



Jacqui Sinnott-Lacey  
Chief Operating Officer

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Tuesday, 27 February 2024

**TO: THE MAYOR AND COUNCILLORS**

Dear Councillor,

Please find attached additional information for the meeting of the **COUNCIL** be held tomorrow, in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 28 FEBRUARY 2024** at 7.30 PM.

Yours faithfully

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

Jacqui Sinnott-Lacey  
Chief Operating Officer

**AGENDA**  
**(Open to the Public)**

- |            |  |              |
|------------|--|--------------|
| <b>9.</b>  | <b>MEMBERS' ALLOWANCES SCHEME 2024/25 AND APPOINTMENT OF THE INDEPENDENT REMUNERATION PANEL (IRP)</b><br>Appendix 2 Report of the Independent Remuneration Panel.                            | 551 - 558    |
| <b>11.</b> | <b>*GRA BUDGET REPORT AND MTFS UPDATE 24-25</b><br>Revised report of the Head of Finance, Procurement & Commercial Services.<br>Minutes of Executive Overview & Scrutiny Committee & Cabinet | 559 –<br>584 |
| <b>12.</b> | <b>*GRA CAPITAL PROGRAMME &amp; STRATEGY 24-25 - 26-27</b><br>Minutes of Executive Overview & Scrutiny Committee & Cabinet   | 585 –<br>588 |
| <b>13.</b> | <b>*DETERMINATION OF COUNCIL TAX</b>   | 589 –        |

	Revised report of the Head of Finance, Procurement & Commercial Services.	602
<b>15.</b>	<b>DRAFT TREASURY MANAGEMENT STRATEGY 24-25</b> Minutes of Executive Overview & Scrutiny Committee and Cabinet Addendum with Amendment to Appendix 1	603 – 610
<b>16.</b>	<b>DEMOLITION OF FLAT BLOCKS IN BLYTHEWOOD &amp; BANKSBARN TO FACILITATE PHASE 2 OF DIGMOOR REVIVAL SCHEME</b> Minute of Cabinet	611 – 612
<b>17.</b>	<b>COMMITTEE SYSTEM - CONSTITUTION MAY 2024</b> Contents Part 1 Summary and Explanation Part 2 Responsibility for Functions Part 3 Rules of Procedure	613 – 750
<b>21.</b>	<b>PUBLIC HEALTH, HEALTHY WEIGHT COLLABORATION AGREEMENT</b> Revised report of the Corporate Director of Transformation, Housing and Resources.	751 - 755

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Jacky Denning on 01695 585384

Or email [jacky.denning@westlancs.gov.uk](mailto:jacky.denning@westlancs.gov.uk)

Appendix 2



## **WEST LANCASHIRE BOROUGH COUNCIL**

### **REPORT OF THE INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES**

**21 FEBRUARY 2024**

## **REPORT OF THE INDEPENDENT REMUNERATION PANEL**

### **REVIEW OF MEMBERS' ALLOWANCES FOR WEST LANCASHIRE BOROUGH COUNCIL – 2024/25**

#### **1. Membership**

1.1 The Local Government Act 2000 requires local authorities to establish an Independent Remuneration Panel to review and report to the Council on the Members' Allowances Scheme. Following public advertisement and interview we are the current members of the Panel.

1.2 We are: -

- 1 Gail Stanley – Resident of Ormskirk (Chairman of the Panel);
- 2 Jeremy Boardman - HR Business Partner of Burscough; and
- 3 Ian Thompson - retired former police officer.

1.3 We have been assisted in our deliberations by an external independent Legal Advisor, Mr Simon Goacher, Weightman's Solicitors.

#### **2. Panel's Terms of Reference**

2.1 The Council set us the following terms of reference:

- 1 To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- 2 To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- 3 To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- 4 To apply Best Value principles in relation to the allowances under consideration.

### **3. Legislative Position**

- 3.1 The local government legislation requires a full review of Members' allowances to be undertaken at least every four years. This is the fourth year since we last undertook a full review and this report follows a review of all aspects of the current Scheme of Allowances.

### **4. Background**

- 4.1 In undertaking this year's full review we considered the current level of allowance, comparisons from other district authorities who have adopted a Committee Style of governance arrangements and representations from each of the current Group Leaders.

### **5. Basic Allowance**

- 5.1 In previous reports we have indicated our acceptance that the principle for the original introduction of a Basic Allowance was to recognise the work undertaken by Councillors in all their roles, rather than just attendance at meetings, which had been the calculator for the previous regime. Whilst it is easy to measure attendance at meetings, we can understand that many members of the public do not appreciate the extent of time that Members do spend on Council duties outside the meeting rooms. The guidance from the Local Government Associations has always been that the allowance was not intended to be an income but was designed to ensure that Councillors did not suffer financial hardship as a consequence of becoming a Councillor. This protects the ability for a cross-section of the public to apply for office as a councillor.
- 5.2 Prior to the establishment of the Panel in 2002, the Council had engaged consultants, Don Latham Associates, who reported to the Council in March 2000 on the level of workload of Councillors under the new leadership provisions established by the Local Government Act 2000. Their report recommended a Basic Allowance of £4,725 with inflationary increases in subsequent years and that recommendation was agreed by the Council.
- 5.3 The initial view taken by the Panel was to continue with the principles adopted by the consultants and agreed by the Council at that time. In the intervening years the Panel undertook various exercises and information gathering sessions with Councillors but nothing has suggested to us that it would be appropriate to change the basis of the original principles that had been adopted.
- 5.4 At the beginning, the Panel was aware that the Basic Allowance at West Lancashire was the highest of the Shire Districts in Lancashire and we mentioned this fact in our first report for the year 2002/03. That appears to have been taken into account by the Council as the Panel's initial recommendation of £5,040 (following the Latham recommendation with inflationary uplift) was reduced to

£4,610. The current allowance in 2023/24 is £4842, an increase of £232 over 21 years. Following previous comparisons with other Lancashire Authorities there appears to be no specific reasons why other authorities have the levels that they do and there are a variety in population levels and the number of Councillors. None of these or the statistics that flow from any sort of comparative exercise lead to any form of justifiable conclusion as to the level of allowance that should be paid.

- 5.5 We asked the three Group Leaders to let us have their views. All three Group Leaders suggested an increase in the Basic Allowance for the following reasons:
- the reduction in the number of Councillors from 54 to 45 and increase in the size of Wards, following the Boundary Review, which has led to an increase in workload
  - the cost of living crisis, to ensure that Councillors did not suffer financial hardship as a consequence of becoming a Councillor
  - Increase in workload generally for Councillors from other factors such as a reduction in Council staffing levels, increased contact through social media etc.
- 5.6 The Panel does not consider political matters in reaching its conclusions, we are appointed as a public watchdog and have to take into account the fact that many people in the local community are having to deal with the effects of high inflation and the cost-of-living crisis.
- 5.7 Having considered all of the above, we recommend that, for 2024/25, the Basic Allowance should be increased by £108, to £4,950 and that the figure should be fixed for four years with the right for the Council, in any year, to request the Panel to consider an increase. The Panel would expect specific reasons to be put forward in support of such a request.

## **6. Special Responsibility Allowances**

- 6.1 Since the acceptance of the Latham report, SRAs have been calculated as a percentage of the Basic Allowance.
- 6.2 We asked the three Group Leaders to let us have their views, particularly in relation to any changes required following the change in governance arrangements from a Leader & Cabinet model to a Committee System. All three Group Leaders agreed that there should be no change to the rates of the following:
- Chairman - Licensing & Appeals Committee
  - Chairman – Licensing & Gambling Committee
  - Chairman – Planning Committee
  - Chairman – Audit and Governance Committee

And that only 1 SRA should be paid to individual Members.

- 6.3 All three Group Leaders agreed that the rate of SRA for the Chairman of Policy & Resources Committee should be 50%, which the Panel agree with.
- 6.4 Consideration was given to the current rate of SRA given to the Leader and Deputy Leader and whether there would a reduction in the work and responsibilities of these positions with the loss of Executive Powers when moving to a Committee system, however it was felt that the role of these posts were much broader and the loss of those powers would not affect the level of SRA provision and should therefore remain at the same rate.
- 6.5 All three Group Leaders agreed that there should be no increase in the rate given to the Opposition Group Leader and the Opposition Group Deputy Leader and it was therefore agreed that this rate should remain the same. Consideration was also given to the qualifying number ie. 'if a Group comprises 5 or more Members' and whether this number should be reduced to 4, to reflect the reduction in the overall numbers on the Council. No change is recommended in respect of the qualifying number for the 2024/25 Scheme; however, a review would be undertaken later in the year by the Panel.
- 6.6 The Panel was asked to consider an SRA for Lead Members from the Labour Group Leader, as it is intended that these roles would be established under the new Committee arrangements. The Panel noted that these roles had been established in some other authorities that operate a Committee system, which had also attracted an SRA for those additional responsibilities. Following consideration of the views expressed by all three group leaders, the Panel recommend that an SRA for Lead Members should be established at the rate of 100% of the Basic Allowance.
- 6.7 The Panel was asked to consider an SRA for Councillors who are members of the following Committees (not the Chairman or Vice-Chairman): P&R; Planning; Licensing (x2); and A&G, from the Our West Lancashire Group Leader. The Panel felt that such an allowance would not be appropriate.

## **7. Childcare and Dependent Carer's Allowance**

- 7.1 This allowance currently is set at the rate of the National Living Wage, currently £10.42 per hour and increasing to £11.44 per hour from 1 April 2024, with the Council having the power in special circumstances in a specific case to pay a higher rate. The Deputy Labour Leader asked the Panel to consider that as the Council supports the principal of the 'Real' Living Wage, that this allowance should be aligned to that and then that rate should be multiplied by 1.5 given that attendance at most meetings are in the evening.
- 7.2 The Panel recognise that these allowances are rarely claimed but would accept the revision to the allowance being aligned to the 'Real' Living Wage, £12 from April

2024, rather than the National Living Wage and automatically reviewed in line with annual increases. Further consideration would be given to the multiplier of 1.5 later in the year.

## **8. Travelling and Subsistence Allowances**

- 8.1 This is aligned to the staff Allowances Scheme. None of the Group Leaders see any reason to change this. The Panel feels that is right.

## **9. Other Allowances**

- 9.1 The views of the Group Leaders were sought in respect of other Allowances. All three Group Leaders agreed that no change should be made to the level of allowance to be given to the two Parish Council Representatives on the Standards Committee, the Mayor and the Deputy Mayor in 2024/25. The Panel agreed, however a review of the Mayor and Deputy Allowances would be undertaken later in the year.
- 9.2 The Panel was asked to consider an increase of £25 for the Standards Committee Independent Persons and an increase of 10% for the Independent Remuneration Panel/Parish Remuneration Panel Members, by the Conservative Group Leader. The Panel agree that these increases are not required.

## **10. Summary of Recommendations for 2024/25**

- 10.1 We recommend that the Council's Scheme of Allowances for 2024/25 should be as follows -

Basic Allowance - to be increased by £108, to £4,950, and the figure to be fixed for four years, with the right for the Council, in any year, to request the Panel to consider an increase. The Panel would expect specific reasons to be put forward in support of such a request.

Special Responsibility Allowances:

(a) That it be noted that the following allowances will be removed:

- Cabinet Members (up to 8)
- Chairman of Overview & Scrutiny Committees (x2)

(b) These to remain the same rate as the current allowances:

- Leader
- Deputy Leader
- Opposition Group Leader (min. 5 members)
- Opposition Group Deputy Leader (min. 5 members)
- Chairman – Licensing & Appeals Committee
- Chairman – Licensing & Gambling Committee
- Chairman – Planning Committee
- Chairman – Audit and Governance Committee



(c) These to be established:

- Lead Members (up to 10) 100% of Basic Allowance
- Chairman – Policy & Resources 50% of Basic Allowance

Only 1 SRA per individual Councillor

Childcare and Dependent Carers' Allowance – this to be increased to align with the current rate of the 'Real' Living Wage, currently £12.00 per hour.

Travelling and Subsistence Allowances – these to remain as in the current Scheme.

Other Allowances – these to remain as in the current Scheme.

**Gail Stanley**

**Jeremy Boardman**

**Ian Thompson**





**Executive Overview and Scrutiny  
Committee:  
25 January 2024**

**Cabinet:  
6 February 2024**

**Council:  
28 February 2024**

**(UPDATED FOR COUNCIL 27.2.24)**

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**Report of:** Head of Finance, Procurement and Commercial Services

**Relevant Portfolio Holder:** Councillor Rob Molloy

**Contact:** James Pierce  
(E-mail: james.pierce@westlancs.gov.uk)

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**SUBJECT: GRA Revenue Report and MTFS Update 2024/25 to 2026/27**

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Wards affected: Borough Wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To enable the Council to set a balanced Revenue Budget for the forthcoming financial year 2024/25.
- 1.2 To present to members the updated Medium-Term Financial Forecast (MTFF) for the following financial years 2025/26 to 2026/27, noting the latest forecast budget gap of £1.533m, comprising:
  - £1.803m in 2025/26
  - (£0.270)m in 2026/27
- 1.3 To inform members of the reserves position as at 31 March 2023 and the forecast position to 2026/27.

## **2.0 RECOMMENDATIONS**

- 2.1 That the General Revenue Account (GRA) budget for 2024/25 be approved based on the proposals to be presented at the Council meeting.
- 2.2 That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2025/26 to 2026/27 be noted.

- 2.3 That the latest GRA reserves position as at 31 March 2023 and forecast to 2026/27 be noted and the GRA reserves policy be approved.
- 2.4 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.
- 2.5 That delegated authority be given to the Head of Finance, Procurement and Commercial Services (Section 151 Officer) to apply an annual inflationary increase to fees and charges.

### 3.0 BACKGROUND

#### 2022/23 Outturn

- 3.1 The 2022/23 GRA Mid-Year report to Council in January 2023 projected a £500k overspend outturn position, whilst the Outturn Report to Council in July 2023 reported a near balanced revenue outturn position.
- 3.2 The favourable variance from mid-year to outturn enabled a reduction in use of reserves in the sum of £234k. This is a positive outcome for the Council. Details are as below:

<u>2022/23</u>	Revised Budget £000s	Mid-Year Variance £000s	Outturn Variance £000s
Corporate and Customer Services	5,725	(200)	1,913
Environmental Services	6,595	200	(367)
Finance, Procurement and Commercial Services	(1,206)	(70)	(42)
Housing	839	0	344
Legal and Democratic Services	1,178	0	1
Planning and Regulatory	1,810	0	(291)
Wellbeing and Place	1,735	0	(241)
Corporate Budgets	754	0	(46)
Staff Vacancy Factor	(1,014)	400	(1,014)
<b>NET SERVICE BUDGET</b>	<b>16,416</b>	<b>330</b>	<b>257</b>
Interest Receivable	(435)	170	(30)
Minimum Revenue Provision	314	0	0
Contribution to/(from) Reserves	(11,341)	0	(234)
<b>NET BUDGET</b>	<b>14,954</b>	<b>500</b>	<b>(7)</b>
Council Tax	(8,226)	0	0
Business Rates: Retained Income	(2,793)	0	0
Business Rates: S31 Grants	(2,850)	0	0
Other Government Grants & Contributions	(1,085)	0	0
<b>FUNDING</b>	<b>(14,954)</b>	<b>0</b>	<b>0</b>

- 3.3 Details of the key variances include:
- Grants available to Housing were allocated in year rather than being rolled forward as originally planned;
  - ICT costs were significantly below budget;
  - Following a review of bad debt provision, a saving of approximately £170k was achieved;
  - Accounting for pension fund contributions having a favourable effect on outturn;

- The receipt of council tax rebate, new burdens grant and year-end adjustments on benefits, council tax and business rates.

### 2023/24 Quarter 2 Forecast Outturn

- 3.4 The budget report presented to Council on 22 February 2023 set out the Council's budget requirement for the 2023/24 financial year and provided details on the Council's reserves position. This process is in accordance with statutory requirements and proper accounting practices.
- 3.5 Council agreed a Net Budget of £16.327m for 2023/24.
- 3.6 The table below reflects changes to the original budget approved by Council in February 2023. The changes reflect in-year budget and technical realignments to better reflect statutory reporting requirements, and changes in team structures. The approved net budget of £16.327m has not changed.
- 3.7 The table below provides quarter 2 forecast outturn estimates against the revised budget. The mid-year net forecast position is a shortfall of £524k, this compares with £583k forecast shortfall at quarter 1.

<u>2023/24</u>	Revised Budget £000s	Q1 Var. £000s	Q2 Var. £000s	Comments
Corporate and Customer Services	5,583	(400)	(600)	Reduced ICT costs. Salaries below budget after uplift and vacancy factor.
Legal and Democratic Services	1,128	50	110	Additional staff and agency costs together with costs of new governance structure
Environmental Services	6,669	587	600	Increased staff and agency costs, partially offset by lower fuel costs than budgeted.
Finance, Procurement and Commercial Services	1,592	50	125	Additional use of agency staff due to sickness absence and year end. Additional income/ efficiencies across WLBC (£60k savings target.
Housing Services (incl. Estates)	(879)	0	(20)	
Planning and Regulatory	1,818	100	200	Additional staff and agency costs. Planning and building control income down.
Wellbeing and Place	1,520	408	350	Leisure contract costs. Staff costs and pay settlement. Parking income reduced.
Other Corporate Budgets	501	0	0	
<b>NET SERVICE BUDGET</b>	<b>17,932</b>	<b>795</b>	<b>765</b>	
Interest Receivable (Net)	(225)	(212)	(241)	Rising interest rates

Minimum Revenue Provision	400	0	0	
Contributions (from)/to Reserves	(1,780)	0	0	
<b>NET BUDGET</b>	<b>16,327</b>	<b>583</b>	<b>524</b>	To be met from reserves
Council Tax	(8,568)	0	0	
Business Rates: Retained Income	(3,171)	0	0	
Business Rates: S31 Grants	(3,493)	0	0	
Government Grants	(1,095)	0	0	
<b>FUNDING</b>	<b>(16,327)</b>	<b>0</b>	<b>0</b>	

3.8 The overspend relates to:

- The pay settlement of £1,925 per full time employee. Budgets were set assuming a 3% increase, the actual settlement was closer to 6% on average.
- Various additional service-specific pressures as identified in the table above, these are largely offset by service-specific budget savings plus treasury interest income being better than budget due to rising interest rates.

3.9 Both the 2022/23 outturn position and 2023/24 mid-year forecast outturn position, assist forming the starting position for both the 2024/25 GRA revenue budget and the MTFF ending 2026/27. The current mid-year forecast position can change throughout the year for emerging and recurring cost pressures and any in-year opportunities and savings that are identified.

3.10 Fees for planning applications are set nationally and were raised by 35% (for major applications) and 25% (for non-major applications) on 6 December 2023. The Council must apply these fees as directed. Pre-application fees were also raised by 30% from 4 January 2024. After seeking support from the Portfolio Holder these were raised under delegation to the Corporate Director of Place and Community to "amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements when adopted" (Minute 135 Cabinet, 15 March 2011). This ensured the relevant fees are comparable with other councils and serves to cover the cost of the pre-application service. These rises will be reflected in the 2023/24 Outturn and are carried forward into the 2024/25 budget and beyond.

## 4.0 FINANCIAL OVERVIEW

4.1 Economic Update - Office for Budget Responsibility (OBR) November 2023:

Developments since the previous November forecast have been largely positive, but the economy still faces significant structural challenges. Wholesale gas prices have more than halved over the past six months and are expected to fall further over the forecast period. At the time the forecast was closed, the bank rate was expected to peak at 4.5% later this year, rather than the 5% per cent assume last November. The economy narrowly avoided contracting in the final quarter of 2022 and the near-term outlook for demand has improved. However, gas prices remain more than twice their pre-pandemic level which, when added to the stagnation in investment since 2016, the recent rise in labour market activity, and the slowdown in productivity growth since the financial crisis, means that there remains weak underlying momentum.

- CPI inflation peaked at 11.1% in October and is expected to fall sharply to 2.9% by the end of 2023, a more rapid decline than expected last November. The drop in wholesale gas prices also means that household energy bills are expected to fall below the energy price guarantee limit from July and to £2,200 by the end of the year. Stronger domestically generated inflation means that inflation oscillates around zero in the middle of the decade rather than falling meaningfully into negative territory as was forecast last November. Inflation returns to target in early 2028, with the offsetting effects of lower gas prices and increased domestically generated inflation leaving the consumer price level at the end of the forecast little changed from last November.
- Real household disposable income is expected to fall into 2024 which mainly reflects the rise in the price of energy and other tradeable goods of which the UK is a net importer, resulting in inflation being above nominal wage growth.
- The level of nominal GDP, which is the key driver of our forecast for public finances, is 0.8% higher at the forecast horizon than in the last forecast. This comprises 0.6% from higher real GDP and 0.2% from a higher GDP deflator, reflecting slightly stronger domestically generated inflation. This upward revision to nominal GDP has fed through to higher forecasts for wages and salaries, nominal consumer spending and company profits (outside the oil and gas sector).

#### 4.2 Autumn Statement November 2023

On 22 November 2023, the Chancellor delivered his Autumn Statement, labelling it as an "autumn statement for growth".

The key measures contained within the statement are:

- Changes to taxation and national insurance, largely reducing the burden for both individuals and businesses.
- The reaffirmation for planned departmental resource spending, for the years beyond the current review period (2025/26 to 2028/29), to grow at 1% a year on average in real terms and for public sector capital spending to be frozen in cash terms.

Announcements directly impacting Local Government:

Council Tax

- The council tax referendum limit remained at 3% per year for the year beginning 1 April 2024.

Business Rates

- The small business rate multiplier will be frozen at 49.9p whilst the standard rate multiplier will increase 54.6p in line with September 2022 to 2023 change in CPI. Local authorities will be compensated for the reduction in income as a result of the frozen small business multiplier.

#### 4.3 Provisional Local Government Finance Settlement (LGFS) December 2023:

To provide funding certainty and allow councils to plan ahead, in December 2015 the Government offered councils a four-year funding settlement for the period 2016/17 to 2019/20. Over the past four years of 2020/21, 2021/22, 2022/23 and 2023/24 the Government has limited this to one-year settlements.

On 18 December, the Government published for statutory consultation, the provisional LGFS for 2024/25. The provisional settlement is once again a holding position, this time based on proposed allocations for 2024/25 only.

### Core Spending Power (CSP):

Core Spending Power is a measure of the resources available to local authorities to fund service delivery. It sets out the money that has been made available to local authorities through the LGFS.

The table below sets out the figures for local authority CSP from 2015-16 through to 2024-25. Figures for 2015-16 have been adjusted to ensure a consistent measure of local authority income over time.

CORE SPENDING POWER										
West Lancashire										
Illustrative Core Spending Power of Local Government:										
	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25 <sup>8</sup>
	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions	£ millions
Settlement Funding Assessment	5.465	4.609	3.966	3.622	3.262	3.315	3.315	3.315	3.595	3.751
Compensation for under-indexing the business rates multiplier	0.044	0.044	0.046	0.073	0.106	0.133	0.173	0.339	0.586	0.700
Council tax requirement excluding parish precepts	6.165	6.354	6.595	6.878	7.171	7.498	7.847	8.227	8.569	8.998
New Homes Bonus	1.369	1.714	1.723	1.172	0.967	0.875	0.802	0.703	0.768	0.634
Lower Tier Services Grant	0.000	0.000	0.000	0.000	0.000	0.000	0.141	0.152	0.000	0.000
Services Grant	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.229	0.134	0.021
Grants rolled in	0.135	0.152	0.150	0.145	0.141	0.142	0.157	0.156	0.000	0.000
Funding Guarantee	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.036	0.257
<b>Core Spending Power</b>	<b>13.187</b>	<b>12.887</b>	<b>12.496</b>	<b>11.890</b>	<b>11.646</b>	<b>11.962</b>	<b>12.435</b>	<b>13.120</b>	<b>13.687</b>	<b>14.360</b>
Change since 2015-16 (£ millions)										1.173
Change since 2015-16 (% change)										0.089

For 2024/25 the table shows that the Council CSP has increased by £673k, from £13.687m to £14.360m. However, the Council Tax figure is a Government assumed figure of £8.998m, the actual figure has been calculated as £8.885m, a shortfall of £113k, that is largely due to actual tax base growth being 0.68% rather than an assumed 1.98%.

### Settlement Funding Assessment (SFA):

The Settlement Funding Assessment amount consists of Revenue Support Grant (RSG) and Business Rates Retention.

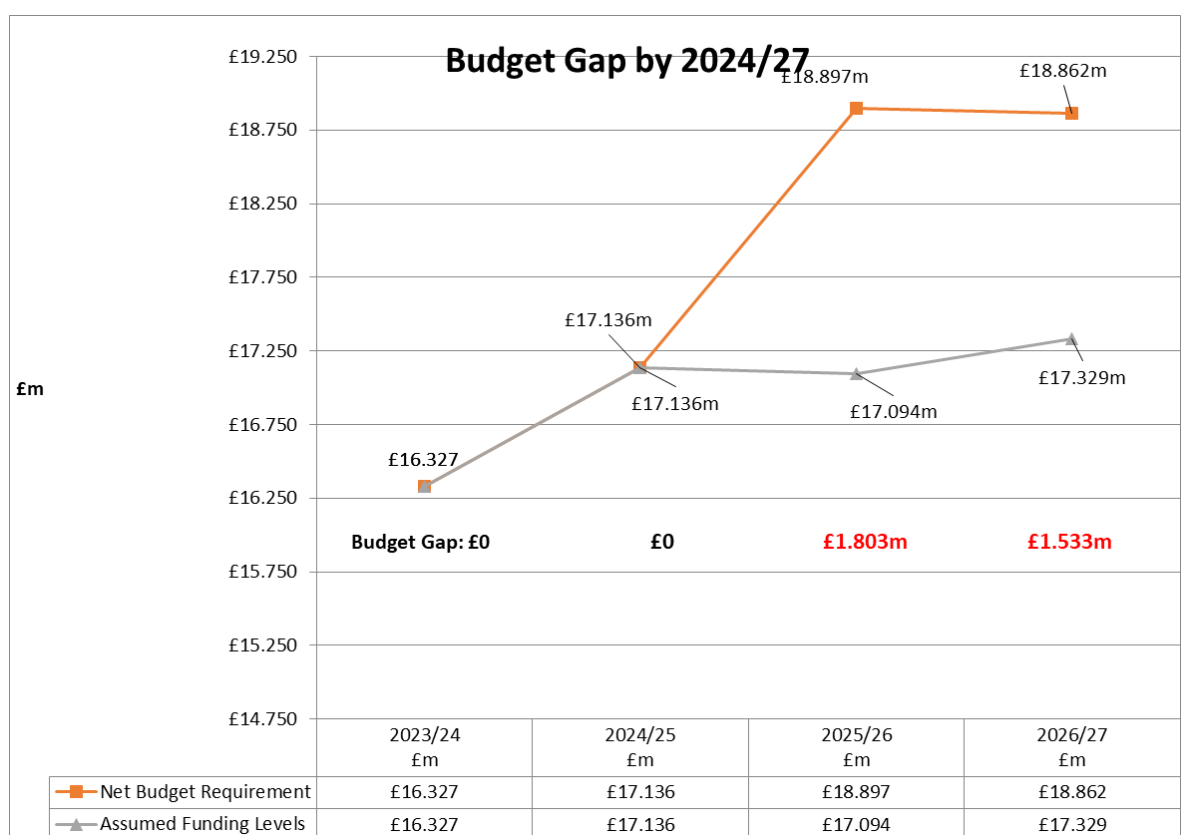
Key Information for Local Authorities (£m)									
West Lancashire									
	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Settlement Funding Assessment	4.609	3.966	3.622	3.262	3.315	3.315	3.315	3.595	3.751
of which:									
Revenue Support Grant	1.576	0.871	0.433	0.000	0.000	0.000	0.001	0.156	0.167
Baseline Funding Level	3.034	3.096	3.189	3.262	3.315	3.315	3.315	3.439	3.584
Tariff/Top-Up <sup>2</sup>	(9.633)	(8.227)	(8.367)	(13.287)	(8.698)	(8.698)	(8.698)	(10.140)	(10.657)
2017-18 Tariff and Top-up reconciliation			0.104						
2023-24 Tariff and Top-up reconciliation									(0.087)
Safety Net Threshold	2.806	2.863	2.949	3.099	3.066	3.066	3.066	3.181	3.315
Individual Authority Business Rates Baseline	12.667	11.323	11.556	16.549	12.013	12.013	12.013	13.579	14.241

For 2024/25 the table shows that the Council SFA has increased by £156k, from £3.595m to £3.751m, as a result of grants rolled into RSG and an inflation increase to the Business Rates Baseline.

## **5.0 BASE BUDGET MOVEMENT: BUDGET ASSUMPTIONS AND UPDATES**



- 5.1 Whilst indicators appear to show an easing of the cost-of-living crisis with inflation and energy costs forecast to continue to fall into 2024 as shown in both 4.1 and 4.2, costs still remain high. This, together with the lack of detail from Government on the Local Government Finance Settlements from 2025/26 onwards, along with deferral of the introduction of the long-awaited funding reforms to both the funding settlement formula and the business rates system, makes the production of the medium-term plan with any certainty difficult and therefore some key assumptions have been made in producing the latest forecast position for 2025/26 and 2026/27.
- 5.2 The key assumptions can be split between net budget requirement and funding. These are then applied to the starting base position of the 2024/25 base budget £16.327m.
- 5.3 The graph below shows the 2024/25 net budget requirement and funding of £17.136m for approval, and the latest forecast net budget requirement and funding levels for 2025/26 to 2026/27, resulting in a budget gap of £1.533m.



