



Jacqui Sinnott-Lacey
Chief Operating Officer

52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Wednesday, 22 February 2023

TO: THE MAYOR AND COUNCILLORS

Dear Councillor,

Please find attached additional late information for the meeting of the **COUNCIL** being held tonight in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF (WEDNESDAY, 22 FEBRUARY 2023)** at 7.30 PM.

Yours faithfully

A handwritten signature in black ink, appearing to be "JS", written over a circular scribble.

Jacqui Sinnott-Lacey
Chief Operating Officer

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(Open to the Public)

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AGENDA
(Not open to the Public)

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

For further information, please contact:-
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Or email jacky.denning@westlancs.gov.uk

GRA REVENUE AND CAPITAL BUDGET REPORT AND MTF5 UPDATE 2023/24 TO 2025/26 (Conservative Amendment/Proposals)

- A. That the General Revenue Account (GRA) budget for 2023/24 be approved based on the proposals presented in the report, subject to the inclusion of the following:

To mark the Coronation of King Charles by the re-dedication of Ormskirk Coronation Park and Skelmersdale Stanley Coronation Park by the installation of two decorative and inscribed stone blocks.

The costs involved, together with the costs of holding 2 dedication ceremonies, to be met from the savings in Councillors allowances arising from the reduction in the number of councillors

- B. That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2024/25 to 2025/26 be noted.
- C. That the latest GRA reserves position as at 31 March 2022 and forecast to 2025/26 be noted and the GRA reserves policy be approved.
- D. That the Capital Strategy along with the Capital Programme of £13.556m for the three years 2023/24 to 2025/26 be approved, that include:
- New bids of £651k;
 - Additional approvals for UK Shared Prosperity Fund £1.726m.
- E. That the Capital Strategy for 2023/24 to 2025/26, that includes the change of use of HRA right to buy capital receipts, be used in delivering the capital business plan of the HRA from 2024/25.
- F. That delegated authority be given to the Chief Operating Officer and the Corporate Director to take all necessary action to implement the changes resulting from the budget proposals.

REVISED Appendix 2 – Existing Public Space Protection Order 2020



WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER - (WEST LANCASHIRE BOROUGH COUNCIL) 2020

West Lancashire Borough Council in exercise of its powers under S59 of the Anti- Social Behaviour, Crime and Policing Act 2014 (the Act), being satisfied that the conditions set out in S59 of the Act have been met hereby makes the following Order:

This Order comes into force on 1st April 2020 for a period of 3 years.

This Order supersedes the following:

- The Fouling of Land by Dogs (West Lancashire) Order 2008
- The Dogs Exclusion Order 2009
- The Dogs off Leads Order 2009
- The Dogs (Specified Maximum) Order 2009 The Dog on Leads by Direction Order 2009
- Public Space Protection Order 2017

The Order applies to the land specified in the attached Schedules and maps (where relevant) and should be read in conjunction with the same.

Section 1 - General Provisions

- 1.1 Where specified, in this Order, "the Council" means West Lancashire Borough Council.
- 1.2 A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog
- 1.3 In relation to Section 2 & 6 of this Order the offence does not apply to a person who:
 - 1.3.1 is registered as a blind person in a register compiled under Section 29 of the National Assistance Act 1948; or
 - 1.3.2 has a disability which affects his hearing, mobility, manual dexterity, physical co-ordination, or ability to lift, -carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
 - 1.3.3 each of the following is a "prescribed charity" for the purposes of this Order-
 - (i) Dogs for the Disabled (registered charity number 700454);
 - (ii) Support Dogs (registered charity number 1088281);
 - (iii) Canine Partners for Independence (registered charity number 803680)

(iv) Hearing Dogs for Deaf People (registered charity number 293358)

- 1.4** An "authorised officer of the Council" means an employee of the Authority who is authorised in writing by the Council for the purposes of giving directions under this Order.

Section 2 - Dog Fouling

2.1 This Section applies to the land specified in Schedule 1

2.2 If a dog defecates at any time on land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless -

(a) he has reasonable excuse for failing to do so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2.3 For the purposes of this section -

(a) placing of faeces in a receptacle on the land, which is provided for the purpose, or for the disposal of waste, shall be a sufficient removal from the land;

(b) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces.

Section 3 - Specified Maximum Number of Dogs

3.1 This Section applies to the land specified in Schedule 1

3.2 A person will be guilty of an offence if, at any time, he takes onto any land in respect of which this Order applies more than six dogs per person, unless

(a) he has reasonable excuse for doing so; or

(b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his doing so.

