nursery School is an authorised planning use.</p> <p>Highway safety issues should be directed to either Lancashire County Council or Lancashire Police.</p>
3.	Resident	Concern about road safety in connection with the Nursery School run from no.2 Fulwood Avenue.	See response on issue above (No.2).
4.	Resident	<p>Concern about the poor appearance of and alterations to no.2 Fulwood Avenue.</p> <p>Impact of the business at 2 Fulwood Avenue upon the amount of traffic leaving/entering the road and the damage this causes to the road surface.</p>	<p>Details of these concerns have been passed on to the Council's Enforcement team who are currently investigating the matter.</p> <p>See response on issue above (No.1).</p>
5	Resident	To maintain the aesthetics of the area then every household should be made more aware of their responsibilities.	Information about Conservation Area restrictions is available through the Council website and awareness will have

		<p>We think West Lancashire BC should take on the responsibility of road sweeping and leaf clearance.</p> <p>Support proposed extension 1 and 2.</p> <p>Believe solar panels are unattractive and rank with satellite dishes in terms of destroying aesthetic value.</p>	<p>been raised through this appraisal update.</p> <p>See response on this above (No.1)</p> <p>This support is noted.</p> <p>This view is noted.</p>
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Appendix D – Junction Lane Conservation Area Consultation responses

No.	Respondent	Comment/Issues	Response/comment/action
1.	Junction Lane resident	Objection to damage to walls in and around the Conservation Area.	<p>The issue generally relates to the removal of a particular wall which was subject to a Council planning enforcement investigation. It was decided, as a result of the investigation, that no further action could be taken.</p> <p>As a general principle however, the Appraisal maintains the retention of original boundary walls and treatments as a management priority within the Conservation Area. This will be controlled through the Development Control process.</p>
2	Junction Lane resident	<p>Would support the extension of the boundary as proposed in extension 1 and 2</p> <p>The boundary should be brought in to the rear of the former Junction Hotel Pub. The land to the rear of the former Pub is in my view no longer of any significance in terms of buildings or views.</p> <p>The Article 4 (2) Direction should not be amended to include solar P.V panels.</p> <p>The area should be controlled to keep its character – however this should take account of issues such as financial hardship.</p>	<p>This view is noted.</p> <p>The current boundary of the Conservation Area in this area continues to follow the logical boundary of the plot, despite the removal of the original wall. It is proposed that this should remain unaltered.</p> <p>This view is noted.</p> <p>This support is noted. Property owners within the Conservation Areas can apply for grants which can help towards the</p>

			cost of replacing windows or works to other architectural or historic features. The Heritage Team is a key point of contact for further details.
3	Junction Lane resident	<p>Agree with the content of the Junction Lane Character Appraisal update.</p> <p>Support both extension 1 and 2 to the Conservation Area.</p> <p>The Article 4 (2) Direction should be amended to include solar P.V panels.</p> <p>Agree with the management proposals for the Conservation Area.</p>	<p>This support is noted.</p> <p>This support is noted.</p> <p>This view is noted.</p> <p>This support is noted.</p>

Appendix E

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>2. What sources of information have you used to come to this decision?</p>	<p>Advice from English Heritage.</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>Consultation has been undertaken with the relevant Parish Councils, local residents living in the conservation areas and those directly affected by the proposals within the documents. The consultation responses received as a result of the consultation forms part of the report.</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 appraisal documents identify the 'character' of the conservation areas and seek to explain what aspects of the area/buildings are important to retain.</p> <p>The decision should help the Councils ability to meet its duties under the Equality Act 2010.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>Ensure that we notify residents of the outcome of the decision and publish the approved document.</p>



AGENDA ITEM: 5(c)

CABINET: 11 November 2014

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
27 November 2014**

COUNCIL: 17 December 2014

Report of: Borough Treasurer

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Whittington

**Contact for further information: Mrs K Samosa (Ext. 5038)
(E-mail: karen.samosa@westlancs.gov.uk)**

SUBJECT: REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2014/2015

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To agree a Revised Capital Programme for 2014/2015 and provide Members with an overview on the progress against it at the mid-year point.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Revised Capital Programme, including the reprofiling, virements and budget adjustments contained within Appendix A, be approved for consideration by Council.

2.2 That the progress against the Revised Capital Programme at the mid-year point be 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 on 27th November and Council on 17th December.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

3.1 That the Revised Capital Programme and progress against it at the mid-year point be noted.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the Revised Capital Programme, including the reprofiling, virements and budget adjustments contained within Appendix A, be approved.
 - 4.2 That progress against the Revised Capital Programme at the mid-year point be noted.
-

5.0 BACKGROUND

- 5.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2014/2015, 2015/2016 and 2016/2017 were approved by Council in February, 2014.
- 5.2 In accordance with best practice, the Capital Programme is subject to revision at the mid-year point to ensure that it is based on the latest available information and to make monitoring of the Programme more meaningful. It enables Managers to review their schemes with the most up to date information and to review the resources available. It also provides a base upon which to build future Capital Programmes.
- 5.3 Members are kept informed of the financial position of the Capital Programme through regular monitoring reports. The last such report was presented to Cabinet in September 2014 and Executive Overview and Scrutiny in October 2014 and reported on a Capital Programme of £24.831m for 2014/2015. This comprised a GRA Programme of £4.982m and a Housing Public Sector Capital Programme of £19.849m.
- 5.4 The Housing Public Sector Capital Programme is the subject of a separate report elsewhere on this Agenda and this report focuses on the GRA Capital Programme of £4.982m.

6.0 REVISED CAPITAL PROGRAMME

- 6.1 Heads of Service have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including:
 - re-profiling of schemes
 - changes to external funding availability
 - levels of anticipated funding required
 - anticipated levels of demand
- 6.2 The proposed changes to the 2014/2015 Programme are analysed in Appendix A and show an overall reduction of £1.515m. This comprises:
 - a reduction of £1.825m from approvals re-profiled into future years. This does not alter the total amount that will be spent on schemes, but rather the timing of when the expenditure will take place.

- an increase of £0.007m in external funding from a Defra Grant.
- an increase of £0.115m in funding as a result of monies being approved by Council following the closure of the previous year's accounts.
- a reduction of £0.025m in capital receipt funding no longer required for schemes.
- An additional £0.213m section 106 funding previously approved at Cabinet for parks and a bowling green.

6.3 The Revised GRA Capital Programme totals £3.467m for 2014/2015 following these changes. This is analysed by Service in Appendix B along with a summary of the revised capital resources available.

7.0 CAPITAL EXPENDITURE

7.1 Generally, 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 dependent on external partner funding and schemes can only begin once their funding details have been finalised. Other schemes include contract retentions or contingencies that will only be spent some time after completion of the contract. Most schemes then progress and spend in line with their approval by the year-end.

7.2 This pattern has been repeated in the current year with £0.795m (23%) of expenditure having been incurred by the mid-year. This is similar to the position in 2013/14 and it is anticipated that most schemes will be largely completed by the end of the financial year. Comparisons to previous years' programmes are shown in Table 1:

Year	Expenditure £m	Budget £m	% Spend against Budget
2014/2015	0.795	3.467	23%
2013/2014	1.057	4.421	24%
2012/2013	1.866	4.304	43%
2011/2012	1.449	5.563	26%

7.3 Appendix C provides the Heads of Service comments on the progress of schemes against the Revised Programme.

8.0 CAPITAL RESOURCES

8.1 There are sufficient resources identified to fund the 2014/2015 Revised Capital Programme as shown in Appendix B.

- 8.2 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.
- 8.3 The budget for usable capital receipts to be generated from Council House sales in the year is set at £0.325m from 50 sales. At the mid year point, 19 sales have completed generating £0.16m of useable capital receipts.
- 8.4 Retained proceeds generated by Council House sales are now split between general usable capital receipts (detailed above), One for One Replacement Funding, and Debt Funding. At the mid year point, £0.103m had been generated for One for One Replacement Funding and £0.259m generated for Debt Funding.
- 8.5 In addition to receipts from council house sales the Council also has a programme to sell plots of its land and other assets under the Strategic Asset Management Plan (SAMP). The budget for this in the 2014/2015 Programme is £0.25m (including the sale of the house adjacent to the Civic Hall). To date, there have been 2 land sales and the house at the Civic Hall has been sold. This has generated a total of £0.188m.
- 8.6 Useable Capital Receipts generated to date are analysed in Table 2:

Year	Estimate £'000	Actual £'000	% Received against Budget
Right to Buy Sales	325	160	49%
SAMP Sales	250	188	75%
Total	575	348	61%

- 8.7 The total level of capital receipts generated so far this year currently exceeds the budget target for the mid-year by £0.06m. Steady progress is being made on the SAMP with further sales in the pipeline. Although the volume of Right to Buy sales could be less than the budgeted target, it is anticipated that the budgeted sales value should broadly be achieved.
- 8.8 Overall budgeted capital receipts from in year asset sales provide a relatively small proportion of the funding for the Capital Programme. A full review of expenditure plans along with options for any changes in receipts generated to budget will be reviewed as part of the budget setting process with a view to ensuring a balanced Programme that will be managed over a medium term timescale.

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 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 provides an updated position on project plans and shows progress against them.

10.0 RISK ASSESSMENT

10.1 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 and/or decisions are not started until funding is secured. Other resources that are subject to fluctuation are monitored closely to ensure availability. The capital receipts position is scrutinized on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

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 majority of the budget issues set out in this report have been the subject of previous reports to Committees and consequently an Equality Impact Assessment has already been prepared for them where relevant.

Appendices:

- A Summary of Changes to 2014/2015 GRA Capital Programme
- B 2014/2015 Revised GRA Capital Programme Expenditure and Resource Budgets and Mid Year Performance
- C Heads of Service Comments
- D Minute of Cabinet 11 November 2014 (Executive Overview and Scrutiny Committee only)
- E Minute of Cabinet 11 November 2014 & Executive Overview and Scrutiny Committee 27 November 2014 (Council only)

SUMMARY OF CHANGES

SCHEME	REASON FOR AMENDMENT	2014/2015	2015/2016	2016/2017
		£'000	£'000	£'000
<u>Previous GRA Monitoring Report to Cabinet September 2014</u>		4,982	1,599	802
<u>Reprofiled Expenditure</u>				
Affordable Housing	Sites still to be identified with Partners.	-321	321	
Greenshoots Regeneration	Progress dependant on the outcome of the consultants' assessment due to be carried out over the Autumn/Winter.	-925	925	
Parish Capital Schemes	This re-profiling is intended to realign expenditure budgets to match the anticipated time scales for the completion of parish projects.	-20	20	
IT Development	Completion of various IT projects is now anticipated in the next financial year.	-100	100	
Conservation Area Enhancements	Re-alignment of Programme to ensure continuation of the scheme.	-11	-2	13
Skelmersdale Town Centre Vision	Contingency sum for environmental works for Skelmersdale Town Centre Regeneration Project.	-11	11	
CCTV	Phase 3 likely to continue into the next financial year.	-5	5	
Flood Alleviation Schemes	Completion of Abbey Brook anticipated late Spring.	-9	9	
Moor Street Improvements	Progress on this scheme has yet to be finalised with Partners.	-253	253	
Abbey Lane Playing Field	Contribution dependant on Partner match funding.	-100	100	
Sandy Lane Car Park	Completion of upgrades anticipated in the next financial year.	-15	15	
Renovation Grants	Reduced demand for this type of grant.	-55	55	
		-1,825	1,812	13
<u>Other Adjustments</u>				
Parish Capital Schemes	Previously approved grant funding that is no longer required.	-15		
New Burdens Inspire	Defra grant for additional software to implement the New Burdens Inspire Project.	7		
Contaminated Land	Funding no longer required.	-10		

SUMMARY OF CHANGES

SCHEME	REASON FOR AMENDMENT	2014/2015	2015/2016	2016/2017
		£'000	£'000	£'000
<u>Previously Approved Adjustments now included in the Capital Programme</u>				
Blue Bin Replacement	Funding for final phase of scheme previously approved at Council.	105		
Corporate Property	Fire Alarm System at 49 and 61 Westgate utilising underspends from previous year.	10		
Parks and Open Spaces	New enhancement works to various play areas utilising s106 monies.	158		
Bowling Greens	New enhancement works to Ormskirk Bowling utilising s106 monies.	20	156	
Parish Play Areas	New Play Area schemes at Bickerstaffe, Shore Road, and Mossey Lea utilising s106 monies.	35		
CCTV	Funding for completion of Phase 3 equipment purchase.		20	
<u>Total Expenditure Adjustments</u>		-1,515	1,988	13
<u>Funded By:</u>				
Reprofiling		-1,825	1,812	13
Increase in Grant Funding		7		
Changes to Revenue Funding		115	20	
Previously Approved S106 Funding		213	156	
Changes to Capital Receipt Funding		-25		
		-1,515	1,988	13
<u>Revised GRA Capital Programme</u>		3,467	3,587	815

2014/2015 GRA CAPITAL PROGRAMME
EXPENDITURE AND RESOURCES BUDGET
as at MID-YEAR

Service	Budget Approval	Actual		Variance	
	£'000	£'000	%	£'000	%
EXPENDITURE					
Housing and Regeneration					
Housing Strategy	336	22	6%	314	94%
Property Management	222	48	21%	174	79%
Regeneration	107	0	0%	107	100%
Community Services					
Private Sector Housing	614	231	38%	383	62%
Other Community Services	852	243	29%	609	71%
Planning	209	30	14%	179	86%
Street Scene	231	189	82%	42	18%
Corporate Services					
Financial Services	28	2	5%	26	95%
Transformation	378	32	8%	346	92%
Central Budget Items	490	0	0%	490	100%
	3,467	795	23%	2,672	77%
RESOURCES					
Capital Grants	746				
Revenue Funding	230				
Prudential Borrowing	75				
Capital Receipts	2,416				
	3,467				

REVISED CAPITAL PROGRAMME 2014/2015
HEADS OF SERVICE COMMENTS

Housing Strategy
<p>The Affordable Housing budget is committed to our Partnership with Regenda Housing Group with two sites providing 35 units now under construction.</p> <p>The remaining budget has been reprofiled into next year to take account of the viability assessment work required in respect of each of the other sites identified to use this budget. A third site of 14 units earmarked to use this budget will shortly be submitted into the planning system.</p> <p>The partnership has helped attract £0.8m of additional HCA investment to our Borough. New Homes Bonus at the higher rate will also be achieved when the affordable units are completed.</p>
Regeneration and Estates
<p>Consultants have been appointed for the Greenshoots Project and expenditure is dependent on the outcome of their assessment. Most of the approval has, therefore, been re-profiled to accommodate this.</p> <p>An interface with the Housing QL system is currently being trialled and the approval will be used for licence upgrade and implementation if this is successful.</p> <p>Scoping work for the Culvert Debris Screens is progressing and the scheme should be completed by the end of the financial year.</p>
Corporate Property Management
<p>The Corporate Property Programme overall spend is low at the mid-year point when compared with previous years. This is mainly due to the fact that the budget holder retired in April. However, a new Facilities Manager has recently been appointed and it is anticipated that there is sufficient time left to fully deliver the programme by the 31st March 2015.</p>

REVISED CAPITAL PROGRAMME 2014/2015
HEADS OF SERVICE COMMENTS

Planning
<p>The Free Tree Scheme runs in October and November and expenditure is expected to be in line with the budget. Expenditure on implementing the OR recommendations is dependent upon the Planning ICT Upgrade which is due for completion by December.</p> <p>The new CIL/S106 Database has been implemented and quotes are being investigated for the Replacement Scanner which should be installed by the end of the financial year. The Canal Towpath scheme should also be completed by the end of the financial year but is dependent on match funding from external partners.</p> <p>A Government Grant has been received for software to implement the New Burdens Inspire Project. This will be used in collaboration with the LCC Mapzone Group and spent within the financial year.</p> <p>The remaining Planning schemes are demand led. There are commitments for Conservation Area Enhancement Grants but the Buildings at Risk budget has not yet been called upon.</p>
Street Scene
<p>The Replacement Blue Bins scheme is complete and bins have been distributed to households.</p> <p>The Vehicle In-Cab Communication System will be completed by the end of the financial year.</p>

REVISED CAPITAL PROGRAMME 2014/2015
HEADS OF SERVICE COMMENTS

Corporate Services

The progress made on delivering Parish Capital Projects rests with individual Parish Councils and is not within the direct control of the Borough Council. Part of this year's budget has been re-profiled into the next financial year and part has been returned to the Capital Pot as it is no longer required.

Allocations from the Environmental/Town and Village Centre Improvement Fund have been agreed for works to Ormskirk Car Parks, Christmas Lights, Poppies, CCTV, and a joint scheme to provide a public car park facility in Banks with North Meols Parish Council. This Fund may also need to be used to support the Moor Street project in Ormskirk and Public Realm Improvements in Skelmersdale.

An ICT strategy has been agreed and the necessary funding put in place to deliver it. While expenditure to date in this area has been limited, the strategy should ensure that key issues will be addressed. For example, in addition to developments specific to individual services (eg. Civica Icon upgrades, ensuring card payments taken council wide are compliant with Data Security Standards), Strategy Projects currently planned/underway include:

- replacing and upgrading Microsoft ICT infrastructure (which is recognised as a key risk on the Council's strategic risk register)
- upgrade of the SQL Server (to meet the needs of third party applications, for example Northgate and Civica Icon (for income management))
- implementation of secure remote access (to comply with the government's PSN requirements which means for example that we can continue to deliver the Revenue and Benefits service)
- replacement of / upgrading Windows XP machines with Windows 7 pro (as Windows XP becomes 'end of life').

REVISED CAPITAL PROGRAMME 2014/2015
HEADS OF SERVICE COMMENTS

Community Services - Private Sector Housing

Both Housing Renewal Grants and Disabled Facility Grants are demand led. Demand for Renewal Grants is likely to be lower than anticipated and some of the approval has been re-profiled into the next financial year. Expenditure on both schemes should now be in line with budgets and any unspent budgets will be slipped into the new financial year to meet anticipated demand.

Other Community Services

The Leisure Trust funding is part of an on-going agreement and the budget will be fully spent.

Approvals using section 106 monies have been included for improvement works at various parks and the Bowling Green and new play equipment. Works for these schemes should be mostly complete by the end of the financial year.

The remaining CCTV approvals for Phase 3 have been included in the Programme. This phase is currently in the planning stages and will complete early next year.

Works are progressing on Flood Alleviation Schemes and should complete early next year.



AGENDA ITEM: 5(d)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
2 October 2014**

**CABINET:
11 November 2014**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor David Sudworth

**Contact for further information: Mrs Laura Lea (Extn. 5196)
(E-mail: laura.lea@westlancs.gov.uk)**

SUBJECT: REVIEW OF THE DISABLED ADAPTATIONS POLICY

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To review the current Disabled Adaptations Policy to ensure that it remains compatible with legislative and economic changes.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the Disabled Adaptations Policy 2015 attached as an Appendix to the report be approved.

3.2 That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be given delegated authority to review and make future changes to the policy in light of any legislative or economic changes.

4.0 BACKGROUND

- 4.1 The Council has a statutory duty under the Housing Grants, Construction and Regeneration Act 1996, to provide disabled facilities grants (DFGs) to eligible disabled residents to help them pay for major adaptations to their home. Grants are available to private tenants, homeowners and housing association tenants. Adaptations for disabled WLBC tenants are funded entirely by the Housing and Regeneration Department out of the Housing Revenue Account.
- 4.2 The main source of funding for DFGs comes from a government grant which is capital in nature. In addition to this, the Council has also elected to provide additional funding from capital receipts in order to meet demand. In 2014/15 the government grant allocation for the Council has been set at £454,299. The Council will contribute £100,000. In 2015/16 the government grant will be £543,000 with the Council's contribution being £100,000.
- 4.3 The Council receives approximately 170 DFG applications per year with on average 110 going through to completion.

5.0 CURRENT POSITION

- 5.1 The current Disabled Adaptations Policy was introduced in 2006 therefore a review at this time is needed to ensure the provision of DFGs remains efficient and cost effective.

6.0 FUTURE FOR DFG FUNDING

- 6.1 In April 2013, the Government announced that it would be introducing a £3.8 billion pooled budget for health and social care services called the Better Care Fund. The aim of the fund is to deliver better outcomes and greater efficiencies through more integrated services for older and disabled people. Within the pooled budget, £200 million was set aside for local authorities.
- 6.2 Lancashire County Council (LCC) is responsible for the fund and had to agree a plan between all the districts and the NHS to be signed off by the Health and Wellbeing Board.
- 6.3 The Department for Communities and Local Government, has transferred responsibility for the Disabled Facilities Grant allocation to the Department for Health. From April 2016, this allocation will be paid to upper tier authorities as part of the Better Care Fund. Individual Council allocations have been set for 2014/15 and 2015/16 and these will be paid directly to the Council.
- 6.4 LCC has advised that each district will be allocated a minimum DFG allocation each year using the same formula that calculates the current amounts. This should mean that each district is awarded an amount similar to current levels. Through the Better Care Fund, LCC will have the ability to top up this allocation. It has not yet been decided if or how this will happen.

- 6.5 As a result of this change, LCC are currently working with districts to understand the DFG process at district level in order to see if the process can be made more efficient.

7.0 CONSULTATION PROCESS

- 7.1 The draft Disabled Adaptations Policy 2015 was listed on the Consultation page of the Council's website. Stakeholders including Lancashire County Council, Citizens Advice Bureau, Help Direct, Disability West Lancs, West Lancs CVS, Access Matters along with colleagues in neighbouring local authorities, were informed of the consultation and encouraged to comment.

- 7.2 The closing date for comments was 5th September 2014. The Citizens Advice Bureau, Disability West Lancs, Lancashire County Council and one member of the public provided comments. A summary of the responses can be found at Appendix 3 to this report.

8.0 PROPOSALS

- 8.1 The proposed revised policy is outlined at Appendix 1 to this report.
- 8.2 A summary of the recommended changes can be found at Appendix 2 to this report.

9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 The proposal will help minimise isolation for vulnerable disabled people by enabling them to remain in their homes for longer. The proposal links to the Improved Health for All and Young and Older People Key Objectives of the Sustainable Community Strategy. It also links to the cross cutting themes of Sustainability, Social Inclusion, Equality and Diversity.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 There are no significant adverse financial or resource implications arising from the report.
- 10.2 Adopting the new increased Agency Fee charge will have a positive impact as this will increase the amount of revenue income generated by the service.

11.0 RISK ASSESSMENT

- 11.1 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.

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 at Appendix 4 to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

1. Disabled Adaptations Policy 2015
2. Summary of Changes
3. Consultation Responses
4. Equality Impact Assessment
5. Minute of Executive Overview & Scrutiny Committee – 2 October 2014 (Cabinet only)



WEST LANCASHIRE BOROUGH COUNCIL

Disabled Adaptations Policy 2015

(Final)

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1.0 Introduction

- 1.1 West Lancashire Borough Council (the Council) has a statutory duty to provide disabled facilities grants (DFGs) to qualifying applicants to assist them in adapting their home. A suitable, well adapted home can be the defining factor in enabling a disabled person to live well and independently.
- 1.2 The purpose of an adaptation is to modify the home environment in order to allow the disabled person to remain at home by restoring or enabling independent living, privacy, confidence and dignity for individuals and their families. The focus is on enabling a disabled person to use their home more effectively.
- 1.3 The Council also has a duty to provide adaptations to tenants living in its own housing although it is not obliged by law to require its own tenants to follow the same process as private sector applicants. However, in the interest of fairness and equity, the Council has decided that the initial assessment process and requirement to undertake a means test will be applied to Council tenants wishing to have their home adapted. Section 38 specifically covers the parts of this policy that applies to Council tenants.
- 1.4 In Lancashire, there is a two-tier local government structure. Lancashire County Council is the social services authority (responsible for social services functions) while West Lancashire Borough Council is the housing authority (responsible for housing services). Both authorities have a role to play in the adaptation process which will be explained in more detail later in the policy.

2.0 Purpose & Scope of the Policy

- 2.1 The purpose of this policy is to assist officers in delivering an adaptations programme and to ensure the fair, equitable and consistent treatment for all disabled persons who require the Council's assistance in adapting their home.
- 2.2 This policy shall be applied to applications for a DFG from home owners, private tenants, tenants' of registered providers (housing associations) and owners of qualifying houseboats or park homes. Council tenants are dealt with at section 38.
- 2.3 The policy applies to major adaptation work (as a guide, works valued at more than £1,000, excluding stairlifts).
- 2.4 Regulation 2 of the Community Care (Delayed Discharges etc) Act (Qualifying Services) (England) Regulations 2003 provides that any community care equipment (including grab rails, bath chairs etc) or minor adaptations costing £1,000 or less may be provided free of charge by the social services authority. Therefore, any such works or equipment costing £1,000 or less (excluding stairlifts) will be considered for funding directly by LCC.

- 2.5 Where an adaptation is required to a house owned by a registered provider the Council shall determine whether provision has been made in their Business Plan for the adaptation of dwellings for disabled occupants and encourage them to make financial support available for such adaptations. A contribution of 50% of the cost of the works (excluding fees) will be requested.
- 2.6 DFGs are predominantly awarded to convert existing dwellings but can also be available for adaptations to the common parts of buildings containing one or more flats.
- 2.7 Where a property is being newly built or converted from a building that is not currently a dwelling e.g. commercial building, former agricultural building etc, much of the works can be incorporated into the build without incurring additional costs therefore grant assistance will be limited. Officers will view the submitted plans and will determine if any of the planned adaptation works can be funded via a DFG.

3.0 Ensuring Equality of Service

- 3.1 The Council seeks to ensure that direct and indirect discrimination on the grounds of age, race, disability, sex, pregnancy and maternity, sexual orientation, religion or belief and gender re-assignment are eliminated by abiding to the Equality Act 2010.
- 3.2 The Council will endeavour to ensure that:
- Complaints about racial harassment or any form of discrimination are dealt with properly, promptly and fairly
 - Its policies and procedures do not result in discrimination in terms of access to grant funding or the services our clients receive from us
 - Staff understand and operate according to the principles of fairness and equality
 - Groups representing people of protected characteristics are consulted about its grant assistance policies as appropriate
 - It promotes good relations and equality of opportunity between members of different groups within the community

4.0 Exceptional Circumstances

- 4.1 The Council accepts that there may be circumstances that warrant exceptions to this policy. The Assistant Director Community Services is therefore authorised to assess individual cases and where appropriate and reasonable to do so, decide that an exception be made to the normal policy.

4.2 The Assistant Director Community Services is also authorised to amend the policy following any legislative changes, in consultation with the relevant Portfolio Holder.

5.0 Legal Framework

5.1 The principal legal provisions covering DFGs are contained in the Housing Grants, Construction and Regeneration Act 1996 (the Act) and associated regulations.

5.2 The key legal provisions are:

- DFGs are mandatory grants and are available to disabled people when works to adapt their home are judged to be *necessary and appropriate* to meet their needs and where it is *reasonable and practicable* to carry them out having regard to the age and condition of the dwelling (s.24 of the Act).
- DFGs are subject to a means test (except where the grant is for a disabled child or the applicant is in receipt of certain state benefits) known as the test of resources. The disabled persons income and savings along with their partners' income and savings have to be assessed to determine the actual amount of grant available to them.
- Subject to all the eligibility criteria being met and a completed application being made, the Council must approve or refuse an application *as soon as reasonably practicable* but no later than 6 months from the application date (s.34 of the Act).
- The maximum amount of grant available per application is set by statute and is currently £30,000.
- DFGs are recoverable if the property that has been adapted is sold or ownership is transferred within 10 years of the works being completed, provided the Council is satisfied that it is reasonable in all the circumstances to require the repayment (see section 27 for further information).
- In the event of the applicants' death before works are complete, the Council has the discretion to authorise a grant to cover any fees incurred, works already carried out or *other relevant works*.