- 5.4 A summary of the movements in the budget since September are set out in the table below:

BUDGET MOVEMENTS	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>ANNUAL BUDGET GAP SEPTEMBER 2023</b>	<b>1,433</b>	<b>1,209</b>	<b>0</b>
Salary - Additional 3% 23/24 Pay Award, Budget at Top SCP, Vacancy/Scale Factor, FTCs Base Changes, 2023 Pension Triennial Valuation	1,762	(487)	134
Contract Inflation - Insurance, Energy, Fuel and Fleet	(33)	6	150
Solar PV System Tariff Income	0	0	0

Review of Unspent Budgets	0	0	0
Council Elections Delivery	0	0	0
PSAA Reset of External Audit Fees	0	0	0
Treasury Investment Income & Capital Financing	(206)	200	61
Returns from TVD	0	0	(500)
Other Budget Movements	(600)	393	39
2024 Budget Proposals	(1,182)	(11)	81
Reduction of reserve transfer required in 2023/24	(221)	0	0
Reserves - One-Off Use of Reserves to Balance the 2024/25 budget and the complete phasing out of the Use of Reserves by 2026/27	(332)	556	0
<b>Net Budget Movements</b>	<b>(812)</b>	<b>657</b>	<b>(36)</b>
Council Tax - 3% Council Tax Increase	80	(80)	(441)
Business Rates - further delay to the reset of Baselines	0	0	0
Use of Collection Fund Smoothing Reserve	0	0	0
24/25 LGFS - Business Rates Baseline & Tariff	0	0	0
24/25 NNDR1 Local Share & Section 31 Grants	(226)	52	(55)
24/25 LGFS Other Grants - NHB, Lower Tier and Services Grants	(475)	(35)	261
<b>Funding Movements</b>	<b>(621)</b>	<b>(63)</b>	<b>(235)</b>
<b>TOTAL MOVEMENTS</b>	<b>(1,433)</b>	<b>594</b>	<b>(270)</b>
<b>ANNUAL BUDGET GAP FEBRUARY 2023</b>	<b>0</b>	<b>1,803</b>	<b>(270)</b>

5.5 The key inflationary assumptions over the period 2024/25 to 2026/27 include:

Budget Assumptions	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>Net Service Budget</b>	<b>1,466</b>	<b>24</b>	<b>313</b>
Pay Award	4.00%	2.00%	2.00%
	1,291	(137)	148
2023 Pension Triennial Valuation - Future Service	0.00%	0.00%	0.00%
	4	4	0
Contractual Obligations: Inflation Energy	0.00%	5.00%	5.00%
	0	49	51
Contractual Obligations: Inflation Fuel	5.00%	5.00%	5.00%
	28	29	31
Contractual Obligations: Inflation Insurance	20.00%	5.00%	5.00%
	89	27	28
Contractual Obligations: Inflation Other	Variable	Variable	Variable
	10	10	12
Contractual Obligations: Inflation General	2.00%	2.00%	2.00%
	44	42	43
<b>Net Central Service Budget</b>	<b>77</b>	<b>(20)</b>	<b>0</b>
Contractual Obligations: External Audit Fees	51.00%	0.00%	0.00%
	72	0	0
2023 Pension Triennial Valuation - Past Service	0.00%	0.00%	0.00%
	(20)	(21)	0
Apprenticeship Levy: Pay Award	4.00%	2.00%	2.00%
	25	1	0
<b>Funding</b>	<b>(317)</b>	<b>(421)</b>	<b>(441)</b>

Council Tax Rate Increase (Relevant Basic Amount)	2.99%	2.99%	2.99%
	(258)	(199)	0
Council Tax Base Increase	0.68%	1.70%	1.70%
	(59)	(222)	(441)

5.6 The table below summarises the movements over the period 2024/25 to 2026/27:

Movements to the 2023/24 Base Budget	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>Net Service Base Budget b/f</b>	<b>17,784</b>	<b>17,906</b>	<b>18,295</b>
Permanent Virements	1,104	0	0
RODs	0	0	104
<b>NET SERVICE BASE BUDGET</b>	<b>18,887</b>	<b>17,906</b>	<b>18,399</b>
Pay, NI & Pensions - Inflation	1000	496	494
Pay, NI & Pensions - Base Movements	(429)	(628)	(346)
Employee Vacancy/Scale Factor	(55)	14	(14)
Contractual Inflation	172	158	164
Volume/Activity Base Movements	89	0	0
Legislative/Regulatory	(143)	(43)	0
Grants & Contributions	(442)	384	120
Sales, Fees & Charges Levels	(173)	(17)	(17)
Recharges HRA & Capital	(41)	(80)	(79)
New / Cease / Transfer of Services	58	2	(23)
Service Reserve Movements	248	153	25
Other	(3)	0	0
<b>Total Budget Assumptions</b>	<b>280</b>	<b>438</b>	<b>323</b>
Growth Items	7	(38)	0
Savings Proposals	(6)	0	0
Efficiency Proposals	0	0	(102)
Policy Proposals	(51)	(30)	0
<b>Total Approved Budget Proposals</b>	<b>(50)</b>	<b>(68)</b>	<b>(102)</b>
Growth Items	0	0	0
Income Generation	0	0	0
Efficiency Proposals	0	0	0
Savings Proposals	(1,212)	19	81
Policy Proposals	0	0	0
<b>Total New Budget Proposals</b>	<b>(1,212)</b>	<b>19</b>	<b>81</b>
<b>NET SERVICE BUDGET</b>	<b>17,906</b>	<b>18,295</b>	<b>18,702</b>
<b>Net Service Base Budget b/f</b>	<b>148</b>	<b>217</b>	<b>193</b>
Permanent Virements	(1)	0	0
RODs	0	0	0
<b>NET CENTRAL SERVICE BASE BUDGET</b>	<b>147</b>	<b>217</b>	<b>193</b>
External Audit	72	0	0
Pensions	(20)	(21)	0
Apprenticeship Levy	25	1	1
Corporate Employee Vacancy/Scale Factor	0	0	0
GRA Recharges	(7)	(4)	(4)
Provision & Contingency	0	0	0
Covid-19	0	0	0
Other Corporate Items	0	0	0
<b>Total Central Service Budget Assumptions</b>	<b>70</b>	<b>(23)</b>	<b>(3)</b>
<b>NET CENTRAL SERVICE BUDGET</b>	<b>217</b>	<b>193</b>	<b>191</b>

Movements to the 2023/24 Base Budget	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>Net Service Base Budget b/f</b>	<b>(1,605)</b>	<b>(986)</b>	<b>408</b>
<b>NET NON SERVICE BASE BUDGET</b>	<b>(1,605)</b>	<b>(986)</b>	<b>408</b>
Treasury Management - Interest Received	(225)	200	0
Treasury Management - Interest Payments	53	19	0
Capital Charges - MRP	131	54	61
Dividends	0	0	(500)
Reserves	659	1,121	0
<b>Total Non Service Budget Assumptions</b>	<b>618</b>	<b>1,394</b>	<b>(439)</b>
<b>NET NON SERVICE BUDGET</b>	<b>(986)</b>	<b>408</b>	<b>(31)</b>
<b>NET BUDGET</b>	<b>17,136</b>	<b>18,897</b>	<b>18,862</b>
<b>BASE FUNDING</b>	<b>(16,327)</b>	<b>(17,136)</b>	<b>(17,094)</b>
Council Tax - Base Increase	(59)	(151)	(158)
Council Tax - % General Increase	(258)	(270)	(283)
Business Rates: Retained Income	(145)	52	(55)
Business Rates: S31 Grants	(267)	0	0
Prior Year Collection Fund (Surplus)/Deficit	(1,364)	329	0
Use of Collection Fund Smoothing Reserve	1,405	(329)	0
New Homes Bonus	134	634	0
Other Government Grants	(254)	(222)	261
<b>Total Funding Assumptions</b>	<b>(809)</b>	<b>42</b>	<b>(235)</b>
<b>FUNDING</b>	<b>(17,136)</b>	<b>(17,094)</b>	<b>(17,329)</b>
<b>ANNUAL BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,803</b>	<b>(270)</b>
<b>CUMULATIVE BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,803</b>	<b>1,533</b>

5.7 Detail movements to the Net Base Budget are shown in Appendix 1 of the report.

5.8 The 2024 budget proposals include the items listed at Appendix 2 of this report.

5.9 A full detailed listing of Funding is provided in Appendix 1.

## 6.0 PROPOSED 2024/25 REVENUE BUDGET AND MEDIUM-TERM FINANCIAL FORECAST 2025/26 to 2026/27

6.1 The Council is required to set a balanced budget and determine its council tax level before the start of each financial year in accordance with statutory requirements and proper accounting practices.

6.2 The purpose of the Medium-Term Financial Forecast is to provide the strategic framework and a forward-looking approach to achieving long-term financial sustainability. It is central to the delivery of priority outcomes in the Council's strategy and plans in an affordable way over the next three years to 2026/27. It aids robust and methodical planning as it forecasts the Council's financial position, considering known pressures, major issues affecting the Council's finances, including national and regional influences as well as local priorities and factors.

6.3 Planning over the medium-term helps the Council to respond in a considered manner, to pressures and changes because of many internal and external influences. This is particularly important during a period where the Council is facing

unprecedented changes and challenges. The recovery from the pandemic, the cost-of-living crisis, inflationary pressures and the changes in National funding are examples of this. The MTFF recognises the key role that financial resources play in the future delivery of outcomes and in enabling the effective planning, management and delivery of services that contribute towards the delivery of the Council's Strategic Plan.

- 6.4 The MTFF model provides the framework within which decisions relating to future service provision can be made. The detailed budget, taking account of constantly changing circumstances is regularly reviewed and the Council will be provided with updated budget monitoring reports as things progress.
- 6.5 Based on the current set of key assumptions set out in section 5, the 2024/25 net budget requirement and funding of £17.136m for approval, and the latest forecast net budget requirement and funding levels for 2025/26 to 2026/27, resulting in a budget gap of £1.533m by service is shown below:

2024/25 Budget and 2025/26 to 2026/27 MTFF	2024/25 £000s	2025/26 £000s	2026/27 £000s
Corporate and Customer Services	5,241	5,307	5,278
Environmental Services	6,698	6,835	6,975
Finance Procurement and Commercial Services	1,841	1,895	1,951
Housing Services	(877)	(975)	(985)
Legal and Democratic Services	1,353	1,378	1,397
Planning and Regulatory Services	1,939	2,006	2,018
Wellbeing and Place Services	1,341	1,473	1,684
Chief Officers	369	376	384
<b>NET SERVICE BUDGET</b>	<b>17,906</b>	<b>18,295</b>	<b>18,702</b>
Treasury & Banking	41	41	41
External Audit	214	214	214
Pensions	(168)	(188)	(188)
Apprenticeship Levy	69	70	71
GRA Recharges	(195)	(199)	(203)
Provision & Contingency	166	166	166
Parish Council Grants	89	89	89
<b>NET CENTRAL SERVICE BUDGET</b>	<b>217</b>	<b>193</b>	<b>191</b>
Treasury Management - Interest Received	(544)	(344)	(344)
Treasury Management - Interest Payments	147	167	167
Capital Charges - MRP	532	586	647
Dividends	0	0	(500)
Reserves	(1,121)	0	0
<b>NET NON SERVICE BUDGET</b>	<b>(986)</b>	<b>408</b>	<b>(31)</b>
<b>NET BUDGET</b>	<b>17,136</b>	<b>18,897</b>	<b>18,862</b>
Council Tax	(9,651)	(10,072)	(10,513)
Council Tax - Parish Precepts	765	765	765
Business Rates: Retained Income	(3,275)	(3,224)	(3,279)
Business Rates: S31 Grants	(3,760)	(3,760)	(3,760)
Prior Year Collection Fund (Surplus)/Deficit	(329)	0	0
Use of Collection Fund Smoothing Reserve	329	0	0
New Homes Bonus	(634)	0	0
Other Government Grants	(581)	(803)	(542)

<b>FUNDING</b>	<b>(17,136)</b>	<b>(17,094)</b>	<b>(17,329)</b>
<b>ANNUAL BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,803</b>	<b>(270)</b>
<b>CUMULATIVE BUDGET (HEADROOM)/GAP</b>	<b>0</b>	<b>1,803</b>	<b>1,533</b>

## 7.0 RESERVES AND BALANCES

- 7.1 In accordance with statutory regulations and CIPFA guidance, the levels of balances and reserves are reviewed during the budget process to ensure that they are currently sufficient, and that they will remain adequate over the medium term.
- 7.2 The Council's medium-term financial approach involves using reserves to support the budget position while savings are being realised. The assumption made at budget setting in February 2023, was that £1.808m of reserves would be required in 2023/24 to enable the Council to achieve a balanced budget.
- 7.3 Whilst the reserves position as at 31 March 2023 in 7.7 shows a balance of £13.589m, the Collection Fund Stabilisation Reserve balance of £2.777m is earmarked to fund future years losses on the Collection Fund and smooth the impact of reforms to the Business Rates System and Baseline Reset. Excluding this reserve, the position as at 31 March 2023 is £10.812m.
- 7.4 Utilising of reserves of £1.780m in 2023/24 and a proposed £1.121m in 2024/25, presents an un-sustainable position on the overall reserves position, therefore the complete phasing out of the contribution from reserves has now been assumed over the remaining two-years of the MTFF in 2025/26 and 2026/27.
- 7.5 To reduce the dependence on reserves it is recommended further savings, efficiencies or income generation are identified over the three-year period 2024/25 to 2026/27, to reduce the drawdown on reserves and stabilise the Council's finances over the medium-term.
- 7.6 Reserves Protocol
1. Details for each GRA reserve held by the Council are set out in 7.7 below.
  2. Each reserve is managed and controlled by the s151 Officer of the Council who will act as the responsible officer for the reserve.
  3. The responsible officer can authorise amounts, commensurate with the current limit for Record of Decision (RoD) actions, to be taken from a reserve provided that its use is in line with the stated purpose of the reserve.
  4. Reserves are reviewed and updated as part of the annual budget preparation and as part of the closure of accounts process to ensure that they continue to be required and are adequate in size.
  5. Earmarked reserves represent money that has been set aside for a clearly defined purpose, and which is available to meet future expenditure in that area.
  6. Balances represent unallocated funds which have not been earmarked and consequently are available to support any service area.



## 7.7 Reserves Balances and Forecast

Classification	Sub-Classification	2022/23 YE Balance £000s	2023/24 Forecast In-Year Movement £000s	2023/24 Forecast YE Balance £000s	2024/25 Forecast In-Year Movement £000s	2024/25 Forecast YE Balance £000s	2025/26 Forecast In-Year Movement £000s	2025/26 Forecast YE Balance £000s	2026/27 Forecast In-Year Movement £000s	2026/27 Forecast YE Balance £000s
General Fund Balance	Core Balances	(£690)	£0	(£690)	£0	(£690)	£0	(£690)	£0	(£690)
General Fund Balance	Contingency Balances	(£270)	£0	(£270)	£0	(£270)	£0	(£270)	£0	(£270)
<b>CORE and CONTINGENCY BALANCES</b>		<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>	<b>£0</b>	<b>(£960)</b>
Corporate Reserves	SORP / Policy Options Reserve	(£172)	£0	(£172)	£0	(£172)	£0	(£172)	£0	(£172)
Corporate Reserves	Budget Smoothing Reserve	(£2,842)	£1,780	(£1,062)	£1,121	£59	£0	£59	£0	£59
Corporate Reserves	Benefits Equalisation Reserve	(£908)	£0	(£908)	£0	(£908)	£0	(£908)	£0	(£908)
Corporate Reserves	Planning Income Equalisation Reserve	(£125)	£125	£0	£0	£0	£0	£0	£0	(£0)
Corporate Reserves	Collection Fund Stabilisation Reserve	(£2,777)	£1,076	(£1,701)	(£329)	(£2,030)	£0	(£2,030)	£0	(£2,030)
Corporate Reserves	Major Projects Reserve	(£399)	£69	(£330)	£0	(£330)	£0	(£330)	£0	(£330)
Corporate Reserves	Strategic Investment Reserve	(£613)	£0	(£613)	£0	(£613)	£0	(£613)	£0	(£613)
Corporate Reserves	Service Reserves	(£1,920)	£476	(£1,444)	£84	(£1,360)	(£75)	(£1,435)	(£100)	(£1,535)
<b>CORPORATE RESERVES</b>		<b>(£9,756)</b>	<b>£3,526</b>	<b>(£6,230)</b>	<b>£876</b>	<b>(£5,354)</b>	<b>(£75)</b>	<b>(£5,429)</b>	<b>(£100)</b>	<b>(£5,529)</b>
Insurance Reserve	Insurance Reserve	(£938)	£0	(£938)	£0	(£938)	£0	(£938)	£0	(£938)
<b>INSURANCE RESERVES</b>		<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>	<b>£0</b>	<b>(£938)</b>
Ring Fenced Reserves	P&D Machine Replacement Fund	(£29)	(£5)	(£34)	(£5)	(£39)	(£5)	(£44)	(£5)	(£49)
Ring Fenced Reserves	Solar Panel R&R Fund	(£300)	£0	(£300)	£0	(£300)	£0	(£300)	£0	(£300)
Ring Fenced Reserves	Community Related Assets - R&R Fund	(£222)	(£40)	(£262)	(£30)	(£292)	(£30)	(£322)	(£30)	(£352)
Ring Fenced Reserves	Industrial Portfolio Fund	(£996)	(£92)	(£1,088)	(£143)	(£1,231)	(£137)	(£1,368)	(£137)	(£1,505)
Ring Fenced Reserves	Investment Centre Reserve	(£389)	(£50)	(£439)	(£50)	(£489)	(£50)	(£539)	(£50)	(£589)
Ring Fenced Reserves	Skelmersdale Town Centre Reserve	£0	£0	£0	(£30)	(£30)	(£30)	(£60)	(£30)	(£90)
<b>RING FENCED RESERVES</b>		<b>(£1,935)</b>	<b>(£187)</b>	<b>(£2,122)</b>	<b>(£258)</b>	<b>(£2,380)</b>	<b>(£252)</b>	<b>(£2,632)</b>	<b>(£252)</b>	<b>(£2,884)</b>
<b>TOTAL GRA RESERVES</b>		<b>(£13,589)</b>	<b>£3,339</b>	<b>(£10,250)</b>	<b>£618</b>	<b>(£9,632)</b>	<b>(£327)</b>	<b>(£9,959)</b>	<b>(£352)</b>	<b>(£10,311)</b>



## 8.0 CAPITAL PROGRAMME

- 8.1 The Capital Strategy for 2024/25 – 2026/27 is presented in a separate report in this agenda.
- 8.2 The proposed Capital Programme for the period 2024/25 to 2026/27 totals £16.285m.

General Fund (GRA) Service Area	2023/24 F/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Corporate and Customer Services	£214	£1,807	£250	£250
Environmental Services	£178	£375	0	£0
Finance Procurement and Commercial Services	£484	£540	£210	£30
Housing Services	£1,692	£1,969	£1,608	£1,608
Planning and Regulatory Services	£256	£20	£0	£0
Wellbeing and Place Services	£3,629	£6,412	£6	£0
<b>Total GRA Capital Programme Expenditure</b>	<b>£6,453</b>	<b>£11,123</b>	<b>£2,074</b>	<b>£1,888</b>

- 8.3 The above table includes £1.578m of new expenditure in 2024/25 which is to support the 3 schemes below that were agreed at the February 2023 Council.

Service	Budget Issue Name	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Finance, Procurement and Commercial Services	Capital works 23/24	£10	£180	£0
Wellbeing and Place Services	Chapel Gallery – Repair works	£33	£6	£0
Wellbeing and Place Services	UK Shared Prosperity Fund	£1,535	£0	£0
<b>New Service Items 2024/25</b>		<b>£1,578</b>	<b>£186</b>	<b>£0</b>

In addition to the above, there will also be a new bid for the Waste Transfer Station which will be in the region of £200k for Phase 1 in 2024/25 and another for £200k for Phase 2 in 2025/26. This based upon estimates received to date from external consultants and will be subject to change.

- 8.4 The Capital Programme is to be funded by the following resources with any remaining balance funded with the use of prudential borrowing.

FUNDING	2023/24 F/cast Expenditure £'000s	2024/25 £'000s	2025/26 £'000s	2026/27 £'000s
Capital Receipts	£1,013	£2,431	£0	£0
GRA Contributions	£0	£0	£0	£0
Prudential Borrowing	£1,782	£3,640	£630	£444
Community Infrastructure Levy (CIL)	£1,744	£1,062	£0	£0
Section 106	£3	£398	£0	£0
Other Grant Funding	£1,911	£3,592	£1,444	£1,444
<b>Total GRA Capital Programme Funding</b>	<b>£6,453</b>	<b>£11,123</b>	<b>£2,074</b>	<b>£1,888</b>

## **9.0 ROBUSTNESS OF ESTIMATES AND ADEQUACY OF RESERVES**

- 9.1 It is a requirement of the Local Government Act 2003 for the Council's Chief Finance Officer to give an opinion as to the robustness of the budget estimates and the adequacy of the financial reserves (s25) and the minimum level of reserves (s26). These opinions are provided to Members to assist in their determination as to whether the proposed budget is sufficient to meet the needs of the Council.
- 9.2 In determining the budget for the forthcoming year there have been important decisions about the continued use of reserves. The planned use of reserves totalling £0.804m in 2024/25 from 7.7 above, includes £1.049m of general reserves to support the budget that is a one-off source of funding. As the reliance on reserves is removed the budget gap over the period 2025/26 to 2026/27 increases by this amount.
- 9.3 All aspects of the budget have been reviewed to ensure that reasonableness (robustness) tests have been carried out, that detailed calculations are sound, and that the risks have been quantified and provided for as far as possible.
- 9.4 Statement by the Head of Finance, Procurement and Commercial Property in his capacity as the s151 Officer of the Council:

*This statement is not a guarantee that expenditure will be contained within each budget line, as budget estimates are exactly that. Estimates of the financial environment, spending and income made at a point in time, which will change as circumstances change.*

*Therefore, it is an assessment of the overall budget package and whether there is a reasonable expectation that the budget overall will not be breached.*

*On the basis, good financial management, and the sound monitoring of budgets and performance which exists. I am satisfied that sufficient management processes are present within the Council to deliver this budget and to identify and deal with issues which may arise unexpectedly during the year.*

*As the Council s151 Officer I'm able to report (in accordance with Section 25 of the Local Government Act 2003) that the estimates made for the purposes of the calculation of the budget are robust and the level of reserves and balances are adequate and (in accordance with Section 26 of the Local Government Act 2003) the minimum level of general reserve be set at £960k.*

## **10.0 MEDIUM-TERM OUTLOOK**

- 10.1 The Government continued with a detailed one-year funding settlement for 2024/25 and set out through a Local Government Finance settlement (LGFS) Policy Statement issued on 18 December 2023.
- 10.2 We also await confirmation of the details to the long-awaited Government reforms to the settlement formula (Fairer Funding), together with a new business rates

retention system and baseline reset. In the December LGFS Policy Statement Government announced that this will not be implemented in the next two years.

- 10.3 Whilst the economic outlook, appears to have eased over the previous 12 months and looks to be easing further in the next year, there is still economic uncertainty created by upcoming events such as elections both in the UK and the United States and the continuing wars and conflicts in Ukraine and the Middle East.
- 10.4 Forecasting the impact of the current economic climate with any certainty on the MTFF, is therefore extremely difficult.
- 10.5 Consequently, the MTFF will be continually refreshed once new information becomes available to establish the Council's financial position going forward.
- 10.6 The current MTFF position to 2026/27 shows a budget gap of £1.348m. Consequently, it is proposed that the following indicative workplan be undertaken in the coming months:
- Undertake service reviews
  - Undertake detailed budget analysis work to include statutory and non-statutory elements
  - Further review of sales, fees and charges
  - Undertake sensitivity and scenarios analysis modelling

## **11.0 SUSTAINABILITY IMPLICATIONS**

- 11.1 There are no significant sustainability impacts associated with this report and no significant impact on crime and disorder.

## **12.0 RISK ASSESSMENT**

- 12.1 The formal consideration and reporting of the budget estimates is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. This process is resource intensive for both Members and Officers but ensures that a robust and achievable budget is set.
- 12.2 The challenging financial position facing local authorities has been evaluated and assessed as being a key risk, and consequently is included on the Council's key risk register.

## **13.0 HEALTH AND WELLBEING IMPLICATIONS**

- 13.1 The health and wellbeing implications arising from this report will be dependent on the budget proposals put forward at the Council meeting. Details of any significant implications will be provided at the Council meeting if required.

### **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 direct impact on members of the public, employees, elected members and / or stakeholders is dependent on the proposals to be put forward at the Council meeting. Therefore, no Equality Impact Assessment has been produced at this time.

### **Appendices**

Appendix 1 Budget Movements

Appendix 2 2024 Budget Proposals

## APPENDIX 1: BUDGET MOVEMENTS

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>NET BUDGET</b>		<b>448</b>	<b>1,768</b>	<b>(429)</b>
<b>Net Service Budget</b>		<b>(172)</b>	<b>371</b>	<b>10</b>
Permanent Virements	Salary - Pay Award Catchup of the £1,925 additional 3%	648	0	0
Permanent Virements	Salary – Budget at top SCP & Vacancy/Scale Factor @10%	287	3	0
Permanent Virements	Increase in HRA recharge restructure	166	0	0
Permanent Virements	Budget Re-alignment of Brokers Fee	0	0	0
<b>Permanent Virements</b>		<b>1,101</b>	<b>3</b>	<b>0</b>
RODs (2023/24)	New FTC BID posts	100	0	0
RODs (2023/24)	Funding of FTC BID posts HRA	(100)	(4)	104
<b>RODs</b>		<b>0</b>	<b>(4)</b>	<b>104</b>
Budget Assumptions	Salary - Base Movements FTCs	(725)	0	0
Budget Assumptions	Employee Vacancy/Scale Factor Increase for Pay Award	(55)	14	(14)
Budget Assumptions	Insurance Fund Provision Top-Up	80	0	0
Budget Assumptions	National Fraud Initiative	3	0	0
Budget Assumptions	Commercial Property: Minimum Energy Efficiency Standards (MEES)	(51)	6	0
Budget Assumptions	Commercial Property: Use of Investment Property Portfolio Reserve to Fund MEES	51	(6)	0
Budget Assumptions	Council Elections Delivery	(95)	(48)	0
Budget Assumptions	Council Elections Budget Stabilisation Reserve	196	50	0
Budget Assumptions	Investment Properties - Service Charge (Energy)	(98)	(17)	(17)
Budget Assumptions	Service Reserve Movements / Reversals	1	109	25
Budget Assumptions	Capita Valuation Contract of GRA Assets	33	2	2
Budget Assumptions	Change in HRA recharge - inflation	(47)	(83)	(83)
Budget Assumptions	Cost of road closures for Civic Events	9	0	0
Budget Assumptions	Increase in Homelessness/Rough Sleepers Grant Funding	(73)	0	0
Budget Assumptions	UKSPF funding for temporary posts	(504)	384	120
Budget Assumptions	End of MPT/Kickstart funding	135	0	0
Budget Assumptions	Reduction of outside contractors – Weed Removal	(27)	0	0
Budget Assumptions	Increase in service charge – Gorsey PI	(10)	0	0
Budget Assumptions	Increase in CIL Admin Fee – to fund Scale 5 post	(38)	0	0
Budget Assumptions	Governance Review	25	0	(25)

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
Budget Assumptions	Removal of vired amount to fund redundancy payment BID team	(18)	0	0
Budget Assumptions	Corporate Items – Legal fees/tribunals etc	15	0	0
<b>Budget Assumptions</b>		<b>(1,193)</b>	<b>411</b>	<b>8</b>
Approved - Growth Bids (FEB22)	Additional income and/or efficiencies to be generated from the Finance FBP	(10)	0	0
Approved - Growth Bids (FEB22)	Supporting the business & Visitor economy & attracting inward investment	(29)	(13)	0
Approved - Growth Bids (FEB22)	Employment Debt recovery task force for 3 months	1	0	0
Approved - Growth Bids (FEB22)	Revenue consequences of Capital bid - C8 - Beconsall Closed Church Yard	2	0	0
Approved - Growth Bids (FEB22)	Microsoft Site Licences	5	0	0
Approved - Growth Bids (FEB23)	Technical Support Officer Apprentice	0	(22)	0
Approved - Growth Bids (FEB23)	Staffing – Homelessness Triage	0	(20)	0
Approved - Growth Bids (FEB23)	Strategic Planning Manager	53	17	0
Approved - Growth Bids (FEB23)	CCTV Contract Monitoring Staff	(15)	0	0
<b>Approved Growth Items</b>		<b>7</b>	<b>(38)</b>	<b>0</b>
Approved - Policy Proposals (FEB23)	One-year Grant to Dial -a-Ride	(30)	0	0
Approved - Policy Proposals (FEB23)	Leisure Facilities Growth	(153)	0	0
Approved - Policy Proposals (FEB23)	Leisure Facilities Budget Stabilisation Reserve	102	0	0
<b>Approved Policy Proposals</b>		<b>(81)</b>	<b>0</b>	<b>0</b>
Approved - Saving Prop (FEB23)	Members Allowance Budget Reduction from 54 to 45 Councillors	(6)	0	0
<b>Approved Savings Proposals</b>		<b>(6)</b>	<b>0</b>	<b>0</b>
Approved – Efficiency Prop (FEB23)	Staffing – Extended Temporary Team Staffing	0	0	(102)
<b>Approved Efficiency Proposals</b>		<b>0</b>	<b>0</b>	<b>(102)</b>
<b>Net Non Service Budget</b>		<b>620</b>	<b>1,397</b>	<b>(439)</b>
Non Service: Treasury Management	Additional Interest Received from Increased Interest Rates	(225)	200	0
Non Service: Treasury Management	Capital Programme 24/25 to 26/27: Interest on Borrowing	53	19	0
Non Service: Capital Charges MRP	MRP - Change of Policy	11	12	0
Non Service: Capital Charges MRP	Capital Programme 24/25 to 26/27: MRP	120	43	61
Non Service: Dividends	Returns from TVDC	0	0	(500)
Non Service: Reserves	Phasing out of the contribution from Reserves	702	567	0
Non Service: Reserves	One-Off Use of Reserves in 24/25 to Balance the Budget Gap	(41)	556	0
<b>Budget Assumptions</b>		<b>620</b>	<b>1,397</b>	<b>(439)</b>
Approved - Policy Proposals (FEB22)	Reversal of the use of Reserves agreed at Council Feb 2022	0	0	0
<b>Approved Policy Proposals</b>		<b>0</b>	<b>0</b>	<b>0</b>

Movement Heading	Description	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>FUNDING</b>		<b>(492)</b>	<b>463</b>	<b>206</b>
2023/24 LG Finance Settlement	Business Rates: Individual Authority Baseline	(735)	0	0
2023/24 LG Finance Settlement	Business Rates: Tariff	549	0	0
2023/24 NNDR1 Forecast	Business Rates: (Growth)/Decline	41	52	(55)
2023/24 NNDR1 Forecast	Business Rates: S31 Grants	(267)	0	0
Collection Fund Forecast	Estimated in-year Collection Fund Outturn position	(£1,035)	0	0
Collection Fund Forecast	Movement on Collection Fund Stabilisation Reserve	£1,075	0	0
2023/24 LG Finance Settlement	Government Funding: New Homes Bonus	134	634	0
2023/24 LG Finance Settlement	Government Funding: RSG, Lower Tier, Services & Funding Guarantee Grants	(254)	(223)	261

## APPENDIX 2: 2024 BUDGET PROPOSALS

Service	Budget Issue Description	Budget Group	2024/25 £000s	2025/26 £000s	2026/27 £000s
<b>NET BUDGET</b>			<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>
<b>Net Service Budget</b>			<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>
Wellbeing and Place Services	One-year Grant to Dial-a-Ride	Operational	30	(30)	0
<b>Growth Items</b>			<b>£30</b>	<b>(£30)</b>	<b>0</b>
Corporate and Customer Services	Central ICT costs	Operational	(367)	(11)	(19)
Housing Services	Skelmersdale Town Centre running costs/Increased DFG Agency Income	Operational	(63)	0	0
Legal and Democratic Services	Boundary Review Costs	Operational	(5)	0	0
Wellbeing and Place Services	UKSPF funding for Voluntary Bodies/DAR	Operational	(152)	30	100
Planning and Regulatory Services	Revision of CSP and CCTV operational budgets	Operational	(70)	0	0
Environmental Services	WAMITAB Inspection Fees	Operational	(50)	0	0
Environmental Services	Pest Control increase in fees	Fees & Charges	(40)	0	0
Environmental Services	Trade Refuse increase in fees 10%	Fees & Charges	(38)	0	0
Environmental Services	Fly tipping increase in fees (£200 to £400)	Fees & Charges	(17)	0	0
Environmental Services	Grave digging increase in fees	Fees & Charges	(16)	0	0
Environmental Services	Green waste increase in fees - £15	Fees & Charges	(336)	0	0
Environmental Services	Bulky Waste increase in fees	Fees & Charges	(28)	0	0
<b>Saving Proposals</b>			<b>(£1,212)</b>	<b>£19</b>	<b>£81</b>

Staff	£0	£0	£0
Operational	(£77)	(£11)	£81
Fees & Charges	(£505)	£0	£0
Reserves	£0	£0	£0
<b>Proposals Total</b>	<b>(£1,182)</b>	<b>(£11)</b>	<b>£81</b>



58      **GRA REVENUE BUDGET REPORT AND MTFS UPDATE 2024/25 TO 2026/27**

The Head of Finance, Procurement and Commercial Services introduced the report, as contained on pages 331 to 352 of the Book of Reports, the purpose which was to:

1. To enable the Council to set a balanced Revenue Budget for the forthcoming financial year 2024/25.
2. To present to members the updated Medium-Term Financial Forecast (MTFF) for the following financial years 2025/26 to 2026/27, noting the latest forecast budget gap of £1.348m, comprising:
  - £1.620m in 2025/26
  - (£0.272)m in 2026/27
3. To inform members of the reserves position as at 31 March 2023 and the forecast position to 2026/27.
4. To present to members the Capital Strategy 2024/25 to 2026/27.
5. To enable the Council to set the Capital Programme for the three years 2024/25 to 2026/27.

