

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

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

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

Interest

Prescribed description

Employment, office, trade, profession or vocation

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

Sponsorship

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

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

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

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

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

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

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

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 4 APRIL 2013

Start: 7.30pm

Finish: 8.50pm

PRESENT: Ashcroft (Chairman)

Councillors: Mrs Atherley Jones
Bailey Kay
Bell McKay
Blane Moran
Mrs R Evans O'Toole
Furey Pendleton
Griffiths Savage
J Hodson Wright

Officers: Assistant Director Housing and Regeneration (Mr R Livermore)
Transformation Manager (Mr S Walsh)
Deputy Borough Treasurer (Mr M Kostrzewski)
Assistant Solicitor (Mr M Hynes)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

59. APOLOGIES

Apologies for absence were submitted on behalf of Cllr Cheetham.

60. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of Councillors Baldock, Cropper, Fillis, Gagen, Gibson and Pope and the appointment of Councillors Mrs Atherley, Bailey, Furey, Griffiths, McKay and Wright for this meeting only thereby giving effect to the wishes of the Political Groups.

61. URGENT BUSINESS

There were no items of urgent business.

62. DECLARATIONS OF INTEREST

Councillors Mrs Atherley, Ashcroft, Bailey, Bell, Blane, Mrs R Evans, J Hodson, Jones and Kay declared non-pecuniary interests in relation to item 9 (Capital Programme Monitoring) in relation to Parish Council matters in view of their membership of Parish Councils.

63. DECLARATIONS OF PARTY WHIP

There were no declarations of a Party Whip.

64. MINUTES

RESOLVED: That the minutes of the meeting held on 31 January 2013 be received as a correct record, subject to the inclusion of "Councillor Mrs R Evans" at Minute 47, and were signed by the Chairman.

65. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the Cabinet meeting held on 19 March 2013.

RESOLVED: That the minutes of the Cabinet held on 19 March 2013 be noted.

66. CALL IN ITEMS – TENANTS CASH BACK SCHEME

Consideration was given to the report of the Borough Solicitor which advised that a decision of Cabinet in respect of the above item (Minute 110) had received a call in requisition signed by five members of the Committee. The report set out the reason for the call in together with a different decision put forward by the Members concerned on the requisition notice.

Reference was made to the report of the Assistant Director Housing and Regeneration that provided details of the three pilot schemes, currently being undertaken and commissioned by the Government, on proposals for the involvement of tenants in the repair and maintenance of their homes and the wide spread implications of the proposals and the involvement by Members and Tenants in the policy decision.

The call-in sought an opportunity by overview and scrutiny to scrutinise the report that would come forward following completion of the pilot schemes referred to prior to consideration by Cabinet.

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

RESOLVED: That, when written, the subsequent report (referred to at resolution B (Cabinet Minute 110), be referred to this Committee prior to consideration by Cabinet.

67. CORPORATE PERFORMANCE MANAGEMENT 2013/14

Consideration was given to the report of the Transformation Manager that detailed the Suite of Performance Indicators for adoption as the Council's Corporate PI Suite for 2013/14.

In discussion Members raised questions and comments in respect of the following performance indicators:

EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE HELD: 4 APRIL 2013

- OCL-BV9 (*% of Council Tax collected*) – monitoring / setting of target.
- TSI-BV66a (*% rent collected*) (*excluding arrears brought forward*) – impact of welfare reforms.
- NI159 (*Supply of ready to develop housing schemes*) – shortage of sites.
- NI155 (*Number of affordable homes delivered*) (*gross*) – lead in time for developments.
- NI195a (*Improved street and environmental cleanliness – levels of litter, detritus, graffiti and fly posting*): Litter & NI195d: *Fly tipping* – targets.
- NI192 (*Percentage of household waste sent for reuse, recycling and composting*) – targets.
- BV12 (*Working Days Lost Due to Sickness Absence*) – target / performance.
- NI151 (*Overall Employment rate – working age*) – deletion of indicator.
- TS24b-BV212 SP (*Average time take to re-let local authority housing (days): Supported Needs*) – target / performance.
- TS24a-BV212 GN: *General Needs* – re-letting of larger properties.
- Targets marked t.b.c. related to shared services (OCL).

The Transformation Manager attended the meeting and responded to questions referencing details contained in the report. Members noted the amendment to the annual target for TSI-BV66a (% rent collected) that had now been set at 97% and in relation to the annual targets (OCL), marked to be confirmed, that these would be circulated to all Members in due course.

RESOLVED: That the report be noted.

68. CAPITAL PROGRAMME MONITORING

Consideration was given to the report of the Borough Treasurer, as contained on pages 1907 to 1916 of the Book of Reports which provided an update on the current position in respect of the 2012/2013 Capital Programme.

Members made comments in relation to:

- Right to Buy Sales – increase in discount cap.
- Public Sector Housing – Bath Springs / Oakgate Close – overspend prediction.
- Affordable Housing Development Project – employment opportunities / energy efficiencies / service charge.
- Demolition of Westec House – delay.

The Assistant Director Housing and Regeneration and the Borough Treasurer, who attended the meeting, responded to questions referencing details contained in the Borough Treasurer's report.

RESOLVED: That the current position in respect of the 2012/2013 Capital Programme be noted.

69. REVENUE BUDGET MONITORING

Consideration was given to the report of the Borough Treasurer, as contained on pages 1917 to 1923 of the Book of Reports, which provided a projection of the financial position on the General and Housing Revenue Accounts to the end of the financial year.

Members raised questions/comments in relation to:

- Savings on historic pension costs.
- Costs associated with Welfare Reform / Universal Credit Implementation.

The Assistant Director Housing and Regeneration and the Borough Treasurer, who attended the meeting, responded to questions referencing details contained in the Borough Treasurer's report.

RESOLVED: That the financial position of the Revenue Accounts be noted.

.....
Chairman

CABINET

HELD: 16 MAY 2013
Start: 6.35pm
Finish: 6.45pm

PRESENT

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

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

In attendance	Bell	Furey
Councillors:	Cropper	Pryce-Roberts
	Dereli	Pendleton

Officers
Managing Director (Transformation) (Ms K Webber)
Managing Director (People and Places) (Mrs G Rowe)
LDF Team Leader (Mr P Richards)
Principal Planning Officer (Ms G Whitfield)
Principal Planning Officer (Mr S Benge)
Principal Member Services Officer (Mrs S Griffiths)

1. APOLOGIES

Apologies for absence were submitted on behalf of Councillor Sudworth.

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

There were no items of special urgency.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matter requiring a decision as contained on pages 1 to 233 of the Book of Reports.

5. WEST LANCASHIRE LOCAL PLAN 2012-2027

Councillor Forshaw introduced the report of the Assistant Director Planning which brought Cabinet up to date on progress with the Local Plan Examination and sought delegated authority for key actions that may need to be undertaken in a very short timescale at the request of the Inspector of the Local Plan Examination.

He also referred to the "Supplementary Late Information" report which had been circulated prior to the meeting which provided an update on the interim views of the Local Plan Inspector on the strategic and land allocation matters of the Local Plan, received by the Council on 15 May 2013, and an update on the development management modifications as set out in Appendix A to the "Supplementary Late Information" report (now referred to as Appendix E).

Cabinet, in considering the recommendations at 2.2 and 2.3 of the original Cabinet report for 16 May 2013 had regard to the Inspector's letter regarding the strategic and land allocation modifications to the Local Plan as attached as Appendix B to the "Supplementary Late Information" report (now referred to as Appendix F).

A copy of revised recommendations of the Assistant Director Planning was circulated at the meeting, together with a copy of a motion from Councillor Forshaw.

In reaching the decision below, Cabinet considered the revised recommendations of the Assistant Director Planning, the motion from Councillor Forshaw and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED: A. That the request made by the Assistant Director Planning to the Local Plan Examination Inspector, in accordance with Section 20(7C) of the Planning and Compulsory Purchase Act 2004, to recommend such modifications to the Local Plan that are necessary to ensure that it is sound and legally compliant be endorsed.
- B. That the updated development management modifications to the Local Plan set out in Appendix E (which replaces Appendix D in the original Cabinet report) already raised and discussed with the Inspector at Examination be endorsed.
- C. That the Assistant Director Planning bring to Cabinet on 18 June 2013 further modifications at the request of the Inspector together with proposals for public consultation and modifications to the Local Plan required by the Inspector during the Examination.

- D. That the updated Local Development Scheme 2013 provided at Appendix B, including the preparation of a separate Development Plan Document for the Provision of Travellers' Sites, and that the Local Development Scheme 2013 to have effect from 17 May 2013 be approved.
- E. That call-in is not appropriate for this item as this matter is one where urgent action is required in order to maintain progress of the Local Plan towards adoption in 2013.

.....
LEADER

CABINET

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

PRESENT

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

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

In attendance

Councillors: Bell, Furey, Pendleton,
Savage

Officers

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

6. APOLOGIES

There were no apologies for absence.

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

There were no items of special urgency.

8. DECLARATIONS OF INTEREST

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

9. MINUTES

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

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

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

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

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

11. MATTERS REQUIRING DECISIONS

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

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

12. COMPLAINTS MONITORING

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

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

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

14. QUARTERLY PERFORMANCE INDICATORS (Q4 2012-2013)

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

The Transformation Manager circulated copies of a revised report.

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

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

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

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

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

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

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

16. TENANT INVOLVEMENT STRUCTURE

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

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

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

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

17. USE OF SECTION 106 MONIES IN AUGHTON AND BURSCOUGH

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

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

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

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

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

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

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

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

19. WEST LANCASHIRE LOCAL PLAN 2012 - 2027

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

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

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

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

20. EXCLUSION OF PRESS AND PUBLIC

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

21. MATTER REQUIRING DECISION

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

22. WEST LANCASHIRE INVESTMENT CENTRE - STAFF RELOCATION

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

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

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

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

Note

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

.....
LEADER



AGENDA ITEM: 8

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
4 July 2013**

Report of: Borough Solicitor

Relevant Managing Director: Managing Directors

**Contact for further information: Mrs S Griffiths (Extn. 5097)
(E-mail: susan.griffiths@westlancs.gov.uk)**

SUBJECT: CALL IN ITEM – TENANT INVOLVEMENT STRUCTURE

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To advise the Executive Overview & Scrutiny Committee of the reason for the call in of the decision on the above item, as set out in Minute No.16 of the meeting of Cabinet held on 18 June 2013.

2.0 RECOMMENDATIONS

2.1 That the Committee determines whether it wishes to ask for a different decision.

2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 5.1 below, it wishes to pursue.

3.0 DETAILS RELATING TO THE CALL IN

3.1 The report attached as an Appendix to this report was considered at a meeting of Cabinet on 18 June 2013.

3.2 The decision of Cabinet reads as follows:

“16. TENANT INVOLVEMENT STRUCTURE

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

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

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

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

3.3 The following reason for call in was given in the requisition:

“That the minutes of all the meeting and support meetings/processes be made available to the communities it serves, the wider community and all Councillors.”

3.4 The requisition also provided an alternative decision which was:

“C. That all minutes of meetings held under the proposed new Tenant Involvement Structure be distributed to Councillors”.

3.5 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor Furey
Councillor Oliver
Councillor Bell
Councillor Wilkie
Councillor Moran

4.0 COMMENTS OF THE ASSISTANT DIRECTOR HOUSING AND REGENERATION

4.1 The minutes of the Tenant Involvement Structure are already publically available on the Council’s website and these arrangements will continue. They can be accessed using the link below.

http://www.westlancs.gov.uk/housing/get_involved/tenant_groups.aspx

4.2 The minutes of the Landlord Services Committee (Cabinet Working Group) pertaining to items for Cabinet are included within the Cabinet agenda and are published on the Council’s website.

5.0 CONCLUSION

- 5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Assistant Director Housing and Regeneration, the Executive Overview & Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:
- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision; or
 - b. refer the matter to Council. If the matter is referred to Council and Council does not object, then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.
- 5.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.
-
-

Background Documents

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

Equality Impact Assessment

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

Appendices

Report of the Assistant Director Housing and Regeneration



AGENDA ITEM: 6(d)

CABINET: 18th June 2013

Report of: Assistant Director Housing and Regeneration

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor Mrs V Hopley

**Contact for further information: Mr S Jones (Extn. 5208)
(E-mail: steve.jones@westlancs.gov.uk)**

SUBJECT: TENANT INVOLVEMENT STRUCTURE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval to the updated structure for Tenant Involvement and the new role for the Tenants and Residents Forum (TRF).

2.0 RECOMMENDATIONS

- 2.1 The new structure for Tenant Involvement at Appendix C be approved.
- 2.2 The new role for the Tenants and Residents Forum at Appendix D be approved, and the Assistant Director Housing and Regeneration be given delegated authority to update the Tenants and Residents Forum Constitution as appropriate.

3.0 BACKGROUND

- 3.1 Cabinet will be aware that the social housing regulator required all registered social landlords to have in place governance and scrutiny arrangements to allow tenants to be part of the co-regulation shaping of landlord services. Originally

this was developed by the Tenants Services Authority but this was abolished in April 2012 and the function of social landlord regulation was absorbed by the Homes and Communities Agency.

- 3.2 Cabinet will recall that at their meeting on the 16th March 2011 approval was given to the recommendations made by the former Corporate Overview and Scrutiny Committee to establish a tenant involvement structure. This structure is shown at Appendix A. At this stage, as the change was complicated enough, it was agreed that there would be no alteration to the existing TRF and additionally, as the Estate Management Boards were transitioning into Tenant and Resident Associations (TRA's), these too were excluded at that time.
- 3.3 As a consequence of the new arrangements, Cabinet agreed to also establish the Landlord Services Committee (LSC) as a Cabinet Working Group. This evidenced Councillor and tenant involvement in co-regulation throughout landlord services. The LSC is a cross member and tenant working group that ensures that we meet the regulators requirements.
- 3.4 The regulator's regulatory focus has been amended in 2012 to primarily ensure value for money and financial viability and risk, but the existing regulatory consumer standards are still in force. It remains important therefore that we have in place effective tenant/member scrutiny and co-regulation arrangements.
- 3.5 There is therefore, a continuing need to review and refresh the current arrangements the Council has adopted to meet the regulator's requirements and reflect the evolution of the structure to remain fit for purpose

4.0 CURRENT POSITION

- 4.1 The existing arrangements allowed tenants to be trained and provided a good structure to develop the knowledge and skills needed for tenants to effectively be part of the governance and scrutiny process.
- 4.2 However, over the period, although there were minor alterations to the structure, and as the knowledge of tenants increased, there were issues of duplication. Also the initial period of developing arrangements had subsided and there was a view that the structure needed to be reviewed and rationalised. This was a natural reaction to the organic development of this area of work and is seen in almost all other social landlords. Additionally it was also felt that there was some confusion between the role of the TRF and the Tenant Involvement structure and the need to locate the TRA's into this relationship that was beneficial to all parties.
- 4.3 Therefore it was agreed to seek an external review of the current arrangements and Helena Partnerships were chosen to undertake this task. Helena has previously worked closely with the Council on tenant related matters and has been identified as one of twelve national co-regulatory champions. They have significant experience in this area and have developed a constructive critical friend relationship with us. A copy of the Helena Review is attached at Appendix B.

