



William J Taylor BA (Hons), M Soc Sc, FIPD  
Chief Executive

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF  
Telephone 01695 585000  
Fax 01695 585021

31 March 2009

TO: COUNCILLORS: **BAILEY, HAMMOND, BALDOCK, MRS. BLAKE,  
COTTERILL, CROPPER, MRS. EVANS, FUREY,  
GARTSIDE, GRIFFITHS, MAWDSLEY, MCKAY,  
NOLAN, O'TOOLE, POPE, RICE. G.M. ROBERTS,  
VICKERS**

Dear Councillor,

A meeting of the **EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE** will be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK, LANCS L39 2DF** on **WEDNESDAY 8 APRIL 2009** at **7.30PM** at which your attendance is requested.

Yours faithfully,

William J Taylor  
Chief Executive

**A G E N D A**  
**(Open to the Public)**

- 1. APOLOGIES**
- 2. MEMBERSHIP OF THE COMMITTEE**  
To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.
- 3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**  
Note: No other business is permitted unless, by reason of special

circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Council Secretary and Solicitor in advance of the meeting.

**Page(s) 879 to 880**

**5. DECLARATIONS OF PARTY WHIP**

In accordance with Overview and Scrutiny Committee Procedure Rule 16, Members must declare the existence of any Party Whip, and the nature of it, when considering any matter in the following categories:

- The review of any decision of the Cabinet or
- The performance of any Member of the Cabinet

N.B. The Secretary of State believes whipping is incompatible with Overview and Scrutiny.

**6. MINUTES**

To receive as a correct record the minutes of the meeting of the Committee held on 5 February 2009 **Page(s) 881 to 886**

**7. CALLED IN ITEMS**

The call in deadline is 5.00pm Tuesday 31 March 2009. Any items that have been called in will be circulated at the meeting

**8. RELEVANT MINUTES OF CABINET**

To scrutinise the minutes of Cabinet held on 24 March 2009 **Page(s) 887 to 902**

**9. KEY DECISION FORWARD PLANS - 1 MARCH - 30 JUNE 2009 & 1 APRIL - 31 JULY 2009**

There are no items under this heading.

**10. FORMAT OF COUNCIL MINUTES**

To consider the report of the Council Secretary and Solicitor **Page(s) 903 to 908**

**11. WEST LANCASHIRE HERITAGE STRATEGY - UPDATE**

To consider the report of the Interim Policy Services Manager **Page(s) 909 to 948**

**12. HOUSING ALLOCATIONS POLICY**

To consider the report of the Executive Manager Housing and Property Maintenance Services **Page(s) 949 to 1004**

**13. CAPITAL MONITORING 2008/2009**

To consider the report of the Council Secretary and Solicitor **Page(s) 1005 to 1012**

**14. REVENUE MONITORING 2008-09**

To consider the report of the Council Secretary and Solicitor **Page(s) 1013**

to End

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.  
MOBILE PHONES: These should be switched off at all meetings.**

*For further information, please contact:-  
Sue Griffiths on 01695 585017  
or email  
[susan.griffiths@westlancsdc.gov.uk](mailto:susan.griffiths@westlancsdc.gov.uk)*

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007 OVERVIEW AND SCRUTINY

Name: Councillor

Overview and Scrutiny Committee: Exe. O&S Committee

Date: 8 April 2009

Item No:                      Item Title:

Nature of Interest:

**A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:**

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 or 6 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	<b>Overview and Scrutiny only</b>		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as 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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(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.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>  <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 7 below</i>  <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 7 below</i>
4.	I have a personal and prejudicial 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>
5.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you are a Cabinet member attending under section 21(13) of the LGA 2000 when you may speak to answer questions</i>

6.	I must regard myself as having a personal and prejudicial interest in the business because it relates to a decision made (whether implemented or not) or action taken by the Cabinet or another of the Council's committees or sub-committees and, at the time the decision was made or action was taken, I was a member of the Cabinet, committee or sub-committee and I was present when that decision was made or action was taken, <b>however</b> I am attending the meeting for the purpose of making representations, answering questions or giving evidence relating to the business as the public are also allowed to attend the meeting for this purpose, whether under a statutory right or otherwise	<input type="checkbox"/>	<i>You may make representations, answer questions or give evidence but must leave the room once you have finished and cannot vote</i>
7.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

\* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(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 -
- (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) 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 employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority's area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

**or**

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 relevant 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 relevant 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 8(1)(a)(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)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

**EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

**HELD: 5 FEBRUARY 2009**

Start: 7.30pm

Finish: 9.25pm

**PRESENT**

Councillor Bailey (Chairman)  
Fowler (Vice Chairman)

Councillors	Mrs. Atherley	Griffiths
	Baldock	McKay
	Mrs. Blake	Nolan
	Cotterill	O'Toole
	Cropper	Rice
	Mrs. Evans	G.M. Roberts
	Furey	Vickers
	Gartside	

In Attendance		
Councillors:	Grant	Leader of the Council
	Forshaw	Portfolio Holder- Planning and Transportation
	Westley	Portfolio Holder - Finance and Performance
		Management
	R A Pendleton	

Officers Executive Director Housing and Property Maintenance Services  
Chief Accountant  
Interim Policy Services Manager  
Policy & Performance Manager  
Group Accountant  
Property Services Manager  
Business Development Manager  
Legal Services Manager  
Senior Member Services Officer (SG)

**58. APOLOGIES**

Apologies for absence were submitted on behalf of Councillor Mawdsley.

**59. MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule 4, Members noted the termination of membership of Councillor Pope and the appointment of Councillor Mrs. Atherley for this meeting only, thereby giving effect to the wishes of the Political Groups.

**60. URGENT BUSINESS**

There were no items of urgent business.

**61. DECLARATIONS OF INTEREST**

It is noted that the Code of Conduct in relation to personal and prejudicial interests of Cabinet Members when they have taken a decision is overridden by Section 21(13) of the Local Government Act 2000.

1. Councillors Mrs. Atherley, Baldock, Mrs. Blake, Cropper, Mrs. Evans, Fowler, Grant, G.M. Roberts, Vickers and Westley declared a personal interest in item 16 on the agenda 'Medium Term Capital Programme' in view of their membership of Parish Councils. Councillor Cotterill declared the same interest in view of his wife's membership of Bickerstaffe Parish Council.
2. Councillor Fowler declared a personal and prejudicial interest in item 15 on the agenda 'Revenue Budget' in relation to his appointment on the West Lancs. Community Leisure Trust Board and indicated his intention to leave the Chamber if discussion on the Trust's activities ensued.

**62. DECLARATIONS OF PARTY WHIP**

There were no declarations of a party whip.

**63. CALLED IN ITEMS - NOT VALIDATED**

Consideration was given to the called in items – not validated as circulated and contained on pages 665 – 674 of the Book of Reports.

**64. PUBLIC AND COMMUNITY TRANSPORT IN BICKERSTAFFE**

Consideration was given to the report of the Council Secretary and Solicitor which provided details of a called in decision but not validated in relation to minute no. 102 of the meeting of Cabinet held on 20 January 2009 regarding Public and Community Transport in Bickerstaffe, which at the Chairman's request had been placed on the agenda.

Members noted the reasons for the decision being called in together with the reasons for the call in not being validated.

During the ensuing discussion a Member referred to the specific public and community transport needs/opportunities in the Bickerstaffe Ward and at the invitation of the Chairman the Portfolio Holder Planning and Transportation indicated that the route of the potential demand-responsive employment bus service could possibly encompass Bickerstaffe.

RESOLVED: That the report be noted.

**65. MERSEYSIDE RAIL ROUTE UTILISATION STRATEGY (RUS)**

Consideration was given to the report of the Council Secretary and Solicitor which provided details of a called in decision but not validated in relation to minute no. 111 of the meeting of Cabinet held on 20 January 2009 regarding Merseyside Rail Route Utilisation Strategy (Consultation draft) which at the Chairman's request had been placed on the agenda.

Members noted the reasons for the decision being called in together with the reasons for the call in not being validated.

During the ensuing discussion a Member proposed that the two options referred to within the Cabinet report be referred for inclusion in the Council's response to the consultation.

At the invitation of the Chairman, the Portfolio Holder Planning and Transportation responded that the Council's response to the consultation proposed the best option for Skelmersdale.

RESOLVED: That the report be noted.

**66. MINUTES**

During consideration of the minutes of the last meeting of the Committee it was proposed that, in future, officers names and titles be included within the attendance list.

RESOLVED: (A) That the minutes of the meeting of the Committee held on 4 December 2008 be approved as a correct record and signed by the Chairman.

(B) That a report be submitted to the next meeting of the Committee on the appropriateness of recording officer names within the minutes.

**67. KEY DECISION FORWARD PLANS 1 JANUARY - 30 APRIL AND 1 FEB - 31 MAY 2009**

There were no items placed on the agenda from the above-mentioned key decision forward plans.



**68. RELEVANT MINUTES OF CABINET**

Consideration was given to the minutes of the Cabinet meeting held on 20 January 2009 as circulated and contained on pages 681-690 of the Book of Reports.

RESOLVED: That the minutes of Cabinet held on 20 January 2009 be noted.

**69. LEADER AND PORTFOLIO HOLDER ATTENDANCE AT OVERVIEW AND SCRUTINY COMMITTEES**

Further to minute no. 51 of the meeting of the Executive Overview and Scrutiny Committee on 4 December 2008 and minute no. 101 of Cabinet on 20 January 2009, in relation to the above-mentioned item, it was

RESOLVED: That the minute no. 101 of Cabinet on 20 January 2009, be endorsed. For clarification, there would be no expectation that Portfolio Holders will routinely attend save items that have been called in.

**70. TRANSITIONAL HOUSING CAPITAL RECEIPTS AND AFFORDABLE HOUSING**

Consideration was given to the report of the Council Secretary and Solicitor referring to minute no. 100 of Cabinet on 20 January 2009 in relation to the appointment of a co-opted Labour member on the Affordable Housing Cabinet Panel.

RESOLVED That the report be noted.

**71. CORPORATE SUITE OF PERFORMANCE INDICATORS 2009/10**

Consideration was given to the above-mentioned report of the Assistant Chief Executive as circulated and contained on pages 707 – 718 of the Book of Reports on which she sought the comments of the Committee to be submitted to Council for consideration.

During the ensuing discussion Members raised the following questions/comments in relation to:-

- BVPI 8 - % of invoices paid on time
- BVPI 12 - sickness absence
- NI 199 - children and young peoples satisfaction with parks and play area
- NI 14 - avoidable contact

RESOLVED: A That Council be requested to

- i) Identify long and short term sickness absence within BVP1  
12
- ii) Identify and include suitable indicators relating to Value for  
Money

**72. DRAFT HOUSING REVENUE ACCOUNT (HRA) ESTIMATES 2009/10**

Consideration was given to the above-mentioned report of the Executive Manager Housing & Property Maintenance Services as circulated and contained on pages 719 – 746 and 869 of the Book of Reports and sought agreed comments/views for consideration by Council on 25 February 2009. He further circulated comments received from the Tenants and Residents Forum on the proposals contained within the report.

RESOLVED That the Draft HRA estimates set out in the attached report be noted and no comments be made.

**73. PUBLIC SECTOR HOUSING CAPITAL INVESTMENT SCHEMES AND PROGRAMMED WORKS PROJECTS - 2009/10 INCORPORATING DECENT HOMES UPDATE AND CAPITAL INVESTMENT PLAN REVIEW**

Consideration was given to the above-mentioned report of the Executive Manager Housing and Property Maintenance Services as circulated and contained on pages 747 – 814 and 871 – 875 of the Book of Reports and sought agreed comments/views for consideration by Council on 25 February 2009. A letter received from the Department of Communities and Local Government inviting bids for bringing forward planning major repair expenditure from 2010-11 to 2009-10 was circulated at the meeting.

Members raised question/comments in relation to:-

- Type of heating
- Professional fees
- Competitiveness of tender prices
- I.T./Kitchen/bathroom upgrade
- Welcome proposals of T&R Forum regarding environmental improvements

During the ensuing debate Members raised comments in relation to the appropriateness of allocation of expenditure in the 16 main areas of the Capital Investment Scheme outlined in the report particularly in relation to kitchen/bathroom upgrade, and the appropriateness of “spot checking” particular individual contracts.

RESOLVED A. That the Executive Manager Housing and Property Maintenance Services be requested to provide information to Members in relation to those properties that have not benefited from capital investment schemes, particularly in relation to kitchen/bathroom improvements.

**EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 5 FEBRUARY 2009**

- B. That the Internal Overview and Scrutiny Committee, when assessing their work programme for next year, be requested to consider undertaking a review of expenditure on relevant contracts.

**74. REVENUE ESTIMATES 2009/10**

Consideration was given to the report of the Council Secretary and Solicitor as circulated and contained on pages 815 – 844 of the Book of Reports in which she sought agreed comments/views for consideration by the Portfolio Holder for Finance prior to the meeting of Council on 25 February 2009.

During the ensuing discussion Members raised comments/questions in relation to:-

- Low 0.5% settlement figure
- Reserves/balances
- Precepting of non-Parished areas
- Investment Centre income projections
- Split for employee expenses Legal/Member Services
- Legal Services expenditure on external services

RESOLVED: That the Revenue Estimates 2009-10 be noted and no comments made.

**75. MEDIUM TERM CAPITAL PROGRAMME**

Consideration was given to the above-mentioned report of the Council Secretary and Solicitor as circulated and contained on pages 845 – 859 and 877 of the Book of Reports in which she sought agreed comments/views for consideration by the Portfolio Holder for Finance prior to the meeting of Council on 25 February 2009.

During the ensuing discussion Members raised comments/questions in relation to:-

- Investment in Tawd Valley Park
- Teenzone
- Appley Bridge Station
- New office accommodation
- Distinction between external funding/private sector funding.

RESOLVED: That the Medium Term Capital Programme be noted and no comments made.

.....  
CHAIRMAN

## AGENDA ITEM 8

### CABINET

**HELD: 24 MARCH 2009**  
Start: 7.30pm  
Finish: 8.40pm

### PRESENT

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

Councillors		<u>Portfolio</u>
	Forshaw	Planning and Transportation
	Fowler	Community Services and Health
	Greenall	Street Scene Management
	Mrs Hopley	Housing
	Owens	Deputy Leader & Regeneration and Planning
	Westley	Finance and Performance Management

In attendance Councillors: Furey Nolan  
Mawdsley R A Pendleton

Officers

- Chief Executive
- Deputy Chief Executive
- Council Secretary and Solicitor
- Assistant Chief Executive
- Executive Manager Housing and Property Maintenance Services
- Executive Manager Regeneration and Estates
- Street Scene Manager
- Head of Leisure & Cultural Services
- Chief Accountant
- Interim Policy Services Manager
- Housing Operations Manager
- Estates & Valuation Manager
- Technical Services Manager
- Assistant Member Services Manager

### 117. APOLOGIES

An apology for absence was received on behalf of Councillor Ashcroft.

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

There were no items of urgent business.

### 119. DECLARATIONS OF INTEREST

The following declarations were received:

1. Councillors Westley and Greenall declared a personal and prejudicial interest in item 7(2) on the agenda 'TV Relay Mast' as the owner of the adjoining land is employed by a Company of which they are Directors.

2. Councillor Fowler declared a personal interest in item 7(2) on the agenda 'TV Relay Mast' as the owner of the adjoining land is known to him.
3. Councillor Owens declared a personal and prejudicial interest in item 5(9) on the agenda 'Transport Fleet Maintenance Review' as it could affect his financial position as a consultant to a local firm.

**120. MINUTES**

RESOLVED: That the minutes of the meeting of Cabinet held on 20 January 2009 be received as a correct record and signed by the Leader, subject to Minute No. 96 'Declarations of Interest' being amended to include Councillor Hammond in the list of Councillors who declared a personal interest in item 5(c) on the agenda 'Medium Term Capital Programme', in view of their membership of Parish Councils.

**121. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to matters requiring decisions, as contained on pages 1349 to 1664 and 1677 to 1688 of the Book of Reports.

**122. ISSUES REFERRED FROM OVERVIEW AND SCRUTINY COMMITTEES:**

Cabinet considered the following 2 items referred from Overview and Scrutiny Committees:

**123. ALCOHOL & ASSOCIATED PROBLEMS REVIEW - DRAFT FINAL REPORT OF THE INTERNAL OVERVIEW & SCRUTINY COMMITTEE**

Councillor Greenall introduced the report of the Council Secretary and Solicitor which advised on the final report and recommendations of the Internal Overview & Scrutiny Committee following an in-depth review conducted entitled 'Alcohol and Associated Problems' .

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

RESOLVED: A. That the final report of the Internal Overview and Scrutiny Committee attached at Appendix A be noted and the Committee be complimented on their work.

B. That the following recommendations contained therein be endorsed, subject to resources.

“(1) That the Council (subject to resource availability) work with our partners to:

(a) continue to support work on minimising alcohol misuse and promote responsible sales of alcohol including the pursuance of 'high impact' health promotion campaigns.

- (b) promote the 'Best Bar None' Scheme in West Lancashire.
  - (c) increase the focus on West Lancashire in particular with Trading Standards in relation to underage and proxy sales.
  - (d) to continue to develop the Multi-Agency Licensing Team approach in West Lancashire.
  - (e) to continue to deliver and develop work on diversionary activities targeted at those at risk of alcohol misuse and publicise these.
  - (f) seek to further improve publicity in relation to the responsible selling and use of alcohol and to support education campaigns to raise awareness of the issues and consequences.
  - (g) request that the CDRP look at the options, evidence for and feasibility of appropriate area based restrictions on the drinking of alcohol in public.
  - (h) continue to explore the availability of funding streams for work on alcohol and associated problems.
  - (i) offer Alcohol Intervention Awareness training to Members and Officers.
- (2)** That, arising out of the review findings, the Council makes representation to Government in relation to measures which would reduce the misuse of alcohol viz:
- (a) Discourage promotional drink offers and the availability of cheap alcohol.
  - (b) Further strengthen and formalise the 'Challenge 21' initiative.
  - (c) Support the addition of a 5<sup>th</sup> licensing objective relating to 'safeguarding health'.
  - (d) Improve labelling in relation to the health implications of drinking, including the number of units contained etc.
- (3)** That the Licensing function and Committee:
- (a) be mindful of their ability to require training where evidence suggests this would be beneficial.
  - (b) consider a stronger response to licensing breaches in relation to selling of alcohol underage.
- (4)** That the Internal Overview and Scrutiny Committee review its recommendations in December 2010."
- C. That Call In is not appropriate as the matter has already been considered by the Internal Overview and Scrutiny Committee and will be considered at Council on 22 April 2009.

**124. SPEEDING TRAFFIC WITH PARTICULAR REFERENCE TO 20MPH SPEED LIMITS NEAR SCHOOLS - FINAL REPORT OF THE EXTERNAL OVERVIEW AND SCRUTINY COMMITTEE**

Councillor Forshaw introduced the report of the Council Secretary and Solicitor which presented the final report and recommendations of the External Overview & Scrutiny Committee following a review entitled 'Speeding Traffic with particular reference to 20mph Speed Limits near Schools'.

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 final report of the External Overview and Scrutiny Committee attached at Appendix A be noted and the Committee be complimented on their work.
- B. That the following recommendations contained therein be endorsed, subject to resources.
- “(1) That Lancashire County Council, subject to resource constraints, be asked to undertake a survey of all schools within the West Lancashire District in relation to highway safety and traffic management issues near schools, which would take particular account of the following:
- (a) Vehicular speed reduction and enforcement outside schools.
  - (b) Parking enforcement outside schools.
  - (c) “Green” travel initiatives, including the routes that the “walking buses” take.
  - (d) Consultation with the school to identify and understand their existing:
    - pupil drop off/pick up arrangements
    - pedestrian safety measures
    - local traffic issues
- (2) That, as part of the review process of schools, Lancashire County Council also look at potential improvements to, or the addition of new, physical road safety measures including:
- (a) pedestrian safety barriers
  - (b) safe routes for crossing, including the provision of additional or alternative crossing measures, for example pelican/zebra crossings.
  - (c) interactive signage
  - (d) enhanced road markings and warning signage .
  - (e) speed cameras
  - (f) existing speed limits near the schools.
  - (g) the use of Speed Indicator Displays (SpID's)

- (3) That through appropriate organisations, including representatives on Highway Safety Engineering Groups, Community Safety Partnerships, District Traffic Liaison Group, and other such initiatives, efforts are increased to deliver the wider message aimed at changing driver behaviour and attitudes to “speed”.
  - (4) That the Committee recognise that advancements are being made in technology relating to speed and traffic management systems, for example intelligent car speed limiters, and the development and use of such technology is to be encouraged and the Department for Transport (DfT) informed accordingly.
  - (5) That the recommendation of Lancashire County Council’s Speed Management Task Group that “The Cabinet Member for Environment and Transportation is asked to continue to monitor results from existing 20mph schemes around the country . . .” be supported and that the results of this monitoring exercise, for 20mph schemes in West Lancashire, be reported to the Committee by its review date (June 2010).
  - (6) That in relation to the visits to the sample schools the issues raised by the Headteachers at the site visits and recorded in the Notes of those visits and which have informed the wider recommendations of this review, are noted and forwarded to the Area Manager South, Lancashire County Council for consideration.
  - (7) That in order to ensure due consideration of the recommendations within this report that the Final Report be circulated as widely as possible but particularly to Lancashire Local, West Lancashire Community Safety Partnership, The Safety Engineering Group, The West Lancashire District Traffic Liaison Group and Midlands Service Improvement Casualty Reduction Group with a request that the report is considered by these Groups.
  - (8) That Lancashire County be asked to consider the recommendations in the context of their “Speed Management Strategy January 2007.”
- C. That Call-in is not appropriate as the matter has already been considered by the External Overview and Scrutiny Committee and will be considered at Council on 22 April 2009.



**125. ORMSKIRK TOWN CENTRE CONSERVATION AREA CHARACTER APPRAISAL ADDENDUM**

Councillor Forshaw introduced the report of the Interim Policy Services Manager which sought approval of the Draft Conservation Area Appraisal Addendum for the Ormskirk Town Centre Conservation Area and detailed the results of the public consultation exercise.

Cabinet was advised that Planning Committee has considered the report on 19 March 2009 and supported the Character Appraisal Addendum and proposals.

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 Ormskirk Town Centre Conservation Area Re-appraisal 2008/2009 attached as an Appendix to the report be approved.
  - B. That the Interim Policy Services Manager, in consultation with the Portfolio Holder for Planning and Transportation, be given delegated authority to make the necessary arrangements to publicise the appraisal document.

**126. WEST LANCASHIRE HERITAGE STRATEGY - UPDATE**

Councillor Forshaw introduced the report of the Interim Policy Services Manager which provided an update on the West Lancashire Heritage Strategy and sought approval of an amended document, which would be used for consultation purposes.