5.3 The NHS and Community Care Act 1990, provides the context for the assessment of and response to potential needs including the adaptation of properties. The Act establishes a requirement that a needs assessment must be carried out where it appears to the social services authority that a person may be in need of such services.

- 5.4 The Carers (Recognition and Services) Act 1995 places a duty on the social services authority to carry out a carers assessment if requested, to identify the ability of the carer to provide care to the disabled person.
- 5.5 The Carers and Disabled Children Act 2000 provides powers for the social services authority to provide any services it sees fit to help the carer look after the disabled child.
- 5.6 The Chronically Sick and Disabled Persons Act 1970, places a duty on social services to:
- Identify the numbers of disabled people in their area and publish the help available to them
 - Arrange practical assistance in the home and any works of adaptation or the provision of additional facilities to secure greater safety, comfort or convenience

6.0 Means Test (Test of Resources)

- 6.1 Applications for DFG funding are subject to a means test known as the test of resources. However, the following applications are excluded from the test:
- A grant application on behalf of a disabled child (a child is defined as someone between the age of 0 and 16th birthday):
 - A grant application for a disabled young person (a young person is defined as someone aged 16 – 19), for whom child benefit is still paid and who is in ordinary, non-advanced full-time education and not working or claiming benefits in his/her own right. If a 16-19 year old is NOT a young person, he/she will probably be claiming an income related benefit in their own right.

Ordinary education means standard education provided by school or similar establishment, it does not include youth training or other special types of education.

Non –advanced means to GCSE, A level or equivalent.

Full-time means at least 12 hours per week of teaching

- A grant application where the disabled person is in receipt of certain state benefits known as ‘passporting’ benefits. The list of ‘passporting’ benefits is determined by central government and is subject to change.

6.2 Where a means test is required, it works by looking at how much money the relevant person's family needs to live on for a week, this is called the 'applicable amount' and is set by Government based on the size and any special circumstances of the relevant person's family (outgoings are not included). If the household income exceeds the 'applicable amount', the relevant person will have a contribution towards the cost of the work. A staggered taper is applied to the excess amount to work out the amount of the contribution.

6.3 A relevant person is any person who;

- Is the disabled occupant; or
- Is the spouse or partner of the disabled occupant

6.4 In most cases, the person applying for a DFG will be the disabled person and therefore the 'relevant person' for the purposes of the means test. However, it is possible for the grant applicant to be someone other than the disabled person as the applicant has to be either the owner or tenant of the property to be adapted.

6.5 Where the applicant is not the disabled person, it is the disabled person's income and savings that are taken into account, not the applicants.

6.6 Where the disabled person does not qualify for a grant due to their assessed contribution exceeding the cost of the work, they may choose to proceed on a nil grant basis as the amount of any previous contribution will be deducted from any future contribution should another DFG be required.

7.0 Maximum Amount of Grant

7.1 The maximum amount of grant that can be awarded is £30,000 (inclusive of any VAT, unforeseen work, fees and charges). This amount is set by central government and is subject to change.

7.2 Where the eligible adaptation works will cost more than £30,000 or the applicant has been assessed as having a contribution to pay, any shortfall in funding must be covered by the applicant either themselves or through other sources of funding for example through LCC, charities, family, high street lender. The Council will not approve a grant application until the additional funding required is in place.

8.0 Disability Caused by Accident (Insurance Claims)

8.1 Where adaptation works are required for a person who has been left disabled following an incident such as an accident at work, on the road, medical negligence etc and the disabled person may be able to make a claim for damages, they shall normally be required to pursue such a claim.

- 8.2 It will be a condition of the DFG that a claim is made in appropriate cases, to cover the cost of the adaptation works. Applicants should be advised of this at the earliest stage in the process.
- 8.3 Officers shall obtain details of the cause of any disability and write to the disabled person's legal representatives or insurers to advise that the Council will require any claim for damages to include the cost of the adaptation works.
- 8.4 Submission of insurance claims must not, however, delay the processing of the adaptation scheme. Claims may take several years and shall be monitored every 6 months by the officer writing to the disabled person's legal representatives/insurers to request information on the progress of the claim.

9.0 Determination of Amount of Grant Payable in respect of Landlord Applications

- 9.1 Where a landlord applies for a DFG in respect of adaptation works to a dwelling that is or is intended to be let to a disabled person, the amount of grant awarded shall be determined after taking into account the extent to which the landlord is able to charge a higher rent because of the works. Officers can seek advice from rent officers and by considering average rents for the area for non adapted properties.

10.0 Eligibility Criteria

- 10.1 Eligibility for a DFG is set out in the Act. The following criteria must be met:
- The applicant must be aged 18 or over on the date of the application and have an owners or tenant's interest in the property;
 - The relevant person must be disabled and the disability or condition must not be temporary;
 - The disabled person/child has been assessed by Lancashire County Council's Occupational Therapy Service (assessment of need) and adaptation works have been recommended based on the relevant Occupational Therapy criteria document;
 - The property to be adapted must be the disabled persons' main or only residence (if the disabled person currently lives elsewhere, they must intend to occupy the property as their main or only residence once it has been adapted);
 - The adaptation works must, in the opinion of the Council, be necessary and appropriate to meet the needs of the disabled person;
 - The adaptation works must, in the opinion of the Council, be reasonable and practicable, having regard to the age and condition of the dwelling;

- The adaptations must fulfil one or more of those purposes set out in s.23 (1) of the Act, i.e. those works which would be eligible for a mandatory DFG;
- The dwelling or building to be adapted must be free of category 1 hazards (as defined by the Housing Health and Safety Rating System);
- The property must not be overcrowded;
- The adaptation scheme must not contain any works which may be undertaken for the purposes of s.23 (2) of the Act i.e. those works that would be eligible for a discretionary DFG to make a dwelling suitable for the accommodation, welfare or employment of a disabled person.

11.0 The Applicant

- 11.1 The person applying for the grant is called the 'applicant'. The applicant must be the person who is either the owner or tenant of the property to be adapted. In many cases, the disabled person will be the owner or tenant and will therefore be the applicant. However, this may not be the case for example, the disabled person may live with family members therefore they are not an owner or tenant.
- 11.2 Where the disabled person is not the owner or tenant of the property to be adapted, the owner or tenant will be the person who applies for the grant. However, the means test will only be carried out on the disabled person's income and savings.

12.0 Meaning of Disabled

- 12.1 For the purposes of a DFG, the applicant must have been assessed as being disabled within the meaning of s.100 of the Housing Grants, Construction & Regeneration Act 1996 and the disability must not be temporary.
- 12.2 S.100 of the Act states; a person is disabled if:
- their sight, hearing or speech is substantially impaired;
 - they have a mental disorder or impairment of any kind;
 - they are physically substantially disabled by injury or impairment present since birth or otherwise.
- 12.3 A person under the age of 18 is considered to be disabled if he/she is registered on a register of disabled children under the Children Act 1989.

13.0 Assessment of Need

- 13.1 LCC has a duty to carry out an assessment of the needs of disabled adults and children living in Lancashire. This assessment is done prior to an application for DFG funding. Assessments will be carried out by LCC's Occupational Therapy Service.
- 13.2 The Council will only consider an application for a DFG upon receipt of a referral from LCC.
- 13.3 Upon receiving a request to assess a person's needs, LCC shall, if adaptations are considered necessary, arrange for an OT assessment to be carried out. Following the assessment the OT shall send written notification of the assessment the Council. The notification will be treated as a request for a DFG.
- 13.4 The OT will prioritise each case using the relevant prioritisation guidelines. Cases will be classed as either high or standard priority.
- 13.5 During periods of high demand for DFG funding, cases classed as high priority will be dealt with first by the Council.
- 13.6 The OT will always specify the least expensive adaptations that will meet the disabled persons' needs. Where more expensive adaptations are recommended, the OT will provide information in support of that request.
- 13.7 It is good practice to carry out joint visits where the adaptations required may involve extensive modification or building work. Such visits between the OT and Private Sector Housing Technical Officer are encouraged at an early stage.
- 13.8 The officer should at the time of the joint visit, undertake a detailed survey of the property, discuss with the disabled person and/or their carers, their circumstances and note their views and wishes. The officer must not make suggestions for alternative or additional work to the client. If the officer feels other work is appropriate this must be discussed with the OT separately.
- 13.9 In cases of doubt as to whether a scheme will be assisted in whole or part, it is recommended that officers should not make any commitments at the time of the joint visit but refer the matter for consideration by senior officers.

14.0 Main or only residence

- 14.1 The property to be adapted must be the disabled persons' main or only residence. Where that is not currently the case, the disabled person must intend to occupy it as their main or only residence during the grant condition period once it has been adapted.

14.2 Where the applicant is proposing to purchase a dwelling that will require adaptations, the DFG can only be approved once the property is actually owned by the applicant. The applicant will be encouraged to liaise with the Council and OT service so that advice can be given on the likely suitability of the property to meet the disabled persons needs, whether it can be adapted, the likely cost of the adaptations, any contribution and the expected timescale for carrying out the required works.

14.3 Proof of residency must be obtained and an owners or tenant's certificate must be provided.

- **Owners' Certificate:** Where the applicant is an owner occupier, any DFG application must be accompanied by an owner's certificate which certifies that the applicant has or proposes to acquire a qualifying owner's interest and intends that the disabled person will live in the property as his or her only main residence throughout the grant condition period.
- **Tenants' Certificate:** Where the applicant is a tenant, a tenant's certificate must be provided which certifies that the application is a tenant's application and the tenant, if he is the disabled person, intends to live in the property as his only main residence throughout the grant condition period (health and other circumstances permitting). An owner's certificate must also be provided by the owner of the property.
- **Houseboat or Park Home Owners - Occupiers' Certificate:** Where the applicant resides in a qualifying houseboat or park home, an occupier's certificate must be provided. The occupier's certificate certifies that the application is an occupier's application and that the applicant (or disabled person) intends to live in the houseboat or park home as his only or main residence throughout the grant condition period (health and other circumstances permitting).

In addition to an occupier's certificate, a consent certificate is required from each person (other than the applicant) who at the time of the application is entitled to possession of the premises at which the houseboat is moored or the park home is pitched or is entitled to dispose of the qualifying houseboat or park home. The consent certificate certifies that the relevant person consents to the work being carried out.

14.4 Where the DFG is for a disabled child whose parents have separated, only one property will be classed as the child's main residence for the purposes of a DFG, irrespective of whether the parents have joint custody. The main residence will usually be determined by which parent receives child benefit.

14.5 A DFG will not normally be granted for a child in foster care unless it is intended that the child will be cared for at the property for the length of the grant condition period. However, each application will be considered on a case by case basis.

15.0 Necessary and Appropriate

15.1 The adaptation works requested must be necessary and appropriate to meet the needs of the disabled person. In deciding whether any works are necessary and appropriate, officers shall take into account:

- the recommendations of the OT;
- whether the proposed works are the most cost effective option;
- whether aids and equipment have been considered or tried;
- whether the proposed works have been unduly influenced by the desires of the disabled person or their family members e.g. recommending a ground floor extension because the disabled person has rejected the installation of a stairlift/through floor lift.

15.2 Where the disabled person wishes to alter or enhance the works recommended e.g. wishes to have an extension rather than a stairlift, provided the OT approves the altered scheme, the client may proceed with the new scheme. The amount of DFG awarded will be for the cost of the initial scheme with the client being responsible for any additional costs in implementing their preferred scheme.

15.3 In any cases of doubt as to whether the works are necessary and appropriate, the case should be referred to the Homelessness & Private Sector Housing Manager who will decide whether the scheme may proceed.

15.4 If it is considered that the scheme should not proceed, a case conference should be arranged with the OT to try and resolve the issue and agree an acceptable scheme. Failure to agree on necessary works should be avoided.

15.5 The final decision as to whether the works are necessary and appropriate rests with West Lancashire Borough Council.

16.0 Reasonable & Practicable

16.1 The Council has a duty to satisfy itself that any proposed adaptations are reasonable and that it is practicable to undertake those works.

16.2 Although it may be agreed that the works are necessary and appropriate to meet the needs of the disabled person, it may not be reasonable or practicable to undertake those works.

- 16.3 In cases where it is not possible to adapt a property to an appropriate standard or where the cost of the work is considered excessive, the Council will take the view that the work is not reasonable and practicable. Where this is the case, the applicant will be asked to consider whether moving to more suitable accommodation would be a better option.
- 16.4 Where the applicant wishes to move to Council accommodation, they will be provided with a report outlining why the current home cannot be adapted to assist them with their housing application.
- 16.5 In any cases of doubt as to whether the works are necessary and appropriate, the matter should be referred to the Homelessness & Private Sector Housing Manager who will decide whether the scheme may proceed.
- 16.6 If it is considered that the scheme should not proceed, or that it should be amended, a case conference should be arranged with the OT to resolve the issue and agree an acceptable scheme. Every effort must be made to assist a disabled person with the circumstances of each case being considered individually. Failure to agree on necessary works should be avoided.
- 16.7 Any scheme of adaptations must be reasonable taking into account the cost and practicability of carrying out the works. Where a scheme involves substantial structural alterations or extensions, officers should consider re-housing the applicants as an alternative where more suitable accommodation is available.
- 16.8 Public funds will not normally be provided to adapt a dwelling above a reasonable minimum standard. Disabled persons and their carers should be advised that if their desires/aspirations exceed what is considered to be reasonable, then they will be required to fund any additional costs themselves.
- 16.9 The final decision as to whether the works are reasonable and practicable rests with the Council.
- 16.10 Factors to be considered in deciding if the works are reasonable and practicable include:
- The condition of the property

A property should be free from category 1 hazards before adaptation works are undertaken. The owner of the property will be responsible for carrying out any work to remove such hazards. However, where the health of the disabled person would be adversely affected by undertaking such works; the works are relatively minor in nature or the adaptation works are urgent, it may not be reasonable put such adaptation works on hold.

Where repair or remedial works are required before adaptation works can be carried out, the owner of the property will be responsible for completing and funding these works. The Council will not approve a DFG until the works have been satisfactorily completed.

Where repair or remedial works are discovered whilst the adaptation works are underway and failing to address these will prevent the adaptation works from being completed, the reasonable cost of such works can be included in the DFG as 'unforeseen works'.

- The location of the property.

It may not be reasonable or practicable to adapt a dwelling where the location makes this difficult. For example:

- there is a very steep access drive/path which cannot be re-graded;
- the approach is an unmade track or road;
- the dwelling fronts a highway or pavement which cannot be obstructed by ramps/lifts;
- permission cannot be obtained for adaptations to common entrance pathways/staircases;
- the dwelling is a houseboat/park home with poor means of access

- The age of the property

The age of the property may be a factor due to a poor layout, narrow corridors/stairs etc. A property may also be listed which may restrict the works that can be carried out.

- Planning or Building Regulation constraints;

Where the adaptation works involve constructing an extension or substantial structural alterations, it will be important to ensure that planning requirements or building regulations are complied with. This will include ensuring appropriate design of the scheme.

- Impact on existing facilities

Adaptations should not result in unacceptable changes to the amenities or facilities enjoyed by other occupants of the dwelling e.g. the effect of widening hallways should not reduce living or sleeping space below the minimum standard. Any alterations to layout should not result in the dwelling becoming overcrowded.

- Physical constraints due to the size or layout of the property

It may not be reasonable or practicable to alter a very small dwelling to facilitate full wheelchair use. It will not normally be acceptable to adapt a property if it would result in the property failing the HHSRS or minimum room sizes, especially if it does not fail it without the adaptations.

- **Overcrowding**

It would not normally be reasonable to adapt a property that is already overcrowded. Adaptations are not to be undertaken to relieve an overcrowding problem e.g. constructing a bedroom extension for a disabled person who already has access to such facilities simply to reduce overcrowding for the remainder of the occupants.

It would be acceptable to require other occupants to share facilities to allow a disabled person access to a room provided that by doing so the other occupants would not exceed the occupancy limit for the room.

Extensions to create additional bedroom space should not normally be undertaken where a dwelling has adequate rooms for sleeping to accommodate all the occupants and the disabled person can access a suitable bedroom.

17.0 Decision Making Criteria

17.1 Once the Council has determined that the proposed adaptation works are *necessary and appropriate* and *reasonable and practicable*, the following expectations and presumptions are taken into account:

- The recommended adaptation works should properly and fully meet the assessed needs of the disabled person
- The adaptation works recommended by the OT are the least expensive appropriate to meet the disabled persons needs. Where more than one type of adaptation would be suitable and the more expensive has been specified, the OT should be requested to justify the request and identify any special circumstances that have been taken into consideration.
- Whether alternative schemes involving mobile aids or equipment have been considered or tried.
- Whether the adaptation works recommended have been unduly influenced by the desires or aspirations of the disabled person or their carers e.g. proposing a ground floor extension where the disabled person could use a stairlift but is unwilling to do so.

- Wherever practicable and realistic, the change of use of existing rooms or the re-ordering of rooms will be the preferred solution and will take precedence over both the construction of extensions and the installation of items such as through floor lifts.
- The DFG will only fund one facility to a dwelling e.g. only one bathroom will be adapted, only one specialist toilet will be provided etc.

17.2 Where the applicant wishes to alter the works drawn up, incorporate the works into a larger renovation or enhance the specification of the fixtures and fittings, they are free to do so. A grant equal to the cost of the work originally specified will be given with any additional cost funded by the applicant.

17.3 Where the applicant requests works that differ from those specified by the OT in their referral, agreement must be obtained from the OT that the alternative works are appropriate to meet the needs of the disabled person before the works are commenced.

18.0 Works Eligible for a DFG

18.1 The adaptation works recommended must be eligible for a mandatory DFG in accordance with s.23(1) of the Act.

18.2 Examples of the type of work that can be funded are as follows:

18.3 Facilitating access

18.4 Under this category, a grant may be given for works to remove or help overcome any obstacles which prevent the disabled person from moving freely into and around the dwelling, accessing the garden and enjoying the use of the dwelling and the facilities or amenities within it. Works may include:

- Ramped access to main entrance door for wheelchair use or step lift equipment;
- Widened entrance door for wheelchair use;
- Alterations to secondary entrance door/patio to provide access to rear garden/yard
- Works which will **not** normally be eligible for assistance include:
 - Construction or resurfacing of a driveway, provision of a garage or storage facility for car, electric scooter or wheelchair etc;
 - Works outside the curtilage of the dwelling where permission cannot be obtained from others e.g. ramp on public footway;

- Works to provide access to a garden area e.g. steps/ramp down or up from patio to lawn etc (facilitating access from the house to outside will be provided);
- Works to provide access to garage/shed/outbuildings etc;
- Resurfacing/re-grading of public footpaths or common passageways to the entrance of the dwelling e.g. cobbled rear passage to yard of terraced house.

18.5 **Making the dwelling safe**

18.6 Under this category, a grant may be given for certain adaptations to the dwelling or building to make it safe for the disabled person and other persons residing with them. Works eligible for assistance may include:

- Provision of guards or cladding etc; to prevent persons with behavioural problems harming themselves;
- Specialised glazing or shades to windows to protect occupants with a medical condition which make them sensitive to sunlight;
- Works which are not normally eligible for assistance include:
- Works solely designed to remove category 1 hazards under the Housing Health and Safety Rating System.

18.7 **Facilitating access to a room usable for sleeping**

18.8 Under this category, a grant may be given for the provision of a room usable for sleeping where the adaptation of an existing room in the dwelling or access to that room is unsuitable in the particular circumstances.

18.9 Where the disabled person shares a bedroom with a spouse/partner, a grant may be given to provide a room of sufficient size so that the normal sleeping arrangements can be maintained.

18.10 Works eligible for assistance may include:

- Provision and installation of stairlift or through-floor lift equipment and structural alterations required to allow the installation, where access is required to a bedroom or room suitable for sleeping which is above ground floor level.;
- Conversion of a ground floor room into a bedroom; widening doorways for wheelchair access;
- Construction of bedroom extension;

- Strengthened ceiling in preparation for ceiling track hoist (hoist equipment to be supplied by LCC).
- Work which will **not** normally be eligible for assistance include:
- Provision of space within a bedroom for sensory equipment, social, recreational, study or working purposes.

18.11 **Facilitating access to bathing facilities**

18.12 Under this category, a grant may be given for the provision of or access to, a WC and or bathing facilities. Works eligible for assistance may include:

- Widening doors to existing bathroom to suit wheelchair user;
- Provision and installation of stairlift or through-floor lift where existing bathroom is above ground floor level including structural alterations where required;
- Provision of a bathroom where the current one cannot be accessed or adapted to suit the disabled person;
- Adaptation of the existing bathroom to suit the disabled person e.g. replacing bath with level access shower (over bath showers will not be provided unless there is a specific medical need for this);

Note: Shower facility must be level access wherever possible. A low-level tray will only be considered where the existing floor will not accommodate a level access tray.

- Replacement of shower with a bath (this will only be considered where the disabled person is unable to shower and where the shower was not provided through a DFG);
- Provision of bath and shower where there are 2 or more disabled occupants with differing needs (subject to space);
- Provision of bathroom extension where the current one cannot be accessed by the disabled person;
- Strengthening of ceiling joists to accommodate ceiling track hoist (track and hoist to be provided by LCC)
- Provision of fixed seat/grab rails;
- Non-slip/sloping floor to create shower facility.
- Provision of a WC where one does not exist;
- Repositioning WC to facilitate access by wheelchair user;

- Raised/lowered WC pan;
- Provision of ground floor WC where upper floor cannot be accessed;
- Extension for a WC;
- Works which are not normally eligible for assistance include:
- Provision of an external WC

Note: A wash-hand basin should normally be provided within the same room as a WC. Where this is not possible, the wash-hand basin should be in an adjoining room e.g. ante space or bedroom.

18.13 Where a wet room is being created, a thermostatically controlled shower will be provided along with shower curtain or carer screens. The immediate shower area will be tiled with plain white tiles (client can request additional tiling and specification of tile at their own expense). Appropriate non-slip vinyl flooring will also be provided (again this can be upgraded at clients' expense).

18.14 Works which are not normally eligible for assistance include:

- Tiling outside of immediate shower area;
- Replacement of floor coverings where no other work is being recommended;
- Retention of bath/shower for non-disabled occupants when providing a facility for a disabled occupant if this increases costs;
- Provision of non-fixed bathing or shower seat;
- Provision of an additional bathing facility on ground floor if existing facility is accessible or would be if a lift was provided.

18.15 **Facilitating Access to Wash-hand Basin**

18.16 A wash-hand basin will normally be provided in the same room as the WC. Works to provide access may include:

- Relocation of wash-hand basin to facilitate use by wheelchair user;
- Replacement of wash-hand basin with more suitable type e.g. replace vanity unit with wall fixed wash-hand basin;
- Replacement of taps with lever taps in association with above.

18.17 Works not normally eligible for assistance include:

- An extension solely for a wash-hand basin;

- The replacement of taps on their own if no other works involved and tap turners would be adequate.

18.18 **Facilitating the Preparation and Cooking of Food**

18.19 Under this category, a grant may be given to re-arrange or enlarge a kitchen to improve the manoeuvrability of a wheelchair and to provide specially modified or designed storage units, work top area etc.

18.20 The extent of adaptation work in a kitchen should be related to the extent of cooking and food preparation normally undertaken by the disabled person. No works will be undertaken where the disabled person is not responsible for preparing or cooking any food. Works eligible for assistance may include:

- Rearrangement of kitchen fittings/appliances to facilitate their use;
- Enlargement of the kitchen if it is too small to allow its safe use by a wheelchair user;
- Adapted work-top/storage unit for wheelchair user;
- Adapted doorway for wheelchair user;
- Widened doorway for wheelchair user
- Works not normally eligible for assistance include:
- Provision of additional kitchen units/fittings/appliances

18.21 **Power, Light and Heat**

18.22 Under this category, a grant may be given to provide or improve the existing heating system in the dwelling to meet the disabled person's needs.

18.23 Provision is also made for the adaption of lighting and power to make them suitable for use by the disabled person.

18.24 Works eligible for assistance include:

- Relocating power points to make them accessible;
- Adaptation of heating/lighting controls to make them accessible;
- Replacement of solid fuel fire with other heating appliance in living/sleeping rooms normally used by a disabled occupant;
- Improvement of inadequate heating in living/sleeping rooms normally used by disabled occupant;

18.25 Works not normally eligible for assistance include:

- Works to rooms not normally used by disabled occupant;
- Provision of central heating to a whole property.

18.26 **Facilitating access and movement to permit the care of other persons**

18.27 Under this category, a grant may be given for works to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there whether or not they are related to the disabled person. The dependent being cared for need not be disabled. Works eligible for assistance may include:

- Provision and installation of stairlift or through-floor lift equipment (including any structural alterations required) to allow the disabled person access above ground floor (where they currently live on the ground floor) to provide care to others;
- Widening doorways to the bedrooms of those being cared for by the disabled wheelchair user;
- Works not normally eligible for assistance include:
 - Any works necessary to relocate persons being cared for by the disabled occupant into other rooms e.g. moving a child from the first floor bedroom to a ground floor room or extension.

18.28 **Access to principal family room**

18.29 Under this category, a grant may be given for works to enable a disabled occupant better access the main family room. Works eligible for assistance may include:

- Widened doorway for wheelchair access;
- Provision and installation of stairlift/through-floor lift equipment and structural alterations required to allow installation, if the principal living room is on an upper floor;
- Widened doorway in entrance hall to access principal family room for wheelchair use;

18.30 Works which are not normally eligible for assistance include:

- Widening or improving access to other living rooms/study etc which are not the principal family room or dining room;
- Alterations or extensions to create a family room;

19.0 Extensions

- 19.1 The construction of extensions to provide accommodation for a disabled person is normally the most expensive form of adaptation work, therefore, officers must be completely satisfied that such works are wholly necessary and reasonable.
- 19.2 Extensions will not normally be provided simply to enlarge a dwelling. The extension works must be required to allow a disabled person access to a sleeping room and/or bathroom or to allow a disabled person to safely use kitchen facilities.
- 19.3 Extensions may not be provided to accommodate occupants other than a disabled person, unless the extension releases existing space in the dwelling for the use of the disabled person and is a more cost-effective solution.
- 19.4 Where a recommendation is received from the OT for the construction of an extension, officers must fully investigate the potential for an alternative scheme of adaptation to be undertaken.
- 19.5 In the majority of cases extensions are proposed because the disabled person cannot access a sleeping room and bathroom on the first floor. In such cases it must normally be proven that the disabled person is unable to use a stairlift or through-floor lift because of their condition, or that it is not practical to install a lift and, where necessary, alter the first floor layout.
- 19.6 If the only reason for not installing a lift is the presence of children in the household this is not considered to be a reasonable justification to construct an extension.
- 19.7 Dependant upon the level of occupancy of the dwelling it may be appropriate to convert existing rooms on the ground floor for sleeping or bathing purposes and this must be considered especially where there are unused rooms.
- 19.8 If an extension is proposed for a bedroom because there is no room available which is suitable for the use of the disabled person for sleeping purposes, consideration must be given to other occupants in the house moving to another sleeping room or sharing a sleeping room with other occupants, where appropriate, to release an adequate room for use by the disabled person.