5.0 WAY FORWARD

- 5.1 Those tenants involved in the Tenant Involvement structure have reviewed Helena's report and undertaken a day session on how to move forward. They have agreed that the existing structure is now too cumbersome and bureaucratic and does not represent good value for money. They therefore believe that a single tenant group supported by appropriate task and finish groups and tenant inspectors is the best way forward at this time. This new structure is shown at Appendix C.
- 5.2 Additionally the TRF has agreed to a new focus and will now meet only once or twice per year with other meetings as required and that the focus of the TRF should be on assisting with wider consultation and a broader community focus. The TRF will also undertake the impact assessment of the tenant involvement structure arrangements and will have more regularised links to the TRA's. This will mean the existing TRF constitution will be superseded by the new remit. The new remit for the TRF is shown at Appendix D.
- 5.3 The Assistant Director Housing and Regeneration already has delegated powers to support the TRF and TRA's and officers will continue to support these bodies in making the necessary changes.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 The continuing formalised involvement of tenants will add value to our community led improvements and link tenants directly into the shaping and scrutiny of our landlord services.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no additional financial or resource implications arising from this report as the current tenant involvement arrangements are funded through the HRA. The expected delivery of efficiencies in the streamlined arrangements will allow us to extend our current arrangements to encompass those harder to reach groups such as younger tenants and other poorly represented groups.

8.0 RISK ASSESSMENT

- 8.1 The new arrangements will mitigate the risk of adverse assessment by the housing regulator. The arrangements are also necessary to ensure we comply with the regulatory framework.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix A - Existing Tenant involvement structure

Appendix B - Helena Review

Appendix C - Proposed new structure for Tenant involvement

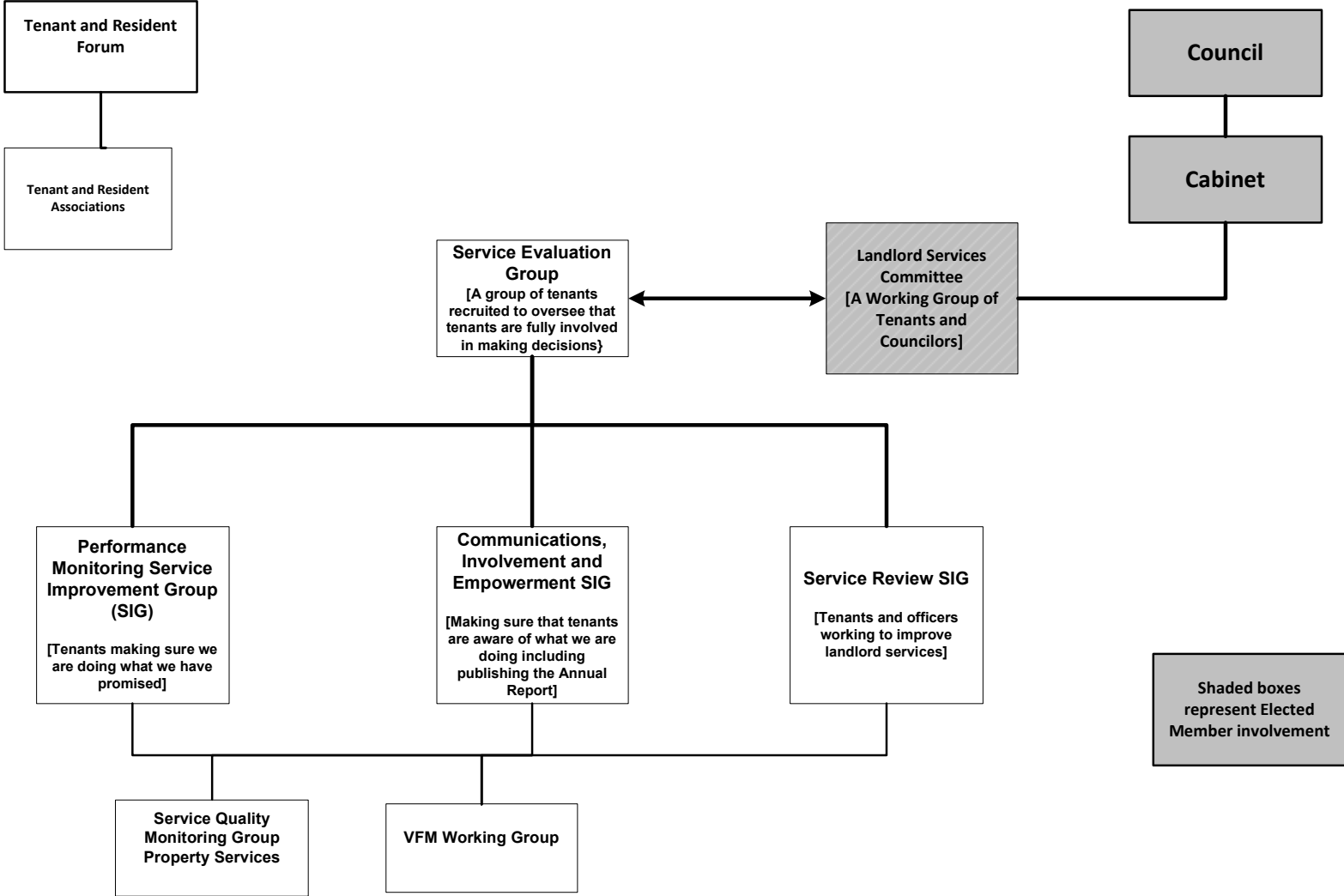
Appendix D - New remit for the TRF

Appendix E – EIA

Appendix F – Minute of Landlord Services Committee 12 June 2013 (to follow)

APPENDIX A

EXISTING TENANT INVOLVEMENT STRUCTURE





Helena Partnerships

Review of Tenant Involvement Structure WLBC Housing Service

Review findings

December 2012

Nina Peters
Performance and Intelligence Manager
Helena Partnerships

Acknowledgements

This review was carried out by the following staff at Helena Partnerships:

- Nina Peters; Performance and Intelligence Manager
- Graham Jones; Customer Excellence Advisor
- Danielle Tatlock; Performance and Intelligence Apprentice

A special thanks to all staff, tenants, members and other stakeholders at West Lancs Borough Council Housing Services who contributed to this review.

Contents

Introduction	3
Background	3
National Context	3
Local Context.....	4
Tenant Involvement Structure	5
Methodology.....	6
Definitions.....	6
Executive summary	7
Detailed findings:	10
Recommendations:	11
Suggested changes:.....	15
Options appraisal	18
Implementation – ten steps to change	28

Introduction

WLBC Housing Services is reviewing its tenant involvement and scrutiny arrangements. As one of 10 national co-regulatory champions, Helena Partnerships was asked to undertake an assessment of the existing involvement structures, making recommendations for improvement.

The remit of the review is to assess the tenant involvement and scrutiny structure at WLBC Housing Service, in particular to:

- Undertake a desk based review of the existing structures
- Consult with tenants, residents, staff, and Council members
- Consider best practice examples for involving and empowering tenants and residents
- Suggest an effective tenant involvement and scrutiny model for WLBC Housing Service
- Ensure that WLBC Housing Service is meeting HCA standards and regulatory requirements regarding tenant involvement and empowerment
- Evaluate the effectiveness of the current tenant involvement structure in regards to opportunities to participate in tenant led scrutiny activities and wider tenant participation in the services customers receive.
- Review the value for money (VFM) of the current arrangements.

Background

WLBC Housing Service would like to further strengthen its approach to tenant involvement and empowerment, giving significant focus on tenant scrutiny arrangements. It has therefore commissioned Helena Partnerships to act as a 'critical friend' in the review of its involvement structure.

National Context

The Localism Act 2011, together with changes to the regulatory framework and National standards, place greater importance on the way in which housing providers engage and empower tenants and residents.

Responsibility for the regulation of social housing providers passed from the former Tenant Services Authority (TSA) to the Homes and Communities Agency (HCA) on 1st April 2012.

The HCA have a statutory duty to reduce the regulatory burden of past frameworks. In response to this, the new approach is based strongly on the principles of co-regulation. There is a clear expectation that landlords should be accountable to tenants for the quality of their services.

The new framework requires all housing providers to meet the National Standards. Councillors and board members who govern housing are responsible for meeting the standards, as well as being transparent and accountable for the organisations delivery of social housing objectives.

Providers must support tenants to both shape and scrutinise service delivery and to hold Councillors and Boards to account. Landlords must ensure that they support tenant panels, or equivalent, to scrutinise performance, complaints and service delivery.

The regulators proactive role will focus on compliance with the economic standards:

- VFM, (although the 2013 self-assessment is not a requirement of Local Authorities)
- Governance
- Financial Viability
- Rents

Councillors (and Boards for housing associations) remain responsible for compliance against the consumer standards:

- Tenant Involvement and Empowerment,
- Home,
- Tenancy,
- Neighbourhood and Community

It should be noted that **only the consumer standards apply** to Local Authorities.

The Regulator will only get involved with the consumer standards if it becomes necessary to address failure. Significant emphasis is being given to co-regulation, with tenants playing an increasingly important role in scrutinising performance and value for money. A continuous focus on improving VFM remains at the core of the revised principles of co-regulation.

Local Context

WLBC Housing Service owns 6200 properties (source: Housemark). Properties are dispersed across the Borough, with the majority of homes concentrated in the Skelmesdale area.

WLBC Housing Service is committed to ensuring that all tenants can choose how they want to be involved. The Road to Improvement, WLBC's Tenant Involvement Strategy, outlines how the Council places tenants and residents at the heart of service delivery and improvement.

The Council's former Corporate Overview and Scrutiny completed a special project in early 2011 to propose a tenant governance arrangement. The final project report was submitted and approved by Cabinet in March 2011 and subsequently endorsed by Council. The structure was heavily influenced by the Salix Homes governance model.

The structure was reflective of the need to drive forward change in the Council approved Landlord Services Improvement Plan and to meet requirements agreed with the TSA.

The structure was informally reviewed in September 2011 when some changes were agreed and approved by Cabinet in November 2011 and subsequently by Council. In essence those changes reflected the completion of work arising out of initial TSA requirements.

It is important to note these above structures did not seek to change either the function or structure of the Tenants & Residents Forum. It was felt that to do so at that stage, with the introduction of the new arrangements, would have been too disruptive. The only link to the new arrangements was the nomination of four tenant representatives to the Landlord Services Committee (a cross member working group of the Cabinet) as at that time no other formal tenant group existed.

As the governance and scrutiny structures began to operate more effectively the balance and relationships between the TRF and SEG & SIG's and the LSC began to create uncertainty. Additionally as we had achieved further progress on our work programmes it was felt by all parties that this was a natural opportunity to review the structures, frequency and focus of the arrangements to support tenants over the medium term. The Groups themselves had also benefited from training and were now becoming more independent of officer management. It was also felt that Helena's expertise in this area and their external assessment was a vital consideration in undertaking a review.

Additionally along with the TRF it was agreed also not to consider at that time the relationship and future involvement of the TRA's. Some of the TRA's had only just changed from Estate Management Boards to TRA's and any further change would have been counterproductive.

It was stated from the outset that any recommended changes did not emanate from a wish to reduce current HRA provision for tenant participation and involvement rather to seek to rationalise and focus resources to support the wider tenant involvement strategy initiatives.

Tenant Involvement Structure

The tenant involvement structure outlines a range of mechanisms for tenants to get involved. This includes tenant led scrutiny groups, and the Tenant and Residents Forum who play a role in determining how the Council makes changes for the benefit of all tenants and residents.

The tenant involvement structure is made up of:

- **Tenant and Residents Forum (TRF)** – contribute to how the Council makes changes for the benefit of all tenants and residents
- **Service Evaluation Group (SEG)** – the main tenant scrutiny body that is supported by the Service Improvement Groups (SIGs) and Task and Finish Groups.
- **Service Improvement Groups (SIGs)** – who have an in-depth view of service delivery and performance in order to scrutinise and challenge WLBC housing service
- **Working groups** – VFM group and Property Service Quality Monitoring Working Group (SQWMG)
- **Task and Finish groups** – who are commissioned by the SEG or SIGs as needed to work on service specific time bound projects.

And wider tenant involvement activities such as:

- Armchair Army
- Tenant Champions
- Satisfaction surveys

- Tenant Void Inspectors
- Tenant and Resident Associations
- Comments, complaints, and compliments etc.

Methodology

The review of the Tenant Involvement structure included:

- A desk-based review of key documents
- Consultation with tenants, staff and councillors
- Tenant meeting observations
- A survey of tenants who are not involved in the structure

With this in mind, the review focuses on the state of play of WLBC's tenant involvement structure and looks to assess how well the structure complies with the HCA tenant involvement and empowerment standard and how well it can move forward in the line with the new regulatory focus.

Definitions

Reference is made throughout this report to tenant led scrutiny activities and wider tenant involvement initiatives.

For the purpose of this report, the following definitions apply:

The focus for a **scrutiny** group is to hold landlords to account where performance is poor or it fails to meet agreed service standards. Scrutiny is a different level of involvement. It requires a high level of commitment and new skills such as research, presentation skills, and report writing. A scrutiny group is not a consultative body that meets to gather information and is reported to. Scrutiny groups provide critical friend challenge, enable the voice of tenants to be heard, and are tenant led. The overall aim is to improve services.

Tenant Involvement enables tenants to share their views about the services they receive. This may include asking customers to participate in consultation surveys, attend meetings to comment on policy and strategy, and help to shape the services they receive. Tenant involvement will contribute to service improvement but it is not its primary focus to challenge service delivery.