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 subject to any comments from the Executive Overview & Scrutiny Committee, the revised draft West Lancashire Heritage Strategy be approved for the purposes of public consultation.
  - B. That delegated authority be given to the Interim Policy Services Manager, in consultation with the Portfolio Holder for Planning and Transportation, to consider any comments from the Executive Overview & Scrutiny Committee and make the necessary arrangements for consultation.
  - C. That the results from the consultation exercise be referred back to Cabinet to consider, prior to publication of the document.

**127. WEST LANCASHIRE INTEGRATED TRANSPORT ACTION PLAN**

Councillor Forshaw introduced the report of the Interim Policy Services Manager which sought support for the Integrated Transport Action Plan prepared by the West Lancashire Local Strategic Partnership Thematic Group for integrated transport.

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 Actions 1, 2 and 3 of the Integrated Transport Action Plan for West Lancashire be endorsed and officers be authorised to assist in implementing the proposed actions, subject to the availability of resources.
  - B. That a decision on Action 4 concerning a demand responsive bus service for Skelmersdale be deferred pending consideration of a Business Plan and resource availability at a future Cabinet meeting.
  - C. That Lancashire County Council be requested to take forward the implementation of the action plan and to ensure that the future work includes improvements that will benefit the rural areas of West Lancashire and specifically the least accessible areas of Bickerstaffe, Crawford, Great Altcar, Holmeswood, Roby Mill and Newburgh.

#### **128. TACKLING HOMELESSNESS: HOMELESS PREVENTION FUND**

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which outlined proposals to reduce the number of households becoming homeless and being placed in temporary accommodation by introducing a Homeless Prevention Fund.

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

- RESOLVED:
- A. That the proposed Homeless Prevention Fund attached as an Appendix to the report be approved.
  - B. That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to review and make future changes to the scheme in light of changes in legislation or case law.

#### **129. OPTIONS FOR CHOICE BASED LETTINGS**

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which detailed the options available for introducing Choice Based Lettings in West Lancashire.

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 change to a choice based approach for the allocation of Council accommodation be approved.

- B. That the Executive Manager Housing and Property Maintenance Services be given delegated authority to enter into a suitable partnership agreement with the Pinpoint Sub Regional Choice Based Lettings Scheme.
- C. That the Executive Manager Housing and Property Maintenance Services be given delegated authority to enter a bid to Communities and Local Government (CLG) for the next round of funding for costs associated to the introduction of Choice Based Lettings (CBL)

**130. CHANGES TO REVENUE AND CAPITAL RULES FOR NEW COUNCIL HOUSING**

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought views on the Consultation Paper issued by the Communities and Local Government Department on excluding new Council Housing from Housing Revenue Account Subsidy and Pooling.

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 Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, respond to the Consultation Paper.

**131. PROPOSALS FOR NEW TRANSFER FACILITY AT STANLEY DEPOT**

Councillor Greenall introduced the report of the Street Scene Manager which detailed progress of negotiations to provide a new Transfer facility at Stanley Depot in partnership with Lancashire County Council.

Cabinet was advised that the report would be submitted to Council on 22 April 2009.

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 Street Scene Manager, in consultation with the relevant portfolio holders, the Executive Manager Regeneration & Estates and the Council Secretary & Solicitor, be authorised to continue to negotiate with Lancashire County Council and enter into necessary agreements and obtain any necessary consents to enable the development of a new Transfer facility at Stanley Depot.

**132. TRANSPORT FLEET MAINTENANCE REVIEW**

Councillor Greenall introduced the report of the Street Scene Manager which sought guidance on proposals to market test the District Council's vehicle maintenance services.

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 delegated authority be given to the Street Scene Manager, in consultation with the Portfolio Holder for Street Scene Management, to proceed with a vehicle maintenance tender process as soon as practically possible.
- B. That the Street Scene Manager, in consultation with the Portfolio Holders for Street Scene and Human Resources, then award the Contract and be authorised to take all necessary steps with regard to consultation with the Unions and workforce.

(Note: Councillor Owens left the room whilst the item was under consideration having declared a personal and prejudicial interest.)

### **133. QUARTERLY PERFORMANCE INDICATORS (OCT 2008 TO DEC 2008)**

Councillor Westley introduced the report of the Assistant Chief Executive which detailed quarterly performance monitoring data for the quarter ended 31 December 2008.

Councillor Westley advised that the report had been submitted to Internal Overview and Scrutiny Committee when Members made reference in particular to performance indicator, BVPI 12, sickness absence.

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 overall trend of improvement shown by the performance indicator data for the quarter ended 31 December 2008 be noted.
- B. That call-in is not appropriate as this report has been considered by the Internal Overview & Scrutiny Committee.

### **134. GOVERNMENT CONNECT**

Councillor Westley introduced the joint report of the Assistant Chief Executive and the Council Secretary and Solicitor which provided details of the government funded programme led by the Department of Work and Pensions (DWP) which provides a secure data sharing government network for all local authorities in England and Wales called Government Connect (GC) and identified issues that needed addressing to enable the Council to meet the Government Connect 30 June 2009 compliance date.

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 Members note the contents of the report and the potential future budgetary implications.
- B. That delegated authority be approved for the Section 151 Officer to sign the Government Connect Code of Compliance document on behalf of the Council.

- C. That delegated authority be approved for the Assistant Chief Executive to take all other actions necessary to meet the Government Connect compliance date.
- D. That Call-in is not appropriate as there is a need to ensure that the Government Connect line is installed and that there is enough time available for thorough testing prior to the Government Connect compliance date.

**135. REVISED CONSTITUTION - SAFER AND STRONGER COMMUNITIES NEIGHBOURHOOD MANAGEMENT BOARD**

Councillor Greenall introduced the report of the Assistant Chief Executive which sought endorsement of the revised Safer and Stronger Communities Neighbourhood Management Board Draft Constitution.

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 Draft Revised Safer and Stronger Communities Neighbourhood Board Constitution, attached as an Appendix to the report, be endorsed.
  - B. That the Assistant Chief Executive be given delegated authority, in consultation with the Portfolio Holder for Community Safety and Street Scene Management, to endorse the final version of the Safer and Stronger Neighbourhood Board Constitution on behalf of the Council.

**136. CAPITAL MONITORING 2008/2009**

Councillor Westley introduced the report of the Council Secretary and Solicitor which detailed the current position in respect of the 2008/2009 Capital Programme.

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 current position in respect of the 2008/2009 Capital Programme be noted.
  - B. That call in is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee.

**137. REVENUE MONITORING 2008-09**

Councillor Westley introduced the report of the Council Secretary and Solicitor which provided a projection on the financial position on the General and Housing Revenue Accounts to the end of the financial year.

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

- RESOLVED: A. That the financial position of the Revenue Accounts be considered and noted.
- B. That call in is not appropriate for this item as it is being submitted to the next meeting of the Executive Overview and Scrutiny Committee.

**138. OPEN SPACE AND RECREATIONAL PROVISION WITHIN NEW RESIDENTIAL DEVELOPMENTS SUPPLEMENTARY PLANNING DOCUMENT (SPD)**

Councillor Forshaw introduced the report of the Interim Policy Services Manager which detailed the results of the consultation exercise on the draft Open Space and Recreation Provision within New Residential Developments SPD and sought approval for the responses to the comments made and any appropriate changes with a view to adopting the draft Open Space & Recreation Provision within New Residential Developments SPD.

Councillor Forshaw advised that the report had been submitted to Planning Committee on 19 March 2009 which had recommended that Cabinet agree the proposed responses to objections and the proposed changes to the Open Space and Recreation within New Residential Developments SPD. He further advised that revised pages 1633 to 1635 of the Book of reports had been circulated at the meeting.

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

- RESOLVED: A. That the proposed responses to the objections, set out within Appendix A of the report, be agreed and the proposed changes incorporated into a finalised version of the Open Space and Recreation within New Residential Developments SPD, provided in Appendix B.
- B. That the Open Space & Recreation Provision within New Residential Developments SPD be adopted on a date to be agreed by the LDF Project Manager, in consultation with the Portfolio Holder.

**139. WEST LANCASHIRE INSPIRE - RESERVE SCHEMES**

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which sought authority to implement a number of reserve schemes should there be sufficient funds remaining in the West Lancashire Inspire project and for the West Lancashire Inspire project team to investigate and implement improvements to the Sandy Lane Car Park, Skelmersdale to 'mop up' remaining funds should there be an underspend on the Investing in Business Programme. The report also provided an update on the Hesketh Bank scheme and the inability to progress the scheme in conjunction with the Booths supermarket.

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 delegated authority be given to the Executive Manager Regeneration and Estates, in consultation with the Portfolio Holder Regeneration and Estates, to prioritise and implement appropriate schemes detailed within section 5 of the report as funding becomes available towards the end of the West Lancashire Inspire Project, to ensure all external funding is defrayed and none is lost to the District.
  - B. That delegated authority be given to the Executive Manager Regeneration and Estates, in consultation with the Portfolio Holder Regeneration and Estates, to investigate and implement a scheme at Sandy Lane, Skelmersdale should a sufficient underspend be forthcoming from the Investing in Business Programme.
  - C. That it be noted that a joint scheme at Hesketh Bank with Booths plc cannot go ahead, but that Project Officers will continue to progress and implement an Inspire scheme as originally proposed.

**140. PROPOSED WHEELED BIN PILOT SCHEME ON WINDROWS AND WILLOW HEY, SKELMERSDALE**

Councillor Paul Greenall introduced the report of the Street Scene Manager which sought approval for the introduction of a pilot alternate weekly wheeled bin collection scheme on Windrows and Willow Hey, New Church Farm, Skelmersdale consistent with that provided across the majority of the district.

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 Street Scene Manager, in consultation with the Portfolio Holder for Street Scene Management, be authorised to proceed with the above pilot scheme and report progress back to Members in Autumn 2009.

**141. APPOINTMENT OF ELECTED MEMBERS TO THE NEW TENANT AND RESIDENT ASSOCIATIONS**

Councillor Mrs Hopley introduced the report of the Executive Manager Housing and Property Maintenance Services which sought approval for the appointment of Elected Members to serve on the new Tenant and Resident Association Committees

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 3 Elected Members (1 Conservative, 1 Labour and 1 Ward Member) be appointed to serve on each of the Tenant and Resident Association Committees for a one year term of office.

- B. That appointments be made by the Chief Executive who has delegated authority to make appointments to outside bodies, in consultation with the Leader and the Deputy Leader.
- C. That it be noted that where a Councillor lives in the area covered by a Tenant and Resident Association, he/she may become a member of that Association in their own right as a resident of that area.

(Note: This item was considered after item 5(7) on the agenda ' Changes to Revenue and Capital Rules for New Council Housing'.)

#### **142. SINGLE INTEGRATED REGIONAL STRATEGY - PRINCIPLES AND ISSUES PAPER CONSULTATION RESPONSE**

Councillor Owens introduced the report of the Executive Manager Regeneration and Estates which provided details of the Single Integrated Regional Strategy Principles and Issues Paper and the West Lancashire District Council's proposed consultation response to be submitted to the North West Regional Development Agency by 30 April 2009.

The Leader advised that he had forwarded additional comments to the Executive Manager Regeneration and Estates since the publication of the papers.

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 contents of the prepared consultation response be approved, subject to the comments from the Leader being incorporated, and the Executive Manager Regeneration and Estates submit it to the North West Regional Development Agency before the deadline of 30 April 2009.

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

**RESOLVED:** That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraph(s) 1, 2, 3 and 4 of Part 1 of Schedule 12A of that Act, as set out on the agenda, and as, in all the circumstances of the case, the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

#### **144. MATTERS REQUIRING DECISIONS**

Consideration was given to reports relating to matters requiring decisions, as contained on pages 1665 to 1676 and 1689 to 1696 of the Book of Reports.



**145. STAFFING ARRANGEMENTS - SKELMERSDALE COMMUNITY RESOURCE CENTRES**

Councillor Fowler referred to the joint report of the Executive Manager Community Services and the Human Resources Manager which detailed proposals in respect of the employment of cleaners and keyholders at the Skelmersdale Community Resource Centres and advised that as the Council would be considering 'Organisational Down-Sizing' later in the year, it would be more appropriate to defer consideration of this matter.

In reaching the decision below, Cabinet considered the views of Councillor Fowler and accepted his reasons for deferring consideration of the matter.

RESOLVED: That this matter be considered in the context of the Council's consideration of 'Organisational Down-sizing'.

**146. PROPOSED TV RELAY MAST**

Councillor Owens introduced the joint report of the Executive Manager Community Services and the Executive Manager Regeneration and Estates which sought approval to site a TV relay mast at Beacon Park Golf Course, subject to all necessary consents and to consider and determine objections set out in the Appendix to the report under Section 123 of the Local Government Act 1972.

A plan showing the proposal and a map of the area were circulated in order to assist Members in their consideration of the matter.

In reaching the decision below, Cabinet considered the details set out in the report before it and the further information provided, and accepted the reasons contained therein, together with consideration of the public interest.

- RESOLVED: A. That having considered and noted the objections set out in the Appendix to the report, these objections be overruled and the disposal of the public open space required for this proposal proceed due to the public benefit to be secured.
- B. That the Executive Manager Community Services, in consultation with the Executive Manager Regeneration and Estates and the Council Secretary and Solicitor, be authorised to:
1. Negotiate and enter into the lease for siting the mast, with appropriate third parties.
  2. Negotiate and enter into a Deed of Surrender of part of the current lease of the Beacon Golf Course with DCT Limited.

3. Negotiate and enter into any necessary arrangements for the extinguishment/relaxation of covenants relating to the land required to permit the installation of the mast with English Partnerships/the Homes and Community Agency.

(Note: Councillors Westley and Greenall left the room whilst the item was under consideration having declared a personal and prejudicial interest.)

#### **147. CIVIL PARKING ENFORCEMENT**

Councillor Forshaw introduced the report of the Technical Services Manager which outlined the delivery of on-street and off-street parking enforcement in West Lancashire since September 2004 and examined the options that the Council could consider for the future delivery of parking enforcement within the District, after 6 September 2009.

Members considered the timescales involved in the process and felt that a full delegation to take all appropriate action should be given to the Technical Services Manager, in consultation with the Portfolio Holders for Planning & Transportation and Finance, to progress the matter.

In reaching the decision below, Cabinet considered the views expressed on the delegation provided above and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED:
- A. That the Technical Services Manager, in consultation with the Portfolio Holder for Planning and Transportation and the Portfolio Holder for Finance, be given delegated authority to further explore options and take all appropriate action for the procurement of an efficient, cost effective Civil Parking Enforcement contract to run from 6 September 2009. Those options to include, as appropriate, negotiating with the County Council, other Lancashire districts/boroughs and private sector organisations and/or undertaking a tender exercise
  - B. That the Technical Services Manager report back to the next Cabinet on the 16 June 2009 to advise on the latest developments in relation to this matter.

-----  
THE LEADER





**AGENDA ITEM: 10**

**EXECUTIVE OVERVIEW AND  
SCRUTINY COMMITTEE**

**8 APRIL 2009**

---

**Report of: Council Secretary and Solicitor**

**Contact: Mrs. S. Griffiths (Extn. 5017)**  
**E:mail [susan.griffiths@westlancsdc.gov.uk](mailto:susan.griffiths@westlancsdc.gov.uk)**  
**Mr. T. Broderick (Extn. 5001)**  
**E:mail [terry.Broderick@westlancsdc.gov.uk](mailto:terry.Broderick@westlancsdc.gov.uk)**

---

**SUBJECT: FORMAT OF COUNCIL MINUTES**

---

District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To consider the format of the minutes of meetings.

**2.0 RECOMMENDATIONS**

2.1 That the current practice in relation to the preparation of minutes continues.

---

**3.0 BACKGROUND**

3.1 At the meeting of the Executive Overview and Scrutiny Committee held on 5 February 2009, during acceptance of the minutes of the previous meeting, it was proposed that the attendance list includes the names, rather than the job titles, of those officers present.

**4.0 CURRENT POSITION**

4.1 **Legislation**

4.2 Legislation requires that the names of Members present at a meeting of any local authority shall be recorded. There is no similar requirement in relation to the recording of officer names.

4.3 There is no legislation requiring minutes to be in any particular form and therefore they can take whatever form is preferred by the individual authority or relevant officer concerned and it has always been the custom and practice within this Council to record officer attendance at meetings by way of job titles.

4.4 The purpose of minutes is to:

- Establish an accurate record of the decision taken
- Comply with legal requirements, and, where minutes are used as the vehicle to bring proposals before the full Council, then need also to ensure that the record is sufficiently self-explanatory to enable the Council to make a decision in full possession of the relevant facts: and
- To provide details of the Council's business for press and public
- To show that decisions have been taken properly and in accordance with the statutory rules, articles, operating procedures and customs of the organisation and the common law.

4.5 Minutes therefore should be

- The exact account of what was actually agreed upon
- Sufficiently detailed and complete, so that if a Member (or any person) was absent can fully understand what was decided at that meeting; and
- Concise.

#### **4.6 Other Lancashire Authorities**

4.7 I have taken the opportunity to look at a number of Lancashire Local Authority websites, including Lancashire County Council, to see what format their minutes take and I attach as an appendix a summary of minute styles.

### **5.0 ISSUES**

5.1 As mentioned earlier, it has been the custom and practice of this Council to record officer attendance at meetings by way of job title. Over time the occupiers of posts change and it is that use of the job title that provides a more consistent understanding of the officers attending and assisting in the taking of decisions. There may also be data protection issues. For example, if say fraud investigators or material witnesses in, say a prosecution case, are in attendance at a meeting, disclosure of details may compromise their security or effectiveness. However, it is recognised that this is a matter that may be dealt with by omitting names/details of a particular officer where circumstances dictate this appropriate.

5.2 If this practice is adopted then it is suggested that this must be consistent across the Council. Accordingly the matter should be referred to Cabinet or Council for decisions as this Committee's remit does not extend to introducing changes of this nature.

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

6.1 There are no sustainability/Community Strategy implications.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **8.0 RISK ASSESSMENT**

8.1 There are no significant risk assessment implications.

## **9.0 CONCLUSIONS**

9.1 It is proposed that the existing practice continues.

---

---

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

List of minute styles of LCC and Lancs. Authorities



**APPENDIX A**

<b>LOCAL AUTHORITY</b>	<b>MINUTE FORMAT</b>
Lancashire County Council	Same format for each Committee <ul style="list-style-type: none"> <li>• No officers recorded</li> </ul>
Blackburn with Darwen	Different format for individual Committees <ul style="list-style-type: none"> <li>• Council</li> <li>• Executive - no officers recorded</li> <li>• Planning - no officers recorded</li> <li>• Corporate Resources – officers names, no job titles</li> <li>• Health &amp; social care – officers names and titles</li> <li>• Policy &amp; Review – officers names and titles</li> </ul>
Burnley	Same format for each Committee <ul style="list-style-type: none"> <li>• Officer name and title</li> </ul>
Chorley	Different format for individual Committees <ul style="list-style-type: none"> <li>• Council – no officers recorded</li> <li>• Executive – no officers recorded</li> <li>• O&amp;S – officer name and title</li> <li>• Development Control – officer names and titles</li> </ul>
Fylde	Same format for each Committee <ul style="list-style-type: none"> <li>• Officer name no title</li> </ul>
Hyndburn	Same format for each Committee <ul style="list-style-type: none"> <li>• No officers recorded</li> </ul>
Lancaster	Different format for individual Committees <ul style="list-style-type: none"> <li>• Council – no officers recorded</li> <li>• Cabinet – officers name and title</li> <li>• O&amp;S – officer name and title</li> <li>• Planning – officer name and title</li> </ul>
Pendle	Same format for each Committee <ul style="list-style-type: none"> <li>• No officers recorded</li> </ul>







**AGENDA ITEM: 11**

**EXECUTIVE OVERVIEW AND  
SCRUTINY COMMITTEE:  
8 APRIL 2009**

---

**Report of: Council Secretary and Solicitor**

**Relevant Portfolio Holder: Councillor Forshaw**

**Contact for further information: Mrs Jacky Denning (extn. 5384)  
(E-mail: [jacky.denning@westlancsdc.gov.uk](mailto:jacky.denning@westlancsdc.gov.uk))**

---

**SUBJECT: WEST LANCASHIRE HERITAGE STRATEGY - UPDATE**

---

District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 To advise of the decision of the Cabinet meeting held on 24 March 2009.

**2.0 RECOMMENDATIONS**

2.1 That comments on the West Lancashire Heritage Strategy be provided to the Interim Policy Services Manager.

---

---

**3.0 BACKGROUND**

3.1 The report attached as an appendix to this report was considered at Cabinet on 24 March 2009.

3.2 The minute of that meeting reads as follows:-

**“126. WEST LANCASHIRE HERITAGE STRATEGY - UPDATE**

Councillor Forshaw introduced the report of the Interim Policy Services Manager which provided an update on the West Lancashire Heritage Strategy and sought approval of an amended document, which would be used for consultation purposes.

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 subject to any comments from the Executive Overview & Scrutiny Committee, the revised draft West Lancashire Heritage Strategy be approved for the purposes of public consultation.
  - B. That delegated authority be given to the Interim Policy Services Manager, in consultation with the Portfolio Holder for Planning and Transportation, to consider any comments from the Executive Overview & Scrutiny Committee and make the necessary arrangements for consultation.
  - C. That the results from the consultation exercise be referred back to Cabinet to consider, prior to publication of the document.

---

---

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Report of the Interim Policy Services Manager



**AGENDA ITEM: 11**

**CABINET:  
24 March 2009**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE :  
8 April 2009**

---

**Report of: Interim Policy Services Manager**

**Relevant Portfolio Holder: Councillor Forshaw**

**Contact: Ian Bond (Extn. 5167)  
(E-mail: [ian.bond@westlancsdc.gov.uk](mailto:ian.bond@westlancsdc.gov.uk))**

---

**SUBJECT: WEST LANCASHIRE HERITAGE STRATEGY – UPDATE**

---

District wide interest.

**1.0 PURPOSE OF THE REPORT**

1.1 To provide an update on the West Lancashire Heritage Strategy and to request approval of an amended document, which will be used for consultation purposes.

**2.0 RECOMMENDATION TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

2.1 That the West Lancashire Heritage Strategy be approved for the purposes of public consultation.

**3.0 RECOMMENDATION TO CABINET**

3.1 That subject to approval by Executive Overview & Scrutiny Committee the revised draft West Lancashire Heritage Strategy be approved for the purposes of public consultation.

3.2 That delegated authority be given to the Interim Policy Services Manager in consultation with the Portfolio Holder for Planning and Transportation to make the necessary arrangements for consultation.

3.3 That the results from the consultation exercise be referred back to Cabinet to consider, prior to publication of the document.