Section 4 - Dogs to Be Kept on Leads in Identified Areas

4.1 This Section applies to the land specified in Schedule 2

4.2 A person in charge of a dog shall be guilty of an offence if, at any time, on any land to which this Order applies he does not keep the dog on a lead, unless -

(a) he has reasonable excuse for doing so; or

- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 5 - Dogs to Be Kept on Leads When Directed to Do So by An Authorised Officer

5.1 This Section applies to the land specified in Schedule 1

5.2 A person in charge of a dog shall be guilty of an offence if, at any time on any land to which this Order applies, he does not comply with a direction given to him by an Authorised Officer of the Council to put and keep the dog on a lead unless -

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5.3 an Authorised Officer of the Council may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog causes or is likely to cause annoyance or disturbance to any other person on any land to which this Order applies or the worrying or disturbance of any animal or bird.

Section 6 - Dogs to Be Excluded from Designated Areas

6.1 This Section applies to the land specified in 3

6.2 A person in charge of a dog shall be guilty of an offence if at any time he takes a dog onto, or permits a dog to enter or to remain on, any land to which this Order applies unless -

- (a) he has reasonable excuse for doing so; or
- (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

Section 7 - Penalty

A person who fails to comply with any obligation imposed by this Order is guilty of a criminal offence by virtue of section 67(1) of the Act and liable to a fine on summary conviction not exceeding level 3 on the standard scale.

Fixed Penalty Notices

In accordance with S68 of the Act an Authorised Officer may issue a fixed penalty notice (the Notice) of £75.00 to anyone he has reason to believe has committed an offence under this Order.



**WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND
POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER -
(WEST LANCASHIRE BOROUGH COUNCIL) 2020**

SCHEDULE 1

This Order applies to all land which is within the administrative area of the Borough of West Lancashire and which the public are entitled or permitted to have access with or without payment. The order will also apply to all Access Land within the Borough of West Lancashire within the meaning of S1(1) Countryside and Rights of Way Act 2000.

**WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR
CRIME AND POLICING ACT 2014**

**PUBLIC SPACE PROTECTION ORDER -
(WEST LANCASHIRE BOROUGH COUNCIL) 2020**

SCHEDULE 2

This Order applies to -

- (a) all carriageways in the West Lancashire Borough Council Area (either public or to which the public have access with or without payment) with a speed limit of 40 miles per hour or greater and the adjoining footways, cycle tracks and verges (either public or to which the public have access with or without payment); and
- (b) the areas outlined below and identified in the attached plans:
- Part of Beacon Country Park
 - Part of Coronation Park, Ormskirk
 - Coronation Park, Skelmersdale
 - St Helens Road Park, Ormskirk
 - Alder Lane playing fields, Parbold
 - Ormskirk Rugby Club, Ormskirk
 - Tarleton Cricket Club, Tarleton
 - Tarleton Rugby Club, Tarleton

WEST LANCASHIRE BOROUGH COUNCIL ANTISOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACE PROTECTION ORDER - (WEST LANCASHIRE BOROUGH COUNCIL) 2020

SCHEDULE 3

The areas outlined below and identified in the attached

plans: Schedule of Borough Council "enclosed play areas"

at:

- Coronation Park, Park Road, Ormskirk, West Lancs
- Ennerdale Tanhouse Park, Skelmersdale, West Lancs
- Cascades, Ormskirk Road, Skelmersdale, West Lancs
- Bracknel Way, Aughton, Ormskirk, West Lancs
- Abrams Fold/Lancaster Gate, Banks, West Lancs
- Appley Playing Fields, Appley Lane South, Appley Bridge, West Lancs
- Banksbarn, Digmaor, Skelmersdale, West Lancs
- Abbeystead, Gillibrands Road, Little Digmaor, Skelmersdale, West Lancs
- Fairhaven, Skelmersdale, West Lancs
- Banks Leisure Centre, Greaves Hall Avenue, Banks, West Lancs
- Hawksclough, Skelmersdale, West Lancs
- Holland Moor, Digmaor, Skelmersdale, West Lancs
- Priors Close Vicarage Gardens, Burscough, West Lancs
- Rees Park, Burscough, West Lancs
- Richmond Park, Burscough, West Lancs
- School Lane, Westhead, Ormskirk, West Lancs
- Stanley, Coronation Park, Skelmersdale, West Lancs
- Firbeck, Skelmersdale Town Centre, Skelmersdale, West Lancs
- Trinity Walks, Tarleton, West Lancs
- Broadacre, Upholland, Skelmersdale, West Lancs
- Dewberry Fields, Upholland, Skelmersdale, West Lancs
- Moy Park, Scarisbrick, West Lancs
- Willows, Victoria Park, Skelmersdale, West Lancs
- Southport Road, Scarisbrick, West Lancs
- Poppyfields, Hesketh Bank, West Lancs
- Eavesdale/Edenhurst, Skelmersdale, West Lancs
- White Moss Road, Skelmersdale, West Lancs
- Westhead (School Lane)
- Coronation Park, Ormskirk
- Halsall Lane, Ormskirk
- Westend, Ormskirk