Comments and questions were raised in respect of the following:

- Staff vacancy factor – use of interim staff / agency expenditure / list of vacancies
- Further detail requested on growth in tax basis not being as anticipated
- Some houses registered as business premises / Airbnb, so no longer in Council tax
- Why is there only a £6k reduction in Members Allowances
- TVD showing return in 2026/27 of £500k at Appendix 1, this figure differs from the business plan

The Head of Finance, Procurement and Commercial Services, commented that it would be helpful if questions were presented prior to the meeting if possible. He informed Members that he would provide a response to the above questions following the meeting.

- RESOLVED: A. That the report be noted.
- B. That the Head of Finance, Procurement and Commercial Services provide a response to Members in relation to the above comments and questions raised at the meeting.



144      **GRA BUDGET REPORT AND MTFS UPDATE 24-25**

Councillor R Molloy introduced the report of the Head of Finance, Procurement & Commercial Services, which sought to set a balanced Revenue Budget for the forthcoming financial year 2024/25, presented the updated Medium-Term Financial Forecast (MTFF) for the following financial years 2025/26 to 2026/27, noting the latest forecast budget gap of £1.348m, comprising:

- £1.620m in 2025/26
- (£0.272)m in 2026/27

and detailed the reserves position as at 31 March 2023 and the forecast position to 2026/27.

The Minute of the Executive Overview & Scrutiny Committee had been circulated prior to the meeting.

In reaching the decision below, Cabinet considered the report before it and the recommendations contained therein.

**RESOLVED:**

- A. That the General Revenue Account (GRA) budget for 2024/25 be approved based on the proposals to be presented at the Council meeting.
- B. That the latest GRA Medium-Term Financial Forecast (MTFF) budget gap for 2025/26 to 2026/27 be noted.
- C. That the latest GRA reserves position as at 31 March 2023 and forecast to 2026/27 be noted and the GRA reserves policy be approved.
- D. 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.



Minute of Executive Overview & Scrutiny Committee – 25 January 2024

60      **GRA CAPITAL STRATEGY AND PROGRAMME 2024/25 TO 2026/27**

The Finance Manager outlined the report of the Head of Finance, Procurement and Commercial Services as contained on pages 369 to 384 of the Book of Reports, which was to set the framework for capital financing and treasury management operations for the next financial year.

Comments and questions were raised in respect of the following:

- UKSPF – Strong Team with clear plans in place for how this is allocated.
- Wellbeing and Place Services increases significantly into next year. Does this include Leisure Centres? - An element is Skelmersdale Town Centre project, also UKSPF. It doesn't include Leisure Centres.

RESOLVED: That the Capital Strategy and Programme for 2024/25 be noted.



145      **GRA CAPITAL PROGRAMME & STRATEGY 24-25 - 26-27**

Councillor Molloy introduced the report of the Head of Finance, Procurement & Commercial Services, which set the framework for capital financing and treasury management operations for the next financial year.

The Minute of the Executive Overview & Scrutiny Committee had been circulated prior to the meeting.

In reaching the decision below, Cabinet considered the report before it and the recommendations contained therein.

**RESOLVED:** That the Capital Strategy and Programme for 2024/25 be noted.







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**Report of:** Corporate Director of Transformation & Resources

**Contact for further information:** James Pierce  
James.Pierce@westlancs.gov.uk

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**SUBJECT: DETERMINATION OF COUNCIL TAX 2024/25**

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Wards affected: Boroughwide.

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To set the Council Tax rate for each property band for the whole of the Borough Council's area, including the Council Tax rate as set by the County Council, the Police and Crime Commissioner for Lancashire, the Lancashire Combined Fire Authority, and the local Parish Council in parished areas.
- 1.2 To confirm the statutory resolutions that are required in order to set the Council Tax for 2024/25.

## **2.0 RECOMMENDATIONS**

- 2.1 That it be noted that on the 31 January 2024, the Borough Treasurer declared the Council Tax Base amounts set out in Appendix A for the financial year 2024/25 in accordance with the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012.
- 2.2 That the Budget for the Council's own purposes for 2024/25 (excluding parish precepts) be set at £17,135,991 in accordance with the earlier Budget Requirement report.

2.3 That the following amounts be now calculated by the Council for the financial year 2024/2025 in accordance with the Local Government Finance Act 1992 (the Act):

- a) £60,231,600 being the aggregate of the amounts, which the Council estimates for the items, set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- b) £50,580,886 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act
- c) £9,650,714 being the amount by which the aggregate at 2.3(a) above exceeds the aggregate at 2.3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year.
- d) £251.61 being the amount at 2.3(c) above divided by 38,356.55 (the Tax Base) calculated by the Council in accordance with Section 31(B) of the Act, as the basic amount of its Council Tax for 2024/2025.
- e) £765,419 being the aggregate amount of all special items (i.e. Parish Precepts) referred to in Section 34(1) of the Act.
- f) £231.65 being the amount at 2.3(d) above, less the result given by dividing the amount at 2.2(e) above by 38,356.55 (the Tax Base), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for 2024/2025 for dwellings in those parts of its area to which no special item relates.

g) Part of the Council's area:

	£. p
Aughton	22.30
Bickerstaffe	45.44
Bispham	00.00
Burscough	39.28
Dalton	24.29
Downholland	39.99
Great Altcar	13.47
Halsall	33.56
Hesketh with Beconsall	43.80
Hilldale	62.82
Lathom	20.01
Lathom South	28.08
Newburgh	47.65
North Meols	34.11
Parbold	37.61
Rufford	42.65
Scarisbrick	19.15
Simonswood	33.15
Tarleton	37.37
Up Holland	24.98
Wrightington	18.20

being the amounts given by adding to the amount at 2.3(f) above the amounts of the special item relating to dwellings in those parts of the

Council's area mentioned above divided in each case by the relevant Tax Base for those areas, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of the Council Tax for 2024/2025 for dwellings in those parts of its area to which a special item (i.e. Parish Precepts) relate.

- h) Part of the Council's area for each valuation band, being the amounts given by multiplying the amounts at 2.3(f) and 2.3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands (**See Schedule 1**).

- 2.4 That it be noted that for the year 2024/2025 Lancashire County Council has stated the following amounts in precept issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwelling shown below:

#### VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
1,102.19	1,285.89	1,469.59	1,653.29	2,020.69	2,388.09	2,755.48	3,306.58

- 2.5 That it be noted that for the year 2024/2025 the Police and Crime Commissioner for Lancashire has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

#### VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
175.60	204.87	234.13	263.40	321.93	380.47	439.00	526.80

- 2.6 That it be noted that for the year 2024/2025 the Lancashire Combined Fire Authority has stated the following amounts in precept issued to the Council in accordance with Section 40 of the Act for each of the categories of dwelling shown below:

#### VALUATION BANDS

A	B	C	D	E	F	G	H
£. p	£. p	£. p	£. p	£. p	£. p	£. p	£. p
56.49	65.90	75.32	84.73	103.56	122.39	141.22	169.46

- 2.7 That having calculated the aggregate in each case of the amounts at 2.3(h), 2.4, 2.5 and 2.6, the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts shown in **Schedule 2** as the amounts of Council Tax for the year 2024/2025 for each of the categories of dwellings shown.

### **3.0 BACKGROUND**

- 3.1 The earlier report entitled Budget Requirement resulted in the Council setting a Budget Requirement of £17,135,991 for 2024/2025. Other precepting authorities have also determined their budget requirements and notified the Council of the amounts they wish to collect through the Council Tax. This report consolidates this information and calculates the Council Tax level for each property band throughout the Borough.

### **4.0 CURRENT POSITION**

- 4.1 In accordance with statute, the Borough Treasurer, declared, on the 31 January 2024, the estimated balance on the Collection Fund, in respect of Council Tax, as at the 31<sup>st</sup> March 2024.
- 4.2 The result of the exercise showed an estimated deficit of £2,126,709 as detailed in Appendix B. This surplus is shared by the Borough Council, the Lancashire Combined Fire Authority, the Police and Crime Commissioner for Lancashire and the County Council, in proportion to their respective calls on the Collection Fund as follows:

	£
Borough Council	246,877
Combined Fire Authority	79,338
Police Authority	240,283
County Council	1,560,211
	<hr/> 2,126,709

- 4.3 This deficit has to be taken into account when setting the Council Tax and Budget for 2024/2025.

### **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 There are no significant sustainability impacts associated with this report and in particular, no significant impact on crime and disorder.

### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 The following calculation shows the amount of the basic tax rate for band D properties after using the Council's approved Tax Base of 38,356.55 band D equivalent properties.

	£
Budget Requirement (Borough proportion)	17,135,991
Budget Requirement (Parish proportion)	765,419

Total Budget Requirement	17,901,410
General government grants and retained business rates income	-8,250,696
Estimated surplus on business rates collection fund	-576,328
Estimated deficit on Council Tax Collection Fund	246,877
Contribution to Collection Fund Smoothing Reserve	329,451
Balance to be financed by Council Taxpayer (inc. Parishes)	9,650,714
Balance to be financed by Council Taxpayer (excl. Parishes)	8,885,295

- 6.2 The average Council Tax rate (including Parishes) for a Band 'D' Equivalent Property is, therefore, calculated as follows:

West Lancashire Borough Council (Including Parish Precepts)

		£	p
Balance to be financed by taxpayer	<u>9,650,714</u>		
Band "D" Equivalent Properties	38,356.55	251.61	

- 6.3 The actual Council Tax rate (excluding Parishes) for a Band 'D' Equivalent Property is, therefore, calculated as follows:

West Lancashire Borough Council (excluding Parish Precepts)

		£	p
Balance to be financed by taxpayer	<u>8,885,295</u>		
Band "D" Equivalent Properties	38,356.55	231.65	

Add Basic Rates for:

Lancashire County Council	1,653.29
Lancashire Police Authority	263.40
Lancashire Combined Fire Authority	84.73

Basic Tax Rate for a Band "D" Equivalent Property	<u>2,233.07</u>
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- 6.4 It is necessary to calculate the Council Tax rate for each property band in respect of the Borough Council and Parish Council elements only. **Schedule 1** shows the Council Tax rate for each property band in each of the Parish Council areas.
- 6.5 It is then necessary to calculate the aggregate Council Tax rate by incorporating the Lancashire County Council, the Police and Crime Commissioner for Lancashire, and the Lancashire Combined Fire Authority Council Tax rates into the figures shown in **Schedule 1**. The aggregated Council Tax rates are shown in **Schedule 2**.

## **7.0. RISK ASSESSMENT**

- 7.1 There is a statutory requirement for the Council to set a Council Tax each year. Failure to set the Council Tax until a later date would have implications for billing and the required statutory fourteen days notice for the first instalment date of 2 April 2024. This would have an adverse effect on cash flow and the collection rate.

### **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**

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

### **Appendices**

- Appendix A Declaration of Council Tax Base 2024/2025
- Appendix B Estimated Collection Fund Balance as at 31 March 2024
- Schedule 1 Council Tax rates payable for each band in respect of the Borough Council and Parish Council elements only
- Schedule 2 Council Tax rates payable for each band within the Borough Council's area

## **Appendix A**

### **Declaration of Council Tax Base 2024/25**

In accordance with the Local Authorities (Calculation of Council Tax Base) Regulations the amounts calculated by West Lancashire Borough Council as its Tax Base for the whole area for the year 2024/2025 shall be **38,356.55** and for the parts of the area for the year 2024/2025 shall be:

<u>Parish</u>	<u>Taxbase</u>
Aughton	3,693.14
Bickerstaffe	475.98
Bispham	100.00
Burscough	3,629.90
Dalton	205.86
Downholland	419.81
Great Altcar	86.88
Halsall	877.21
Hesketh with Beconsall	1,552.96
Hilldale	271.66
Lathom	409.04
Lathom South	435.96
Newburgh	467.43
North Meols	1,643.86
Parbold	1,014.76
Rufford	911.09
Scarisbrick	1,440.70
Simonswood	56.01
Tarleton	2,393.92
Up Holland	2,602.36
Wrightington	1,191.22

The anticipated collection level for 2024/25 has been estimated at 98.0%.

**Name:** James Pierce

**Position in organisation:** Head of Finance, Procurement and Commercial Services (Section 151)

**Signed:**



**Date:** 31<sup>st</sup> January 2024





**ESTIMATED COUNCIL TAX BALANCE AS AT 31/3/2024**

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**Schedule 1 - Council Tax rates payable for dwellings in each band within the Borough Council's area in respect of the Borough Council, parish and town council elements only**

	<b>2024/25</b>							
	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>
Non - Parished area	154.43	180.17	205.91	<b>231.65</b>	283.13	334.61	386.08	463.30
Aughton	169.30	197.51	225.73	<b>253.95</b>	310.39	366.82	423.25	507.90
Bickerstaffe	184.72	215.51	246.30	<b>277.09</b>	338.67	400.25	461.81	554.18
Bispham	154.43	180.17	205.91	<b>231.65</b>	283.13	334.61	386.08	463.30
Burscough	180.62	210.72	240.83	<b>270.93</b>	331.14	391.35	451.55	541.86
Dalton	170.62	199.06	227.50	<b>255.94</b>	312.82	369.70	426.56	511.88
Downholland	181.09	211.27	241.46	<b>271.64</b>	332.01	392.37	452.73	543.28
Great Altcar	163.41	190.65	217.88	<b>245.12</b>	299.59	354.07	408.53	490.24
Halsall	176.80	206.27	235.74	<b>265.21</b>	324.15	383.09	442.01	530.42
Hesketh with Beconsall	183.63	214.24	244.84	<b>275.45</b>	336.66	397.88	459.08	550.90
Hilldale	196.31	229.03	261.75	<b>294.47</b>	359.91	425.35	490.78	588.94
Lathom	167.77	195.73	223.70	<b>251.66</b>	307.59	363.51	419.43	503.32
Lathom South	173.15	202.01	230.87	<b>259.73</b>	317.45	375.17	432.88	519.46
Newburgh	186.20	217.23	248.27	<b>279.30</b>	341.37	403.44	465.50	558.60
North Meols	177.17	206.70	236.23	<b>265.76</b>	324.82	383.88	442.93	531.52
Parbold	179.50	209.42	239.34	<b>269.26</b>	329.10	388.94	448.76	538.52
Rufford	182.86	213.34	243.82	<b>274.30</b>	335.26	396.22	457.16	548.60
Scarisbrick	167.20	195.06	222.93	<b>250.80</b>	306.54	362.27	418.00	501.60
Simonswood	176.53	205.95	235.38	<b>264.80</b>	323.65	382.49	441.33	529.60
Tarleton	179.34	209.24	239.13	<b>269.02</b>	328.80	388.59	448.36	538.04
Upholland	171.08	199.60	228.11	<b>256.63</b>	313.66	370.69	427.71	513.26
Wrightington	166.56	194.33	222.09	<b>249.85</b>	305.37	360.90	416.41	499.70



**Schedule 2 - Council Tax rates payable for dwellings in each property band within the Borough Council's area  
2024/25**

	<b>Band A</b>	<b>Band B</b>	<b>Band C</b>	<b>Band D</b>	<b>Band E</b>	<b>Band F</b>	<b>Band G</b>	<b>Band H</b>
Non - Parished/Town Council areas	1488.71	1736.83	1984.95	<b>2233.07</b>	2729.31	3225.56	3721.78	4466.14
Aughton	1503.58	1754.17	2004.77	<b>2255.37</b>	2756.57	3257.77	3758.95	4510.74
Bickerstaffe	1519.00	1772.17	2025.34	<b>2278.51</b>	2784.85	3291.20	3797.51	4557.02
Bispham	1488.71	1736.83	1984.95	<b>2233.07</b>	2729.31	3225.56	3721.78	4466.14
Burscough	1514.90	1767.38	2019.87	<b>2272.35</b>	2777.32	3282.30	3787.25	4544.70
Dalton	1504.90	1755.72	2006.54	<b>2257.36</b>	2759.00	3260.65	3762.26	4514.72
Downholland	1515.37	1767.93	2020.50	<b>2273.06</b>	2778.19	3283.32	3788.43	4546.12
Great Altcar	1497.69	1747.31	1996.92	<b>2246.54</b>	2745.77	3245.02	3744.23	4493.08
Halsall	1511.08	1762.93	2014.78	<b>2266.63</b>	2770.33	3274.04	3777.71	4533.26
Hesketh with Becconsall	1517.91	1770.90	2023.88	<b>2276.87</b>	2782.84	3288.83	3794.78	4553.74
Hilldale	1530.59	1785.69	2040.79	<b>2295.89</b>	2806.09	3316.30	3826.48	4591.78
Lathom	1502.05	1752.39	2002.74	<b>2253.08</b>	2753.77	3254.46	3755.13	4506.16
Lathom South	1507.43	1758.67	2009.91	<b>2261.15</b>	2763.63	3266.12	3768.58	4522.30
Newburgh	1520.48	1773.89	2027.31	<b>2280.72</b>	2787.55	3294.39	3801.20	4561.44
North Meols	1511.45	1763.36	2015.27	<b>2267.18</b>	2771.00	3274.83	3778.63	4534.36
Parbold	1513.78	1766.08	2018.38	<b>2270.68</b>	2775.28	3279.89	3784.46	4541.36
Rufford	1517.14	1770.00	2022.86	<b>2275.72</b>	2781.44	3287.17	3792.86	4551.44
Scarisbrick	1501.48	1751.72	2001.97	<b>2252.22</b>	2752.72	3253.22	3753.70	4504.44
Simonswood	1510.81	1762.61	2014.42	<b>2266.22</b>	2769.83	3273.44	3777.03	4532.44
Tarleton	1513.62	1765.90	2018.17	<b>2270.44</b>	2774.98	3279.54	3784.06	4540.88
Upholland	1505.36	1756.26	2007.15	<b>2258.05</b>	2759.84	3261.64	3763.41	4516.10
Wrightington	1500.84	1750.99	2001.13	<b>2251.27</b>	2751.55	3251.85	3752.11	4502.54



Minute of Executive Overview & Scrutiny Committee – 25 January 2024

61      **DRAFT TREASURY MANAGEMENT STRATEGY 24-25**

The Finance Manager outlined the report of the Head of Finance, Procurement and Commercial Services as contained on pages 385 to 412 of the Book of Reports, which was to set the framework for capital financing and treasury management operations for the next financial year.

Comments and questions were raised in respect of the following:

- PWLB interest rates
- Interest payments for Leisure Centres

RESOLVED: That the report be noted for approval at Council.





147      **DRAFT TREASURY MANAGEMENT STRATEGY 24-25**

Councillor R Molloy introduced the report of the Head of Finance, Procurement & Commercial Services, which set the framework for capital financing and treasury management operations for the next financial year.

The minute of the Executive Overview & Scrutiny Committee had been circulated prior to the meeting.

In reaching the decision below, Cabinet considered the report before it and the recommendations contained therein.

**RESOLVED:** That Council be recommended to approve:

- A. That the projected position in respect of the Prudential Indicators for 2023-24 set out in Appendix 1 to the report, be noted.
- B. That the Treasury and Prudential Indicators for the next three years, set out in Appendix 1, be agreed.
- C. That the capital expenditure projections in Appendix 1 be agreed.
- D. That the Capital Financing Requirement projections, set out in Appendix 1, be agreed.
- E. That the Minimum Revenue Position policy, as set out in section 4.5 of the report, be agreed.



## **ADDENDUM**

### **Amended paragraph 1.8.1 of Appendix 1 Treasury Management report**

#### **1.8.1 Ratio of Financing Costs to Net Revenue Stream**

This indicator identifies the trend in the cost of capital, (borrowing and other long-term obligation costs net of investment income), against the net revenue stream.

# ADDENDUM

## Amended paragraph 1.8.1 of Appendix 1 Treasury Management report

Capital expenditure £m	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Non-HRA	7,709	6,462	11,364	2,304	1,888
HRA	13,097	17,906	27,164	14,517	13,311
<b>Total</b>	<b>20,806</b>	<b>24,368</b>	<b>38,529</b>	<b>16,821</b>	<b>15,199</b>
<b>Ratio of Financing Costs to Net Revenue Stream</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Non-HRA	-0.54%	-1.88%	0.05%	2.37%	2.72%
HRA	11.94%	12.23%	13.64%	14.14%	14.49%
<b>Non-HRA £,000</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Interest received on existing investments	-398	-649	-544	-344	-344
Interest cost for new borrowing	0	0	147	166	166
Interest cost existing finance leases/PFI	0	0	0	0	0
Interest cost for new finance leases/PFI	0	0	0	0	0
Gains and losses on the repurchase or early settlement of borrowing	0	0	0	0	0
MRP and VRP	314	355	406	591	653
<b>Total Financing Costs</b>	<b>-84</b>	<b>-294</b>	<b>8</b>	<b>413</b>	<b>474</b>
Taxation, precepts	14,446	11,698	12,839	13,209	13,706
Non-specific grant income	1,186	3,934	4,839	4,563	4,302
<b>Net Revenue Stream</b>	<b>15,478</b>	<b>15,632</b>	<b>17,108</b>	<b>17,449</b>	<b>17,449</b>
Ratio of Financing Costs	-0.54%	-1.88%	0.05%	2.37%	2.72%
<b>HRA £,000</b>					
	2022/23 Actual	2023/24 Estimate	2024/25 Estimate	2025/26 Estimate	2026/27 Estimate
Interest received on existing investments	-78	-119	-119	-119	-119
Interest cost on existing borrowing	3,057	3,057	3,057	3,057	3,057
Interest cost for new borrowing	0	332	993	1,194	1,354
Interest cost existing finance leases/PFI	0	0	0	0	0
Interest cost for new finance leases/PFI	0	0	0	0	0
Gains and losses on the repurchase or early settlement of borrowing	0	0	0	0	0
MRP and VRP	350	375	388	402	402
HRA Depreciation	0	0	0	0	0
<b>Total Financing Costs</b>	<b>3,329</b>	<b>3,644</b>	<b>4,318</b>	<b>4,534</b>	<b>4,693</b>
<b>HRA Rental Income</b>	<b>27,872</b>	<b>29,810</b>	<b>31,664</b>	<b>32,062</b>	<b>32,382</b>
Ratio of Financing Costs	11.94%	12.23%	13.64%	14.14%	14.49%

**ADDENDUM****Amended paragraph 1.8.1 of Appendix 1  
Treasury Management report**

The estimates of financing costs include current commitments and the proposals in this budget report.



Minute of Cabinet – 6 February 2024

150     **DEMOLITION OF FLAT BLOCKS IN BLYTHEWOOD & BANKSBARN TO FACILITATE PHASE 2 OF DIGMOOR REVIVAL SCHEME**

Councillor Pryce-Roberts introduced the report of the Corporate Director of Transformation, Housing & Resources, which sought approval to proceed with the development of Digmoor area of Skelmersdale in accordance with the Digmoor Revival Scheme, to demolish the existing blocks of flats in Blythewood and Banksbarn, shown in the current site plan attached at Appendix 1, and thereafter take all steps necessary to develop the site, in order to facilitate the development of 45 new Council homes for affordable/social rent.

In reaching the decision below, Cabinet considered the report before it and the recommendations contained therein.

**RESOLVED:**

- A. That the proposed development, details of which are contained within the report, (including the demolition of the flat blocks in Blythewood and Banksbarn) be approved, subject to Council approval where appropriate.
- B. That the Head of Housing, following discussion with the relevant Portfolio Holder, be given delegated authority to take all steps necessary (subject to Council approval where necessary) to implement the development outlined within the report, this will include, but not limited to, instructing Tawd Valley Developments Ltd, obtaining planning permission, entering into grant funding arrangements with Homes England, contracts with design and build businesses, demolition of existing properties, relocation of tenants and repurchase of leaseholds.
- C. That the Head of Housing, following discussion with the relevant Portfolio Holder, be given delegated authority to, as a last resort, use the power of compulsory purchase.
- D. That the Head of Housing be given delegated authority to make on going adjustments to the delivery of the scheme following discussions with the relevant Portfolio Holder.
- E. In respect of matters reserved to Council the report be noted and any agreed comments be referred to Council for consideration.





## **West Lancashire Council – Draft New Constitution**

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Appendix 2 – management structure



## **Part 1 - Summary and Explanation**

### **The Council's Constitution**

West Lancashire Borough Council has agreed a Constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Constitution is divided into five parts which set out where responsibilities for functions lie, the procedures the Council must follow and codes of practice and protocols to be followed. The constitution also contains the members' scheme of allowances which explains the payments councillors will receive for carrying out their duties.

### **Powers of the Council**

The Council will exercise all its powers and duties in accordance with the law and this Constitution. The Constitution and all its appendices is the Constitution of West Lancashire Borough Council.

### **Purpose of the Constitution**

The purpose of the Constitution is to:

1. enable the Council to provide clear leadership to the community in partnership with citizens, businesses and other organisations;
2. help councillors represent their constituents more effectively;
3. enable decisions to be taken efficiently and effectively;
4. create an effective means of holding decision-makers to public account;
5. ensure that those responsible for decision making are clearly identifiable to local people and that they explain the reasons for their decisions;
6. provide a means by which citizens can be actively involved in the decision making process;
7. ensure that the review of decision making is carried out independently of the decision makers;
8. provide a means of improving the delivery of services to the community.

### **What is in the Constitution?**

The Constitution is made up of five parts:

#### **Part 1 Summary and Explanation**

#### **Part 2 Responsibility for functions**

- 2.1 Responsibilities of Council
- 2.2 Responsibilities of Committees
- 2.3 Scheme of Delegation to Officers
- 2.4 Proper Officer Provisions

## **Part 3 Rules of Procedure**

- 3.1 Council Procedure Rules
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- 3.9 Officer Employment Procedure Rules

## **Part 4 Codes and Protocols**

- 4.1 Code of Conduct for Members
- 4.2 Protocol for Member/Officer Relations
- 4.3 Monitoring Officer Protocol
- 4.4 Planning Code of Good Practice

## **Part 5 Members' Allowance Scheme**

### **COUNCILLORS**

The Council is composed of 45 Councillors with one-third elected three years in four. Councillors are democratically accountable to residents of their ward. The overriding duty of councillors is to the whole community, but they have a special duty to their constituents/residents, including those who did not vote for them.

Only registered voters of the borough or those living or working there are eligible to hold the office of councillor.

The ordinary election of a third (or as near as may be) of all councillors will be held on the first Thursday in May in each year, except that in 2025, and every fourth year after, there will be no regular election. The terms of office of councillors will be four years starting on the fourth day after being elected and finishing on the fourth day after the date of the regular election four years later.

Councillors have to agree to follow a Code of Conduct to ensure high standards in the way they undertake their duties. The Standards Committee trains and advises them on the Code of Conduct.

### **Roles and functions of all councillors:**

#### **(a) Key roles**

All councillors will:

- i. collectively be the ultimate policy-makers and carry out a number of strategic and corporate management functions;
- ii. represent their communities and bring their views into the Council's decision-making process, i.e. become the advocate of and for their communities;

- iii. deal with individual casework and act as an advocate for constituents in resolving particular concerns or grievances;
- iv. balance different interests identified within the ward and represent the ward as a whole;
- v. be involved in decision-making and participate constructively in the good governance of the Council's area;
- vi. be available to represent the Council on other bodies;
- vii. maintain the highest standards of conduct and ethics;
- viii. participate as a member of any Committee, Working Group or panel and undertake any specific responsibilities arising through that membership;
- ix. develop and maintain a working knowledge of:
  - a. the Council's services, management arrangements, powers, duties and constraints;
  - b. the services and activities of any organisation to which the Councillor is appointed; and
  - c. any other factors which impact on the community's well-being and identity.
- x. develop and maintain good working relations with all officers of the Council.

#### (b) Rights and duties

- i. Councillors will have such rights of access to such documents, information, land and buildings of the Council as are necessary for the proper discharge of their functions and in accordance with the law (more details can be seen in the Access to Information Procedure Rules in Part 3);
- ii. Councillors will not make public information which is confidential or exempt without the consent of the Council or divulge information given in confidence to anyone other than a councillor or officer entitled to know it;
- iii. For these purposes, "confidential" and "exempt" information are defined in the Access to Information Rules in Part 3.

Role descriptions for councillors and member champions are attached at Appendix 1 to this constitution.

### **The Leader and Deputy Leader of the Council**

The Council will appoint the Leader of the Council for such term as determined by full council (maximum four year term). The Leader will cease to be Leader at the Annual Council meeting after the expiry of their term of office as a councillor or if removed by a resolution of full council.

The Council will also appoint a Deputy Leader of the Council.

### **Role and Function of the Leader**

The Leader shall be the Chairperson of the Policy and Resources Committee.

The Leader will:

- provide a focal point for political leadership and strategic direction for the Council;
- represent the interests of the Council in circumstances where that is necessary;
- Be the political (rather than ceremonial) leader of the Council, for the benefit of

- all the Borough's communities - its citizens, taxpayers, businesses, public bodies and other public authorities.
- Represent and pursue the interests of the Council in the community and at international, national and regional levels.
- Be the key contact for outside organisations (including Central Government, Local Authority Associations and Council partners), and internally for the Council's Chief Officers.
- Be the representative voice of the Council, for example, in its dealings with Central Government, other Local Authorities and their Associations, and positively promote the Council as a whole to the media.
- Promote the long-term financial, business and economic stability of the Council and the Borough.
- Meet regularly to progress the Council's objectives with the Chief Officers, Group Leaders, partner organisations, stakeholders, community representatives, government representatives, local Members of Parliament and relevant others
- Promote high standards of corporate governance and ethical conduct throughout the Council including working with all political groups to seek to achieve, where possible, cross party co-operation.
- Promote and maintain professional working relationships and mutual respect between all Members and officers

### **Role and Function of the Deputy Leader**

The Deputy Leader will:

- Be the Vice-Chairperson of the Policy and Resources Committee
- assist the Leader of the Council in representing the Council to its citizens, stakeholders and partners and in providing political leadership for the Council and the Borough;
- assist the Leader in carrying out the key responsibilities associated with the role of Leader (as set out above);
- work with the Leader on budget and policy development; and
- undertake the powers, functions and responsibilities of the Leader in their absence.

### **Role and Function of Lead Members**

The Council may appoint Lead Members. The Lead Members will be members of the Policy and Resources Committee and will have responsibility for leading on specific functions and/or services. The Lead Members responsibilities are set out in Appendix 1.

## **HOW DECISIONS ARE MADE**

### **Responsibility for decision making**

The Council will issue and keep up to date a record of what part of the Council or individual has responsibility for particular types of decisions or decisions relating to particular areas or functions. This record is set out in Part 3 of this Constitution.

### **Principles of decision making**

All decisions of the Council, (whether they are the responsibility of the Council, one of the Committees, or an Officer), will be made in accordance with the following principles:

- (a) proportionality (i.e. the action must be proportionate to the desired outcome);
- (b) due consultation and the taking of professional advice from relevant Officers;
- (c) respect for human rights (see below for further details); (
- d) a presumption in favour of openness;

(e) clarity of aims and desired outcomes; and

(f) an explanation of the options that were considered and the reasons for the decision made.

### **Types of decision**

- (a) Decisions reserved to Council these are set out in Part 2 of this constitution.
- (b) other decisions are delegated to a committee or to an officer. The details of responsibilities are also set out in Part 2 of this constitution.

### **Decision making by Council bodies acting as tribunals**

The Council, a committee, or an Officer acting as a tribunal or in a quasi-judicial manner, or determining/considering (other than for the purpose of giving advice) the civil rights and obligations or the criminal responsibility of any person, will follow a proper procedure which accords with the requirements of natural justice and the right to a fair trial, contained in Article 6 of the European Convention on Human Rights.

### **Full Council and Committees**

The full Council consists of all councillors. Its meetings are generally held in public. It sets the budget for the year and makes other decisions on major policies and matters reserved to it by law or by it. The Council also appoints committees which have the responsibility for making certain decisions. The details of what these responsibilities are is set out in Part 2 of this constitution.