## 4.0 BACKGROUND

- 4.1 West Lancashire has a wealth of historic buildings and places, which contribute greatly to the character and appearance of the local environment and form part of a distinctive look and feel to the local scene.
- 4.2 The historic environment is, however a fragile resource and one which is an irreplaceable and unique record of our cultural heritage. The preservation of our built heritage is important not only as it provides a link with the past, but because the buildings themselves enhance the appearance of most of our towns and villages, giving a sense of local pride and providing a valuable leisure and recreation resource.
- 4.3 The Council has a statutory duty to ensure that the best architectural and historic buildings and historic areas are preserved and wherever possible enhanced. However, the responsibility of stewardship of our heritage is shared by everyone and it is recognised that there needs to be broad public support and understanding of the issues relating to the preservation of historic buildings and places.
- 4.4 Government guidance contained in Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG 15) states that one of the objectives of the planning process is to reconcile the need for economic growth with the need to protect the natural and historic environment. Local Authorities in this respect need to "*maintain and strengthen their commitment to the stewardship of the historic environment*". Therefore in order to carry out its function effectively and efficiently it is important that the Council has an up to date and co-ordinated strategy to set out its long-term goals for preserving the District's built heritage.
- 4.5 The Council's existing Heritage Strategy was approved in June 2003 after a draft document was produced for public consultation. The document set down three principle aims based around the need to expand on the Council's statutory duty to preserve the Districts heritage, to provide a framework to promote public awareness and to manage changes in the historic environment in a sustainable way.
- 4.6 This strategy was always intended to complement planning policies and guidance both nationally and locally and it is essential that it remains up to date and relevant. As part of this monitoring process it was envisaged that the strategy would be reviewed after a 5 years to consider up dated guidance, look at progress, highlight possible changes and the potential for new priorities. This review is part of the expected monitoring process.

## 5.0 PROPOSALS

- 5.1 Since the original heritage strategy was published in 2003 the Government through its advisors English Heritage has been looking at the whole issue of heritage protection within England and Wales. This has culminated in the publication of two major documents, which need to be considered as part of our own review process.
- 5.2 Firstly, a Government White Paper entitled *Heritage Protection for the 21<sup>st</sup> Century* was published in March 2007. The White Paper was based around three core principles; developing a unified approach to heritage protection, maximising opportunities for inclusion and involvement in heritage and putting heritage at the heart of the planning system. At the time the White Paper was published a report and discussion paper was presented to Members in May 2007.
- 5.3 The White Paper recognises the value that heritage plays in understanding our environment and the need for a unified and simpler heritage protection system. The proposals focus on ensuring that local authorities have the proper skills in place to deliver the heritage agenda. It aims to encourage local authorities to further develop a wider skill base in heritage issues, introduce cross tier/boarder working and to measure themselves against other authorities to learn from 'best' practice. The Draft Heritage Protection Bill, which was published in April 2008 and aims to bring about the legislative reform highlighted in the White Paper, has been delayed.
- 5.4 The second document was the publication of the English Heritage guide *Conservation Principles, Policies and Guidance* in April 2008. This sets down the framework for the sustainable management of the historic environment and uses six key principles:
- The historic environment is a shared resource.
  - Everyone should be able to participate in enjoying our heritage.
  - Understanding the significance of historic buildings and places is vital.
  - The historic environment needs to be properly managed to sustain its value.
  - Decisions about changes affecting our heritage should be reasonable and consistent.
  - The proper documentation of our heritage assets is essential.
- 5.5 In order to ensure conformity the same broad principles run through the revised draft strategy (a copy of which is appended to this report) but I have retained three key aims or 'themes' of the strategy. These are;

- Theme 1 *Looking after our heritage – the need to manage and sustain its value.*
- Theme 2 *Heritage is for everyone – promote a proper understanding and enjoyment of our heritage.*
- Theme 3 *Identifying our heritage and making a case for its retention.*

5.6 The format of the draft strategy is *action plan* based and includes what work we have already done and how we might better achieve our broad aims in the future.

5.7 To help the Council in the production of the final strategy document I intend to consult with English Heritage, local amenity groups, Parish Councils, relevant public bodies and stakeholders with an interest in the Districts Heritage. Any comments and views received will be reported back to Members prior to the strategy being adopted.

## **6.0 ISSUES**

6.1 The main issue for delivering the strategy is one of capacity and in particular staff resources. West Lancashire has a wealth of identified heritage assets (see data set appended to strategy document), which puts it in the upper quartile in Lancashire and in relation to designated conservation areas the upper quartile in the North West. In order to fulfil its duties laid down in planning legislation and the commitments highlighted in PPG 15 and the Draft Heritage Protection Bill it is essential that adequate staffing levels be retained.

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

7.1 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 for West Lancashire 2007-2017*.

7.2 This project supports the Council's sustainability objective by promoting and enhancing the quality of the Districts environment.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 Heritage work is currently supported by funding under the Conservation Area Enhancement and the Buildings at Risk budgets set within the Capital Programme 2005/2008.

8.2 However, no capital resources have been allocated or committed to this budget after the end of the financial year 2008 / 2009.

8.3 There are no direct financial and resource implications arising from this report.

## **9.0 RISK ASSESSMENT**

9.1 There are no risk assessment issues arising from this report.

---

---

### **Background Documents**

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

<u>Date</u>	<u>Document</u>
1999 to present	Heritage Strategy

### **Equality Impact Assessment**

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

### **Appendices**

Draft West Lancashire Heritage Strategy







# **West Lancashire District Council**



## **HERITAGE AND CONSERVATION STRATEGY**

### **CONSULTATION DRAFT**

**MARCH 2009**

# **West Lancashire Heritage and Conservation Strategy**

## **Contents**

- 1. Introduction**
  - 2. Background to the Strategy**
  - 3. The National Position**
  - 4. The Local Perspective**
  - 5. The Purpose of the Strategy**
  - 6. The Work already Undertaken**
  - 7. Up dating the Strategy**
    - **Theme 1 – Looking after our heritage – the need to manage and sustain its value.**
    - **Theme 2 – Heritage is for everyone – promote a proper understanding and enjoyment of our heritage.**
    - **Theme 3 – Identifying our heritage and making a case for its retention.**
- 1. Implementing the Strategy**
  - 2. Monitoring its Success and Review**

## **Appendices**

- 1. West Lancashire Historic Environment – Data Set**
  - 2. The work already undertaken**
    - **Aim 1 –To preserve and enhance the districts heritage**
    - **Aim 2 - To promote awareness, knowledge and enjoyment**
    - **Aim 3 – To manage changes in the historic environment**
- 1. Updated Action Plans**
    - **Theme 1 – Looking after our heritage**
    - **Theme 2 – heritage is for everyone**
    - **Theme 3 – Identifying our heritage**

# **West Lancashire Heritage and Conservation Strategy**

## **Draft update**

### **1. Introduction**

This consultation draft has been prepared as an addendum to the existing Heritage and Conservation Strategy, which was approved by Council on the 30<sup>th</sup> June 2003.

The document has been developed to ensure that the changes in legislation, national planning policy and guidance, which have taken place in the heritage and conservation fields since 2003, are adequately reflected in the strategy. This will ensure that the strategy remains relevant and is still focused on the key issues, which affect heritage in our District.

### **2. Background to the Strategy**

Our built heritage provides a huge resource that can play an important role in the future of West Lancashire. Heritage can be an important stimulus to regeneration, be used to promote tourism and visitors into the area, provide a sense of local pride and importantly by preserving it we are contributing to a more sustainable future.

West Lancashire has a wealth of historic buildings and places, which contribute greatly to the character and appearance of the local environment and which form part of a distinctive and cherished local scene. We are however aware that the historic environment is a fragile resource and one which is an irreplaceable and unique record of our past which when lost is gone forever.

Local authorities are often seen as the 'managers' of the historic environment and have a statutory duty to ensure that the best architectural and historic buildings and historic areas are properly preserved and wherever possible are enhanced. However, the responsibility of stewardship of our heritage is shared by everyone and is not just a task undertaken by the Council. To truly succeed it is acknowledged that there needs to be broad level of public support and understanding of the issues relating to the preservation of our historic environment.

In order to carry out our role effectively and efficiently it is important that the Council maintains a coordinated strategy, which sets down its vision for

preserving the District's built heritage. Good conservation practice is crucial to the long-term well being of the area's historic buildings and places.

The updated draft document sets down the Council's aims and objectives with regard to conservation and establishes a framework on which conserving and the historic environment can be realistically achieved.

### **3. The National Position**

Government guidance contained in Planning Policy Guidance Note 15 'Planning and the Historic Environment' (PPG 15) states that one of the objectives of the planning process is to reconcile the need for economic growth with the need to protect the natural and historic environment. Local Authorities in this respect need to "*maintain and strengthen their commitment to the stewardship of the historic environment*".

Since the original heritage strategy was published in 2003 the Government's advisors, English Heritage have been looking at the national system of heritage protection within England and Wales and in particular how it could be changed to ensure it remained 'fit for purpose'. The Government published its White Paper entitled *Heritage Protection for the 21<sup>st</sup> Century* in March 2007. The White Paper contained three core principles, which can be summarized as:

- To develop a unified approach to heritage protection.
- Maximize opportunities for inclusion and involvement in heritage.
- To put heritage matters at the heart of the planning system.

The White Paper recognises the value that heritage plays in understanding our environment and the need for a unified and simpler heritage protection system. The proposals also focus on ensuring that local authorities have the proper skills and capacity in place to deliver the heritage agenda. It aims to encourage local authorities to further develop a wider skill base and understanding in heritage issues, introduce better inter department working practices and to benchmark themselves against other authorities to learn from 'best' practice.

The *Draft Heritage Protection Bill*, which was published in April 2008 aims to bring about the legislative reform highlighted in the earlier White Paper. Whilst originally timetabled for implementation in 2010/11 due to a lack of Parliamentary time the legislative reforms have been delayed. English Heritage has nevertheless confirmed that they will continue to work to bring forward some of the reforms put forward in the *Bill* and will work to provide updated guidance to those working within the heritage profession.

In April 2008 English Heritage published a guide entitled *Conservation Principles - Policies and Guidance for the Sustainable Management of the Historic Environment*. The guidance document sets down a logical approach to help in making decisions and to ensure consistency when working in an advisory role within the historic environment.

The document identifies six key principles in its framework, these are:

1. The historic environment is a shared resource.
2. Everyone should be able to participate in sustaining the historic environment.
3. Understanding the significance of historic buildings and places is vital.
4. The historic environment needs to be properly managed to sustain its value.
5. Decisions about changes affecting our heritage should be reasonable and consistent.
6. Documentation and learning from decisions is essential.

The document, whilst written primarily for its own staff and to strengthen the credibility and consistency of decisions taken by English Heritage, is nevertheless a sound framework for other organizations, working in the heritage field, to take forward and embed in their own service. In this respect the six key principles (pages 19-24 of English Heritage document *Conservation Principles - Policies and Guidance for the Sustainable Management of the Historic Environment*) are relevant to our own service and how we deal with heritage in the District.

#### **4. The Local Perspective**

West Lancashire is a distinctive place, which has been defined by its unique position on the Lancashire coastal plain and the effects of glacial ice. Historically much of its wealth came from the fertile soils and the ability to produce food and this helped shape the pattern of villages and settlements, which can be seen today. This early wealth is reflected in the legacy of historic buildings and places, which are so important to the identity of West Lancashire.

West Lancashire contains a wealth of historic buildings and places, many of which are recognised as being of outstanding national importance and therefore require protection. West Lancashire currently has 612 statutory Listed Buildings (506 entries), 28 Conservation Areas, 11 Scheduled Ancient Monuments and 1 historic park included on the National Register of Historic Parks and Gardens.

The area covered by the Authority contains more nationally recorded *heritage assets* than most of its Lancashire neighbour's and ranks in the top half of all the authorities in the North West, including the conurbations of Merseyside and

Greater Manchester, in all aspects except the number of registered parks and gardens. More information on the designated heritage assets of the District is included in Appendix 1.

## **5. The Purpose of the Strategy**

The update of the existing 2003 strategy aims to re-affirm the Council's commitment to the historic environment and build on the work already carried out in delivering its heritage function. It will also provide a new focus for the management of the Council's involvement in heritage for the future. The strategy is intended to be a framework for heritage based activity and will guide planning policy and decision making within the Council's planning function.

We also need to acknowledge the general level of public support for heritage protection and the proper management of the historic environment, evidenced by our engagement with residents through our customer satisfaction surveys, meetings and regular exhibitions and this needs to be valued and embedded into the strategy.

Our vision for heritage in West Lancashire, is:

***“To raise awareness of the value of heritage in peoples lives and the need to ensure the preservation and proper management of our historic environment.”***

To help achieve this, the Council feels the broad aims of the 2003 Strategy remain relevant and should be used in the updated strategy. Work undoubtedly needs to focus on the need to properly manage the historic environment, broaden awareness and understanding and ensure heritage is adequately identified and protected.

## **6. The Work already Undertaken**

Since 2003 the Council has been focusing the heritage service on delivering the three broad aims of the strategy, namely, to preserve and enhance the areas heritage, to promote public awareness and to manage changes in the historic environment.

To achieve the broad aims we identified five main objectives within the strategy. These where;

- A. To maintain an up to date record of our historic environment.
- B. To provide the appropriate level of protection to our heritage assets.

- C. To provide professional advice and to promote an understanding of heritage.
- D. To encourage partnership working.
- E. To seek funding opportunities where ever possible.

Appended to this document is a record of the work we have undertaken, under each of the three stated aims. Reference is also made to how the actions support the five main objectives listed A-E above.

## **7. Up dating the Strategy**

Without overcomplicating the message the six principles, identified recently by English Heritage in their own policy document, can be adequately accommodated by maintaining three broad key aims or *themes* in the revised strategy. These are:

**Theme 1**     *Looking after our heritage – the need to manage and sustain its value.*

**Theme 2**     *Heritage is for everyone – promote a proper understanding and enjoyment of our heritage.*

**Theme 3**     *Identifying our heritage and making a case for its retention.*

The format of the draft strategy is *action plan* based and includes information regarding the heritage work that the Council has already undertaken in the 5 years since the existing strategy was introduced and what might still need to be done to meet our broad aims in the future.

It is however important to stress that conservation and the protection of the historic environment should not be seen only as the preserve of the Council and that there are many partners involved in its stewardship. The benefits of heritage is enjoyed by all and everyone has a stake, to some degree or other, in its preservation and where ever possible its enhancement. It is recognized that the historic environment cannot be preserved without broad public support, whether this is from owners of buildings, voluntary organizations and local groups or visitors and users of the historic buildings or places. As custodians of our historic environment its stewardship is shared by all of us.

**Theme 1 - Looking after our heritage – the need to manage and sustain its value.**



## **Preservation of our heritage**

The fragile nature of our heritage should not be underplayed. Once a historic building is demolished or unsympathetically altered it cannot be replaced. It is lost forever. The effective preservation of historic buildings, places and landscapes and their stewardship is fundamental to the Council's role.

Work on identifying and recording West Lancashire's heritage is important. It provides an information base, which helps us understand our built heritage and also importantly provides a record of the changes, which have occurred in the past. The activity plays a key role in conserving our heritage and underpins much of the work carried out within the Heritage and Environment Team.

The Council is committed to ensuring that all listed buildings are properly preserved and that their character is not adversely affected because of neglect, unnecessary demolition, works which affect their setting and/or alterations and extensions.

The Council has a statutory duty to ensure the proper preservation of all listed buildings within the District. An up to date record of the condition of listed buildings in the District is maintained through a programme of regular inspection and monitoring of the listed buildings. The survey mechanism provides a standard approach for the assessment of the physical condition of the building and identifies its use and importantly whether it is occupied or not. The work follows the 'best practice' guidelines set down by English Heritage and currently runs on a five yearly review cycle. Importantly the review work allows us to identify listed buildings as being 'at risk' and to include them on a register of *Buildings at Risk*.

The Council has, as part of this role, at its disposal a wide range of powers, under the existing 1990 Listed Buildings and Conservation Areas Act to require owners to provide adequate repair for listed buildings. Under such powers the Council can require urgent works to the building to be carried out to make it wind and weather proof or can require more extensive repair works to be undertaken. In extreme cases the Council can compulsorily purchase the property or seek to prosecute those responsible for causing damage to listed buildings.

## **Keeping the unique 'character' of the area**

West Lancashire has a diverse historic environment, which is important to us. Many of the villages and settlements have been designated as conservation areas the character and appearance it is important to preserve and wherever possible enhance. In total West Lancashire have 28 conservation areas the 2nd highest of the Lancashire authorities and the 8th highest total in the North West region. In conservation areas, whilst controls exist over the demolition of buildings many physical changes to the environment can still take place, which do

not require planning permission. The pressure to develop buildings and sites and to extend and alter the housing stock across the district is not a new problem however in the more sensitive areas like conservation areas even minor changes can, over time, severely erode their special character and result in a loss of the areas distinctive character. To overcome the threats to an areas character and appearance it is important to identify what aspects of an area are important and what makes it distinctive. Appraisal work identifies the typical form and detailing of buildings, the commonly used materials and their scale and mass. Regular conservation area reviews enable changes and potential threats to an areas character to be recognized and monitored and where appropriate measures put in place to protect harm from occurring.

As part of the conservation area appraisal process, areas which have been identified as being sensitive to changes to their character and appearance have been afforded additional protection by the designation of Article 4(2) Directions which control unwarranted alterations on the front of buildings in conservation areas. This process will continue to be applied, where necessary, to preserve the character and appearance of the District's most historic places.

### **Ensuring a level of conservation expertise**

Conservation of the historic environment is the process of managing the inevitable changes that will take place, to an area or heritage asset in a way, which best sustains its historic value for the present and future generations. It is important to have the appropriate staff skills and capacity in place to ensure the proper conservation management of heritage assets can be achieved. The capacity to influence owners of buildings, members of the public, architects and other professionals with influence over the historic environment is crucial as is the knowledge of traditional building techniques and the care and repair of historic assets.

The provision of specialist conservation advice is an essential service for the preservation of our built heritage. Heritage advice is currently provided to owners and occupiers of listed buildings and to those living in conservation areas on a whole range of issues, ranging from whether planning permission or listed building consent is required, to how to sensitively repair buildings and/or help on the design of extensions and alterations to historic properties. To complement this service the availability of written guidance aimed at the promotion of good conservation practice, has the benefit of fostering owner responsibility and stewardship.

Within the Council in 2007/08 just over 300 planning proposals affecting historic building and conservation areas were assessed and comments and advice provided to the planning authority.

The Council recognizes that good design is important in all aspects of development, especially when related to historic buildings and places, which are sensitive to inappropriate change. The Council is seeking to promote the need for building design to be of the highest quality and the need to place an emphasis on new development, which contributes to the local distinctiveness of the historic environment of West Lancashire. To support this role the Council runs the West Lancashire Conservation Areas Advisory Panel, which provides comments on applications affecting the historic environment.

**Theme 2 - Heritage is for everyone – promote a proper understanding and enjoyment of our heritage.**

### **Enjoyment of our heritage**

Each year, historic sites and buildings throughout the region, get large numbers of visitors who enjoy learning about the history of a place, the attractive building features and/or the historic landscapes. Even on a local level many people enjoy the historic environment, whether just walking within it or visiting Ormskirk and its market or one of West Lancashire's many historic villages. Heritage undoubtedly plays a vital role in attracting people and visitors in to West Lancashire benefiting local businesses and communities. It is important to ensure that these areas remain their attractiveness and that footpaths, car parks and public facilities like streetlights and litterbins are well maintained and renewed where necessary.

### **Improving the awareness of heritage**

Getting people involved in heritage within local communities is important. It strengthens our understanding of heritage and the role it plays in our cultural. The Council is involved in delivering educational material through community exhibitions and talks and provides an educational resource (*Heritage Teacher Pack*) to local schools to enable children to become more aware of their own local heritage. The Council also acknowledges that local groups and heritage organizations provide valuable opportunities to participate and learn about our heritage through individual projects or group activities.

The review of the Council's conservation areas provides opportunities for local residents to become involved in looking at what enhances the areas character and what buildings, sites and features may detract from it. Providing local exhibitions and public consultation allows owners of properties to engage with the Council in understanding the reasons why the preservation of conservation areas and managing changes within these areas is important.

The conservation area appraisal program has also enabled the Council to publish the *Conservation Areas of West Lancashire - a Brief History*, which is a collection of the historical research undertaken to date on the districts 28 conservation areas.

Providing and sharing information relating to the historic environment and the care of our heritage is vital to enable people to make the right choices. The Council will continue to provide advice on heritage matters through direct contact with home and property owners and the production of relevant advice leaflets.

The use of the Councils Web site as a tool to provide information has greatly increased over the period since the existing heritage strategy was approved. We recognize the benefits of increasing the types of relevant information on the Heritage and Environment Web pages and ensure it is kept up to date. We do however acknowledge that other ways of communicating with residents need to be maintained to maintain our service. The Heritage and Environment Newsletter is sent out to all residents living in listed buildings and conservation areas and is also made available through the Lancashire library service and as a download from our Web site. The newsletter, which has 3 editions a year, provides a useful way of passing on information and issues relating to heritage issues. Recent customer surveys suggest that it remains a popular way of relaying information to our customers.

### **Partnership working**

The preservation and management of the historic, built environment is a complex subject, which aims to balance the needs and wishes of many agencies and bodies all of which have a stake in heritage. Work on heritage assets, whether individual listed buildings or historic places is therefore rarely undertaken in isolation and involves the need to work in partnership with others. It is essential that in such circumstances everybody concerned is aware of the need to preserve our heritage and the benefits that can be achieved in doing so.

It is also important that the views and issues affecting conservation, within the District, are put forward in a whole range of forums to ensure that influence can be made on the decisions taken especially where they may affect the implementation of the strategy's key objectives.

Within the region the Council will continue promote and participate in partnerships with Parish Councils, other Local Authorities including Lancashire County Council and heritage organizations i.e. English Heritage and the Civic Trust.

## **Theme 3 - Identifying our heritage and making a case for its retention.**

### **Local heritage**

The Council is keen to continue to develop a comprehensive database of all the heritage assets within West Lancashire to ensure the appropriate level of

protection is afforded to it. Much of the West Lancashire's built heritage is not formally protected through statutory designation and yet many of these buildings provide an important and cherished backdrop for our villages and communities and help define their distinctive character.

As well as continuing to put forward new buildings for inclusion onto the statutory lists as nationally recognized 'listed' building we also support our own list of locally important buildings. The recent Government White Paper - *Heritage Protection for the 21<sup>st</sup> Century* promotes the use of more local designations to ensure adequate protection is given to buildings, which provide communities with a local identity. Legislation proposed through the *Draft Heritage Protection Bill*, would allow local authorities to build on existing initiatives to produce a more open and comprehensive heritage protection system, including identifying and protecting buildings, which have a local value. The Council's existing 'Local List' was introduced in 2005 and undated in September 2007 and currently includes 123 buildings. I envisage that work in identifying and protecting locally recognized heritage, with the help of local communities, will continue to grow in the future. It should be recognized that West Lancashire is one of a only a small number of authorities in the North West which already has and maintains a 'Local List'.