Executive summary

Overall, significant improvements have been made to the tenant involvement service over the last 18 months. A few notable points include:

- The current structure is based on the Salix model, which was highlighted as best practice under the previous regulatory regime of the TSA. For the past two years this structure has served the organisation well with high satisfaction and demonstrable outcomes. These include:
 - Increased number of tenants involved within housing services
 - Tenants who are empowered to challenge the service and act as a critical friend
 - An enhanced skills base amongst tenants involved in the structure
 - Established mechanisms to ensure that the housing service is open and accountable, such as making the minutes of tenant led scrutiny meeting available to all
 - Enhanced culture for tenant involvement through improved communication and staff briefings
 - Established clear process for tenants to challenge services and scrutinise performance issues
 - Ensured that tenant groups have direct access to senior management
 - Achieved high tenant satisfaction (82%) that WLBC Housing Service is listening to tenant's views and acting upon them (an improvement of 2% since 2010).
 - In addition, 83% agreed that WLBC Housing Services keep them informed. (STAR survey 2012)
 - Ensured that involved tenants feel valued for their role and contribution. Tenants stated that they have seen significant improvement to the service over the last 18 months. This was identified as a key strength in STAR 2012.
 - Developed the Task and Finish Groups as effective mechanisms for improvement which are highly valued by both tenants and staff.

The housing world is currently experiencing a period of significant change. Key risks facing the sector and therefore WLBC housing service include:

- Changes to the contractual arrangement for Supporting People funding in 2015 and Housing Benefit eligible services
- Introduction of Welfare Reform changes, associated costs, and potential loss of revenue
- Reduction in available funding to develop new homes
- Delivering significant investment in homes improving services within the new HRA Self Financing Regime.

The Council and its members more than ever need to be aware of the risks, and the means by which to mitigate them. Councils are still responsible for providing quality services, and therefore it is a balancing act between cost and quality. The clear HCA expectation is that co-regulation will remain at the heart of assessing the risk and managing finite resources.

With this in mind, it is no longer sustainable for WLBC Housing Service to maintain the tenant involvement structure in its current format. It is therefore at a natural point for change. Value for money, efficiency and outcomes delivered should be the key drivers.

The new structure could

- In light of regulatory changes consider streamlining the structure to ensure a more efficient process, and make certain that mechanisms reflect the management of key risks and tenant requirements.
- Empower groups to become self-sufficient and develop their levels of autonomy to allow staff roles to move more towards a mentor/critical friend role. This would reduce staff resource required to service the groups and help to foster an improved co-regulatory culture.
- Further explore opportunities for community initiatives that reflect local needs and link into the wider welfare reform agenda.
- Refresh the role of the TRF, giving it a 'community champions' focus. This will enable tenant participation and consultation activity to be clearly distinguished from that of tenant led scrutiny.
- Use of customer insight to ascertain the best time to hold meetings and consider how tenants would like these structured. This would enable WLBC Housing Service to diversify the range of customer groups they engage with.
- Refresh staff and tenant awareness of the purpose of tenant involvement to achieve goal congruence and achievement of objectives. Ensure outcomes are well communicated to all stakeholders using a variety of mechanisms.
- Ensure that tenants have access to cost information regarding tenant involvement activities in order to assess the impact, measure social value, and target resources.
- Merging of some existing groups within the tenant led scrutiny structure to utilise the strong skill base of tenants involved, and ensure more 'bang for the buck'.
- Continue to adopt an open and honest approach, ensuring a high level of integrity and transparency across the board. Detailed minutes should be well documented with actions and responsible officers agreed. Measures to be identified in order to monitor recommendations. These should continue to be made available to all.
- Implement an annual appraisal system for all involved tenants linked to the Tenants Knowledge Circle to further build capacity within the groups.
- Clarifying roles and responsibility within the new structure, making a clear distinction between tenant led scrutiny and wider involvement mechanisms.

- An annual review schedule of the terms of reference of all groups would be beneficial and would enable the service to be flexible and fleet of foot in its approach.
- As mentioned previously, the recent key driver analysis from the STAR 2012 survey identifies listening and acting on the views of tenants as a key strength at WLBC Housing Service. The service should therefore continue to demonstrate how tenant involvement is shaping and improving services.
- There is an appetite amongst tenants, residents, staff and members to have a more flexible approach to tenant involvement, enabling efficiency savings and improved VFM to be achieved.
- Our recommendation is Option 3 (see page 17 for details)

Detailed findings:

A review of key documents was carried out in advance of consultation with tenants, staff and council members. Documents reviewed included:

- Minutes of tenant meetings held in the past few months
- The current involvement structure, terms of reference for some groups
- Latest STAR survey findings (2012)
- Recent publications such as the annual report and tenant newsletter
- The Tenant Involvement Strategy – The Road to Improvement.
- Complaints performance information
- Information regarding how to get involved on WLBC's website.

In addition, a number of tenant meetings were observed by Nina Peters during October and November 2012. The aim was to get an informed idea of how the meetings work, what works well, and areas for improvements.

Focus groups without officers present were held at the end of all meetings observed to ensure that involved tenants had the opportunity to contribute fully to this review.

The aim of the focus groups was to consider the following:

- What works well?
- Areas for improvement
- SWOT analysis
- Roles and responsibilities of individual groups
- How scrutiny activities and wider tenant involvement mechanisms fit together
- VFM
- Outcomes achieved – do tenants feel that they have 'teeth' and make a real difference?
- Transparency and accountability
- Wider tenant consultation
- Involvement in housing policy and strategy
- Whether customers are at the heart of WLBC Housing Service.

Separate staff focus groups were also held to discuss the above bullet points.

To avoid survey fatigue (given that the STAR survey had only just been carried out) and to keep costs to a minimum, the views of uninvolved tenants were sought at the two WLBC customer access points over a three day period by Danielle Tatlock and Graham Jones.

Caution should be taken when interpreting these results due to the low response rate achieved, however they provide an indication of the view of some uninvolved tenants with some tenants indicating an interest in getting involved in WLBC Housing Services.

Recommendations:

Aim

Suggested improvements in response to changes in regulation and current risks facing the housing sector:

Existing mechanisms for involvement and scrutiny

- Clearly define the roles of all groups making the distinction between tenant led scrutiny and wider tenant consultation and involvement.
- Establish the TRF as a key consultation group for the development of housing policy and strategy. In addition, this group could play a key role in assessing the impact of tenant involvement activities and associated VFM (of tenant involvement activities only).
- Reduce the number of groups included within the tenant led scrutiny element of the involvement structure (see Option 3). This will help to remove duplication of effort and reduce expenditure. In addition, it will provide a clear focus which will ultimately help to ensure a greater number of outcomes are achieved.
- Clearly define the SEG and SIG as mechanisms for co-regulation and tenant led scrutiny activities **only**.

Effectiveness and associated VFM of the current structures

- Ensure that the costs of implementing tenant and resident involvement can be monitored
- Identify mechanisms for evaluating the impact of all tenant and resident involvement activities, ensuring that tenants play a key role in this function.
- Ensure that all outcomes achieved have monitoring mechanisms established to evaluate impact of the changes made.
- Maintain an outcomes log and regularly report this to tenants, staff and members.
- Reduce the number of groups within the structure (specifically the SIGs).
- As mentioned above, clearly define the roles of all groups making the distinction between tenant led scrutiny and wider tenant consultation and involvement.
- Review the menu of mechanisms for getting involved in WLBC housing services considering the five levels of involvement outlined on page 15.
- Limit the number of staff attending meetings where the purpose is only to provide a brief verbal update.
- Review the frequency of TRF meetings as part of the revised role.
- Review frequency of SEG and SIG meetings as part of

revised role.

Co-Regulation

- Ensure that WLBC Housing Services can demonstrate that the tenant involvement service is providing good value for money
- As mentioned above, keep an outcomes log to demonstrate how the views of tenants and residents have led to change and improvement. This will help to demonstrate VFM as well as empowering tenants by clearly demonstrating that tenants influence services and can hold the department to account for poor performance
- Involve tenants in clearly defining the roles of all mechanisms for involvement. As mentioned previously, separate out wider consultation and involvement from tenant led scrutiny activities.
- Communications to staff and tenants involved on roles and responsibilities of each group.
- Wider communication of the menu of opportunities to get involved as part of recruitment work planned by Tenant Involvement Team.
- Review how tenant representatives are voted onto the LSC. Currently, only members of the TRF have the right to vote tenant representatives onto the LSC. WLBC may wish to consider widening voting rights to allow all tenants involved in scrutiny activity to also vote.
- Ensure that VFM is an integral part and key consideration of all scrutiny reviews. WLBC Housing Service may wish to also consider the 'social value' of tenant involvement and tenant led scrutiny activities in order to ascertain and maintain that the service is providing good VFM. (See information on Housemark and the National Housing Federation for further information on Social Value.)

Culture of involvement throughout the housing service

- Continue to build a positive 'culture' for involvement throughout WLBC Housing Service.
- Ensure frontline staff are regularly informed and updated of the structure, its aims, and objectives.
- Ensure that the tenant involvement service is transparent, open and accountable. This may be achieved by defining roles and responsibilities, continuing to openly publish meeting minutes, and monitoring and reporting the impact of

recommendations made as a result of tenant involvement.

Open and Accountable

- As mentioned above, reduce the number of formal groups within the structure. This will help to reduce the burden of ensuring all groups are kept fully informed and remove suspicion amongst some that some know more than others.
- Continue to ensure that all minutes are readily available and accessible.
- As previously stated, establish effective mechanisms to monitor the impact of tenant involvement initiatives. Report the outcomes regularly so that tenants can clearly see how their views are shaping services.

Opportunities for involvement that are inclusive

- Look at new mechanisms for engaging with young people. This may require less formal means of involvement, such as opinion polls, use of Smart Apps, focus groups and linking into young people events. Reducing the number of groups in the formal structure will free up time within the tenant involvement team to resource this.
- Use customer insight and profiling to identify customer preferences for involvement in order to tailor the menu of mechanisms.

Adequate provision of support, learning and development opportunities

- Carry out annual appraisal of involved tenants and tailor the training programme accordingly.
- Ensure that a log of all training activities is maintained and assessed in regards to impact and VFM
- Continue to develop and implement Tenants Knowledge Circle
- Review course content of external training events to be held and agree agenda with tenants in advance (in response to recent TPAS training)

Involvement and scrutiny at the heart

- Run a series of staff briefings following implementation of the new structure
- Consider the development of a staff toolkit to complement the menu of opportunities for involvement
- As already stated, establish effective mechanisms for assessing the impact of resident involvement and ensure the outcomes are feedback to throughout WLBC housing services department regularly

Menu of opportunities to get involved

- Review the menu of opportunities ensuring that wider mechanisms for involvement feed into the formal structure.
- Consider mechanisms for engaging with young people

Effective mechanisms to measure the impact of involvement and scrutiny activities

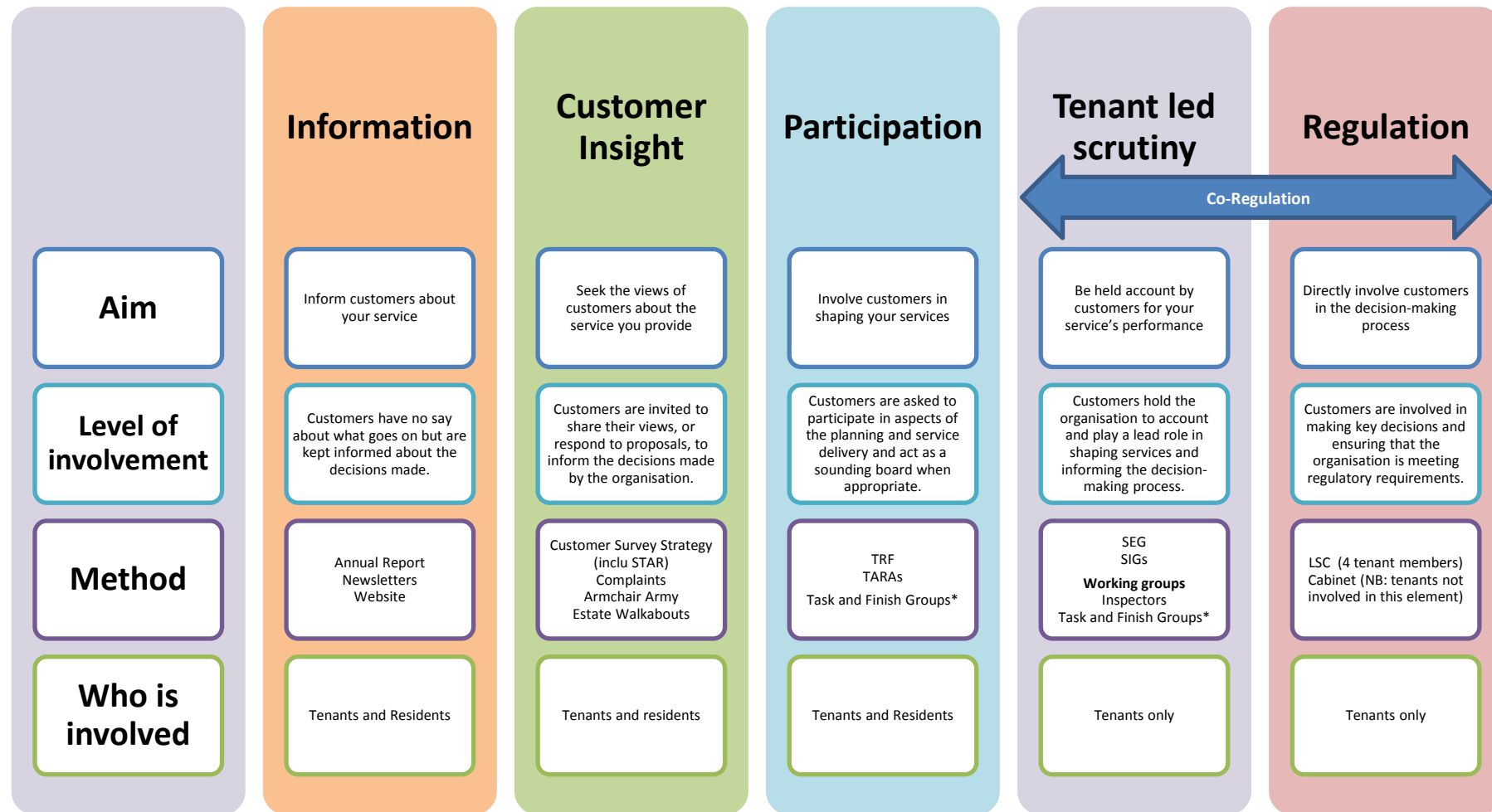
- Ensure that effective mechanisms are developed to monitor the inputs, outputs and outcomes of all resident involvement activities.
- Consider the role of the TRF in relation to assessing the impact of tenant and resident involvement.