### **The Council's staff**

The Council has people working for it (called "officers") to give advice, implement decisions and manage the day-to-day delivery of its services. Some officers have a specific duty to ensure that the Council acts within the law and uses its resources wisely. A protocol has been introduced which will govern the relationships between officers and members of the Council. The powers of officers to make decisions are set out in the scheme of delegation which is in Part 2 of this constitution.

### **Management structure**

- (a) General. The Council may engage such staff as it considers necessary to carry out its functions.
- (b) Senior officers. The Council will engage persons for the posts set out in the management structure.
- (c) There are specific statutory roles the Head of Paid Service, Monitoring Officer and Chief Finance Officer which must be designated by the Council. The Council will designate the following posts as shown:

<b>Post</b>	<b>Designation</b>
Chief Operating Officer	Head of Paid Service
Head of Legal and Democratic Services	Monitoring Officer
Head of Finance, Procurement and Commercial Services	Chief Finance Officer (section 151 officer)

The Head of Paid Service will determine and publicise a description of the overall departmental structure of the Council showing the management structure and deployment of officers. This is set out at Appendix 2 to this constitution.

#### Functions of the Head of Paid Service

- (a) Discharge of functions by the Council. The Head of Paid Service will report to Council on the manner in which the discharge of the Council's functions is co-ordinated, the number and grade of officers required for the discharge of functions and the organisation of officers.
- (b) Restrictions on functions. The Head of Paid Service may not be the Monitoring Officer but may hold the post of Chief Finance Officer if a qualified accountant.

#### Functions of the Monitoring Officer

- a) Maintaining the Constitution. The Monitoring Officer will maintain an up to date version of the Constitution and will ensure that it is widely available for consultation by members, staff and the public.
- b) Ensuring lawfulness and fairness of decision making. After consulting with the Head of Paid Service and Chief Finance Officer, the Monitoring Officer will report to the Council, if they consider that any proposal, decision or omission would give rise to unlawfulness or if any decision or omission has given rise to maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.
- c) Supporting the Standards Committee. The Monitoring Officer will contribute to the promotion and maintenance of high standards of conduct through provision of support to the Standards Committee.
- d) Receiving reports. The Monitoring Officer will receive and act on reports made by ethical standards officers and decisions of the case tribunals.
- e) Conducting investigations. The Monitoring Officer will conduct investigations into matters referred by ethical standards officers and make reports or recommendations in respect of them to the Standards Committee.
- f) Proper officer for access to information. The Monitoring Officer will ensure that decisions, together with the reasons for those decisions and relevant officer reports and background papers are made publicly available as soon as possible.
- g) Providing advice. The Monitoring Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors.
- h) Restrictions on posts. The Monitoring Officer cannot be the Chief Finance Officer or the Head of Paid Service.

The Monitoring Officer will act in accordance with the Protocol in Part 4 of this constitution.



## Functions of the Chief Finance Officer

- a) Ensuring lawfulness and financial prudence of decision making. After consulting with the Head of Paid Service and the Monitoring Officer, the Chief Finance Officer will report to the full Council and the Council's external auditor if they consider that any proposal, decision or course of action will involve incurring unlawful expenditure, or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- b) Administration of financial affairs. The Chief Finance Officer will have responsibility for the administration of the financial affairs of the Council.
- c) Contributing to corporate management. The Chief Finance Officer will contribute to the corporate management of the Council, in particular through the provision of professional financial advice.
- d) Providing advice. The Chief Finance Officer will provide advice on the scope of powers and authority to take decisions, maladministration, financial impropriety, probity and budget and policy framework issues to all councillors and the elected mayor and will support and advise councillors and officers in their respective roles.
- e) Give financial information. The Chief Finance Officer will provide financial information to the media, members of the public and the community.

## Resources for the Monitoring officer and Chief Finance Officer

The Council will provide the Monitoring Officer and Chief Finance Officer with such officers, accommodation and other resources as are in their opinion sufficient to allow their duties to be performed.

## Officer's Code of Conduct

Officers will comply with the Officers' Code of Conduct and the Protocol on Officer/Member Relations which is in Part 4 of this constitution.

## Recruitment, Selection and Dismissal of Officers

The recruitment, selection and dismissal of officers will comply with the Officer Employment Procedure Rules set out in Part 3 of this Constitution.

## **Citizens' rights**

Citizens have a number of rights in their dealings with the Council. Some of these are legal rights, whilst others depend on the Council's own processes. The local Citizens' Advice Bureau can advise on individuals' legal rights.

Where members of the public use specific Council services, for example as a council tenant, they have additional rights. These are not covered in this Constitution.

Citizens have the right to:

- vote at local elections if they are registered;
- contact their local councillor about any matters of concern to them;
- obtain a copy of the Constitution;

- attend meetings of the Council and its committees except where, for example, personal or confidential matters are being discussed (for more information see the Access to Information Procedure Rules in Part 3);
- petition to request a referendum on a mayoral form of executive;
- contribute to investigations through public consultation exercises on specific projects and policies;
- see reports and background papers, and any record of decisions made by the Council and committees, except where these contain exempt or confidential information;
- complain to the Council about the service they have received through the Council's complaints procedure;
- complain to the Ombudsman if they think the Council has not followed its procedures properly. However, they should only do this after using the Council's own complaints process;
- complain to the Council's Monitoring Officer if they have evidence which they think shows that a councillor has not followed the Council's Code of Conduct; and
- inspect the Council's accounts and make their views known to the external auditor.

The Council welcomes participation by its citizens in its work. For further information on your rights as a citizen, please contact the Reception Desk at the Council's offices at 52 Derby Street, Ormskirk.

The Council has adopted procedures for citizens to have the right to inspect agendas and reports and to attend meetings. These procedures are set out in the Access to Information Procedure Rules in Part 3 of this Constitution.

Citizens must not be violent, abusing or threatening to councillors or officers and must not willfully harm the property of the Council, councillors or officers.

## **FINANCE, CONTRACTS AND LEGAL MATTERS**

### **Financial management**

The management of the Council's financial affairs will be conducted in accordance with the Financial Procedure Rules set out in Part 3 of this Constitution.

### **Contracts**

Every contract made by the Council will comply with the Contract Procedure Rules set out in Part 3 of this Constitution.

### **Legal proceedings**

The Head of Legal and Democratic Services is authorised to institute, defend, settle or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Council or in any case where the Head of Legal and Democratic

Services considers that such action is necessary to protect the Council's interests.

## **Authentication of documents**

Where any document is necessary to any legal procedure or proceedings on behalf of the Council, it will be signed by the Head of Legal and Democratic Services or other person authorised by them, unless any enactment otherwise authorises or requires, or the Council has given requisite authority to some other person.

Any contract with a value exceeding £30,000 entered into on behalf of the local authority shall be made in writing. Such contracts must either be signed by at least two officers of the authority or made under the common seal of the council attested by at least one officer.

## **Common Seal of the Council**

The Common Seal of the Council will be kept in a safe place in the custody of the Head of Legal and Democratic Services. A decision of the Council, or of any part of it, will be sufficient authority for sealing any document necessary to give effect to the decision. The Common Seal will be affixed to those documents which in the opinion of the Head of Legal and Democratic Services should be sealed.

The affixing of the Common Seal will be attested by either the Chief Operating Officer, Head of Legal and Democratic Services, one of the Principal Solicitors or any other officer duly authorised by the Head of Legal and Democratic Services.

## **Review of and Amendments to the Constitution**

The Council will monitor and evaluate the operation of the Constitution. The Monitoring Officer will be responsible for ensuring that the Constitution is reviewed at appropriate intervals to ensure that it remains up to date and fit for purpose.

- a) Approval. Subject to paragraph (b) below, changes to the Constitution will only be approved by the Council after consideration of a report from the relevant officer recommending such changes and, if appropriate the views, on that report, of the relevant Committee.
- b) Minor changes. The Monitoring Officer may make minor operational and consequential (for example to reflect changes in the law or management structure) amendments to this Constitution subject to notice of any such amendments being given to all members immediately after each alteration is made.
- c) Procedure. Proposals from a councillor or member of the public to change part or parts of the Constitution must be submitted for consideration to the Monitoring Officer who will consider the proposals in accordance with the protocol set out above. Only if the Monitoring Officer is of the view that the proposals, or a modified form of them, would improve the decision making process or some other operation of the Council's procedure, should they then recommend changes in accordance with paragraph (a) above.

## **Interpretation of the Constitution**

Where the Constitution permits the Council to choose between different courses of action, the Council will always choose that option which it thinks is closest to the purposes stated above.

The ruling of the Mayor or Committee Chairperson as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any

meeting of the Council or relevant committee. Such interpretation will have regard to the purposes of this Constitution set out above.

### **Suspension of the Constitution**

The procedure rules in Part 2 of this Constitution set out which parts of the Constitution may be suspended and the procedure for doing so.

### **Publication of the Constitution**

- a) The Chief Operating Officer will provide arrangements for accessing a copy of this Constitution to each member of the authority upon delivery to them of that individual's declaration of acceptance of office on the member first being elected to the Council that a copy of the Council's Constitution is available for viewing on the Council's website.
- b) The Head of Legal and Democratic Services will ensure that copies are available for inspection at council offices, at all reasonable times. Electronic copies can be viewed at libraries, and can be purchased by members of the local press and the public on payment of a reasonable fee.
- c) The Head of Legal and Democratic Services will ensure that the summary of the Constitution is made widely available within the area and is updated as necessary.

## **Part 2 – Responsibility for Functions**

### **Part 2.1 Responsibilities of Council**

Only the Council will exercise the following functions:

- a) adopting and changing the Constitution;
- b) approving or adopting the policy framework, the budget and any application to the Secretary of State in respect of Housing Land Transfer;
- c) appointing the Leader;
- d) agreeing and/or amending the terms of reference for committees, deciding on their composition and making appointments to them, subject to the rules on political balance;
- e) appointing representatives to outside bodies;
- f) adopting a members' allowances scheme;
- g) changing the name of the area
- h) conferring the title of honorary alderman or freeman;
- i) confirming the appointment and dismissal of the Head of Paid Service;
- j) confirming the dismissal of the Monitoring Officer or the Chief Finance Officer;
- k) making, amending, revoking, re-enacting, adopting or enforcing byelaws and promoting or opposing the making of local legislation or personal Bills; and
- l) all other matters which, by law, must be reserved to Council.

### **Council meetings**

There are three types of Council meeting:

- (a) the annual meeting;
- (b) ordinary meetings;
- (c) extraordinary meetings.

and they will be conducted in accordance with the Council Procedure Rules in Part 3 of this Constitution.

### **Part 2.2 Responsibilities of Committees**

#### **Policy and Resources Committee**

##### Composition (membership):

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority). The membership shall comprise of:

- a) the Leader of the Council, who shall be the Chairperson;
- b) the Deputy Leader of the Council, who shall be Vice-Chairperson (if there is more than one Deputy Leader then one will be designated as Vice-Chairperson at annual council); and

- c) such other members as are appointed by full council on a politically balanced basis.

Members of the Policy and Resources Committee may be designated by Full Council as Lead Member for any council function(s) or service area(s).

#### Terms of Reference (Functions)

The Committee is responsible for:-

- a) formulating, coordinating, implementing and monitoring corporate policies and strategies and the medium term financial plan (budget), which includes responsibility for any decision:
  - i. that relates to such matters to the extent that they are not reserved to full Council;
  - ii. on policy matters not reserved to full council or the responsibility of other committees; and
  - iii. to prepare the annual budget for recommendation to full Council;
- b) lead on behalf of the Council in matters concerning relationships with HM Government, and other major public and non-public bodies;
- c) undertake responsibility for decisions and policies in respect of corporate services, including, finance and investment, project support and risk management, strategic procurement and commercial strategies, ICT, property and asset management, human resources and organisational development, law and governance, communications and public affairs, emergency planning and business continuity;
- d) reviewing major projects and any project boards relating to projects having regard to capacity to deliver, corporate priorities and resources; and
- e) to approve any virements in budgets within the committee's responsibilities up to £100,000.

#### Sub-Committees

The Policy and Resources Committee may establish such sub-committees as it requires and may delegate responsibilities and set the terms of reference and membership of any of those Sub-committees. The Sub-Committees shall include the following: (to be completed following Annual Council)

#### Working Groups

The Policy and Resources Committee may establish such Working Groups as it requires and may delegate responsibilities and set the terms of reference and membership of any of those groups. Working Groups will not have any authority to make decisions but will make recommendations to the Policy and Resources Committee. The Working groups shall include the following: (to be completed following Annual Council)

## **Landlord Services Working Group**

### **Membership**

To be determined by Annual Council or the Policy and Resources Committee.

### **Functions**

- a. To ensure member/tenant co-regulation of landlord services as required by the social housing regulator.
- b. To consider report and recommendations from the Tenant and Resident Forum (TRF) and Tenant Scrutiny Group (TSG).
- c. To monitor delivery of all Landlord Services including performance reports and financial reports in relation to capital and revenue expenditure.
- d. To ensure all relevant strategies and policies in relation to Landlord Services are in place and updated as necessary.
- e. To consider all relevant consultation reports and respond appropriately.

## **Leisure Procurement Working Group**

### **Membership**

To be determined by Annual Council or the Policy and Resources Committee.

### **Functions**

- a. To consider the opportunities available for the procurement of a new partnership arrangement for the provision of leisure services, which would include significant capital investment for bulk sports provision, as outlined in the Key Action Plan of the Council's Leisure Strategy.
- b. To report recommendations to the Policy and Resources Committee

## **Tawd Valley Developments Working Group**

### **Membership**

To be determined by Annual Council or the Policy and Resources Committee.

### **Functions**

- a. To facilitate a cross party Working Group to allow meaningful and productive discussions to take place in relation to the future direction of TVDL.
- b. To evaluate the effectiveness of the TVDL board and the delivery of performance against strategic objectives and the business plan.
- c. To assess any risks to the council offered by TVDL activities.
- d. To make recommendations to Policy and Resources Committee when appropriate.

## **Planning Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

#### **A. Functions relating to town and country planning**

- (1) Powers and duties relating to local development documents, which are development, plan documents.
- (2) Power to agree to establish a joint committee to be, for the purposes of Part 2 of the Planning and Compulsory Purchase Act 2004 (as amended), a local planning authority.
- (3) Power to agree to confer additional functions on a joint committee.
- (4) Power to request the dissolution of a joint committee.
- (5) Power to determine applications for planning permission.
- (6) Power to determine applications to develop land without compliance with conditions previously attached.
- (7) Power to grant planning permission for development already carried out.
- (8) Power to decline to determine applications for planning permission.
- (9) Duties relating to the making of determinations of planning applications.
- (10) Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
- (11) Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
- (12) Power to enter into agreements regulating development or use of land.
- (13) Power to issue a certificate of existing or proposed lawful use or development.
- (14) Power to serve a completion notice.
- (15) Power to grant consent for the display of advertisements.
- (16) Power to authorise entry onto land.
- (17) Power to require the discontinuance of a use of land.
- (18) Power to serve a planning contravention notice, breach of condition notice or stop notice.
- (19) Power to issue an enforcement notice.
- (20) Power to issue enforcement notices in relation to demolition of unlisted building in conservation area.
- (21) Power to issue a temporary stop notice.
- (22) Power to apply for an injunction restraining a breach of planning control.
- (23) Power to require proper maintenance of land.
- (24) Power to determine applications for listed building consent, and related powers.
- (25) Power to determine applications for conservation area consent.
- (26) Duties relating to applications for listed building consent and conservation area consent.



- (27) Power to serve a building preservation notice, and related powers.
- (28) Powers to acquire a listed building in need of repair and to serve a repairs notice.
- (29) Power to apply for an injunction in relation to a listed building.
- (30) Power to execute urgent works.
- (31) Power to issue enforcement notice in relation to demolition of listed building in conservation area.
- (32) Power to approve sites for entry into Part 2 of the Brownfield Land Register and so grant Permission in Principle.
- (33) Power to decline to approve sites for entry into Part 2 of the Brownfield Land Register.
- (34) Power to determine applications for Permission in Principle.
- (35) Power to determine applications for Technical Details Consent.

#### **B. Functions relating to public rights of way and miscellaneous**

- (1) Power to create footpath or bridleway by agreement.
- (2) Power to create footpaths and bridleways.
- (3) Power to stop up footpaths and bridleways.
- (4) Power to determine application for public path extinguishment order.
- (5) Power to make a rail crossing extinguishment order.
- (6) Power to divert footpaths and bridleways.
- (7) Power to make a public path diversion order.
- (8) Power to make a rail crossing diversion order.
- (9) Duty to keep register with respect to applications under sections 118ZA, 118C, 119ZA and 119C of the Highways Act 1980.
- (10) Power to decline to determine certain applications.
- (11) Duty to assert and protect the rights of the public to use and enjoyment of highways.
- (12) Duty to serve notice of proposed action in relation to obstruction.
- (13) Power to apply for variation of order under section 130B of the Highways Act 1980.
- (14) Power to authorise temporary disturbance of surface of footpath or bridleway.
- (15) Power to extinguish certain public rights of way.
- (16) Power to extinguish public right of way over land acquired for clearance.
- (17) Power to authorise stopping up or diversion of highways.
- (18) Power to authorise stopping-up or diversion of footpath or bridleway.
- (19) Power to extinguish public rights of way over land held for planning purposes.
- (20) Powers relating to the protection of important hedgerows.
- (21) Powers relating to the preservation of trees.
- (22) Powers to deal with complaints about high hedges

#### **Delegations**

The Committee shall exercise the full powers, duties and functions of the Council as set out above.



(f)	Application to vary Designated Premises Supervisor	If Police representation(s) have been made
(g)	Application for transfer of premises Licence	If Police representation(s) have been made
(h)	Application for Interim Authority	If Police representation(s) have been made
(i)	Application to review Premises Licence/Club Premises certificate	All cases
(j)	Decision to object when local authority is a consultee and not the relevant authority considering the application	All cases
(k)	Determination of an objection to a Temporary Event Notice	All cases
(l)	Application from a Community Premises to remove the requirement for Designated Premises Supervisor	If Police representation(s) have been made

(2) To deal with relevant provisions of the Gambling Act 2005.

Application for premises licence	where representations have been received and not withdrawn
Application for a variation to a licence	Where representations have been received and not withdrawn
Application for a transfer to a licence	Where representations have been received from the Commission
Application for a provisional statement	Where representations have been received and not withdrawn
Review of a premises licence	All cases
Application for a club gaming/club machine permits	Where objections have been made (and not withdrawn)
Cancellation of a club gaming/club Machine permits	All cases
Decision to give a counter notice to temporary use notice	All cases

To set all fees as required by the Act

- (3) Power to license sex shops and sex cinemas in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1982.

## **Licensing and Appeals Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority), subject to the requirement that it must comprise of between 10 and 15 members.

### Functions

#### ***Licensing***

- (1) Power to issue licences authorising the use of land as a caravan site ("site licences").
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats
- (15) Power to licence the selling of animals as pets
- (16) Power to license pet shops and other establishments where animals are bred or kept for the purposes of carrying on a business.
- (17) Power to license zoos.
- (18) Power to license dangerous wild animals.
- (19) Power to license the boarding of cats and dogs
- (20) Power to license the hiring out of horses
- (21) Power to license the keeping or training of animals for exhibition
- (22) Power to discharge the functions of the Council as "Licensing Authority" under The Animal Welfare Act 200
- (23) Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018
- (24) Power to license knackers' yards.
- (25) Power to license persons to collect for charitable and other causes.
- (26) Power to grant consent for the operation of a loudspeaker.
- (27) Power to grant a street works licence.
- (28) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
- (29) Power to approve meat product premises.

- (30) Power to approve premises for the production of minced meat or meat preparations.
- (31) Power to approve dairy establishments.
- (32) Power to approve egg product establishments.
- (33) Power to approve fish products premises.
- (34) Power to approve dispatch or purification centres.
- (35) Power to register fishing vessels on board which shrimps and molluscs are cooked.
- (36) Power to approve factory vessels and fishery product establishments.
- (37) Power to register auction and wholesale markets.
- (38) Duty to keep register of food business premises.
- (39) Power to register food business premises.
- (40) Functions under any one of the “relevant statutory provisions” within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc., Act 1974, to the extent that those functions are discharged otherwise than in the authority’s capacity as an employer.
- (41) Power to make closing order with respect to take away food shops.
- (42) Functions under the Motor Salvage Operators Regulations 2002
- (43) Functions under Part 1 of the Vehicles (Crime) Act 2001 in relation to the registration of motor salvage operators.
- (44) All decisions under Sections 160 to 173 of the Equality Act 2010.
- (45) All functions in relation to the Scrap Metal Dealers Act 2013.

N.B. Where there is a power to fix, increase or amend charges or fees then this is included in the Committee’s functions in respect of the above.

### ***Appeals***

- (46) To determine appeals from market stall holders whose occupancy of a stall is suspended or is terminated.
- (47) In respect of applications for discretionary rate relief and hardship rate relief, to determine any appeals in connection therewith.
- (48) To consider and determine any requests for reviews from applicants in respect of the assessment of housing allocation entitlement, housing transfers, entry or removal from the housing register and homelessness decisions.
- (49) To determine appeals in respect of Discretionary Housing Payments.
- (50) To consider and determine appeals in accordance with Section 12 of the Policy for the Provision of Housing Renewal Assistance in West Lancashire 2008.

### **Delegations**

The Committee shall exercise the full powers, duties and functions of the Council as set out above.

## **Standards Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

The Standards Committee will have the following roles and functions:

- a. promoting and maintaining high standards of conduct by councillors and co-opted members and operating the “Standards regime – arrangements” as appropriate;
- b. assisting councillors and co-opted members to observe the Members’ Code of Conduct;
- c. advising the Council on the adoption or revision of the Members’ Code of Conduct;
- d. monitoring the operation and effectiveness of the Members’ Code of Conduct;
- e. advising, training or arranging to train councillors and co-opted members on matters relating to the Members’ Code of Conduct;
- f. granting dispensations to councillors and co-opted members from requirements relating to interests set out in the Members’ Code of Conduct;
- g. dealing with any reports from the monitoring officer on any matter which is referred to the monitoring officer;
- h. approving and reviewing procedures for the initial assessment of alleged breaches of the Codes of Conduct for Members;
- i. approving and reviewing procedures for the investigation of and subsequent report on, alleged breaches of the Codes of Conduct for Members;
- j. the exercise of (a) to (i) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils;
- k. advising the Council on the adoption and subsequent review of a Code of Conduct for officers;
- l. advising, training or arranging to train officers on matters relating to the Code of Conduct for officers;
- m. advising the Council on the adoption and subsequent review of the Council’s Whistleblowing Code;

### Delegations

The Committee shall exercise full powers, duties and functions as set out above.

## **Assessment Sub Committee**

### Membership

The Sub-Committee to consist of 3 Members, selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

### Functions

To make decisions as to whether to investigate a complaint referred to the Sub-Committee by the Monitoring Officer or to take no further action.

#### Delegations

Full authority to determine all matters as appropriate

### **Hearings Sub Committee**

#### Membership

The Sub-Committee to consist of a maximum of 5 Members selected by the Head of Legal & Democratic Services, in consultation with the Chairperson of the Standards Committee.

#### Functions

To hear cases referred to it and decide whether a member has breached the Code of Conduct and, if so, to decide if a sanction should be applied and what form the sanction should take.

#### Delegations

Full delegation to determine all matters as appropriate.

#### ***Note for Sub Committees:***

Membership and chairmanship of sub committees do not have to be fixed. At least 3 members of the Standards Committee must be present.

### **Recruitment of Independent Members Panel**

#### Membership

The Panel shall consist of 3 Members selected by the Head of Legal & Democratic Services in consultation with the Chairperson of the Standards Committee

#### Functions

To assist in the recruitment of independent members by shortlisting and interviewing and making recommendations to the Council

#### Delegations

To make recommendations to the Standards Committee and Council

### **Investigation and Disciplinary Committee**

#### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

To consider disciplinary issues and take action required against senior officers (Chief Officers and Deputy Chief Officers), referred to the Committee by the proper officer as defined in Rule 10 of the Officer Employment Procedure Rules.

The Committee shall have the power to decide the matter on behalf of the Council, by either exonerating the officer, or, if they find misconduct, taking whichever form of disciplinary action is appropriate.

In the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer such dismissal must be approved by Council in accordance with the provisions of Rule 6 of the Officer Employment Procedure Rules.

### Delegations

This Committee shall exercise the full powers, duties and functions of the Council as set out above, except in the case of the dismissal of the Head of the Paid Service, Monitoring Officer or Chief Finance Officer.

## **Independent Panel**

### Membership

The Panel shall consist of the Council's two independent persons. If the Council's independent persons are unable to attend any meeting of the Panel the Head of Legal and Democratic Services may appoint independent persons of other authorities in accordance with the requirements of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 as amended.

### Functions

To consider any proposal made by the Investigating Committee to dismiss the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to make any recommendations or comments for consideration by full council as it considers appropriate.

### Delegations

None

## **Chief Officers Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).



### Functions

1. To deal with all matters in respect of the appointment of chief officers and deputy chief officers and to make recommendations to full Council in respect of the appointment of the head of paid service in accordance with the Officer Employment Procedure Rules set out in Part 4 of this Constitution.
2. To consider and determine all grievances lodged by the Head of Paid Service, chief officers and deputy chief officers.
3. To hear and determine Job Evaluation appeals from Chief Officers employed on JNC Conditions.

### Delegations

This Committee shall exercise the full power, duties and functions of the Council, except in the case of the appointment of the head of the paid service as set out above.

## **Audit and Governance Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

#### Audit Activity

1. To consider and approve the Internal Audit Charter.
2. To consider the Audit Manager's Annual Report and Opinion.
3. To consider reports dealing with summaries of Internal Audit Activity.
4. Where requested by the Audit Manager, to consider issues arising from specific internal audit reports.
5. To consider reports from the Audit Manager on agreed recommendations not implemented within a reasonable timescale.
6. To require the attendance at meetings of the Audit and Governance Committee, of any elected Member or Officer of the Authority in relation to internal audit reports.
7. To consider the external auditor's Annual Letter and other reports as requested by the external auditor.
8. To comment on the scope and depth of external audit work and to ensure it gives value for money.
9. To scrutinise Treasury Management activities.

### Regulatory Framework

10. To monitor Contract Procedure Rules, Financial Regulations and other provisions of the Constitution in so far as they contribute to the effectiveness of the Council's internal controls.
11. To consider any issue relevant to its responsibilities and functions referred to it by the Council, any committee, the Chief Operating Officer or Chief Officers.
12. To monitor the effectiveness of risk management and corporate governance processes in the Council.
13. To monitor the effectiveness of the Council's policies in relation to its Anti-fraud and Corruption Strategy and complaints process.
14. To review the production of the Authority's Annual Governance Statement.
15. To approve the Authority's Annual Governance Statement and commend its signing to the Leader and Chief Executive.
16. To consider the Council's arrangements for corporate governance and in particular in relation to the Local Code of Corporate Governance and recommend actions to promote best practice.
17. To consider the Council's compliance with its own and other published standards and controls in so far as these contribute to the adequacy of its framework of internal control.
18. To monitor (quarterly) the use of RIPA powers.

### Accounts

19. To approve the Statement of Accounts.
20. To consider The External Auditor's Report To Those Charged With Governance on issues arising from the audit of the accounts.
21. To review the annual statement of accounts. Specifically, to consider whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit.

### Delegations

The Committee shall exercise the full powers, duties and functions of the Council as set out above in numbers 1, 14 and 19.

The Committee will not be able to transact the powers, functions and duties reserved to Council, the Policy and Resources Committee, Standards Committee and other regulatory Committees.

## **Polling Districts and Polling Places Review Committee**

### Membership

To be determined each year by the Annual Meeting of Council and subject to the overall political balance calculation (which shall take priority).

### Functions

To consider and determine (as necessary) any interim review of Polling Districts and Polling Places within the borough and/or constituency.

### Delegations

The committee shall exercise full powers, duties and functions of the Council in relation to the carrying out of interim reviews of Polling Districts and Polling Places.

## **5. Forums**

### **Hackney Carriage and Private Hire Forum**

Membership – to be confirmed at Annual Council.

Constitution – See attached at Appendix 1.

### **Armed Forces Community Covenant Working Group**

Membership - to be approved at Annual Council

### Function

To develop and implement an Armed Forces Community Covenant Action Plan.

### **Food Insecurity Forum**

Membership – Cross-sector, led by a WLBC officer Directorate of Place and Community,

### Functions

To strengthen ties and support cross sector co-ordination and commit to a sustainable and dignified approach to tackling food insecurity in the borough.

In consultation with the Food Security Champion, to consider the opportunities identified within the research report from Iconic Consulting and where appropriate seek Council/committee approval for their implementation.

## **6. Joint Committees**

### **Arrangements to promote well-being**

The Council, in order to promote the economic, social or environmental well-being of its area, may:

- a. enter into arrangements or agreements with any person or body;
- b. co-operate with, or facilitate or co-ordinate the activities of, any person or body; and
- c. exercise on behalf of that person or body any functions of that person or body.

### **Joint arrangements**

- a. The Council may establish joint arrangements with one or more local authorities and/or their Cabinets to exercise functions which are not executive functions in any of the participating authorities, or to advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.
- b. Details of any joint arrangements including any delegations to joint committees will be found in the Council's scheme of delegations in Part 3 of this Constitution.

### **Access to information**

The Access to Information Procedure Rules in Part 3 of this Constitution Apply to any joint committee.

### **Delegation to and from other local authorities**

- a. The Council may delegate functions to another local authority or, in certain circumstances, the Cabinet of another local authority.
- b. The decision whether or not to delegate functions to another Council or another Cabinet or to accept such a delegation from another local authority shall be reserved to the Council meeting.

### **Contracting out**

The Council, may contract out to another body or organisation functions which may be exercised by an officer and which are subject to an order under section 70 of the Deregulation and Contracting Out Act 1994, or under contracting arrangements where the contractor acts as the Council's agent under usual contracting principles, provided there is no delegation of the Council's discretionary decision making.

## **Police and Crime Panel**

### Membership

The Panel shall consist of 18 Elected Members (1 from West Lancashire to be appointed by full council) plus 2 independent co-opted members)

The Panel will exercise the following powers under the Police Reform and Social Responsibility Act 2011, and all other enabling powers, discharging its functions in accordance with the Policing Protocol Order 2011.

### Functions

- (a) To review and make a report or recommendation(s) on the draft police and crime plan, or draft variation, given to the Panel by the Police and Crime Commissioner (the Commissioner).
- (b) To review, put questions to the Commissioner at a public meeting, and make a report or recommendation (as necessary) on the Commissioner's annual report.
- (c) To hold a confirmation hearing in public and review, make a report and recommendation (as necessary) in respect of proposed appointments by the Commissioner of Chief Constable, Chief Operating Officer, Chief Finance Officer, and Deputy Police and Crime Commissioner.
- (d) To hold a scrutiny meeting in private and make a recommendation to the Commissioner on a proposal by the Commissioner to call upon the Chief Constable to retire or resign.
- (e) To review and make a report and recommendation (as necessary) on the proposed precept.
- (f) To review or scrutinise decisions made, or other action taken, by the Commissioner in connection with the discharge of their functions.
- (g) To make reports or recommendations to the Commissioner with respect to the discharge of the Commissioner's functions.
- (h) To support the effective exercise of the Commissioner's functions.
- (i) To fulfil functions in relation to complaints about conduct matters, in accordance with the Panel's responsibilities as provided for by the Police Reform and Social Responsibility Act 2011.
- (j) To appoint, if necessary, an Acting Police and Crime Commissioner.
- (k) To suspend the Commissioner if it appears to the Panel that the Commissioner has been charged in the United Kingdom or Isle of Man with an offence which carries a maximum term of imprisonment exceeding two years.

## **7. Remuneration Panels**

### **Independent Remuneration Panel**

#### Membership

To be appointed by full council.