20.0 Room Sizes

- 20.1 Where it is agreed that an extension be constructed to accommodate a disabled person, decisions on the appropriate size of the room(s) should be made with reference to the Occupational Therapist Guide to Room Sizes. The actual size of rooms may, however, exceed the minimum sizes in the guide to reflect the individual needs of the disabled occupant.

- 20.2 If the disabled person has a partner with whom they normally share a bedroom then consideration will always be given to any bedroom extension, wherever possible, being large enough to accommodate both people.
- 20.3 As the needs of disabled persons differ significantly it is not possible to define a limit to the size of a bedroom or bathroom extension which may be provided. The essential principal, however, is that the rooms should not exceed an area of size sufficient to meet the basic sleeping/bathing needs of the disabled person.
- 20.4 Within a bedroom space may be allowed for:
- A bed (or beds if a couple share a room);
 - Wardrobe;
 - Drawer Unit;
 - The safe manoeuvring of a wheelchair or walking frame;
 - Equipment necessary to assist in getting into or out of bed;
 - Access for carers to assist a disabled person in getting into and out of bed (access to both sides of the bed will always be a priority).
- 20.5 Where the OT recommends an extension to accommodate a disabled person's needs which are not eligible for assistance, e.g. for their welfare or employment, the additional ineligible space may be included in the adaptation scheme, subject to the additional costs being funded by the disabled person.

21.0 Agency Service

- 21.1 The Council offers an Agency Service to assist applicants in arranging and managing the adaptation project on behalf of the applicant. The Council is allowed to include an agency fee for this service within the grant. The current fee charged is 12% (plus VAT) of the total eligible cost of the works subject to a minimum charge of £300.
- 21.2 If during the course of the grant process the applicant decides they no longer wish to proceed with the grant application, the applicant will be responsible for paying back any reasonable costs incurred by the Council in:
- The preparation of plans and their submission for Building Regulations or Planning Approval
 - Obtaining specialist advice relating to the carrying out of the relevant works

21.3 The Agency Service will:

- obtain quotes from contractors selected from the Council's approved contractor list or Lancashire County Council's Safe Trader Scheme;
- apply for building regulation or planning permission approval as required;
- instruct an architect where required;
- supervise the contractor;
- authorise payment to the contractor on satisfactory completion of the work.

21.4 Where the applicant chooses to employ the Council's Agency Service and the work is for a bathroom adaptation or installation of a ramp, the work will be undertaken in accordance with the Council's Contracts for Adaptations & Ramps for the Disabled 2013-2016 using one of the two contractors employed under the contract.

21.5 The Assistant Director Community Services is given delegated authority to review from time to time and amend, if considered appropriate, the fee charged for use of the Council's Agency Service in conjunction with the relevant Portfolio Holders.

21.6 As grant funding is issued to the applicant, the contractual relationship in relation to carrying out the work is between the applicant and the contractor. The Council does not have any legal liability or responsibility in this regard.

21.7 Where a dispute arises between the applicant and the contractor over the quality of the work carried out, the Council will work with both parties to negotiate a resolution to the issue. Where an agreement cannot be reached, the only recourse available to both parties is through the courts.

22.0 Private Agents

22.1 The applicant has the option of employing their own agent to assist in the completion of the works.

22.2 Where the applicant chooses to employ their own private agent to directly assist in the preparation and completion of the scheme of works, the fee charged can be included in the grant.

22.3 The maximum amount that can be claimed is 12% (plus VAT) of the total eligible cost of the works.

22.4 The Agent must provide an estimate of costs to be agreed by the Council and payment will only be made on receipt of a valid invoice.

22.5 Where the applicant elects not to proceed with the grant application, any costs incurred by the agent will not be eligible for grant funding and must be recovered directly from the applicant.

22.6 The Assistant Director Community Services has delegated authority to review from time to time and amend, if considered appropriate, the fee amount allowed for the use of a private agent, in conjunction with the relevant Portfolio Holders.

23.0 Applicant Supervision

23.1 Where the applicant chooses to act as their own agent, they may select a contractor from the Council's list of approved contractors, Lancashire County Council's Safe Trader Scheme or they may source their own.

23.2 Where an applicant wishes to use a contractor not on either list, the Council must vet and approve the contractor prior to the application being approved.

23.3 No agent's fees will be payable where the applicant acts for themselves.

24.0 DFG process in West Lancashire

Stage 1 Occupational Therapist Assessment

Residents in the borough wishing to be considered for adaptations to their home, must request an assessment of their needs from Lancashire County Council (LCC) before a DFG application can be made.

Stage 2 Occupational Therapist Referral

If major adaptation works are required, a joint visit will be carried out with the OT and Private Sector Housing Technical Officer to establish the best way of meeting the disabled occupants' needs. Following the visit, the OT will provide the Council with a recommendation outlining the adaptation works that have been agreed. This will constitute a request to consider the client for a DFG to assist in paying for the work to be completed.

The referral will include copies of any quotes for specialist equipment already obtained by the OT.

Stage 3 Means Test (Test of Resources)

Upon receipt of an OT recommendation, the client will be provided with a form to complete an initial provisional means test. This will determine prior to any further work being carried out, whether they would qualify for a full grant or whether they would have a contribution to pay.

Stage 4 Establishing Ownership of the Property

The Council has access to the Land Registry to confirm ownership of the property. Where there are no records held, the client will be advised during the survey visit that they will be required to provide a copy of the deeds to the property.

Stage 5 Survey, Completion of Application Form & Terms and Conditions

A survey of the property will be carried out and a schedule of work based on the recommended adaptations will be drawn up.

Applications for DFG assistance must be made in writing using the forms provided by the Council. The DFG application form will be completed during this visit and proof of ownership will be requested if it could not be obtained from the Land Registry.

The grant terms and conditions will also be provided to the client for them to read and sign to state they understand them.
The client will also be offered the Council's Agency Service to assist with the next steps in the process.

Stage 6 Engaging an Architect or other Professionals

If an architect, structural engineer or other professional is required, the client must engage their services (unless they have elected to use the Council's Agency Service).

The Council must approve the estimated fees if they are to be included in the grant.

Stage 7 Obtaining Quotes

At least two competitive quotes must be obtained using the schedule of work drawn up by the Council. The client will be responsible for obtaining these quotes (unless they have elected to use the Council's Agency Service)

Where quotes have been provided by contractors not on the Council's approved list or Lancashire County Council's Safe Trader Scheme, the Council must vet the contractor to ensure they are competent and suitably insured.

Quotes provided by a relative of the applicant, will only be approved for the cost of materials, the applicant will be responsible for the cost of labour except for where sub-contractors must be used.

Quotes are evaluated to ensure they cover only the identified works and represent value for money. Once the quotes are accepted, the amount of grant offered will be based on the lower of the prices submitted. The applicant may choose to appoint one of the alternative contractors but must fund any difference in cost themselves.

Stage 8 Grant Approval

A DFG application is considered to have been made when:

- An OT referral has been received;
- A test of resources assessment has been carried out;
- A DFG application form has been completed;
- An owners/tenants/occupiers certificate has been received;
- Proof of ownership has been confirmed
- A schedule has been drawn up, appropriate permissions have been granted and prices have been obtained
- The works have been assessed as being reasonable and practicable and necessary and appropriate.

The Council has 6 months to approve a grant application once it has been made however approval times are much quicker than this.

Upon approval the applicant will be provided with the following information in writing:

- A copy of the schedule of work that is eligible for grant funding;
- The estimated amount of expenses that will be incurred;
- The estimated amount of costs that will be incurred in relation to ancillary services and charges;
- The amount of grant that will be paid.

Note: documents showing how the expenses and other costs and charges have been calculated will be provided.

Applicants **must not** instruct the contractor to start work before receiving the formal grant approval document.

If after approval, the Council is satisfied that owing to circumstances beyond the control of the applicant the works could not or cannot be carried out on the basis of the expenses calculated, the cost of the work has increased or additional works are required that could not have been reasonably foreseen at the time the application was made (unforeseen works), the Council may re-determine the estimated expense and the amount of the grant.

Stage 9 Completion of Work

The work must be completed within 12 months from the date the grant was approved.

The Council has the discretion to extend this timescale where there have been delays due to unforeseen works or other issues.

Officers must satisfy themselves that the works have been undertaken in a proper and workmanlike manner and confirm with the OT that the works satisfactorily meet the assessed needs of the service user prior to the grant monies being released.

The disabled person and/or their carers shall be consulted on whether they consider the works to be satisfactory and written confirmation of their satisfaction must be obtained before the balance of the grant monies is released to the contractor.

Where specialist equipment is installed, e.g. stairlift, through-floor lift etc, officers should ensure that the disabled person and/or their carers have been fully instructed in its safe use by the installers or OT as appropriate. If it appears that a disabled person has not been adequately instructed then the OT shall be notified immediately.

If it appears that any adaptation works are not wholly satisfactory in meeting the needs of the disabled person or that the disabled person appears unable to use the adapted facilities, the OT should be notified immediately.

Officers must not give any advice or instructions on the safe use of equipment, but refer any such requests to the OT.

Stage 10 Payment of Grant

The Council can make interim payments to the contractor as work progresses but no more than 90% will be paid before full completion.

Upon completion of the work, a technical officer will visit to ensure all works have been completed satisfactorily and will ask the applicant to sign a satisfaction survey confirming they are happy with the work.

Once a valid invoice and any certificates/guarantees have been received, the grant money will be released to the contractor.

Stage 11 Delayed payment of grant

Where a grant is approved, the Council can set terms that no monies will be released before a date specified in the notification of the decision.

That date shall not be more than 12-months after the date of the application.

25.0 Maintenance & Repair

- 25.1 A DFG will only be provided to adapt a dwelling; it will not be provided to pay for any on-going maintenance or repair of the adaptation works after the expiry of any applicable warranty period. On-going maintenance and repairs will be the responsibility of the applicant.
- 25.2 The DFG will not cover the cost of any extended warranty period offered by the manufacturer of any equipment installed. The grant applicant will be advised to consider taking out any extended warranty for equipment such as stairlifts as the cost of repairs can be high.
- 25.3 Future grants to replace equipment such as stairlifts will only be considered if the stairlift is beyond economical repair. Another grant will not be awarded where the stairlift can be repaired but the applicant is unable to afford the repair and chose not to take out the additional warranty.
- 25.4 Any items which carry a warranty will be covered by that warranty and the contractor will provide the applicant with the relevant details.
- 25.5 Any contractor introduced to the applicant under the Agency Service will offer a separate workmanship guarantee, the length of which will be advised at the outset.
- 25.6 Where the applicant has had a starilift, through floor lift or other specialist equipment fitted and has signed a deed of transfer of that item to LCC, the maintenance and removal of that equipment will be the responsibility of LCC.
- 25.7 Warranty costs for equipment supplied and paid for directly by LCC outside of the DFG process, will not be included in the grant.

26.0 Refusal of Grant

- 26.1 If the grant application is refused, the applicant will be informed of the reasons why in writing and offered an opportunity to appeal.

27.0 Successive Applications

- 27.1 Successive grant applications are permitted where further adaptations are needed in the future due to a deterioration or change in the disabled persons' condition.
- 27.2 Where a grant application has been rejected and the applicant submits another application, the new application will be reviewed to determine whether the circumstances are different to the previous application. Where the circumstances are exactly the same, the application will not be accepted. Where the circumstances are different, the new application will be assessed and a decision made as to whether the application can be accepted or refused.
- 27.3 Where an applicant has been awarded a DFG on a previous or current property and has moved or is planning to move to another property that will require adapting, provision of a DFG will be depended on the reasons for moving. The Council may decide that it is not reasonable to award a further DFG if the reasons for moving are not justified.

28.0 Grant Conditions

- 28.1 DFGs are subject to conditions as set out in the Housing Grants, Construction & Regeneration Act 1996 and are as follows:

- Carrying out the works

Under s.37 of the Act, it is a condition of payment that the eligible works are carried out within 12-months from the date of approval or where payments has been delayed, before the notified date.

The Council can extend this time in circumstances where it is clear that the eligible works cannot or could not be completed without carrying out any unforeseen work.

The Council may demand repayment of any interim payments made where without reasonable excuse, the works were not completed within 12 months of approval or any extended period as agreed.

- Commencement of Works before Approval

An application for a DFG will not be approved if the work has started before the application has been approved.

Where work has started but has not been completed, the application may be approved if the Council is satisfied that there were good reasons for the work beginning before approval.

If the Council approves an application where works have already started but have not been completed, it may, with the consent of the applicant, treat the application as varied so that the works approved do not include any that have been completed prior to approval.

A grant cannot be approved if the relevant works have already been fully completed before the application is approved.

▪ Conditions as to contractors employed

Under s.38 of the Act, it is a condition of the grant that unless the Council directs otherwise, the eligible works must be carried out by a contractor that has provided an estimate for the work using the schedule of works drawn up by the Council.

The Council has procured a schedule of rates and engaged the services of two contractors under the Contracts for Adaptations & Ramps for the Disabled 2013-2016. Where the applicant employs the Council's Agency Service, the work will be carried out under the terms of that contract.

Where the applicant does not wish to use the Council's Agency Service and does not wish to approach any of the contractors on the Council's approved contractor list, they may appoint their own contractor. The Council will vet the contractor to ensure he is suitably qualified and experienced to carry out the work. Where the Council is not satisfied, the grant application may be refused. Where either the applicant or a relative of the applicant wishes to carry out the actual adaptation work, the grant will only be approved for the cost of materials. The applicant will be responsible for the cost of labour unless sub-contractors have been used for some elements of the work.

Where the applicant has appointed their own contractor and the price for the work is in excess of the price set by the Council using the standard schedule of rates, the amount of grant will be limited to the price set by the Council. Any excess cost must be paid for by the applicant.

▪ Payment of Grant

The Council will issue payment direct to the contractor.

The payment of a grant is conditional upon:

- The eligible works being carried out to the satisfaction of the Council;
- The Council being provided with an acceptable invoice for any works, services or charges;
- Any safety certificates or building control certificates being received

- Payment can be made;
- in full after the eligible works have been completed, or
- by instalments as the works progress

Where a grant is to be paid by instalments, the amount paid cannot exceed 90% of the total amount of the grant.

Where an amount of grant is payable but the works have not been completed to the satisfaction of the applicant, the Council may at the applicant's request and if they consider it appropriate to do so, withhold payment from the contractor.

- Residence condition

It is a condition of the grant that the applicant has or proposes to acquire a qualifying owners interest in the property and intends that the disabled occupant will live in the adapted property as their only or main residence throughout the grant condition period.

The grant period is currently 5 years and starts on the 'certified date'. The certified date is the date the Council decides the eligible works are complete to the satisfaction of both the Council and the applicant.

- Reclamation of Equipment

Where an application for assistance includes the provision of a stairlift, through-floor lift, step-lift or other specialist equipment, it shall be a requirement of providing assistance that such equipment will be reclaimed by LCC when it is no longer required by the disabled person.

A contract shall be signed by the applicant with LCC for this purpose. Should the applicant refuse to sign then he/she will be fully responsible for the maintenance and disposal of the equipment (maintenance and future removal costs cannot be covered by the grant).

- Repayment of grant on sale or transfer of property (owner occupiers only)

In accordance with the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of Grant) General Consent 2008, a condition is attached enabling the Council to recover a proportion of the grant if the property is sold or ownership is transferred within 10 years of the work being completed.

Repayment will be required in the following circumstances:

- (a) where the grant amount exceeds £5,000; and
- (b) the applicant has a qualifying owners interest in the property on which the relevant works were carried out; and
- (c) the applicant disposes of the property, whether by sale, assignment, transfer or other means, within 10 years of the certified date of completion of the works

In order to alert the Council to a potential sale or transfer of ownership, a local land charge will be placed on the property where that DFG was for more than £5,000. The charge will remain on the property for 10 years and will be binding on any person who is the owner of the property.

Should the property be sold within the 10 year period, the Council will demand repayment as follows:

Grant Amount	Amount Repayable
Up to £5,000	£0
£6,000	£1,000
£8,000	£3,000
£10,000	£5,000
£15,000 +	£10,000

The partial recovery of grant funding will allow the Council to recycle some funding back into the budget for future DFGs.

It should be noted that the repayment mechanism only applies to owner occupiers.

29.0 Withdrawal of application prior to approval where costs have been incurred

- 29.1 Where the applicant, prior to the grant being approved, decides not to pursue the application, he/she shall reimburse the Council any costs incurred in:
- the preparation of plans and their submission for Building Regulations or Planning Approval
 - obtaining specialist advice relating to the carrying out of the grant works e.g. structural surveyor fees
- 29.2 The Homelessness & Private Sector Housing Manager has the discretion to waive repayment of any fees in exceptional hardship cases.

29.3 Where the applicant has used a private agent and that agent has incurred the costs, the agent shall recover any monies directly from the applicant, not the Council.

30.0 Change of circumstances after approval

30.1 Where the application has been approved but before the works have been completed (certified date);

- The works cease to be necessary or appropriate to meet the disabled person's needs, or
- The disabled person ceases to occupy the dwelling, or
- The disabled person ceases to have the intention to occupy the dwelling, or
- The disabled person dies

30.2 The Council can decide that:

- No grant shall be paid (including any further payments if instalments have already been paid);
- The relevant works should be completed and the grant or an appropriate proportion of it paid, or
- That the application should be re-determined in light of the new circumstances.

30.3 When making this decision, the Council will have regard to all the circumstances of the case.

30.4 If the Council decides that no grant will be paid or that no further instalments will be paid, it can demand that any instalment that has already been paid, be repaid together with any interest from the date it was paid until the date it is repaid.

31.0 Ceasing to be eligible after approval but before payment is made

31.1 Where an application has been approved but before the works have completed (certified date), the applicant ceases to be eligible for a grant, no grant shall be paid (including any further instalments if some have already been paid).

31.2 The Council can demand repayment of any instalments that have already been paid. This can include an amount of interest.

31.3 Where the application was a joint application, this section will not apply unless both applicants cease to be eligible.

31.4 In the case of an owner's application, a person ceases to be eligible;

- If he/she ceases to have an owner's interest, or
- If he/she ceases to have an intention as specified in the owner's certificate which accompanied the application

31.5 In the case of a tenants' application, a person ceases to be eligible;

- If he ceases to be a qualifying tenant of the dwelling, or
- If the application was accompanied by an owner's certificate, the landlord ceases to have the intention specified in the certificate

32.0 Recalculating, withholding or repayment of grant after approval

32.1 S.42 of the act covers the actions the Council can take where the original application has been assessed on inaccurate or incomplete information.

32.2 The section applies to grants that have been approved and;

- The amount of grant was determined under s.30 or 31 on the basis of inaccurate or incomplete information and exceeds that to which the applicant was entitled;
- The Council determines that the eligible works were started before the application was approved;
- The eligible works are not completed to the satisfaction of the Council within the 12-month period (or the period specified);
- The Council decided that the cost of completing the eligible work including the any additional costs or fees is or is likely to be lower than the estimated expense; or
- The Council decides that works were carried out in contravention of s.38 (conditions as to contractors employed).

32.3 Where any of the above applies, the Council may:

- Refuse to pay the grant or any further instalments, or
- Make a reduction in the grant; and
- Demand repayment of any grant already paid.

32.4 If following approval it is clear that the works cannot be carried out on the basis originally referred to or there is additional work that could not have been foreseen at the start, the Council can re-determine the cost of the grant based on the additional costs, providing the total cost does not exceed the maximum amount.

32.5 The amount of grant can also be reduced if the cost of the work on completion is less than the original estimate.

32.6 Where the works in question have not been completed to the satisfaction of the applicant or the Council, payment may be withheld until such works have been completed in a satisfactory manner.

33.0 Repayment where the applicant is not entitled to a grant

33.1 S.35 of the Act covers the circumstances where an application has been approved but it later emerges that the applicant was not eligible at the time of approval.

33.2 Where this section applies, no grant or further instalments of grant shall be paid.

33.3 In the case of an owner's application, an applicant is not entitled to a grant;

- If he/she does not have a qualifying owner's interest, or
- If he/she does not have the intention specified in the owner's certificate which accompanied the application.

33.4 In the case of a tenant's application, an applicant is not entitled to a grant;

- If he/she is not a qualifying tenant of the dwelling, or
- If the application was accompanied by an owner's certificate and the landlord does not have the intention specified in the certificate.

34.0 Repayment Conditions in cases where compensation is paid

34.1 Where an application has been approved, a condition can be imposed requiring the applicant to take reasonable steps to pursue any relevant claim and to repay the grant, so far as appropriate, out of the proceeds of such a claim.

34.2 Such claims would be;

- An insurance or legal claim against another person in respect of damage to the premises which the grant relates, or

- A legal claim for damages in which the cost of the works to premises to which the grant relates is part of the claim.

34.3 A claim is a relevant claim to the extent that works make good the damage or the cost of which is claimed are works to which the grant relates.

34.4 Where this condition is breached, the applicant shall repay the amount of grant relating to such works.

34.5 The Council can choose not to make such a demand or demand a lesser amount.

35.0 Death of Applicant

35.1 Where the applicant (or disabled person) dies after liability has been incurred for any preliminary or ancillary services or charges, the Council may pay grant in respect of some or all of those matters.

35.2 Where the applicant dies after the works have begun but before the certified date the Council may pay grant in respect of some or all of the works already carried out and other relevant works covered by the application.

36.0 Dispute Resolution

36.1 When a DFG is approved, the applicant becomes the employer of the builder therefore the legal and contractual relationship for the work being carried out is between the applicant and the builder.

36.2 The Council is not legally responsible for any of the work carried out and cannot take action against the builder if any of the work carried out is unsatisfactory although the Council will try and negotiate between the applicant and builder in order to reach a way forward.

36.3 Where a dispute over the quality of the work or materials that have been used arises before the work has been completed, the applicant should notify the Council immediately and an officer will arrange to inspect the work.

36.4 Where the work or materials are not satisfactory, the officer will advise the builder to make good any problems before the work can be signed off and any payments made.

36.5 Where the work has been completed and the client or Council are not satisfied, final payment will be withheld until any problems have been rectified.

36.6 Where the Council is unable to sign off the work and no agreement can be reached between the client and builder, any remaining grant money will be paid to the applicant and can be used to employ another builder to rectify the work.

36.7 Any further dispute regarding outstanding payment, the quality of work or claims for compensation, will be between the applicant and builder.

37.0 Appeals

37.1 Any person who is not happy with a decision made by the Council is entitled to appeal. Any appeal should be made in writing within 28 days of receiving the decision. The appeal is to the Assistant Director Community Services and should state the decision that is being appealed and the reasons for the appeal. The Assistant Director Community Services will respond in writing within 14 days of receiving the appeal.

37.2 If the applicant is dissatisfied with the decision of the Assistant Director Community Services, he/she shall be entitled to make a further appeal within 28 days of the reply to the Council's Licensing and Appeals Committee.

37.3 The applicant will be entitled to put their case to the Committee in writing or in person. The applicant may also nominate a person to represent them at the appeal. The applicant should provide sufficient information concerning the appeal.

37.4 The decision of the Committee shall be given in writing and shall be binding on all parties.

38.0 Council Tenants

38.1 West Lancashire Borough Council has retained its housing stock and has chosen to directly fund adaptations for its tenants through its own capital programme.

38.2 To ensure equity across all tenures, applications for adaptations received from Council tenants will be dealt with in the same way as those from home owners, private tenants and housing association tenants up to the point of grant approval.

38.3 The parts of this policy that apply to Council tenants are:

- Section 6.0 Means Testing
- Section 13.0 Assessment of Need
- Section 17.0 Decision making criteria

38.4 The Council will discuss alternative housing options i.e. moving to a property that has already been adapted prior to adapting the current property.

38.5 Tenants are not responsible for carrying out any remedial or repair works prior to adaptations being installed.

- 38.6 The Housing Department will be responsible for maintenance of the adaptation works for the life of the tenancy (except for specialist equipment that has been signed over to LCC).
- 38.7 Tenants will not be able to request an alternative or enhanced scheme. The adaptation works carried out will be the ones recommended by the OT unless the Technical Officer has identified a more appropriate cost effective solution.
- 38.8 Where a property has already been adapted for a disabled tenant and the tenant requests a transfer to another property, the new property will not be adapted (unless there are exceptional circumstances for the move).

Appendix 2 Summary of Changes

Section 2.0 Adaptations to properties owned by Registered Providers (Housing Associations)

The Housing Grants, Construction & Regeneration Act 1996 states that anyone can apply for a DFG regardless of tenure. However, good practice suggests that registered providers should build the provision of adaptations into their business plan.

Current Policy:

The current policy states that where a tenant of a registered provider requests a DFG to adapt their home, the Council shall determine whether the provider has made provision in its business plan for the adaptation of its properties. If not, the Council should encourage the provider to make such financial support available.

Revised Policy:

The revised policy states at 2.5, that the provider will be asked to make a 50% contribution towards the cost of the works (excluding fees).

The Council has requested this contribution over the last 12 months and the majority of providers have agreed. This has reduced the amount of grant funding provided to tenants of registered providers, allowing more grants to be issued overall.

Recommendation:

It is recommended that the suggested amendment be accepted.

Section 21.0 Agency Service

The Council offers an Agency Service to assist applicants in arranging for the works to be carried out. In addition to the general administration tasks, the Technical Officer will; survey the property, produce a schedule of works, arrange for plans to be drawn up as required, tender for the work, carry out regular inspections as the work progresses and on completion.

The Council is allowed to charge a fee for this service and the income generated assists in supporting the costs of the Private Sector Housing Team.

Current Policy:

The agency fee is currently set at 10% of the total cost of the works plus VAT (subject to a minimum charge of £250).

Revised Policy:

The revised policy at 21.1 suggests increasing the fee to 12% of the total cost of the works plus VAT (subject to a minimum charge of £300).

The table below shows the amount of increased income a fee of 12% would have attracted over the last 3 financial years:

Year	10%	12%	Difference
11/12	£71,323.34	£85,588.01	+£14,264.67
12/13	£56,581.20	£67,897.44	+£11,316.24
13/14	£50,619.19	£60,743.03	+£10,123.84

The benefit of increasing the fee is that it will generate additional revenue income to help support the staffing costs associated with administering a DFG scheme.

An increase will also bring the fee in line with that allowed where the applicant chooses to engage a private agent.

The negative effect of the increase will be that it will increase the grant amount awarded to the applicant as the fees are allowed to be recovered through the grant. This will reduce the amount of capital available thus reducing the number of grants available. It also increases the likelihood of the applicant having to repay some of the grant if the property is sold within 10 years as any amount over £5,000 is recoverable. An increased agency fee may take more grants over the £5,000 threshold.

Section 22.0 Private Agents

Current Policy:

Applicants are free to use a private agent to manage the works and the cost of this can be included in the grant. The current policy allows a private agent to claim up to 12% (plus VAT) of the total cost of the works.

Revised Policy:

The revised policy at 22.3 leaves the maximum amount at 12%, in line with the increased fee recommended to be charged by the Council's Agency Service.

Recommendation:

Should the decision be to leave the Council's agency fee at 10%, it is recommended that the fee allowed for private agents is reduced from 12% to 10% to ensure equity.

Section 29.0 Withdrawal of application prior to approval where costs have been incurred

The Housing Grants, Construction & Regeneration Act 1996 allows grant monies to be recovered in certain circumstances once the grant has been approved but is silent on recovering any costs incurred if the applicant withdraws their application prior to approval.

An example of this would be where a grant application involves major works such as structural alterations or an extension. Fees including architects and structural engineers fees are routinely incurred as the cost of the proposed works cannot be known unless plans have been drawn and passed.