Effective performance and reporting mechanisms are established

- Consider reducing the number of SIGs so that one group can make an assessment of the overall quality, timeliness and cost of services provided.
- Ensure that any recommendations made via the formal tenant involvement structure have performance measures or agreed success criteria identified. This will enable the SEG to monitor progress against the actions agreed and for impact to be assessed.

Suggested changes: Clarify the purpose, roles and responsibilities of all groups

There are a number of different methods, tools and techniques for engaging with customers and communities. It can therefore be confusing when considering which method is most suitable. The diagram below identifies five levels of involvement, and how the tenant involvement structure can fit within this framework. This framework will help to clarify the roles and responsibilities of all groups.



*Level of involvement required in a Task and Finish group could differ depending on the purpose of the group.

Suggested changes to the tenant involvement structure

The findings of the desk based review and consultation exercise, together with recent changes to the regulatory framework (with a focus on VFM), indicate that a more streamlined and less formalised structure for tenant involvement would be of benefit.

Three options have been identified below:

	Proposal	Recommendation:
Option 1	The tenant involvement structure to remain the same with no changes to the structure implemented.	<p>In commissioning this review, WLBC and tenants, has already identified the need to change. With current changes to regulation the</p> <p>The current structure appears to be high cost (based on administrative costs, staff time etc). The structure needs to deliver good value for money and maximise outcomes achieved.</p> <p>It is therefore not recommended that the structure remains static in its current form.</p>
Option 2	Incremental changes to be made over time. Starting with the TRF in the initial phase, with the aim of streamlining the tenant led scrutiny structure over the next 12 to 24 months.	<p>Providing a clear focus and remit for the Tenant and Resident Forum should be a key priority.</p> <p>WLBC housing service should clearly define roles of all groups involved separating tenant led scrutiny from wider tenant involvement and consultation initiatives. See page 15 above for suggested levels of involvement and how this can be applied to WLBC's involvement structure.</p> <p>It is recommended that the TRF is utilised to assist in the development and consultation of housing strategy and policy issues. The meeting should include an element of 'work' for those in attendance. Tenant and residents views should be sought on matters of interest and the sessions used as a problem solving forum as and when necessary.</p> <p>The venue used for TRF meetings may need to change to enable group work to be carried out. The frequency of meetings could be reduced, or meetings called on an ad-hoc basis as and when issues for resolution occur. Meetings could be held as an when agenda items are requested by its members as opposed to set</p>

times within the year.

The focus of the TRF should be on policies for the wider benefit of all living in WLBC and not focused on individual neighbourhood or individual tenant issues, (which are already dealt with at TRAs and daily on an individual level).

Once the new role for the TRF has been embedded, focus should be given to reviewing tenant led scrutiny activities, with the aim of reducing the number of groups in place. This will help to remove duplication of effort, free resources to deliver a wider range of initiatives and improve VFM across the service.

This approach to reform is incremental and may therefore take up to 2 years to implement.

Option 3 Radically change the structure. Reducing the number of formal groups in place, providing a clear focus to the TRF, and freeing up resource to deliver wider and/or more localised involvement initiatives.

Make radical changes to the tenant involvement structure as outlined on page 24.

As outlined in Option2, the focus of the TRF should be to assist in the development of wider housing policy and strategy. The meeting should include an element of 'work' in which tenant and residents views are sought and the sessions seen as a problem solving forum as and when necessary.

The number of groups within the tenant led scrutiny element to be significantly reduced. This will remove duplication, reduce the administrative burden of supporting the groups and provide greater VFM.

Option 3 represents the biggest gain in regards to VFM, and will help to improve the level and frequency of outcomes achieved.

Resources could then be directed towards the wider menu of opportunities and more informal methods of involvement, for example engagement with young people.

Based on the findings of this review, our recommendation is Option 3.

Options appraisal

Option 1

The table below outlines the impact and implications of the current tenant involvement structure remaining the same.

Option 1	Remain the same – Impact:
Existing mechanisms for involvement and scrutiny	Overly formalised. Duplication of efforts. Limited outcomes. No mechanisms for evaluating impact.
Effectiveness and associated VFM of the current structures	Poor. Resource intensive. Limited outcomes achieved.
Co-Regulation	Structure is in place for co-regulation. However, outcomes are limited. Impact cannot be assessed and VFM is not clearly demonstrable.
Culture of involvement throughout the housing service	Lack of understanding and clarity of the involvement structure.
Open and Accountable	Difficult to keep all people fully informed of all elements within the structure. This has led to suspicion amongst some and a feeling that WLBC is not open and transparent. Tenants do not feel that they have ‘teeth’ or fully recognise the positive impact they have made on improving services.
Opportunities for involvement that are inclusive	The current structure is resource intensive and therefore limits opportunities for wider and more inclusive mechanisms for involvement to be developed.
Adequate provision of support, learning and development opportunities	Tenants referred to recent external training which they rated as poor. There was no mention of the knowledge circle. Tailored training was stated as both a positive within WLBC housing service and an area for improvement by tenants.
Involvement and scrutiny at the heart	It is clear that structure aims to place tenant involvement at the heart of the housing service. However lack of clarity amongst staff regarding the range of groups, and the absence of impact assessment and monitoring mechanisms is barrier to achieving this.
Menu of opportunities to get involved	Whilst a menu of options is in place, focus is directed toward tenant led scrutiny in the main. The structure is very resource intensive and therefore wider involvement is not being addressed.
Effective mechanisms to measure	Effective mechanisms are not well defined or applied. WLBC

the impact of involvement and scrutiny activities

housing service may therefore not be able to fully demonstrate how it is achieving good value for money in regards to tenant involvement as required by the HCA Tenant Involvement and Empowerment standard.

Effective performance and reporting mechanisms are established

An assessment of the cost, quality and timeliness of services is split between various groups. Tenants stated that the SEG having overall responsibility for pulling it all together. It is therefore difficult for tenants to accurately determine whether the balance between cost and quality of services is right. Duplication of effort in achieving this is also evident.

Option 2 – Incremental change

Option 2 recognises that change may need to be made incrementally over a 12 to 24 month period.

Focus for change should begin with the TRF ensuring a clear role and remit is agreed with all involved. Reference should be made to the five levels of involvement as outlined on page 15. There is a potential role for the TRF to play in shaping the wider housing strategy and policies within WLBC Housing Services.

There is currently a gap in regards to monitoring and assessing the impact of involvement activities. As mentioned previously, this could be a potential role for the TRF which would help to improve communication, and ensure greater transparency around scrutiny activities.

The tenant led scrutiny structure will continue to be resource intensive in its current format. Once work regarding development of the TRF is completed, it is recommended that WLBC housing service looks to review and reduce the number of groups involved in scrutiny activities.

Incremental steps may make the change management process easier to accomplish. However, improved outcomes and reduced expenditure, and ultimately VFM, would not be met to its full potential for some time.

Option 2	Incremental change
Existing mechanisms for involvement and scrutiny	Some areas of duplication will remain within the tenant led scrutiny activities. Lack of clarity will therefore remain whilst the incremental changes are being implemented.
Effectiveness and associated VFM of the current structures	VFM will be improved incrementally.
Co-Regulation	Structure is in place for co-regulation. Duplication of efforts impacting on VFM. Outcomes likely to be limited.
Culture of involvement throughout the housing service	Clarity around the structure will be improved over time, which in turn should help to further improve the culture for involvement.
Open and Accountable	<p>The proposed changes to the TRF will help to improve levels of transparency and accountability.</p> <p>Issues are likely to remain within the tenant led scrutiny element of structure due to the number of groups involved until the service is streamlined.</p>
Opportunities for involvement that are inclusive	The tenant led scrutiny element of the structure will continue to be resource intensive in the short term. It will therefore be difficult for WLBC Housing Service to focus on wider involvement initiative such as engaging with young

people.

Adequate provision of support, learning and development opportunities

Tailored training programmes should be developed for all involved. Those involved in scrutiny may need additional training and/or regular refresher training around the skills required for this role.

Involvement and scrutiny at the heart

Further clarification of roles and a clear distinction between scrutiny and tenant involvement is required.

Menu of opportunities to get involved

Whilst a menu of options is in place, focus will continue to be directed toward tenant led scrutiny in the main (due to the number of groups in place). The structure is very resource intensive and therefore wider involvement will be difficult to address.

Effective mechanisms to measure the impact of involvement and scrutiny activities

Effective mechanisms are not in place. WLBC housing service may therefore not be able to demonstrate how it is achieving good value for money in regards to tenant involvement as required by the HCA Tenant Involvement and Empowerment standard. If the number of groups involved in the structure continues as is, monitoring the impact may become an administrative burden.

Effective performance and reporting mechanisms are established

An assessment of the cost, quality and timeliness of services is split between various groups. Tenants stated that the SEG having overall responsibility for pulling it all together. It is therefore difficult for tenants to accurately determine whether the balance between cost and quality of services is right. Duplication of effort in achieving this is also evident. Whilst the number of groups remains, this will continue to be an issue.

Option 3 – Radical change

The current structure is resource intensive, and relies on a small number of tenants to contribute to a large number of groups. With reduced outcomes being achieved, the service does not appear to be providing good value for money.

The findings of this review suggest that a more streamlined structure for involvement would be of a benefit to WLBC Housing Services. This would reduce the administrative burden on staff, enabling greater scope for the tenant involvement team to focus on additional priorities as outlined within the tenant involvement strategy.

The new structure would ensure that all groups have a clear purpose. This would be of particular benefit to the TRF, ensuring that the group has a clear remit which does not duplicate the work of other existing groups.

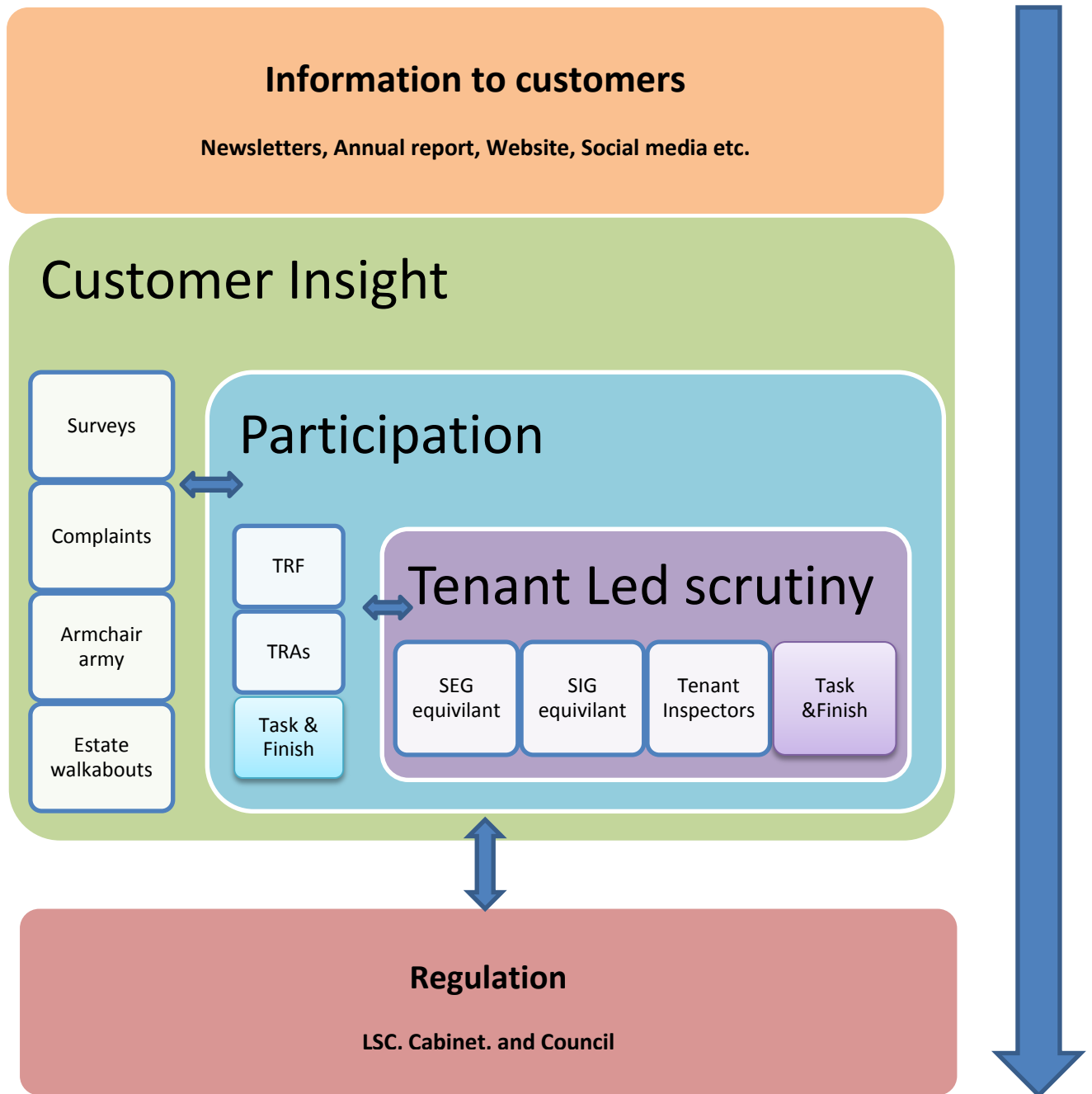
In addition, managers were often confused as to which group they needed to meet with and for what purpose. There was a feeling amongst some staff/managers that the new structure had made it difficult to identify where to go for general consultation around service specific issues.

The structure proposed on page 24 will help to clarify roles and responsibilities and provide a guide to staff as to which group they need to work with depending on the overall objectives they seek to achieve.