#### Function

- (a) In accordance with the Local Government Act 2000 to review and report to the Council on the Members' Allowances Scheme.
- (b) To make recommendations to the Council as to the amount of basic allowance which should be payable to elected members.
- (c) To make recommendations to the Council about the roles and responsibilities for which a special responsibility allowance should be payable and the amount of each such allowance.
- (d) To make recommendations as to whether the Council's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependents and, if it does make such a recommendation, the amount of this allowance and the means by which it is determined.
- (e) To apply Best Value principles in relation to the allowances under consideration.

### **Parish Independent Remuneration Panel**

#### Membership

To be appointed by full council

#### Function

In accordance with the Local Authorities (Members' Allowances) (England) Regulations 2003 to produce a report in relation to the Councillors of Parishes in West Lancashire making recommendations as to:

- (a) the amount of parish basic allowance payable to members of such authorities;
- (b) the amount of travelling and subsistence allowance payable to members of such authorities;
- (c) whether parish basic allowance should be payable only to the chairperson of any such authority or to all its members;
- (d) whether, if parish basic allowance should be payable to both the chairperson and other members of any such authority, the allowance payable to the chairperson should be set at a level than that payable to the other members and, if so, the higher amount so payable; and
- (e) the responsibilities or duties in respect of which members should receive parish travelling and subsistence allowance.

## **Part 2.3 – Scheme of Delegation to Officers**

### **2.3A Delegations to the Chief Operating Officer**

1. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough. Any urgent matter arising between meetings which cannot await a decision at the next meeting and which has not been formally delegated to an Officer, shall be considered by the Chief Operating Officer or relevant Corporate Director; under their emergency powers, in consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate Committee, where it is in the interests of the Council and it is impracticable or inappropriate to call a meeting.
2. To approve and issue all official publicity, press statements and official publications which do not fall within the remit of any Corporate Director or Head of Service.
3. To exercise a power delegated to any officer when that officer is unable or unwilling to act.
4. To deal with requests for permission to reproduce the Coat of Arms of the Council.
5. To deal with matters concerned with civic and ceremonial occasions together with civic hospitality, after consultation with the Mayor (Chairperson of the Council) and the Leader of the Council.
6. To sign and seal documents in accordance with Section 3.8 (Finance, Contracts and Legal Matters) of the Constitution.
7. To amend the list of politically restricted posts as appropriate (Local Government and Housing Act 1989).
8. To determine, after consultation with the Leader those chief officer vacancies where the members will be involved in the recruitment process.
9. To set up appropriate consultation arrangements with Trade Unions and Staff Representatives including the operation of the Corporate Consultative Group.
10. To take decisions, after consultation with the Leader of the Council, to support staff in private prosecutions in cases where staff have been subject to assault.
11. To appoint Inspectors under the provisions of Section 110A of the Social Security Administration Act 1992 and such Inspectors to enter business premises and to make enquiries in accordance with the provisions of Section 110B of the Social Security Administration Act 1992.
12. To conduct procedures relating to discipline and capability for all officers.
13. To appoint external advisers to assist in the conducting of disciplinary investigations and to appoint external consultants to assist in conducting grievance investigations.

14. To make exemptions to Contracts Procedure Rules where they are satisfied the exemption is justified in special circumstances subject to a report back in the appropriate "Members Update."
15. To act under the Council's Standards Committee procedures.
16. To submit, in consultation with the Leader of the Council, nominations for invitations to His Majesty's Royal Garden Parties.
17. To update as necessary the Monitoring Officer Protocol (Section 4.2) in consultation with the Leader of the Council.
18. To introduce arrangements to ensure that they are aware of and satisfied with the exercise by the Council of the powers under the Regulation of Investigatory Powers Act 2000 and to authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.
19. To act in the capacity of Designated Person in compliance with the Regulation of Investigatory Powers Act as required.
20. To authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.
21. To make appointments to outside bodies made by the Council, in consultation with the Leader of the Council.
22. In consultation with the Lead Member, to put forward nominations for council nominated governorships, should any councillor wish to put their name forward, for appointment by Lancashire County Council as a School Governor.
23. To amend, in consultation with the Head of Legal & Democratic Services and the Head of Finance, Procurement & Commercial Services, and re-issue the Protocol for Partnership Arrangements.
24. In relation to the Indemnity for Officers and Members to give prior authorisation where the defence of defamation proceedings, criminal proceedings or Code of Conduct proceedings is involved.
25. To submit claims for grants to government departments and other bodies (in consultation with the relevant Corporate Director or Head of Service, if appropriate) and applications for funding, receive the said funding and administer thereafter.
26. In consultation with the Leader to review and determine future subscriptions to outside bodies and organisations, including provision to give relevant notices.
27. In relation to Assets of Community Value, to carry out listing reviews and compensation reviews as the Officer of appropriate seniority and to make the relevant decision, under the Assets of Community Value (England) Regulations 2012.



28. To designate/re-designate Polling Places within the Borough to suitable venues in consultation with the Leader, the Leader of the main opposition group and the Ward Councillors, in exercise of the powers conferred by Sections 18A, 18B, 18C, 18D and 31 of the Representation of the People Act 1983 (as amended).
29. To issue vary or discharge closure notices for a maximum 48 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
30. In consultation with the Leader, to determine all matters, as the Shareholder for Tawd Valley Development Company, on behalf of the Council.

## **2.3B Delegations to the Corporate Director Of Place & Community**

### **ENVIRONMENTAL SERVICES**

#### **(i) Waste & Fleet Services**

1. To enter into productivity or similar agreements with the workforce and their representatives.
2. To seek quotation/tenders and to place orders for the supply of goods or materials or for the execution of work.
3. To dispose of surplus plant, machinery, equipment or work hours in accordance with Financial Regulations.
4. To agree charges at which services may be made available to Council Services or appropriate outside bodies.
5. To submit tenders and estimates for work to be carried out by Contracting Services and persons acting on its behalf.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report back in the appropriate Members' Update.
7. To prepare and approve in consultation with the relevant Lead Member, the Vehicle Replacement Programme (following an evaluation of the business and service needs prevailing at the time), subject to details of the approved Programme being circulated to Members via an appropriate Members' Update, and in this respect to invite Tenders and to accept the lowest most suitable tenders for the purchase of vehicles detailed in the Programme.
8. To maintain all accounting procedures and records as determined in consultation with the Head Finance, Procurement & Commercial Services and prepare accounting information at the end of each financial year in accordance with the requirements specified by law, or by the Council.

9. To carry out work which has been previously won under compulsory competitive tendering or best value such as refuse collection and street cleansing together with anything incidental thereto.
10. To serve Notices and to take all necessary action under the Refuse Disposal (Amenity) Act, 1978, and Road Traffic Regulation Act 1984, in connection with the removal of abandoned vehicles.
11. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
12. To develop and implement a range of appropriate education, promotion and enforcement practices in order to raise recycling levels and deal with litter issues.
13. In consultation with the relevant Lead Member, to implement the single standard service for the collection of bulky household waste.
14. (a) To appoint authorised officers for the purpose of Schedule 4 to the Environmental Protection Act 1990 in respect of Abandoned Shopping and Luggage Trolleys.
- (b) To increase the fee for returning shopping trolleys impounded under the provisions of Schedule 4 to the Environment Protection Act 1990 in line with inflation.
15. To administer the agency for highway functions in accordance with the Public Realm Agreement and the guidelines and codes of practice set out by Lancashire County Council.
16. To exercise the powers of the Street Authority under the New Roads and Street Works Act 1991 within the prescribed areas.
17. To enter all appropriate Waste Management Cost Sharing Agreements with the Disposal Authority together with all related documents including Deeds of Extension and Variation, in consultation with the Relevant Lead Member.

**(ii) Cemeteries**

1. To grant exclusive right of burial in the Council's cemeteries.
2. To determine all applications for the erection of headstones in the Council's cemeteries.

**(iii) Technical Services**

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
  - (a) Section 15 - To survey land to be acquired compulsorily with power to authorise persons to carry out the same.
  - (b) Section 16 - To serve Notices to obtain particulars of persons interested in land and to take all necessary action in respect thereof.

- (c) Section 23 - To take all necessary action when a Notice to deal with dangerous trees is served on the Council under this section.
  - (d) Section 24 - To serve Notices to make safe dangerous trees
  - (e) Section 25 - To serve Notices with respect to dangerous excavations.
  - (f) Section 26 - To authorise persons to enter onto land.
2. To accept donations for the provision of seating or trees.
  3. To serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs within the Ormskirk Town Centre Conservation Area after consultation with the Head of Legal & Democratic Services.
  4. To exercise the powers of the Street Authority under the New Roads and Street Works Act, 1991 and the Traffic Management Act 2004, within the prescribed area.
  5. To deal with matters arising from day to day operation of Borough Council markets and to deal with any lost property within the markets.
  6. To deal with urgent repairs in private streets within the urban core under Section 230 of the Highways Act, 1980.
  7. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision.
  8. To deal with applications for the use of Council owned sites in Ormskirk Town Centre for business or promotional purposes.
  9. To administer the agency for highway functions in accordance with the Street Services Agreement and the guidelines and codes of practice set out by the Lancashire County Council.
  10. To administer the relevant sections of the Highways Act 1980 and any Act or Acts extending or amending the same or incorporating the same therein; including the serving of notices, the issuing of licences, enforcement, the laying of informations and complaints to the Magistrates' Courts and the carrying out of any work in default including recovery of the costs.
  11. The power to examine and test drains and other apparatus believed to be defective.
  12. To erect street nameplates under Section 19 Public Health Act 1925.
  13. To serve notices under the Public Health Act 1936 concerning the culverting of watercourses.
  14. To exercise the powers within the Land Drainage Act 1991.
  15. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984.

- (a) To arrange for the affixing of traffic signs to buildings or structures in or fronting to or constructed over roads under Section 11.
  - (b) To apportion charges for the cleansing or repair of private sewers under Section 22.
  - (c) To recover the cost of making good damage to grass verges on footways under Section 12.
16. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
  17. To receive notices in respect of and authorisation of reinstatement works under the New Roads and Street Works Act 1991.
  18. To consent to the holding of car boot sales on land not owned by the Council subject to the agreed criteria.
  19. To adopt highways etc. which are subject to an Agreement under Section 38 of the Highways Act, 1980 with effect from the issue of the Final Certificate or those which are not subject to such Agreements subject to satisfactory condition and capacity.
  20. To respond to the County Council's road safety programme subject to reporting any major changes of County Council policy to the Policy and Resources Committee.
  21. To adopt highways constructed by or on behalf of the Council.
  22. To adopt footpaths constructed under the provisions of Section 37 of the Highways Act 1980.
  23. In cases where a developer defaults in their obligations and commitments to maintain a highway, pursuant to Agreements under Section 38 of the Highways Act 1980, to take all appropriate action, including the invitation of tenders and the acceptance of the lowest tender, to secure completion of works specified in the appropriate Agreement provided the cost of such works can be funded either by the bond in its entirety or, in cases where the bond is insufficient, by contributions from Lancashire County Council.
  24. To determine the making of Orders under the provisions of the Road Traffic Regulation Act 1984 to provide designated disabled parking bays, subject to the applicant meeting the Lancashire County Council criteria.
  25. To determine the making of Traffic Regulation Orders pursuant to the provisions contained in the Road Traffic Regulation Act 1984 following consultation with the Relevant Lead Member and the ward councillors and to introduce such orders in the event of there being no outstanding objection or objections to the proposals.
  26. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the

Highways Act 1980 and the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.

27. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Highways Act 1980 and Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
28. In consultation with the Relevant Lead Member and relevant Ward Members to respond on behalf of the Council, to consultations from Lancashire County Council in respect of highway and public rights of way matters.
29. To make Orders to prevent obstructions in streets during public processions etc., under Section 21 of the Town Police Clauses Act 1847.

**(iv) Arboricultural Services**

1. To deal with and determine applications for consent for works to trees the subject of Tree Preservation Orders or lying within designated conservation areas.
2. To authorise the Head of Legal & Democratic Services to make, vary and revoke Tree Preservation Orders, including, where appropriate, a direction under Section 201 of the Town and Country Planning Act 1990 and to confirm Orders where no valid objections are received.
3. To exercise the Council's power and duties for making observations on consultation requests submitted to it by the Lancashire County Council, the Forestry Commission, or other parties for applications for felling licences under the Forestry Act, 1967.
4. Under the relevant sections of the Anti-Social Behaviour Act 2003 to:-
  - instruct the Head of Legal & Democratic Services to issue and serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70.
  - take all necessary action in respect of appeals made under Section 71.
  - authorise persons to enter land for the purposes of Sections 74 and 77.
  - prosecute for offences, including the laying of informations, under Section 75 and 77, and
  - take all necessary action to recover expenses under the provisions of Section 77.
  - carry out the functions of Part 8 of the Act – High Hedges and the associated regulations.
5. In consultation with the Relevant Lead Member to implement the West Lancashire Free Tree Scheme, subject to finance being made available in the Capital Programme.
6. To accept donations for the provision of seating or trees.
7. To manage, publish and set fees for entries on the Council's Tree Contractor List.

8. To implement future changes in the fees for high hedge applications in line with the Fees and Charges Policy.
- (v) **Environmental Strategy (Climate Change)**
  1. In consultation with the Relevant Lead Member develop an Assistance Package for private owners to enable them to be part of a comprehensive Energy Efficiency Scheme

## **REGULATORY SERVICES**

### **(i) Corporate Health and Safety**

1. To update the Corporate and Community Services Enforcement Policies, in consultation with the relevant Lead Member, in accordance with any new or revised government legislation or Statutory Guidance and in this respect any wholesale changes in guidance or legislation resulting in major changes to the policy to be brought back for approval (Committee/Council as appropriate).
2. To produce and update all the Council's Health and Safety Policies and procedures in the line with current legislation and best practice, in consultation with the relevant Lead Member.
3. To implement, publish and keep under review the Safeguarding Policy 2019, thereafter to update the Safeguarding Policy as necessary and to nominate an officer as the Designated Safeguarding Officer.
4. In consultation with the relevant Lead Member, to progress and (as appropriate) confirm the Council's membership of the Integrated Care Partnership/Multi Speciality Community Provider (ICP/MCP) and to provide future updates at relevant stages of the partnership development process.

### **(ii) Public Health**

1. To administer relevant provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay information and complaints to Court in respect of offences in appropriate cases, under the following enactments and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts.
  - Open Spaces Act 1906
  - Dogs Act 1906
  - Public Health Acts 1936 and 1961
  - Prevention of Damage by Pests Act 1949
  - Pet Animals Act 1951
  - Zoo Licensing Act 1951
  - Animal Welfare Act 2006
  - Performing Animals (Regulation) Act 1925
  - Animal Boarding Establishments Act 1963
  - Riding Establishments Act 1964
  - Home Safety Act 1961
  - Agriculture (Miscellaneous Provisions) Act 1968

- Late Night Refreshment Houses Act 1969
- Local Government Act 1972
- Control of Pollution Act 1974
- Health and Safety at Work etc., Act 1974
- Slaughterhouse Act 1974
- Guard Dogs Act 1975
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Building Act 1984
- County of Lancashire Act 1984
- Public Health (Control of Diseases) Act 1984
- Food and Environment Protection Act 1985
- Environmental Protection Act 1990
- Food Safety Act 1990
- Breeding of Dogs Act 1991
- Dangerous Dogs Act 1991
- Clean Air Act 1993
- Noise and Statutory Nuisance Act 1993
- Sunday Trading Act 1994
- Environment Act 1995
- Noise Act 1996
- Clean Neighbourhood and Environment Act 2005
- Sunbeds (Regulation) Act 2010
- Water Industry Act 1991
- Water Act 2002
- The Dogs Act 1871
- The Dangerous Dogs Act 1989
- Control of Dogs Order 1992

2. To undertake the following registration and licensing functions under the relevant enactment and Regulations including the setting and periodic review of licence fees, and the laying of information and complaints to a Court in respect of legal proceedings in relation to:

- Acupuncture, tattooing, ear-piercing and electrolysis
- Animal Boarding Establishments
- Breeding of Dogs
- Dangerous Wild Animals
- Selling of animals as pets
- Hiring out of horses
- Keeping or training animals for exhibition
- Food and Food Premises
- Game
- Guard Dogs
- Knackers Yard Licences
- Late Night Refreshment Houses
- Pet Animals
- Rag, Flock and Other Filling Materials
- Riding Establishments
- Scrap Metal Dealers
- Sunday Trading
- Zoos

- Sunbeds
3. To appoint officers, where appropriate, as authorised officers or Inspectors and to authorise officers to sign documents and to enter land/premises in connection with their duties under the following enactments or re-enactment thereof:
    - Public Health Act 1936 and 1961
    - Prevention of Damage by Pests Act 1949
    - Pet Animals Act 1951
    - Rag, Flock and Other Filling Materials Act 1951
    - Agriculture (Safety, Health and Welfare Provisions) Act 1956
    - Factories Act 1961
    - Animal Boarding Establishments Act 1963
    - Riding Establishments Acts 1964 and 1970
    - Scrap Metal Dealers Act 1964
    - Breeding of Dogs Act 1973
    - Control of Pollution Act 1974
    - Health and Safety at work etc., Act 1974
    - Slaughterhouses Act 1974
    - Dangerous Wild Animals Act 1976
    - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
    - Building Act 1984
    - County of Lancashire Act 1984
    - Public Health (Control of Diseases) Act 1984
    - Food and Environment Protection Act 1985
    - Environmental Protection Act 1990
    - Food Safety Act 1990
    - Breeding of Dogs Act 1991
    - Dangerous Dogs Act 1991
    - Clean Air Act 1993
    - Noise and Statutory Nuisance Act, 1993
    - Sunday Trading Act 1994
    - Noise Act 1996
    - Clean Neighbourhoods and Environment Act 2005
    - Sunbeds (Regulation) Act 2010
    - Water Industry Act 1991
    - Water Act 2003
    - The Animal Welfare Act 2006
  4. To appoint persons under Part 1 of the Health Act 2006, insofar as it relates to smoke free matters and to administer the relevant provisions of the Act and all relevant legislation.
  5. To arrange for the disposal of all unfit foodstuffs and procuring of samples.
  6. In consultation with the relevant Lead Member to approve the Food Safety Service Plan.
  7. (a) To appoint officers as Inspectors under Section 19(1) of the Health and Safety at Work etc., Act 1974.



- (b) To authorise officers so appointed, to exercise, insofar as they relate to the functions of the Council the powers of an Inspector specified in:
  - (i) Sections 20, 21, 22 and 25 of the Health and Safety at Work etc., Act 1974.
  - (ii) Any Health and Safety Regulations, and
  - (iii) The provisions of the Acts mentioned in Schedule 1 to the 1974 Act which are specified in the Third Column of that Schedule and of the Regulations, Orders or other instruments of a legislative character made or having effect under any provision so specified as may be in force from time to time.
- 8. To authorise competent persons to accompany Inspectors on visits under the Health and Safety at Work etc., Act 1974 in an advisory capacity.
- 9. To undertake “transfers of responsibility” under Regulation 5 and “assignments in cases of uncertainty” under Regulation 6 of the Health and Safety (Enforcing Authority) Regulations 1989.
- 10. To authorise the service of notices requiring information as to the ownership of land/premises.
- 11. To authorise officers under Section 39 of the Local Government Act 1988.
- 12. To appoint officers as “authorised officers” for the purposes of the Environmental Protection Act 1990 and in particular to appoint Inspectors under Section 16(6) of the Act for the purposes of Part I of the Act and to authorise such officers to sign documents that are given, made or issued under the Act.
- 13. To appoint offices as “authorised persons” under the relevant legislation/regulations, insofar as it relates to food safety matters and to administer the appropriate provisions of all relevant subordinate legislation.
- 14. To determine, after consultation with the Head of Legal & Democratic Services whether or not to prosecute persons contravening legislation relating to dogs or other animals
- 15. To make arrangements for the seizure of animals, and subsequent action in cases of emergency under the Dangerous Wild Animals Act 1976.
- 16. To authorise a Veterinary Surgeon, or Veterinary Practitioner, or such other person as they deem competent, to inspect any premises where any animal is, or may be held, in pursuance of a Licence which has been applied for, or granted, under the Dangerous Wild Animals Act 1976.
- 17. To vary Licence Conditions, to allow removal of any animal that is to be kept at premises outside the Borough for more than 72 hours, under the Dangerous Wild Animals Act 1976.
- 18. To consult with the Secretary of State and other persons necessary to formulate an inspection team and appoint Inspectors on behalf of the Council under the Zoo Licensing Act 1981.

19. To determine applications for the approval of chimney heights, submitted under Section 15 of the Clean Air Act 1993.
20. To determine applications for consent, in relation to construction sites under the Control of Pollution Act 1974, in accordance with BS 5228.
21. To exercise the following powers and duties of the Council under the County of Lancashire Act 1984:
  - (a) To give notice requiring persons to take steps to reduce the emission of dust arising from any building operation, demolition or the cleansing of any building or structure under Section 16.
  - (b) To lay a complaint to a Magistrates' Court requiring the owner of a chimney to raise its height or do other things because of the emission of gas vapour fumes or soot under the provisions of Section 17.
22. To submit, following consultation with the relevant Lead Member and ward councillors, objections to the Secretary of State regarding notifications received from United Utilities that they intend to apply for permission to lower the quality of effluent discharge.
23. To deal with the removal of persons in need of care and attention under the National Assistance Act 1948, Section 47 and National Assistance (Amendment) Act 1951 after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
24. To deal with all matters relative to infectious/notifiable diseases including exclusion from work or school to prevent spread of infection, together with payment of compensation where necessary after consultation with the Consultant in Communicable Disease Control or any other Public Health Doctor on the Lancashire Public Health Rota acting in an emergency situation.
25. To arrange for the burial and/or cremation of persons where no other person takes the responsibility.
26. To revise the fixed element of the licence fees for Dangerous Wild Animals and riding establishments at periodic intervals in line with inflation.
27. To review the level of charges for copies of entries in the Food Premises Register and the Environmental Protection Act Register on an annual basis.
28. To review and update as necessary pest control charges for non-domestic work on an annual basis.
29. To waive payment of seizure and detention charges and the prescribed fee (but not kennelling charges) on the first occasion that a particular stray dog is seized and thereafter only in exceptional circumstances, and to review the charges annually for the return of a stray dog to its owner or when the prescribed fee is revised by statute.
30. To reduce charges for stray dog kennelling in special circumstances.
31. To authorise officers to enter and/or remove vehicles, equipment and machinery in connection with their duties under the Noise and Statutory Nuisance Act, 1993.

32. To regularly review the fees for animal welfare related licences and to increase those fees in line with inflation.
33. To administer the provisions of The Clean Neighbourhood and Environment Act 2005 including any Orders made under it and in accordance with The Dog Control (Prescribed Offences and Penalties etc) Regulations 2006 and The Dog Control Order (Procedures) Regulations 2006 to authorise Officers to issue Fixed Penalty Notices under any of the Dog Control Orders and to take proceedings in the Magistrates Court.
34. To seek a contribution from users of the "Houndogs" Scheme at £15.00 for one dog and a further £1.00 for each dog collected at the same time. Also to review and, if necessary, increase the level of this contribution in line with any increase in the cost to the Council of providing the service.
35. In accordance with the Environmental Protection Act 1990:-
  - (a) To designate litter control areas under Section 90 and to serve street litter control notices under Section 93.
  - (b) To lay complaints in the Magistrates' Court for Orders under Section 94 removal of street litter and institute proceedings under that section for failure to comply with such Orders.
  - (c) To institute proceedings under Section 87 'offence of leaving litter.'
  - (d) Under Section 88:
    - (i) appoint authorised Officers to issue Fixed Penalty Notices for litter offences.
    - (ii) collect the Fixed Penalty Notices received and forward to Secretary of State annually.
    - (iii) conduct reviews of the notices served.
    - (iv) instruct the Head of Legal & Democratic Services to take action in relation to the non-payment of Fixed Penalty Notices.
36. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
37. To propose under the Clean Neighbourhoods and Environment Act 2005, in consultation with the Head of Legal & Democratic Services, Leader and relevant Ward Councillors:-
  - the designation of all or part of the Borough as:
    - (a) An Alarm Notification Area
    - (b) An area where it is an offence to distribute free printed material without a consent
  - Amendments to Dog Control Orders

and to follow the relevant procedure.

38. To administer, issue consents, set consent fees and enforce the relevant provisions under the Clean Neighbourhoods and Environment Act 2005 in relation to the distribution of free material in recognised public car parks.
39. To take any action in connection with the development and preparation of the Crime and Disorder Strategy, in consultation with relevant Lead Member.
40. To appoint Officers as Inspectors under Sections 57 of the Animal Welfare Act 2006.
41. In consultation with the Head Finance, Procurement & Commercial Services and the Leader to determine what proportion of costs to be recovered from "Appropriate Persons" where remediation works are to be undertaken to contaminated land.
42. In consultation with the relevant Lead Member and in accordance with the provisions of the The Environmental Damage (Prevention and Remediation) Regulations 2009:
  - (a) to serve any notices
  - (b) to withdraw notices, if necessary
43. In accordance with the provisions of the Environmental Damage (Prevention and Remediation) Regulations 2009:
  - (a) to commence legal proceedings in relation to any offence
  - (b) to recover all relevant costs and, if necessary, register a charge on the property in respect of unpaid costs
  - (c) to instruct such contractors as necessary (up to the value of £10,000) in relation to an emergency, to prevent, contain or remedy environmental damage
  - (d) following consultation with the relevant Lead Member and Head of Finance, Procurement & Commercial Services, to instruct such Contractors as necessary in an emergency, to prevent, contain or remedy Environmental Damage, where the value of expected works exceeds £10,000
44. To undertake a tender exercise and award contracts for the kennelling of stray dogs on behalf of the Council, in consultation with the relevant Lead Member and, in this respect, to advertise in the local press, without compliance with Contracts Procedure Rules 8 and 9, for interested organisations to apply for inclusion on the tender list.
45. To implement and administer the National Food Hygiene Rating Scheme.
46. In consultation with the relevant Lead Member, to approve minor changes to the Noise Management Policy that do not affect service delivery.
47. In consultation with the relevant Lead Member, to approve minor changes to the Environmental Nuisance Policy that do not affect service delivery.
48. To take all measures to administer and enforce the provisions contained in the Microchipping of Dogs (England) Regulations 2015, including the giving of notices, taking prosecutions, responding to appeals, seizure and microchipping of dogs and recovery of costs.

49. To make any necessary minor amendments to the Public Space Protection Order.
50. In consultation with the relevant Lead Member, to approve and publish any future minor updates to the Contaminated Land Strategy.
51. To take all measures to administer and enforce the provisions contained in The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, including but not limited to the grant, refusal, variation, suspension and/or revocation of licences, appointment and/or instruction of inspectors, appointment of a listed veterinarian, serving notices, providing information to the Secretary of State, entering premises, taking prosecutions, responding to appeals, setting fees along with the assessment and recovery of costs.

### **(iii) Licensing**

1. To be responsible for the issue of the licences, permits and registration functions set out below in accordance with the established policies of the Council, subject to the proviso that where they are mindful of refusing, revoking or varying any condition or terms of existing licences/permits these shall be referred to the appropriate committee for determination:

Cinemas and Cinema Clubs	Licensing Act 2003
Gaming machines not on licensed premises	Gaming Act 2005
Hackney Carriage Vehicles And Hackney Drivers	Town Police Clauses Act 1847 (as amended), Local Government (Miscellaneous Provisions) Act 1976 Transport Act, 1985
House to House Collections	House to House Collections Act 1939 (as amended)
Hypnotism	Hypnotism Act 1952
Lotteries (Societies promoting)	Gambling Act 2005
Pleasure Boats and Boatmen	Public Health Acts (Amendment) Act 1907
Private Hire Vehicles, Operators and Drivers	Local Government (Miscellaneous Provisions) Act 1976 Transport Act 1985
Public Entertainments	Licensing Act 2003

Second Hand Goods Dealers	County of Lancashire Act 1984 Police, Factories, etc
Street Collections	(Miscellaneous Provisions) Act 1916
Theatres	Licensing Act 2003

2. To determine applications under the Licensing Act 2003 as follows:-
  - (a) Application for Personal Licence                      If no Police representation(s) have been made.
  - (b) Application for Premises Licence/  
Club Premises Certificate                      If no relevant representation(s) have been made
  - (c) Application for Provisional Statement                      If no relevant representation(s) have been made
  - (d) Application to vary Premises Licence/  
Club Premises Certificate                      If no relevant representation(s) have been made except where (K) applies
  - (e) Application to vary Designated Premises Supervisor                      If no relevant representation(s) have been made
  - (f) Request to be removed as Designated Premises Supervisor                      All cases
  - (g) Application for transfer of premises Licence                      If no Police representation(s) have been made
  - (h) Application for Authority                      If no Police representation(s) have been made
  - (i) Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.                      All cases
  - (j) Application from a Community Premises to remove the requirement for Designated Premises Supervisor                      If no Police representation(s) have been made
  - (k) Application for minor variation to Premises Licence/Club Premises Certificate                      All cases
3. To approve advertisements on hackney carriage and private hire vehicles subject to certain restrictions relating to the advertising of tobacco, alcohol, drugs, sex, politics, betting etc.
4. To refuse the grant of hackney carriage and private hire drivers licences for the reason of failure to pass the knowledge test.

5. To defer applications for licences, consents and permits where the applicant has legal proceedings or a Council investigation pending against them, until such time as the results of such proceedings or investigations are known.
6. To appoint authorised officers where required for all licensing functions within the Terms of Reference of the Licensing and Appeals Committee. The Chairperson to be advised of any appointment.
7. To give notice of intention to vary the fees and charges for vehicle, driver and operator licences under Section 70 of the Local Government (Miscellaneous Provisions Act 1976).
8. To authorise officers of neighbouring authorities to act as agents for the Council to facilitate the enforcement of taxis and private hire legislation in respect of cross-border operations pursuant to Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.
9. To refuse to renew any application for private hire or hackney carriage licences when a Disclosure and Barring Service (DBS) check is required when the application for renewal is not accompanied by the appropriate DBS application form.
10. To object to the Traffic Commissioners, to applications for the grant of Public Service Vehicles Licenses in cases where they consider that there are reasons to object.
11. To administer the Street Trading Consent Scheme, including the power to grant and renew a Street Trading Consent in accordance with the Street Trading Guidance Notes and Standard Conditions, but where they are mindful of refusing, revoking or varying a Consent, and the Consent-holder disagrees with the refusal, revocation or variation, then these be referred to the Licensing and Appeals Committee for determination.
12. To review the annual fee for a Street Trading Consent on a regular basis to keep it in line with inflation.
13. To prosecute for Street Trading offences under paragraph 10 of Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 and to appoint authorised officers under the terms of that Act.
14. To grant, renew, transfer or vary Sex Establishment Licences where there are no objections to the grant, renewal, transfer or variation of a licence, including taking action under paragraph 18(2)(a) and (b) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of applications for variation.
15. To prepare, publish and consult on draft statements of Sex Establishment Licensing Policy, subject to Council approval of any subsequent changes to the policy.
16. To make minor and inconsequential amendments to the Statement of Sex Establishment Licensing Policy.