- Mawdesley Terrace, Ormskirk
- Pickles Drive, Burscough
- Rees Park, Burscough
- Richmond Park, Burscough
- Banksbarn, Digmaor
- Beacon Country Park, Up Holland
- Alderley, Little Digmaor
- Belvedere Way, Aughton
- Fairhaven, Birch Green
- Helmsdale, Birch Green
- Inglewhite, Birch Green
- Stanley Coronation Park, Old Skelmersdale
- Tanfields, New Church Farm
- Evington, Tanhouse
- Ennerdale, Tanhouse
- Abbeystead, Little Digmaor
- Daisy Way, Scarisbrick
- Greenhill, Old Skelmersdale
- Chequerlane
- Beacon Park
- Hilldale Playing Field
- Evermore Hub, Digmaor

Schedule of Parish Council "enclosed play areas" at:

- Winifred Lane, Aughton, West Lancs
- Redsands, Aughton, West Lancs
- Holt Green, Aughton, West Lancs
- Mere Avenue, Burscough, West Lancs
- Engine Lane, Great Altcar, West Lancs
- Memorial Hall, Halsall Road, Halsall, West Lancs
- Shore Road, Hesketh with Beconsall, West Lancs
- Glen Park Drive, Hesketh with Beconsall, West Lancs
- Schwartzmans Drive, North Meals, West Lancs
- Village Hall, The Green, Parbold, West Lancs
- Burnside, Parbold, West Lancs
- Village Hall, Smithy Lane, Scarisbrick, West Lancs
- Carr Lane, Tarleton, West Lancs
- Mill Lane, Up Holland, West Lancs
- Lawns Ave, Up Holland, West Lancs
- Station Road, Hesketh Bank
- Bickerstaffe Playing Field

The fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to the Council.

When a Notice is issued, no proceedings will be taken in respect of the offence before the end of the period of 14 days following the date of the Notice. If the person issued with the Notice pays the amount due within the 14-day period, he may not be convicted of the offence.

Section 8-Appeal

If any interested person desires to question the validity of this Order on the grounds that the Council has no power to make it or that any requirement of the Act has not been complied with in relation to this Order, he may apply to the High Court within six weeks from the date on which this Order is made.

Dated this 17 day of July 2020

The COMMON
SEAL of WEST
COUNCIL was
hereunto affixed

) LANCASHIRE BOROUGH)

) in the presence of:)



Authorised Officer

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Exemption on Voter Identity Requirements - Motion Included on the Agenda by Councillor Adam Yates

Altered Motion to be moved by Councillor Yates

Council notes:

a) that the requirement for photographic voter identification prior to receiving a ballot paper for Local elections, Police and Crime Commissioner elections, Parliamentary By-elections, and Recall Petitions, set out at Schedule 1, paragraph 18, sub-para 1(H) of the Elections Act 2022, as an amendment to Schedule 1 of the Representation of the People's Act 1983, comes into effect from May 2023, with the same requirements for UK General Elections coming into force from October 2023;

b) that the range of documents deemed to be acceptable as a means of proof of identity under Schedule 1 of the Elections Act 2022 is limited, and may be considered to be discriminatory towards younger people;

c) that the procedure for, and means of, obtaining a Voter Authority Certificate, in cases where a voter does not possess accepted photographic evidence of identity of the type set out in the Elections Act 2022, were only formally made law in the Voter Identification Regulations 2022 (2022/1382) on December 22nd 2022, and that the online process for this only began in January 2023;

d) that the Department for Levelling Up & Communities acknowledged, two weeks into the availability of this online process, that only 10,000 applications for a Voter Authority Certificate had been made, with this being just 0.5% of the total number of people estimated to need such a certificate if they wish to vote under the new requirements from May 2023;

e) that by consequence of the legislation and arrangements set out at paras a) to d) above, there is a significant risk of excluding people from the electoral process who would otherwise have participated in it, in a way which may cause both disaffection with democracy overall and, on election days, hostility towards staff tasked with managing the election process;