Option 3	Radical Change
Existing mechanisms for involvement and scrutiny	Clear roles and responsibilities defined. Effective monitoring mechanisms established to regularly review impact and VFM, and to hold WLBC housing service to account.
Effectiveness and associated VFM of the current structures	Good. Reduced costs and improved outcomes.
Co-Regulation	Clear involvement structure. Co-regulation requirements achieved and tenant involvement service providing good value for money.
Culture of involvement throughout the housing service	Improved understanding of the structure, its aims and roles within it, will help to improve the culture for involvement within WLBC housing service.
Open and Accountable	A more streamlined structure will make it easier to keep all adequately informed. Effective monitoring mechanisms will enable to tenants to hold senior staff and council members to account as required in the HCA Tenant Involvement and

	Empowerment Standard.
Opportunities for involvement that are inclusive	Resource will be made available to focus on additional mechanisms for involving tenants and residents and wider consultation.
Adequate provision of support, learning and development opportunities	Reducing the number of groups in place will make it easier to manage and administer a tailored training programme. The programme should be directly linked to individual annual appraisals of all tenants involved in scrutiny. A training programme should also be offered to the TRF, however the skills required will differ to that of the scrutiny groups.
Involvement and scrutiny at the heart	A simplified structure will make it easier for WLBC housing service to place involvement at its heart. Clearly distinguishing between the scrutiny and tenant involvement will also assist in achieving this.
Menu of opportunities to get involved	Resource will be made available for focus to be given to alternative methods of involvement and engagement.
Effective mechanisms to measure the impact of involvement and scrutiny activities	An effective mechanism should be developed to monitor the impact of involvement activities. Reducing the number of groups involved will reduce the administrative burden of completing the assessments.
Effective performance and reporting mechanisms are established	<p>A reduction in the number of groups will allow for cost, quality and timeliness of services to be assessed overall. Ensuring that there is an appropriate balance.</p> <p>Measures should be identified and effective monitoring mechanisms established following all tenant led scrutiny reviews in order to assess whether it has led to a service improvement. This will enable WLBC housing service to clearly demonstrate outcomes achieved.</p>

Option 3 – Proposed structure



Option 3 - Expected outcomes:

By implementing the above structure WLBC can expect to achieve:

- Streamlined approach. Clarity of roles and responsibilities
- Remove duplication and eliminate waste.
- Improve efficiency and effectiveness (VFM)
- Focused approach – greater emphasis on outcomes.
- Staff resource/time can be made available to focus on wider workload e.g. recruitment and local involvement initiatives
- Remove ambiguity – staff can be clear where to go to consult with tenants, and who is responsible for holding their service to account.
- Improved transparency around involvement initiatives.
- Clear outcomes – tenants will be able to see how their contribution has helped to make a difference.

Key changes:

Role of the TRF:

- Focus on wider housing policy and strategy issues that impact on borough as a whole.
- Tenants and residents involved.
- Frequency of meetings reduced.
- Meetings only held as and when agenda items are requested by tenants and residents.
- Could play a role in evaluating the impact of tenant involvement activities and rating them accordingly. This would also help to improve communication between different elements of the involvement structure.

Tenant led scrutiny structure:

- Reduction in the number of groups (maximum of two) who are supported by the tenant inspectors. This will remove duplication and free up resource to be focused on widening involvement elsewhere.
- Within the proposed structure, as an evaluation group, the SEG could be responsible for monitoring performance information regarding cost, quality and timeliness of services on a quarterly basis.
- It is best practice to ensure that any changes as a result of scrutiny and involvement have appropriate monitoring mechanism and performance measures identified in order to assess the success of change. The SEG could also, therefore, play a role in monitoring success measures on a regular basis to ensure it is leading to improvement and to hold WLBC housing service to account if necessary.
- The SIG's role could be to carry out detailed service reviews where a failure to meet service standards or poor performance has been identified.

Task and Finish Groups:

- Feature as both a method for participation and tenant led scrutiny.
 - Participation Task and Finish Groups – may be a one off focus group/ consultation exercise e.g. to review a policy.
 - Scrutiny Task and Finish Groups – may be commissioned by the scrutiny groups if required. However, the new role proposed by the SIG may mean that the need to establish scrutiny task and finish groups will reduce.

Use of social media

Many housing providers are now recognising the clear customer service and business benefits that social and digital engagement can bring. Online communities can broaden participation, and help to engage harder to reach groups.

Social media can be a useful tool enabling you to reduce the number of meetings required to engage with your customer base. It also enables participation over evenings and weekends so can be more inclusive.

Customers are already online, but many housing providers think that they're not. Research indicates that with the use of smart phones, the number of customers who have internet access is a lot higher than is often perceived; and over 50% in some areas. More people are now going online via smartphones or tablets than fixed PCs, which has led to an increased need for mobile friendly websites. The over 65's are the fastest growing market for ipads, dispelling the myth that the internet is not only for the young.

In addition, many customers will not realise that they are online. Lots of housing providers are asking their customers if they have access to the internet and are told no. However, when asked if they use Facebook the answer is yes. Many people do not realise that by pressing an app on their smart phone they are accessing the internet.

Starting points for introducing social media are often Facebook presences with a corporate look, feel and name. You can use these to post news updates, ask questions and gather feedback, promote events etc.

Housing providers using social media have found that overtime customers start to bypass traditional customer service channels to get a quicker response. Social media enables you to engage a cross section of staff – It is not a standalone communications team function although there needs to be a robust policy with sensible guidelines. You will need staff ready and willing to provide answers when a customer has posed an awkward question or made a negative comment.

Many younger customers or the children of your primary customer base do not even use email – they expect social media to be available as a mechanism for communication and engagement. Social media may therefore not only be a useful tool for engaging with younger tenants, but an expectation of younger tenants.

Issues for resolution:

Ensuring that the service is providing good value for money is a critical requirement of the HCA tenant involvement and empowerment standard. To ensure regulatory compliance, WLBC Housing Service must ensure that costs can be identified, outcomes from involvement are logged and monitored, and that tenants have a role to play in evaluating the impact of the service.

WLBC Housing Service could face opposition from tenants when attempting to streamline the structure. However, involved tenants agree that the structure should provide good value for money and that there needs to be a balance between costs incurred and outcomes achieved. Any changes should be made in partnership with all tenants involved. It may help to provide tenants with actual costs incurred through the current structure in order for them to make an informed opinion on how the new structure could be streamlined.

The current work programme for tenant led scrutiny is shaped around what those tenants involved in the structure feel is of importance or have a keen interest in. WLBC would benefit from introducing an annual planning day. All tenants involved in scrutiny groups and the inspectors, should be invited to attend. The group should determine the annual work schedule at the planning day based on:

- performance information (where performance is poor),
- service standards that are not being met,
- benchmark information (such as that gathered by Housemark) and
- customer feedback (e.g. the STAR survey 2012).

This would ensure that the service review program is based on improvements aimed at wider benefit of all tenants at WLBC and remove any suspicion that involved tenants are only in it for their own gain.

The number of reviews should be kept to a maximum of 4 per annum in order to allow in-depth analysis/scrutiny to be carried out.

Performance measures to monitor impact and improvements made should be identified and regularly reported. This will help tenants to see and understand how their contribution has helped to shape services and make a difference.

Implementation – ten steps to change

The changes proposed within this document (whether incremental change or radical change) will require the following action:

1. **Feedback** – to all involved in this review on the outcomes and the next steps
2. **VFM and impact assessment** of current structure– WLBC housing service should aim to establish costs for delivery of each element within the resident involvement structure. It is recognised that actual costs are not currently available, however estimates based on average salary cost per staff member attending or supporting meetings, together with tenant expenses should be gathered. This would enable staff, tenants and residents to evaluate the level of resource that is currently involved in administering this service in comparison to outcomes achieved, in order to fully appreciate the need for change.
3. **Consultation and negotiation** - Tenants, staff and members should have the opportunity to comment on the proposed changes and what plan of action is agreed to be taken forward. Tenants involved should be assured that the changes are in no means a criticism of their effort and input, but are a natural means to delivering a more efficient service. Detailed negotiations may be required in determining how the new structure can be effectively streamlined in order to develop an exit strategy. As a first step it may be useful to determine an overarching ‘tenant involvement vision’ of how WLBC staff, tenants and members would like the service to look.
4. **Steering group** – it may be of benefit to establish a task and finish group to oversee the implementation of new structure. The role of the group would be as change managers and should include tenant representation. A project plan should be developed and communication of the proposed changes should be an integral part of this.
5. **Clearing define roles**, responsibilities, and the distinction between tenant led scrutiny and wider involvement mechanisms. Ensure clear role descriptions are in place for those involved in scrutiny arrangements and that terms of references for groups reflect any changes made.
6. **Recruitment and selection** – Reducing the number of groups within the scrutiny element of the structure is likely to require tenants to reapply for membership of the new groups and you may wish to consider changing the group names. Membership numbers of the new scrutiny groups may increase as a result, and you may in addition, wish to look to recruit ‘new faces’ to the structure.
7. **Training** – carry out a Training and Skills Audit of all involved and establish an annual appraisal process for involved tenants. The outcomes from the appraisal process should inform the annual training programme.
8. **Establish an effective monitoring and impact assessment process** – tenants should be involved in assessing the impact of tenant involvement activity. All recommendations that are taken forward from tenant involvement initiatives should have monitoring and performance measures identified. These should be reported to the SEG on a regular basis.
9. **Communication** – of the changes made is of key importance. In addition, communication of outcomes achieved from tenant involvement activities should be a priority, linked to the monitoring and impact assessment process.

It is important that WLBC ensure that all staff and members are fully aware of the new

structure, how it works and how they can link in and work in partnership with tenants and residents.

Both involved and uninvolved tenants and residents should be informed of the changes.

10. Agree an action plan and allocate resources –

The above actions should be agreed within a SMART action plan. It is difficult to estimate the cost required to implement changes until the final structure is agreed. Implementing change will require a high level of staff resource (potentially from the Tenant Involvement Team) however in taking the above steps forward efficiencies can be gained.

Appendix A: Survey of uninvolved tenants

To avoid survey fatigue (given that the STAR survey had only just been carried out) and to keep costs to a minimum, the view of uninvolved tenants were sought at the two WLBC customer access points over a three day period.

Caution should be taken when interpreting these results due to the low response rate achieved, however they provide an indication of the view of some uninvolved tenants.

Number of respondents: 15

Methodology: Face to face interview/survey

Summary of key findings:

- 60% of respondents (9 tenants) agreed that WLBC listens to their opinions and acts upon them. (Due to the low number of respondents, caution should be taken when comparing this to the recent STAR survey findings.)
- Awareness of the menu of mechanisms to get involved at WLBC varied. Whilst the majority of respondents had heard of their local tenant and resident association, most had limited awareness of the other options available to them such as Estate Walkabouts, the Armchair Army, Service Improvement Groups etc.
- Two thirds of respondents stated that they would not wish to get involved in WLBC activities. A variety of reasons were provided as outlined below:
 - 19% (4 respondents) felt that the time of evening meetings are not convenient
 - 14% (3 respondents) stated that they are not sure how to get involved
 - 10% (2 respondents) felt the time of daytime meetings are not convenient
 - 10% (2 respondents) stated that agenda items are not of an interest to them
 - 10% (2 respondents) felt that their views would not be taken into account
 - 10% (2 respondents) stated that they do not have time to get involved
 - 1 respondent felt that meetings are too formal
 - 1 did not think that outcomes as a result of getting involved are evident
 - A further 19% (4 respondents) stated 'other reasons' for not getting involved.
- The majority of respondents stated that they would not need any further support from WLBC to take an active role with their landlord. However, five respondents stated that they would require help with transport costs and background information about the housing

service. Help with childcare costs was an issue for two respondents, and confidence building and help with numeracy and literacy was a concern for one respondent.

- Postal surveys are the preferred method for getting involved with 13 out of 15 respondents choosing this option. 40% (6 respondents) would be interested in getting involved in community events.

Appendix B: Meeting observations and tenant focus group findings

	Strengths	Areas for improvement
SEG	<ul style="list-style-type: none"> • There is an independent recruitment and selection exercise • The group is very effectively chaired. Members are enthusiastic and supportive of one another • All members agreed that they can challenge officers • Members of the SIG are clear on their role and how it links into the wider structure • The group felt that WLBC housing service has moved away from involving tenants as a 'tick box' exercise and now value tenant's contributions 	<ul style="list-style-type: none"> • When asked to rate whether the group is a 'rubber stamping' group or scrutiny group, the majority of responses were in the middle of the scale indicating that further work may be needed for the group to fully meet its scrutiny role. • Only one out of 4 people stated that the group is tenant led, with 3 rating the group as somewhere in the middle between officer led and tenant led. • Members agreed that tenants on the SEG should not be able to sit on the LSC. They did however feel that they should have a vote on who becomes a tenant rep on the LSC without having to become a member of the TRF • There is a view that the SEG is scrutinising the work of other tenant groups as opposed to scrutinising the services provided by WLBC housing service. The balance therefore needs to be considered.
SIGs	<ul style="list-style-type: none"> • The Service Review Group is clearly meeting its objectives, challenging services and making recommendations for improvement. • Excellent chairing skills within the groups helped to keep the meetings to the agenda. • There is a high level of enthusiasm and commitment from all involved. • The groups were happy to challenge officers if necessary 	<ul style="list-style-type: none"> • Time, quality and cost performance measures may be looked at in isolation due to the current group structure. (PM SIG, VFM group, and SQMWG each looking at different elements.) • As an umbrella group, the SEG's role challenges and scrutinises the work of other tenant groups as opposed to the work of WLBC housing services • Reviews are currently selected by those on the groups indicating a need or preference. The SEG and SIG would benefit from an annual planning day

- In the main, those involved in the SIGs agreed that the meetings are tenant led
 - The majority of tenants agreed that their views are listened to and acted on.
 - Tenants on the SIGs were clear of their role and how the groups linked together. Duplication between groups was considered a strength to some but an area of improvement and frustration to others.
 - Tenants agreed that there is a tailored training programme in place
 - Tenants are provided with log-in details for Housemark. (However some noted that there are gaps in the data, and others stated that they can't access the site).
- in which priorities for review are determined by performance information, benchmarking, customer feedback and complaints.
- Whilst performance information is reviewed by the PM SIG on a regular basis, specific measures linked to the findings of previous service reviews were not highlighted to enable tenants to monitor progress and impact.
 - Whilst those involved feel that their work is valued, they did not feel that WLBC housing service gave them recognition or reward for their efforts. The groups did not think that this had to be anything on a large scale, but a thank you card or Christmas card as a minimum would help to show that their input is valued.
 - When asked to rate whether performance was improving, the majority said that it wasn't.
 - Tenants did not feel that there is currently an equal balance between cost and quality.
 - Following discussion, the tenants agreed that they tend to accept what officers tell them regarding performance and don't necessarily scrutinise the evidence.