## **Archaeology**

The importance of the need to protect archaeological remains has been recognized nationally through the Governments Planning Policy Guidance *Archaeology and Planning* (PPG 16). It advises that early consultation is required to ensure reconciling the needs of development with the likely affect on any important remains. It is vital that the appropriate professional advice is sought and that the recording of sites and buildings is undertaken where necessary. The Council will continue to support the role of the Lancashire County Council Archaeology Service, or any other archaeology body, in providing information relating to the preservation and recording of important archaeology. We will also assist the County Archaeologist in maintaining and providing access to the historic environment records.

## **8. Implementing the Strategy**

The management of the historic environment is a long-term commitment, which involves a mix of statutory and non-statutory controls and powers. Because heritage is unique and irreplaceable we need to co-ordinate our efforts to maximize its effectiveness and ensure that we protect it for future generations to enjoy.

There is no doubt that we need to work in partnership with other agencies to fully secure the aims and objectives of the strategy. We will continue to maintain

close links with English Heritage, other regional bodies working in the heritage field, and the voluntary sector to help deliver projects. Other similar funding partnerships will be investigated and encouraged.

Many of the actions outlined in the above strategy relate to ongoing work in which the Council is already involved. It is important that work continues in these subject areas and that improvements in the delivery of the service are achieved wherever possible, to realize the principal aims of the strategy. However it needs to be recognized that issues relating to the capacity of available staff resources could ultimately be a barrier to delivery. Some actions rely on others and their implementation is not directly under the control of the Local Authority.

## **9. Monitoring its Success and Review**

As a strategy document it is important to provide a timetable to measure progress in meeting its aims and objectives. As with the previous strategy a five year period will provide a suitable timescale on which progress can be judged. Given the above time-scale it is also proposed to monitor progress of the action plan on a yearly basis to allow new work priorities to be set and/or new projects/initiatives to be identified.

Ian Bond  
Heritage and Environment Manager

March 2009  
**Appendix 1.**

**West Lancashire Historic Environment – Data Set**

<b>Indicator</b>	<b>West Lancashire (1)</b>	<b>Lancashire 2008 (1)</b>	<b>North West 2008 (1)</b>	<b>Ranking in North West (2)</b>	<b>Ranking in Lancashire (3)</b>
<b>Understanding the heritage asset</b>					
Listed Buildings	506	5450	25 420	15 <sup>th</sup>	3 <sup>rd</sup>
Total No.of entries	5	71	486	20 <sup>th</sup>	3 <sup>rd</sup>
Grade I	21	275	1526	19 <sup>th</sup>	4 <sup>th</sup>
Grade II*	480	5104	23401	15 <sup>th</sup>	3 <sup>rd</sup>
Grade II					
Scheduled Monuments	12	146	1316	15 <sup>th</sup>	4 <sup>th</sup>
Registered Parks and Gardens	1	38	129	28 <sup>th</sup>	9 <sup>th</sup>
Conservation Areas	28	202	859	8 <sup>th</sup>	2 <sup>nd</sup>
Up to date Conservation Area appraisals	16	83	309	5 <sup>th</sup>	3 <sup>rd</sup>
Conservation area management plans	28	82	164	1 <sup>st</sup>	1 <sup>st</sup>
Listed Building Consents	31	502	1923	22 <sup>nd</sup>	5 <sup>th</sup>
Conservation Area Consents	5	55	275	19 <sup>th</sup>	6 <sup>th</sup>
Registered Locally Listed	123	N/A	N/A	N/A	N/A

Buildings					
-----------	--	--	--	--	--

- (1) Figures taken from English Heritage report *Heritage Counts 2008 Lancashire and North West* data set and relate to 2007/08 figures.
- (2) Ranking is based on 44 authorities in North West region.
- (3) The figure is the ranking based on the 14 Lancashire authorities (12 plus 2 unitary authorities).





## West Lancashire Heritage and Conservation Strategy.

### Work undertaken under Aim 1 – ‘To preserve and enhance the Districts heritage’

Aim/Action ref No.	Work or project undertaken	Comments	Objectives	Value (H/M/L)
PE.1	Maintain and update Building at Risk (BAR) register. Undertook re-survey (via external heritage surveyors) of the Districts listed buildings (613 in total) in order to record their condition and to flag up any buildings being neglected or at risk. Information/records held on a database helps focus work on the buildings most at risk.	West Lancashire has had a BAR register since 1989. The re-survey was undertaken in 2005. Under the Planning Acts the Council has a ‘duty’ to preserve the character of all listed buildings. English Heritage advises that all LA’s should maintain a BAR register.	A, B	High
PE.2	Building at Risk Grant programme. Grant support for buildings and properties identified on the Council’s BAR register. In last 3 years 17 grants have been approved benefiting 14 properties.	Funding obtained through Capital programme for 2005-08.	B, D	High
PE.3	Conservation area character appraisals. The programme of reviews of the Districts 28 conservation areas was completed in 2008. Work to maintain up to date reviews is continuing to ensure changes in our historic places are recognised and managed.	Duty under the Planning Act 1990 to review its conservation areas from time to time. English Heritage recommends that appraisals should be undertaken every 5 years.	A, B, C, D	High

PE.4	Conservation areas grant scheme supports works to repair or renew traditional features on properties i.e. sash windows. In the last 3 years we have supported 17 schemes to enhance the character and appearance of the Districts conservation areas.	Funding obtained through the Capital programme for 2005-08.	B, C, D	High
PE.5	Conservation Area Enhancement Work. These schemes are identified through public consultation in the conservation area review programme and highlight areas/schemes, which enhance the areas character/appearance e.g. replacing street furniture or providing 'traditional' styled street lights. Work also takes place in Ormskirk Town Centre. 15 schemes have been provided support totalling over £31K of investment.	Funding obtained through the Capital programme for 2005-08.  Lighting schemes carried out in partnership with LCC.  Partnership schemes with Parish Councils i.e. Newburgh Village Green.	B, D	High
PE.6	Conservation Area Tree and Hedge Planting Scheme. Enhancement Work identified through the appraisal work, in a number of conservation areas, to help with the re-planting of lost hedges and trees. In total 10 grants have been given out.	Funding obtained through the Capital programme for 2005-08.	B, D	Med
PE.7	Providing additional planning controls in conservation areas through the use of Article 4(2) Directions where appropriate to do so.	Identified through the conservation area appraisal work and only applied after consultation with local residents and landowners.	B, C	Med

PE.8	Proactively working with the Planning Officers to ensure adequate protection is given to any heritage asset through the development process.	Over 300 consultation responses are provided a year on 'heritage' issues.  Need to ensure that specialist conservation skills are kept within the Council.	B, C	High
PE.9	The running and organisation of the Conservation Areas Advisory Panel (CAAP) which provides independent comments on planning proposals which affect listed buildings and properties in conservation areas. The panel is made up of members drawn from local amenity groups and representatives from professional bodies with knowledge of the development process. Comments are fed back into the Development Control Planning function and are intended to help the Council on applications relating to heritage matters.	The Councils conservation panel is a long established group which 'add value' to the planning process by scrutinising planning proposals. West Lancashire is one of only a few authorities in the North West, which maintain a panel.	B, D	Med
PE.10	Production and updating of the Councils 'List of Locally Important Buildings'. The list recognises buildings, which are of local heritage value, which are not statutory protected through being a 'listed' building.	The Council's current 'Local List' was produced in 2005 and reviewed in 2008. Many of the buildings identified on the list have been submitted by Parish Councils and local groups.	A, B	Low



## West Lancashire Heritage and Conservation Strategy.

### Work undertaken under Aim 2 – ‘To promote awareness, knowledge and enjoyment’

Aim/Action ref No.	Work or project undertaken	Comments	Objectives	Value (H/M/L)
AK.1	Conservation area character appraisals. Work to maintain up to date reviews is continuing to ensure changes in our historic places are recognised and managed. Much of the work involves direct consultation with residents and exhibitions are promoted to allow discussions with Officers on any issues relating to the area.	The appraisal work provides a good way to engage with stakeholders with an interest in the Districts conservation areas.	C, D	Med
AK.2	The internet is recognised as a powerful tool for both informing and providing advice. We keep an up to date Web page with information on heritage issues, advice for property owners and residents with links to other sites and areas of information.	On going work.	C	High
AK.3	Publish the ‘Heritage and Environment’ Newsletter. Since Feb 2004 we have produced a newsletter, which is sent out to all residents who live in conservation areas or in a listed building (approx 2500 households) providing articles regarding current issues.	The newsletter was first published as a response of a customer survey. To date we have published 16 editions, which are available as a download off our Web site.	C	Med

AK.4	Production of advice leaflets and documents, which highlight specific heritage issues and promote awareness and understanding. 10 documents are currently available either in paper form or as a download from our Web page.	Target for 2009 is to publish a further leaflet relating to the cleaning of historic buildings.	C	Low
AK.5	Provide talks to local groups, bodies and organisations on various heritage topics.	Approximately 3-4 talks a year are provided both locally and at a regional and sub regional level.	C, D	Low
AK.6	Provide professional advice/guidance on a range of heritage issues to other Council Officers, Members, architects, property owners and residents.	Need to maintain staffing levels to retain high standard of conservation service.	C	High

## West Lancashire Heritage and Conservation Strategy.

### Work undertaken under Aim 3 – ‘To manage changes in the historic environment’

Aim/Action ref No.	Work or project undertaken	Comments	Objectives	Value (H/M/L)
MC.1	Maintain and update the Building at Risk (BAR) register in order to record the condition of all the Districts listed buildings and monitor changes.	See PE.1	A, B	High
MC.2	Conservation area character appraisals. The programme of reviews of the Districts 28 conservation areas was completed in 2008. Work to maintain up to date reviews is continuing to ensure changes in our historic places are recognised and managed in an appropriate and sustainable way.	Duty under the Planning Act 1990 to review its conservation areas from time to time. English Heritage recommends that appraisals should be undertaken every 5 years.	A, B, C	High
MC.3	Provide additional planning controls in conservation areas through the use of Article 4(2) Directions where it is appropriate to do so. Article 4 (2) Directions provide a tool to manage minor changes in conservation areas where these changes can harm the areas character and appearance.	Identified through the conservation area appraisal work and only applied after consultation with local residents and landowners.	B	Med



MC.4	Proactively work with the Planning Officers to ensure that the character and/or appearance of conservation areas and other heritage assets are given sufficient weight in the development process.	Over 300 consultation responses are provided a year on 'heritage' issues.  Need to ensure that specialist conservation skills are kept within the Council.	B	High
MC.5	Work in partnership with other Council departments, organisations and public bodies to ensure heritage is properly considered and protected.	Heritage is often a driver in regeneration projects as it provides a sense of place.	D	Med

## West Lancashire Heritage and Conservation Strategy.

### Theme 1. Looking after our heritage – the need to manage and sustain its value

Heritage Issue	Proposed aims	Proposed action	What has already been achieved	Targets/ Timescales
1.1 To continue to monitor the Districts Listed Buildings.	1.1.1 In line with Government guidance to maintain an up to date <i>Building at Risk Register</i> (BAR register), which records, to a suitable standard, the condition of all the districts stock of listed buildings.	1.1A Monitor and record the condition of the listed buildings in the District.  1.1B Focus efforts on reducing the numbers of listed buildings considered at risk.	<ul style="list-style-type: none"> <li>• The Council has had a BAR register since 1989.</li> <li>• The last full review was completed in March 2005.</li> <li>• Funds between 2005-08 were made available to provide grants to assist in the repair of buildings at risk.</li> </ul>	<p>To maintain a 5 yr cycle for the re-surveys.</p> <p>To reduce, by 4 per year, the number of 'at risk' buildings.</p>

<p>1.2 To manage proposed changes in the historic environment in a sustainable way.</p>	<p>1.2.1 That the Council fulfils its duty to ensure that all listed buildings, scheduled monuments and historic landscapes and gardens are adequately protected and their historic character is preserved. 1.2.2 To encourage development that is sensitive to its context and respectful of the character and distinctiveness of the District through the form, scale and use of appropriate materials.</p>	<p>1.2A Increase the understanding of decision makers on the issues, which can effect the historic environment and develop ways of support.  1.2B Provide training to Officers and Council Members on conservation issues.  1.2C Encourage use of good design through an Awards scheme.</p>	<ul style="list-style-type: none"> <li>• Continue to influence the design of development, which affects the historic environment.</li> <li>• Continue to operate Conservation Advisory Panel (CAAP).</li> <li>• West Lancashire Design Awards has operated since 1989.</li> </ul>	<p>On going work</p> <p>Meet 12 times a year</p> <p>Awards are run every 2 years.</p>
<p>1.3 To ensure we provide specialist conservation and heritage expertise and advice at all levels within the District.</p>	<p>1.3.1 To retain the skills in place within the Council to ensure an appropriate level of service is provided when dealing with developments/sites with heritage issues. 1.3.2 Highlight the 'added value' gained in having conservation skills embedded within the Planning Division.</p>	<p>1.3A To continue to employ at least one trained conservation specialist within the Planning Division.  1.3B Ensure that conservation advice/input is provided on schemes to maximise their value (social, economic and environmental benefits).</p>	<ul style="list-style-type: none"> <li>• Heritage and Environment Section has 2 conservation posts (1 of which is currently vacant and unfilled).</li> <li>• Heritage advice and input is provided on developments in Ormskirk Town Centre (i.e. Aughton Street, Ormskirk Station, Edge Hill University).</li> </ul>	<p>To seek to retain 2 posts</p>

<p>1.4 The need to intervene to ensure the proper preservation of the Districts heritage.</p>	<p>1.4.1 By using the powers available avoid any net loss to the value of significant heritage buildings, sites or places.</p>	<p>1.4A To serve Repairs Notices and/or Urgent Works Notices where it is appropriate to do so.</p> <p>1.4B To use Listed Building Enforcement Notices to remedy serious breaches in Listed Building legislation.</p>	<ul style="list-style-type: none"> <li>In the last 5 years threats of Urgent Works Notices have been used on 11 occasions to secure works to listed building.</li> </ul>	<p>On-going</p>
<p>1.5 Heritage assets are often seen as a constraint rather than an asset in development</p>	<p>1.5.1 Champion the value of heritage and the retention and enhancement of the historic environment as an essential part of successful and sustainable development.</p>	<p>1.5A Have a heritage 'voice' within the Council.</p>	<ul style="list-style-type: none"> <li>Portfolio Holder for Planning and Transportation is designated as the Heritage Champion.</li> </ul>	<p>In place</p>



## West Lancashire Heritage and Conservation Strategy.

### Theme 2 Heritage is for everyone - promote a proper understanding and enjoyment of our heritage.

Issue	Proposed Aims	Action	What has been achieved	Targets
2.1. People don't recognise heritage as something to value.	<p>2.1.1 Improve the awareness of the educational value of our heritage.</p> <p>2.1.2 Make heritage open and available to everyone.</p>	<p>2.1A. Provide educational material on heritage for local schools.</p> <p>2.1B Produce more information regarding the historic environment and why it is important to preserve.</p>	<ul style="list-style-type: none"> <li>Produced in 2008 <i>Heritage Teacher Resource Pack</i>, which provides classroom materials/worksheets on identifying and understanding our heritage.</li> </ul>	<p>Done</p> <p>To promote its use – 4 schools a year</p>
2.2. Increase the number of people involved in heritage activity	<p>2.2.1 Encourage stakeholders to be involved in identifying and preserving heritage assets.</p> <p>2.2.2 Improve enjoyment of the historic environment.</p>	<p>2.2A Encourage participation in identifying heritage assets through Local List initiative and improved advice and guidance on Web site.</p> <p>2.2B Have a greater involvement in the Heritage Open Days programme.</p> <p>2.2C Develop resources and links with local communities to encourage the use of heritage and its protection.</p>	<ul style="list-style-type: none"> <li>The Council has a list of locally important buildings, which involves consultation with the local community and Parish Councils. Last update was in 2007.</li> </ul>	<p>Greater public involvement to be encouraged in next update.</p> <p>To encourage 2 new sites to be opened up each year.</p>

<p>2.3. Encourage the use of heritage as being important to tourism in the District.</p>	<p>2.3.1. Identify, protect and enhance the assets on which tourism depends i.e. canal network.</p> <p>2.3.2. Use heritage as the corner stone to develop sustainable tourism within the District.</p>	<p>2.3A Work in partnership with other organisations i.e. British Waterways to improve heritage on the canal network.</p> <p>2.3B To liase with tourism officials both at a local and regional level to seek ways in which heritage can be utilised better within the district.</p>	<ul style="list-style-type: none"> <li>Identified the buildings at risk on the canal network and discussed with BW how these can be improved.</li> </ul>	<p>To remove buildings from the BAR register.</p>
<p>2.4. Promote a proper understanding of conservation techniques and good practice.</p>	<p>2.4.1. Ensure that owners of historic assets are aware of their value and their responsibilities in relation to looking after and maintaining their buildings.</p>	<p>2.4A. Provide an appropriate level of specialist conservation advice to owners of heritage assets within the district.</p> <p>2.4B. Produce guidance material for owners via various media i.e. leaflets, web site, newsletter.</p>	<ul style="list-style-type: none"> <li>Since Feb 2004 we have produced a heritage newsletter, which goes out to approx 2500 residents. To date we have published 16 editions.</li> </ul>	<p>On going</p>

## West Lancashire Heritage and Conservation Strategy.

### Theme 3 Identifying our heritage and making a case for its retention

Issue	Proposed Aims	Action	What has been achieved	Targets
3.1. To identify and record all the heritage assets, which are important within the District.	3.1.1. To continue to develop and maintain up to date and comprehensive information base detailing all elements of the historic environment (both nationally and locally important buildings and sites)	3.1A Continue to put forward, for national 'listing' any buildings found to have significant architectural or historic value.  3.1B To produce and maintain an up to date list of Locally important buildings.	<ul style="list-style-type: none"> <li>• Since 2005 six buildings have been 'spot listed' and added to the national register.</li> <li>• Since January 2005 the Council has had an approved 'Local List'. This was reviewed in 2007.</li> </ul>	On -going  The Local List will have a full review every 5 years (2010).
3.2. Ensuring protection of the historic environment is effectively integrated into the LDF and Regional and sub regional strategies/plans.	3.2.1. Influence policy makers at a regional level.  3.2.2. Influence planning policy through Local development Framework.	3.2A Have direct role in policies as they relate to the historic environment.  3.2B For the Council to continue to sit on regional and sub regional heritage groups and forums.	<ul style="list-style-type: none"> <li>• Member of Lancashire Conservation Officers working group.</li> </ul>	On going participation



<p>3.3. The value of heritage is often overlooked or played down</p>	<p>3.3.1 Improve understanding to ensure important heritage is not devalued or lost.</p>	<p>3.3A Promote best practice within Council and sub region.</p> <p>3.3B Benchmark heritage service with other authorities within Lancashire and North West to ensure what we do is ensuring protection of heritage assets.</p>	<ul style="list-style-type: none"> <li>• Benchmarking figures already produced by English heritage through <i>Heritage Counts</i> publication</li> </ul>	<p>On going</p>
<p>3.4. Look at how we can build capacity in heritage protection.</p>	<p>3.4.1 Improve partnerships with other organisations to help deliver heritage protection.</p>	<p>3.4A Look at how the service is provided and how it can be improved by working with other Local Authorities in Lancashire or sub region.</p>		



**AGENDA ITEM: 12**

**EXECUTIVE OVERVIEW  
AND SCRUTINY COMMITTEE**

**8 APRIL 2009**

---

**Report of: Executive Manager Housing and Property Maintenance Services**

**Relevant Portfolio Holder: Councillor Mrs Hopley**

**Contact: Laura Gee (Extn. 5196)  
(E-mail: [laura.gee@westlancsdc.gov.uk](mailto:laura.gee@westlancsdc.gov.uk))**

---

**SUBJECT: HOUSING ALLOCATION POLICY**

---

RVL/BC/2.887eosc  
17 March 2009

District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to seek any views of the Executive Overview and Scrutiny Committee before Cabinet deciding any changes to the Housing Allocation Policy.

**2.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

2.1 That any comments of this Committee be forwarded to Cabinet at their meeting on 16 June 2009 in order that they can make an informed decision.

---

**3.0 BACKGROUND**

3.1 I attach a copy of the report which is going to the Cabinet meeting on 16 June 2009. (Appendix 1).

#### **4.0 CURRENT POSITION**

- 4.1 The current position is that it has become necessary to make some technical and operational changes to the Allocations Policy to ensure that this is fair and equitable for applicants.
- 4.2 In order that Cabinet can receive the views of others before making a final decision consultation is taking place with the Executive Overview and Scrutiny Committee and also the Tenants' and Residents' Forum.

#### **5.0 ISSUES**

- 5.1 The attached report highlights the issues and proposals to make the policy more robust.
- 5.2 It would be helpful if the Executive Overview and Scrutiny Committee were to let Cabinet have their views on this matter in order that an informed decision can be made at their meeting on 16 June.

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

- 6.1 See Appendix A.

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

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

#### **8.0 RISK ASSESSMENT**

- 8.1 A risk assessment was carried out on the existing Allocations Policy and it was felt that this needed to be amended at the current time to address some issues since the Allocations Policy came into force. It is felt that the time is right to address these issues prior to moving forward on Choice Based Lettings.

#### **9.0 CONCLUSIONS**

- 9.1 It is felt that the existing Allocations Policy needs to be amended for the reasons set out in the attached report and it would be helpful for Cabinet to receive Members' views on this.
- 9.2 Equally, the views of the Tenants and Residents are being sought via their Forum prior to the next Cabinet meeting on 16 June.

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix 1 – Review of the Housing Allocations Policy – Cabinet Report





**APPENDIX**

**AGENDA ITEM:**

**CABINET**

**16 JUNE 2009**

---

**Report of: Executive Manager Housing and Property Maintenance Services**

**Relevant Portfolio Holder: Councillor V Hopley**

**Contact: Laura Gee (Extn. 5196)  
(E-mail: [laura.gee@westlancsdc.gov.uk](mailto:laura.gee@westlancsdc.gov.uk))**

---

**SUBJECT: REVIEW OF THE HOUSING ALLOCATIONS POLICY**

---

RVL/LG/EH2869cab  
5 March 2009

District wide interest.

**1.0 PURPOSE OF THE REPORT**

1.1 The purpose of this report is to review the current Allocations Policy to ensure that it remains compatible with recent legislative changes and the changes in the housing market.

**2.0 RECOMMENDATIONS**

2.1 That the draft Housing Allocations Policy attached as an Appendix to the report be approved.

2.2 That the Executive Manager Housing and Property Maintenance Services, in consultation with the Portfolio Holder for Housing, be given delegated authority to review and make future changes to the policy in light of legislative change.