17. To register, renew and vary entries on the Register of Motor Salvage Operators and to notify applicants of the Council's intention to refuse applications or renewals or to cancel registrations.
18. Under Section 5 of the Licensing Act 2003 to review the Council's Licensing Policy to prepare and consult upon all future reviews of the Policy prior to reporting to the Licensing and Gambling Committee and Council for approval and adoption of the revised Licensing Policy, and to make any minor/inconsequential amendments to the draft statement.
19. To undertake tender exercises and award contracts for MOT testing of private hire and hackney carriage vehicles licensed by the Council, in consultation with the relevant Lead Member and, in this respect, to advertise in the local press, without compliance with Contract Procedure Rules, for interested organisations to apply for inclusion on the tender list.
20. To make minor procedural changes to the Hackney Carriage and Private Hire Forum's Constitution as may be necessary in order to keep it relevant and up to date.
21. Under the sections of the Equality Act 2010, set out below relating to Hackney Carriage and Private Hire to:
  - assess and grant applications for exemption under  
Section 166 (Wheelchair Exemptions)  
Section 169 (Assistance Dog Exemptions in Taxi's)  
Section 171 (Assistance Dog Exemptions in Private Hire Vehicles)  
subject to the proviso that where they are mindful to refuse such applications these will be referred to and determined by the Licensing and Appeals Committee.
  - maintain a list of vehicles under Section 167
  - make minor/inconsequential amendments to the Council's Hackney Carriage and Private Hire Policy.
  - to issue formal cautions and to lay information and complaints in Court in respect of offences under Sections 160 to 173.
  - To publish and maintain the list of vehicles designation for the purposes of Section 165.
22. To act on behalf of the Council as the Licensing Authority, when taking actions necessary under the Licensing Act 2003.
23. To suspend Premises Licenses and Club Premises Certificates for non-payment of annual fees in accordance with the Licensing Act 2003.

**(iv) Community Safety**

1. Under Sections 19-28 of the Criminal Justice and Police Act 2001 to:-
  - serve closure notices on premises under the terms of Section 19.
  - apply for and serve closure orders on premises under the terms of Section 20 and 21.
  - serve a notice of cancellation under Section 19 and to terminate closure orders under Section 22.



- appoint authorised persons under Section 25.
  - lay informations for prosecutions under Section 25.
  - take all necessary action to defend appeals brought under Section 24.
2. Under the relevant Sections of the Anti-Social Behaviour Act 2003 to:-
    - prosecute for offences under Section 40(4), closure of noisy premises
    - appoint Officers to serve Penalty Notices under Section 43(1) for graffiti and fly posting
    - prosecute, as appropriate, in respect of relevant offences under Section 44(1), including the laying of informations
    - serve Graffiti Removal Notices under Section 48
    - authorise Officers to take all necessary actions to remove graffiti under Section 48(4)
    - to take all necessary action under Section 49 to recover expenditure incurred in the removal of graffiti, and
    - take all necessary action in respect of appeals under Section 51
    - To enforce the provisions which relate to Anti-Social Behaviour Orders.
    - To grant consent to the authorisation of a Dispersal Order in consultation with the Leader.
    - To be the Officer consulted on any proposal to withdraw a Dispersal Order on application from Lancashire Constabulary.
  3. Under the relevant Sections of the Noise Act 1996 to:-
    - serve Warning Notices under Section 3
    - prosecute for offences where noise exceeds permitted level under Section 4 including the laying of informations.
    - authorise Officers to serve Fixed Penalty Notices under Section 8
    - authorise persons under Section 10 powers of entry and seizure
  4. To submit applications for funding, in relation to Community Safety and Social Inclusion, which the Council may be eligible for from time to time.
  5. To authorise, in consultation with the Head of Legal & Democratic Services, the release of CCTV photographic skills to the media, in specific (and appropriate) circumstances:-
    - Where the Police seek publicly to find a suspect;
    - Where the public's assistance is needed in order to assist in the identification of a victim, witness or perpetrator in relation to a criminal incident. In line with the Code of Practice, the wishes of the victim of the incident will be taken into account.
    - Where this would assist in the general prevention or reduction of crime or the fear of crime. In these circumstances, however, the stills would only be released if the images of individuals could be disguised or blurred so that individually they are not readily identifiable. An example of these 'appropriate circumstances' might be where images of drunken individuals stumbling around a town centre on a Saturday night might be released to show the proper use of Council and Police resources to combat anti-social behaviour.
  6. In consultation with the Head of Legal & Democratic Services and the relevant Lead Member to authorise, amend and update the Policy for Publication of CCTV (and other) Images of Convicted Persons.

7. To authorise promotion and enter into all necessary agreements for the use for this purpose of the CCTV facilities on behalf of all Council Services in accordance with the Policy for Publication of CCTV (and other) Images of Convicted Persons requirements.
8. In consultation with the relevant Lead Member to publish the CCTV Annual Report.
9. Under the relevant Sections of the Anti-Social Behaviour, Crime and Policing Act 2014 to instruct the Head of Legal & Democratic Services to :-
  - (i) apply for injunctions under the provision of Part 1;
  - (ii) apply for a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1;
  - (iii) apply for a variation of discharge of an injunction obtained under the provisions of Part 1;
  - (iv) apply for a committal application on any breach of an injunction;
  - (v) apply for a Criminal Behaviour Order under the provisions of Part 2, where a person is convicted of an offence following a Council led prosecution and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person;
  - (vi) apply for a variation of discharge of a Criminal Behaviour Order obtained by the Council under the provisions of Part 2;
  - (vii) apply for a warrant to seize items used in the offence of failing to comply with a Community Protection Notice;
  - (viii) apply for an extension of a closure order for a period of closure over 48 hours of discharge of a court extended closure order;
  - (ix) apply to the Magistrates' Court for an order recovering the costs incurred to the Council in cleaning, securing and maintaining a premises subject to a closure order;
  - (x) take all necessary steps to defend the Council against any appeals against the service of a Notice under Part 4.
10. To consult with the relevant Youth Offending Team in respect of persons under 18 years old on the application for an injunction, criminal behaviour order or on an application to vary or discharge an existing injunction or criminal behaviour order.
11. To inform and/or consult any body or individual deemed appropriate or specified in Government Guidance on the application for an injunction, criminal behaviour order or Closure Order or on an application to vary or discharge an existing injunction or criminal behaviour order.
12. To request that the Crown Prosecution Service or any other prosecuting authority apply for a Criminal Behaviour Order under the provisions of Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 where a person is convicted of an offence and the behaviour of the offender was such that caused or was likely to cause harassment, alarm of or distress to any person working, residing or visiting the Borough.
13. To supervise compliance on behalf of the Council with any positive requirement contained in an injunction or Criminal Behaviour Order and to promote such

compliance and to inform the appropriate Chief Officer of the Police when the Defendant has fully complied or failed to comply with the positive requirements of the order.

14. Under the following Sections of the Anti-Social Behaviour Crime and Policing Act 2014 to issue formal cautions and to lay informations:-
  - (i) under Section 30 for a breach of a Criminal Behaviour Order obtained by the Council;
  - (ii) under Section 48 for the offence of failing to comply with a Community Protection Notice;
  - (iii) under Section 63 or 67 for failing to comply with the prohibitions imposed by a Public Spaces Protection Order;
  - (iv) Under Section 86 for remaining in or entering a premises subject to a Closure Order.
15. To issue Community Protection Notices under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014.
16. To enter land and premises open to the air and carry out any necessary works to ensure any failure to comply with a Community Protection Notice under Section 47 of the Anti-Social Behaviour Crime and Policing Act 2014 and recover the costs of doing so.
17. To dispose or of destroy of any item used in the commission of the offence of failing to comply with a Community Protection Notice, which a court has ordered be handed over to the Authority under Section 50 of the Anti-Social Behaviour, Crime and Policing Act 2014.
18. To issue fixed penalty notices, where they deem appropriate, for the offence of failing to comply with a Community Protection Notice or for failure to comply with a Public Space Protection Order. The fixed penalty notice be issued for the maximum amount as set by the Anti-Social Behaviour, Crime and Policing Act 2014 or amended by subsequent legislation.
19. To serve Notice to Quit, Notice to Terminate Introductory Tenancy and Notice Seeking Possession on grounds specified in Section 84A and under Grounds 1, 2, 2ZA and 2A of Schedule 2 of the Housing Act 1985 and instruct the Head of Legal & Democratic Services to and apply for possession and warrants of eviction obtained on these grounds.
20. To issue, vary or discharge closure notices for a maximum 24 hour period under Part 4 Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014.
21. To designate authorised officers to carrying duties specified under Sections 51, 63 and 85 of the Anti-Social Behaviour, Crime and Policing Act 2014.
22. To issue Public Spaces Protection Orders in consultation with the relevant Lead Member, except where the Prohibitions relates to alcohol, where the Chairperson of the Licensing and Gambling Committee shall be consulted.

23. To undertake all steps necessary to comply obligations under Part 6 of the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to Community Remedies and consult where necessary with other statutory bodies.

**(v) Gambling**

1. To determine applications under the Gambling Act 2005

Application for premises licence	Where no representations received/representations have been withdrawn
Application for a variation to a licence	Where no representations received/representations have been withdrawn
Application for a transfer of a licence	Where no representations received from the Gambling Commission
Application for a provisional statement	Where no representations received/representations have been withdrawn
Application for a club gaming/club machine permits been withdrawn	Where no objections made/objections have
Applications for other permits	All cases
Cancellation of licensed premises gaming machine permits	All cases
Consideration of temporary use notice	All cases

2. Under the relevant sections of the Gambling Act 2005 to:-

- (a) make a recommendation to the Licensing and Gambling Committee to propose to attach a condition(s) to a premises licence under Section 169(1)(a).
- (b) make a recommendation to the Licensing and Gambling Committee to propose to exclude under Section 169(1)(b) a condition(s) that would otherwise be attached to a premises licence under Section 168.
- (c) attach a condition(s) to a new or existing licence under Section 169(1)(a) and/or to exclude a condition(s) under Section 169(1)(b) that would otherwise be attached to a new or existing licence under Section 168, where agreement is made with the applicant, thereby avoiding the need for a hearing before the Licensing and Gambling Committee.

**(vi) Emergency Planning**

1. To be responsible for emergency planning and the development of response and contingency plans.
2. To take any action, including the incurring of expenditure, in connection with an emergency or disaster in the Borough.
3. To develop and maintain the Corporate Business Continuity Incident Management Plan and the Service Business Continuity Incident Management Plans.

**(vii) Private Sector Housing**

1. To administer the Council's duty to housing the homeless in accordance with the Housing Act 1996 as amended.
2. To ensure, in consultation with the relevant Lead Member, that suitable arrangements are in place for an Out of Hours Homelessness service.
3. To acquire, hold and dispose of private sector housing land in accordance with the wishes of the Council.
4. To manage consultation forums and panels as required.
5. To be responsible for authorising action under the Housing Act 1988 in relation to protection from eviction.
6. To be responsible for making payments in accordance with Council Policy on Home loss, disturbance and subsidy.
7. To review and make changes to the Homeless Prevention Fund Policy, in light of changes in legislation or case law.
8. To respond, after consultation with the relevant Lead Member, to the Homes and Communities Agency, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
9. In consultation with the relevant Lead Member, to prepare, conduct and publish the results of stock condition surveys.
10. To determine applications under Section 268 Public Health Act 1936 (as amended) for the use of land for moveable dwellings subject to any necessary planning permission.
11. To administer the Council's Housing Renewal Assistance Policy and the Regulatory Reform (Housing Assistance) England and Wales Order 2002.
12. To provide an agency service for housing loan, housing grant and disabled facilities grant applicants and make payments as appropriate.
13. To sign contracts making the appointment of Contract Supervisor for Minor Works contracts undertaken in connection with the Council's Grant Agency Service, and to undertake appropriate duties in relation to the said appointment.

14. To administer the relevant provisions of the Law of Property Act 1925 and the Local Land Charges Act 1975 and to implement other necessary action.
15. To administer the relevant provisions of the Criminal Justice and Public Order Act 1994 and Civil Procedures Rules Part 55, give directions, serve Notices, enforce, enter in claims or applications, lay information to Court in respect of offences in appropriate cases, make complaint to Court for Orders in appropriate cases and take steps for ensuring that Orders are complied with, and in administering the Act to investigate the circumstances of unauthorised campers to ensure that the rights and welfare of children are safeguarded.
16. To waive charges for dealing with unauthorised campers on privately owned land under the Criminal Justice and Public Order Act 1994 if they consider such charges to be irrecoverable except where they considers it would be in the public interest to use those powers under this Act to most effectively deal with an unauthorised encampment.
- 17 To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, set and impose penalty charge notices, review and determine penalty charges where representations are made, authorise applications for rent repayment orders, determine representations made against the notice of intent to serve a rent repayment order, review, determine and impose civil penalties, issue formal cautions and to lay information and complaints to the Court in relation of offences in appropriate cases under the following elements and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:
  - Public Health Act (s) 1936 and 1961
  - Prevention of Damage by Pests Act 1949
  - Caravan Sites and Control of Development Act 1960
  - Caravan Sites Act 1968
  - Local Government Act 1972
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1984
  - Housing Act 1985
  - Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
  - Local Government and Housing Act 1989
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Protection from Eviction Act 1977
  - Home Energy Conservation Act 1995
  - Local Government Act 2000
  - Regulations Reform (Housing Assistance) (England and Wales) Order 2002
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
  - Enterprise and Regulatory Reform Act 2013
  - The Energy Act 2013 – The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 (only)
  - Housing and Planning Act 2016

18. To carry out enforcement action under the Redress Scheme for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014 and to exercise the discretion to impose a lesser monetary penalty than the £5,000 for failure to comply where there are extenuating circumstances.
19. To undertake the following licensing functions under the relevant enactment and regulations including the making of periodic increases in licensee fees in line with inflation and the laying of information and complaints to a Court in respect of legal proceedings in relation to:
  - Caravan Sites
  - Houses in Multiple Occupation
20. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:
  - Public Health Act(s) 1936 and 1961
  - Prevention of damage by Pest Act 1949
  - Caravan Sites and Control of Development Act 1960
  - Caravan Sites Act 1968
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1985
  - Housing Act 1985
  - Local Government and Housing Act 1984
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Housing Act 1996
  - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
  - Housing Act 2004
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
21. To authorise the service of Notices requiring information as to the ownership of land/premises.
22. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person when they consider it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
23. To operate the Rental Deposit Scheme in accordance with Council Policy and to grant Rental Deposit Grants in accordance with the provision of the scheme.
24. Be authorised to work with Helena Partnerships to develop and implement an Empty Homes Lease and Repair Scheme.
25. In consultation with the relevant Lead Member, to review and update the Empty Homes Lease and Repair Scheme as required.

26. In consultation with the relevant Lead Member, to review and make future changes to the Disabled Adaptations Policy in light of any legislative or economic changes.
27. In relation to the Smoke and Carbon Monoxide Alarm (England) Regulations 2015:
  - (a) To receive written representations from Landlords in receipt of a Remedial Notice; determine what (if any) action is required and to notify the landlord of the decision.
  - (b) To receive in writing from Landlords requests seeking a review of a Penalty Charge Notice; to determine what (if any) action is required and to notify the landlord of that decision.
- (a) In consultation with the relevant Lead Member, prepare and publish the 'Statement of Principles' which it proposes to follow in determining the amount of a Penalty Notice.
28. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).
29. To consider written representations from landlords that have received a Notice of Intent to issue either a civil penalty or a Rent Repayment Order (RRO) and to determine whether to impose a civil penalty, and if so the amount of the penalty, or apply for a RRO, in accordance with the RRO Policy.
30. The authority to administrate and enforce the relevant provisions of the Building Safety Act 2022.
31. To appoint Officers where appropriate under the Building Safety Act 2022.

## **WELLBEING & PLACE**

### **(i) Leisure Facilities, Contracts Management & More Positive Together**

1. To select suppliers and purchase playground equipment and undertake renovation works ensuring value for money in accordance with Contracts Procedure Rules and Financial Procedure Rules.
2. To arrange for the removal of children's playground equipment in the interests of public safety.
3. To vary the booking fee if it is necessary to relocate a hall user to another facility if relocation results in a higher fee to the user.
4. To enter into agreements to allow event organisers to make appropriate charges for entrance and car parking at Beacon Country Park and other Pleasure Grounds.
5. To take such action as may be necessary, in respect of any use of Council Public Open Space facilities by fairs or circuses.



6. To determine applications for use of Council-owned land held for recreational use in accordance with Council policy and to levy such additional charges as individual circumstances dictate.
7. To let all public halls, games facilities, including public open space, swimming pool and facilities, in accordance with Council policy.
8. To make available the Council's leisure accommodation, free of charge, to approved bodies or organisations of a similar nature, for the purpose of holding approved meetings.
9. To determine applications for the use of Council bowling greens, without charge, for the purpose of holding approved competitions.
10. To determine applications for the use of Council squash facilities, without charge, for the purpose of staging events in aid of charity.
11. To determine applications for the use of all Council related leisure facilities for training schemes for children.
12. To arrange for the closure of recreational facilities including leisure centres, parks, recreation grounds, cafes or any facility managed, operated either directly or indirectly by the Service without notice, in emergencies in the interests of public safety.
13. To act as or authorise another officer to act as the Council's licensee in relation to Council licensed premises, subject to the obtaining of a Personal Licence and to instruct the Head of Legal & Democratic Services to make applications for any necessary licenses permits.
14. To approve and issue all official publicity, press statements and official publications including social media/digital communications in relation to any aspect of the work or functions of the Service.
15. To alter Council charging policy for the purpose of protecting Council income, and in response to market forces. This is to include price increases or reductions of facility and activity charges for example (but not limited to)\_swimming charges, fitness suites, school holiday activities, schemes to increase the use of facilities including free use, all café charges, play, spa, sports (indoor and outdoor) participation including hire.
16. To determine the Council's continued involvement in the Green Partnership Awards Scheme in consultation with the relevant Lead Member.
17. In consultation with the relevant Lead Member, and the Head of Legal & Democratic Services, to negotiate and enter into lease agreements for lease and licence arrangements in respect of the Skelmersdale Meeting Rooms with tenants/licensees providing recreational and community facilities, on such terms and conditions as they shall (in consultation) determine subject to all statutory and other relevant consents being obtained.
18. In consultation with the relevant Lead Member and the Head of Legal & Democratic Services, to take all necessary action and enter into all necessary

agreements to terminate any lease or licence in respect of the Skelmersdale Meeting Rooms.

19. In consultation with the relevant Lead Member, to review existing allotment agreements and implement new agreements, including the revocation/variation of existing allotment rules and authorisations.
20. To issue agreements for societies, groups and individuals to use Council owned allotments.
21. To take all necessary steps to give effect to the management arrangements in respect of the Council's allotment holdings, including putting in place suitable agreements and leases and the obtaining of all necessary consents.
22. To take all steps necessary for the day-to-day control and efficient and effective delivery of the Council's Leisure Services including but not limited to the review of fees and charges, financial management, contract and procurement activities, engagement of contractors, determination of operating hours, communications, promotional activities, venue operating times, lettings, IT, policies and operating procedures, Health & Safety.
23. Decisions shall be further delegated to as close to the point of service delivery as is deemed appropriate in the circumstances.
24. All delegated powers must be exercised subject to adequate budgetary provision being available and in consultation with the Head Of Finance, Procurement & Commercial Services, as appropriate.

## **(ii) Economic Development & Regeneration**

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. To prioritise the implementation and scale of the schemes in relation to funds available towards the end of the West Lancashire Inspire Project.
6. In conjunction with the Head of Finance, Procurement & Commercial Services, to accept payments of Grants.
7. In consultation with the relevant Lead Member, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

8. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
9. In consultation with the relevant Lead Member to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
  - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
  - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
  - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the West Lancs College/NCG and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
  - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
12. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
13. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
14. In consultation with the Leader, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
15. In respect of the Moor Street Gateway Redevelopment Project:
  - a) in consultation with the Leader:-

- negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
  - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
  - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
  - secure appropriate tenants for the ground floor space that will belong to the Council
- b) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.

### **(iii) Markets and Car Parks**

1. To operate and administer car parks and the Ormskirk Bus Station in accordance with Council policy including the removal/relocation of vehicles as provided in the Council's Car Park Control Orders.
2. To determine requests from the duly appointed enforcement contractor, for an increase in the contract price for the enforcement of pay and display car parking in Ormskirk Town Centre to reflect increases in the national minimum wage, in consultation with the Leader.
3. To administer the decriminalised parking arrangements and agree amendments to PATROL arrangements as appropriate.
4. To determine requests for the excess charge, imposed in respect of contraventions of the West Lancashire District Council (Off Street Parking Places) (Consolidation) Order 2008, to be waived.
5. To determine requests in consultation with the Leader, for increases in the discount allowed to residential permit holders to park on The Stiles Car Park. This subject to the proviso that only one parking permit be issued per dwelling in accordance with arrangements to the issue of such permits.
- 6.. To suspend or terminate market stallholders occupancy and to determine appeals in respect of written warnings or final written warnings.

## **PLANNING SERVICES**

### **Note**

**\*\* Notwithstanding the provisions contained below in items (i)1, (i)2, (i)9 and in Environmental Services (iv)1 above, all planning applications, applications for advertisement, listed building and certificate of lawfulness, and consent for works to trees that have been submitted by:-**

- (a) elected Members of West Lancashire Borough Council,
- (b) by staff employed in Planning Services,

- (c) employed elsewhere within the Council but involved in any part of the development control/enforcement process or,
- (d) the Chief Operating Officer, Corporate Directors and Heads of Service

or by spouses, partners or close family of such persons as referred to in a, b, c, and d be not delegated to the Corporate Director of Place & Community, but be referred to the Planning Committee for a decision.

**(i) DEVELOPMENT CONTROL**

- \*\*1. To deal with and determine full planning applications, outline planning applications, applications for approval of reserved matters and applications for listed buildings and (which are considered to be uncontroversial and which would not have a wide and significant environmental impact).
- \*\*2. To deal with the administration of applications and consultations submitted under planning legislation and to have full delegation rights to determine the following classes of development applications/consultations:
  - (a) Vehicular accesses
  - (b) Advertisements
  - (c) Electricity sub-stations
  - (d) Certificates of Lawful Development
  - (e) The determination as to whether or not prior approval of the local planning authority is required in respect of agricultural developments covered by the prior notification procedures
  - (f) Applications for development by or on behalf of Electronic Communications Code Operators, submitted for determination under Part 16 of the Town and Country Planning (General Permitted Development) Order 2015
  - (g) The determination as to whether or not the prior approval of the local planning authority is required in respect of proposed demolitions and any proposed restoration of any site in respect of any proposals to demolish under Section 13 of the Planning and Compensation Act 1991 and associated legislation.
- (h) Industrial/commercial applications on industrial estates which comply with Council planning policies.
  - (i) Development in respect of Housing Estates Remodelling or similar refurbishment schemes.
  - (j) Consultations by neighbouring planning authorities.
  - (k) Prior approval applications submitted pursuant to the Town and Country Planning (General Permitted Development) Order 2015

- (l) Non-material amendments to previously approved planning and other applications.
  - (m) Environmental Impact Assessment (E1A) scoping/screening.
3. To determine matters submitted in accordance with the requirements of conditions imposed on any formal approval or permission.
  4. In consultation with the Chairperson of the Planning Committee and relevant ward members to respond to consultations from the County Planning Officer on Development Order (IDO) Mineral planning permission submissions.
  5. To issue, serve and withdraw Planning Contravention Notices.
  6. To enter into, modify and discharge Planning Obligations under Section 106 of the Town and Country Planning Act 1990, subject to consultation with the Head of Legal & Democratic Services.
  7. To make objections or lodge appeals on behalf of the Council to applications in respect of Goods Vehicles Operators Licences and in consultation with the Head of Legal & Democratic Services to present the Council's objection at any subsequent public inquiry and take any necessary action in relation to appeals.
  8. To authorise officers to exercise the powers of the Council under Section 225 of the Town and Country Planning Act 1990. (Power to remove or obliterate placards and posters).
  - \*\*9.
    - (a) To circulate to all members of the Council (at weekly intervals) a list of development applications received by the Council.
    - (b) To issue appropriate decision notices in respect of applications in any such lists as is referred to in (a) above three weeks from the date of issue of that list subject to there being no objection, or unresolved query from a member of the Council or outstanding response to consultation or notification (including Parish Councils and neighbours) where the period for response has not expired.
    - (c) To submit a list in Planning Committee Members Update of applications in respect of which they have issued decision notices under the authority contained in (b) above along with a list of any related Appeal decisions.
  10. To instruct the Head of Legal & Democratic Services to serve discontinuance notices in respect of all unauthorised unsuitable signs or time expired unsuitable signs.
  11. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Breach of Condition Notices or Enforcement Notices in respect of Breach of Conditions.
  12. To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Enforcement Notices, Temporary Stop Notices and Stop Notices in respect of unlawful development that results in identified planning harm; and, to close planning complaint files where it is not considered expedient to pursue

further action save for those sites with expressed elected Member interest or sites of a controversial nature.

13. In consultation with the Chairperson of the Planning Committee, To instruct the Head of Legal & Democratic Services to issue, serve and withdraw Untidy Site Notices (Section 215).
14. To remove unauthorised direction signs and advertisements on highways and to recover the cost of so doing, as appropriate.
15. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s) to determine applications/requests for Footpath Orders under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to make the corresponding Order.
16. In consultation with the Chairperson of the Planning Committee and Ward Councillor(s), to determine applications to stop up, divert or extinguish highways under the Town and Country Planning Act 1990 and to instruct the Head of Legal & Democratic Services to thereafter make the appropriate Order or application as the case may be.
17. Under the relevant sections of the Clean Neighbourhoods and Environment Act 2005, to require persons of a specified description (following guidance from the Secretary of State) to prepare plans for the management and disposal of waste created in the course of specified descriptions of work involving construction or demolition.
18. In consultation with the relevant Lead Member, to consult on and decide, the local list of planning applications validation requirements as set down in the Appendix to the report to Cabinet on 16 November 2010, and to make subsequent modifications or replace the list in the future.
19. (a) to take all steps necessary to implement the Community Infrastructure Levy Regulations 2010 (as amended) and  
(b) to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
20. In consultation with the relevant Lead Member, to consider and authorise any reasonable changes to the details of any approved schemes which include any minor changes to CIL funding or delivery timescales, that may be necessary to facilitate the subsequent delivery of an approved project.
21. To apply surcharges in accordance with the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and the said Regulations.

**(ii) BUILDING CONTROL**

1. To deal with the administration and determination of applications for Building Regulation Approval.

2. To exercise the Council's powers in respect of defective premises, demolition etc under Sections 77,78,79,81, 82 and 83 of the Building Act, 1984 and to take such action as is necessary.
3. To issue notices under Regulation 14 of the Building Regulations requiring work to be uncovered where notice of commencement or other stages of work has not been given to the Council.
4. To take action, in consultation with the Head of Legal & Democratic Services, under Section 35 of the Building Act 1984 where a person contravenes a provision contained in the Building Regulations.
5. To take action, in consultation with the Head of Legal & Democratic Services, under Section 36 of the Building Act 1984 requiring work which contravenes Building Regulations to be removed or altered as expedient.
6. To operate, amend and publicise the Scheme of Charges for Building Regulation work.
7. To take action to recover charges in accordance with the Scheme of Charges for Building Regulation work.
8. To take action under Section 29 of the Local Government (Miscellaneous Provisions) Act 1982 (Protection of Buildings).

**(iii) PLANNING POLICY & HERITAGE**

1. To undertake public consultation on draft Conservation Area documents, in consultation with the relevant Lead Member, prior to reporting to Council on the outcome of such consultation (including consultation with the Planning Committee) with a view to securing approval or adoption of the documents.
2. To authorise the Head of Legal & Democratic Services to issue, serve and withdraw Listed Building Preservation Notices and Urgent Work Notices under Sections 3 and 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To deal with the numbering of properties and in consultation with the relevant Lead Member and appropriate ward councillor(s), the name of the streets and the renaming of streets and to act as the LLPG Custodian and to take all necessary action in respect of the addresses of properties in the Borough.
4. To amend the Street Naming and Numbering Policy, process and charges in consultation with the relevant Lead Member.
5. In consultation with the relevant Lead Member to implement the actions set out under Section 4.4 of the Report considered by the Cabinet on 3 June 2003 and make the necessary arrangements for publishing the "Design Champion" initiative.
6. To publish the Annual Monitoring Report.



7. In consultation with the relevant Lead Member, to update the Local Development Scheme and publish it on the Council's website should any further iterations of the document be required.
8. In consultation with the relevant Lead Member, to assist in the Climate Change Strategy and Action Plan 2020 – 2030.
9. To take all steps necessary to implement and administer the Community Infrastructure Levy Regulations 2010 (as amended) and to take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended).
10. To implement the provisions of the application process identified in the protocol for amending or adding names to Council owned War Memorials.
11. In consultation with the Leader, to determine any applications for amending or adding new names to Council owned War Memorials in accordance with the agreed protocol and, in consultation with the Leader, to make any minor amendments to the protocol following its implementation.
12. In consultation with the Leader to consider applications for neighbourhood areas made in West Lancashire and, where the neighbourhood area is considered appropriate, to designate those neighbourhood areas.

**(iv) GENERAL – Development Control, Building Control and Planning**

1. To have responsibilities under the following provisions of the Local Government (Miscellaneous Provisions) Act, 1976 including the power to take all necessary action:
  - (a) Section 15 - Authority to carry out surveys with power to authorise persons to carry out the same.
  - (b) Section 16 - Authority to serve Notices and to take all necessary action in respect thereof.
  - (c) Section 23 - Authority to take all necessary action when a Notice is served on the Council under this section.
  - (d) Section 24 - Authority to serve Notices.
  - (e) Section 25 - Authority to serve Notices.
  - (f) Section 26 - Authority to authorise persons to enter onto land.
2. To submit and present the Council's evidence at Local Plan and Development Plan Document Examinations in Public, LDF Examinations, Public Local Inquiries and in Planning and Enforcement Notice Appeals and in the Courts.
3. To appoint consultants to carry out assignments for the Council subject to there being appropriate budgetary provision and to publish where appropriate the findings of these assignments.

4. In consultation with the relevant Lead Member to make minor amendments to the Planning Services Customer Charter.
5. To dispose of surplus plant, machinery, equipment or man hours in accordance with Contracts Procedure Rules and Financial Regulations.
6. To place orders for the purchase of vehicles or plant to be financed from the Council's Capital Programme for individual items or groups of items up to the amount approved in the Programme, subject to a report on the action taken being reported by including an Article in the relevant Members Update.
7. To exercise the functions, powers and duties of the Council under Sections 20, 31 and 34 of the County of Lancashire Act, 1984.
8. To amend the Planning Charges documentation for: pre-application advice, specialist advice, drafting, negotiating and monitoring of legal agreements, when adopted. (Minute 135 Cabinet 15 March 2011 refers).
9. In consultation with the relevant Lead Member to amend the service, procedures, delivery and charging schedule for Energy Assessments for new Residential Properties.
10. To implement a Cycle to Work Scheme, utilising the Government's 'Cyclescheme' initiative and to take all necessary action relating thereto.
11. To publish, review and maintain Part 1 of the Brownfield Land Register and to propose land for inclusion in Part 2 of the Register (both aspects) in consultation with the relevant Lead Member and to carry out all necessary publication, notification and consultation procedures.
12. To also determine applications for Technical Details Consent.

**(v) STRATEGIC PLANNING, REGENERATION AND EXTERNAL FUNDING**

1. To prepare the documents setting out the Council's proposals as to the steps to be taken in the financial year for the promotion of economic development and regeneration.
2. To submit applications for External Funding and for other specific funds to which the Council may from time to time be eligible for, to make applications and to carry out all necessary administrative, monitoring and reporting functions.
3. To approve grants under any schemes agreed by the Council which do not exceed £10,000.
4. To exhibit, promote and publicise the services of the Council for economic development and regeneration.
5. In conjunction with the Head of Finance, Procurement & Commercial Services , to accept payments of Grants.
6. In consultation with the relevant Lead Member, to enter into Agreements with Lancashire County Council to deliver appropriate enterprise support activities.