TRF

- The number in attendance was fairly high
- Members are keen to get involved and demonstrated a clear enthusiasm for helping to improve WLBC housing services.
- Lack of clarity around role and purpose of the group
- High number of staff in attendance in relation to outcomes achieved did not appear to be good VFM
- There is feeling of 'us and them' between tenants and residents

- The group does not act as a 'forum'. Whilst information is presented to them, there is limited opportunity for discussion and consultation.
- There is duplication between the TRF and the Performance Management SIG.
- Whilst members value receiving updates from street scene, some did not feel that a member of staff was needed to attend the meeting. (In the meeting observed a short verbal update was provided stating that Christmas collection dates were being finalised.) Such information could be provided to the chair for example to share with the group on behalf of Street Scene.
- "The TRF is no longer a forum. It is a listening group and is very fragmented."
- When asked to rate how strongly members agree or disagree that they are proud to be a member of the TRF, only 40% agreed that they are proud to be a member.

Chairs meeting

- Has helped to develop good working relations between groups and share ideas.
- Helped to develop the confidence of Chairs.
- Direct link to senior management
- Structure doesn't really fit young people's needs and aspirations
- Feeling amongst some tenants that scrutiny is not truly independent. Links with officers may be too close. Things are accepted without scrutiny on occasion.
- Tenants agreed that the structure may need streamlining. It was set up with the TSA in mind and so does not reflect new regulatory requirements as well as it could.

**General
issues and
comments**

- Over reliance on the same people to make up groups.
- One tenant commented: “There is confusion at time between the role of officers and the role of tenants – with tenants getting too involved in officers jobs.”
- The relationship between tenants and the housing service differs greater to the relationship between tenants and property services.
- There is a view from some tenants that TARAs (and previous EMBs) are likely to feel ‘pushed’ out of the current structure.
- Tenants on the SIGs and SEGs should be able to vote on the tenant representatives that attend the LSC without having to become a member of the TRF.

Appendix C – Staff Consultation

Summary of key findings:

Example comments: (Full details have not been included due to confidentiality)

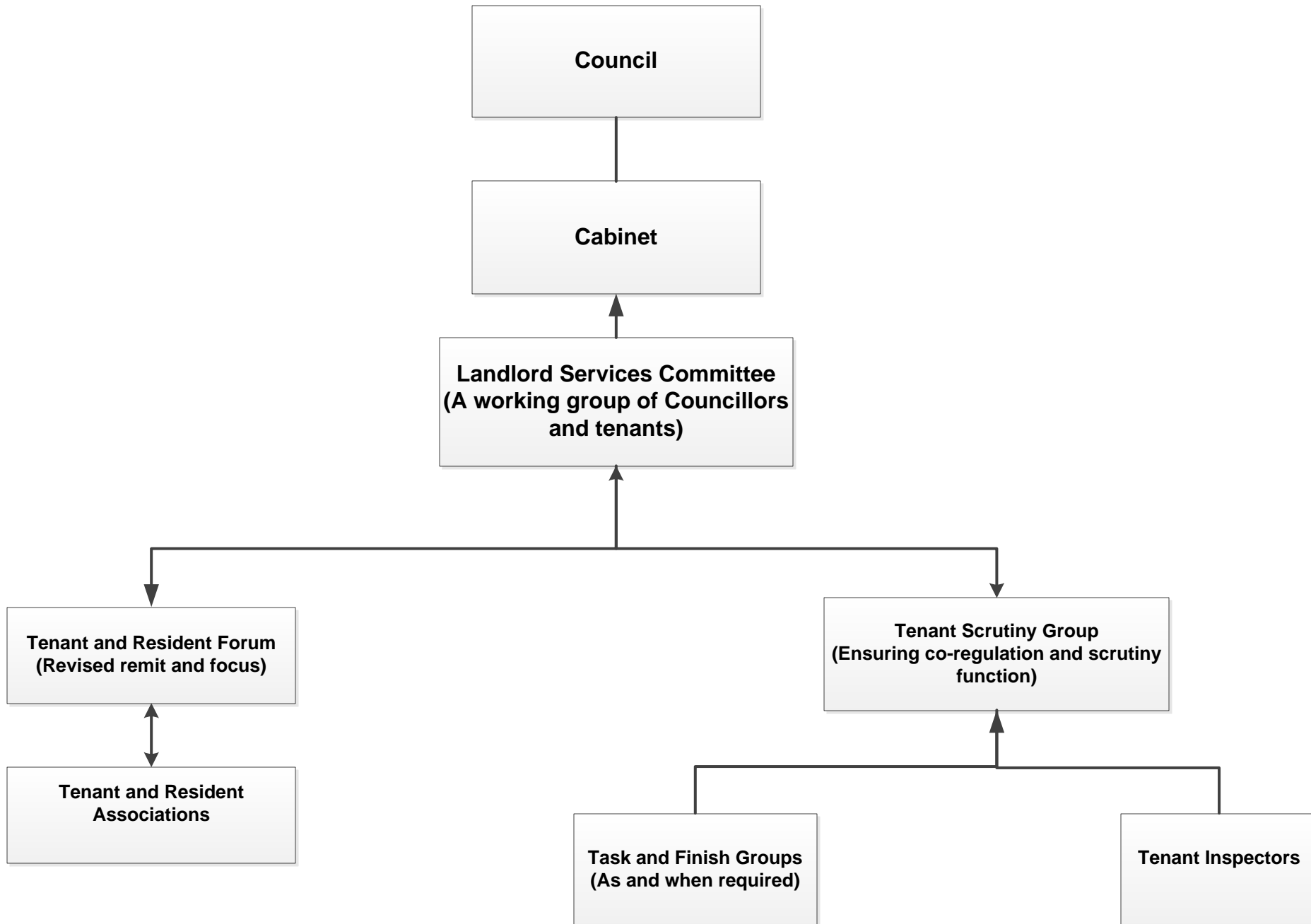
- | | |
|------------------------------|---|
| Strengths | <ul style="list-style-type: none">• Staff value tenant involvement more since the new structure was implemented• Culture for involvement has improved. Managers automatically consider how they can involve and engage with customers.• We are being challenged by tenants• Awareness of the menu of mechanisms was strong at a management level, however frontline staff did were not fully informed.• Task and finish groups were especially well regarded by staff |
| Areas for improvement | <ul style="list-style-type: none">• It's difficult to understand what each of the groups do and when we need to link into them• "We have lost some of the wider consultation"• The same people are often involved in a number of groups.• Limited examples of outcomes could be provided (however staff did agree that outcomes are more evident since the new structure was implemented).• Duplication – too many staff attending meetings or attending more than one tenant meeting with the same information• Staff would like to see more young people involved in the housing service• Lack of understanding around what is scrutiny and what is involvement activity. |
-

Appendix D – Consultation with Portfolio Holders

Key findings:

- Tenant involvement was highly valued
- Can see clear outcomes as a result of tenant involvement
- Ensuring that the Housing Service is delivery good value for money is a key priority
- There is a strong culture within the organisation towards involving tenants
- Improvements in the service have been reflected in the recent tenant satisfaction survey.
- Value the role tenants can play in shaping the service.
- Value the role of tenants on the LSC

PROPOSED NEW TENANT INVOLVEMENT STRUCTURE



PROPOSED REMIT FOR THE TENANTS AND RESIDENTS FORUM (TRF)

Establish the TRF as a key consultation group for:-

- * The development of housing policy and strategy.

- * A key role in assessing the impact of tenant involvement activities and associated VFM (of tenant involvement activities only).

- * A continued broader community focus e.g. refuse collection etc that excludes monitoring of the landlord services.

- * Establishing Task and Finish Groups as required.

<p>1.</p>	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people: <i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races/ethnicities/ nationalities;</i> <i>Men; Women;</i> <i>People of different religions/beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	<p>The new tenant involvement structure has been developed by tenants with support from one of the 12 national co-regulation champions Helena Partnerships. The structure actively encourages tenant involvement from all groups and these rationalised arrangements will allow us to diversify our contact management with the harder to reach groups which will provide a positive improvement over time.</p>
<p>2.</p>	<p>What sources of information have you used to come to this decision?</p>	<p>External expert advice from Helena Partnerships and input from current involved tenants. Use of published material from TPAS etc.</p>
<p>3.</p>	<p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>The involved tenants and the Tenants and Resident Forum both established task and finish groups to present final proposals to their respective bodies i.e. the Service Evaluation Group and Tenants and Residents Forum.</p>
<p>4.</p>	<p>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:- <i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>The new arrangements will improve and support our duties</p>
<p>5.</p>	<p>What actions will you take to address any issues raised in your answers above</p>	<p>A review of the arrangements will be undertaken in 12 months time to ensure that we continue to meet our social housing regulator and broader objectives.</p>

**LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP) 12 JUNE 2013
CONSULTATION ON RELEVANT DRAFT CABINET REPORTS**

6. TENANT INVOLVEMENT STRUCTURE

Members considered the draft report of the Assistant Director Housing and Regeneration that set out details of the updated structure for Tenant Involvement and the new role for the Tenants and Residents Forum (TRF) following a Review of Tenant Involvement Structure on behalf of the Council by Helena Partnerships.

In discussion comments and questions were raised in respect of the following:

- The structure of the proposed new arrangements.
- The roles and expectations of the revised groups.
- The provision of the opportunity to be more focussed; use the collective skills of tenants; review and refresh arrangements; providing a strong tenant voice and more effective scrutiny
- The changing and future role of the TRF to ensure democracy within it and ensure it is not detached from the Council.
- Employing different models of tenant engagement to reach under represented groups (including use of technology, for example social networking sites).

The Strategic Housing Manager attended the meeting and responded to questions referencing details contained in the report. He explained that the new arrangements sought to provide a more effective tenant/member scrutiny and co-regulation arrangement including some level of accountability to this Working Group. It was also stressed that in order to meet the regulators requirements the arrangements would need to reflect the evolution of the structure to ensure that it continued to remain fit for purpose.

Thanks were noted to the tenants for their participation in the review and the work undertaken with Helena Partnerships.

As a consequence of the discussion on this item it was:

RESOLVED: That the recommendations to Cabinet be supported.

(Note: Councillor Moran entered the meeting during consideration of this item)



AGENDA ITEM: 9

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
4 July 2013**

Report of: Borough Solicitor

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor Sudworth

**Contact for further information: Mrs S Griffiths (Extn. 5097)
(E-mail: susan.griffiths@westlancs.gov.uk)**

**SUBJECT: ABBEY LANE PLAYING FIELDS, TRANSFER TO COMMUNITY
SPORTS CLUB – ITEM REFERRED BY CABINET TO EXECUTIVE
OVERVIEW AND SCRUTINY COMMITTEE**

Borough wide interest

1.0 PURPOSE OF THE REPORT

1.1 To consider the report entitled “Abbey Lane Playing Fields, Transfer to Community Sports Club” as requested by Cabinet.

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

2.1 That the Committee consider the “Abbey Lane Playing Fields, Transfer to Community Sports Club” report of the Assistant Director Community Services and any agreed comments be referred to Cabinet at its meeting on 17 September 2013.

3.0 BACKGROUND

3.1 Cabinet received a report on the Abbey Lane Playing Fields, Transfer to Community Sports Club at its last meeting on 18 June 2013, and resolved:-

RESOLVED: (A) That the proposals be approved in principle, but that a further report containing additional details and a draft

community user agreement be submitted to the next meeting of Cabinet on 17 September 2013.

- (B) That the report be referred to the Executive Overview and Scrutiny Committee meeting on 4 July 2013 for any agreed comments to be submitted to Cabinet.

3.2 A copy of the report is attached as Appendix A.

Background Documents

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

Appendices

1. Cabinet report 18 June 2013 of the Assistant Director Community Services



AGENDA ITEM: 6(f)

CABINET: 18 June 2013

Report of: Assistant Director Community Services

Relevant Managing Director: Managing Director (People and Places)

Relevant Portfolio Holder: Councillor D Sudworth

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

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

Wards affected: Ormskirk and Burscough Wards

1.0 PURPOSE OF THE REPORT

- 1.1 To consider a proposal to transfer the Abbey Lane playing fields to a community sports club as part of an opportunity to attract external grant funding to support drainage improvements works to the site.

2.0 RECOMMENDATION

- 2.1 That the Assistant Director Community Services and the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder for Community Services and the Portfolio Holder for Housing, Regeneration and Estates be authorised:
- a) to grant a long term lease at a peppercorn rent to Burscough Juniors Football Club for the changing room and pitches located at Abbey Lane playing fields, as edged red on the plan attached at Appendix 1, with provision for the club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.
 - b) to identify and engage a contractor to carry out the drainage works on the site.

- c) to take all necessary steps, enter into all necessary agreements and to obtain any consents and permissions.
-

3.0 BACKGROUND

- 3.1 Abbey Lane playing fields site, also known as the Thomas Galvin Sports Ground, contains six adult football pitches and accommodates two cricket pitches. Building changing accommodation is comprised of twelve team changing rooms, separate changing for officials, a community/training room, first aid room and a small kitchen area.
- 3.2 The site was established in 1994 and has been used predominantly by football teams since its opening; additional space is allocated which allows for two cricket pitches to be made available during summer months and since 2011 an archery club have also been based at the site.
- 3.3 The drainage system has had particular problems over the last two years with the surface drainage system being compacted over time and the lower level drains requiring major works to improved flow and capacity. This has resulted in the pitches being unplayable for most of the season. Teams are no longer able to commit to a season booking due to the intermittent availability of the pitches.
- 3.4 Burscough Juniors football club was formed in 2002 following the joining together of Burscough FC and Burscough Dynamo's and provide football for boys and girls from age six onwards. Burscough Juniors has since separated from Burscough Football club and now operates independently from the senior club.
- 3.5 The primary objective of Burscough Juniors Football Club is to provide boys and girls the opportunity to participate in competitive football, organised training and receive appropriate coaching in basic football skills. As a secondary objective, it aims to provide 'football related activities' for players and organise fund raising and social events, in support of the Club, for parents.
- 3.6 The club have 30 boys and girls teams in a number of age groups which have had substantial success and provided players and coaches who have developed and provided representation and support at regional and national level. The club provide a pathway towards senior level clubs and provide coaching and football skills session for other clubs in the West Lancashire area. The Club is registered with the FA and holds a Club Mark accreditation certificate.
- 3.7 The Borough Council has arrangements with a number of sports clubs across the Borough who are engaged in long term lease/partnership arrangements for Council owned facilities. This includes Liverpool Road Juniors, Newburgh Cricket Club, Apply Bridge Football Club and Ormskirk Rugby Club. All of the clubs have arrangements which provide for exclusive use of all or part of the sites which enable them to attract external grant funding to enhance the facilities.