Council further notes:

f) that a local authority is entitled to submit a proposal to the Secretary of State for the according of such powers under the procedure set out at Section 5A of the Sustainable Communities Act 2007 (as amended in 2010) (the Act), in cases where a local authority considers that new powers accorded to it would "contribute to promoting the sustainability of local communities" (Section 2 of the Act);

g) In addition, that individual submissions may also be made to the Secretary of State in accordance with the Sustainable Communities Regulations 2012 (the Regulations) and central government guidance entitled: "Sustainable Communities Act and barrier busting: how to submit proposals" (the Guidance);

h) That the Sustainable Communities Act 2007:

i) specifically includes “social well-being” within its interpretation of the sustainability of local communities (Section 1, para 2), and that “social well-being includes participation in civic and political activity” (Section 1, para 3);

ii) that para 1(h) of the Schedule pertaining to Section 2 of the Act specifically refers to “the increase in social inclusion, including an increase in involvement in local democracy” as one of “the matters to which a local authority must have regard”;

i) That in consequence of para h i) & ii) of this motion, powers sought by a local authority that might enhance such activity may reasonably be considered as;

- i) in accordance with the purpose of the overall Act, and therefore such powers which might mitigate negative impacts of the provisions of the Elections Act 2022; and
- ii) a legitimate matter for a proposal under the Sustainable Communities Act 2007 and associated secondary legislation.

Council Resolves:

1. That Council, in accordance with, and by consequences of paras a) to i) above, instructs the Leader and the Chief Operating Officer to take action (as outlined in paragraph 3 below) in order to raise a proposal for a new power to be accorded to the local authority, under the process set out at Section 5A of that Act, which allows the Chief Operating Officer (in her role as Returning Officer) to make exempt from the provisions of the Elections Act 2022 and associated secondary legislation, all persons wishing to vote within West Lancashire who would otherwise be unable to do so if those provisions were applied;
2. That this power of exemption be sought for the May 2023 local elections and for any subsequent applicable elections, until such time as either the regulations governing accepted voter identification documentation and Voter Authority Certificates are adjusted or removed, in order to ensure that that there is no risk of social well-being (as interpreted in the Sustainable Community Act 2007) being adversely affected by limitations to civic participation, or the number and percentage of people in receipt of Voter Authority Certificates is high enough to merit the cessation of the power of exemption. This hereby being know hereafter as "the Proposal";
3. That the steps outlined above shall be taken forward as follows:
 - a. That by the 24th February 2023 the Leader of the Council shall submit the proposal via the "Barrier Busting" application facility contained within the Guidance
 - b. In accordance with the requirements contained within the Regulations, the Chief Operating Officer will arrange for a public consultation to be

undertaken on the Proposal to take place via the Council's website and last for a period of 14 days.

- c. Following the close of the consultation period and in accordance with the Regulations the Proposal and consultation responses will be submitted in accordance with the Guidance.
 - d. Within both submissions outlined in paragraph 3a to 3c above there shall be a requirement that the Secretary of State for the Department of Levelling Up & Communities reply with a definitive response to the proposal within 10 working days of the date of the submission of the proposal, in light of the short timescale for action caused by the lateness of legislation and associated online application processes in respect of the May 20232 elections
4. That, in the event of the Secretary of State assenting to the Proposal and granting powers of exemption to the Chief Operating Officer (as Returning Officer or equivalent title), that the setting of criteria for exemption from the requirements set out under the Elections Act 2002 and associated regulations be delegated to the Chief Operating Officer in consultation with the Leader;
 5. That, in the event of the Secretary of State not assenting to the proposal and granting powers of exemption, power be delegated to the Chief Operating Officer to submit the proposal for consideration by the Selector (the Local Government Association), in accordance with para 5 of the Sustainable Communities Regulations 2012 (2012/1523), such that the Selector might then resubmit the proposal to the Secretary of State and that the duty of the Secretary of State to “consult and try to reach agreement with the selector before making a decision as to whether or not to implement the submitted proposal, in whole or in part” (para 5(b) of the same regulations, be triggered;
 6. That given the pending elections in May a progress report on the matter be brought to Full Council as soon as possible