Current Policy:

The current policy is silent on the issue of recovering fees where the applicant withdraws the application, however, where the applicant has elected to use the Council's Agency Service, the agreement signed states that where the applicant decides not to pursue their application they shall reimburse the Council for any costs incurred in preparing plans for building regulations or planning approval and obtaining specialist advice.

Although in the agreement, this clause has not been acted upon in previous years.

Revised Policy:

At section 29.0, the new policy provides for these fees to be recovered from all applicants irrespective of whether they use the Council's Agency Service.

Where the applicant has elected to use a private agent and that agent has incurred the costs, the agent shall recover the monies directly from the applicant, not the Council.

Recommendation:

It is recommended that the Council recovers any fees incurred prior to the grant approval where the applicant decides not to proceed with the grant application.

The number of clients withdrawing their application where costs have been incurred is small but if architects fees have been incurred, this can be a loss to the Council of up to £1,500.

Section 30 & 31 Change of circumstances after approval

Where the grant application has been approved; but before the works have been completed;

- a) the works cease to meet the disabled persons needs,
- b) the disabled person ceased to occupy the dwelling, or ceases to intend to occupy the dwelling
- c) the disabled person dies
- d) Where grant funding has been approved but before the works have been completed, the applicant ceased to be eligible
- e) Where the disability was caused by an accident and compensation has been paid
- f) Where the grant issued was over £5,000 and the property is sold within 10 years of the works being completed (a maximum of £10,000 can be recovered)

The Council can decide that:

- no grant shall be paid (including any further payments if some payments have already been made); or
- the relevant works should be completed and the grant or an appropriate proportion of it paid; or
- the application should be re-determined in light of the new circumstances

Current Policy:

Under the current policy, for circumstances a and b above, the Council would release grant funding for the work completed to date but would not recover the amount from the applicant.

For circumstance c, the Council would complete the work and recover the cost from the estate.

For circumstance d, the Council would recover any grant monies already paid.

For circumstance e, the Council would look to recover any grant monies from the compensation paid to the applicant.

Revised Policy:

It is recommended in all cases that any grant funding issued is recovered where the works are unable to be completed due to one of the circumstances above. The discretion to waive repayment in exceptional cases will remain.

Appendix 3

Consultation Comments on the draft Disabled Adaptations Policy 2015

Lancashire West Citizens Advice Bureau:

Re section 6:

It may also be useful to set out, in a little more detail, how the means test is applied.

By way of introduction to the topic, our own information provides:

The financial resources of the relevant person are calculated by working out her/his average weekly income, including tariff income from capital. If the relevant person has a partner, their resources are assessed jointly. Where the relevant person's financial resources exceed the applicable amount, a staggered taper is applied to the excess amount to work out the sum by which the grant is to be reduced.

[AdviserNet 11.8.22.5 para 51]

Re section 12.2:

It may be useful to add that:

In addition to these definitions, someone aged 18 or over is considered disabled for the purpose of entitlement to a disabled facilities grant if s/he is:-

- *registered as disabled under the National Assistance Act 1948; or*
- *a person for whom welfare arrangements have been made, or could be made, in the opinion of social services, under the National Assistance Act 1948.*

[AdviserNet 11.8.22.5 para 10]

Once again, this excerpt is taken from our own information systems.

Re section 35:

Your dispute resolution section is both welcome and reasonable.

Matthew Astley and Guy Simpson
Lancashire West CAB
21.08.2014

Disability Advice West Lancashire:

Our Charity deals with a great many disabled who from no fault of their own are having to turn to DWP to apply for financial aid. A large amount are being denied this support. It would be beneficial to both you and the community if these grants are made more accessible to the sick and disabled. I know that there are financial restrictions being enforced that are draconian but the community in order to prosper and grow needs this support.

Lancashire County Council Occupational Therapy Service:

- 1.2 Suggested the phrase 'able to remain at home' is included in the paragraph.
- 2.4 Change 'should be provided free of charge' to 'maybe provided free of charge'.
- 5.4 FACS is not used to assess a disabled person so reference to it should be removed.
- 10.1 Bullet point 3, needs to refer to children as well and add 'based on current OT criteria document'.
- 13.1 Para should also refer to disabled children.
- 13.4 Remove reference to FACS, insert following prioritisation guidelines.
- 13.6 Stated OT's always recommend most cost effective option and where something exceptional is needed, will provide info as to why.
- 13.7 Change to 'best practice to carry out joint visits, encouraged at early stages.
- 18.0 Making the dwelling safe: take out bullet point 1

Facilitating access to bathing facilities: remove reference to provision of a specialist bath
- 20.2 Amend to where possible/reasonable.
- 20.4 Access to both sides of the bed is a priority.
- 24.0 Stage 2 – Add in reference to joint visit.
- 25.1 Suggested we change wording and remove the word cannot.
 - Suggested we check DFG application forms for any reference to war injured or those claiming compensation for injury leading to disability

<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>The recommendations in this report would not disadvantage or have a negative effect on any of the groups listed. Feedback from the consultation exercise has not revealed any potential areas concern that need to be addressed.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>A consultation exercise has been carried out involving stakeholders and the general public. The feedback from this plus data held internally has informed this decision.</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>Stakeholders and the general public were invited to comment on the draft policy. The document was placed on the consultation pages of the Council's website and stakeholders were notified. A press release was also issued to alert members of the public.</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>The recommendations in this report do not hamper our ability to meet such duties.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>None at this time</p>

**MINUTE OF THE EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - 2 OCTOBER
2014**

23. REVIEW OF THE DISABLED ADAPTATIONS POLICY

Consideration was given to the report of the Assistant Director Community Services that sought comments on the Disabled Adaptations Policy, attached at Appendix 1, currently being reviewed.

In discussion comments and questions were raised in relation to:

- Housing Allocations Policy - links
- Housing Associations / Private Landlords – adaptations responsibilities.
- Completion of Work – timescale set down in the policy; OT assessments.
- Better Care Fund – purpose and principles.

The Homelessness and Private Sector Housing Manager attended the meeting, responded to questions and provided clarification on issues raised in respect of the proposed changes to the Policy.

RESOLVED: There were no agreed comments.

(Note: The Leader of the Council left the meeting following consideration of this item and was not present for the remaining items of business.)



AGENDA ITEM: 5(e)

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
2 October 2014**

**CABINET:
11 November 2014**

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor David Sudworth

**Contact for further information: Mrs Laura Lea (Extn. 5196)
(E-mail: laura.lea@westlancs.gov.uk)**

SUBJECT: HOUSING RENEWAL ASSISTANCE POLICY REVIEW

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To set out the key features of the current Home Repair Assistance Grant (HRAG) capital scheme contained within the Housing Renewal Assistance Policy and to provide an updated policy for consideration.

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

3.1 That the revised Housing Renewal Assistance Policy attached as an Appendix to this report be approved.

3.2 That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be given delegated authority to review and make future changes to the policy in light of any legislative or economic changes.

4.0 BACKGROUND

- 4.1 In September 2013, members of the Business Plan Working Group considered a report reviewing both the Disabled Facilities Grant (DFG) and Home Repair Assistance Grant schemes. A decision was made regarding future capital funding for the DFG scheme but Members subsequently deferred a decision on the HRAG scheme, requesting that the report be re-submitted in June 2014.
- 4.2 The HRAG capital scheme involves providing grants to eligible homeowners to assist them in bringing their home up to a decent standard.
- 4.3 The scheme has been in place for many years representing an ongoing capital scheme. The HRAG scheme is entirely funded from capital receipts (currently £100,000 per year).
- 4.4 Given the current difficult financial climate and the limited capital resources that are available it is now an appropriate time to review the £100,000 annual budget requirement for this scheme. It would be possible under accounting regulations to change the financing arrangements so that the scheme is funded from revenue rather than capital; however given that the revenue budget is also under pressure, this could be difficult to achieve in practice.

5.0 THE CURRENT HOME REPAIR ASSISTANCE GRANT CAPITAL SCHEME

- 5.1 The Council has a power, not a statutory duty, to provide Housing Renewal Assistance to private homeowners to assist them in bringing their homes up to a decent standard. Although homeowners are considered to be responsible for maintaining their homes, Central Government recognised that many vulnerable homeowners do not have the finances to do this leaving them living in poor conditions which is why Councils were given the power to provide such assistance.
- 5.2 Using these powers, the Council currently provides Home Repair Assistance Grants (HRAGs). To be eligible for a HRAG, the applicant must be aged over 18, own the property and be resident in the property or have a family member who is resident. The property must also be at least 10 years old and fail the decent home standard. In addition, there must also be a member of the household who is at least 60 years old, in full time education, or disabled and claiming one of the following qualifying benefits:
 - Income support
 - Housing benefit
 - Child tax credit
 - Disability living allowance
 - Income based JSA
 - Industrial injuries disablement benefit
 - Guarantee pension credit
 - Working tax credit
 - Attendance allowance
 - War disablement pension

- 5.3 A HRAG can also be awarded (subject to the above eligibility criteria) to top up a disabled facilities grant (DFG). The maximum amount of funding that can be given for a DFG is £30,000. Where the adaptation works exceed £30,000, a HRAG can be considered to meet any cost above this. The grant cannot be applied for where it is to cover the applicants assessed contribution towards the adaptation works.
- 5.4 The current policy states that the maximum grant amount that can be awarded is £2,500, however, the policy allows for VAT, fees and unforeseen work to be added, so it is possible for the amount of grant to exceed the £2,500 maximum, especially where it is being used to top up a DFG.
- 5.5 Further grants can be applied for, providing it is not for the same repair issue. This means that a homeowner could apply for a grant to repair the roof then apply for another grant to replace the windows.
- 5.6 The HRAG is repayable on a sliding scale if the property is sold within 10 years of the work being completed. The repayment terms are as follows:

Year of sale	% repayable
Up to 12 months	100
1-4	75
5-9	50
10+	0

6.0 THE HRAG SCHEME – EXPENDITURE AND FUNDING

- 6.1 Details of HRAG expenditure over the last 3 years is shown below:

Year	Expenditure £000
2013-14	70
2012-13	124
2011-12	149

- 6.2 This pattern of spending is variable in each year but works out at just over £100,000 per year on average, which is broadly in line with the current annual budget.

7.0 AGENCY SERVICE

- 7.1 All applicants applying for assistance are offered the Agency Service. The service deals with the application from beginning to end including drawing up schedules of work, obtaining quotes from contractors, arranging for plans to be drawn up, applying for planning permission or building notices, supervising the contractors on site, signing off works and paying the contractor on completion.
- 7.2 A fee of 10% of the total grant amount is charged for this service (subject to a minimum charge of £100).

8.0 FUTURE DIRECTION

- 8.1 In reviewing the current scheme, it became clear that changes were required to ensure its future viability.
- 8.2 As the scheme is discretionary in nature, closing the scheme was considered. Whilst this would achieve a capital saving it would mean a reduction in the revenue income generated by the Agency Service. This revenue income supports the work of the Private Sector Housing Team.
- 8.3 Under s.3 of the Housing Act 2004, the Council has a duty to keep the condition of private sector housing stock in the borough under review with a view to identifying any action that may need to be taken to make improvements. In order to meet this requirement, the Council carries out a private sector house condition survey every 5 years. The survey covers issues such as fuel poverty, energy efficiency, the presence of category 1 hazards under the Housing Health & Safety Rating System, future demand for disabled adaptations etc. The results of the survey inform future work programmes and the data is also used to attract external funding. The aim is to see an improvement in energy efficiency and standards each time the survey is repeated. Closing the HRAG scheme would leave vulnerable home owners without any access to funding to help them maintain their home to a decent standard. This would have an impact on the results of future surveys.
- 8.4 Adopting the revised policy would ensure the scheme operates fairly and more efficiently and would help maintain the current levels of revenue income generated whilst helping the Council to meet its aim of ensuring residents live in decent homes.
- 8.5 Provision of HRAGs across neighbouring authorities varies. Preston City Council offers a grant of £5,000 which only covers repair work. Chorley Borough Council offers a grant of £3,000 plus VAT whilst South Ribble Borough Council offers a fixed amount of £1,000 towards the cost of any work.
- 8.6 The proposed revised policy is outlined at Appendix 1 to this report. A summary of the changes is attached at Appendix 2.

9.0 CONSULTATION

- 9.1 The draft Housing Renewal Assistance Policy 2015 was listed on the Consultation page of the Council's website. Stakeholders, colleagues in neighbouring authorities and members of the public were encouraged to comment.
- 9.2 The closing date for comments was 5th September 2014. No comments were received.

10.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 10.1 If the HRAG scheme is retained it will link to the Improved Health for All objective of the Sustainable Community Strategy as improving the standard of a vulnerable persons home helps towards an improvement in their overall health and well-being.

11.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 11.1 If the decision is made to withdraw the scheme completely, a capital saving of £100,000 will be achieved. However, there will be a loss of revenue income as there will be no income generated from the Agency Service. This will reduce the overall revenue budget available to support the Private Sector Housing Team.
- 11.2 The withdrawal of the scheme would also mean the loss of 0.2 of a post within the Private Sector Housing Team. Usually the reduction in staffing hours would achieve a revenue saving however such a small reduction in hours will still leave a revenue deficit.
- 11.3 If the scheme is retained with the amended policy being adopted, a reduction in capital spend could be achieved.
- 11.4 If Members wish to change the funding for this scheme from capital receipts to revenue then this would be a feasible option. This would however increase the size of the revenue budget gap for 2015-16 and consequently additional savings over and above those already identified would need to be made.

12.0 RISK ASSESSMENT

- 12.1 The Council is not under any legal duty to offer a HRAG scheme however should the decision be to withdraw the scheme; there is a risk that the number of vulnerable owner occupied households living in non-decent homes will increase.

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. Housing Renewal Assistance Policy 2015
2. Summary of Changes
3. Equality Impact Assessment
4. Minute of Executive Overview & Scrutiny Committee – 2 October 2014 (Cabinet only)



Housing Renewal Assistance Policy 2015

1.0 INTRODUCTION TO THE POLICY

- 1.1 This document outlines West Lancashire Borough Council's policy in relation to the provision of information, advice and support to homeowners, private tenants and private landlords regarding the repair, improvement and adaptation of their property and takes into account current legislation and guidance.
- 1.2 West Lancashire Borough Council will assist private residents in the borough to make informed choices and find their own solutions to enable them to live within thriving communities, in affordable homes which are safe, secure, warm and in good repair. In particular the Council will provide direct assistance with help from our partners to enable vulnerable residents to live in decent homes.
- 1.3 West Lancashire Borough Council takes the view that it is primarily the responsibility of home owners to maintain and improve their own property. However, the Council is committed to improving housing quality across all tenures including owner occupation and private renting. In addition, it is acknowledged that there are some vulnerable homeowners, particularly the elderly, who cannot afford to repair or improve their homes and who may not be able to obtain loans from commercial lenders.
- 1.4 The Assistant Director Community Services has delegated authority to prepare for and operate the administration of grant assistance under this policy, including arrangements for the approval and payment of grants. These procedures will be subject to internal audit scrutiny.

2.0 BACKGROUND

- 2.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 gave local authorities the power to provide financial assistance for the purpose of improving living conditions in the area.
- 2.2 The Order states that the Council may not exercise this power unless:
- A Housing Renewal Assistance Policy has been adopted
 - It has given public notice of the adoption of the policy
- 2.3 The Order allows assistance to be provided to any person, in any form either unconditionally or subject to conditions for the purpose of enabling that person to:
- Acquire living accommodation.
 - Adapt or improve living accommodation.
 - Repair living accommodation.
 - Demolish buildings comprising or including living accommodation.
 - Where buildings have been demolished, to construct replacement living accommodation.
- 2.4 The approval of this policy allows the Council to exercise its powers to provide any of the forms of assistance described in 2.3 above.

2.5 In practice, the use of these powers will be dependent upon the amount of the Annual Capital Budget programme approved and allocated for Private Sector Housing.

3.0 KEY OBJECTIVES

- To work with partners to ensure all vulnerable residents have the necessary support systems to live independent lifestyles in safe, secure and warm homes.
- To increase the number of vulnerable residents living in decent homes in West Lancashire.
- To work towards providing an excellent Private Sector Housing Service for all service users making best use of available resources.

4.0 LOCAL CONTEXT

4.1 The Council's drive to improve housing is taking place against the backdrop of demographic changes. According to the 2011 census, the population of West Lancashire grew by 2.1% between 2001 and 2011 rising from 108,400 to 110,700. Projections predict that by 2035 the population will be in the region of 120,900.

4.2 The population of West Lancashire is also ageing. It is projected that by 2035, there will be 10,300 more people aged 60 and over and 7,200 more people aged 75 and over. This is likely to increase demand for support such as disabled adaptations and assistance with home repairs.

4.3 One of the key objectives of the policy is to increase the proportion of people living in decent homes. The Government set a target for local authorities to bring 70% of all homes in their area up to the decent homes standard by 2010.

4.4 The Council's progress against this target was assessed when the Private Sector House Condition Survey 2010 was carried out. The survey showed that 70% of all privately owned properties met the decent homes standard, therefore meeting the Government target.

4.5 Despite meeting the target, the projected increase in the number of households aged over 65, combined with average weekly incomes being lower than the national average and ongoing welfare reforms, work is still required to ensure the number of decent homes does not decrease in future years.

4.6 The evidence base and strategic approach for this policy is taken from the Private House Condition Survey 2010.

5.0 HOW THE POLICY FITS INTO THE COUNCIL'S WIDER ACTIVITIES

5.1 This policy will help achieve the following objectives in the Sustainable Community Strategy for West Lancashire 2007 – 2017:

- To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone (**improved health for all**)
- To provide good quality services that are easily accessible to all (**quality and accessible services**)

5.2 This policy will help support the Council in achieving the following Housing Strategy 2014 – 2019 priorities:

- Encourage well managed and maintained homes across all tenures

6.0 COMMENCEMENT DATE OF THE POLICY

6.1 This policy shall come into effect on 1st April 2015. All applications received on or after this date will be assessed under this policy.

6.2 Any application received prior to the 1st April 2015 will be assessed under the Housing Renewal Assistance Policy 2008 (the previous policy).

7.0 TYPES OF ASSISTANCE

7.1 The following types of assistance are available under this policy:

- Advice & Information
- Home Repair Assistance Grant
- Disabled Facilities Grant
- Handyperson Scheme/Home Improvement Agency

7.2 As the level of resources allocated to provide Housing Renewal Assistance is limited the availability of assistance has to be restricted to the services outlined above.

7.3 In order to provide the services stated above the Assistant Director Community Services shall be given authority to enter into any contract with any external organisation to help provide the service in accordance with the Council's Contract Procedure Rules.

7.4 The power to provide assistance other than that at 7.1 shall be considered on its merits where a request is made. The Assistant Director Community Services shall have delegated authority to consider any such request and approve or reject any application in consultation with the relevant Portfolio Holder.

7.5 The assessment of the condition of any dwelling subject to a request for assistance shall be undertaken by the Council.

7.6 The Assistant Director Community Services shall be given delegated authority to offer an Agency Service to applicants to assist them in preparing and completing a scheme of repair or adaptation works.

8.0 ADVICE & INFORMATION

8.1 There shall be no restriction on the provision of advice and information about housing renewal assistance to any person making a general enquiry subject to any rules applicable under provisions covering data protection or freedom of information. Such advice will be provided free of charge.

9.0 HOME REPAIR ASSISTANCE GRANT (HRAG)

- 9.1 A single grant shall be provided to eligible applicants, to assist them in bringing their home up to the decent homes standard. The grant is not intended to address major repair issues or general property renovation.
- 9.2 A grant can be awarded where the applicant lives in a caravan, mobile home or houseboat, providing they have a residential pitch/mooring and the caravan or boat is the applicant's only home.
- 9.3 The maximum value of grant assistance shall be £2,500 inclusive of VAT, ancillary fees, agency fees, and any unforeseen works.
- 9.4 Where the cost of the eligible work exceeds the maximum grant amount, the applicant will be responsible for meeting the difference. The applicant will be required to prove the additional funds are in place before the grant funding can be approved.
- 9.5 Due to its discretionary nature and limited availability of funds, there may be times when the Council is not able to offer these grants.
- 9.6 The Assistant Director Community Services has delegated authority to review and amend the value of the Home Repair Assistance Grant and the eligibility criteria in consultation with the relevant Portfolio Holder.

10.0 ELIGIBILITY FOR A HOME REPAIR ASSISTANCE GRANT

- 10.1 All applicants must own the property and have lived in it as their principal home for at least 3 years prior to the date of the application.
- 10.2 Applicants who live in shared ownership accommodation will be treated as owner occupiers therefore are eligible to apply if they have owned the property and lived in it as their principal home for at least 3 years prior to the date of the application.
- 10.2 Private tenants who have an assured tenancy or some other form of lifetime tenancy with a repairing obligation will also be eligible to apply as long as they have lived in the property as their principal home for at least 3 years prior to the date of the application. The applicant must provide a copy of the tenancy agreement showing the repairing obligation is on the tenant.
- 10.3 In addition to the above, the applicant must be:
- Aged over 18, disabled and claiming either income support (due to being disabled), employment support allowance (must be in the support group), attendance allowance, disability living allowance, personal independence payment or industrial injuries disablement benefit; universal credit (where this has replaced income support); or
 - Aged over 18 with children under 16 and claiming income support, working tax credit (with an assessed income of less than *£15,050), child tax credit (with an assessed income of less than *£15,050); universal credit (where this has replaced any of the benefits stated); or

(*this amount is subject to change, the assessed income amount will be updated annually and taken from the taken from the DFG test of resources form)

- Aged over 60 and claiming guarantee pension credit, income support, attendance allowance, disability living allowance, personal independence payment, war disablement pension, industrial injuries disablement benefit or universal credit (where this has replaced income support)
 - The property must be at least 10 years old and fail the decent homes standard
- 10.4 Universal Credit is a means tested benefit for people of working age on a low income. The amount a claimant receives depends on how much income and capital they have. It began being rolled out across West Lancashire on the 15th September 2014 and replaces the following benefits:
- Income Support
 - Income-based Jobseekers Allowance
 - Income-related Employment and Support Allowance
 - Child Tax Credit
 - Working Tax Credit
 - Housing Benefit
- 10.5 Being on Universal Credit will not automatically make applicants eligible. The applicant will have received a notification letter advising them of their award and what benefits Universal Credit has replaced. Unless their award has replaced one of the benefits listed with the eligibility criteria, the applicant will not be eligible.
- 10.6 Where there is another person living in the property who is also responsible for the repair and maintenance i.e. joint owner and that person is working, no grant will be issued if the total household income including state benefits is above £15,050 (this figure will be reviewed annually).
- 10.7 Where an application is received for a property which is a listed building or is situated in a conservation area, the works must be carried out with regard to building control and conservation requirements.
- 10.8 Applications will not be considered where:
- A grant has been awarded to either the applicant or the property within the 5 years prior to the date of the application. Successive applications must also relate to different repair issues than those already addressed.
 - The work has already been completed
 - The work requested will not contribute towards the attainment of the decent homes standard
 - The applicant is eligible for other sources of Government funding
 - The work qualifies to be covered by a buildings insurance policy (whether present or not)
 - The property has been assessed as being a house in multiple occupation
 - The property is a non-residential building, hut, tent, van or shed and any non-residential mobile home or houseboat.

- The grant is being requested to top up other grants such as a DFG

11.0 WORKS ELIGIBLE FOR A HOME REPAIR ASSISTANCE GRANT

11.1 A home repair assistance grant can only be approved where the work required will bring the property up to the decent homes standard. Examples of such work include:

- Unsafe/dangerous electrics
- Unsafe/dangerous gas fittings (excluding gas hobs and cookers)
- Replacing rotten windows/doors
- Providing a damp proof course
- Replacement of gas boiler where the existing system is uneconomical to repair (client must not be able to access other sources of Government funding)
- Roof repairs

12.0 APPLICATION PROCESS FOR A HOME REPAIR ASSISTANCE GRANT

12.1 Applications must be made using the Council's home repair assistance grant application form. In addition to completing the form, the applicant must provide:

- Proof of the income related benefit they receive
- Any reports they have obtained outlining the defect e.g. electrical report, gas safety certificate (the cost of these cannot be included in the grant)
- Three itemised quotes (if not using the Council's Agency Service)
- Proof of ownership of the property (where this cannot be verified via the Land Registry) or proof they are an assured/lifetime private tenant with a repairing obligation.

13.0 ASSESSMENT PROCESS FOR HOME REPAIR ASSISTANCE GRANTS

13.1 Upon receipt of a completed application, a Private Sector Housing Technical Officer will visit the property to:

- Obtain proof of the income benefit being received (if not provided with the application form)
- Obtain proof of ownership (if not already verified via the Land Registry) or tenancy agreement
- Inspect the property using the Decent Homes Standard as the applicable standard (see Appendix 1)
- Determine whether financial assistance could be obtained from other funding sources e.g. household insurance, Government schemes
- Produce a schedule of work

- Determine the cost of the work required
- Determine the priority the application will have (for use in times where a waiting list is in operation due to a shortage of funding or an increase in demand) (see Appendix 2)

14.0 HOME REPAIR ASSISTANCE GRANT APPROVAL

- 14.1 The Council will notify the applicant in writing of its decision to approve or refuse the grant application within 10 working days of a completed application being received.
- 14.2 A completed application is one that has all the required documentation in order for it to reach a decision on whether to approve or refuse the request for grant funding.
- 14.3 If approved, the documents provided to the applicant will include a copy of the terms and conditions that apply to the grant.
- 14.4 No work should be started prior to the grant being approved.
- 14.5 No grant will be approved unless the Council is satisfied that the applicant is aware of any financial commitment they are taking on and the terms and conditions associated with that commitment.
- 14.6 Applications will be refused if the Council is satisfied that the applicant is unable to meet the terms and conditions applicable to the grant.

15.0 HOME REPAIR ASSISTANCE GRANT PAYMENTS

- 15.1 The Assistant Director Community Services is given authority to authorise all payments in respect of home repair assistance grants. Payments shall be made in accordance with:
- a) The Council's Agency Service agreement.
 - b) The terms and conditions associated with the grant.
- 15.2 Payment of grant monies will be made directly to the contractor on behalf of the applicant upon satisfactory completion of the work and upon production of a valid invoice, safety certificates, proof of planning/building control consents etc.

16.0 HOME REPAIR ASSISTANCE GRANT CONDITIONS

- 16.1 Applicants must accept the terms and conditions associated with the grant. The full terms and conditions document can be found at Appendix 3.

17.0 REPAYMENT OF HOME REPAIR ASSISTANCE GRANT

- 17.1 All home repair assistance grants approved under this policy are repayable in full upon the sale or transfer of ownership of the property.
- 17.2 A land charge will be placed on the property to alert the Council of any sale or transfer. The charge will only be removed once the grant has been repaid.
- 17.3 The Assistant Director Community Services has the discretion to waive repayment in cases of extreme hardship. Each case will be assessed on its own merits.

18.0 DISABLED FACILITIES GRANT

- 18.1 Under the Housing Grants, Construction and Regeneration Act 1996, the Council has a legal duty to provide financial assistance to eligible households to assist them in adapting their home.
- 18.2 The need for an adaptation is determined by an Occupational Therapist from Lancashire County Council. A DFG application will only be considered when a recommendation is provided to the Council.
- 18.3 The maximum value of grant is set by Government and is currently £30,000 inclusive of any VAT, ancillary fees, agency fees or unforeseen costs. The Assistant Director Community Services is given delegated authority to change this amount in accordance with any changes in the prescribed amount set by Government.
- 18.4 DFG applications are subject to a means test unless they are for a child or the applicant is on a qualifying benefit.
- 18.5 The Council's Disabled Adaptations Policy 2015 provides full details of the scheme.