### **3.0 BACKGROUND**

- 3.1 The Housing Act 1996 as amended by the Homelessness Act 2002 provides the statutory under-pinning for the process by which local authorities determine priority for an allocation of social housing.
- 3.2 Following the amendments made to the Housing Act 1996 by the Homelessness Act 2002, a new Allocations Policy was introduced in October 2003. A review was carried out in 2005, which led to an amended scheme being introduced in April 2006. This recent review has been carried out following a recommendation from the Department for Communities and Local Government (DCLG).
- 3.3 In March 2008, Neil Morland, Specialist Advisor, DCLG, visited every local authority in the North West to assess their performance in relation to homelessness advice and prevention. One of the recommendations from the meeting was that the Allocations Policy should be reviewed as there had been recent developments in case law which may have an impact on how we assess priority for an allocation of accommodation.
- 3.4 A further consideration has been the Government target that all local authorities should move to a Choice Based Lettings Scheme by 2010.

### **4.0 CURRENT POSITION**

- 4.1 The Council currently operates a traditional allocations system whereby applicants are offered available properties as they become vacant. Applicants are provided with some choice however this is limited to applicants selecting areas of choice and acceptable property types. A full Choice Based Lettings Scheme would allow applicants to express an interest in properties as they become vacant based on their own personal preferences.
- 4.2 A separate report has been produced on the options available to the Council in moving towards a Choice Based Lettings Scheme.
- 4.2 The need to explore the introduction of a Choice Based Lettings Scheme by 2010 and the recommendation made by the Department for Communities and Local Government, led to the decision to review the Allocations Policy to ensure it was compliant with current legislation and guidance as the Policy will form the basis of any Choice Based Lettings Scheme that is introduced.

### **5.0 ISSUES**

- 5.1 There has been an increase nationally in the number of applicants for social housing seeking assistance in challenging local authority decisions and allocations schemes.
- 5.2 There is increased pressure on social housing from applicants in housing need including homeless applicants.

## **6.0 PROPOSALS**

- 6.1 A summary of the recommended changes can be found at Appendix 1.
- 6.2 The proposed revised policy is outlined at Appendix 2.

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

- 7.1 The introduction of a revised Allocations Policy alongside a Choice Based Lettings Scheme will increase choice for the applicant and contribute to meeting the housing needs and aspirations of the local community.
- 7.2 The proposal has the following links to the Community Strategy; Community Safety (issues D & E), Health and Social Care (issues A, B and E), Community Regeneration and Housing (issues B, D and E)

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 Reproducing revised documentation will incur a cost, however, this can be borne out of current budgets.

## **9.0 RISK ASSESSMENT**

- Implementing the revised Allocations Policy will ensure that the Council remains compliant with the Housing Act 1996.
- Failing to update the policy following legal advice could lead the Council open to legal challenge in the courts which would incur associated costs.
- Revising the Allocations Policy will ensure that any future Choice Based Lettings Scheme can be implemented before the 2010 deadline.
- Not implementing the revised changes could impact on the timescale for implementing Choice Based Lettings.

## **10.0 CONCLUSIONS**

- 10.1 Taking the opportunity to review the Allocations Policy and implement the revised changes will ensure that the threat of legal challenge is minimal and that in conjunction with other recommendations (introduction of Choice Based Lettings and a Homeless Prevention Fund) the Council is able to continue to make progress towards the targets set by central government in relation to increasing accessibility and choice in social housing and the reduction of homelessness.



## **Background Documents**

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

## **Equality Impact Assessment**

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

## **Appendices**

Appendix 1                      Summary of Amendments to the Housing Allocations Policy

Appendix 2                      Housing Allocations Policy Draft 2008

## Summary of Amendments to the Housing Allocations Policy

### **Introduction**

West Lancashire District Council has a duty to prepare and publish a scheme for the allocation of housing accommodation within the District.

Due to recent case law relating to the allocation of accommodation and changes in the housing market, the allocations policy is being reviewed to ensure that it remains compliant.

This summary will highlight the main changes that have been made to the 2006 version of the policy.

### **Section 7.0 - Policy on Choice**

#### **Current Policy:**

The 2006 policy offers applicants with children under 10 years old, who are seeking accommodation in high demand areas, the option to request to be listed for ground floor flat or maisonette accommodation.

#### **Revised Policy:**

The revised policy offers more choice to the applicant by allowing households with children of any age to apply for any property type they wish including above ground floor flat or maisonette accommodation.

This amendment is suggested due to the increasing numbers of families with children under 10 years old requesting to be listed for flat or maisonette accommodation as well as houses. The administrative burden of applicants submitting written requests under the current scheme would be reduced, as applicants would automatically be allowed to register for any type of accommodation at the application stage. This places choice firmly with the applicant.

#### **Recommendation:**

It is recommended that the suggested amendment be accepted.

## **Section 10.0 - 16 and 17 year olds**

### **Current Policy:**

The minimum application age is 18. One exception to this is those 16 and 17 year olds who are found to be unintentionally homeless and in priority need, where there is no alternative option but to provide a tenancy. This age group are a priority category under homeless legislation therefore they must be accommodated.

### **Revised Policy:**

It is proposed that the age limit for those applicants applying to join the housing register be reduced to 16 (subject to conditions).

The Homelessness Priority Needs (England) Order 2001 made 16 & 17 year olds a priority group under homelessness. Unless the young person is intentionally homeless, the Council will have a duty to accommodate them if they are homeless.

The Homelessness Code of Guidance for Local Authorities makes it clear that this age group should not be accommodated in accommodation without support. However, due to a shortage of supported housing for this age group, it is becoming more and more difficult to find supported placements.

Conditions will be in place to ensure that the young person's parents/guardians are aware that an application has been made (unless the young person would be at risk), that the young person has the ability to pay the rent and that they agree to a referral to a support provider to ensure that the tenancy can be sustained.

If the young person does not agree to this then they will not be offered a tenancy.

A specific tenancy agreement will be introduced for this age group to reflect the different legal status they have. An introductory tenancy will be offered once the young person reaches the age of 18.

Young people aged 16 and 17 will be subject to the same possession proceedings if there is a breach of tenancy.

### **Legal Advice:**

When seeking legal advice on the proposed draft scheme, counsel was asked to advise on the legality of not accepting applications from persons aged 16 or 17. Counsel advised that a blanket exclusion of 16 and 17 year olds would be unlawful.

Counsel was also asked to comment on the legality of making it a condition of the accommodation offer that the young person agrees to being referred to a floating support provider. Counsel advised that it would be reasonable to impose these conditions.

### **Recommendation:**

It is recommended that the minimum age for applicants be reduced to 16 and any offers of accommodation to 16 and 17 year olds be subject to the conditions outlined above.

If members would like to retain the application age of 18, they must be aware that this could be open to legal challenge.

## **Section 12.0 Assessment Stage**

### **Rent arrears**

#### **Current Policy:**

The current policy allows applicants with rent arrears (either current or former) to join the housing register. The applicant will not be offered accommodation until a payment plan has been entered into. The length of time the payment plan must be kept to is based on the amount owed.

The current payment plans are as follows:

£0-£100	applications will be approved with this small level owing
£101-£250	payments must be made for 2 months before approval
£251-£500	payments must be made for 3 months before approval
£501-£750	payments must be made for 4 months before approval
£751-1000	payments must be made for 5 months before approval
£1001+	payments must be made for 6 months before approval

#### **Revised Policy:**

The current policy does not allow for an effective recovery of former tenant debts and applicants can still be re-housed with debts of over £1000.

To assist in the recovery of former tenant debts the policy has been amended as follows:

£0-£100	applications will be approved with this small level owing
£101-£250	regular agreed payments must be made for 2 months before approval
£251-£500	regular agreed payments must be made for 3 months before approval
£501-£1000	amount must be reduced to under £500 then regular agreed payments must be made for 3 months
£1001+	applicants with this level of arrears will be treated as ineligible for an allocation therefore an application to join the housing register will not be accepted.

Applicants with rent arrears over £1001 will not be accepted onto the housing register until the arrears have been reduced to under £500 and a payment plan has been kept to.

Applicants owing £101 - £1000 will have their application placed in Band D until the required payment plan has been kept to.

The Service Manager (Voids and Allocations) will still have the authority to approve applications with rent arrears where there are exceptional circumstances.

Where the Council has accepted a duty under homelessness to house a household and that household has rent arrears, the case will be treated as an exceptional application and will be approved with homeless priority despite the arrears. The Homelessness Advice & Prevention Team will ensure that a payment plan is set up and will attempt to recover 50% of the debt at the outset.

**Legal Advice:**

Counsel was asked to comment on the legality of not accepting applications from households who owe arrears of £1001 and above. Counsel advised that it would be lawful as long as the arrears had been proved.

**Recommendation:**

It is recommended that the proposed amendments be accepted.

If applications from applicants owing £1001 or over are to be accepted, it is recommended that they be placed in band D.

**Section 17.0 Reduced Priority**

**Current Policy:**

The current policy allows applicants to be excluded from the housing register where there has been serious unacceptable behaviour. However, where there has been behaviour that is serious but does not meet the stringent criteria for exclusion, there is no mechanism to allow for reducing an applicants priority.

**Revised Policy:**

The revised policy allows the reduction of priority in cases where there has been behaviour serious enough to make an applicant unsuitable to be a tenant.

For example, where an application would attract band B priority but the applicant or a member of the applicant's households has been guilty of unacceptable behaviour, the application will be placed in band D.

The application will remain in band D unless an appeal is successful, the household's behaviour improves or the 2-year exclusion has been served with no further incidents.

Once the applicant is no longer considered to be unsuitable to be a tenant, the application will be awarded the most appropriate band based on the household's circumstances at the time the case is reviewed.

The Housing Act 1996 (as amended) allows for priority to be reduced in cases where there has been unacceptable behaviour.

## **Section 13 Priority Banding – Band A**

### **Current Policy:**

The criteria for band A is as follows:

- Applicants who have made a homeless application and have been assessed as being unintentionally homeless and in priority need as a result of being victims of violence or harassment
- Severe overcrowding
- Urgent Medical Need
- Unfitness and Disrepair
- Anti-Social Behaviour
- Multiple Needs

### **Revised Policy:**

The proposed criteria for the new policy is as follows:

- Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need as a result of being victims of violence or harassment;
- **Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being victims of violence or harassment;**
- Severe overcrowding;
- Urgent Medical Need;
- Unfitness and Disrepair;
- Anti-Social Behaviour;
- **Persons left in occupation of a WLDC tenancy;**
- **WLDC tenants under occupying a property wishing to move to a smaller property;**
- Multiple Needs

The criteria in bold have been added to the original set of criteria.

## **Section 14.0 Priority Banding – Band B**

The current criteria for band B is as follows:

- Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need who are not at risk of violence/threats of violence;
- Those left in occupation of a Council property, following the death of a tenant with no succession rights to the tenancy;
- Overcrowding;
- Unsatisfactory Housing Conditions;
- Medical;
- Welfare;
- Hardship or Employment Grounds;

- Under occupying;
- Care Leavers Requiring A Move To Independent Living.

**Revised Policy:**

The revised criteria is as follows:

- Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need for reasons other than violence.
- Overcrowding
- Unsatisfactory Housing Conditions
- Medical
- Care
- Hardship Employment or Financial Grounds
- Care Leavers Requiring a Move to Independent Living
- Homelessness Prevention

Some of the original band B criteria have been moved to band A. The only addition to band B is the awarding of this level of priority in cases where homeless prevention methods are being used.

**Section 15.0 Priority Banding – Band C**

**Current Policy:**

The current criteria for Band C is as follows:

- Those living with family/friends or lodging with no security of tenure but with no other housing need;
- Those living in a mobile home on a non-residential site;
- Those assessed as intentionally homeless with priority need and eligible for an offer of accommodation;
- Those assessed as being homeless but with no priority need;
- Those applicants who have refused 3 reasonable offers of accommodation from the housing register;
- Those applicants who have refused 2 reasonable offers of accommodation in the discharge of a homelessness duty.

**Revised Policy:**

The revised criteria for band C is as follows:

- Applicants living with family/friends or lodging with no security of tenure but with no other housing need;
- Those renting in the private sector with an assured-shorthold tenancy of 12-months or less;
- Those living in a mobile home on a non-residential site;
- Those assessed as being intentionally homeless with priority need and eligible for an offer of accommodation.

- Those assessed as being homeless but with no priority need.
- Those applicants who were in band A or B and have refused 3 reasonable offers of accommodation from the housing register.
- Those applicants who were in Bands A or B who have stated they are not ready to move but wish to remain on the housing register.
- Those applicants who have refused 1 reasonable offer of accommodation in the discharge of a homelessness duty.

### **Section 16.0 Priority Banding – Band D**

#### **Current Policy:**

The current criteria for band D is as follows:

- Owner-occupiers with no housing need and reasonable ability to access other housing resources;
- Those who occupy mobile homes on residential caravan parks and have no housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band. This would normally include Council or Housing Association tenants who wish to move to a similar sized property in the district.

#### **Revised Policy:**

The revised criteria for band D is as follows:

- Those who occupy mobile homes on residential caravan parks and have no other housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band;
- Secure Council or Housing Association tenants with no other housing need;
- Tenants in the private sector with more than a 12-month assured shorthold tenancy and no other housing need (once the tenancy has 12-months or less left to run, the application can be placed in band C);
- Any applicant who has been assessed as being unsuitable to be a tenant and has had 'reduced priority' awarded to their application;
- Applicants who have given up a secure property within the 12-months prior to the application who did not have a good reason for doing so.

Those owner-occupiers with the financial ability to access other housing resources will no longer be accepted onto the housing register.

### **Section 18.0 Savings & Assets**

#### **Current Policy:**

The current policy does not take account of the financial circumstances of applicants and this can lead to equity rich owner-occupiers being allocated Council accommodation, sometimes in high demand areas, over applicants without such resources.



## **Revised Policy:**

To address this issue, it is proposed that where an applicant has the financial ability to resolve their own housing need, they will not be able to apply to the housing register.

Where the council agrees to assist with re-housing, the applicant must not sell their home before they have accepted an offer of accommodation. However, they must agree to sell the property as soon as they have been re-housed and not rent out their home or make any financial gain whilst waiting to sell.

## **Legal Advice:**

Counsel advises that it is lawful to treat such applicants as ineligible and refuse to accept an application to join the housing register.

However, should members wish to allow such households to be eligible to apply to the housing register, it is recommended that such applications be placed in band D to ensure financially able applicants do not receive higher priority than those applicants who are not in such a strong financial position.

## **Section 20.0 – Allocation Stage**

### **20.1 Lettings Criteria**

The Department for Communities and Local Government published the Tackling Overcrowding in England – An Action Plan in December 2007. The intention of the government is to replace the current overcrowding standards with a new Bedroom Standard. Rather than waiting for the change, which is anticipated next year, it is recommended that the Bedroom Standard be adopted into this policy.

Under the new standard, a separate bedroom is allocated to each:

- Married or cohabiting couple
- Each adult aged 21 years or more
- Each pair of adolescents aged 10-20 years of the same sex
- Each pair of children aged under 10 years regardless of sex
- Any unpaired person aged 10-20 years is paired if possible with a child under 10 years of the same sex. If this is not possible, they should be given a separate bedroom. The same applies to any unpaired child aged under 10 years.

This standard will govern how many bedrooms are allocated to each household and when a household will be considered overcrowded.

## **Section 23.0 Local Lettings Policy**

### **Current Policy:**

The current policy allows for allocations to be made to people with a local connection to certain areas. This means that there are occasions where applicants with no housing need are offered accommodation over applicants with housing need who do not have a local connection to that area.

### **Revised Policy:**

The way properties are allocated based on local connection has not been changed.

However, in addition to the current local connection areas, it is proposed to add Old Skelmersdale to the areas where a minimum of 50% of allocations will go to people with a local connection.

This is proposed due to the low turnover of accommodation in this area.

### **Legal Advice:**

The local connection policy has been reviewed by Counsel and advice has been received that current practice may be unlawful and subject to legal challenge.

The current allocations policy allows allocations to be made solely on the basis of local connection not on housing need. This is against the Housing Act 1996, which states that reasonable preference for an allocation must be given to applicants in housing need.

The Act does allow for local connection to be a consideration however, Counsel advises that this must not be the only consideration and housing need must be taken into account.

Counsel's advice is that local connection can be used to give preference to applicants in the same priority band who have a local connection. For example, where a list of matching applicants has been produced and there are band A applicants, these applicants have the highest level of housing need. The order of those applicants is determined by the date they were awarded band A priority. If there are six people in band A but the fourth person in the band is the only applicant with a local connection, then the allocation can be made to them, even though three other applicants have been by-passed. This is because they all have the same level of housing need but the Act allows additional preference to be given to someone with a local connection.

However, where the first applicant on the list with a local connection has for example band C priority, they have low housing need. To by-pass all the band A and B applicants to make this allocation could be unlawful. This is because the allocation is being made on the basis of local connection only and applicants with high housing need have been disadvantaged because they have not got local connection.

## **Guidance:**

Members are asked for their view as to whether they would like the policy to remain unchanged (it is unchanged in the draft document) in this regard or to refer this particular section back to be re-drafted to take into account Counsel's comments.

## **Section 24.0 Local Connection Criteria**

### **Current Policy:**

To be considered as having a local connection to an area, an applicant must meet the following criteria; an applicant normally must;

1. Have lived in that area for a period of 3 out of the last 5 years; or
2. Have family who have lived in that area for 2 years prior to the date of application and be required to move to the area to give support to a family member or receive support from a family member; or
3. Be required to move to or remain in that area to receive support of local organisations or support facilities such as day centres or treatment centres which they could not otherwise reasonably attend

### **Revised Policy:**

It is recommended that points 1 and 3 be retained.

Point 2 should be amended to remove the need for the applicant to prove they need to move to give or receive care. Point 2 will now read,

2. Have close family who have lived in that area for a minimum of 2 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, adult children and siblings. Relations such as step-parents, grandparents, grandchildren, aunts, and uncles can be considered close if there are sufficiently close links in the form of frequent contact, commitment or dependency

The applicant must also currently live at least 3 miles away from the family member they want to move nearer to or be moving to the district from another local authority area.

This definition is more in line with the legal definition of local connection.

In order to recognise the current worklessness agenda, it is recommended that a 4<sup>th</sup> criteria be added. This would read as follows;

4. Have been permanently employed in the district for at least the previous 12-months (full or part time). The self-employed will be considered if their main business is within the district. Casual work is not included. Local connection will be awarded for the area within the district, which the applicant works.

## **Section 28.0 Refusal of Offers**

### **Current Policy:**

Under the current policy, band A & B housing register applicants are allowed 3 offers before their application is re-banded to Band C. After 3 further refusals in Band C, the application is suspended for 6-months.

Applicants accepted as unintentionally homeless and in priority need are made 2 offers before the statutory duty is discharged and the housing register application is re-banded to Band C for 3 further offers. After 3 further offers, the application is suspended for 6-months.

### **Revised Policy:**

The recommendation for the new policy is that housing register applicants in Bands A or B who refuse or don't respond to 3 offers will have their applications re-banded to Band C. The application will remain in Band C and eligible for offers unless or until it is cancelled as part of a system review, the applicant cancels the application or is re-housed. It is not recognised as good practice to cancel applications on the grounds that offers have been refused.

With regards to applicants with homeless priority, it is recommended that only **1 offer** of accommodation should be made.

The ability to meet government targets in relation to homelessness and the use of temporary accommodation is becoming increasingly difficult. The practice of making 2 offers of accommodation to homeless households is hampering that effort, especially where the household is a 2-bed requirement.

The current waiting time for 2-bed accommodation for an applicant with Band B priority is approximately 6-months. Therefore, if an applicant has been in temporary accommodation for 6-months, receives an offer which they refuse, it could be a further 6-months before a second offer is made. This increases the length of time spent in temporary accommodation.

In order to assist the Council to reduce temporary accommodation use, it has been recommended by the Department for Communities and Local Government Special Housing Advisor that we strictly interpret the Housing Act 1996 and only make 1 offer of accommodation to homeless applicants. This view is supported by the Strategic Manager (Homelessness).

If this recommendation is adopted and the first and only homeless offer is refused, the homelessness duty will be discharged and the housing register application will be re-banded to Band C where it will remain eligible for further offers unless cancelled as above.





WEST LANCASHIRE DISTRICT COUNCIL

HOUSING ALLOCATION POLICY

DRAFT

NOVEMBER 2008

## CONTENTS

<b>1.0</b>	Introduction	4
<b>2.0</b>	Aims & Objectives	4
<b>3.0</b>	Principles of the Allocations Scheme	5
<b>4.0</b>	Scope of the Policy	6
<b>5.0</b>	Allocations Excluded from the Scheme	6
<b>6.0</b>	Equality of Opportunity in Housing	7
<b>7.0</b>	Policy on Choice	7
<b>8.0</b>	Offering Choice to Homeless Applicants	8
<b>9.0</b>	Application Stage	9
<b>10.0</b>	Applicants aged 16 or 17	11
<b>11.0</b>	Agricultural Workers	11
<b>12.0</b>	Assessment Stage	12
<b>13.0</b>	Band A	17
<b>14.0</b>	Band B	20
<b>15.0</b>	Band C	23
<b>16.0</b>	Band D	24
<b>17.0</b>	Reduced Priority	25
<b>18.0</b>	Savings & Assets	25
<b>19.0</b>	Change of Circumstances	26
<b>20.0</b>	Allocation Stage	27

<b>21.0</b>	Open Lets	28
<b>22.0</b>	Adapted Dwellings	28
<b>23.0</b>	Local Lettings Policy	29
<b>24.0</b>	Local Connection Criteria	31
<b>25.0</b>	Local Connection and Homeless Applicants	32
<b>26.0</b>	Offers of Accommodation	33
<b>27.0</b>	Reasonable Offers	33
<b>28.0</b>	Refusal of Offers	34
<b>29.0</b>	Joint Tenancies	35
<b>30.0</b>	Exceptional Circumstances	35
<b>31.0</b>	Nominations to Registered Social Landlords	35
<b>32.0</b>	Review of the Housing Register	36
<b>33.0</b>	Reviews	36
<b>Appendix 1</b>	Local Connection Areas	37
<b>Appendix 2</b>	Overcrowding Assessment Guidance	38
<b>Appendix 3</b>	Lettings Criteria	39
<b>Appendix 4</b>	Review Procedure	40



## **1.0 Introduction**

- 1.1 West Lancashire District Council has a duty to prepare and publish a scheme for the allocation of housing accommodation within the district. Part VI of the Housing Act 1996, as amended by the Homelessness Act 2002, provides a framework within which local authorities allocate council tenancies and nominate applicants to Registered Social Landlords.
- 1.2 This document sets out West Lancashire District Council's Housing Allocations Policy and contains the priorities and procedures for allocating council homes and nominations to Registered Social Landlords in the district.
- 1.3 The Housing Allocations Policy ('the Policy') was reviewed in light of changes made to the Housing Act 1996 by the Homelessness Act 2002. Following that review, a new scheme was introduced in October 2003.
- 1.4 The Policy was reviewed for the second time in 2005 and a revised scheme was brought into effect in April 2006.
- 1.5 A third review of the Policy was carried out in 2008 to ensure that the housing needs of the district were still reflected in the scheme and to ensure that any changes in legislation, case law or Guidance from the Secretary of State has been taken into account.
- 1.6 The Executive Manager Housing & Property Maintenance Services has the delegated authority to make amendments to this policy where there have been legislative changes.
- 1.7 This current version came into effect **(insert date)**.