3.8 Discussions had been held with Ormskirk Rugby Club in 2009/10 regarding relocation to the Abbey Lane site; the Rugby Club considered the option but decided to remain in Ormskirk at the Green Lane site and not move towards Burscough.

3.9 The Abbey Lane site is within the Ormskirk Boundary, but it is perceived by residents and those using the site as being located in Burscough.

4.0 CURRENT POSITION

4.1 The Club are looking for a permanent base and seeking to provide improvements to the Abbey Lane facilities, seeking grant funding from the Football Foundation to match the Council's capital allocation towards drainage improvements. The facility at Abbey Lane will provide a base for the Club to support future club development, particularly in respect of young people, mixed gender use and disability accessibility.

4.2 Council officers have met with Club officials, Burscough Parish Council, Liverpool FA and officers from the Football Foundation to discuss lease and investment options for the Abbey Lane Site. The Parish Council support the proposal from the Club and welcome the option to improve the facilities at the site. The Parish Council may provide additional support of a small grant to support junior football development in the Burscough area, particularly within schools and local junior football teams.

4.3 Burscough Juniors Football Club has been successful with an initial expression of interest grant application and has received support from Liverpool FA towards submitting a final bid for funding from the Football Foundation. The grant would be for funding towards playing pitch improvements (drainage). The Football Foundation grant is normally a match funding allocation with a maximum grant of 50%. The estimates for the drainage work at Abbey Lane are £240,000.

4.4 The Council have allocated a sum of £100,000 towards the drainage works at Abbey lane, this would normally only attract a further £100,000 grant funding leaving the estimate cost of the works short by £40,000. The Club are unable to meet this shortfall. Any grants from the Parish Council can not be used towards the drainage work as the site is technically outside of the Burscough ward boundary.

4.5 The Football Foundation have agreed to the principal of awarding a higher level of grant towards meeting the shortfall in the project works and following a meeting on site have also indicated additional funding towards grounds maintenance equipment.

5.0 THE TRANSFER PROCESS

5.1 The Club require security of tenure of at least 25 years in order to secure the Football Foundation grant funding. The Club have requested a lease of a

minimum period of 25 years to secure the grant but would welcome a longer term.

- 5.2 Despite the ongoing problems with drainage, the site continues to provide opportunities for cricket and archery; any community transfer would need to recognise the multi sport use at the site and a community use agreement would be attached to the lease to ensure the site remains in use as multi use sports facility.
- 5.3 The Football Foundation grant will be awarded to Burscough Juniors Football Club subject to entering a lease with the Council for the site. However the Borough Council will be the recipient of the grant monies and will be the responsible body for ensuring that the funding is managed within appropriate procurement rules and probity. The Borough Council will therefore take the responsibility for the engagement of contractors and supervision of the works. This protects the Borough Council investment in the facility and the project management for the works.
- 5.4 In order to ensure that future drainage issues and problems were reduced the Council allocated from 2014/15 a specific budget item of £15,000 towards the ongoing maintenance cost of the drainage system. It is proposed that this sum continues to be allocated each year to fund scheduled annual maintenance works for the drainage system with this work being coordinated by the Borough Council.
- 5.5 One of the biggest financial outlays for the site is the day to day grounds maintenance cost. The Club would be unable to undertake the responsibility for this element of the site costs as well as taking over the responsibility for the changing rooms operation of the building. Discussions with Football Foundation officials and the Club have concluded that in order for the grant application to succeed that the Council would continue to cut the grass and undertake routine day to day grounds maintenance tasks under the existing specification.
- 5.6 The Club have agreed to undertake line marking and undertake any additional maintenance of the drainage system over and above the funding allocated by the Council. Any additional grass cuts or grounds maintenance work over the current specification would be funded from the club.
- 5.7 The Club would be responsible for maintaining the building, internal roads, car parking area and paths, access gates and fence lines, service costs for the changing facilities and any additional works required on site together with paying all services cost and the rates bill for the site.
- 5.8 The Club will be providing a business plan and financial projections for the submission to the Football Foundation to provide assurance that the project is sustainable. Officers from the Borough Council will be involved in providing information and will assist towards the development of the plan and will be able to assess the viability of the grant project submission and long-term sustainability of the transfer.

5.9 A part time member of staff works weekends to open and close the facilities at Abbey Lane and Blaguegate playing fields. The part time hours are reduced during summer months with the member of staff providing cover at Abbey Lane only, to cover the opening of the facilities for the cricket season. Discussions will be undertaken with the member of staff and Unions regarding relocation of the hours or redundancy, as a result of the transfer of the Abbey Lane site to a community club.

6.0 DISPOSAL

6.1 Abbey Lane playing fields was purchased from Lancashire County Council by West Lancashire District for the sum of £51,250 in 1992. The site had formally been the camp for nearby former Burscough aerodrome. The land is in the asset register as having a de minimus value however the changing rooms/pavilion area has an existing use value of £584,153. Members should be mindful that by granting a lease of at least 25 years to the Burscough Junior football club the site is effectively taken out of the Council's control for purposes of the Strategic Asset Management Plan (SAMP) process. However, officers believe that there is sufficient alternative sites which could be utilised in this regard.

6.2 The disposal is at less than best value but members may believe that the social, economic and environmental benefit which will be gained by letting the site and securing the funding for drainage works is sufficient mitigation. A plan of the site is attached at appendix 1.

6.3 The disposal of a facility/land at less than the best value that can reasonably be obtained may require Secretary of State Consent. Providing that the undervalue does not exceed £2m and that there are social, economic and environmental benefits in transferring the land then the Council can transfer the land at an undervalue and there will be no need to obtain specific Secretary of State consent. The Land is accorded the status of EN3 Green Infrastructure/Recreation Space in the soon to be adopted Local Plan which will be in force until 2027 and accordingly its valuation does not exceed £2m therefore Secretary of State Consent is not required.

6.4 The transfer to the Club provides the Council with significant grant funding which would not otherwise be available to the Council. The benefits to the community from this arrangement include investment to improve the site facilities and secure and provide for long term sustainable community facility.

6.5 A community use agreement with the Club will ensure access is provided to other sports clubs and sports activities outside of football, protection of the existing cricket pitches, access for archery and for other sports will be important to ensure a multi sports access and protect community use for the site.

- 6.6 The particular arrangement with the junior club will see the site used by much larger numbers of junior teams, and will have a positive impact on health, inclusion and community use of the site.

7.0 PROPOSALS

- 7.1 It is proposed that subject to discussions with Burscough Juniors Football Club, that the Council enter into a long lease (minimum 25 years) at a peppercorn rent for the facilities at the Abbey Lane site, with provision for the Club to seek funding for improvements to the site with restrictions that the site should be used for multi-sport activities and not restricted to single sport use.
- 7.2 The lease with the Club is conditional to the Club being awarded the Football Foundation grant funding.
- 7.3 The Council will continue to provide day to day grounds maintenance under an agreed schedule. The Council would continue to cut the grass and undertake routine day to day grounds maintenance tasks under the existing specification.
- 7.4 The Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of a replacement drainage system. It is proposed that this sum continues to be allocated to the site.
- 7.5 The Club have agreed to undertake the responsibility for service charges, building and access maintenance and any additional grounds maintenance work for the site, including day to day works and supplementary costs for ongoing drainage maintenance works and improvements.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 The Council have allocated a capital sum of £100,000 towards the drainage improvement works at the Abbey Lane site.
- 9.2 In addition to the capital funding the Council allocated from 2014/15 a specific budget item of £15,000 pa towards the ongoing maintenance cost of the drainage system. It is proposed that this sum continues to be allocated each year to fund scheduled annual maintenance works for the drainage system with this work being coordinated by the Borough Council.

- 9.3 The Capital Grant of £140,000 from the Football Foundation, towards the drainage improvements works, is only available to community clubs, the partnership arrangement with Burscough Juniors is therefore essential in attracting the external funding.
- 9.4 A part time member of staff works weekends to open and close the facilities at Abbey Lane and Blaguegate playing fields. The hours are reduced during summer months with the member of staff providing cover at Abbey Lane only, to cover the opening of the facilities for the cricket season. A small reduction on staff cost will be achievable as a result of the transfer of the Abbey Lane site to a community club. A small redundancy cost associated with the loss of summer hours may need to be accommodated this is expected to be less than £500.
- 9.5 The overall cost of managing the site under this arrangement will be lower than the Councils current operating costs, the club will be able to attract a reduction on the rates payable for the site of 80% and be able to reduce operational costs for the site as a result of voluntary support for the club.
- 9.6 Although not the primary driver for the transfer, savings will be achieved for the Council from building service and building maintenance costs which will be reduced as a result of the transfer this is estimated at £10,800. Although the Council will no longer collect income from the site in the future.
- 9.7 The budget income estimates for 2013/14 is £4,600. This budget income figure will not be achieved in this year and would not in any case be achievable in future years without the capital investment grant funding and drainage improvements.

10.0 RISK ASSESSMENT

- 10.1 The granting of a long lease and license to the Club for the Abbey Lane site will restrict the Councils options for this site for the term of the agreements.
- 10.2 The Club may cease to operate or may not be able to sustain the operation of the site. The facilities would then be transferred back to the Borough Council. Assessment of the business plan and governance arrangements for the Club will be scrutinised to identify and minimise any problems with the sustainability of the Club. The award of the Football Foundation grant will be subject to providing a viable and sustainable business plan.
- 10.3 The grant application to the Football Foundation is made by Burscough Juniors Football Club; the award of any grant will be to Burscough Juniors Football Club. While the Council will facilitate the project management and engagement of the contractors for the works, the responsibility for any potential clawback from the Football Foundation for non performance and future delivery remains with the club.

11.0 CONCLUSIONS

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

Background Documents

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

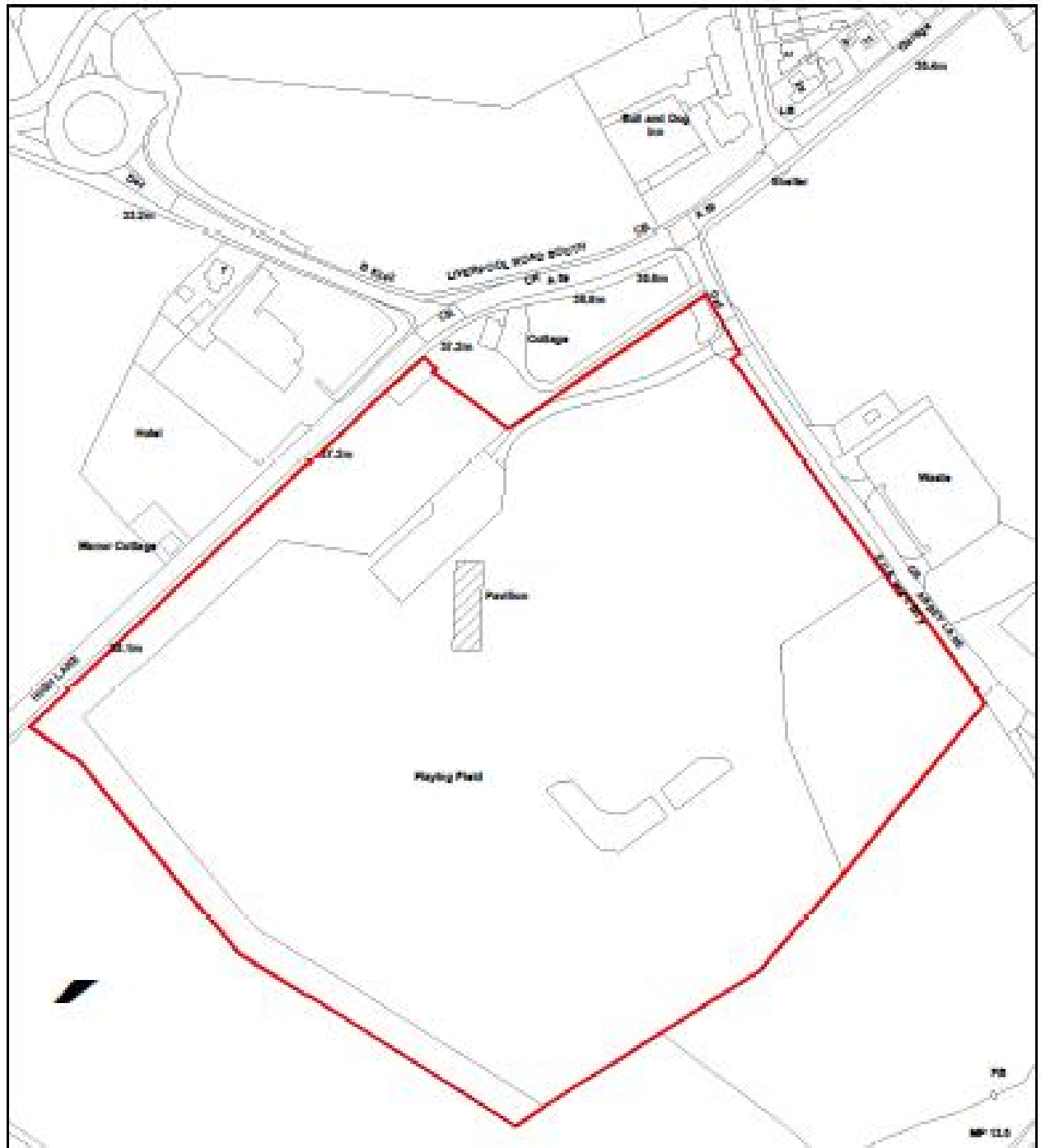
Equality Impact Assessment

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 2 to this report, the results of which have been taken into account in the recommendations contained within this report.