7. In consultation with the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s) to work collaboratively with Lancashire Economic Partnership.
8. In consultation with the relevant Lead Member to enter into all necessary agreements and take forward individual schemes for the sponsorship of roundabouts as detailed in Appendix A to the report considered by Cabinet on 14 September 2010.
9. To develop and expand on the National Procurement Concordat concept by delivering and marketing a programme of business support activity from within the Investment Centre and entering into necessary negotiations and contracts required for such delivery.
10. To administer the Community Right to Bid process, to include, in consultation with the relevant Lead Member, the consideration and determination of the listing of assets and compensation.
11. In consultation with the Leader to:-
  - Establish the terms of, and enter into a collaboration agreement with English Partnership under which both the Homes England and the Council will agree that their respective land holdings which are relevant to the Skelmersdale Town Centre Regeneration Project will be used for that purpose.
  - Undertake the necessary tender exercise and identify a (preferred) development partner (all in accordance with details set out in the report of the Deputy Chief Executive to Cabinet on 23 March 2006 and endorsed at Council on 26 April 2006).
  - Negotiate all appropriate terms with the (preferred) developer and enter into a development agreement(s) for the execution of the Project with the developer and all other relevant parties
  - Negotiate with any of the other land holders who have not already expressed a firm intention to join the Project (principally the College and Lancashire County Council) to allow them to properly and fully contribute to the Project, including entering into any necessary legal agreement(s).
  - Take all necessary steps to implement the Project including, where necessary, entering into any legal agreement(s).
12. To determine, in consultation with the Leader, whether to refer cases involving non-NWDA breaches of grant agreements, including shortfalls in outputs delivery, for action as set out at Constitution 4.3 (paragraphs 2.5 and 6.6) in respect of matters under the Pilot Land and Property and Inspire Projects.
13. In consultation with the Leader to renew membership and provide notice to withdraw from the 4NW on an annual basis.
14. In consultation with the Leader to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow the construction of

new office facilities for the Co-operative Bank. That delegation to include the obtaining/granting of all licenses, easements, permissions and all other matters necessary to facilitate the development.

15. In consultation with the Leader, to negotiate and enter into necessary agreements to allow the exit of the Co-operative Bank Plc from Delf House.
16. In consultation with the Leader, to identify an acceptable phased town centre development as outlined in the report and to negotiate and agree amendments to the Skelmersdale Town Centre Development Agreement to allow its construction, That delegation to include the obtaining/granting of all licences, easements, permissions and all other matters necessary to facilitate the development.
17. In respect of the Moor Street Gateway Redevelopment Project:
  - c) in consultation with the Leader:-
    - negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project
    - negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties
    - take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements
    - secure appropriate tenants for the ground floor space that will belong to the Council
  - d) to pursue and accept any external grant funding that would benefit the Moor Street Gateway Redevelopment Project.
18. That delegated authority be given to effect transfers to increase the allotment provision within the Borough.

## **2.3C Delegations to Corporate Director of Transformation, Housing & Resources; Head of Finance, Procurement and Commercial Services; and Head of Legal & Democratic Services**

### **A. Corporate Director Of Transformation, Housing & Resources**

#### **GRANTS & PROCUREMENT**

1. To approve, in consultation with the Funding of Voluntary and Other Organisations Voluntary Working Group, the making of grants to voluntary organisations.
2. To award grants under the Older People's Grant Scheme, in consultation with the Champion for Older People.

3. In consultation with the relevant Lead Member to, review, update and reissue the Procurement Strategy as necessary and to produce/amend and issue/reissue all appropriate documentation in support of this Strategy.
4. To produce and update as appropriate a Procurement Action Plan for the Council, in consultation with the relevant Lead Member.

## **COMMUNICATIONS & ENGAGEMENT**

1. To appoint consultants to undertake external consultations as required to assess customer opinion and feedback on all services, subject to there being appropriate budgetary provisions.

## **BUSINESS TRANSFORMATION & CHANGE**

1. To prepare and issue the Council Priorities Delivery Plan.
2. To make any necessary changes, in consultation with the Leader, to the performance management framework.
3. Together with the Head of Finance, Procurement & Commercial Services, be appointed as Director of the Development Company known as Tawd Valley Developments Limited.

## **STRATEGIC ICT**

1. To review and update as appropriate in consultation with the Leader the Protocol on the use of ICT by Members.

## **N.B. AGREEMENTS WITH LANCASHIRE COUNTY COUNCIL DIGITAL SERVICES LIMITED**

All appropriate delegated authority was given by the Council on 20<sup>th</sup> July 2011 to give effect to the provisions of the Shared Services Agreement and Secondment Agreement in relation to the partnership with Lancashire County Council and One Connect Limited as stated therein. One Connect Limited changed its name to BT Lancashire Services on 17 April 2014. Delegations then passed to Lancashire County Council Digital Services Limited in 2021.

## **BUSINESS SUPPORT**

1. To sign official certificates of search in the register of local land charges and after consultation with the relevant Lead Member to set the fee for a local search.
2. In consultation with the Leader and the relevant Lead Member to authorise and amend the Land Charges Services and set the relevant fees for such services in future years, having regard to the Guidance, and to publish details of fees.

## **CORPORATE COMPLIANCE & GOVERNANCE**

- 1.. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
2. . In consultation with the Leader, to make minor amendments to the Corporate Draft Recovery Policy for it to remain effective and relevant.
- 3.. To co-ordinate compliance with the requirements of the Data Protection legislation and to determine requests for disclosure of personal data.
- 4.. To make any consequential amendments to the Council's Data Protection Policy.
- 5.. To administer the Freedom of Information Act 2000 and to designate the Data Protection Officer to deal with requests under this Act.
- 6.. To amend and update the Council's Publication Scheme under the Freedom of Information Act 2000 and, in consultation with the Head of Finance, Procurement & Commercial Services and the relevant Lead Member, to set the charge for dealing with requests under the Act (if any).
- 7.. To update the Council's "Dealing with Requests for Information – Guide for Staff" under the Freedom of Information Act 2000 in consultation with the Leader and the Opposition Spokesperson(s).
- 8.0. To have responsibility for the administration of the Re-use of Public Sector Information Regulations 2005 to include:-
  - The handling of requests for re-use in consultation with the Chief Operating Officer/Corporate Director/Head of Service.
  - The development of standard Licences for re-use.
  - The establishing and publishing of a scale of charges for re-use.
  - The updating of the existing Freedom of Information Request Handling Procedures from time to time to provide for the handling of requests under the 2005 Regulations and any complaints arising from them (including the establishing of an approved process for granting licences for re-use to ensure that issue of licences are fair, transparent and non-discriminatory).
  - The establishment and maintenance (including updating and amending the same), in consultation with the Chief Operating Officer/Corporate Director/Head of Service, an Information Asset Register to be made publicly available through the Council's website.
9. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.

## **DEMOCRATIC SERVICES**

1. To approve any request made by Parish Councils for the loan of a former constituent Authority's Chain of Office on the same terms and conditions previously approved in relation to other Parish Councils, subject to availability.
2. In consultation with the Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.
3. To grant the free use of Council Civic accommodation to bodies such as the Lancashire Valuation Tribunal, Officers Association meetings and other organisations of a similar nature for the purpose of holding approved meetings.
4. To grant the free use of civic accommodation to voluntary organisations after consultation with the Leader of the Council.
5. In consultation with the Leader to make minor amendments to the Petitions Scheme.
6. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
7. To undertake future reviews of the parliamentary and local government polling districts and polling places in line with legislative and good practice requirements and, where required, report the final proposals to Council for approval.
8. In consultation with the Leader to prepare and issue an annual addendum to the Parish and Town Council Charter.

## **HUMAN RESOURCES & ORGANISATIONAL DEVELOPMENT**

1. To update and amend, in consultation with the Leader and appropriate Corporate Directors/Heads of Service, the Equality Diversity and Inclusion Objectives.
2. To report, as appropriate, progress against the Equality Scheme.
3. To update and amend, in consultation with the Leader, the Grievance and Disciplinary Policies in the light of developing good practice, case law, future changes to legislation/regulations and experience in their operation.
4. To produce and amend, in consultation with the Leader, all Human Resources and Organisational Development Policies to ensure that the Council complies with current legislation and developing good practice.
5. To determine, in consultation with the Leader, payments to employees whose service is terminated on the grounds of interests of efficiency and where a cost recovery can be demonstrated by permanent savings as set out in paragraph A(c) of Minute 19 of the Council held on 14 June 2007.
6. To review and publish the LGPS Statement of Policy on Employer Discretions, in consultation with the Leader.

7. To action any of the Employers discretions contained in the LGPS Employer Discretions Policy Statement, in consultation with the Leader, subject to appropriate budgetary provisions being identified.
8. To implement increases in the Voluntary Living Wage from 1 December each year.

## **ESTATES & VALUATION**

1. To grant and accept wayleaves and easements and to approve the consideration payable to, or by the Council.
2. To grant licences to enable prospective purchasers to enter onto Council owned land in order to carry out all necessary site investigations and excavations.
3. To be responsible for the efficient management of the Council's property portfolio in terms of land and buildings, (excluding those public buildings managed or maintained by the Corporate Director of Place & Community) including, the taking and granting of leases, sub-leases or licences of land/property and rent reviews where the financial consideration is up to and including £2000 per annum and where the financial consideration is above £2000 per annum then this shall be in consultation with the Leader and relevant Lead Member. In addition, to be responsible for licences to assign, deeds of variation, surrenders, settlement of dilapidation claims and compensation payments, breach of covenants and forfeiture and other elements of land and property management where the financial consideration is up to and including £2000 and where the financial consideration is above £2000 then this shall be in consultation with the Leader and relevant Lead Member
4. To be responsible for terms for user rights and authorisation of proceedings for arrears and collections of rent in respect of 3 above.
5. To be responsible for termination of leases where there has been breach of covenant or forfeiture in respect of 3 above.
6. To enter into Declarations and Statutory Declarations in relation to contracting out leases from the provisions of the Landlord and Tenant Act 1954.
7. To be responsible for the disposal of Council owned land and acquisition of land, where the financial consideration is below £2,000. Where the financial consideration is between £2,000 and £20,000 then this shall be in consultation with the Leader and the relevant Lead Member and where the financial consideration exceeds £20,000 approval shall be sought from Policy and Resources Committee.
8. To remit charges or write off any debts or other losses which are deemed to be irrecoverable. Where debts or other losses exceed £8,000 then this shall be in consultation with the Leader and the relevant Lead Member.
9. In conjunction with the Head of Finance, Procurement & Commercial Services to authorise expenditure from the Community Related Assets Repairs and Renewals Fund of up to £25,000, and, after consultation with the Leader to authorise expenditure from this fund of between £25,000 and £50,000, and to report back in the "Members Update."



10. To be responsible for maintaining the land terrier of Council land ownerships and defending those ownerships against trespass and adverse possession.
11. To be responsible for maintaining the Council's Capital Assets Register and for preparing the Asset Management Plan.
12. To be responsible for valuation advice.
13. To grant long leases of Council flats to secure tenants who under the Housing Act 1985 wish to avail themselves of the right to acquire such leases - to insert, amend or adapt such conditions in the individual leases as may be necessary to protect the Council's interest or necessary in the prevailing circumstances.
14. To arrange for a Deed of Rectification to be drawn up and executed on behalf of the Council in the event of the Council being notified of any errors relating to "flying freeholds" arising from the transfer of the housing stock of the former Skelmersdale Development Corporation.
15. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
16. To take all necessary action to support the operation of the Investment Centre including leasing, subleases, licences, assignments, surrenders, terminations, rent reviews, variations, settlement of dilapidation claims and compensation payments (provided that in granting leases, sub-leases or licences and rent reviews, where the financial consideration is above £2000 per annum, then this shall be in consultation with the Leader and the relevant Lead Member), and in consultation with the Head of Legal & Democratic Services to ensure the effective provision of legal services to support the Investment Centre.
17. In consultation with the relevant Lead Member and the Head of Legal & Democratic Services to negotiate and enter into necessary agreement(s), to provide desk space within the Council's Regeneration and Estates Service, to external organisations and agencies, to enable the delivery of shared projects and initiatives for the benefit of West Lancashire.
18. In consultation with other appropriate Heads of Service to:-
  - (i) participate in the Coal Mining Disclosure of Information Programme.
  - (ii) release the information requested by the Coal Authority.
  - (iii) embed the resulting polygons in the Council's Land Terrier.
  - (iv) sign the proposed memorandum of understanding.
19. In consultation with the relevant Lead Member be given delegated authority to implement, update and amend the Leasehold Management Policy after consultation, and then every 3 years or when there are legislative changes.

20. In consultation with the relevant Lead Member be given delegated authority to make any minor or inconsequential amendments to the Leasehold Housing Management Policy 2022

## **BENEFITS, COUNCIL TAX & NNDR DEBTORS & PAYMENTS**

### **(i) Benefits**

1. To pursue all cases where payments have been made in respect of Housing and Council Tax Benefit and all other appropriate Social Security Benefits as a result of false or dishonest claims and to have criminal and any necessary recovery proceedings instituted where appropriate.
2. To deal with the administration of the Housing and Council Tax Benefit Schemes for all claimants including those decisions relating to individual applications under legislation at the time in force and in particular to decide:
  - (a) whether to grant benefit to a date prior to the date of the claim; and
  - (b) whether or not to recover any amount of benefit to which has been overpaid where such discretion is allowed.
3. To make Discretionary Housing Payments where appropriate.
4. To enter into a Delivery Partnership Agreement, and any subsequent agreements, with the Department of Work and Pensions (DWP) and other supporting third party organisations to support residents in West Lancashire who claim Universal Credit, including entering into all necessary documentation and obtaining all necessary consents.

### **(ii) Benefits Fraud**

1. To make minor amendments to the Council's Benefit Sanctions and Prosecution Policy as required, in consultation with the Head of Legal & Democratic Services.
2. To make minor amendments to the Council's Code of Practice for obtaining information from employers, contractors, the self-employed and landlords as required, in consultation with the Head of Legal & Democratic Services.
3. To administer relevant provisions of the Social Security Administration (Fraud) Act 1997 and to institute criminal proceedings for offences in appropriate cases.
4. In consultation with the relevant Lead Member, to vary the application of the Benefits Fraud Sanctions and Prosecution Policy and the sanctions offered in instances where it is in the public interest, or all parties concerned, or as a result of comments received from the courts in respect of prosecutions.

### **(iii) Council Tax Debtors**

1. To remit charges or to write off irrecoverable debts up to a limit of £5,000 in individual cases, and to remit or write off debts above £5,000 where any of the following apply:

- (a) the debtor has gone into liquidation and there is little likelihood of the debt being collected
- (b) the debtor has absconded and all enquiries have failed
- (c) the debtor is in prison and has no means to pay
- (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Policy and Resources Committee or Council as appropriate.

2. To recover arrears of rent and/or service charges on termination of a tenancy and to authorise the Head of Legal & Democratic Services to institute court proceedings in respect thereof.

#### **(iv) NNDR (National Non Domestic Rates)**

1. To determine applications under Sections 47 and 49 of the Local Government Finance Act 1988 in relation to discretionary rate relief/hardship relief after consultation with the Leader.
2. To grant Mandatory Non-Domestic Rate Relief to both new and existing applicants.
3. To grant Discretionary Non-Domestic Rate Relief on an annual basis, to existing beneficiaries, in accordance with Council Policy.
4. To administer relief for partly occupied hereditaments under Section 44A of the Local Government Finance Act, 1988.
5. To draw up a local policy for local business rate discounts, in consultation with the Leader.
6. In consultation with the Leader, to finalise and implement the further Local Discretionary Business Rate Relief Scheme.
7. In consultation with the Leader to implement the Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech..

#### **(v) Housing Advances**

1. To authorise the Head of Legal & Democratic Services in respect of properties in mortgage to the Council to take Possession Proceedings or to stay Possession Proceedings if there are any good grounds for so doing, or if satisfactory arrangements can be made.
2. To make arrangements to sell and dispose of those properties taken into possession, and to make all necessary arrangements so far as other mortgages and encumbrances are concerned.
3. To make such arrangements as may be necessary with mortgagors who have difficulty in meeting their repayments due to circumstances beyond their control.

4. To make arrangements with mortgagors who wish to have their mortgage term extended because of difficulty in maintaining monthly payments.

#### **(vi) Local Taxation**

1. To be responsible for the administration, collection and recovery of all local taxation monies including those decisions appertaining to cancellation of summons costs, refunds of monies in accordance with legislation, (including the payment of interest where appropriate) the nomination of officers authorised to represent the Council in all tribunals and courts in connection therewith and the appointment of external bailiffs.
2. To sign, on behalf of the Council, voting Forms to be used in recovery of debt proceedings, where it is necessary to have the Council's interests protected, but is not necessary to use the Council's Seal.
3. To attend meetings of Creditors, etc., and to vote thereat on behalf of the Council to protect the Council's interests in the recovery of sums due to the Council.

#### **(vii) Other Debts**

1. To recover debts due to the Council, and to instruct the Head of Legal & Democratic Services to instigate court proceedings in respect thereof.

### **HOUSING SERVICES**

#### **(i) Housing (General)**

1. To review housing need in accordance with Relevant Legislation.
2. To acquire, hold and dispose of housing land in accordance with the wishes of the Council.
3. To co-ordinate the Council's Housing Strategy and housing investment approvals mechanisms.
4. To administer and manage the sale of Council dwellings and/or land in respect of "Right to Buy" in accordance with Relevant Legislation and Policies of the Council.
5. In consultation with the relevant Lead Member,
  - (a) to make minor amendments to the Housing Strategy 2014-2019 and Year 1 Action Plan and
  - (b) thereafter to develop, , a Housing Strategy Action Plan for years 2 to 5 inclusive.
6. To manage consultation forums and panels as required.
7. To be responsible for Part VI of the Local Government and Housing Act 1989 as amended in relation to housing finance.

8. To be responsible for making payments in accordance with Council Policy on Homeloss, disturbance and subsidy.
9. To respond, after consultation with the Leader, to the Homes England, Department for Levelling Up Housing and Communities and other agencies regarding applications for funding where there is insufficient time for this to be considered formally by Policy and Resources Committee or Council as appropriate.
10. In consultation with the relevant Lead Member, to prepare, conduct and publish the results of housing surveys.
11. To approve and enter into such nomination, management and other agreements as shall be necessary for the implementation of Registered Social Landlords or other Social Housing providers as Managing Agents Schemes and to apply for any consents.
12. To administer relevant provisions, give authorisations, directions, serve notices, enforce, carry out work in default, raise and recover charges, issue formal cautions and to lay information and complaints to Court in relation of offences in appropriate cases under the following enactments and any Act or Acts extending or amending the same or incorporating them and under any order of regulations made upon the said Act or Acts:
  - Local Government Act 1972
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1984
  - Housing Act 1985
  - Housing Act 2004 (with effect from the appropriate enactment dates for each Section of the Act)
  - Local Government and Housing Act 1989
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Local Government Act 2000
  - Regulations Reform (Housing Assistance) (England and Wales) Order 2002
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)
13. To appoint officers where appropriate as authorised officers or inspectors and to authorise officers to sign documents and to lawfully enter land/premises in connection with their duties under the following enactments or re-enactments thereof:
  - Local Government (Miscellaneous Provisions) Acts 1976 and 1982
  - Building Act 1985
  - Housing Act 1985
  - Local Government and Housing Act 1984
  - Environmental Protection Act 1990
  - Housing Grants, Construction and Regeneration Act 1996
  - Home Energy Conservation Act 1995
  - Housing Act 1996
  - Regulatory Reform (Housing Assistance) (England and Wales) Order 2002
  - Housing Act 2004
  - Town and Country Planning Act 1990 (Sections 215, 216 and 219)

14. To authorise the service of Notices requiring information as to the ownership of land/premises.
15. In accordance with S323(1) of the Companies Act 2006, to be a Director of ARCH on behalf of the Council along with the Leader, in order to attend any meeting and execute voting rights.
16. To determine the rent levels to be charged each year for as long as the Government's rent reform arrangement exists and to report this to Members as part of the budget process.
17. To determine service charges in respect of Sheltered Accommodation Schemes in accordance with the Government's Rent and Service Charge Reforms for as long as those conditions existed and to advise Members of those charges as part of the budgetary process.
18. In consultation with the relevant Lead Member to set rent levels for new tenancies in Sheltered Housing in accordance with relevant regulations once these are in place.
19. In consultation with the relevant Lead Member, to proceed with an option appraisal on a scheme by scheme basis of vacant resident warden accommodation to determine future use, and where appropriate to redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
20. In consultation with the relevant Lead Member, to proceed with an option appraisal on a scheme by scheme basis of Category 1 Communal Lounges to determine future use, and where appropriate, redevelop or sell on the open market, subject to obtaining all necessary consents and approvals.
21. In consultation with the relevant Lead Member to utilise one to one capital receipt funding together with HRA borrowing to acquire new properties subject to there being a satisfactory business case.
22. In consultation with the relevant Lead Member, be able to make changes to the Rent to Buy and Shared Ownership Policies to ensure compliance with Homes England requirements to reflect changes to regulation, legislation, local operational procedures and make any minor/inconsequential changes as required.

**(ii) Housing (Operational)**

1. To administer, manage and maintain the Council's Housing Stock in accordance with the Relevant Legislation and Policies of the Council.
2. In relation to the Housing Allocations Scheme/Choice Based Lettings Policy:
  - (a) to review and make changes, in light of legislative changes
  - (b) to administer and manage the Policy, including making nominations to Registered Social Landlords.
  - (c) In consultation with the relevant Lead Member, to consider on a scheme by scheme basis the introduction of a local lettings policy as part of initial Council

nominations to any future Registered Provider schemes where those schemes are not covered by local connection criteria as contained in the Council Housing Allocation Scheme/Choice Based Lettings Policy.

3. To authorise lettings of dwellings as part of the Extra Care arrangements with LCC Social Services and also in relation to learning disability arrangements as an exemption to the Council's Housing Allocation Policy.
4. To be responsible for notification and collection of service charges for leased properties.
5. To set service charges at levels that recover the costs of service provision.
6. To repair, maintain and improve the Council's housing stock.
7. To be responsible for monitoring the ethnic origin of those rehoused by the Council.
8. To operate the approved Redecoration Allowance Scheme.
9. To manage, acquire, let and dispose of garages and garage sites in accordance with Council Policy, to demolish vacant garages and storage compartments where these are not required or are in a dangerous condition and to take action including possession proceedings for the recovery of arrears.
10. To take timely appropriate action to recover all current and former tenant rent and service charge arrears, including Court action for possession.
11. In relation to the Borough Council area to take all action to ensure eviction of tenants who are, or accommodate individuals, who receive ASB orders from His Majesty's Courts Service [HMCTS]
12. To appoint consultants, professional witnesses, expert witnesses and any other similar type of person where they consider it appropriate to facilitate investigations into Housing matters and/or the conduct of legal proceedings (civil or criminal).
13. To serve Notices of Seeking Possession of Council dwellings for all the grounds of possession specified in Schedule 2 to the Housing Act 1985 and instruct the Head of Legal & Democratic Services to commence possession proceedings on grounds 1 and 3 to 16 of Schedule 2 to the Act as amended.
14. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Ground 2 and 2A of Schedule 2 to the Housing Act 1985 as amended and:
  - (a) to instruct the Head of Legal & Democratic Services to apply for Warrants for Eviction
  - (b) to instruct the Head of Legal & Democratic Services to apply for injunctions for breach or anticipated breach of the terms of a Tenancy Agreement
15. To instruct the Head of Legal & Democratic Services to apply for:

- (i) injunctions under the provisions of Section 153A-E of the Housing Act 1996 and to apply for a Power of Arrest to be attached to an injunction if appropriate
  - (ii) injunctions for breach of the Council's Tenancy Agreement
  - (iii) an application for Committal for breach of an injunction obtained under part (i) and/or part (ii) above
16. To serve Notices to Quit in respect of land, Council dwellings, garages and garage sites and to authorise the Head of Legal & Democratic Services to institute possession proceedings if a Notice to Quit is not complied with.
  17. To authorise the Head of Legal & Democratic Services to institute possession proceedings in respect of unauthorised possession of land, Council dwellings and garages.
  18. To arrange, at their discretion, for replacement of broken or cracked glass in Council dwellings.
  19. To make up to a 50% contribution to the cost of maintaining or renewing party fences which delineate the boundary of Council-owned land with private owner-occupiers provided the Council's standard of provision is adopted and that the cost does not exceed the Council's estimate of a reasonable charge for the necessary work.
  20. To deal with requests to use sheltered housing scheme lounges for political surgeries on the following basis:
    - (i) Political meetings (meetings of political parties or general meetings with invited groups or the general public) be not approved.
    - (ii) Surgeries involving individual members of the public meeting with their elected representative (Councillor or MP) on a personal basis, be approved subject to reasonable conditions (to deal with Health and Safety and confidentiality issues especially) and subject to consultation with scheme residents.
    - (iii) Requests to hold other types of meetings continue to be referred to Policy and Resources Committee for consideration.
  21. To approve Council house adaptations for disabled persons in accordance with available budgets after consultation with the relevant Lead Member, in appropriate cases.
  22. To deal with all aspects of the Right to Manage Process, including the negotiation of necessary management arrangements.
  23. To offer sole tenants the opportunity to include their partner/spouse on a new joint tenancy and additionally, in consultation with the relevant Lead Member, to assess individual cases and, in appropriate circumstances, to refuse or grant applications.
  24. To grant tenancies to tenants, requiring housing related support services, and to charge for those services as appropriate.



25. To enter into contracts with the providers of housing related support services for the provision of those services to relevant Council tenants.
26. To enforce the provisions of the Anti-Social Behaviour Act 2004 as it relates to Tenancy Demotion Orders.
27. To apply the adopted guidance in relation to Housing Fire Safety in accordance with the relevant legislation.
28. To grant, in appropriate circumstances, Introductory Tenancies, subject to periodic review and extension if required.
29. To serve tenancy demotion notices in appropriate circumstances and operate an appeals process in accordance with the Demoted Tenants (Review) Regulations 2004.
30. To operate the Furnished Tenancy Scheme in accordance with Council Policy.
31. To operate and support the Tenants and Residents Forum and recognised Tenants and Residents Associations and Council approved tenant co-regulatory arrangements.
32. To make payments of compensation to tenants for improvements in accordance with Section 122 Leasehold Reform and Housing Urban Redevelopment Act 1993.
33. To authorise the carrying out of maintenance works to, non commercial local authority buildings and to certify all necessary accounts.
34. To facilitate the development and procurement of the repairs appointment system utilising BT/Lancashire in partnership with EPIX Systems Limited.
35. In consultation with the relevant Lead Member, to make minor alterations to the Tenant Downsizing Scheme in order to make it appropriate and relevant.
36. In consultation with the relevant Lead Member, to agree the Council's policy with regard to recognition criteria for tenant panels and to review and update the policy as required.
37. In consultation with the relevant Lead Member, to determine whether tenant panels requesting recognition should be so recognised.
38. To update the Tenants and Residents Forum Consultation as appropriate.
39. In consultation with the relevant Lead Member to make minor drafting updates and changes arising from new legislation as required to the Council Tenure Policy and Housing Allocations Policy.
40. In consultation with the relevant Lead Member to enter into leases of Council dwellings where below social rents are deemed appropriate and, where this delegation is used, that it be reported via a Member Update.
41. To obtain all necessary consents, approvals and permissions and to enter all necessary documentation in relation to Council Housing Lease Arrangements.

42. To set garage rents at a level to maximise income for the HRA.
43. To exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.
44. In relation to alleged behaviour affecting the Council's Housing Management function to instruct the Head of Legal & Democratic Services to apply for:
  - (i) injunctions under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (ii) a warrant of arrest for any breaches of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iii) a variation or discharge of an injunction obtained under the provisions of Part 1 of the Anti Social Behaviour, Crime and Policing Act 2014;
  - (iv) a committal application on any breach of an injunction.
45. To service Notice Seeking Possession on the mandatory grounds specified in Section 84A of the Housing Act 1985.
46. To instruct the Head of Legal & Democratic Services to commence possession proceedings on Section 84A and Ground 2ZA of Schedule 2 of the Housing Act 1985 and apply for warrants for eviction obtained on this ground.
47. In consultation with the relevant Lead Member, the relevant Head of Service to make minor updates and changes as required to the Decant Policy.
48. In consultation with the relevant Lead Member, the relevant Head of Service to make minor updates and changes to the Garage Allocations and Management Policy.

**B. TO THE HEAD OF LEGAL & DEMOCRATIC SERVICES (AS MONITORING OFFICER & SENIOR LEGAL OFFICER)**

**(i) Procedural**

1. To act as Solicitor to the Council.
2. To seal and attest documents in accordance with legal requirements and to sign documents on behalf of the Council.
3. To enter into all Agreements (as Agent for Lancashire County Council as Highways Authority) under Section 38 of the Highways Act 1980 to adopt highways etc., and to enter into agreements (as Agent for United Utilities) under Section 104 of the Water Industry Act 1991 to adopt sewers etc.
4. To take all steps incidental to completing or obtaining the confirmation of any Order or other formal proceedings made by the Council.
5. To affix the Seal of the Council on any documents assigning or transferring the liability for debts due to the Council from one person or body to another or any deeds of indemnity that may be needed.

6. To take all necessary action, in consultation with the Corporate Director of Place & Community to discharge existing Agreements under Section 106 of the Town and Country Planning Act 1990 (formerly Section 52 of the 1971 Act).
7. In consultation with the Corporate Director of Place & Community , and the Chairperson of the Planning Committee, to issue Enforcement Notices under Section 172 of the Town and Country Planning Act 1990 requiring the cessation of use of land for the holding of car boot sales/markets on more than 14 days per annum on the sites and for the reasons set out in paragraph 3.7 of the reports to the Development and Planning Committee on the 2 October 1997 and 8 January 1998 and the time limit for compliance to be 7 days of such notices taking effect; to take proceedings in the event of non-compliance with the requirements of such Enforcement Notices and to take other appropriate action where it is considered expedient.
8. To issue, serve and withdraw Breach of Condition Notices, Enforcement Notices and Stop Notices and to apply for Injunctions under the Town and Country Planning Acts in cases of urgency, after consultation with the Corporate Director of Place & Community, and the Chairperson of the Planning Committee.
9. To issue, serve and withdraw Temporary Stop Notices after consultation with the Corporate Director of Place & Community, and the Chairperson of the Planning Committee and to take proceedings in the event of contravention of those Notices.
10. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community.
11. To make orders, in consultation with the Corporate Director of Place & Community, to close roads in Ormskirk town centre under the Town Police Clauses Act 1847 in connection with emergency services and armed forces events likely to cause congestion on roads in the town centre.
12. To make, (and where appropriate, confirm without modification any unopposed Order) Footpath Orders, Traffic Regulation Orders, and Orders for the renaming of Streets under Section 18 of the Public Health Act 1925, when requested by the Corporate Director of Place & Community Services.
13. To make Orders under Sections 257/8 of the Town and Country Planning Act 1990 and submit applications under Section 247 of that Act and Section 116 of the Highways Act 1980 to stop up, divert or extinguish highway rights when requested by the Corporate Director of Place & Community Services.
14. To make Temporary Traffic Regulation Orders and issue Notices under the provisions of the Road Traffic Regulation Act 1984 (as amended) in cases where the Corporate Director of Place & Community Services is satisfied that such arrangements are necessary in accordance with the provisions of that Act.
15. To seek planning permission for development by the Council.
16. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of

information to the local authority following the service of any notices or requisitions for information.

17. In consultation with the Head of Finance, Procurement & Commercial Services to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.
  18. To hear representations from applicants for registration as Motor Salvage Operators whose application is proposed to be refused/renewed/cancelled, renewal is to be refused or licence is to be cancelled and to decide whether or not to refuse/refuse to renew or cancel licences after the 14 day period during which representations may be made.
  19. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including legal proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
  20. To apply to the Secretary of State for consent to make an Order(s) under Section 13 (Prohibiting Public Processions) and Section 14A (Prohibiting Trespassory Assemblies) of the Public Orders Act 1986 and to take all necessary action relating thereto, including the sealing of the said Order(s).
- N.B.** This authority shall be exercised upon receipt of an application from the Chief Officer Lancashire Police and following consultation if possible with the Leader of the Council.
21. To undertake the role of the Senior Responsible Officer (“SRO”) in accordance with the Code of Practice for covert surveillance/property interference and Covert Human Intelligence Sources (“CHIS”).
  22. To make amendments, as required, in consultation with the relevant Lead Member to the Guide for Compliance with the Regulation of Investigatory Powers Act 2000.
  23. In accordance with the Regulation of Investigatory Powers Act 2000:
    - appoint a Single Point of Contact from Staff within the establishment in accordance with the requirements of the Act.
    - appoint an outside body to the role of Single Point of Contact, as required
  24. To take all necessary action to ensure the effective provision of legal services to support the opening and operation of the Investment Centre, in consultation with the Corporate Director of Transformation & Resources.
  25. To take all necessary enforcement action under the Community Infrastructure Regulations 2010 (as amended) after consultation with the Corporate Director of Place & Community Services.