19.0 HANDYPERSON SERVICE/HOME IMPROVEMENT AGENCY

- 19.1 Handyperson services and Home Improvement Agencies are procured and funded by Lancashire County Council through its Supporting People budget.
- 19.2 Any eligibility requirements will be set by the individual schemes as they are commissioned.

20.0 AGENCY SERVICE

- 20.1 The Council offers applicants the opportunity to engage the Council's Agency Service to assist in the preparation and completion of the works. There is a charge for this service.
- 20.2 For home repair assistance grants, the charge is 10% of the total cost of the works (subject to a minimum charge of £100). VAT will be added at the standard rate.
- 20.3 For disabled facilities grants, the charge is 12% of the total cost of the works (subject to a minimum charge of £300) VAT will be added at the standard rate.
- 20.4 Where the applicant wishes to employ his own professional agent to assist in the preparation and completion of the eligible works, those reasonable costs will be considered as eligible for grant funding. The private agent will be able to claim fees at the same rates as the Council's Agency Service. Inclusion of the private agents' fees within the grant will only be approved where an estimate of costs is provided to the Council. Payment will only be made on submission of a valid invoice.
- 20.5 The Assistant Director Community Services is given delegated authority to review and amend the fee charged by the Agency Service or the amount of fee able to be claimed by private agents. Any change must be made following consultation with the relevant Portfolio Holder.

21.0 ANCILLIARY FEES & UNFORESEEN WORK

- 21.1 The calculated costs of ancillary fees (e.g. building control/planning fees, structural engineers fees etc) can be included within the home repair assistance grant or disabled facilities grant, provided they have been assessed as reasonable and a valid invoice has been received.
- 21.2 Where at any time between grant approval and completion of the work, unforeseen works are identified and assessed as eligible for assistance, the Assistant Director Community Services is authorised to approve further grant funding, up to the maximum grant amount, to ensure the satisfactory completion of the work.
- 21.3 Where the unforeseen work is not able to be included in the grant because the maximum amount has been reached, the applicant will be responsible for funding any additional costs.

22.0 SUCCESSIVE GRANT APPLICATIONS

- 22.1 **Disabled Facilities Grants:** there is no restriction on successive DFG applications providing the eligibility criteria is met.
- 22.2 **Home Repair Assistance Grants:** applicants cannot re-apply for a grant for 5 years after the completion of the works. Future applications cannot be for works already carried out under a grant e.g. if 3 windows were replaced, the same 3 windows cannot be replaced again 5 years later.

23.0 APPEALS

- 23.1 Any person aggrieved by a decision made by the Council to refuse assistance under this policy shall be entitled to make an appeal against that decision to the Council.
- 23.2 Any appeal should be made in writing within 28 days of receiving any written decision from the Council. In the first instance the appeal should be to the Assistant Director Community Services and should state the decision being appealed together with the reasons for the appeal.
- 23.3 The Assistant Director Community Services shall respond to the first appeal in writing within 14 days of receiving the appeal. If the applicant is dissatisfied with the response, he/she shall be entitled to make a further appeal within 28 days of the appeal decision to the Council's Licensing and Appeals Committee. The decision of the Committee shall be given in writing and shall be binding on all parties.
- 23.4 Any decision made under this policy shall not affect the statutory rights of any person in law or in contract.

24.0 POLICY REVIEW AND CHANGE

- 24.1 The Assistant Director Community Services is given authority to make any minor amendments to this policy in consultation with the relevant Portfolio Holder.
- 24.2 Where there is need to make substantial change to this policy for any reason, the Assistant Director Community Services shall produce a report detailing the changes and seeking approval to implement the changes or to approve a new policy for the provision of Housing Renewal Assistance in West Lancashire.

Appendix 1

Decent Homes Standard

A property will meet the decent homes standard if:

a) It meets the current statutory minimum standard for housing

A property will fail this standard if it contains one or more category 1 hazards as defined by the Housing Health & Safety Rating System (HHSRS)

b) It is in a reasonable state of repair

A property will fail this standard if:

- One or more of the key building components* are old and need replacing or major repair; or
- Two or more of the other building components are old and need replacing or major repair

c) It has reasonably modern facilities and services

A property will fail this standard if it lacks three or more of the following:

- A reasonably modern kitchen (20 years old or less)
- A kitchen with adequate space and layout
- A reasonably modern bathroom (30 years old or less)
- An appropriately located bathroom and WC
- Adequate insulation against external noise (where external noise is a problem)
- Adequate size and layout of common areas for blocks of flats

A home lacking two or fewer of the above is still classed as decent therefore it is not necessary to modernise kitchens and bathrooms if the property meets the remaining criteria.

d) It provides a reasonable degree of thermal comfort

A property will fail this standard if it lacks both effective heating and insulation**.

***Building Components**

Building components are the structural parts of a dwelling e.g. wall structure, roof structure, roof covering, chimneys etc.

Key building components are those which, if in a poor condition, could have an immediate impact on the integrity of the building and cause further deterioration in other components.

Key building components include:

- External walls
- Roof structure & covering
- Windows/doors
- Chimneys
- Central heating boilers
- Gas fires
- Storage heaters
- Plumbing
- Electrics

If any of these components are old and need replacing or require immediate major repair, then the dwelling is not in a reasonable state of repair.

A component is defined as 'old' if it is older than its standard lifetime.

****Efficient Heating & Insulation**

Efficient heating & insulation is defined as:

- Gas central heating + cavity wall insulation (if there is a cavity) + 50mm loft insulation (if there is a loft)
- Oil programmable central heating + cavity wall insulation (if there is a cavity) or at least 50mm loft insulation (if there is a loft)
- Electric storage heaters + at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there is a cavity)
- Warm air systems
- Underfloor systems
- Programmable LPG/Solid fuel central heating + at least 200mm of loft insulation (if there is a loft) and cavity wall insulation (if there is a cavity)

The primary heating system must have a distribution system sufficient to provide heat to two or more rooms in the home.

No housing grant shall be approved in respect of a dwelling which will not meet the decent homes standard upon completion of the works. The applicable standard for the purpose of this policy shall be the Department for Communities and Local Government document entitled "A Decent Home: Definition and Guidance for Implementation June 2006 – Update", or any document from the Government which updates this guidance.

Appendix 2

Priority System

The priority system will apply to the processing of formal enquiries in times of high demand for housing renewal assistance where resources are insufficient to meet demand. The system will apply as follows:

- Priority 1 Home fails the decent homes standard, where there are one or more Category 1 hazards (under the Housing Health and Safety Rating System) and where there is an imminent risk of injury or illness to the household e.g. electric shock, unsafe / dangerous appliances, unsafe structures or parts, no hot water, no heating.
- Priority 2 Home fails the decent homes standard, has one or more Category 1 hazards, but does not present an imminent risk of illness or injury to the household.
- Priority 3 Home fails the decent homes standard but here are no Category 1 hazards present.

Appendix 3

TERMS AND CONDITIONS APPLICABLE TO THE APPROVAL AND PAYMENT OF A HOME REPAIR ASSISTANCE GRANT

PROPERTY ADDRESS: «FULLADDR»

The approval of any application for a home repair assistance grant is subject to the acceptance of these terms and conditions.

Approval shall be refused if the Council is satisfied that the applicant is unable to meet the terms and conditions.

The terms and conditions should be signed by the grant applicant. The grant applicant is defined as the person who signs the Home Repair Assistance Grant application as the owner of the property (or the tenant where the tenant has the repairing obligation).

The grant condition period starts on the certified date of completion and ends when the property is sold or ownership is transferred for the first time following completion of the works.

The applicant must read the following grant conditions/statements and tick each box to show that they have been read and understood.

	Tick
1. MAXIMUM AMOUNT OF GRANT	
I understand that the maximum level of grant allowed is £2,500 inclusive of any VAT, fees and ancilliary costs.	
I understand that if the total cost of the repair works including VAT, fees and ancilliary costs exceeds £2,500, I will be responsible for ensuring I have the funds in place to meet any additional cost before the grant is approved.	
2. OCCUPATION CONDITIONS	
I understand that I must continue to live in the property as my principle home following completion of the work. I understand that if I breach this condition, the Council may demand repayment of the grant depending on the circumstances.	
3. INSURANCE CONDITIONS	
I understand that I must maintain adequate buildings and contents insurance for as long as I own the property.	

4. REPAIR CONDITION	
I understand that I must keep the property in good order following completion of the works.	
5. CONTRACTORS	Tick
I understand that I can only use a contractor that has been vetted and approved by the Council and who has provided an estimate for the work using a schedule of works drawn up by the Council (unless the Council has agreed to a different contractor being used).	
I understand that if I or a relative of mine wishes to carry out the adaptation work, the grant will only be approved for the cost of materials. I will be responsible for any labour costs unless sub-contractors have been used for some elements of the work.	
I understand that where my preferred contractor has quoted a price in excess of the reasonable price set by the Council, the amount of grant shall be limited to the price set by the Council and I will be responsible for paying any excess cost to the contractor.	
6. COMMENCEMENT OF WORK	
I understand that I cannot start any of the works until the grant has been approved. Any works completed before approval may not be covered by the grant.	
7. COMPLETION OF WORK	
I understand that the work must be completed within 12 months of the grant being approved (unless extended by the Council) and that failure to do so may result in the Council demanding repayment of any grant monies already paid.	
8. PAYMENT OF GRANT	
I understand the grant will be paid to the approved contractor on satisfactory completion and submission of an acceptable invoice and any relevant certificates.	
I understand that the works must be completed within 12 months of the grant approval date (unless the Council has agreed to extend this deadline).	
I understand that the work must be carried out by one of the contractors who submitted an estimate (unless the Council has agreed to a different contractor being used).	
I understand that the works must be carried out in accordance with the schedule of work provided by the Council.	

9. RECALCULATING OR WITHOLDING PAYMENT OF GRANT	Tick
<p>I understand that the Council is entitled to recalculate, refuse or withhold payment of the grant in the following circumstances:</p> <ul style="list-style-type: none"> - the grant approval was based upon inaccurate/incomplete information - the works were started before the grant was approved - the applicant ceases to be eligible after the grant has been approved but before the work has been completed - the works are not satisfactorily completed within the period set by the Council (works must be completed within 12 months of approval) - the final cost of the works is less than estimated - additional eligible works are identified following approval which are necessary to be undertaken to achieve the decent homes standard. - the works were not carried out by one of the contractors who submitted an estimate (unless authorisation was given by the Council) - additional works were carried out that were not authorised by the Council - the occupant ceases to occupy or ceases to intend to occupy the property - the applicant dies 	
10. REPAYMENT OF GRANT	
I understand that the grant must be paid back in full if the property is disposed of by sale or transfer of ownership (unless the Council decides to waive this condition).	
I understand that a local charge will be placed on the property to alert the Council of any sale or transfer.	
I understand that I must notify the Council if I intend to dispose of the property.	
11. DISPUTES	Tick
I understand that as the applicant, I am the employer of the contractor. The Council will act as my agent and will assist me to resolve any disputes with the contractor but is not liable for any defects or ongoing maintenance relating to the work.	

I understand that I must inform the Council that a dispute exists and that any further payments to the contractor will be withheld until the dispute is resolved	
I understand that if the dispute cannot be resolved, any further action including court action must be taken by me directly against the contractor	
I understand that if the Council is satisfied that there is no reasonable justification to withhold payment, monies will be released to the contractor without my consent	

DECLARATION

I confirm that I have carefully read, understood and accepted the terms and conditions associated with the approval and payment of a disabled facilities grant.

Signature (grant applicant) _____

Print Name _____

Date _____

Please contact «OFFICERDESC» (Telephone«OFFICERTEL») when you have signed this form to arrange collection. If you have any queries, please discuss them with «OFFICERDESC».

PLEASE SIGN BOTH COPIES OF THIS DOCUMENT

KEEP ONE COPY FOR YOUR RECORDS

RETURN ONE COPY TO THE COUNCIL

Proposed changes to the Home Repair Assistance Grant Scheme (HRAG)

1. Maximum grant amount

Current Policy:

The current policy states that the maximum grant amount is £2,500, excluding VAT, professional fees and any unforeseen costs. Allowing VAT, fees & unforeseen costs to be added in this way, means that the actual grant amount given can be above £2,500, especially in cases where the grant is being used to top up a disabled facilities grant (DFG).

Proposed New Policy:

The purpose of the HRAG should be to contribute towards bringing a home to a decent standard, not to fully fund the works.

The proposal is to cap the maximum grant amount at £2,500 inclusive of VAT, fees and unforeseen works.

If the cost of the repair works exceeds £2,500, the applicant will be responsible for paying any difference and will have to show the funds are in place before the grant is approved.

There is a risk in capping the grant amount in this way. Unforeseen works could arise once building work has started which could take the total cost above £2,500. In these circumstances, there would be no additional funding from the Council. The homeowner would be responsible for the additional cost.

If the homeowner is not able to do so, the contractor would be asked to complete the work already started and make good. The contractor would be paid for the proportion of work completed

A charge would still be placed on the property to ensure recovery of the money should the property be sold.

2. Eligibility criteria

Current Policy:

Under the current policy, the following eligibility criteria applies:

- The grant applicant must be at least 18 years old, have an owners' interest in the property and either be resident or have a member of the family resident within it (those in shared ownership properties and private tenants can apply as long as they have a repairing obligation)

- There must also be a member of the household who on the date of the application is at least 60 years old OR is in full time school education OR is disabled
- A member of the household must be in receipt of at least one of the qualifying benefits below:
 - Income Support
 - Income based Jobseekers Allowance
 - Guarantee Pension Credit
 - Working Tax Credit
 - Child Tax Credit
 - Attendance Allowance
 - Disability Living Allowance
 - War Disablement Pension
 - Industrial Injuries Disablement Benefit
 - Housing Benefit
 - Council Tax Support
- The dwelling subject to the request for assistance must be at least 10 years old and fail the decent homes standard.

Proposed New Policy:

It is proposed to change the eligibility criteria to the following:

- The applicant must be an owner occupier and have lived in the property for at least 3 years prior to the date of the application (those in shared ownership properties or tenants with a repairing obligation will still be able to apply providing they have lived in the property for at least 3 years)

The requirement to be an owner occupier has been retained but the grant will now only be given to owners that actually occupy the property. Previously, an applicant had to be an owner but did not actually have to live in the property as long as they had a close family member living there who met the other eligibility criteria.

In addition to the above, the applicant must be:

- Aged over 18, disabled and claiming either income support (due to being disabled), employment support allowance (must be in the support group), attendance allowance, disability living allowance, personal independence payment or industrial injuries disablement benefit; or
- Aged over 18 with children under 16 and claiming income support, working tax credit (with an assessed income of less than £15,050), child tax credit (with an assessed income of less than £15,050); or

- Aged over 60 and claiming guarantee pension credit, income support, attendance allowance, disability living allowance, personal independence payment, war disablement pension or industrial injuries disablement benefit

Where there is another person living in the property who is also responsible for the repair and maintenance i.e. joint owner and that person is working, no grant will be issued if the total household income including state benefits is above £15,050 (this figure will be reviewed annually).

The amended criteria will restrict eligibility to those who are over 60 and on a qualifying benefit, those under 60 without dependents but who are disabled and on a qualifying benefit and those under 60 with children under 16 who are on a qualifying benefit. These have been identified as the households who would be most vulnerable to living in poor accommodation.

There has also been an income threshold applied to those claiming working tax credit and child tax credit. Such households with an assessed income of less than £15,050 for tax credit purposes are considered to be vulnerable therefore this income threshold has been applied. Anyone claiming tax credits with an assessed income of over £15,050 will not be classed as vulnerable and therefore not eligible to apply. These figures are set by Government and will be reviewed annually.

- The property must be at least 10 years old and fail the decent homes standard

3. Successive Applications

Current Policy:

The current policy prevents applicants applying for another grant for the same work within 10 years from the date the previous works were completed. The 10 year period is the current grant repayment period.

This means that applicants could submit an application for funding roof repairs one year and for replacement windows the next.

Proposed New Policy:

It is recommended that grant applications are limited to one every 5 years.

Future applications after the 5 year period should also be refused if it is for the same work previously carried out. Applicants are expected to maintain any repair works carried out therefore should not require further grants for the same issue.

4. **Topping up a disabled facilities grant**

Current Policy:

Disabled facilities grants are provided to assist residents in adapting their homes. The maximum amount that can be claimed is £30,000.

The current housing renewal assistance policy allows the grant to be used to top up a DFG where the adaptation works will cost more than the £30,000 grant amount allowed.

Allowing this has led to some HRAGs being granted in excess of £2,500, due to the ability to add unforeseen works, fees and VAT.

Proposed New Policy:

It is recommended that the HRAG no longer be used to top up a DFG.

Applicants are able to apply for top up funding via Lancashire County Council therefore this should be the route pursued.

5. **Grant Repayment**

Current Policy:

Repayment of the grant is currently required if the property is sold within 10 years of the work being completed. Repayment is on a sliding scale:

Year 1	100%
Years 1-4	75%
Years 5-9	50%
Years 10+	0

Proposed New Policy:

It is proposed to make the grant fully repayable on first sale or transfer of ownership, irrespective of when that sale or transfer takes place.

The Assistant Director Community Services will retain the discretion to waive repayment in extreme hardship cases.

6. **Grant Agency Fees**

Current Policy:

The Council offers a Grant Agency Service to applicants to assist them in completing the works by preparing schedules of work, obtaining quotes etc.

Where an applicant elects to use this service, the following fees apply:

Disabled Facilities Grant:

10% of the total cost of the works subject to a minimum charge of £250. VAT is also added at the standard rate.

Home Repair Assistance Grant:

10% of the total cost of the work subject to a minimum charge of £100. VAT is added at the standard rate.

This fee can be included in the grant.

The income generated supports the revenue costs of the Private Sector Housing Technical Officers in providing the service.

Proposed New Policy:

The % fee charged has not been reviewed for a number of years. With revenue costs increasing, it is necessary to address this.

It is recommended that the fee for home repair assistance grants stays at 10% of the cost of the works, plus VAT with a minimum charge of £100. This fee accurately reflects the amount of technical expertise needed to provide assistance at this level.

It is recommended that the fee charged for technical expertise on disabled facilities grants be increased to 12% of the total cost of the works, plus VAT, subject to a minimum charge of £300.

7. Private Agents

Current Policy:

Where an applicant wishes to use their own professional agent, the current policy allows fees of up to 12% of the total cost of the work (plus VAT) to be included in the grant.

Proposed New Policy:

It is proposed to bring the fee amount allowed for professional agents in line with that charged by the Council's Agency Service i.e. 10% plus VAT for HRAGs and 12% plus VAT for DFGs.

<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>Withdrawing the scheme would have an impact on the groups of people listed as there would be no financial support for them to improve their living conditions if they fall below a set standard.</p> <p>Reviewing the scheme would only have an impact on the groups listed if the cost of the works required to bring the property to a decent standard exceeds the maximum grant amount allowed and the client is not able to meet any additional cost.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>Internal recording systems which record the ages of applicants and average grant amount awarded.</p> <p>Government guidance on what constitutes a vulnerable household.</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>A public consultation has taken place with no comments received.</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>The recommendations in this report do not hamper our ability to meet such duties as the grant is not statutory.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>None at this time.</p>

MINUTE OF EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 2 OCTOBER 2014

22. HOUSING RENEWAL ASSISTANCE POLICY REVIEW

Consideration was given to the report of the Assistant Director Community Services that sought comments on the revised Housing Renewal Assistance policy, attached at Appendix 1, currently being updated.

In discussion comments and questions were raised in relation to:

- The changes to the Benefits System - qualification under the proposed changes (Appendix 2); maintenance of qualification list.
- Importance of Scheme – responding changes in personal circumstances.
- Timescales / limitations – effect on successive applications.

The Homelessness and Private Sector Housing Manager attended the meeting, provided an overview of the proposed changes to the Policy and Home Repair Assistance Grant Scheme (HRAG), responded to questions and provided clarification, referencing details set down in the report.

RESOLVED: There were no agreed comments.



AGENDA ITEM: 5(f)

CABINET: 11 NOVEMBER 2014

Report of: Assistant Director Housing and Regeneration

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor Mrs J. Houlgrave

**Contact for further information: Mr W. Berkley (Extn. 5259)
(E-mail: william.berkley@westlancs.gov.uk)**

SUBJECT: LIFTS AT EVENWOOD COURT AND MARLBOROUGH COURT

Wards affected: Ashurst and Tanhouse Wards

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Cabinet of the tenders received to install additional lifts at Evenwood Court and Marlborough Court.
- 1.2 To seek a decision on whether to proceed with replacement lifts at both Evenwood Court and Marlborough Court and allocate additional resources or take alternative courses of action.

2.0 RECOMMENDATION

- 2.1 That Cabinet endorse option 2 in paragraph 5.1

3.0 BACKGROUND

- 3.1 The Council allocated a budget of £174K to install additional lifts to Evenwood Court and Marlborough Court to ensure all category 2 Sheltered properties had a lift provision.
- 3.2 A feasibility study was carried out by Hart Baskerville Architects upon which the budget estimate was based.

- 3.3 Tender documents were produced in consultation with Dunbar & Boardman which included additional works not previously identified by our consultants.
- 3.4 Tenders were received totalling £254k, Evenwood Court £142k and Marlborough court £112k.

4.0 CURRENT POSITION

- 4.1 The tenders received are in excess of £80k over the original budget estimate of £174K.
- 4.2 For the projects to proceed, the Council will need to approve this additional expenditure.
- 4.3 The additional lifts would service an additional 13 properties at Evenwood Court and 11 Properties at Marlborough Court.
- 4.4 Demand for properties on Evenwood Count is low, with 13 properties currently void. It is the view of our Voids and Allocations Manager that the provision of a lift will not have a significant effect on demand. No properties are currently void in Marlborough Court.
- 4.5 Changes to supporting people funding, which will come into force in April 2015, will result in that funding reducing by 42%. This will have an impact on how the schemes are managed in the future.
- 4.6 The Council is, however, as part of the investment plan, continuing to replace carriages in existing lifts to our sheltered properties elsewhere within the Borough.

5.0 OPTIONS

- 5.1 There are four options that can be identified:

Option 1

Invest the additional resources required to install the additional lifts to both Evenwood Court and Marlborough Court. Council would need to endorse this decision because of the amount of investment required.

Option 2

Install an additional lift in Marlborough Court and defer Evenwood Court pending a full option appraisal and offer tenants with mobility issues ground floor accommodation within the scheme were possible.

Option 3

Defer the installation of both lifts pending a full option appraisal of the wider sheltered housing provision due to the changing position in relation to supporting people funding and offer tenants with mobility issues alternative ground floor accommodation within the scheme were possible.

Option 4

Install an additional lift in Evenwood Court and defer a decision on Marlborough Court until funds can be identified to carry out this work.

6.0 VIEWS OF THE ASSISTANT DIRECTOR HOUSING AND REGENERATION

- 6.1 I would recommend option 2 as I believe with the high number of voids in the Evenwood Court Scheme, a total review is appropriate with a report coming back to Council in February 2015 for a firm decision being made.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 7.1 Clearly there are sustainability issues associated with Evenwood Court which need to be considered in great depth. My recommendation allows for this.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 If the Council accepts my recommendation, then there is sufficient budget available to install a lift at Marlborough Court and further budgetary implications will need to be considered at the February Council meeting.

9.0 RISK ASSESSMENT

- 9.1 Tenants who have mobility issues will be offered alternative accommodation in their current scheme where possible.
- 9.2 Not installing additional lifts will not increase the current levels of risk.
- 9.3 There was a previous commitment by the Council to fit the additional lifts, any change of policy may result in criticism of the Council by interested parties.

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

Appendix A - Equality Impact Assessment

Appendix B – Minute of Landlord Services Committee – 6 November 2014 (Cabinet only)

<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>Should Cabinet / Council decide not to install additional lifts this could have a disproportionately negative effect on some of the elderly residents within Evenwood Court / Marlborough Court.</p>
<p>2. What sources of information have you used to come to this decision?</p>	<p>The demographic of the sheltered properties.</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 residents are strongly in favour of the installation of lifts.</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>This is dependent on the decision by Cabinet / Council, and could potentially help or hamper our duties under the equality act.</p>
<p>5. What actions will you take to address any issues raised in your answers above</p>	<p>The report suggests offering our tenants with mobility issues alternative accommodation within their existing scheme where possible.</p>



AGENDA ITEM: 5(g)

CABINET: 11 November 2014

Report of:	Assistant Director Planning
Relevant Managing Director:	Managing Director (Transformation)
Relevant Portfolio Holder:	Councillor M Forshaw
Contact for further information:	Peter Richards (Extn. 5046) (e-mail: peter.richards@westlancs.gov.uk)

SUBJECT: USE OF SECTION 106 MONIES FOR SUSTAINABLE TRANSPORT MEASURES IN BURSCOUGH WEST AND SCOTT WARDS

Wards affected: Burscough West and Scott Wards

1.0 PURPOSE OF THE REPORT

1.1 To seek Cabinet's authority to allocate S106 monies from planning application 2012/0080/FUL (Land North of Junction with Pippin Street / Liverpool Road South, Burscough) to spend on suitable transport measures to improve accessibility to the application site by means other than the private car.

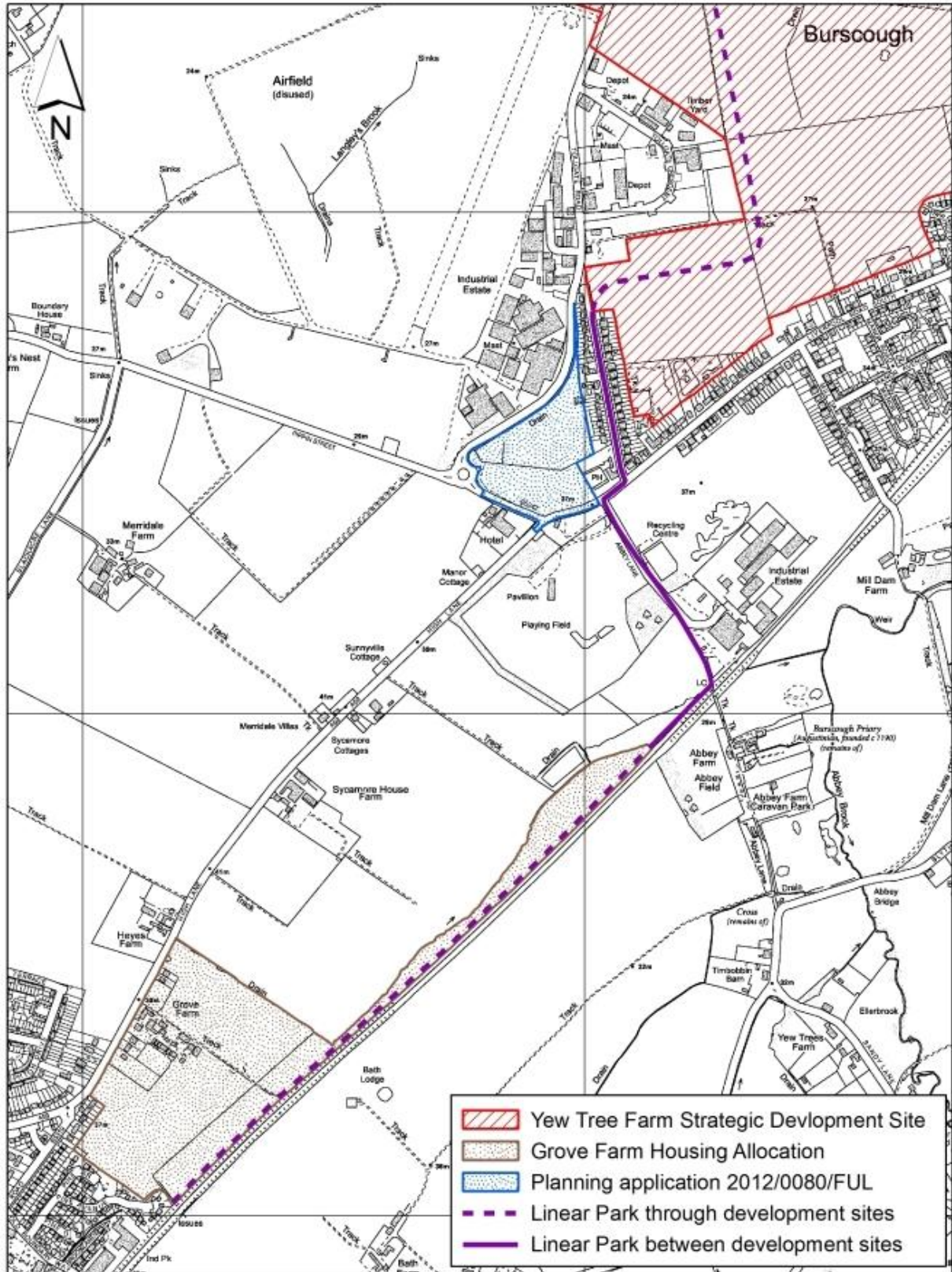
2.0 RECOMMENDATIONS

2.1 That the allocation of the £100,000 of Section 106 monies from application 2012/0080/FUL to the design, costing and delivery of the section of the Ormskirk-Burscough Linear Park between the eastern end of Abbey Lane, across the A59 Liverpool Road South and to the northern end of Lordsgate Lane, with a connection from this route directly into the application site be approved.