Appendices

Appendix 1	Plan of the Abbey Lane Site
Appendix 2	Equality Impact Assessment

Appendix 1



West Lancashire Borough Council

Plan Title

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

Crown Copyright. All Rights Reserved. Licence No. 100024309.

Scale 1:2,500

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



AGENDA ITEM: 10

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

**PLANNING COMMITTEE:
25 July 2013**

CABINET: 17 September 2013

Report of: Assistant Director Planning

Relevant Managing Director: Transformation

Relevant Portfolio Holder: Councillor M Forshaw

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

SUBJECT: COMMUNITY INFRASTRUCTURE LEVY – DRAFT CHARGING SCHEDULE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

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

2.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY

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

3.0 RECOMMENDATIONS TO PLANNING COMMITTEE

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

4.0 RECOMMENDATIONS TO CABINET

- 4.1 That Cabinet, subject to consideration of the agreed comments received from Executive Overview and Scrutiny (Appendix 3) and Planning Committee (Appendix 4), approve the draft schedule at Appendix 2 to this report to be made available for public representation for 6 weeks in September-October 2013 (the consultation period).
 - 4.2 That delegated authority is granted to the Assistant Director Planning, in consultation with the Portfolio Holder for Planning & Development, to make any amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public, together with all the representations received during the consultation period and a statement detailing any such modifications.
 - 4.3 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 4 July 2013.
-

5.0 COMMUNITY INFRASTRUCTURE LEVY BACKGROUND

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

who require detailed justification up front regarding the financial obligations which are being asked of them.

CIL Update

- 5.5 When the CIL was initially established, it was never intended that all Local Authorities would introduce the charge. Only those that could demonstrate viability would be likely to make the transition and it was predicted that this would be around 75% of all local authorities in England and Wales. CIL has been in operation for over three years now and to date:
- More than 100 local authorities across the country are working on CIL with a view to introducing a charge. This has doubled in the last 6-12 months suggesting that CIL is picking up momentum
 - 13 local authorities have adopted a CIL charging schedule.
 - Several more local authorities are either waiting to go to examination or are awaiting the results of their examination, including Central Lancashire (Preston, Chorley and South Ribble).
- 5.6 In terms of Local Authorities in the North West, Trafford and Bolton (Greater Manchester Authorities) have published preliminary draft charging schedules for consultation. Within the Lancashire sub-region, the Central Lancashire Authorities have recently gone through an examination of a Joint CIL Charging Schedule in April 2013 and are awaiting the results which will be provided verbally at the time of the Cabinet Meeting (17 September).

6.0 CURRENT POSITION

- 6.1 In March 2012 the Council engaged consultants Keppie Massie and Quantity Surveyors Tweeds to assess the economic viability of development in the Borough. This work demonstrated the amount of 'surplus' value within each type of development that is expected to come forward within the Borough at different locations. It is from within this 'surplus' that a CIL charge can be derived.
- 6.2 The findings of the viability work were then cross-referenced with the Council's housing land supply and new Local Plan development allocations to ensure that any proposed charge does not unnecessarily risk the delivery of development within the Borough. These results then went into the Preliminary Draft Charging Schedule which was consulted upon in February – March of this year.

Consultation Findings

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

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

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

Recommendations and changes to the draft schedule

- 6.7 A number of points were raised within the objections and through the consultant's annual refresh of the viability appraisals that have been given further consideration and resulted in amendments to the evidence of the draft schedule. These include:
- 1) Apartments – the evidence suggests that apartment development is marginal or unviable. As Policy RS2 of the emerging Local Plan (2012-2027) requires 20% of new residential development to be for elderly use (subject to viability), it is considered pertinent to reflect the possible contribution apartments could make to this market and therefore set them aside from residential with a nil rate.
 - 2) Retail – due to a further decline in comparison¹ goods retailing since the initial assessments, more detailed analysis has been undertaken with refreshed data. This shows that, in the town centres, comparison retail development is only likely

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

to be marginal with little or no scope to introduce a charge. Whilst the assessments showed greater viability for such goods out of town centres, the Council does not expect to see any proposals for this type of development within its area over the life of the Local Plan. As such, a nil rate has been proposed for comparison retail. However, the viability assessments showed that convenience retail (generally supermarkets) remains viable and the charge of £160 which was previously consulted upon is still affordable across the Borough (excluding Skelmersdale).

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

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

Proposed Draft Charging Schedule

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

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

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

7.0 Next Steps

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

7.2 Notwithstanding this point, any comments that are submitted will be given full consideration before being summarised ready for submission to the Planning Inspector for Examination. If as a result of the consultation exercise it's

considered that further amendments are required to the Draft Charging Schedule, then in order to expedite the progress of the document, recommendation 4.2 of this report, seeks delegated authority to the Assistant Director Planning in consultation with the Portfolio Holder for Planning & Development, to make such amendments to the draft schedule before submitting it to the Planning Inspectorate for Examination in Public. The submission to the Planning Inspectorate will include all the representations received during the consultation period and a statement detailing any such modifications.

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

gap that justifies charging a CIL. Whilst the Council is aware that there is a funding deficit to support necessary infrastructure, until this information has been confirmed by LCC we have left these figures blank within the Draft charging Schedule and will complete that in advance of the report going to Cabinet in September.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

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

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

9.1 The costs of preparing a CIL charging schedule, and managing the ongoing implementation of it, are capable of being met by the levy itself through the regulations which permit up to 5% expenditure of the levy on administration costs. It is difficult to estimate with certainty how much this administration charge will deliver in income to the Council but a figure of £27,000 p.a. has been identified as part of the Council's MSR proposals. There will be a cost of approx £22,500 for the Public Examination of the charging schedule. This cost will be met by the budget agreed by Council in July to meet one off and transitional funding requirements that may be needed to implement MSR proposals.

9.2 In terms of revenue implications, it is difficult to predict how much development will come forward and when. However, using the Local Plan housing delivery targets as a baseline, multiplied by the proposed charge of £85 per square metre, a rough projection ranges from £425,000 per annum in the beginning of the Local Plan period (2015/16) to £1.1million per annum later in the period (2022/23) or as an average of approximately £800,000 per year. However this figure is subject to housing delivery rates.

9.3 Statutory regulations govern the way in which a CIL Charging Schedule will be prepared and these are in accordance with requirements set out within the Council's Charging Policy.

10.0 RISK ASSESSMENT

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

Background Documents

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

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

Equality Impact Assessment

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

Appendices

Appendix 1 – Equality Impact Assessment

Appendix 2 — Draft Charging Schedule

Appendix 3 — Executive Overview and Scrutiny Committee Minute 4 July 2013 (Planning Committee and Cabinet only)

Appendix 4 – Planning Committee Minute 25 July 2013 (Cabinet only)

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

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

West Lancashire Borough Council

Community Infrastructure Levy Draft Charging Schedule Consultation Document

September 2013

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

www.westlancs.gov.uk

WEST LANCASHIRE



LOCAL PLAN

1. Introduction and Background

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

2. How to Comment

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

All supporting documents, and the consultation response forms, are available on the web at www.westlancs.gov.uk/CIL

Comments can be returned via the following methods:

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

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

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

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

3. Background Evidence

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

Local Plan

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

Infrastructure Funding Gap

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

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

Table 3.1

Economic Viability Assessment

- 3.7 In order to demonstrate that a CIL charge is affordable within the Borough an economic assessment of the viability of development has been carried out. The Community Infrastructure Levy Economic Viability Assessment (EVA) is available separately on the Council's website and it is the findings of this document that underpins this charging schedule.
- 3.8 As a starting point, the EVA had regard to the West Lancashire's Affordable Housing Viability Study (November, 2010). It also took account of existing and emerging planning policy and property market evidence. This information was used to formulate development scenarios that would be tested for viability. The full method and assumptions are set out within the EVA as are the findings which demonstrated the development surplus likely to be available to accommodate a CIL charge in relation to each development scenario.
- 3.9 Through the process of the EVA, a stakeholder workshop was held in order to gain some informal feedback at the earliest stage possible from developers and parties likely to be affected by a CIL charge. Consultation was also undertaken through the Preliminary Draft Charging Schedule and the findings of this consultation helped to update and refresh the EVA assumptions so that they are as current and relative to the market as possible.
- 3.10 An additional background paper has also been produced which compares the findings of the EVA with the actual housing land supply and other expected development types in order to fully understand the consequences of introducing a CIL charge within the Borough. The Appropriate Balance Report (June 2013) is also available separately on

the Council website and sets out recommendations for a CIL charge in West Lancashire, having regard to the required amount of infrastructure funding. The recommended rates have been tested within the EVA to ensure they can be reasonably accommodated.

4. Draft Charging Schedule

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

- Development comprising 100m² or more of new build floor space;
- Development of less than 100m² of new build floor space that results in the creation of one or more dwellings;
- The conversion of a building that is no longer in lawful use.

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

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

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

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

Calculating the CIL Charge

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

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

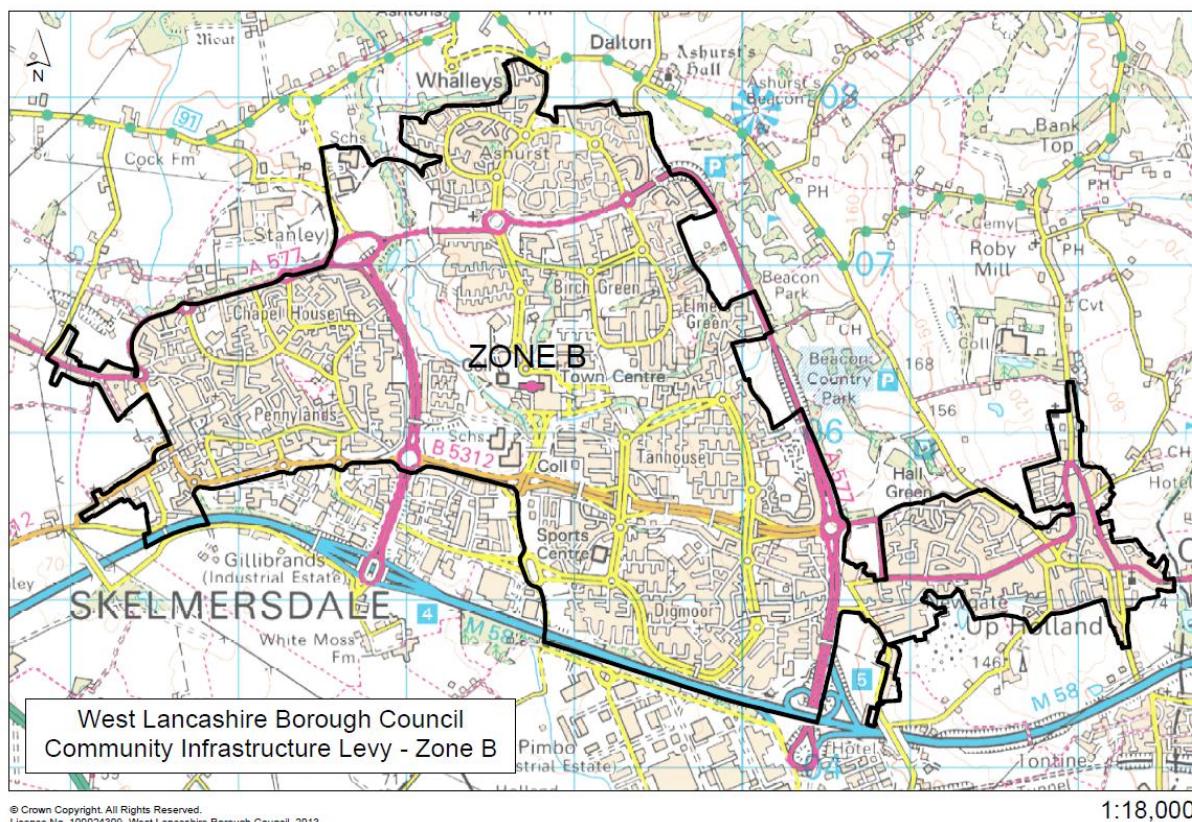
$$\text{BCIS Index figure (at date of implementation of the Charging Schedule)}$$

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

4.4 The **CIL rate (£ per m²)** is the applicable rate from the above schedule.

The **net chargeable floor area (m²)** is the gross internal floorspace of the development minus the gross internal floorspace of any existing buildings that are to be retained or demolished, providing that they have been in continuous lawful use for at least six months in the past 12 months (Regulation 64). Where there is more than one use class on a development, the chargeable amount in each use class is calculated separately and then added together to provide the total chargeable amount. However, where the amount is less than £50 the chargeable amount is zero.

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



5. Exemptions and Relief from CIL

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

5.2 Development exempt from CIL

- The conversion of any building previously used as a dwelling house to two or more dwellings;
- Development of less than 100m² of new build floorspace, provided that it does not result in the creation of a new dwelling; this includes residential extensions;
- The conversion of a building in lawful use, or the creation of additional floorspace within the existing structure of a building in lawful use;
- Development of buildings and structures into which people do not normally go (eg, pylons, wind turbines, electricity sub stations).

5.3 Development entitled to Mandatory Relief from CIL

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

Exceptional Circumstances Relief from CIL

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

6. Instalments Policy

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

7. Consultation

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

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

8. Other Background Documents

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

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

9. Next Steps

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

WEST LANCASHIRE BOROUGH COUNCIL

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”)

A meeting of the Cabinet will be held on 18 June 2013 at which Agenda Item 7(b) “West Lancashire Investment Centre – Staff Relocation” is to be considered.

Cabinet is advised to move into private session during that part of the meeting at which the item 7(b) “West Lancashire Investment Centre – Staff Relocation” is considered as it is likely, in view of the nature of the item of business, that if members of the public were present during that item, exempt information would be disclosed to them (as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972, namely ‘information relating to the financial or business affairs of any particular person (including the authority holding that information)’).

In accordance with Regulation 5(6) as the date by which the meeting of the Cabinet must be held makes compliance with the requirements of Regulation 5 (procedures prior to private meetings) impracticable, Councillor Paul Greenall, Chairman of the Executive Overview and Scrutiny Committee, has agreed that in respect of Agenda Item 7(b) the item may be considered in private (should Cabinet pass a resolution to exclude the public during this item) as the item is urgent and cannot reasonably be deferred as an early decision is required to provide certainty on the trading and financial position of the Investment Centre, and to ensure the uninterrupted delivery of services provided from that site.

Dated: 6 June 2013

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

Copy to: Notice Board
Website