## **2.0 Aims & Objectives**

- 2.1 The Council aims through its Policy to enable those seeking homes to make informed choices about their housing options and to maximise the use of social housing in the district. The Policy seeks:
  - To give priority to those in greatest housing need
  - To help meet local housing needs and prevent homelessness
  - To develop stable communities by assisting people to find a home of their choice in their areas of choice

- To make best use of the council's housing stock and reduce the number of void homes
- To promote equality of opportunity to those seeking homes
- Deliver an allocations scheme that is transparent and easy to understand

### **3.0 Principles of the Allocation Scheme**

3.1 The council is committed to the provision of a customer focussed and equitable allocations scheme in accordance with the following general principles:

- There is no legal requirement for the council to maintain a housing register. However West Lancashire District Council has chosen to maintain a housing register.
- All those seeking an allocation of social housing from the authority (or its partner Registered Social Landlords), must apply to join the housing register.
- In making their application, applicants are entitled to express their preferences with regards to the areas and property types in which they would like to live.
- All applicants who are eligible to join the scheme will be allowed to join the scheme.
- Applicants for social housing are assessed in terms of their housing needs and are placed within a priority band.
- Allocations will be made on the basis of the applicant's priority band and the date the level of priority was awarded.
- Applicants who have a local connection with a housing area may be given preference for an allocation in that area based on the quota that has been set for that area (see Appendix 1).
- Applicants will be given choice and may express their preferences with regards to areas of choice and property types.
- Nominations for allocations by partner Registered Social Landlords will be made on the same basis as for the letting of council accommodation.
- Accommodation is allocated in accordance with the guidelines on household types, property size and type of property (except for open-let properties).
- The Council provides general written guidance summarising this allocations policy to all applicants so they can assess how their application is likely to be treated, their likely priority and the length of time it may take before an offer of accommodation is made.
- This information will be provided with the application form, on the applicants request and on the council's website ([www.westlancsdc.gov.uk](http://www.westlancsdc.gov.uk))

## **4.0 Scope of Policy**

4.1 This Policy applies to all applications for;

- An allocation of council accommodation
- A transfer of accommodation from existing council tenants or tenants of other social landlords
- Nominations to Registered Social Landlords

## **5.0 Allocations excluded from the scheme**

5.1 The following are excluded from the allocations scheme:

- Mutual Exchanges
- Succession or assignment of a tenancy
- Tenancies granted or disposed of by a court order made under the Matrimonial Causes Act 1973; Matrimonial and Family Proceedings Act 1984, the Children Act 1989
- Where an introductory tenancy becomes a secure tenancy
- Succession or assignment of the introductory tenancy
- Other special cases where it may be necessary for the authority to make an allocation outside the terms of the scheme.

## **6.0 Equality of Opportunity in Housing**

6.1 The Council seeks to ensure that direct and indirect discrimination on the grounds of race, colour, ethnic origin, nationality, gender, religion, disability mental illness or sexual orientation are eliminated. The Council will abide by the Race Relations Act 1976 and Race relations (Amendment) Act 2000 the Sex Discrimination Act 1975, Race Relations Act 1976, Disability Discrimination Act 1995, and the Commission for Racial Equality's Code of Practice for Rented Housing.

6.2 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 a Council home or the services that our clients receive from us.
- That staff understand and operate according to the principles of fairness and equality.
- That Black and Minority Ethnic Groups are consulted about its housing policies.
- That it promotes good relations and equality of opportunity between members of different racial groups.
- It works with partner agencies in order to tackle issues of equal opportunities in housing.

## **7.0 Policy on Choice**

- 7.1 The Council is committed to offering applicants a choice of accommodation and allowing them to express their preferences. However the Council may not be able to meet all requests due to the level of demand or availability of accommodation. Applicants will therefore be given advice and information by the Council's Housing Options Advisers to help them understand their options and make informed choices.
- 7.2 Applicants will be offered the choice of being allocated accommodation provided by the Council, being nominated for Housing Association accommodation or both and they may state their preferences.
- 7.3 Applicants will be offered choice by being able to select;
- the areas in which they wish to be housed (they may request accommodation in as many areas of the district as they wish);
  - particular housing estates and/or streets;
  - a furnished or unfurnished tenancy;
  - the property type they wish to be considered for (certain restrictions will apply, see Appendix 3).
- 7.4 The council will endeavour to allocate accommodation in the applicant's first preferred area of choice. Applicants will not normally be offered accommodation in an area they have not chosen unless they expressed no preferences.
- 7.5 Applicants will be advised of the estimated time it may take before an offer of an allocation is made in their preferred area of choice so that they may consider their options and either choose to wait for that area or consider alternative choices of area which may result in an earlier offer.
- 7.6 Some Council properties may be designated for "Open Letting" and advertised openly for letting on a first come first served basis.

- 7.7 In areas of low demand applicants may be offered a choice of accommodation, which is larger than their household needs.
- 7.8 Choice will also be increased by allowing households with children of any age to apply for any property type they wish including above ground floor flat or maisonette accommodation.

## **8.0 Offering Choice to Homeless Applicants**

- 8.1 Applicants assessed as being unintentionally homeless and in priority need who are owed the 'main housing duty', will, as far as possible, be offered choice. However, in order to facilitate the allocation of a suitable property within a reasonable timescale to avoid undue distress to the applicant, all such households will be registered for all suitable accommodation types in every area of the district.
- 8.2 Consideration will be given to any representations made by the applicant regards the suitability of certain locations. Areas will not be regarded as suitable if evidence confirms that the area is unsuitable due to the applicant being at risk of violence, threats of violence or harassment if they resided in that area.

## **9.0 Application Stage**

- 9.1 Any eligible person over the age of 16 can apply to join the housing register.
- 9.2 Applications should be made by completing an application form. Application forms can be obtained from the Council's Customer Service Points in Skelmersdale and Ormskirk, via the Council's website at [www.westlancsdc.gov.uk](http://www.westlancsdc.gov.uk) or direct from the Housing Options Team on 01695 577 177.
- 9.3 Some applicants will require advice and assistance to complete the application form because English may not be their first language, they may have learning or reading difficulties, they may not be able to visit a Council office or for some other reason. In such cases Housing Options Advisors will provide advice and assistance and will if necessary complete the form on behalf of an applicant or provide translation services.
- 9.4 Persons who wish to apply to join the scheme for housing accommodation are required to complete an application form, and supply proof of identification including proof of their national insurance number, a picture driving licence or passport and a reference from their current or previous landlord (where this is not possible from an employer or teacher).
- 9.5 Existing Council tenants and those over 60 are not required to supply a reference. A separate application form has been produced for those over 60 who wish to apply for sheltered housing.
- 9.6 The fact that a person is an applicant for an allocation of housing accommodation shall not be divulged (without his consent) to any other member of the public.
- 9.7 The Housing Options Team will register the application within ten working days. The registration process will involve:

- **Checking** if the applicant is eligible, that the information given is correct and, if necessary, recommending that an application should not be considered for an allocation;
- **Assessing** if the household is in housing need and placing the application in a priority band;
- **Verifying** information from references with current or former landlords and others. Information will be requested about current or former tenant arrears, payment history, current or previous anti social activity and any rechargeable repair debts. Credit checks will also be carried out. Police checks may be carried out where there are grounds to do so e.g. the applicant has spent time in prison or is unable to account for any previous addresses.
- **Interviewing** the applicant where necessary

## 9.8 False Statements

9.9 Section 171 of the Housing Act 1996 makes it a criminal offence for anyone seeking assistance from a housing authority under Part 6 of the Act to:

- a) knowingly or recklessly give false information; or
- b) knowingly withhold information, which the housing authority has reasonably required the applicant to give.

9.10 A person guilty of an offence under this section is liable on summary conviction in a magistrates court to a fine not exceeding level 5 on the standard scale, currently £5,000).

9.11 The circumstances in which an offence is committed could include:

- a) any false information given on an application form for social housing;
- b) any false information given during an interview;
- c) any false information given in response to subsequent review letters or other updating mechanisms; or
- d) any false information given or submitted by applicants during the proceedings of a review

9.12 Ground 5 in Schedule 2 to the 1985 Housing Act (as amended by the 1996 Act s.146) enables a housing authority to seek possession of a tenancy which they have granted as a result of a false statement by the tenant or a person acting at the tenant's instigation.

## **10.0 Applicants Aged 16 or 17**

- 10.1 To be considered for a tenancy, applicants aged 16 or 17 must provide evidence of their ability to pay rent i.e. proof of state benefits or copies of wage slips along with photographic identification and a reference. Proof of the ability to pay is required because anyone aged 16 or 17 who was living in the parental home would not normally be able to claim state income benefits.
- 10.2 Where the applicant is 16 or 17, their parents/guardians will be contacted to ensure they are aware that they have applied to join the housing register (unless this would put the young person at risk).
- 10.3 A person under the age of 18 is not able to hold a legal estate in land but they can hold what is called an equitable interest. This means that a different tenancy agreement will be offered until the young person reaches the age of 18 when they will be offered an Introductory Tenancy in line with Council policy. Any contract entered into will allow the Council to recover any unpaid rent through the courts in the normal way. This can also mean that the Council may seek an order for possession from the courts.
- 10.4 Anyone aged 16 or 17 will only be considered for a tenancy on the condition that they accept a referral to a floating support provider to ensure that the tenancy does not fail.
- 10.5 The Council may choose not to allocate a property until the applicant is 18 where it would not be appropriate to do so. The applicant will have the opportunity to seek a review of such a decision. The review process is outlined at Appendix 4.

## **11.0 Agricultural Workers**

- 11.1 The Council has a duty under the Rent (Agriculture) Act 1976 to use its best endeavours to provide accommodation for displaced agricultural workers. Applications in such cases will be investigated, all relevant factors considered and advice sought from the Agricultural Dwelling-House Advisory Committee prior to determining the Priority Band to which the application will be allocated.

## **12.0 Assessment Stage**

### **12.1 Eligibility**

- 12.2 Not all applicants applying to join the housing allocation scheme are eligible join. Section 160(A) of the Housing Act 1996 (as amended) sets out who is not eligible to be allocated housing;
  - a) Persons subject to immigration control (unless classified as eligible by the Secretary of State);

- b) Other persons from abroad whom the Secretary of State has decided are ineligible for an allocation;
- c) Persons who have been treated as ineligible for an allocation due to unacceptable behaviour which would prevent them from being considered as a suitable tenant.

12.3 Where an applicant is already an existing secure, introductory or assured tenant of accommodation allocated to him or her by a local housing authority, he or she cannot be disqualified on the basis of his or her immigration status. Therefore, they will not fall into categories (a) or (b) above. They may still be affected by category (c) above.

#### 12.4 **Persons Subject to Immigration Control & Persons from Abroad**

12.5 Where an applicant is a person from abroad, their application will be assessed to determine whether they are eligible under the relevant legislation and guidance.

12.6 Each applicant will be provided with written reasons if they are assessed as being ineligible for an allocation of accommodation and will have the right to seek a review of that decision (see Appendix 4).

12.7 If any question arises which brings into question the eligibility of an applicant to join the housing register and obtain an allocation of housing accommodation, the authority reserves the right to seek further information and clarification, including from the UK Border Agency.

#### 12.8 **Unacceptable behaviour**

12.9 If an applicant or a member of his/her household is found to have been guilty of unacceptable behaviour serious enough to make them unsuitable to be a tenant and in the circumstances at the time the application is considered, they are still considered unsuitable to be a tenant of the Authority by reason of that behaviour, they will not be eligible for an allocation of accommodation.

12.10 Unacceptable behaviour is defined as behaviour which would, if the person was either a secure tenant or a member of a secure tenant's household, entitle a landlord to a possession order under grounds 1 to 7 of the Housing Act 1985 Schedule 2. The grounds are;

- Ground 1 Rent arrears or breach of tenancy
- Ground 2 Behaviour which is a nuisance or annoyance to those in the locality of the dwelling or conviction for using the dwelling for immoral/illegal purposes or committing an indictable offence in or in the locality of the dwelling house
- Ground 2A Domestic violence causing a partner or other family member to leave the property
- Ground 3 Deterioration of the dwelling house due to waste, neglect or default
- Ground 4 Deterioration of furniture provided by the landlord due to ill-treatment
- Ground 5 Tenancy induced by false statement
- Ground 6 Premium received or paid in connection with a mutual exchange



Ground 7 Eviction from a dwelling within the curtilage of a building held for non-housing purposes due to conduct such that given the nature of the building it would not be right for occupation to continue

12.11 The council will;

- Investigate the individual circumstances of an applicant's case to establish if there is evidence of unacceptable behaviour that would fall under grounds 1 to 7 above;
- Establish whether the unacceptable behaviour is considered to be serious and whether it is likely that a possession order would have been granted as a result of that behaviour;
- Decide if the applicant is unsuitable to be a tenant by reason of their behaviour at the time the application is considered, taking into account whether there has been any changes in the circumstances or behaviour of the applicant.

12.12 Where the council is satisfied that any one of the three criteria in paragraph 11.9 has been met, the applicant can be treated as being ineligible for an allocation and therefore excluded from the housing register. This exclusion will be in place for a period of 2 years.

12.13 When making the assessment the Council will act reasonably and will consider all relevant matters regarding health, dependants, social or other factors. Regard will also be given to the wider interests of the public.

12.14 Where the Council regards the behaviour as unacceptable but considers that the applicant should not be classed as ineligible, the Council may decide to accept the application but place it in Band D (reduced priority) even if the application would normally attract a higher band.

12.15 Each applicant will be provided with written reasons if they are assessed as being ineligible for an allocation of accommodation and will have the right to seek a review of that decision. The applicant will also have the right to ask the Council to review their case at any time during the exclusion period if they feel that there has been such an improvement in their behaviour that they should no longer be considered to be unsuitable.

12.16 Where the applicant has been excluded for 2 years and makes a further application but there has been no improvement in their behaviour and the conditions for finding them unacceptable to be a tenant remain, the applicant can be excluded for a further 2 years (subject to the same review process as above).

#### 12.17 **Rent Arrears**

12.18 The accrual of rent arrears will be considered serious where:

- a) An applicant owes rent from a previous tenancy, which resulted in a possession order being granted; or

- b) The applicant has current rent arrears serious enough for a court to grant an outright possession order.

12.19 Where the conditions of either (a) or (b) above have been met, the Council may decide that the applicant is ineligible for an allocation.

12.20 Where there are insufficient grounds to determine that an applicant is ineligible for an allocation, the application to join the housing allocation scheme will be accepted but not awarded any priority until the arrears have been reduced in accordance with the procedure below.

£0-£100	applications will be approved with this small level owing
£101-£250	regular agreed payments must be made for 2 months before approval
£251-£500	regular agreed payments must be made for 3 months before approval
£501-£1000	amount must be reduced to under £500 then regular agreed payments must be made for 3 months
£1001+	applicants with this level of arrears will be treated, as being ineligible for an allocation therefore an application to join the housing register will not be accepted.

12.21 Where an applicant owes £100 or less, the application will be placed in the band to which they have been assessed as being entitled to.

12.22 Applicants who owe between £101 and £500 will be placed in Band D until a payment plan has been kept to for the required time.

12.23 Applicants who owe between £501 and £1000 will be placed in band D until the arrears have been reduced to under £500 and regular agreed payments have been kept to for 3-months.

12.24 Applicants owing more than £1001, will not be accepted onto the housing register. Any applicant found to have this level of arrears outstanding will have his or her application cancelled. The applicant will be able to re-apply once the arrears have been reduced to under £500 and regular agreed payments have been made for 3-months.

12.25 An applicant can make payments of arrears on a weekly or monthly basis and there is no minimum payment. The Council will usually look for the minimum payment to be the level of direct payment if the applicant is on state benefits or a reasonable amount if they are working.

12.26 If payments are made for the required time, the application will be approved in the relevant band even if arrears are still outstanding however the applicant must continue to reduce the debt until it is cleared in full.

- 12.27 The account will be monitored and should payments stop the application will be cancelled. The arrears must then be cleared in full before another application will be accepted.
- 12.28 Each case will be assessed on its own merits and the Service Manager (Voids and Allocations) has the discretion to approve applications with rent arrears and award the relevant band where there are exceptional circumstances.
- 12.29 Applicants who have been assessed as being unintentionally homeless and in priority need or have been placed in band B under homeless prevention will be considered for an allocation despite any rent arrears. An agreement to pay will still be required.
- 12.30 Anti Social Behaviour**
- 12.31 Anti social behaviour includes conduct likely to cause nuisance and annoyance, harassment, violence or intimidation to others or the use of property for illegal or immoral purposes.
- 12.32 This behaviour will be considered serious where the evidence is such that it would entitle the authority to obtain a possession order from a court.
- 12.33 Any applicants found to be ineligible on such grounds will normally be advised that they will not be considered eligible for an allocation of housing until they have conducted themselves appropriately for a period of 2 years following the last unacceptable incident. However each individual application will be considered on its merits in terms of the length of time the applicant will be ineligible.
- 12.34 Where there are insufficient grounds to determine that an applicant is ineligible for an allocation, the application to join the housing register will be accepted but not awarded any priority until the council considers that the behaviour of the applicant has improved.
- 12.35 Grounds 2A to 7**
- 12.36 The same procedure will be applied to applicants who have been guilty of unacceptable behaviour under any of the other grounds (2A to 7 see above paragraph 11.8).
- 12.37 Housing Need**
- 12.38 The Housing Act 1996 states that any allocation of social housing must be made according to housing need. The Act outlines the criteria that must be followed when awarding reasonable preference to applicants based on their circumstances.
- 12.39 West Lancashire District Council has adopted a banding system in line with Government guidance.

12.40 Applications for an allocation of social housing will be placed in one of four priority bands;

- A** (high priority)
- B** (medium priority)
- C** (low priority)
- D** (no priority)

### **13.0 Band A – High Priority**

13.1 The categories for band A are as follows:

- Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need as a result of being victims of violence or harassment;
- Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being victims of violence or harassment
- Severe overcrowding
- Urgent Medical Need
- Unfitness and Disrepair
- Anti-Social Behaviour
- Left in Occupation
- Under Occupation
- Multiple Needs

#### **13.2 Criteria for each category**

**13.3 Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need as a result of being:**

- Victims of violence
- Victims of racial harassment amounting to violence or threats of violence
- Victims of sexual harassment amounting to violence or threats of violence
- Witnesses or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remained.
- Existing tenants who need alternative accommodation due to the above.

- 13.4 This level of priority can only be awarded by the Homelessness Advice & Prevention Team.
- 13.5 **Applicants applying for an allocation of accommodation who have not been assessed as homeless but need to move urgently due to being:**
- Victims of violence
  - Victims of racial harassment amounting to violence or threats of violence
  - Victims of sexual harassment amounting to violence or threats of violence
  - Witnesses or victims of crime who would be at risk of intimidation amounting to violence or threats of violence if they remained.
- 13.6 The decision to award this level of priority rests with the Service Manager (Voids & Allocations), or a suitably experienced Senior Officer who has been delegated this task.
- 13.7 **Severe overcrowding**
- 13.8 Households that are statutorily overcrowded, or that have two or more bedrooms fewer than they require and are therefore severely overcrowded. Severe overcrowding priority will not be awarded to those applicants who are in temporary accommodation.
- 13.9 The government's Bedroom Standard will be used to calculate whether a property is overcrowded. Guidance can be found at Appendix 2.
- 13.10 **Urgent Medical Need**
- 13.11 Urgent medical priority will be awarded where:
- The applicant is at significant risk of physical injury by remaining in their current home and is requesting to move to a more suitable type of accommodation, or
  - The applicant is at significant risk of a severe breakdown in their mental health by remaining in their current home.
- 13.12 In the case of severe risk to mental health, the applicant's environment will be taken into account, as in these cases the property type itself is not necessarily the causal problem. The applicant must be able to show that the risk will be significantly reduced by a move to their requested location.
- 13.13 **Unfitness and Disrepair**
- Properties inspected by the Council's Private Sector Housing Section that are unfit and are subject to a Prohibition Order, Demolition Order, Clearance Area or Compulsory Purchase Order
  - Permanent or temporary decants from Council property in order to carry out improvements or major repairs.
- 13.14 The Housing Health & Safety Rating System will be used as a guide to assessing whether band A is appropriate.

13.15 This level of priority can only be awarded based on the recommendation of the Council's Private Sector Housing Team.

13.16 Where the applicant has not been re-housed and the repair issues have been resolved to the Council's satisfaction, the application will be reviewed to determine whether band A priority should still be awarded.

#### 13.17 **Anti-Social Behaviour**

13.18 If a West Lancashire District Council tenant is suffering from anti-social behaviour and is requesting a transfer as a result, they may be awarded Band A priority providing the Service Manager (Voids & Allocations) is satisfied that all options to resolve the situation have been exhausted. The applicant will be awarded Band A following written confirmation from the Council's Multi-Agency Problem Solving Team (MAPS) Co-ordinator that all procedures have been exhausted and a move is recommended for the applicant's safety. West Lancashire District Council tenants are expected to co-operate with their respective Estate Management Team in recording and reporting incidents.

13.19 Other Council and Housing Association tenants will also be expected to have exhausted their own landlord's policy on tackling anti-social behaviour and a comprehensive report will be required from the landlord confirming what action has been taken and why they are unable to offer alternative accommodation from their own stock before this level of priority will be awarded.

13.20 Residents within the private rented sector and owner-occupiers must provide evidence of the anti-social behaviour before being assessed for this level of priority.

#### 13.21 **Left in Occupation**

13.22 Those left in occupation of a West Lancashire District Council property, following the death of a tenant, with no succession rights to the tenancy or where the tenant has gone into residential care and the tenancy is to be terminated, will qualify for band A priority.

13.23 The applicant must have lived at the address as their principal home for at least 12-months prior to the tenant's death or confinement to residential care to be awarded this level of priority.

13.24 Those applicants who have not lived at the address for at least 12-months will have their applications assessed to determine which of the other priority bands they qualify for.

#### 13.25 **Under Occupation**

13.26 Those under occupying a West Lancashire District Council tenancy who are requesting a smaller property.

13.27 Applicants who were originally offered a property larger than their needs may not be awarded this priority unless there is demand for the type of accommodation they are currently occupying.

13.28 Each case will be assessed on its own merits.

### 13.29 **Multiple Needs**

13.30 Applicants who have met the criteria for any 2 or more of the needs categories identified in Priority Band B. This includes applicants who have been assessed as homeless but also fall into another category within band B.