2.2 That authority be delegated to the Assistant Director Planning in consultation with the Portfolio Holder for Planning and Development to undertake all matters related to the implementation of this project.

3.0 BACKGROUND & CURRENT POSITION

- 3.1 As part of the permission granted to application 2012/0080/FUL, a Section 106 agreement was signed that committed the developer of the application site to contribute £100,000 to the Council to spend on “*suitable transport measures to improve accessibility to the application site by means other than the private car*”. This sum has now been received by the Council.
- 3.2 Application 2012/0080/FUL involves the development of a Booths supermarket and other retail and commercial uses, and so it is important to ensure that local residents and visitors to the area can access the facilities on the application site in a sustainable manner.
- 3.3 The application site is adjacent to the A59 Liverpool Road South, with the eastern corner of the site lying virtually opposite the entrance to Abbey Lane onto the A59. As such, the application site is in direct proximity to the proposed route of the Ormskirk-Burscough Linear Park which, in this section of the route, would travel along Abbey Lane, cross the A59 and then travel along Lordsgate Lane (see map on next page), and there is an opportunity to link the application site to this Linear Park and deliver this key section of the Linear Park (which runs between the two major development sites of Grove Farm and Yew Tree Farm through which the majority of the Linear Park will be delivered) using the S106 monies secured through this application.
- 3.4 By using the S106 monies in this way, the application site will be made accessible by means other than the private car, in line with the terms of the section 106 agreement, with residents from across Ormskirk and Burscough (and visitors to the area) being able to access the facilities on the application site in a safe and sustainable manner by bicycle or on foot if they wish.
- 3.5 It is therefore recommended at 2.1 above that Cabinet authorise the allocation of the £100,000 of Section 106 monies from application 2012/0080/FUL to the delivery of the section of the Ormskirk-Burscough Linear Park between the eastern end of Abbey Lane, across the A59 Liverpool Road South and to the northern end of Lordsgate Lane, with a connection from this route directly into the application site.



4.0 NEXT STEPS

- 4.1 Should Cabinet authorise the allocation of this S106 funding as described above, Lancashire County Council will be commissioned to draw up an appropriate and costed design solution for the section of Linear Park along Abbey Lane, across the A59 and along Lordsgate Lane, incorporating a link into the application site, using a small proportion of the S106 funds. Once this design solution has been drawn up to the satisfaction of WLBC officers, any necessary land acquisitions will be negotiated, the route will then be developed out and appropriate arrangements for the maintenance of the route will be put in place.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 5.1 The delivery of a key section of the Ormskirk-Burscough Linear Park will provide a positive benefit for sustainability in terms of the general movement between Ormskirk and Burscough, but also in relation to the access to the application site and its facilities. Ongoing maintenance of the route will be key to sustaining this positive sustainability impact and to ensuring that the route is safe and secure from a crime perspective.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no financial and resource implications arising from the recommendations in this report as any design (and ultimately construction) costs will be sourced from the S106 monies and the officer input required will be sourced from the Planning Service's revenue budgets. Proposals for the maintenance of the Linear Park will be developed as part of the wider proposals for the route, with a view to ensuring that the maintenance does not provide an ongoing liability to the Council, and a report will be brought to Cabinet with final proposals for maintenance of the route should those proposals involve any ongoing cost or liability to the Council.

7.0 RISK ASSESSMENT

- 7.1 There are no significant risks associated with the recommendations in this report. The use of the S106 monies as proposed is in adherence to the terms of the S106 agreement. It must also be borne in mind that S106 monies must be spent within a certain timescale, or else be handed back to the developer, and so it is prudent to bring forward a suitable project to spend the monies as quickly as possible, especially given that, in this case, the proposed project is the best-use of the resources within the constraints of the S106 agreement.

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 to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

Appendices

Appendix A – Equality Impact Assessment

Appendix A – Equality Impact Assessment

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>Unlikely to disadvantage or have a negative effect on the groups of people listed.</p>
2.	<p>What sources of information have you used to come to this decision?</p>	<p>Census 2011 data</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>Wider proposal for an Ormskirk-Burscough Linear Park has been part of several consultations on the Local Plan, the Yew Tree Farm Masterplan SPD and the Grove Farm Development Brief</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></p> <p><i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i></p> <p><i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>The delivery of a Linear Park between Ormskirk and Burscough, with direct access into the application site, will advance equality of opportunity by creating more choice for all residents and visitors to the area as to how they travel.</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(h)

CABINET: 11 November 2014

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
27 November 2104**

COUNCIL: 17 December 2014

Report of: Assistant Director Housing and Regeneration and Borough Treasurer

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor Mrs J. Houlgrave

**Contact for further information: Darroll McCulloch (Extn. 5203)
(E-mail: darroll.mcculloch@westlancs.gov.uk)**

**SUBJECT: HOUSING REVENUE ACCOUNT (HRA) & HOUSING CAPITAL
INVESTMENT PROGRAMME MID YEAR REVIEW**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide a projection of the financial position on the Housing Revenue Account (HRA) and the Capital Investment Programme at the end of the financial year.
- 1.2 To recommend options to reinvest the savings identified in the Capital Investment Programme.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the financial position of the Revenue Account and the Capital Investment Programme be noted.
- 2.2 That any agreed comments of the Landlord Services Committee be considered.
- 2.3 That the proposal elsewhere on the agenda about refurbishing 188 – 192 Ennerdale be approved for funding subject to the decision of Council.
- 2.4 That the savings identified in the Capital Programme at Appendix A to be set aside for use in the 2015-16 budget, be approved for consideration by Council.

- 2.5 That the revised Capital Investment Programme including the re-profiling, virements and budget adjustments contained in Appendix A be approved for consideration by Council.
- 2.6 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 27 November 2014

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 3.1 That the progress against the HRA and the Capital Investment Programme budgets be noted.
- 3.2 That agreed comments be considered by Council in relation to this report.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the financial position of the HRA and Capital Investment Programme be noted.
- 4.2 That any agreed comments of Cabinet, Landlord Services Committee and Executive Overview and Scrutiny Committee be considered as part of the decision making process.
- 4.3 That the revised Housing Capital Investment Programme, including re-profiling, virements, budget adjustments and reinvestment of savings contained in Appendix A, be approved.

5.0 BACKGROUND

- 5.1 The Housing Revenue Account (HRA) and Capital Investment Programmes were approved by Council in February 2014.
- 5.2 In accordance with best practice both the Housing Revenue Account (HRA) and the Capital Investment Programmes are subject to review and scrutiny at the mid-year point to ensure that budgets are effectively being managed.
- 5.3 Members are kept informed of the financial position of the HRA and Capital Investment Programme through regular monitoring reports. The last such report was presented to Cabinet in September and Executive Overview and Scrutiny Committee in October.
- 5.4 This report will also be considered by the Landlord Services Committee (Cabinet Working Group) at its meeting on 6 November.

6.0 HOUSING REVENUE ACCOUNT

- 6.1 The Council approved an external income budget for the HRA of £26.286 m for this financial year. Right to Buy sales and void rates heavily influence the amount of income generated.
- 6.2 There were 50 Right to Buy Sales allowed for when the budget was set. This estimate was based on our experience in 2013/14 when the government changed the maximum discount allowable and mortgages became more freely available. Sales to the end of September amounted to 19 properties and despite announcements by government in respect of increased discounts we believe the number of Right to buy sales will be around 40 for the year. The impact of the reduction in sales will improve the HRA income but may affect the availability of capital receipts that the Council may use for capital investment. This issue is included for consideration elsewhere on the Agenda.
- 6.3 In respect of voids, the volume of relets has increased by more than 10% overall and the number of voids requiring high value works has also increased significantly from 4 to 37 when compared to this time last year. This development has had an adverse impact on income and on the void repair expenditure.
- 6.4 The active management of staffing levels combined with the process of filling vacancies will ensure a significant favourable budget variance this year. Expenditure in other areas is being effectively controlled, and while there are a range of variances across different budget areas, there will be a favourable overall position. The latest projected outturn figure forecasts an overall favourable budget variance of £0.150m although there is scope for further changes to take place over the remainder of the financial year. This position will continue to be monitored and will be taken into account when the budget for the next financial year is set.
- 6.5 The District Heating Service is a ring fenced account that must break even over the medium term without being subsidised, or in other words the charges for this service must cover its costs. The mid-year review has identified that the level of expenditure has reduced against last year and even with the winter months ahead of us it can be anticipated that income and reserve will exceed expenditure. Consequently no increase in charges is proposed to be made at this time.

7.0 CAPITAL INVESTMENT PROGRAMME

- 7.1 Service Managers have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including:
- a) Re-profiling of schemes;
 - b) Levels of anticipated expenditure

c) Availability of resources

7.2 The proposed changes to the 2014/15 Capital Investment Programme are analysed in Appendix A. In summary, it is proposed to:

- a) Re-profile £5.970m from 2014/15 to 2015/16 to meet expenditure that is now expected to be incurred in 2015/16.
- b) Implement a range of budget virements between schemes likely to outturn below budget to those schemes that are experiencing financial pressures. These virements are cost neutral to the overall programme i.e. they will not increase the capital programme.
- c) That £0.341m of available budget as identified in the Revised Capital Investment Programme at Appendix A be reallocated in accordance with table A below:

Table A Proposed reallocation of available capital Resources

Scheme	Description	Description
		£'000
Refurbishment of 188 – 192 Ennerdale	Conversion of office accommodation to Housing use providing 2 2Bed Flats, and 2 2Bed Maisonettes	250
Scheme Savings	To be considered as part of the 2015-16 Budget process.	91
TOTAL		341

7.3 The Revised Capital Programme totals £13.878 for 2014/15 and scheme totals are shown in Appendix A together with a brief outline of the reasons for the changes taking place.

7.4 The capital programme since self-financing was introduced in 2012 has increased significantly and this brings with it a set of challenges that need to be tackled. It is anticipated that the revised capital programme will be largely committed by the end of the financial year and will achieve Value for Money, and quality improvements.

7.5 Details of expenditure against the revised budget figures at the mid-year are set out at Appendix B together with Service Managers comments regarding progress to date. Expenditure at the mid-year point was 23% of the total

budget, which is slightly below the performance of 25% at the same point in the previous financial year.

7.6 The changes proposed at the Mid-Year have also been factored into the Medium Term Capital Programme and the revised budgets for the period 2014/15 through to 2018/19 are detailed in Appendix C.

7.7 As Members will recall authority was delegated to the Assistant Director of Housing and Regeneration to bid for additional borrowing under the Government's Local Growth Fund: HRA Borrowing Programme 2015/16. I am pleased to report that the Government have approved additional borrowing of £2.5m to enable the Council to develop new properties in Firbeck in 2015/16. This investment will create job opportunities, new Social Housing for those that need this, a revival of the Town Centre and overall a benefit for Skelmersdale and the Borough. This will be formally factored into the HRA budget as part of the budget setting process in February 2015

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. Individual capital schemes address Community Strategy issues and links to Corporate Priorities. The Capital Investment 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.

9.0 RISK ASSESSMENT

9.1 The formal reporting of performance against budget is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.

9.2 The projected changes contained in the report reflect current estimates of the likely difference between spending or income and the budget for the full financial year. These estimates contained in the report are based on current data and are subject to change as new information becomes available.

9.3 The Firbeck Revival Project is partly funded by Borrowing approvals and One for One Replacement Capital Receipt funding that has to be spent within certain time limits. If the project is not delivered in time there is a risk that this funding could be lost.

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 majority of the budget issues set out in this report have been the subject of previous reports to Committees and consequently an Equality Impact Assessment has already been prepared for them where relevant.

Appendices

- A - Revised Capital Investment Programme 2014/15
- B - Performance at Mid-Year against Revised Capital Investment Programme 2014/15
- C - Revised Capital Investment Programmes for the Financial Years 2014/15 through to 2018/19
- D - Minute of Landlord Services Committee 6th November 2014 (Cabinet, Executive Overview and Scrutiny Committee and Council only)
- E - Minute of Cabinet on 11th November 2014 (Executive Overview and Scrutiny Committee and Council only)
- F - Minute of Executive Overview & Scrutiny Committee 27th November 2014 (Council only)

REVISED CAPITAL INVESTMENT PROGRAMME 2014-15

Scheme Description	Approved Budget	Budget Virements	Available Budget to reallocate	Budget Subtotal	Amounts re-profiled to 2015-16	Revised Budget 2014-15	Service Manager Comments
	£'000	£'000	£'000	£'000	£'000	£'000	
EXPENDITURE							
DISABLED ADAPTATIONS	777	33	0	810	0	810	Budget virements includes for known proposed works
LAUNDRY EQUIPMENT	19	0	0	19	-19	0	Re-profiled to give further time to consult on options
FAILED DOUBLE GLAZING	2	0	-2	0	0	0	Budget available to reallocate
GULLEYS	12	0	-12	0	0	0	Budget available to reallocate
GUTTERS	12	0	-12	0	0	0	Budget available to reallocate
KITCHENS	2,438	122	0	2,560	0	2,560	Virements required to meet increased costs and volumes
BATHROOMS	1,979	-135	-14	1,830	0	1,830	Budget available for virement due to number of tenants refusals
ELECTRICAL WORK	161	0	-61	100	0	100	Budget available to reallocate due to contract contingencies no longer being required
ENERGY EFFICIENCY MEASURES	1,484	0	0	1,484	-1,183	301	Re-profiled due to delay in finding suitable candidate to project lead
ENVIRONMENTAL	152	1	0	153	0	153	
HEATING SYSTEMS	1,530	0	-175	1,355	0	1,355	Budget available to reallocate due to reduced level of demand
LIFTS	587	0	0	587	-547	40	Reprofiled due to need to appoint specialist consultant
WINDOW & DOOR REPLACEMENT	2,293	142	0	2,435	-280	2,155	Virements due to additional workd Re-profiling to allow work to complete next financial year.
ROOFING WORKS	425	73		498	-85	413	Virement required to carry out essential remedial works. However, given the time of year it is expected that programme will complete next year.
WALLS	41	0	0	41	0	41	
COMMUNAL AREAS CAT	107	18	0	125	0	125	Virements due to higher than anticipated cost
EQUIPMENT REPLACEMENT SHELTERED HOUSING	200	0	0	200	-200	0	Budget Re-profiled to 2015-16 to enable specialist consideration of monitoring systems to install.
HEAT METERS	91	0	0	91	-91	0	Re-profiled pending outcome of Government consultation
STUBB BLOCK REFURB EGERTON/ENSTONE	233	17	0	250	0	250	Virements due to higher than anticipated cost
BOXING IN RANCH STYLE BALLUSTRADES	100	-75	0	25	0	25	Lower number of properties requiring work than forecasted
SHELTERED UPGRADES	269	0	0	269	-135	134	Re- profiled to give further consideration to options for some projects
FERNDALE EXTERNAL INSULATION & ROOFING	189	0	0	189	0	189	
STRUCTURAL WORKS	169	50		219	0	219	Virement required to carry out unforeseen essential structural works

REVISED CAPITAL INVESTMENT PROGRAMME 2014-15

Scheme Description	Approved Budget	Budget Virements	Available Budget to reallocate	Budget Subtotal	Amounts re-profiled to 2015-16	Revised Budget 2014-15	Service Manager Comments
	£'000	£'000	£'000	£'000	£'000	£'000	
COMMUNAL AREAS FLATS - IMPROVEMENTS	140	-119	-18	3	0	3	Reduced demand
BIN STORAGE IMPROVEMENTS	39	0	0	39	-39	0	re-profiled to give further consideration to requirements
ELMSTEAD DEVELOPMENT	69	0	-35	34	0	34	Compliance with HCA Grant conditions means that £34,000 of the underspend on the project needs to be paid to HCA. The balance is available to reallocate to other priorities.
CAPITAL CONTINGENCY - VOIDS	708	0	0	708	0	708	
CAPITAL CONTINGENCY - REPAIRS	134	0	0	134	0	134	
FIRBECK REVIVAL	4,072	0	0	4,072	-2,776	1,296	Re-profiling due to works not being able to start until new financial year
GARAGES	0	10	0	10	0	10	
FEES	1,416	-137	-12	1,267	-274	993	Prudent management of staffing and consultancy budgets will result in favorable variances
REFURBISHMENT OF 188-192 ENNERDALE	0	0	250	250	-250	0	Please see recommendations and Table A in paragraph 7.2 in the report
SAVINGS TO BE ALLOCATED IN 2015-16 BUDGET		0	91	91	-91	0	Please see recommendations and Table A in paragraph 7.2 in the report
TOTAL EXPENDITURE	19,848	0	0	19,848	-5,970	13,878	

RESOURCES							
RESERVE FUNDING	157	-71		86		86	GRA funding reduced due to receipt of energy efficiency grant
CAPITAL RECEIPTS	252			252		252	
ENERGY EFFICIENCY GRANT	0	144		144		144	Energy Savings grant secured to offset expenditure incurred
HRA BORROWING	8,362	1,553		9,915	-5,970	3,945	Reprofiling of funding to match re-profiled expenditure
HRA / MRA CONTRIBUTION	11,077	-1,626		9,451		9,451	
TOTAL RESOURCES	19,848	0	0	19,848	-5,970	13,878	

PERFORMANCE AT MID-YEAR AGAINST REVISED CAPITAL INVESTMENT PROGRAMME 2014-15

Scheme Description	Revised Budget (Appendix A)	Amount spent to Mid-Year	Variance	% Spend to Mid Year	Service Manager Comments
	£'000	£'000	£'000	£'000	
EXPENDITURE					
DISABLED ADAPTATIONS	810	215	595	27%	Budget will be fully committed in financial year
KITCHENS	2,560	988	1,572	39%	Programme due to complete this calendar year
BATHROOMS	1,830	821	1,009	45%	Programme due to complete this calendar year
ELECTRICAL Work	100	-	100	0%	Work being tendered
ENERGY EFFICIENCY MEASURES	301	49	252	16%	Will be fully committed in year
ENVIRONMENTAL	153	59	94	39%	Will be fully committed in year
HEATING SYSTEMS	1,355	3	1,352	0%	Will be fully committed in year
LIFTS	40	-	40		This budget will be spent in year.
WINDOW & DOOR REPLACEMENT	2,155	201	1,954	9%	
ROOFING WORKS	413	-	413	0%	Programme not planned to start until staff complete the Kitchens programme
WALLS	41	-	41		
COMMUNAL AREAS CAT	125	2	123	2%	Programme will largely complete in year
STUBB BLOCK REFURB EGERTON/ENSTONE	250	-	250		
BOXING IN RANCH STYLE BALLUSTRADES	25	-	25		Programme will shortly complete
SHELTERED UPGRADES	134	25	109	19%	
FERNDALE EXTERNAL INSULATION & ROOFING	189	-	189	0%	Programme will complete this financial year
STRUCTURAL WORKS	219	32	187	15%	
COMMUNAL AREAS FLATS - IMPROVEMENTS	3	-	3	0%	Contract retentions awaiting release
ELMSTEAD DEVELOPMENT	34	-	34	0%	Payment to HCA in respect of refund of grant underspend being prepared

PERFORMANCE AT MID-YEAR AGAINST REVISED CAPITAL INVESTMENT PROGRAMME 2014-15

Scheme Description	Revised Budget (Appendix A)	Amount spent to Mid-Year	Variance	% Spend to Mid Year	Service Manager Comments
	£'000	£'000	£'000	£'000	
CAPITAL CONTINGENCY - VOIDS	708	414	294	58%	Budget will be fully committed in year
CAPITAL CONTINGENCY - REPAIRS	134	-	134	0%	Budget will be fully committed in year
FIRBECK REVIVAL	1,296	86	1,210	7%	Capital works progressing well will complete this phase of work this financial year
GARAGES	10	-	10		
FEES	993	275	718	28%	
TOTAL EXPENDITURE	13,878	3,170	10,708	23%	

RESOURCES					
RESERVE FUNDING	86		86		
CAPITAL RECEIPTS	252		252		
ENERGY EFFICIENCY GRANT	144		144		
HRA BORROWING	3,945		3,945		
HRA / MRA CONTRIBUTION	9,451	3,170	6,281		
TOTAL RESOURCES	13,878	3,170	10,708	23%	

REVISED CAPITAL INVESTMENT PROGRAMMES FOR THE FINANCIAL YEARS 2014-15 THROUGH TO 2018-19

Scheme Description	2014-15	2015-16	2016-17	2017-18	2018-19
	Revised Budget	Budget	Budget	Budget	Budget
	£'000	£'000	£'000	£'000	£'000
EXPENDITURE					
DISABLED ADAPTATIONS	810	652	669	686	605
LAUNDRY EQUIPMENT	-	35	17	17	17
FAILED DOUBLE GLAZING	-				
GULLEY'S	-	11	11	11	11
GUTTERS	-	11	11	11	11
KITCHENS	2,560	2,147	2,223	900	592
FENCING & PAVING	-				
BATHROOMS	1,830	1,806	1,818	1,870	219
ELECTRICAL Work	100	87	124	112	219
ENERGY EFFICIENCY MEASURES	301	1,183			
ENVIRONMENTAL	153				
HEATING SYSTEMS	1,355	1,491	1,518	566	725
LIFTS	40	547			154
REPLACEMENT K&B	-	1,438	1,373	1,431	1,209
WINDOW & DOOR REPLACEMENT	2,155	927	-	-	321
ROOFING WORKS	413	1,396	1,492	1,182	964
WALLS	41	727	810	765	389
COMMUNAL AREAS CAT	125	110	113	116	116
EQUIPMENT REPLACEMENT SHELTERED HOUSING	-	200			
HEAT METERS	-	91			
STUBB BLOCK REFURB EGERTON/ENSTONE	250				
BOXING IN RANCH STYLE BALLUSTRADES	25				
SHELTERED UPGRADES	134	245	113	116	116
FERNDALE EXTERNAL INSULATION & ROOFING	189				
STRUCTURAL WORKS	219	165	169	174	174
COMMUNAL AREAS FLATS - IMPROVEMENTS	3				
BIN STORAGE IMPROVEMENTS	-	39			
ELMSTEAD DEVELOPMENT	34				
CAPITAL CONTINGENCY - VOIDS	708	658	-	-	-
CAPITAL CONTINGENCY - REPAIRS	134	137	141	144	145
FIRBECK REVIVAL	1,296	2,776			
MAINS WATER	-		763	763	
GARAGES	10	329	-	-	-
MINOR WORKS	-	7	-	3	19
COMMUNAL DOORS ELECTRICS	-			172	303
COMMUNAL HEATING	-			114	6

REVISED CAPITAL INVESTMENT PROGRAMMES FOR THE FINANCIAL YEARS 2014-15 THROUGH TO 2018-19

Scheme Description	2014-15	2015-16	2016-17	2017-18	2018-19
	Revised Budget	Budget	Budget	Budget	Budget
	£'000	£'000	£'000	£'000	£'000
FEES	993	1,223	909	732	505
REFURBISHMENT OF 188-192 ENNERDALE		250			
SAVINGS TO BE ALLOCATED IN 2015-16 BUDGET		91			
TOTAL EXPENDITURE	13,878	18,779	12,274	9,885	6,820

RESOURCES					
RESERVE FUNDING	86				
CAPITAL RECEIPTS	252				
ENERGY EFFICIENCY GRANT	144				
HRA BORROWING	3,945	8,525	1,609		
HRA / MRA CONTRIBUTION	9,451	10,254	10,665	9,885	6,820
TOTAL RESOURCES	13,878	18,779	12,274	9,885	6,820

Please note that the Budgets for the period 2015-16 through to 2018-19 will be reviewed as part of the 2015-16 Budget process and do not include final estimated costs of Beechtrees Revival Scheme or the recently approved New Build at Firbeck.



AGENDA ITEM: 5(i)

CABINET: 11 November 2014

Report of:	Assistant Director Planning
Relevant Managing Director:	Managing Director (Transformation)
Relevant Portfolio Holder:	Councillor M Forshaw
Contact for further information:	Peter Richards (Extn. 5046) (e-mail: peter.richards@westlancs.gov.uk)

SUBJECT: APPLICATION FOR THE DESIGNATION OF A NEIGHBOURHOOD AREA IN BURSCOUGH

Wards affected: Burscough East / Burscough West / Scarisbrick (part of) Wards

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's approval of Burscough Parish Council's application for the designation of a neighbourhood area covering the entire Parish of Burscough, thus enabling the Parish Council to prepare a Neighbourhood Plan for that neighbourhood area.

2.0 RECOMMENDATIONS

- 2.1 That the application for designation of the neighbourhood area applied for by Burscough Parish Council, provided in Appendix A, which covers the Parish of Burscough, be approved.
- 2.2 That authority be delegated to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning and Development to consider any future applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

3.0 BACKGROUND

- 3.1 Burscough Parish Council submitted an application for the designation of a neighbourhood area covering the Parish of Burscough on 18 August 2014 (see Appendix A), in accordance with regulation 5 of the Neighbourhood Planning (General) Regulations 2012. In accordance with regulation 6 of the same regulations the Borough Council have publicised the application and invited representations from the public and wider West Lancashire community. Representations were invited from 3 September to 17 October 2014.
- 3.2 In addition, the Department for Communities & Local Government have recently consulted on new technical advice on planning which concluded on 26 September 2014. This consultation included proposed changes to the Neighbourhood Planning process which, if taken forward, will require amendments to the Neighbourhood Planning (General) Regulations 2012.
- 3.3 One of the proposed changes affects this first stage of the Neighbourhood Planning process, the designation of a neighbourhood area, and (if taken forward) will:

... set a statutory time limit of 10 weeks (70 days) within which a local planning authority must make a decision on whether to designate a neighbourhood area that has been applied for This time limit will apply where the area applied for follows parish or electoral ward boundaries and there is no existing designation or outstanding application for designation, for all or part of the area for which a new designation is sought. (Paragraph 1.5 of Technical Consultation on Planning, DCLG, July 2014)

- 3.4 Within this 10 week limit there will still be the requirement to publicly consult on the application for the statutory 6 week period set out in regulation 6 of the Neighbourhood Planning (General) Regulations 2012. As such, it would be extremely difficult (if not impossible in many cases) to meet the 10 week deadline if the designation for a neighbourhood area had to go through the Cabinet cycle to be authorised after the 6 week period for representations.

4.0 CURRENT POSITION

- 4.1 Following the end of the 6 week period inviting representations on Burscough Parish Council's application, the Council have received 9 representations, which are provided in Appendix B. Only one of these representations actually query the designation of the neighbourhood area proposed, and it relates to the appropriateness of including the Yew Tree Farm strategic development site allocation within the neighbourhood area. The view of officers is that it would be inappropriate to remove this site from the neighbourhood area, as the Neighbourhood Plan should have regard to this key site, its Local Plan policy and its Masterplan SPD and so to exclude it would not result in a sensible and

coherent neighbourhood area for the purposes of Neighbourhood Planning. Any fear that the Neighbourhood Plan could somehow amend this key allocation misunderstands the Neighbourhood Planning process, which requires that a Neighbourhood Plan be consistent with the adopted Local Plan for the area.

- 4.2 Given the limited objections to the proposed neighbourhood area and given that it is consistent with the Parish boundary, which would be a logical boundary for a neighbourhood area, it is recommended that Cabinet therefore designate a neighbourhood area for Burscough in accordance with Burscough Parish Council's application.
- 4.3 In relation to future applications for designations of neighbourhood areas, given that this process is usually straight forward with limited objections from the community and given the likely changes to regulations in the near future, based on the recent DCLG consultation, it is also recommended that Cabinet delegate authority to designate neighbourhood areas to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning and Development, in order for the Council to be able to respond more quickly to such applications once the statutory 6 week period for representations has concluded.

5.0 NEXT STEPS

- 5.1 With regard Burscough Parish Council's application, if Cabinet authorise the designation of the neighbourhood area, this designation will be publicised in accordance with regulation 7 of the Neighbourhood Planning (General) Regulations 2012. Officers from the Planning Service will then liaise with Burscough Parish Council to support and advise them as they prepare a Neighbourhood Plan for Burscough.
- 5.2 Looking further down the Neighbourhood Planning process, once the Parish Council has prepared a Neighbourhood Plan (and undertaken relevant consultation as it has prepared the Neighbourhood Plan), it is then submitted to the Borough Council who must publicise the proposal for the Neighbourhood Plan and invite representations on the Plan for no less than 6 weeks. Following this period for representations, the Borough Council must appoint an independent examiner (in consultation with the Parish Council) who will examine the proposed Neighbourhood Plan in line with all relevant legislation and guidance, taking into account all representations received.
- 5.3 The examiner will ultimately prepare a fully reasoned report that draws one of three conclusions:
- That the proposed Neighbourhood Plan is submitted to a referendum;
 - That modifications that the examiner specifies in his report should be made to the proposed Neighbourhood Plan before the modified Plan is submitted to a referendum; or
 - That the proposed Neighbourhood Plan is refused.

- 5.4 The Borough Council must then consider the examiner's report and consider whether it agrees with the examiner's recommendation and decide what action to take regarding any modifications. If the Borough Council are then satisfied with the proposed Neighbourhood Plan (as modified), it must hold a referendum with the local community on whether to "make" (adopt) the Neighbourhood Plan. The referendum must show that a majority of those taking part in the referendum support the proposed Neighbourhood Plan for the Borough Council to then take forward a decision on whether or not to "make" the Plan.
- 5.5 Ultimately, what the above brief summary of the Neighbourhood Planning process demonstrates is that, while responsibility for preparing, and ownership of, the Neighbourhood Plan initially lies with the Parish Council, and the local community get a final say on whether to adopt the Plan or not through the referendum, ultimately it is the Borough Council who have to make the key decisions in legislative terms on whether to "make" (adopt) the Plan or not and it ultimately sits as part of the Borough Council's development plan for the area.
- 5.6 As such, it is in both the Borough Council's and Parish Council's interest to work together while the Parish Council is preparing the Neighbourhood Plan to ensure it is a Plan that will pass examination and that the Borough Council would ultimately choose to "make". This fact is supported, and made legislation, by paragraph 3 of Schedule 4B of the Town and Country Planning Act 1990 (which was inserted by Schedule 10 of the Localism Act 2011). This paragraph places a duty on the local planning authority to advise or assist qualifying bodies (such as Parish Councils) to facilitate the preparation of a Neighbourhood Plan, although this does not include financial assistance.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 While the designation of a neighbourhood area has no direct impact on sustainability and the community strategy, the preparation of a Neighbourhood Plan that the designation facilitates should have a positive effect on both sustainability and the community strategy as it will guide locally-specific sustainable development (that the local community has ownership of) within that neighbourhood area.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The designation of a neighbourhood area has no direct financial and resource implications for the Council, but the preparation of a Neighbourhood Plan, which follows on from the designation, will have implications. However, there is a limited amount of grant funding available from the Government for Local Planning Authorities for each neighbourhood area designated.
- 7.2 The funding totals £30,000, with £5,000 available upon designation of the Neighbourhood Plan, £5,000 available once the Plan is submitted to the Council and the final £20,000 available once the examination of the Plan is complete.

These three stages are intended to cover the Council's costs in the three distinct stages of the Neighbourhood Plan preparation.

- 7.3 The first £5,000 is intended to cover the Council's cost in fulfilling their duty to advise and assist the Parish Council as they prepare the Neighbourhood Plan. This involves cost to the Council in the form of officer time and resource, time and resource which would otherwise be spent on other projects. It will be necessary for Council officers to maintain an input as the Neighbourhood Plan is drawn up by the Parish Council to ensure that the Neighbourhood Plan being prepared is in line with the requirements of legislation and is acceptable to the Borough Council who will ultimately have to choose to "make" the Plan or not. It is unlikely that the initial £5,000 will cover the cost to the Council of advising and assisting the Parish Council and this may consequently have a potential impact on the delivery of other projects that officers would otherwise be investing their time in. I would however seek to minimise the impact upon key strategic projects in which the team is involved.
- 7.4 The second £5,000 is available once public consultation on the submitted Neighbourhood Plan has commenced. The Council is responsible for this consultation and the subsequent Examination, with all the associated costs and officer time. The primary cost during this stage would be the Examination costs (including appointing an independent examiner). It is unlikely that the £5,000 grant would cover the examination costs, let alone the consultation costs and officer resource involved, as a conservative estimate of the cost of the examination would be £10,000.
- 7.5 The final £20,000 is available once the Examination is complete and is intended to cover the costs of the Referendum. The half-day Parish Poll which took place in 2012 in Burscough in relation to the Yew Tree Farm Local Plan allocation, cost approximately £4,000. Eden District Council (who adopted one of the first Neighbourhood Plans) estimated that their Referendum cost £16,500. Some of Cheshire West's Neighbourhood Plans in smaller Parishes cost only £3,000. Therefore, it would appear as though this final grant payment would cover the costs of the Referendum and potentially leave a substantial part of the grant which could be utilised to cover the costs of the Examination. There would also be implications for the Council in relation to the staff resources of running the Referendum.
- 7.6 Taking all of the above into consideration, the provision of advice and assistance to the Parish Council in the preparation of the Neighbourhood Plan and the officer resource and consultation costs can be met from existing resources within the Planning Service, supplemented by the first £10,000 of Government grant. However, it may have a potential impact upon the delivery of other projects that officer resource would otherwise be invested in. In addition, the Examination and Referendum costs would appear to be covered by the final £20,000 grant payment, subject to the complexity of the Examination and the precise costs of the Referendum.

- 7.7 Several Parish Councils have sought advice regarding the possible development of a Neighbourhood Plan, with only Burscough progressing matters thus far. If further proposals do come forward from other Parish Councils then this would potentially have significant staffing resource implications. Should these proposals be advanced by the Parish Councils, then further reports will be brought to Cabinet with proposals as to how we might resource the additional workload.
- 7.8 In addition, a further financial implication to note relates to the Community Infrastructure Levy, whereby, if a Neighbourhood Plan is adopted, the Parish Council is entitled to receive 25% of CIL receipts originating in their Parish to spend on infrastructure, as opposed to the 15% that they are currently entitled to.

8.0 RISK ASSESSMENT

- 8.1 In isolation, there is no risk to the Council associated with the designation of a neighbourhood area. However, as outlined above, there are some risks associated with the preparation, examination and “making” of a Neighbourhood Plan. However, these risks cannot influence the decision on whether to designate the neighbourhood area applied for by the Parish Council, as the sole determining factor in making this decision is whether the neighbourhood area applied for is a suitable area on which to base a Neighbourhood Plan.

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 to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

Appendices

- Appendix A – Application for designation of a neighbourhood area by Burscough Parish Council
- Appendix B – Representations received on the application for designation
- Appendix C – Equality Impact Assessment



18th August 2014

West Lancs Borough Council
52 Derby Street
Ormskirk

For the attention of Mr Peter Richards – Planning Policy and Implementation Team Leader

Dear Sir

Application for Designation of a Neighbourhood Plan Area

Further to our recent discussions, Burscough Parish Council hereby applies to designate a neighbourhood plan area as follows:

Name of Neighbourhood Plan area: **Burscough**
Name of Applicant Body **Burscough Parish Council**

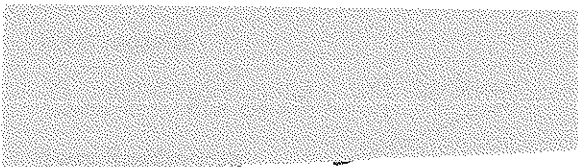
I confirm that Burscough Parish Council is the relevant body to undertake neighbourhood planning in our respective area, in accordance with section 61G(2) of the 1990 Act.

Burscough Parish Council wishes to undertake a Neighbourhood Development Plan.

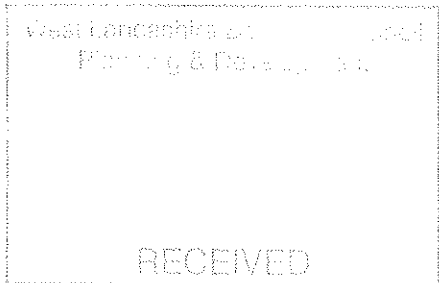
The area comprises the whole parish boundary area. A plan of the area is appended.

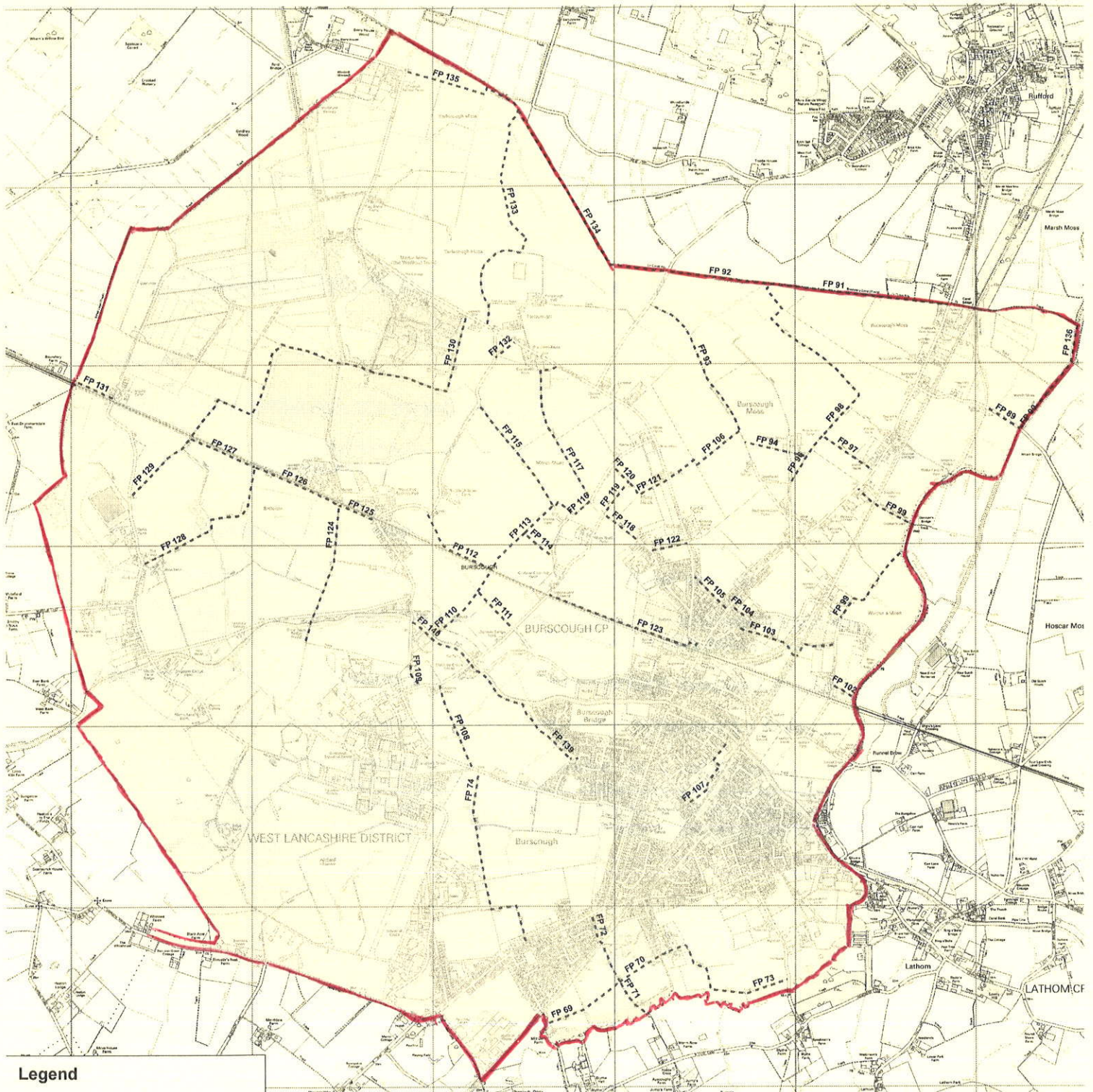
This area is considered appropriate to be designated as a neighbourhood area because it encompasses the whole of Burscough. Burscough is entering a period of significant growth and it is envisaged that this opportunity will allow all residents to contribute to improvements in environmental, economic and social conditions for the whole community, guiding development to sustainable solutions.

Thank you for your attention.



Clerk to Burscough Parish Council





Legend
 — HARNS PARISH BOUNDARY WHICH IS NEIGHBORHOOD DEVELOPMENT PLAN AREA PROPOSED.

18/8/14 TOV.

No.	Respondent	Comment/Issues	Response/comment/action
1	NJL Consulting	<p>We believe that the 74 hectare site at Yew Tree Farm which is currently subject to a Master Planning exercise with the Yew Tree Farm Draft Masterplan SPD should be excluded from the Neighbourhood Development Plan area boundary.</p> <p>The Yew Tree Farm site has been specifically allocated within the West Lancashire Local Plan Policy SP3 where development of the site should be brought forward as soon as possible. The inclusion of this site within the Neighbourhood Development Plan boundary would considerably delay the Yew Tree Farm area from being brought forward for development which is an integral site for the delivery of housing within the borough.</p>	<p>It is the intension that the Yew Tree Farm site, when developed, will become a natural extension of the existing settlement of Burscough, sharing facilities and important linkages. Therefore it is important to include it as part of the wider Burscough Neighbourhood Plan area.</p> <p>Although there is currently a Masterplan undergoing consultation carried out to guide future development, a Neighbourhood Plan that included the site within its boundary could potentially be an opportunity for the community to further influence development in this area, in accordance with the Local Plan and Masterplan.</p>
2	The Coal Authority	<p>The Burscough Parish area is outside of the defined coalfield and therefore The Coal Authority has no specific comments to make on the definition of the Neighbourhood Plan Area.</p> <p>It will not be necessary to provide The Coal Authority with any future drafts or updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.</p>	This response is noted.
3	English Heritage	Highlights that the area covered by the Neighbourhood Plan includes a number of	This response is noted.

		<p>designated and undesignated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.</p> <p>English Heritage considers that the planning and conservation team at West Lancashire Borough Council are best placed to assist in the development of the Neighbourhood Plan and, in particular, how the strategy might address the area's heritage assets. Consequently, we do not consider that there is a need for English Heritage to be further involved in the development of the Neighbourhood Plan.</p> <p>The Lancashire Historic Environment Record should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes.</p>	<p>The Council's Heritage Team will be consulted as part of any Neighbourhood Plan production, particularly on the impact of a proposed policy upon any heritage asset. The Lancashire Historic Environment Record will also be consulted as part of this process.</p>
4	<p>Local resident Mr Leslie Jones</p>	<p>Believes it is imperative that Burscough has a designated Neighbourhood Plan area.</p> <p>Believes that the housing has now outgrown the amenities and facilities.</p> <p>It is important that local people with local knowledge have input into any proposals.</p>	<p>Comments noted.</p> <p>A Neighbourhood Plan for Burscough could address issues such as the provision of new or improved facilities for existing and future residents.</p> <p>Neighbourhood planning is a way for communities to decide the future of the</p>

			places where they live and work, recognised by the Localism Act.
5	Natural England	<p>No specific comments to make on the definition of the Neighbourhood Plan Area.</p> <p>Highlight the importance of consulting Natural England on issues which may affect protected species, best most versatile agricultural land and also local wildlife sites and whether opportunities exist for enhancing such sites.</p> <p>Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again.</p>	<p>This response is noted.</p> <p>Natural England will be consulted at the appropriate stage of the Neighbourhood Planning process on the issues highlighted.</p>
6	Marine Management Organisation	No comments to submit in relation to this consultation.	This response is noted.
7	Sport England	<p>No specific comments to make on the definition of the Neighbourhood Plan Area.</p> <p>Highlights how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to</p>	<p>This response is noted.</p> <p>Sport England will be consulted at the appropriate stage of the Neighbourhood Planning process on the issues that have been highlighted.</p>

		achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.	
8	United Utilities	At this stage we have no comments to make on the application for designation of the Burscough Neighbourhood Plan Area but wish to be included in further consultations and where necessary, the development of the Burscough Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders.	This response is noted. United Utilities will be consulted at later stages of the Neighbourhood Plan.
9	The Wildlife Trust for Lancashire, Manchester & North Merseyside	No issues of principle neither in relation to this proposal, nor in respect of the boundary identified. Recommend that in taking any proposal forward, the Lancashire Environmental Record is consulted in order to identify habitats and species of importance, local wildlife sites and ecological networks relating to the area.	This response is noted. The Lancashire Environmental Record will be consulted as part of Neighbourhood Plan preparation.



Neighbourhood Plan – Burscough

Application for a designation of a neighbourhood area

GENERAL COMMENTS RESPONSE FORM

Sept / Oct 2014

Between Wednesday 3 September and Friday 17 October 2014 you can give us your comments on the application for a designation of a neighbourhood area, submitted by Burscough Parish Council. The application can be viewed online at www.westlancs.gov.uk/NP or at Council Offices (52 Derby Street, Ormskirk) and the Contact Centre (Concourse, Skelmersdale) and libraries across the Borough.

The easiest way to send us your comments is by returning this form to localplan@westlancs.gov.uk. Alternatively, this paper copy of the comments form can be completed and sent in to the Local Plan team by 17 October 2014.

Personal Details




Important:

As this is a public consultation, your comments will be available for public inspection and therefore cannot be treated as confidential - we cannot accept anonymous responses. Please complete this section with your details. We may publish your name against any comments you make. Please make sure you only give information you are happy for others to see.

All other details (address, email address) will be kept confidential by the Council.

How we will use your data

We may retain your personal information when you respond to planning policy consultations. This data will be held securely on an external website and internally. Information you supply, including your contact details, will be held for an appropriate period to support the service. We may share your information with other council officers to respond to your comments. Your information will not be disclosed to any third parties without your prior consent.

Title	Mr
Forename	Nick
Surname	Lee
Job Title (if applicable)	Managing Director
Address	NJL Consulting 
Telephone number	
Email address	

Would you like to be added to our consultation database to receive notifications about future consultations and news?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
--	--

Office Use Only

Respondent ID

Please provide your comments on the application in the space below.

Comments (please continue on a separate sheet if necessary)

We believe that the 74 hectare site at Yew Tree Farm which is currently subject to a Master Planning exercise with the Yew Tree Farm Draft Masterplan SPD September 2014 currently out for consultation until Friday 21st November should be excluded from the Neighbourhood Development Plan area boundary.

The Yew Tree Farm site has been specifically allocated within the West Lancashire Local Plan Policy SP3 where development of the site should be brought forward as soon as possible. The inclusion of this site within the Neighbourhood Development Plan boundary would considerably delay the Yew Tree Farm area from being brought forward for development which is an integral site for the delivery of housing within the borough.

It would be much appreciated if you could inform us of any future updates in relation to this consultation.

Return Details

Please return your completed form to:

Strategic Planning & Implementation Team, West Lancashire Borough Council, 52 Derby Street, Ormskirk, L39 2DF

All representations must be received by no later than 4pm on Friday 17 October 2014.
(Any representations received after this deadline unfortunately cannot be considered).

For further information please contact:

Planning Policy Team
localplan@westlancs.gov.uk
01695 585 171
Website www.westlancs.gov.uk/planningpolicy

Office Use Only

Respondent ID



The Coal
Authority



INVESTOR IN PEOPLE

200 Lichfield Lane
Berry Hill
Mansfield
Nottinghamshire
NG18 4RG

~~0115 954 2000~~

~~0115 954 2000~~

Email: planningconsultation@coal.gov.uk

Web: www.coal.decc.gov.uk/services/planning

Local Plan Team
West Lancashire Borough Council

[BY EMAIL ONLY: localplan@westlancs.gov.uk]

13 October 2014

Dear Sirs

Burscough Neighbourhood Plan – Consultation on Plan Area

Thank you for the email of the 3 September 2014 consulting The Coal Authority on the above.

The Coal Authority is a non-departmental public body which works to protect the public and the environment in coal mining areas. Our statutory role in the planning system is to provide advice about new development in the coalfield areas and also protect coal resources from unnecessary sterilisation by encouraging their extraction, where practical, prior to the permanent surface development commencing.

As you will be aware the Burscough parish area is outside of the defined coalfield and therefore The Coal Authority has **no specific comments** to make on the definition of the Neighbourhood Plan Area. The coalfield area is adjacent to the parish to the south-east under Lathom, however this is not a constraint to proposals within this Neighbourhood Development Plan.

In the spirit of ensuring efficiency of resources and proportionality it will not be necessary to provide The Coal Authority with any future drafts or updates to the emerging Neighbourhood Plan. This letter can be used as evidence for the legal and procedural consultation requirements.

The Coal Authority wishes the Parish Council every success with the preparation of the Neighbourhood Plan.

Yours faithfully

Protecting the public and the environment in coal mining areas



ENGLISH HERITAGE
NORTH WEST

Local Plan
WLBC
52 Derby Street
Ormskirk
L39 2DF

Our Ref: 1476
Your Ref:
Date: 16th October
2014

Email: localplan@westlancs.gov.uk

Dear Sirs,

**NOTIFICATION OF APPLICATION FOR A NEIGHBOURHOOD PLANNING
AREA FOR BURSCOUGH**

Thank you for consulting English Heritage about your proposal for the designation of a neighbourhood planning area for Burscough.

The area covered by your Neighbourhood Plan includes a number of designated and undesignated heritage assets. In line with national planning policy, it will be important that the strategy for this area safeguards those elements which contribute to the significance of these assets so that they can be enjoyed by future generations of the area.

We consider that the planning and conservation team at West Lancashire Borough Council are best placed to assist you in the development of your Neighbourhood Plan and, in particular, how the strategy might address the area's heritage assets. Consequently, we do not consider that there is a need for English Heritage to be involved in the development of your plan.

However, if you have not already done so, we would recommend that you also speak to the staff who look after the Lancashire Historic Environment Record. They should be able to provide details of not only any designated heritage assets but also locally-important buildings, archaeological remains and landscapes. Some Historic Environment Records may also be available on-line via the Heritage Gateway (www.heritagegateway.org.uk). It may also be useful to involve local voluntary groups such as the local civic society or local historic groups in the production of your Neighbourhood Plan.

English Heritage has produced a number of documents, which your community might find helpful in helping to identify what it is about your area, which makes it distinctive, and how you might go about ensuring that the character of the area is retained. These can be found at [http://www.english-](http://www.english-heritage.org.uk)

SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1
5FW

Telephone 0161 242 1400 Facsimile 0161 242 1401
www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly
available*



heritage.org.uk/professional/advice/hpg/historicenvironment/neighbourhoodplanning/. It is envisaged that the website will be progressively updated to share good practice in the management of the historic environment through neighbourhood planning. A list of further information is attached to this letter.

Neighbourhood plan preparation also offers the opportunity to harness your community's interest in the historic environment by getting them to help add to the evidence base for the historic environment, perhaps by creating and or reviewing a local heritage list, inputting to the preparation of conservation area appraisals and undertaking historic characterisation surveys which in turn can help inform the local planning authority's wider plan and strategy making, review and monitoring.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,



Emily Hrycan
Historic Environment Planning Adviser (North West)
English Heritage



SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1
5FW

Telephone 0161 242 1400 Facsimile 0161 242 1401
www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available



Appendix

The National Heritage List for England: a full list with descriptions of England's listed buildings: <http://list.english-heritage.org.uk>

Heritage Gateway: includes local records of historic buildings and features www.heritagegateway.org.uk

English Heritage's Advice by topic: you can search for advice on a range of issues relating to the historic environment in the Advice section of our website

Heritage Counts: facts and figures on the historic environment <http://hc.english-heritage.org.uk>

HELM (Historic Environment Local Management) provides accessible information, training and guidance to decision makers whose actions affect the historic environment. www.helm.org.uk or www.helm.org.uk/communityplanning

Heritage at Risk programme provides a picture of the health of England's built heritage alongside advice on how best to save those sites most at risk of being lost forever. <http://www.english-heritage.org.uk/caring/heritage-at-risk>

Placecheck provides a method of taking the first steps in deciding how to improve an area. <http://www.placecheck.info/>

The Building in Context Toolkit grew out of the publication 'Building in Context' published by EH and CABE in 2001. The purpose of the publication is to stimulate a high standard of design when development takes place in historically sensitive contexts. The founding principle is that all successful design solutions depend on allowing time for a thorough site analysis and character appraisal of context. <http://building-in-context.org/toolkit.html>

Knowing Your Place deals with the incorporation of local heritage within plans that rural communities are producing. <http://www.english-heritage.org.uk/publications/knowing-your-place/>

Planning for the Environment at the Neighbourhood Level produced jointly by English Heritage, Natural England, the Environment Agency and the Forestry Commission gives ideas on how to improve the local environment and sources of information. <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1
5FW

Telephone 0161 242 1400 Facsimile 0161 242 1401
www.english-heritage.org.uk

Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly available

- 3 -



Good Practice Guide for Local Heritage Listing produced by English Heritage uses good practice to support the creation and management of local heritage lists.
<http://www.english-heritage.org.uk/caring/listing/local/local-designations/local-list/>

Understanding Place series describes current approaches to and applications of historic characterisation in planning together with a series of case studies
<http://www.helm.org.uk/server/show/nav.19604>

SUITES 3.3 AND 3.4 CANADA HOUSE 3 CHEPSTOW STREET MANCHESTER M1
5FW

Telephone 0161 242 1400 Facsimile 0161 242 1401
www.english-heritage.org.uk

*Please note that English Heritage operates an access to information policy.
Correspondence or information which you send us may therefore become publicly
available*

- 4 -





Neighbourhood Plan – Burscough

Application for a designation of a neighbourhood area

GENERAL COMMENTS RESPONSE FORM

Sept / Oct 2014

Between Wednesday 3 September and Friday 17 October 2014 you can give us your comments on the application for a designation of a neighbourhood area, submitted by Burscough Parish Council. The application can be viewed online at www.westlancs.gov.uk/NP or at Council Offices (52 Derby Street, Ormskirk) and the Contact Centre (Concourse, Skelmersdale) and libraries across the Borough.