## 14.0 **Band B – Medium Priority**

14.1 The categories for band B are as follows:

- Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need for reasons other than violence.
- Overcrowding
- Unsatisfactory Housing Conditions
- Medical
- Care
- Hardship Employment or Financial Grounds
- Care Leavers Requiring a Move to Independent Living
- Homelessness Prevention

14.2 **Criteria for each category.**

**14.3 Those applicants assessed as being eligible for assistance, unintentionally homeless and in priority need.**

14.4 Applicants who have made a homeless application and have been assessed as unintentionally homeless and in priority need who have not been assessed as being homeless or vulnerable due to violence or threats of violence are including:

- A pregnant woman or a person with whom she resides or might reasonably be expected to reside;
- A person with whom dependent children reside or might reasonably be expected to reside;
- Persons who are vulnerable as a result of old age, mental illness, handicap or physical disability or other special reason or with whom such a person resides or might reasonably be expected to reside;
- A person who is homeless as a result of an emergency e.g. flood or fire;
- A person who is 16/17 who is not a relevant child or a child in need to whom a duty is owed under s20 of Children Act 1989;
- A person under 21 who was, but is no longer, looked after, accommodated or fostered between the ages of 16 and 18;
- A person who is aged 21 or more who is vulnerable as a result of having been looked after or accommodated or fostered;

- A person who is vulnerable as a result of being a member of HM forces;
- A person who is vulnerable as a result of having served a custodial sentence, having been committed for contempt of court or any kindred offence or having been remanded in custody.

#### 14.5 **Overcrowding**

- Those overcrowded with one bedroom fewer than they require taking into account the Bedroom Standard at Appendix 2.

#### 14.6 **Unsatisfactory Housing Conditions**

- Those lacking a suitable kitchen, bathroom or WC or sharing such facilities with unrelated households
- Those with no supply of cold or hot water
- Households with children under 14 where there is significant or excessive dampness to the property (Housing Health & Safety Rating System)
- Those tenants in the private sector where the Landlord would be, or has been, served with a repair notice by the Private Sector Housing Team (not applicable to council tenants).

14.7 Where the landlord rectifies the repairs to the satisfaction of the Private Sector Housing Team, the application will be re-assessed to determine whether this level of priority should still be awarded to the application.

#### 14.8 **Medical Need**

- Those applicants with a serious medical condition that is made worse by the style or functionality of their current home. There must be a causal link between the property type and the deterioration or discomfort arising from the medical problem. Priority is not awarded for medical conditions alone.

14.9 Applicants must show that a move to the property type requested will help halt the deterioration in the condition and/or make the applicant more comfortable.

#### 14.10 **Care**

- Those who need to move closer to family, friends or relatives to give or receive physical or emotional support or care because of a medical condition.

14.11 To qualify for this, the applicant must be moving to West Lancashire from another local authority area or if already resident in the area, be living more than 3 miles away from the family, friends or relatives who will be providing or receiving the care.



#### **14.12 Hardship, Employment or Financial Grounds**

14.13 Applicants will qualify for this level of priority where;

- There is a need to move to an area or locality to avoid hardship for example to access medical treatment or specialised services that would not be available to them if they did not move to that locality or to take up employment/training or to retain employment; or
- There is a financial need and the applicant is unable to afford to continue to occupy their current home (a financial assessment will be carried out)

#### **14.14 Care Leavers Requiring a Move to Independent Living**

- Care leavers who are unintentionally homeless are likely to have a priority need for re-housing under the homelessness legislation. However, in an effort to plan in advance to meet the needs of those known to be due to leave care, medium priority will be awarded. Should the applicant not be accommodated and threatened with homelessness within 28 days, a homelessness application will be processed.
- Applicants leaving the West Lancashire Crisis Centre following a period of supported living.

#### **14.15 Homeless Prevention**

- Applicants who are being dealt with via the Homelessness Advice & Prevention Team who are not yet within the statutory definition of being homeless but the future homelessness cannot be prevented. Applicants will only qualify for this priority if they would be unintentionally homeless and in priority need if they made a homeless presentation.

14.16 This will assist families to be re-housed before they are homeless and need to access emergency accommodation.

14.17 This level of priority can only be awarded by the Homelessness Advice & Prevention Team.

### **15.0 BAND C – LOW PRIORITY**

- Applicants living with family/friends or lodging with no security of tenure but with no other housing need.
- Those renting in the private sector with an assured-shorthold tenancy of 12-months or less.
- Those living in a mobile home on a non-residential site.
- Those assessed as intentionally homeless with priority need and eligible for an offer of accommodation.

- Those assessed as being homeless but with no priority need.
- Those applicants who were in band A or B and have refused 3 reasonable offers of accommodation from the housing register.
- Those applicants who were in Bands A or B who have stated they are not ready to move but wish to remain on the housing register.
- Those applicants who have refused 1 reasonable offer of accommodation in the discharge of a homelessness duty.

15.1 Where an applicant has given up secure accommodation within the 12-months prior to the application, they may not qualify for this level of priority. The reasons for giving up a secure property will be taken into account.

## **16.0 BAND D – NO PRIORITY**

- Applicants (including current owner occupiers) who would qualify for a higher band but have the financial ability to resolve their own housing need by purchasing a suitable property, renting in the private sector or having adaptations carried out to their current home.
- Those who occupy mobile homes on residential caravan parks and have no other housing needs;
- Any applicant who wants accommodation but has no assessed needs in a higher band;
- Secure Council or Housing Association tenants with no other housing need;
- Tenants in the private sector with more than a 12-month assured shorthold tenancy and no other housing need (once the tenancy has 12-months or less left to run, the application can be placed in band C);
- Any applicant who has been assessed as being unsuitable to be a tenant and has had 'reduced priority' awarded to their application;
- Applicants who have given up a secure property within the 12-months prior to the application who did not have a good reason for doing so.

## **17.0 Reduced Priority**

17.1 By virtue of s.167(2B) and (2C) Housing Act 1996, an allocation scheme can state that no preference is given to an applicant where either the applicant or a member of their household has been guilty of unacceptable behaviour.

17.2 In accordance with this section, where the Council has assessed an applicant or a member of their household as being guilty of unacceptable behaviour but there are insufficient grounds to determine that the applicant is ineligible to join the scheme, the council may accept that applicant into the scheme with reduced priority.

17.3 Therefore, if an applicant would attract for example band A priority but they have been guilty of unacceptable behaviour, band D would be awarded. The applicant would have the right to seek a review of this decision. They would also have the option at a later date to request a review of their application should they feel that they should no longer be considered to have been guilty of unacceptable behaviour.

## **18.0 Savings & Assets**

18.1 S.167(2A) Housing Act 1996 states that a local authority is entitled to take into account the financial resources available to the applicant when assessing the ability of the applicant to meet their own housing need.

18.2 All households applying to the housing allocation scheme will be assessed for their ability to secure accommodation at market rent or to purchase a suitable property within West Lancashire.

18.3 Assets that may be taken into consideration include but are not limited to:

- Savings
- Property Abroad
- Commercial property
- Money received through a divorce settlement
- Residential Property
- Bonds

18.4 Where an applicant owns a property and is able to sell that property to purchase more suitable accommodation within West Lancashire, the applicant will be treated as being ineligible for an allocation.

18.5 The council will consider the following:

- Whether the applicant can sell their current home and re-purchase a more suitable property within West Lancashire;
- The expected equity after the proposed sale of the property;
- The applicant's current financial circumstances and commitments;
- Whether the applicant will be eligible for a mortgage;
- The supply of suitable accommodation on the open market for either sale or rent;
- Whether the applicant's needs can be met in the private sector;
- Whether adaptation of the current property is a viable option (based on waiting times for adaptations, eligibility criteria etc);
- Whether significant care or support needs would impact on the ability of the applicant to secure and maintain accommodation.

- 18.6 The council will not make an allocation where an applicant can afford a mortgage to buy a property within West Lancashire by using their assets and income.
- 18.7 Where the Council agrees to assist with re-housing, the applicant must not sell their home before they have accepted an offer of accommodation. However they must agree to sell the property as soon as they have been re-housed and not rent out their home or make any financial gain whilst waiting to sell.

## **19.0 Change of Circumstances**

- 19.1 Applicants will be considered for re-housing by priority band and each band will be ordered by the date the band was awarded. If an applicant's circumstances change or they move address, their application will be re-assessed and they will be placed in the most appropriate band by the date they were awarded the new banding. Where the banding would not change, the original date awarded will remain.
- 19.2 If by changing their circumstances applicants would go in to a higher priority band then an assessment will be made to determine whether the applicant has knowingly contributed to a worsening of their housing situation. If they have then the application will remain in the band they were placed in before their circumstances changed.

## **20.0 Allocation Stage**

### **20.1 Lettings Criteria**

- 20.2 Properties will be allocated based on the applicant's preference and the property type and size they are entitled to under the policy.
- 20.3 A property will not be allocated to an applicant if it would be so overcrowded that it failed the statutory overcrowding test (see Appendix 2).
- 20.4 Applicants may be offered properties that are larger than the household needs if there are no suitable sized families on the register.
- 20.5 Normal letting criteria will not apply to any property that has been designated as an Open Let.
- 20.6 Some properties have been classified as lettings to those aged over 40. These properties will be let sensitively due to the nature of the accommodation. Each application will be considered on its own merits.
- 20.7 New tenants will not be allowed pets, which may cause a nuisance to other tenants in flats with communal entrances. This would include cats and dogs.
- 20.8 The lettings criteria can be found at Appendix 3.

## **20.9 Sensitive Lettings**

20.10 The Executive Manager Housing and Property Maintenance Services may also agree to sensitive lettings policies to ensure a balanced mix within council accommodation. This can include setting minimum age limits for certain property types, adjusting the number of family homes let to families with children where there is a high concentration of children in a particular area.

## **20.11 Allocation Decisions**

20.12 The Allocation of Housing (Procedure) Regulations 1997, regulation 3 provides;

- 1) as regards the procedure to be followed, an authority's allocation scheme shall be framed in accordance with the principle prescribed in this regulation
- 2) a member of an authority who has been elected for the electoral division or ward in which;
  - a) the housing accommodation in relation to which an allocation decision falls to be made is situated, or
  - b) the person in relation to whom that decision falls to be made has his sole or main residence, shall not, at the time the allocation decision is made, be included in the persons constituting the decision-making body

20.13 In compliance with this Regulation, all allocations will be authorised and approved by the Service Manager (Voids and Allocations) or a person delegated this authority by the Service Manager (Voids and Allocations).

20.14 Elected members will not be involved in the allocation process. This does not exclude elected members from assisting a constituent with a housing related query or providing support in making an application.

## **21.0 Open Letting**

21.1 A number of Council dwellings may be offered for direct letting. These properties are known as "Open Lets" and will be available on a first come first served basis.

21.2 Generally these properties will be within areas of lower demand and normally before any such property is classed as an open let, checks will be made to ensure that there are no applicants on the housing register seeking such a property in that area.

## **22.0 Adapted Dwellings**

22.1 Where a social rented dwelling has been built or adapted for a disabled person's use it will normally be offered first to applicants from the Housing Register who have a disability and who may benefit from the particular type of adaptations made. Adapted properties will not be allocated to non-disabled persons before the Housing Register is checked for suitable applicants.

22.2 Such adapted properties may be offered to applicants who have not expressed a preference for the area the property is within if the property is particularly suitable to a persons needs. Should an applicant refuse such an offer, it will not count towards the 3 reasonable offers, which are normally made.

### **23.0 Local Lettings Policy**

23.1 Section 167(2E) Housing Act 1996, enables housing authorities to allocate accommodation to people of a particular description, whether or not they fall within the reasonable preference categories.

#### **23.2 Local Connection Preference**

23.3 There is particular strain on social housing for rent in some areas of the District. These areas include small villages and other areas where there is little Council accommodation or where demand for accommodation exceeds availability. In such areas it can be difficult for people with a local connection to remain there or to move there. Low income groups are particularly affected especially where house prices and private sector rents are high making affordability of homes an issue.

23.4 The Council wishes to support and assist the development and retention of stable local communities. To aid this policy the Council wants to provide reasonable preference to applicants for accommodation that have “local connections” with a particular housing area. At the same time the Council wants to ensure that appropriate priority is given to others with housing needs that have expressed a choice or preference for accommodation in the district.

23.5 For the purpose of establishing in which areas preference will be given to people with local connections the District is divided into the following categories of housing areas: –

- **Very Low Stock Areas**

(smaller villages and rural areas containing less than 1.5% of the total housing stock)

- **Higher Demand Areas**

(larger villages or towns with less than 1% long term void homes –i.e. homes vacant for less than 6 months)

- **Lower Demand Areas**

(larger villages or towns with more than 1% long term void homes – i.e. homes vacant for more than 6 months)

23.6 In each of these housing areas the Council will seek to give varying degrees of preference to applicants with local connections. In the areas with least stock the Council will give greatest preference to applicants with local connections. Generally these are rural or small village areas. The level of preference will reduce in areas with more stock or lower levels of demand. These areas and levels of preference are set out in Appendix 1.

23.7 In areas where no preference is given to applicants with a local connection then offers will be made solely in accordance with the normal procedure.

### **23.8 100% Local Connection Areas**

23.9 In areas where 100% local connection preference applies offers will first be made to those with a local connection who have the highest priority and who have had that level of priority the longest. This means that an offer may be made to an applicant with a lower housing need priority on the basis of their local connection preference. If there are insufficient numbers of applicants that meet the local connections criteria on the Housing Register then offers of allocations will be made solely in the normal manner based upon priority need and date order.

### **23.10 50% Local Connection Areas**

23.11 In areas where the minimum 50% local connections preference applies a quarterly quota of allocations may be established based upon the estimated average number of allocations per annum for the area. This will provide the basis for the estimated minimum number of allocations to be made to applicants with local connections per quarter. If necessary the Executive Manager Housing & Property Maintenance Services may adjust the quarterly quota, to take into account performance in earlier periods and to ensure the annual target quota of minimum 50% is achieved.

23.12 Offers of accommodation will be made in accordance with the normal priority banding procedure to the applicant with highest priority. Where this will result in the minimum 50% quota for local connections not being achieved in the quarter then offers will be made instead to applicants with local connections who have greatest priority until the minimum quota is achieved. This may result in an offer being made to an applicant with a lower housing need priority or from a lower priority band on the basis of their local connection preference.

23.13 If there are insufficient numbers of applicants that meet the local connections criteria on the Housing Register then offers of allocations will be made solely in the normal manner based upon priority need and date order and in these circumstances the target quotas may not be achieved

23.14 Any preference for a local connection may only be given where the property offered is of a type appropriate to the applicants needs.

23.15 The Executive Manager Housing and Property Maintenance Services may adjust the category of individual property types, such as General Needs or Sheltered homes, from one category to another to reflect any differences in the availability or demand for these different types of stock within a housing area and may also decide that certain property types can be removed from the local letting procedure, e.g. low demand sheltered housing.

### **23.16 Review of Local Lettings Procedures**

23.17 In order to ensure the best use of council accommodation, the Executive Manager Housing and Property Maintenance Services is authorised to review and if necessary adjust the list of housing areas within each category as set out

in Appendix 1 to reflect changes in levels of housing stock or levels of demand for homes in different areas.

23.18 This may result in general needs and sheltered accommodation within one housing area being within two different categories for local letting preference.

23.19 The Executive Manager Housing and Property Maintenance Services is also authorised to amend the annual target allocation figures to people with local connections in response to urgent, unplanned or exceptional circumstances.

23.20 An audit of lettings will be made on a quarterly basis (i.e. June, September, December with an annual report being produced in March each year). Quarterly audits will allow the Service Manager (Voids and Allocations) to monitor the quota's being achieved to ensure that the policy is being followed. Regular audits will also allow for the quota's to be adjusted where necessary following approval from the Executive Manager Housing & Property Maintenance Services.

## **24.0 Local Connection Criteria**

24.1 To qualify for a local connection with an allocation area an applicant must normally:

- Have lived in that area for a period of 3 out of the last 5 years prior to the date of their application; or
- Have close family who have lived in that area for a minimum of 2 years prior to the date of application and the applicant must indicate that they want to move nearer to them. Close family includes parents, adult children and siblings. Relations such as step-parents, grandparents, grandchildren, aunts and uncles can be considered close if there are sufficiently close links in the form of frequent contact, commitment or dependency; or
- Have been permanently employed in an area of the district for at least the previous 12-months or
- Be required to move to or remain in that area to receive support of local organisations or support facilities such as day centres or treatment centres which they could not otherwise reasonably attend.

24.2 To satisfy the requirement of moving to be near close family, the applicant must be moving into the district from another local authority area or must currently live at least 3 miles away from the family member they are moving to be near.

24.3 To satisfy the requirement of being employed in the area, the applicant must be currently employed in the area and have been for at least the last 12-months on either a full-time or part-time basis. The self-employed will be considered to have a local connection to an area only where they work in that area. Applicants undertaking casual work will not be considered to have a local connection.

24.4 An applicant can be considered to have a local connection to unlimited housing areas within the district as long as they satisfy the local connection criteria.



24.5 However, where an applicant applies to the housing register and initially satisfies the local connection criteria but subsequently falls outside of the criteria before an allocation is made, the local connection preference will be removed from the application. For example, by the time the allocation is made the applicant is no longer considered to have been resident in the district for 3 out of the last 5 years.

24.6 The Executive Manager Housing and Property Maintenance Services is authorised, in exceptional circumstances and where reasonable, to assess persons who do not meet the above criteria as qualifying for a local connection.

## 25.0 Local Connection and Homeless Applicants

25.1 To reflect Housing Ombudsman advice on ensuring that where the Council accepts a client as unintentionally homeless and in priority need, the local connection criteria will be applied in a balanced and appropriate manner.

25.2 Guidance from the Ombudsman suggests that where an applicant has been accepted as unintentionally homeless and in priority need, the lack of a local connection should not prevent that person from being housed.

## 26.0 Offers of Accommodation

26.1 In areas where the local connection policy applies (see Appendix 1), offers of accommodation will normally be made in accordance with that policy.

26.2 In areas where there is no local connection policy or where there are no local applicants registered for accommodation in the area, offers of accommodation will only be made to those applicants on the housing register who are seeking a property of that type in that area.

26.3 The offer will be made first to the applicant in the highest priority band who has had that priority the longest. If the offer is not accepted the property will be offered to the next applicant in the band.

26.4 If an offer is not accepted by any of the applicants in a priority band then it will be offered to applicants in the next lower band on the same basis.

26.5 Applicants who have been awarded Bands A or B who when offered accommodation state they are not ready to move but wish to stay on the list, will have their banding reviewed and reduced to band C. This is because bands A & B are awarded to applicants who have an urgent need for accommodation. If on reviewing the case, the Housing Options Team feel that the priority banding should be reduced to band C, the applicant will be informed in writing and of their right to appeal.

## **27.0 Reasonable Offers**

27.1 Offers will be considered reasonable if:

- The property is in one of the preferred areas chosen by the applicant (unless the applicant is homeless);
- The size of the accommodation is suitable;
- The design of the property meets the individual's medical needs;
- The household would not be at risk of violence or harassment.

27.2 In addition the Council will endeavour to meet the following requirements, although this may not always be possible:

27.3 The property is within a reasonable distance of

- a place of work
  - schools attended by children
  - support provided by family and friends

## **28.0 Refusal of Offers**

28.1 Applicants will normally be required to decide on an offer of accommodation within 7 days of being notified of the offer.

28.2 Waiting list applicants who have been placed in bands A or B (reasonable preference) who refuse 3 reasonable offers will have their applications re-banded to Band C.

28.3 Waiting list applicants who have been placed in bands A, B or C who do not respond to 2 offers of accommodation will be written to and asked if they wish to stay on the housing register. Where there is no response, the application will be cancelled.

28.4 In cases where a household has been accepted as unintentionally homeless with a priority need and placed in bands A or B, 1 offer will be made to discharge the Council's statutory duty. Where this offer is refused, the application will be re-banded to Band C and treated as a waiting list application.

28.5 The Council aims to provide accommodation to homeless applicants in an area that they have selected, as the tenancy is more likely to be sustained. However, owing to the low turnover in certain areas, the need to help people move on from temporary accommodation, and discharge of the homeless duty, offers of reasonable accommodation may have to be made in an area, which has not been chosen but is reasonably accessible and available at an earlier date.

28.6 Applications will not be cancelled for refusal of offers. They will remain in Band C until they receive an offer that they accept. Applications will only be cancelled if an applicant fails to respond to letters asking if they wish to stay on the register or it is cancelled in the annual system review.

## **29.0 Joint Tenancies**

29.1 At the time that an offer of accommodation is made, applicants will be advised of the tenancy requirements. They will also be made aware of the option of a joint tenancy in appropriate cases including the implications for succession rights of partners and children.

29.2 The Council normally grants a joint tenancy when adults share accommodation as partners, including same sex partners, or as unpaid carers.

29.3 In a case where a Council tenant dies and another household member who does not have succession rights to the tenancy has:

1. been living with the tenant for a year prior to the tenants demise; or
2. been caring for the tenant; or
3. accepted responsibility for the tenants dependents

29.4 The Council will normally grant a tenancy to the remaining person or persons either in the same home or suitable alternative accommodation, providing that those persons would have sufficient priority under this allocations policy and there will be no adverse implications for the good use of the Council housing stock.

29.5 A joint tenancy will not be granted to two or more people if any one of them is a person from abroad who is ineligible or is a person being treated as ineligible because of unacceptable behaviour.

## **30.0 Exceptional Circumstances**

30.1 The Council accepts that there may be circumstances that warrant exceptions to the normal allocation policy. The Executive Manager Housing 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 allocations policy. Such cases may include exceptions to:

- The application of the local lettings policy
- The application of the local connections criteria
- The priority band applied to an application
- The offer of accommodation to an applicant

## **31.0 Nominations to Registered Social Landlords**

31.1 The Council has a number of nomination agreements with Housing Associations and will always endeavour to submit nominations for vacancies when requested. These nominations will be taken from the Housing Register in accordance with the procedure for offers.

31.2 Applicants for accommodation will be advised of the nomination procedures and given the opportunity to indicate on their application if they are willing to be nominated.

## **32.0 Review of the Housing Register**

32.1 The housing register will be reviewed every 12-months. Applicants will be required to confirm that they wish to remain on the register and advise the Council if their circumstances have changed. Applicants who fail to respond to this review will be removed from the housing register. They will have to make a fresh application to rejoin the scheme if they wish to be considered for accommodation in the future.