The easiest way to send us your comments is by returning this form to localplan@westlancs.gov.uk. Alternatively, this paper copy of the comments form can be completed and sent in to the Local Plan team by 17 October 2014.

Personal Details

Important:

As this is a public consultation, your comments will be available for public inspection and therefore cannot be treated as confidential - we cannot accept anonymous responses. Please complete this section with your details. We may publish your name against any comments you make. Please make sure you only give information you are happy for others to see.

All other details (address, email address) will be kept confidential by the Council.

How we will use your data

We may retain your personal information when you respond to planning policy consultations. This data will be held securely on an external website and internally. Information you supply, including your contact details, will be held for an appropriate period to support the service. We may share your information with other council officers to respond to your comments. Your information will not be disclosed to any third parties without your prior consent.

Title	MR
Forename	LESLIE
Surname	JONES
Job Title (if applicable)	
Address	<i>[Redacted]</i>
Telephone number	<i>[Redacted]</i>
Email address	<i>[Redacted]</i>

Would you like to be added to our consultation database to receive notifications about future consultations and news?



Yes



No

Office Use Only

Respondent ID

Please provide your comments on the application in the space below.

Comments (please continue on a separate sheet if necessary)

I believe that it is imperative that Burscough has a designated neighbourhood area. Since I moved to Burscough in 1972 the town/village has developed out of all recognition. The housing has now outgrown the amenities and facilities. New housing proposed on the site of Yew Tree Farm seems to have been agreed with no thought about drainage and roads. The new development at Amscough's mill is also going to cause traffic chaos as the only exit is down Mill Lane which ends at the junction of the A59. Local people with local knowledge should have input to any proposals not just left to councillors who have no local knowledge.

Return Details

Please return your completed form to:

Strategic Planning & Implementation Team, West Lancashire Borough Council, 52 Derby Street, Ormskirk, L39 2DF

All representations must be received by no later than 4pm on Friday 17 October 2014. (Any representations received after this deadline unfortunately cannot be considered).

For further information please contact:

Planning Policy Team
localplan@westlancs.gov.uk
01695 585 171
Website www.westlancs.gov.uk/planningpolicy

Office Use Only

Respondent ID

Date: 30 September 2014
Our ref: 133153
Your ref: Burscough Neighbourhood Planning Area



West Lancashire Borough Council
52 Derby Street
Ormskirk
Lancashire
L39 2DF

Sustainable Development
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Sir or Madam

Thank you for notifying Natural England of your application for a Neighbourhood Planning Area dated 03/09/2014

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning. We must be consulted on draft Neighbourhood Development Plans where the Town/Parish Council or Neighbourhood Forum considers our interests would be affected by the proposals. We must be consulted on draft Neighbourhood Development Orders and Community Right to Build Orders where proposals are likely to affect a Site of Special Scientific Interest or 20 hectares or more of Best and Most Versatile agricultural land. We must also be consulted on Strategic Environmental Assessments, Habitats Regulations Assessment screening and Environmental Impact Assessments, where these are required. Your local planning authority will be able to advise you further on environmental requirements.

The following is offered as general advice which may be of use in the preparation of your plan.

Natural England, together with the Environment Agency, English Heritage and Forestry Commission has published joint advice on neighbourhood planning which sets out sources of environmental information and ideas on incorporating the environment into plans and development proposals. This is available at: <http://publications.environment-agency.gov.uk/PDF/GEHO0212BWAZ-E-E.pdf>

Local environmental record centres hold a range of information on the natural environment. A list of local records centre is available at: <http://www.nbn-nfbr.org.uk/nfbr.php>

Protected landscapes

If your neighbourhood planning area is within or adjacent to a National Park or Area of Outstanding Natural Beauty (AONB), we advise that you take account of the relevant National Park/AONB Management Plan for the area. For Areas of Outstanding Natural Beauty, you should seek the views of the AONB Partnership.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. Their boundaries follow natural lines in the landscape rather than administrative boundaries, making them a good decision making framework for the natural environment.

<http://www.naturalengland.org.uk/publications/nca/default.aspx>

Protected species

You should consider whether your plan or proposal has any impacts on protected species. To help you do this, Natural England has produced standing advice to help understand the impact of particular developments on protected or Biodiversity Action Plan species should they be identified as an issue. The standing advice also sets out when, following receipt of survey information, you should undertake further consultation with Natural England.

Natural England Standing Advice

Local Wildlife Sites

You should consider whether your plan or proposal has any impacts on local wildlife sites, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) or whether opportunities exist for enhancing such sites. If it appears there could be negative impacts then you should ensure you have sufficient information to fully understand the nature of the impacts of the proposal on the local wildlife site.

Best Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably. Paragraph 112 of the National Planning Policy Framework states that:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

General mapped information on soil types is available as 'Soilscapes' on the www.magic.gov.uk and also from the LandIS website; <http://www.landis.org.uk/index.cfm> which contains more information about obtaining soil data.

Opportunities for enhancing the natural environment

Neighbourhood plans and proposals may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment, use natural resources more sustainably and bring benefits for the local community, for example through green space provision and access to and contact with nature.

Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes should also be considered as part of any new development proposal.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again at consultations@naturalengland.org.uk

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours faithfully

Hannah Bottomley
Sustainable Development Consultation Team



**Marine
Management
Organisation**

Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH


www.gov.uk/mmo

By email: localplan@westlancs.gov.uk

Our reference: 744

03 September 2014

Dear Sir/Madam,

Re: Burscough Neighbourhood Plan

Thank you for inviting the Marine Management Organisation (MMO) to comment on the above consultation. I can confirm that the MMO has no comments to submit in relation to this consultation.

If you have any questions or need any further information please just let me know. More information on the role of the MMO can be found on our website www.gov.uk/mmo

Yours sincerely



Angela Gemmill
Relationship Manager

E 



**INVESTORS
IN PEOPLE**

Thank you for consulting Sport England on the above Neighbourhood Plan.

Planning Policy in the **National Planning Policy Framework** identifies how the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Encouraging communities to become more physically active through walking, cycling, informal recreation and formal sport plays an important part in this process and providing enough sports facilities of the right quality and type and in the right places is vital to achieving this aim. This means positive planning for sport, protection from unnecessary loss of sports facilities and an integrated approach to providing new housing and employment land and community facilities provision is important.

It is important therefore that the Neighbourhood Plan reflects national policy for sport as set out in the above document with particular reference to Parts 73 and 74 to ensure proposals comply with National Planning Policy. It is also important to be aware of Sport England's role in protecting playing fields and the presumption against the loss of playing fields (see link below), as set out in our national guide, '**A Sporting Future for the Playing Fields of England – Planning Policy Statement**'.
<http://www.sportengland.org/facilities-planning/planning-for-sport/development-management/planning-applications/playing-field-land/>

Sport England provides guidance on developing policy for sport and further information can be found following the link below:
<http://www.sportengland.org/facilities-planning/planning-for-sport/forward-planning/>

Sport England works with Local Authorities to ensure Local Plan policy is underpinned by robust and up to date assessments and strategies for indoor and outdoor sports delivery. If local authorities have prepared a Playing Pitch Strategy or other indoor/outdoor sports strategy it will be important that the Neighbourhood Plan reflects the recommendations set out in that document and that any local investment opportunities, such as the Community Infrastructure Levy, are utilised to support the delivery of those recommendations.

<http://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/>

If new sports facilities are being proposed Sport England recommend you ensure such facilities are fit for purpose and designed in accordance with our design guidance notes.

<http://www.sportengland.org/facilities-planning/tools-guidance/design-and-cost-guidance/>

If you need any further advice please do not hesitate to contact Sport England using the contact details below;

Fiona Pudge
Planning Manager
Fiona.pudge@sportengland.org

Kind regards
Zoe Hughes
Senior Planning Administrator



Creating a sporting habit for life

Dear Local Plan Team

Re: Application for Designation of a Neighbourhood Plan Area

At this stage we have no comments to make on the application for designation of the Burscough Neighbourhood Plan Area but wish to be included in further consultations and where necessary, the development of the Burscough Neighbourhood Plan and any Neighbourhood Development Orders or Community Right to Build Orders.

We would like to be notified of the Council's decision on whether to accept our comments and the future progress of the Burscough Neighbourhood Plan.

If you wish to discuss this in further detail please do not hesitate in contacting me or Jenny Hope.

Regards

Dave

Dave Sherratt
Local Development Framework Assessor
Developer Services and Planning
Business Operations
United Utilities

A large, dark, scribbled-out area redacting contact information, likely a phone number and email address.



Neighbourhood Plan – Burscough

Application for a designation of a neighbourhood area

GENERAL COMMENTS RESPONSE FORM

Sept / Oct 2014

Between Wednesday 3 September and Friday 17 October 2014 you can give us your comments on the application for a designation of a neighbourhood area, submitted by Burscough Parish Council. The application can be viewed online at www.westlancs.gov.uk/NP or at Council Offices (52 Derby Street, Ormskirk) and the Contact Centre (Concourse, Skelmersdale) and libraries across the Borough.

The easiest way to send us your comments is by returning this form to localplan@westlancs.gov.uk. Alternatively, this paper copy of the comments form can be completed and sent in to the Local Plan team by 17 October 2014.

Personal Details	
Important: As this is a public consultation, your comments will be available for public inspection and therefore cannot be treated as confidential - we cannot accept anonymous responses. Please complete this section with your details. We may publish your name against any comments you make. Please make sure you only give information you are happy for others to see.	
All other details (address, email address) will be kept confidential by the Council.	
How we will use your data We may retain your personal information when you respond to planning policy consultations. This data will be held securely on an external website and internally. Information you supply, including your contact details, will be held for an appropriate period to support the service. We may share your information with other council officers to respond to your comments. Your information will not be disclosed to any third parties without your prior consent.	
Title	MR
Forename	DAVID
Surname	DUNLOP
Job Title (if applicable)	CONSERVATION OFFICER
Address	THE WILDLIFE TRUST FOR LANCASHIRE & MANCHESTER AND NORTH MERSEYSIDE 'THE BARN' BERKELEY DRIVE, BAMBER BRIDGE, PRESTON PR5 6BY
Telephone number	XXXXXXXXXX
Email address	XXXXXXXXXX

Would you like to be added to our consultation database to receive notifications about future consultations and news?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	--

Office Use Only	Respondent ID	<input type="text"/>
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RECEIVED

Please provide your comments on the application in the space below.

Comments (please continue on a separate sheet if necessary)

The Wildlife Trust for Lancashire, Manchester and North Merseyside has no issues of principal in relation to this proposal nor in respect of the boundary identified.

We recommend that, in taking this proposal forward, should it be mounted, the applicant consults with the Lancashire Environment Records Network to identify habitats and species of importance and local wildlife sites and ecological networks relating to the area.

[My apologies for my hand writing. This form will not accept electronic text.]

Return Details

Please return your completed form to:

Strategic Planning & Implementation Team, West Lancashire Borough Council, 52 Derby Street, Ormskirk, L39 2DF

All representations must be received by no later than 4pm on Friday 17 October 2014. (Any representations received after this deadline unfortunately cannot be considered).

For further information please contact:

Planning Policy Team
localplan@westlancs.gov.uk
01695 585 171
Website www.westlancs.gov.uk/planningpolicy

Office Use Only

Respondent ID

APPENDIX C

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

<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:</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>Unlikely to disadvantage or have a negative effect on the groups of people listed.</p>
<p>2.</p>	<p>What sources of information have you used to come to this decision?</p>	<p>Census 2011 data</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>Application to designate neighbourhood area has undergone statutory 6 week period inviting representations.</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:-</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>The designation of a neighbourhood area could, indirectly through the subsequent preparation of a Neighbourhood Plan, advance equality of opportunity as a Neighbourhood Plan should foster sustainable development.</p>
<p>5.</p>	<p>What actions will you take to address any issues raised in your answers above</p>	<p>N/A</p>



AGENDA ITEM: 5(j)

CABINET:
11 November 2014

PLANNING COMMITTEE
13 November 2014

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

Contact for further information: Mr S Benge (Extn. 5274)
(Email: stephen.benge@westlancs.gov.uk)

SUBJECT: GOVERNMENT CONSULTATION ON PROPOSED CHANGES TO NATIONAL POLICY ON GYPSIES AND TRAVELLERS

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To recommend a set of responses to specific questions set out in the Department for Communities and Local Government (DCLG) document 'Consultation: Planning and Travellers' and to seek Cabinet approval to submit these responses to DCLG on behalf of West Lancashire Borough Council.

2.0 RECOMMENDATIONS TO CABINET

2.1 That Cabinet approve the responses set out at Appendix A as the West Lancashire Borough Council response to the DCLG consultation, subject to any amendments to be made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of any agreed comments from Planning Committee.

2.2 That Call In is not appropriate for this item as the deadline for responses to be submitted to central government is Monday 23 November 2014, four days before the next Executive Overview and Scrutiny Committee meeting (27 November 2014).

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report and its appendices be considered and that agreed comments be referred to the Assistant Director Planning for consideration.
-
-

4.0 BACKGROUND

- 4.1 In March 2012, the government issued two national planning policy documents. The first document, the National Planning Policy Framework (NPPF) replaced the majority of previous Planning Policy Statements and Planning Policy Guidance Notes, as well as various Circulars, and covered almost all areas of planning policy. The second document, Planning Policy for Traveller Sites (PPTS) dealt specifically with the issue of Gypsies and Travellers and Travelling Showpeople (hereafter referred to collectively as 'Travellers').
- 4.2 The NPPF and PPTS cover both the plan-making and development management aspects of planning. PPTS is consistent with the NPPF, for example in affording protection to the Green Belt.
- 4.3 Since the publication of PPTS, the government has issued a number of Ministerial Statements / documents elaborating on specific aspects of policy in PPTS, and / or providing additional guidance, in particular:
- 29 March 2013: Ministerial Statement:
 - The Secretary of State announced he would revoke regulations that currently limit the use of Temporary Stop Notices in relation to caravans used as main residences.
 - 3 July 2013, Ministerial Statement:
 - The single issue of unmet demand, whether for Traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the Green Belt.
 - The Secretary of State will, for a period of six months, consider for recovery appeals involving Traveller sites in the Green Belt.
 - The 2005 practice guidance, 'Diversity and Equality in Planning' is revoked.
 - August 2013: publication by DCLG of the document, "Dealing with illegal and unauthorised encampments: a summary of available powers."
 - 17 January 2014: Ministerial Statement:
 - Reiteration of the statement that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt.

- The government will continue to recover appeals relating to Traveller sites in the Green Belt;
- The government is considering redefining “Travellers” to include only those who actually travel.

5.0 CURRENT POSITION

5.1 Following the above statements and document, DCLG published for consultation in September 2014 a 20 page document setting out proposed changes to national planning policy and the PPTS document, and containing 13 questions on different aspects of the proposed changes. This document (available at <https://www.gov.uk/government/consultations/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance>), entitled ‘Consultation: Planning and Travellers’ contains a number of proposals, including:

- Amending the planning definition of Travellers to limit to those who have a nomadic way of life
- Amending PPTS to say that local authorities should *very strictly limit* (previously ‘strictly limit’) new Traveller sites in the open countryside;
- Downgrading the lack of existence of a five year supply of deliverable Traveller sites from a ‘significant material consideration’ to a ‘material consideration’ when considering the grant of temporary permission for Traveller sites in the Green Belt and certain other locations;
- Amending policy to state that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm, so as to establish very special circumstances;
- Advising that intentional unauthorised occupation of a site should be viewed as a material consideration weighing against the grant of planning permission;
- Amending PPTS to state that, where a local authority is subject to a large unauthorised Traveller site that has significantly increased their need, then there is no assumption that the local authority in question is required to meet their Traveller needs in full;
- Preparation of new guidance on assessing Traveller accommodation needs, to supersede guidance contained in four older (2007-08) documents.

5.2 The Assistant Director Planning informed Members via email on 23 September 2014 of the publication of the above DCLG consultation document, and asked for any Members’ comments on the content of the document to be provided to officers by 15 October 2014 in order to help shape the Council’s proposed responses to the consultation questions. No comments were received from Members.

5.3 The proposed responses to the DCLG consultation are set out in Appendix A to this report.

6.0 NEXT STEPS

- 6.1 Subject to Cabinet approval, and to any alterations made by the Assistant Director Planning in consultation with the Portfolio Holder, the responses to the government's consultation questions set out in Appendix A to this report will be submitted to DCLG in time for the 23 November deadline to form the West Lancashire Borough Council submission with regard to the proposed changes to PPTS.

7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 7.1 The responses to the DLCCG consultation document have been compiled in such a way as to facilitate this Council's duty to meet the accommodation needs of Travellers in West Lancashire on suitable and sustainable sites.
- 7.2 The provision of suitable accommodation for the travelling community, whilst ensuring they are treated fairly in comparison with the settled community, is consistent with the principal aims and objectives of the West Lancashire Sustainable Community Strategy, including those of safer communities, improved health for all, affordable housing and sustainable development.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 The current CLG proposals for Planning and Travellers could have resource implications in a number of possible ways, related to the preparation of suitable local planning policy on Travellers, the consideration of applications for Traveller sites and any enforcement action taken against unauthorised Traveller sites. The CLG proposals appear to make it harder to gain permission for a Traveller Site in the open countryside or Green Belt, but this is often where Travellers would prefer to locate and is often the most appropriate place to avoid tension with settled communities.
- 8.2 As such, it is conceivable that the CLG proposals make enforcement action more likely, which has a potential cost and resource implication for the Council. Additionally, there is a significant lack of detailed explanation relating to the proposals; such ambiguity makes the development management process for an application for a Traveller Site more challenging, with greater potential for appeals and legal challenges, which would have a cost and resource implication (potentially significant) for the Council.
- 8.3 In relation to preparing a suitable local planning policy on Travellers, the Council is currently preparing a DPD on this matter and it could be argued that the CLG proposals will make the DPD preparation process more challenging and lengthy, again potentially having a cost and resource implication for the Council.

9.0 RISK ASSESSMENT

- 9.1 A failure to plan adequately for the travelling community could lead to unauthorised development, illegal encampments, and increased tensions between the settled and travelling communities.

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. Therefore, an Equality Impact Assessment is required. A formal equality impact assessment is attached at Appendix B to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

- A. Proposed responses to DCLG consultation
- B. Equality Impact Assessment
- C. Minute of Cabinet 11 November 2014 (Planning Committee only)

DCLG Consultation: Planning and Travellers (14 September – 23 November 2014)

Suggested responses from WLBC (Final Draft – 29 Oct 2014)

Q1 – Do you agree that the planning definition of Travellers should be amended to remove the words or permanently to limit it to those who have a nomadic habit of life? If not, why not?

Gypsies and Travellers are an ethnic group. The Council would question whether the definition of an ethnic group can be changed and withstand legal challenge.

Whilst WLBC has sympathy with the notion that a new planning application for accommodation for a group of people who have no intention of travelling (whether the travelling or the settled community) should be determined fairly, it considers that making a judgment as to whether a group has ceased to travel permanently or just temporarily would be very difficult, and could lead to increased appeals / legal challenges, etc.

For example, Travellers could cease to travel whilst their children are in education, a period of 14 years or more (if they have multiple children), and this could be considered temporary, whereas some older Travellers who have not travelled for only a year due to health reasons, but whose health is not expected to improve, may be regarded as having ceased permanently to travel. For a family or individual who is judged to have ceased to travel permanently, could this be “undone” by the family making a single trip? How would the difference between going on holiday and “typical Gypsy travelling” (however that might be defined) be determined? And if a member of the settled community undertook a “typical Gypsy trip”, would they then be treated as Travellers for the purposes of planning?

Therefore, greater clarity and guidance would be necessary on this matter to aid decision-making, and the consistency of that decision-making across the country. Could a clear definition of what is temporary and what is permanent be provided? Could examples of how this matter should be discerned be provided within the guidance?

Q2 – Are there any additional measures which would support those Travellers who maintain a nomadic habit of life to have their needs met? If so, what are they?

Transit sites are good in principle to facilitate provision of facilities for Travellers, but they are extremely difficult to provide in practice. Unless sites are in the hands of the local authority or a Registered Provider, they are unlikely to be deliverable. Regardless of who actually delivers the transit sites, finding suitable sites for a transit site in an area like West Lancashire is also challenging, given that there are few, if any, suitable sites for Travellers within settlement areas and the majority of land outside settlements is in the Green Belt.

Q3 – Do you consider that a) we should amend the 2006 regulations to bring the definition of “Gypsies and Travellers” into line with the proposed definition of “Travellers” for planning purposes, and b) we should also amend primary legislation to ensure that those who have given up travelling permanently have their needs assessed? If not, why not?

a) As per the response to Q1 above, WLBC would question whether a change in definition could withstand legal challenge.

b) WLBC supports policy that requires local authorities to carry out a robust assessment of Traveller needs, whether they travel, or have ceased to travel temporarily or permanently.

Q4 – Do you agree that Planning Policy for Traveller Sites be amended to reflect the provisions in the National Planning Policy Framework that provide protection to these sensitive sites? If not, why not?

Yes, as it provides clarification that those relevant parts of the Framework apply to the provision of Traveller sites.

Q5 – Do you agree that paragraph 23 of Planning Policy for Traveller Sites should be amended to “local authorities should very strictly limit new traveller sites in the open countryside”? If not, why not?

WLBC is unsure how much difference this extra word makes, and may lead to protracted discussions at appeals, etc. over the weight to be given to “strictly” or “very strictly” limiting new sites against other considerations.

Q6 – Do you agree that the absence of an up-to-date five year supply of deliverable sites should be removed from Planning Policy for Traveller Sites as a significant material consideration in the grant of temporary permission for Traveller sites in the areas mentioned above [Green Belt, nature conservation sites, local green space]? If not, why not?

WLBC would welcome this change for development management purposes.

Q7 – Do you agree with the policy proposal that, subject to the best interests of the child, unmet need and personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances? If not, why not?

WLBC would welcome this change for development management purposes.

Q8 – Do you agree that intentional unauthorised occupation should be regarded by decision takers as a material consideration that weighs against the grant of permission? If not, why not?

WLBC have concern regarding this proposed change of policy simply because it would create a degree of uncertainty. Firstly, how would a decision taker determine that the unauthorised occupation is “intentional”? Secondly, presuming whether it is “intentional” could be determined, how much weight would decision takers be expected to attribute to intentional unauthorised occupation as a material consideration and how would this, in turn, affect the right of appeal, or the likelihood of an applicant appealing a decision when the level of weight that should be given to intentional unauthorised occupation is unclear? Thirdly, the Courts have held that to justify enforcement action or refusal of a retrospective application, the local planning authority would have to demonstrate harm, so in a situation where no harm was caused, how could the intentional unauthorised occupation be considered as a material consideration that weighs against the grant of permission? Finally, why should such material weight only be applied to intentional unauthorised occupation that involves Travellers? For equality reasons alone, this material consideration would more appropriately need to be applied to all intentional unauthorised occupation or development be that by the travelling or non-travelling community.

Q9 – Do you agree that unauthorised occupation causes harm to the planning system and community relations? If not, why not?

WLBC agrees that unauthorised occupation, together with the opportunity for the person in breach of planning control to repeatedly challenge enforcement action taken by the Council undermines confidence in the planning system and may harm relations between travellers and the local community.

Q10 – Do you have evidence of the impact of harm caused by intentional unauthorised occupation? (And if so, could you submit them with your response?)

West Lancashire has, and has had, a number of unauthorised sites, both long-term and short-term. In relation to long-term unauthorised sites, discussions with the police have indicated that there are no known problems in terms of community relations associated with the occupation of four current sites. However, in relation to short-term intentional unauthorised occupation of sites on a transit basis, there has been harm relating to the state of the site once the travellers have moved on and harm relating to a degree of anti-social behaviour in some circumstances. Unfortunately, WLBC do not keep documented evidence by way of these short-term intentional unauthorised occupations. Notwithstanding the lack of evidence, the anecdotal evidence West Lancashire are aware of enables us to draw the comparison between those travellers who have every intention of remaining in an area longer-term (and so wish to build up ties within the local community, e.g. through schools, but for whom there is no suitable site available and so they occupy an unauthorised site that they can purchase and that they consider suitable for their needs) and those who are just “passing through” and have limited regard for the local community, and there needs to be an understanding of this difference when dealing with different cases of intentional unauthorised occupation.

Q11 – Would amending Planning Policy for Traveller Sites in line with the proposal set out in paragraph 4.16 above help that small number of local authorities in these exceptional circumstances? If not, why not? What other measures can Government take to help local authorities in this situation?

Clarity is required: what constitutes “large scale” – is this numerical, or proportional to the historic Traveller need for a particular area? What constitutes “Strict and special planning constraints?” How far below their assessed need is a local planning authority able to go in terms of not meeting the full accommodation needs?

Would the need have to be met elsewhere? If so, where? Adjacent authorities, within the same county, within the same region?

Q12 – Are there any other points that you wish to make in response to this consultation, in particular to inform the government’s consideration of the potential impacts that the proposals in this paper may have on either the traveller (sic) community or the settled community?

WLBC has no further comments to make with regard to Q12, over and above its responses to Q1-Q11.

Q13 – Do you have any comments on the draft planning guidance for Travellers (see Annex A)?

WLBC seeks clarification that the government is not intending to revoke the whole of the Good Practice Guide (2008), but only the sections relating to accommodation assessments; similarly with the other documents listed at paragraph 4.19 of the consultation document.

In terms of Annex A:

Part 2, bullet 7. Amend to:

- Sites owned by a Registered Provider or a local authority

Final paragraph of part 2: How should local authorities engage the settled community with regard to assessing Traveller needs? In what capacity? More guidance is required on this matter.

Part 4. Add fourth bullet point:

- Information on unauthorised sites (permanent need), and illegal encampments (transit needs)

Appendix B – Equality Impact Assessment

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;</i> <i>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>	Yes – Gypsies and Travellers.
2.	<p>What sources of information have you used to come to this decision?</p>	The DCLG consultation document being reported on relates specifically to Gypsies and Travellers.
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>	The proposed responses to the DCLG consultation questions have been informed using knowledge gleaned from work with Travellers (primarily the recent Gypsy and Traveller Accommodation Assessment, which involved direct liaison with Travellers wherever possible).
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); and</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	Could help as the proposed WLBC responses to the DCLG consultation questions seek to influence government policy in order to facilitate the provision of suitable accommodation for Travellers (an ethnic group who share a protected characteristic) in West Lancashire.
5.	<p>What actions will you take to address any issues raised in your answers above?</p>	N/A