## **33.0 Reviews**

33.1 S.167 of the Housing Act 1996 (as amended) states that applicants have the following rights:

- a) to be notified in writing of any decision not to award preference under the scheme because of unacceptable behaviour serious enough to make him or her unsuitable to be a tenant;
- b) the right on request to be informed of any decision about the facts of his or her case which has been or is likely to be taken into account in considering whether to make an allocation; and
- c) the right on request to review a decision under (a) or (b) above or a decision to treat the applicant as ineligible because of unacceptable behaviour

33.2 The review process can be found at Appendix 4.



## APPENDIX 1

### LOCAL CONNECTION AREAS

Altcar	100%
Appley Bridge	100%
Banks	100%
Bickerstaffe	100%
Halsall	100%
Haskayne	100%
Hesketh Bank	100%
Newburgh	100%
Parbold	100%
Rufford	100%
Scarisbrick	100%
Tarleton	100%
Westhead	100%
Wrightington	100%
Aughton	50%
Burscough	50%
Old Skelmersdale	50%
Ormskirk	50%
Up Holland/Roby Mill	50%
Ashurst	0%
Birch Green EMB/Central	0%
Clay Brow	0%
Digmoor	0%
Holland Moor	0%
Little Digmoor	0%
New Church Farm	0%
Tanhouse EMB and 4&5	0%
Yewdale	0%

### Overcrowding Assessment Guidance - The Bedroom Standard

The bedroom standard is the minimum standard against which local authorities assess overcrowding.

When assessing overcrowding, the following criteria should be taken into account:

- Married or cohabiting couples (including same sex couples) should have a separate bedroom available
- Each adult aged 21 years or more should have a separate bedroom
- A pair of adolescents of the same sex aged between 10 & 20 years can share a bedroom
- A pair of children aged under 10 regardless of sex can share a bedroom
- Any unpaired person aged 10-20 years is paired if possible with a child under 10 years of the same sex. If this is not possible, they should be given a separate bedroom. The same applies to any unpaired child aged under 10 years

Bedrooms converted into other uses are not included.

Bedrooms not in use are included unless they are uninhabitable.

No more than two people are expected to share a room.

A pregnant woman will be assessed as requiring a room for the unborn baby at 20 weeks.

Lettings CriteriaProperty TypeQualifying Groups

Bedsits	Single people & couples without children
Flats/Maisonettes	Single people, couples, families where the youngest child is aged over 16. Households with children aged under 16 if requested.
Houses	Households with children where the youngest is aged 16 or under.
Bungalows	Households with a disability & those over 60.

Sheltered housing is reserved for those single people or couples aged 60+.

Number of bedrooms

The number of bedrooms allocated will be dependent on the size of the household taking into account the bedroom standard.

The following criteria will be followed:

- Each married/co-habiting couple will require a bedroom
- Each adult aged 21 years or more will require a bedroom
- Each pair of children of the same sex aged between 10-20 will require a bedroom
- Each pair of children aged under 10 of the same sex requires a bedroom (once one child reaches the age of 10, they can be paired with another person of the same sex who is aged 20 or under. Where this is not possible, the unpaired child will require a separate bedroom).
- Children of the opposite sex will not be expected to share a bedroom irrespective of their age. Where they cannot be paired with another same sex child, they will require a separate room. This will prevent the need for a transfer of accommodation in the future.

Where there is a demonstrated need for an additional room for a carer or medical equipment (as evidenced by medical information), an additional bedroom can be allocated.



## The Review Process

### The Original Decision

Normally within 3 working days of making a decision on a housing application, the officer dealing with the case will notify the applicant in writing of that decision.

The decision letter will state;

- the reasons for the decision;
- the right to request a review of that decision;
- the time allowed to make a request for a review (normally 21 days from the date the date of the decision);
- the name of the officer to whom the request for review should be made

Where the applicant requests a review, the Review Procedure should be followed.

### Review Procedure

Written request for a review has been received within the timescale allowed (normally 21 days).

Within 2 working days of the written request being received, a Review Officer will be appointed (this will be a senior officer who has not taken part in the original decision).

Within 10 working days of their appointment, the Review Officer will;

- write to the applicant stating that the review request has been received;
- advise the applicant of the identity of the reviewing officer;
- inform the applicant that they or someone acting on their behalf can make representations in writing in connection with the review;
- further details of the review procedure;
- the timescale within which the review will be completed (8 weeks from the day on which the review is made)

There is no further right of appeal if the applicant is not satisfied with the decision on review.

Any further challenge would have to be through the courts by way of judicial review.



**AGENDA ITEM: 13**

**CABINET: 24 March 2009**

**EXECUTIVE OVERVIEW AND  
SCRUTINY: 8 April 2009**

---

**Report of: Council Secretary and Solicitor**

**Relevant Portfolio Holder: Councillor D Westley**

**Contact: Mrs K Samosa (Ext. 5038)  
(E-mail: karen.samosa@westlancsdc.gov.uk)**

---

**SUBJECT: CAPITAL MONITORING 2008/2009**

---

District Wide Interest

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on the current position in respect of the 2008/2009 Capital Programme.

**2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the current position in respect of the 2008/2009 Capital Programme be noted.
- 2.2 That call in is not appropriate for this item as it is being referred to the next meeting of the Executive Overview and Scrutiny Committee.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That Members note the current position in respect of the 2008/2009 Capital Programme.

---

---

**4.0 BACKGROUND**

4.1 The Capital Programme is set on a three-year rolling basis. This is updated regularly and Members are updated cyclically on the progress against it. On 25<sup>th</sup>

February, 2009, Council approved the new Medium Term Programme. This included a revised Programme of £10.285m for 2008/2009.

## **5.0 AMENDMENTS TO CAPITAL PROGRAMME**

- 5.1 Due to an increase in demand for European Objective 2 and IIB project grants and additional environmental improvement works on the Burscough Town Centre Development, the Programme has increased by a further £0.217m. This is fully funded by external grants.
- 5.2 The 2008/2009 Capital Programme is now £10.502m and is analysed by Division in Appendix A.

## **6.0 CAPITAL RESOURCES**

- 6.1 Sufficient resources have been identified to fund the Capital Programme as shown in Appendix A.
- 6.2 A proportion of the resources to fund capital expenditure are based on government allocations that have been confirmed. Other resources come from external funding and schemes that are heavily dependent on this source are not able to start until after the funding has been confirmed. A further source of funding is capital receipts.
- 6.3 Capital receipts are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. They are the main area of the capital resources budget that is subject to variation and vary depending on the number and value of assets sold
- 6.4 Members have been advised that due to a significant reduction in the level of Council house sales, current receipts were well below target for the current year. This has been factored into the Medium Term Programme agreed at Council in February, 2009, and there are sufficient capital receipts to fund the 2008/2009 Programme.
- 6.5 Should the current trend continue over the medium term, however, there could be a further impact on the capital programme in future years. This area will be kept under review as part of the process for managing the Medium Term Programme.

## **7.0 CAPITAL EXPENDITURE**

- 7.1 Capital expenditure is generally profiled with relatively low spending compared to budget in the early part of the financial year. Spending then increases as the year progresses. This reflects the fact that many schemes have considerable lead in times, for example, because of the need to undertake tenders and award contracts at the start of the scheme. Most schemes will then progress and spend in line with their approval.
- 7.2 This pattern has been repeated in the current year and capital expenditure totalling £5.934m has been incurred. This is analysed in Appendix A and represents 57% of the expenditure planned for the year. Although this level of spend is lower than

the comparable figure of 63% in the previous financial year, it is the same as in 2006/2007. This reflects the natural year on year variation of schemes included in the Programme.

- 7.3 As is the usual practice, there is likely to be an element of slippage of approvals from this financial year into next. This is indicated in the Divisional Managers' comments on the progress of schemes in Appendix B.

## **8.0 SUSTAINABILITY AND COMMUNITY STRATEGY LINKS**

- 8.1 The Capital Programme identifies investment schemes that the Council plans to implement to enhance service delivery and its assets. The Capital Strategy ensures that the plans address sustainability, crime and disorder, and Community Strategy issues by linking them directly to the Council's overall priorities.

- 8.2 The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities, i.e. that capital investment plans are affordable, prudent, and sustainable.

## **9.0 RISK ASSESSMENT**

- 9.1 The Capital Programme identifies the resources available to finance the Council's investment plans and provides a control framework that is designed to minimise the financial risks facing the Council in implementing these plans.

- 9.2 The level of capital receipts generated by Right to Buy sales is a key risk to the development of the Programme. This is monitored closely to mitigate the risk.

## **10.0 CONCLUSIONS**

- 10.1 The Capital Programme for 2008/2009 totals £10.502m. Expenditure is currently £5.934m which represents 57% of the Programme. It is expected that sufficient capital resources will be available to fund the current year's programme although the reduction in capital receipts may mean that the Medium Term Capital Programme will need to be reviewed in due course

---

---

### **Background Documents:**

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

### **Equality Impact Assessment**

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

### **Appendices:**

- A Capital Programme Expenditure and Resource Budgets
- B Divisional Manager Comments



**CAPITAL PROGRAMME 2008/2009**  
**EXPENDITURE AND RESOURCES BUDGET**

	Budget Approval	Actual	
	£'000	£'000	%
<b><u>Divisional Expenditure</u></b>			
Financial Services	106	25	23%
Assistant Chief Executive	361	143	40%
Corporate Property	601	278	46%
Regeneration and Estates	1,629	892	55%
Community Services	984	349	35%
Planning & Development Services	266	118	44%
Housing Private Sector	1,364	717	53%
Housing Public Sector	5,191	3,413	66%
<b><u>Expenditure Total</u></b>	<b>10,502</b>	<b>5,934</b>	<b>57%</b>
<b><u>Financed by:</u></b>			
Capital Receipts			
General	2,092		
Transitional Pooling	1,004		
Specific Capital Grants	1,768		
Housing Allocation	742		
Major Repairs Allowance	3,927		
Internal Contributions			
Housing Revenue Account	382		
General Revenue Account	587		
<b><u>Resources Total</u></b>	<b>10,502</b>		



**CAPITAL PROGRAMME 2008/2009**  
**DIVISIONAL MANAGER COMMENTS**

<b>Financial Services</b>
This budget is for Parish capital grants and spending is determined by the progress that Parish Councils make on individual schemes.
<b>Assistant Chief Executive</b>
The rollout of Electronic Document Management is continuing and the ICT Infrastructure and EGovernment Programme are progressing.
<b>Corporate Property</b>
Schemes are progressing and there is likely to be an element of slippage on some of the individual projects included in the Programme.
<b>Regeneration and Estates</b>
The Investment Centre Car Park works have commenced and some of the budget will be slipped into 2009/2010. The preparatory phase on the Abbotsford Regeneration project is progressing as is the Asbestos Management at Gladden Place. Burscough CCTV and Greenhey Place are complete as is part of Gorsey Place Re-roofing. The remaining Gorsey Place Re-roofing will be slipped into 2009/2010 and the remaining minor works to Burscough Town Centre will continue into 2009/2010. The IIB, Inspire and European Objective 2 projects are progressing well.
<b>Planning &amp; Development</b>
Contributions have been made to Ormskirk Railway Station Improvements and the West Lancs Community Rail Partnership and no further expenditure is anticipated. Approvals for Conservation Area Enhancements, Preservation of Buildings at Risk and Pay and Display Machines are mostly committed and slippage is anticipated on Ormskirk Clock Tower/Aughton Street works, Free Tree Scheme, Cycle Projects, and Ormskirk Market Stalls due to a variety of factors. There are no current plans to spend the remaining approval of £2,000 for Burscough Action Plan which will be utilised for overspent items at year end.



**CAPITAL PROGRAMME 2008/2009**  
**DIVISIONAL MANAGER COMMENTS**

**Community Services**

Funding approvals have been committed for Community Environmental Acton, Richmond Park, Leisure Trust, and equipment for the Gallery Refurbishment. Alder Lane Landfill Site is complete as are Beacon Park Portacabin and Driving Range schemes although there have been minor overspends which will be funded from underspends elsewhere at the year end. An overspend is anticipated on Playing Pitch Improvements at Liverpool Road which will need to be funded and slippage is anticipated on Coronation Park and Play Area Improvements due to a variety of reasons.

**Housing Private Sector**

The Disabled Facility Grants are on target to deliver the full Programme for the year. Renovation Grant approvals are committed and budget approvals for the Loans Scheme will be slipped as the scheme is not yet fully operational. It is anticipated that the Clearance Programme will need to be slipped into 2009/2010 due the need to complete legal procedures.

**Housing Public Sector**

Schemes within the procurement framework are progressing within their target costs. Schemes outside of the framework are progressing with limited slippage anticipated.



**AGENDA ITEM: 14**

**CABINET: 24<sup>th</sup> March 2009**

**EXECUTIVE OVERVIEW AND  
SCRUTINY: 8<sup>th</sup> April 2009**

---

**Report of: Council Secretary and Solicitor**

**Relevant Portfolio Holder: Councillor D. Westley**

**Contact: Marc Taylor (Extn. 5092)  
(E-mail: Marc.Taylor@westlancsdc.gov.uk)**

---

**SUBJECT: REVENUE BUDGET MONITORING**

---

District wide interest

**1.0 PURPOSE OF THE REPORT**

1.1 This report provides a projection on the financial position on the General and Housing Revenue Accounts to the end of the financial year.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the financial position of the Revenue Accounts be considered and noted.

2.2 That call in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the financial position of the Revenue Accounts be noted.

---

---

## **4.0 BACKGROUND**

- 4.1 In February 2008 the Council approved budgets for the Housing and General Revenue Accounts for the 2008-2009 financial year. It is good practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of these accounts. This is the third monitoring report for the year and is based on information available in February 2009.

## **5.0 GENERAL REVENUE ACCOUNT**

- 5.1 The Council has set a revenue budget of £16.258m for the financial year. In total current projections forecast that net expenditure will be around £140,000 below this target, which represents a small variance of around 0.9%.
- 5.2 The projections have been calculated on a prudent basis, and experience from past years suggests that the overall position may improve further by the time the accounts are finalised. Consequently it can be confidently expected that the Council will achieve a small surplus by the year end. This will continue our strong track record of managing our financial performance to ensure that the outturn position is in line with the budget.
- 5.3 The budget contains a corporate target for staff efficiency savings of £251,000. The active management of staffing levels by divisional managers combined with the interim management arrangements, and the impact of the strike action earlier this year, mean that this target will be significantly exceeded.
- 5.4 However there will be an increase in costs as a result of the recent announcement that, following national arbitration, the pay award for 2008-09 will be set at 2.75%, which is above the 2.5% that had been allowed in the budget. However savings on staffing will still be made even allowing for this factor.
- 5.5 In 2007-08 there was a strong performance in generating external income across a range of areas including planning, treasury management, and rents from commercial assets. In all of these areas budget targets were significantly exceeded. To a large extent this performance reflected market conditions, and the downturn in the economy that has subsequently taken place means that overall income levels in the current year will be significantly lower.
- 5.6 In particular the slow down in the housing market and the credit crunch have reduced income levels for Building Control together with Local Searches and these factors are not within the direct control of the Council. However at the end of February, Development Control income was in line with its budget target, which represents a significant improvement on the mid year position. In addition Treasury Management income has only recently begun to be affected by reductions in short term interest rates, as a result of investments having been made for longer time periods.

- 5.7 The re-tendering of the insurance contract has produced a significant cost saving this year. Effective procurement practices have also helped to minimise the cost increases for new gas and electric contracts, in the face of steep rises in world energy prices at the times the contracts were being let.
- 5.8 The projected variances reflect current estimates of the likely difference between spending / income and budget for the full financial year. These estimates are based on current data and are subject to change as new information becomes available and the accounts are closed down as part of the year-end process.
- 5.9 As part of the budget for 2009-10 it was agreed to use a projected £70,000 favourable variance on Housing to fund the cost of a private sector housing stock survey that must be undertaken once every 5 years in accordance with the Housing Act 2004. In addition it was agreed at Council in December to use £40,000 from the projected favourable variance within Regeneration and Estates to meet potential exit costs from restructuring. This leaves a balance of £30,000 from the overall favourable variance of £140,000 that has not yet been allocated for any specific purpose.
- 5.10 The Appendix to this report provides further details on the performance of individual divisions.

## **6.0 HOUSING REVENUE ACCOUNT**

- 6.1 The Council set a budget for the Housing Revenue Account based on generating income of £20.040m. This budget included a contribution of £135,600 from working balances and a further £100,000 from unallocated reserves to support the HRA's financial position.
- 6.2 At the mid year review stage it was projected that a small surplus would be achieved at the year end. This was mainly due to additional income from a combination of the slow down in Right to Buy Council House sales and management action to control voids. The continued active management of staffing levels and vacancies has also generated a favourable variance although there are spending pressures particularly in relation to repairs and maintenance. The latest estimates continue to forecast that the Council will achieve an overall small surplus on these service areas.
- 6.3 However the unprecedented reduction in interest rates that has taken place over the last 6 months has significantly affected HRA Item 8 interest. The budget setting report to Council in February identified the need to take a further £151,000 from working balances to address this factor. This will leave HRA balances at around £630,000, which remains above the minimum required level for prudent financial management.
- 6.4 This position is based on current data and is subject to change as new information becomes available and the accounts are closed down as part of the year end process.



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

7.1 There are no direct sustainability implications arising from this report.

## **8.0 RISK ASSESSMENT**

8.1 The formal reporting of performance on the General and Housing Revenue Accounts is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. The early identification of budget issues will also enable them to be addressed in a timely fashion.

## **9.0 CONCLUSIONS**

9.1 The GRA and HRA are on course to achieve their budget targets for the year and this continues the trend of strong financial performance achieved by the Council over many years.

9.2 The downturn in the economy that has recently taken place together with the credit crunch has reduced external income levels. However the Council is well placed to deal with these challenges.

---

---

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix 1 – General Revenue Account Projected Outturn Position

**APPENDIX 1**  
**GENERAL REVENUE ACCOUNT PROJECTED OUTTURN POSITION**

Budget area	Net Budget £000	Variance from Budget £000	Variance %
Assistant Chief Executive	97	-45	See note
Community Services	4,936	-95	-1.9%
Financial Services	4,200	-85	-2.0%
Housing and Property Maintenance	851	-70	-8.2%
Human Resources	5	-15	See note
Legal & Member Services	1,295	40	3.1%
Planning & Development Services	1,824	45	2.5%
Regeneration and Estates	-361	-50	-13.9%
Street Scene	5,821	-75	-1.3%
Impact of additional 0.25% pay award	0	40	N/a
Divisional Subtotal	18,668	-310	-1.7%
Central Budget Items	-2,410	170	7.1%
<b>TOTAL BUDGET REQUIREMENT</b>	<b>16,258</b>	<b>-140</b>	<b>-0.9%</b>

Table Notes

The budget figures for each Division have been updated to include capital accounting adjustments and the allocation of central budget items to divisions. These are technical accounting adjustments that do not affect the bottom line budget requirement, which has remained unchanged during the year at £16.258m.

The Assistant Chief Executive and Human Resources divisions have relatively small net budget requirements because they contain support services and consequently recharge most of their costs to other service areas. The Regeneration and Estates division has a negative budget as it contains the Community Related Assets portfolio, which makes a substantial contribution to the overall running costs of the authority.

General

It should be recognised that some areas of the budget are within the Council's control, for example the filling of vacant posts to achieve salary savings. However other areas such as external income can be volatile where we are exposed to market forces. In addition some service areas are demand led where it can be difficult to directly control expenditure.

Assistant Chief Executive Division – Favourable variance £45,000

The main variance for the division relates to savings on staffing costs. There are a number of other minor favourable variances covering a range of budget headings.

#### Community Services Division – Favourable variance £95,000

There is a significant favourable variance on the Environmental Health service. The biggest single contributory factor to this position is savings on staffing, while non-staffing costs and income levels are broadly on target.

Leisure and Cultural Services are also on course to achieve a favourable budget variance. This includes savings on staffing costs plus reduced costs in relation to the Leisure Trust due to the effect of actual contract inflation being below that previously estimated.

#### Financial Services Division – Favourable variance £85,000

The division has achieved an overall favourable variance through making savings on employee costs through the interim management arrangements and by the active management of staff vacancies. A significant saving has also been achieved through the re-tendering of the insurance contract.

The Council will pay out around £28m in Council Tax and Housing Benefit this year. However as this is a demand led service it is not within the direct control of the Council and it is difficult to predict the final outturn position. Subsidy is claimed on the payments that are made according to a complex formula, and the way in which the system works means that the Council cannot recover all of its costs. Benefit payments showed a significant adverse variance against budget in 2007-08, and it is expected that this situation will be repeated again in the current year.

Travel concessions are also a demand led service area that is not within the direct control of the Council. A new national free bus pass scheme for the elderly and disabled has been introduced from April 2008, and it is anticipated that a saving will be made on its first year of operation.

#### Housing and Property Maintenance Division – Favourable variance £70,000

The active management of staffing levels and vacancies has generated a favourable variance on Housing Services. There have also been significant savings made on non-staffing expenditure, which it is intended to use towards the costs of a private sector housing stock survey that is a statutory requirement.

Property Services covers a large part of the Council's utilities budgets, and costs in this area have increased as a result of external market factors. However effective procurement practices have helped to minimise the increases in gas and electric costs that the Council faces.

#### Human Resources Division – Favourable variance £15,000

There remains a high level of demand for HR services with work on job evaluation, harmonisation, and other issues that continue to put the small HR team under considerable strain. However, service levels will be maintained and key targets will be met. The favourable variance is due to savings on salary costs together with a number of other minor variances within the Division.



Legal and Member Services Division – Adverse variance £40,000

The main area causing this adverse variance is the significant reduction in income from Local Searches, which is not within the direct control of the Council. Salary savings have been achieved to date, mainly through delays in filling vacant posts, and various other minor net savings are anticipated.

Planning and Development – Adverse variance £45,000

There have been significant savings on staff costs within the division due to the late or non-filling of vacant posts. However, the level of income from Building Control is significantly below budget and this is the main reason for the overall adverse variance. Income from Development Control has however significantly recovered since the mid year review and at the end of February was in line with its budget target.

Regeneration and Estates – Favourable variance £50,000

Active management of staff vacancies will produce a significant favourable variance. External Income levels from the Investment portfolio have been coming under strain, especially in the second half of the year, as national economic conditions have deteriorated. Careful management of the total budget throughout should still mean that a favourable variance is anticipated for the year, in accordance with the savings predicted in the re-structure report to Council in December 2008 that will support staff exit and protection costs.

Street Scene – Favourable variance £75,000

Significant savings have been achieved within the Grounds Maintenance Trading Account, in particular employee costs and equipment. Additional income has also been received from the County Council.

Central budget items

This heading covers a range of corporate budgets including savings targets, treasury management, and capital charges.

Central savings targets for staff efficiency, Gershon efficiency improvements and savings from Organisational Re-engineering are all held in this area. The actual savings that are made in relation to these items are contained within Divisions. Consequently savings made elsewhere will help to offset the adverse variances on these budget items.

In the first part of the year there was a significant favourable variance on treasury management, with investment income exceeding the budget target. However recent interest rate reductions have had a significant detrimental impact and this will continue into the next financial year.