**(ii) Litigation**

1. To institute (including the laying of information and complaints), defend, and be responsible for the conduct of any legal proceedings in any civil or criminal court or tribunal (including determining whether or not to prosecute) on behalf of and in the name of the Council and in particular in respect of all appeals against decisions of the Council or contraventions under any Enactment, Regulation, Order or Byelaw or, if appropriate, to give a formal caution or issue warning letters instead and to issue warning letters in respect of breach of licence conditions.
2. To instruct Counsel and obtain advice in relation to any matter, and to engage appropriate witnesses or external Solicitors (exemption from Contracts Procedure Rules and Financial Procedure Rules being made in respect thereof).
3. To settle proceedings of any description after consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate committee together with the appropriate chief officer.
4. To institute proceedings for Injunctive Relief.
5. To authorise officers to appear in the Magistrates' and County Courts, and at Inquiries and Tribunals as appropriate.
6. To take all necessary action to protect the Council's market rights and to apply for injunctions when appropriate in relation thereto.
7. To institute proceedings under Section 37 of the Local Government (Miscellaneous Provisions) Act 1982 in relation to temporary markets.
8. To take all necessary action, (including the service of Discontinuance Notices, laying of information and prosecution) to secure the removal of any advertisement or signs displayed in contravention of the provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.
9. To serve Remedial Notices under Section 69 and to withdraw such Notices or waive or relax any requirement of such Notices under Section 70 of the Anti-Social Behaviour Act 2003 in consultation with the Corporate Director of Place & Community.

### **(iii) Democracy**

1. To deal with any request for permanent changes to the Membership of Committees by Political Groups in accordance with their allocation of Committee places.
2. To make minor operational amendments to the Constitution subject to notice of any such amendment being given to all Members immediately after each alteration.

### **(iv) Standards**

1. (a) To act under the "Standards Regime arrangements"
- (b) To act under the pre-hearing and hearing procedures for Standards Committee determinations.
- (c) To act under the procedure for Standards Committee investigations.

- (d) To make minor amendments, in consultation with the Chairperson of the Standards Committee, to the “Standards Regime arrangements” and the pre-hearing and hearing procedures for Standards Committee determinations and the procedure for Standards Committee investigations.
- 2. To disclose any information held by the Council to an Investigating Officer, whether confidential or otherwise and whether requested or not, which would in their opinion assist an investigation.
- 3. In consultation with the Chairperson of the Standards Committee, in instances where the Independent Person/Reserve Independent Person is unavailable, to appoint Independent Persons from another authority on a temporary basis.
- 4. In consultation with the Leader and the Leader of the Opposition to grant dispensations, in cases of urgency.
- 5. To publish details of the address to which written allegations of breach of the Code of Conduct should be sent.
- 6. To update the procedures and develop the standard documentation to be used in dealing with written complaints of breach of the Code of Conduct and publish as required.
- 7. In consultation with the Chairperson of the Standards Committee to update the Investigation Procedure, the Determination, Pre-Hearing and Hearing Procedures, for dealing with alleged breaches of the Council’s Code of Conduct and of the Codes of Conduct of the Parish Councils in the Borough of West Lancashire, as required.

**c. TO THE HEAD OF FINANCE, PROCUREMENT & COMMERCIAL SERVICES (AS SECTION 151 OFFICER)**

**(i) General**

- 1. To remit charges or to write off irrecoverable debts up to a limit of £25,000 in individual cases, and to remit or write off debts above £25,000 where any of the following apply:
  - (a) the debtor has gone into liquidation or bankruptcy and there is little likelihood of the debt being collected
  - (b) the debtor has moved or absconded and all enquiries to trace them have failed
  - (c) the debtor is in prison and has no means to pay
  - (d) the debtor has died and there is no estate.

All sums above £25,000 and not falling within the four categories above shall be reported for write-off to the Policy and Resources Committee or Council as appropriate.

- 2. To be responsible for the accounting arrangements of the Council.

3. To submit claims for grant to government departments and other bodies in consultation with the appropriate chief officer thereafter to receive payments and administer the funds accordingly.
4. To deal with the timetabling of estimates for submission to the Council.
5. To make imprest advances as is considered appropriate and instruct on the accounting requirements thereafter.
6. To make payments of all remuneration, compensation and other emoluments as may be deemed necessary.
7. To authorise refunds of superannuation contributions where employees have been dismissed for gross misconduct and where the Authority has suffered no financial loss.
8. To be responsible for the administration of the revenue and capital transactions of the Council.
9. To determine approved contributions to Parish Councils under Section 136 of the Local Government Act, 1972 in accordance with the Council Policy.
10. To approve and prioritise, in consultation with the Leader, bids for Parish Council Capital Schemes.
11. In consultation with the Leader to implement suitable arrangements for passing on funding which the Government will pay to the Borough Council but which is intended for Parish Councils in relation to the localised Council Tax Support Scheme.
12. To make application for repayment of unclaimed compulsory purchase compensation.
13. To make suitable and appropriate payments in settlement of complaints against the Council and in local settlement of Ombudsman's complaints, such payments to be made from the appropriate budget.
14. To serve all Notices, including Requisitions for Information under any enactment, and to take action, including instructing the Head of Legal & Democratic Services to institute proceedings, in respect of the non-return of information to the local authority following the service of any notices or requisitions for information.
15. In consultation with the Corporate Director of Transformation & Resources and the Leader to set the charge for dealing with requests under the Freedom of Information Act 2000 (if any).
17. To undertake appropriate financial assessments and decide whether financial hardship exists and comment on what is "reasonable" (if anything) for "Appropriate Persons" to pay, so not to result in hardship, in cases where remediation works are to be undertaken to contaminated land.

18. To manage and administer the Richard Berry Charity, the Ruff Public Park and Pleasure Ground Charity and the Jervis Charity for which the Council acts as sole trustee and report the financial position and activity of these funds each year in the statement of accounts.
19. In consultation with the Leader to decide whether to join or leave the Lancashire Business Rates Pool each year, and to enter into any necessary arrangements and to take all necessary actions to administer the pooling arrangements.
20. To make investments in accordance with the Commercial Property Strategy, subject to approval of scheme funding of up to £5m by the Policy and Resources Committee and approval by Council of schemes for over £5m.

**(ii) Audit**

1. To deal with the examination and audit of the accounting, financial and other transactions of the Council, including such investigations as may be deemed necessary.
2. In consultation with the relevant Lead Member to update and amend the Anti-Fraud and Corruption Policy as appropriate.
3. In consultation with the Chief Operating Officer to update the Local Code of Corporate Governance as required and prepare a Governance Statement annually for publication in June each year with the financial statements.

**(iii) Insurance**

1. To arrange insurance cover and to deal with the administration of all insurance arrangements and insurance claims, including any settlement of those claims uninsured up to a limit of £1,000 in each case, and to take all necessary action to establish, maintain and administer such insurance funds considered appropriate and to arrange for the provision of such insurance services considered necessary.
2. To deal with all Risk Management matters, including the appointment when necessary of external advisers.

**(iv) Housing Finance**

1. To use the services of debt collection agencies to trace former tenants with significant rent arrears where considered appropriate.

**(v) Treasury Management**

1. To manage the movement between the borrowing and long term liabilities figures within the Authorised Limit for external debt and the Operational Boundary.
2. To operate such banking arrangements as may be considered necessary.
3. To raise finance by way of leasing for vehicles, plant, machinery and equipment where this is the most efficient means of acquisition and there is an appropriate budget provision in place.



4. To be responsible for the financial administration of car loans.
5. To deal with the administration of loans advanced to outside bodies, including the inspection of business accounts prior to such advances being granted.
6. To take all executive decisions on borrowing, investment or financing in accordance with the CIPFA Code of Practice for Treasury Management in local authorities and to report to Council.
7. To deal with the financial arrangements of a Cycle to Work Scheme and to take all necessary action relating thereto.

## **GENERAL**

1. That the Chief Operation Officer, Directors and Head of Service be given delegated authority to make any minor inconsequential amendments to any Policies, Strategies or other working practices which have already received Member approval whether by decision of a Committee or Record of Decision.
2. That any after the 15<sup>th</sup> May 2024 any references to "Cabinet" in the Constitution or any Policy, Strategy, Framework or any other document shall be automatically be replaced with the words "Policy & Resources Committee".

## PART 2.4 PROPER OFFICER PROVISIONS

### 1.0 INTRODUCTION

- 1.1 This Document firstly sets out “Proper Officer” provisions and officer designations and secondly sets out a Scheme of Delegation which delegates powers and duties to officers under Section 101 of the Local Government Act 1972 and all other powers including the Local Government Act 2000 enabling such delegation. It is adopted with the intent that it continues the streamlining of the Council’s decision making processes and accordingly should be interpreted widely rather than restrictively.
- 1.2 Where legislation is referred to it shall be taken to include any Act or Acts extending or amending the same or incorporated therein.
- 1.3 For the purposes of the Scheme of Delegation Officers may only exercise delegated powers in accordance with
- (i) policies, plans and programmes approved by or on behalf of the Council
  - (ii) Contracts Procedure Rules and Financial Regulations unless specifically referred to
  - (iii) any statutory restrictions, Statutory Guidance or Codes of Practice

### 2.0 “PROPER OFFICER” PROVISIONS AND DESIGNATIONS

2.1 The Council has:

- (a) designated officers to carry out particular functions which are, by statute, to be exercised by a particular officer and
- (b) designated officers to be the “Proper Officer” for the purposes of the references in various enactments where reference is made to the “Proper Officer” as follows:

(iv) **LOCAL GOVERNMENT ACT, 1972**

Section	Description of Function	Proper or designated Officer
13(3)	Parish Trustee of Body Corporate of Parish not having separate Parish Council.	Chief Operating Officer
83(1)-(4)	Officer to whom persons elected to any of the following offices of the Borough Council shall make declaration of acceptance of office: Chairperson (Mayor), Vice-Chairperson (Deputy Mayor) Councillor,.	Chief Operating Officer

84	The officer to whom a person elected to any office under the Borough Council may give written notice of resignation.	Chief Operating Officer
88(2)	The officer who may convene a meeting for the election of the Chairperson (Mayor) following a casual vacancy in that office.	Chief Operating Officer
89(1)(b)	The officer who may receive notice of a casual vacancy in the office of Councillor from two local government electors.	Chief Operating Officer
96(1)	Receipt of general notices of pecuniary interest.	Head of Legal & Democratic Services
96(2)	The officer who shall keep the record of disclosures of pecuniary interest under Section 94 and of notices under Section 96(1).	Head of Legal & Democratic Services
100B(2)	Exclusion from reports open to inspection parts relating to items during which the meeting is likely not to be open to the public.	Head of Legal & Democratic Services

<b>Section</b>	<b>Description of Function</b>	<b>Proper or designated Officer</b>
100B(7)(c)	The supply to the press of additional material supplied to members of the Council in connection with items of business to be discussed.	Head of Legal & Democratic Services
100C(2)	Preparation of a written summary of those parts of the proceedings of a committee, which disclose exempt information.	Head of Legal & Democratic Services
100D(1)(a) and (5) (a)	Identification of background papers and compilation of list of such documents.	Chief Officer / Corporate Directors responsible for report
100F(2)	Making of decisions as to documents disclosing exempt information which are not required to be open to inspection by members of the Council.	Head of Legal & Democratic Services
115(2)	The officer who shall receive all money due from every officer employed by the Council.	Head of Finance, Procurement & Commercial Services
137A	The Officer who shall receive on deposit a statement (or any report or accounts) provided by an	Head of Finance, Procurement &

	organisation body or fund pursuant to Section 137A (1).	Commercial Services
146(1)(a)	The officer who shall give statutory declarations and certificates with regard to securities on the change of name or status.	Head of Finance, Procurement & Commercial Services
151	The officer responsible for the proper administration of their financial affairs.	Head of Finance, Procurement & Commercial Services
191(2),(4) (b)	The officer to whom applications under Section 1 of the Ordnance Survey Act 1841 should be sent.	Head of Legal & Democratic Services
210(6) and (7)	Charities.	Head of Finance, Procurement & Commercial Services
225(1) and (2)	Deposit of documents.	Head of Legal & Democratic Services
*228(3)	Accounts of “any proper officer” to be open to inspection by any member of the authority.	Head of Finance, Procurement & Commercial Services

\*Section 228(3) applies automatically to any officer who is designated as “proper officer” for any purpose and who keeps accounts.

229(5)	The officer who shall certify that a document is a photographic copy of a document in the custody of the Council.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties
234(1) and (2)	The officer who may authenticate documents.	The Chief Operating Officer, Corporate Director or Head of Service having custody of the original or any officer to whom the Council has delegated its powers and duties

236(9) and (10)	The officer who is responsible for sending certified copies of Byelaws to appropriate bodies.	Chief Operating Officer
238	The officer who shall certify copies of Byelaws as true copies.	Chief Operating Officer
248 (2)	The officer who shall keep the roll of persons admitted to the freedom of a city or town.	Chief Operating Officer
Sch.12/para4 (1A) (b)	The officer who may authenticate a summons to Council meetings.	Chief Operating Officer
Sch.12/para 4(3)	The officer who may receive notice from a member of the address to which a summons to a meeting is to be sent.	Chief Operating Officer
Sch.14/para 25 (7)	The officer who may certify copies of resolutions passed under the Public Health Acts 1875 and 1925 as true copies for production in legal proceedings.	Chief Operating Officer
(v)	<b>LOCAL GOVERNMENT ACT 1974</b>	
30(5)	Publication of reports issued by Local Commissioner.	Head of Legal & Democratic Services
(vi)	<b>LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976</b>	
41	Certification of copies of resolutions, minutes and other documents.	Chief Operating Officer
(vii)	<b>HIGHWAYS ACT 1980</b>	
PART XI	Making up of private streets	Corporate Director of Place & Community
<b>REPRESENTATION OF THE PEOPLE ACT 1983</b>		
8	Registration of parliamentary and local government electors.	Chief Operating Officer
52(2)	Deputy Registration Officer	Corporate Director of Transformation, Housing & Resources
35	Returning Officer for the election of Borough and Parish councillors.	Chief Operating Officer

18 A, 18 B and 18 C & 31	Designation/re-designation of Polling Districts and Polling Places	Chief Operating Officer
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#### **CARE ASSISTANCE ACT 2014 (As Amended)**

<b>Section</b>	<b>Description of Function</b>	<b>Proper Officer</b>
47	Removal to suitable premises of persons in need of care and attention.	Director of Commissioning, NHS Central Lancashire or any other Executive Director on the NHS Central Lancashire on- call rota.

#### **(viii) PUBLIC HEALTH (CONTROL OF DISEASE) ACT 1984**

13,48,59 & 60	Various powers.	Consultant level staff in Cumbria and Lancashire Public Health England Centre
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#### **HEALTH PROTECTION (NOTIFICATION) REGULATIONS 2010**

Consultant level staff  
in Cumbria and  
Lancashire Public  
Health England Centre

#### **FOOD SAFETY ACT 1990**

49	Signing of documents.	Corporate Director of Place & Community
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#### **(ix) HOUSING ACT 2004**

4 and 239	Condition of any residential premises – official complaints and powers of entry.	Corporate Director of Transformation, Housing & Resources
249	Signing off a certificate of designation	Corporate Director of Transformation, Housing & Resources

#### **(x) LOCAL GOVERNMENT AND HOUSING ACT 1989**

2(4)	Deposit of lists of politically restricted posts.	Chief Operating Officer
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4	Head of Paid Service.	Chief Operating Officer
5	Monitoring Officer.	Head of Legal & Democratic Services
19	Members interests.	Chief Operating Officer
(xi)	<b>REGULATIONS MADE UNDER THE ACT</b>	
	The Local Government (Committees & Political Groups) Regulations 1990	Chief Operating Officer
	The Local Authorities (Members' Allowances) (England) Regulations 2003	Chief Operating Officer
(xii)	<b>LOCAL AUTHORITIES CEMETERIES ORDER 1977</b>	
	Management Regulation and Control of Cemeteries.	Corporate Director of Place & Community
	<b>LOCAL ELECTIONS (PRINCIPAL AREAS) RULES 2006 SCHEDULE 3 AND LOCAL ELECTIONS (PARISHES AND COMMUNITIES) RULES 2006 SCHEDULE 2</b>	
Rule 50	Receipt from Returning Officer of the notice of the names of persons elected to the Council.	Corporate Director of Transformation, Housing & Resources
Rule 52	Registration Officer, receipt from Returning Officer of election documents.	Corporate Director of Transformation, Housing & Resources
Rule 53	Orders for the production of elections documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
Rule 54	Retention of election documents and making them available for public inspection.	Corporate Director of Transformation, Housing & Resources
(xiii)	<b>PARISH AND COMMUNITY MEETINGS (POLLS) RULES 1987</b>	
Reg 4	Returning Officer for the purpose of conducting Parish Polls	Chief Operating Officer
(xiv)	<b>LOCAL GOVERNMENT FINANCE ACT 1988</b>	
114	Functions as regards reports	Head of Finance, Procurement &

(xv) **ENVIRONMENTAL PROTECTION ACT 1990**

149	Seizure of stray dogs.	Corporate Director of Place & Community
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(xvi) **LOCAL GOVERNMENT ACT 2000**

Local Authorities (Referendums) (Petitions) (England) Regulations 2011/2914	Chief Operating Officer
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Local Authorities (Conduct of Referendums) (England) Regulations 2012	Chief Operating Officer
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Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001 - Appointment and dismissal of Head of Paid Service, Chief Officers and Deputy Chief Officers.	Chief Operating Officer except in respect of the dismissal of the Head of the Paid Service when the Corporate Director of Transformation, Housing & Resources or Place & Community will be the proper officer.
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**FREEDOM OF INFORMATION ACT 2000**

S36	The Officer authorised to fulfil the role of 'qualified person'.	Corporate Director of Transformation, Housing & Resources (where absent Chief Operating Officer).
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2.2 In the cases where the Proper or Designated Officer of the Council is absent or otherwise unable so to act, then the undermentioned officers be authorised to act as such Proper or Designated Officer:

Proper Officer	Officer Designated to Act in the Absence of the Proper Officer*
Chief Operating Officer	Corporate Director of Place & Community  Corporate Director of Transformation, Housing & Resources  Head of Planning & Regulatory Services



	Head of Wellbeing & Place Services Head of Environmental Services Head of Housing Services Head of Finance, Procurement & Commercial Services (Section 151 Officer) Head of Corporate & Customer Services Head of Legal & Democratic Services (Monitoring Officer)
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources Head of Planning & Regulatory Services Head of Wellbeing & Place Services Head of Environmental Services
Corporate Director of Transformation, Housing & Resources	Corporate Director of Place & Community Head of Housing Services Head of Finance, Procurement & Commercial Services Head of Corporate & Customer Services Head of Legal & Democratic Services
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)
Head of Legal & Democratic Services (Monitoring Officer)	Principal Solicitor (designated as the Deputy Monitoring Officer) Democratic Services Manager

2.3 “Proper Officer” shall be taken to mean the Officer appointed above by the Council for the purpose of this Scheme or in default of such appointment, the Chief Operating Officer.

- \* Where an officer is designated to act in the stead of the appointed officer this is on the basis that the designated person has responsibility for the relevant directorate or service, e.g. the Head of Housing would be the relevant officer under Housing

Act 2004, sections 4 and 239 (condition of any residential premises – official complaints and powers of entry).

### 3.0 DELEGATION TO OFFICERS

- 3.1 The following powers and duties are delegated to the officers named in 4.0 - 6.0 and Constitution 4.2A – 4.2C within the normal constraints of Council policy. Decisions shall be taken in the name of (but not necessarily personally by) that officer.
- 3.2 In the event of those officers being unavailable or unable to exercise the functions referred to, the following officers are authorised to act in their stead.  
(See also para 4.3 below).

Officer	Officer Designated to Act in their Stead	Matters
Chief Operating Officer	Corporate Director of Place & Community  Corporate Director of Transformation, Housing & Resources	All matters  All matters, except matters relating to Tawd Valley Development Company
Corporate Director of Place & Community	Corporate Director of Transformation, Housing & Resources  Head of Planning & Regulatory Services  Head of Wellbeing & Place Services	All matters, except matters relating to Tawd Valley Development Company  All Building Control Planning Services (including Development Management, Local Plan, Strategic Planning, heritage & Conservation). All Environmental & Community Protection (including Food & Safety, Environmental Health, Private Sector Housing Standards, Licensing, Emergency Planning, Community Safety and ESAG Event Group).  All leisure facilities & contracts (including More Positive Together) All well being and community outdoor recreation (including the ranger service) All Economic Development & Regeneration (including Markets & Car Parking)

	Head of Environmental Services	<p>All Waste Management (including Waste Transfer Station and Fleet Services)</p> <p>All Clean &amp; Green (including Environmental Enforcement, Technical Services, inc drainage, engineering, trees &amp; pest control.</p> <p>All Environmental Sustainability</p>
Corporate Director of Transformation, Housing & Resources	<p>Corporate Director of Place &amp; Community</p> <p>Head of Finance, Procurement &amp; Commercial Services</p> <p>Head of Housing Services</p> <p>Head of Corporate &amp; Customer Services</p>	<p>All matters</p> <p>All Financial &amp; Audit matters (including risk &amp; insurance), Procurement, Estates &amp; Valuation and Information Governance (DPO)</p> <p>All Housing Regulations, quality &amp; strategy tenancy management (including independent living, homelessness, neighbourhood officers)</p> <p>All Property Services (including facilities management, caretaking &amp; cleaning, compliance, DFGS, Investment, repairs &amp; maintenance investment)</p> <p>All Income &amp; Inclusion matters</p> <p>All Business, Transformation &amp; Change, , Human Resources &amp; Organisation Development, Customer experience, communications &amp; engagement, business support and revenue &amp; benefits</p> <p>All Legal &amp; Democratic Services (including elections)</p>

	Head of Legal & Democratic Services	
Head of Finance, Procurement & Commercial Services (Section 151 Officer)	Corporate Finance Manager (Deputy S151)	All matters designated to the Section 151 Officer
Head of Legal & Democratic Services (Monitoring Officer and most senior Legal officer)	Principal Solicitor (designated as the Deputy Monitoring Officer)  Principal Solicitor	All matters designated to the Monitoring Officer and legal matters  Legal matters

#### **4.0 DELEGATIONS TO BOTH THE CHIEF OPERATING OFFICER AND THE CORPORATE DIRECTORS**

- 4.1 To manage buildings under their control.
- 4.2 To incur revenue expenditure/receive income within the Council's approved budgets subject to compliance with the Financial Regulations of the Council.
- 4.3 To incur expenditure on individual capital schemes or on design preparation of a scheme in accordance with Contracts Procedure Rules and Financial Regulations provided that, if the details of the Scheme vary significantly from that described in the capital budget, prior consultation takes place with the Leader or Chairperson.
- 4.4 To approve price variations under contracts containing fluctuation clauses and to authorise variation orders in accordance with Contracts Procedure Rules.
- 4.5 To maintain registers of contracts placed by them, where required.
- 4.6 To implement and take action under policies approved by the Policy and Resources Committee or the Council in consultation with the Leader.
- 4.7 To determine and approve, in consultation with the Chief Operating Officer, the regrading of posts in accordance with the job evaluation assessed grade for the duties, in their respective Services below those staff employed on chief officer conditions, within the approved service manpower budget subject to the right of staff to recourse to the appeals procedure.

- 4.8 To appoint, take disciplinary action against, (including suspending employees from work:
- (a) where the employee's continuing presence at work compromises disciplinary investigation or impairs the efficient exercise of the Council's functions and
  - (b) on medical grounds when supported by appropriate medical opinion. This includes the dismissal of staff on the grounds of inability to attend work on a regular basis due to ill health) or terminate appointments of all employees excluding those staff employed on chief officer conditions; subject, in the case of disciplinary action, suspension or termination, to the right of staff to recourse to the appeals procedure.
- 4.9 To grant special leave for urgent personal or domestic reasons, jury service, magisterial duties, trade union purposes, or for service on joint negotiating bodies and all other special and other leave covered in the appropriate Policies.
- 4.10 To grant, in consultation with the Chief Operating Officer, allowances and car loans for appropriate members of staff in accordance with the approved scheme and approve either essential, casual or no car categorisation of posts within their service in accordance with the agreed categorisation criteria.
- 4.11 To approve training courses, including seminars for staff.
- 4.12 To deal with lost or uncollected property.
- 4.13 To determine in accordance with agreed Council policies, all other personnel management matters within their Directorate or Services including changes to the establishment, the filling of casual vacancies, the employment of temporary staff, the employment of agency staff, the granting of overtime, the granting of merit increments, granting applications for leave under the family friendly policies provided that agreed budgets are not exceeded.
- 4.14 In consultation with the Chief Operating Officer and the Leader,
- (a) to approve or refuse applications for voluntary redundancy in accordance with the Council's Redeployment and Redundancy Scheme,
  - (b) to approve the retirement of the Green Book and Craft employees on the grounds of Ill Health Retirement in cases that are supported by the appropriate medical advice and recommendation,
  - (c) to approve the Payment of Preserved Pension benefits in line with the Local Government Pension Scheme Regulations and
  - (d) to approve the granting of Flexible Retirement in line with the Local Government Pension Scheme Regulations.
- 4.15 To determine grievances for all employees other than those employed on chief officer conditions.
- 4.16 To take all action in connection with the invitation of tenders or quotations for any scheme which has been approved in the appropriate capital or revenue budget or where funding is provided by an external source and to accept the lowest tender or quotation for the scheme, if payment is to be made by the Council, or the highest tender or quotation if payment is to be received by the Council; or the most suitable

tender where authorised by Council, Committee or sub-committee (as appropriate); or where the Chief Officer in consultation with the Leader determines (in accordance with this delegation) that best value for the Council would be achieved by considering factors in addition to cost in the tender evaluation process the successful tender/quotation identified by the application of that tender evaluation process, subject to the tender/quotation price not exceeding the amount which has been earmarked for that scheme in the capital or revenue budget and if the details of the scheme vary significantly from that described in the capital and revenue budget or when the external funding was agreed, prior consultation takes place with the Leader or Chairperson.

- 4.17 To remit charges or to write off debts which are deemed to be irrecoverable up to a limit of £25,000 in individual cases after consultation with the Head of Finance, Procurement & Commercial Services.
- 4.18 To dispose of obsolete property/equipment up to a value of £1,000 for each item.
- 4.19 In consultation with the Head of Finance, Procurement & Commercial Services, to write off any stock or stores deficiency less than £1,000 in value.
- 4.20 To select contractors to tender for work or the supply of services to the Council.
- 4.21 To take any action on behalf of the Council, following consultation with the Leader and relevant Lead Member or the Chairperson of the appropriate committee, in cases of urgency requiring immediate decisions, and where it would be unreasonable or impractical to convene a meeting.
- 4.22 To act as chief officers in accordance with the Code of Practice issued under the Criminal Procedure and Investigations Act 1996 and to appoint officers to undertake the appropriate duties as described in the Act and Code or any re-enactment thereof.
- 4.23 To sign statements of truth and to identify relevant officers falling within the definition "persons holding a senior position in the Council" for the purposes of signing statements of truth in relevant cases.
- 4.24 To engage specialist or consultant services where necessary, provided the costs are met from within agreed budgets.
- 4.25 After consulting with the Leader or the appropriate Chairperson or the Mayor, to respond to consultation papers where the timescale for reply does not allow time for consideration by the Policy and Resources Committee or by the Council, subject to a report back in the appropriate Members' Update

**(Note: That, where practicable, the comments of a wider group of Members be sought on consultation documents via the e-mail system to inform those making the decision on a response.)**

- 4.26 To submit bids for external funding/grants in accordance with agreed Council policies where the timescale for submission does not allow time for consideration by the Policy and Resources Committee or by the Council subject to a report back in the appropriate Members' Update.

- 4.27 Within their respective Directorates or Services to authorise persons to enter onto land/premises for any statutory purposes.
- 4.28 To instruct the Head of Legal & Democratic Services to take any action including the institution of court proceedings, for the recovery of Council land, buildings or property occupied by any third party without the licence, consent or other permission of the Council.
- 4.29 To authorise covert surveillance and the use of covert human intelligence sources in accordance with the Regulation of Investigatory Powers Act 2000.

(In practice this power is usually limited to the Chief Operating Officer, Corporate Director of Place & Community and Corporate Director of Transformation, Housing & Resources).

**N.B.** The Chief Operating Officer **must** authorise relevant surveillance activity when knowledge of confidential information is likely to be acquired or when a vulnerable individual or juvenile is to be used as a source.

- 4.30 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.
- 4.31 To make, in consultation with the Chief Operating Officer, enquiries in respect of previous convictions of prospective or current employees of the Council.
- 4.32 To exercise responsibility for the management and operation of their Directorates or Services in accordance with the established policies and practices of the Council.
- 4.33 To update the Directorate/Service Safety Policy and appendices as appropriate.
- 4.34 To sign documents as authorised by the Council or under delegated authority.
- 4.35 To determine, in relation to the Freedom of Information Act 2000, whether to release information in accordance with the procedures outlined in the Council's "Dealing with Requests for Information" document.
- 4.36 To authorise amounts of up to £10,000 to be taken from a reserve controlled by them provided that its use is in line with the stated purpose of the reserve.
- 4.37 To authorise the use of money from a reserve controlled by them in excess of £10,000 after consultation with the Leader provided that its use is in line with the stated purpose of the reserve.

NB. The Council's Reserves Policy sets out which Officer controls each reserve.





## **Part 3 – Rules of Procedure**

### **3.1 Council Procedure Rules**

#### **Rule**

1. Annual meeting of the Council
2. Ordinary meetings
3. Extraordinary meetings
4. Appointment of substitute members of committees and sub-committees
5. Time and place of meetings
6. Notice and summons to meetings
7. Chairman of meeting
8. Quorum
9. Duration of meeting
10. Questions by members
11. Motions on notice
12. Motions without notice
13. Rules of debate
14. Previous decisions and motions
15. Voting
16. Minutes
17. Record of attendance
18. Exclusion of public
19. Members' conduct
20. Disturbance by public
21. Suspension and amendment of Council Procedure Rules
22. Use of e-mail and fax
23. Audio or Visual Recording of Proceedings
24. Use of Mobile Phones and other social media devices meetings
25. Disclosable Pecuniary Interests and Pecuniary Interests - withdrawal from meetings
26. Application to committees and sub-committees

## **1. ANNUAL MEETING OF THE COUNCIL**

1.1 The annual meeting will take place on the third Wednesday in May at 7.30 pm.

The annual meeting will:

- (i) elect a person to preside if the Mayor is not present;
- (ii) elect the Mayor for the ensuing municipal year;
- (iii) appoint the Deputy Mayor for the ensuing municipal year;
- (iv) approve the minutes of the last meeting;
- (v) receive any declarations of interest from members;
- (vi) receive any announcements from the Mayor and/or the Head of Paid Service;
- (vii) elect the Leader;
- (viii) appoint the committees as the Council considers appropriate to deal with matters which are not reserved to the Council;
- (ix) appoint Chairmen and Vice-Chairmen for the ensuing municipal year;
- (x) agree that part of the scheme of delegation as the Constitution determines it is for the Council to agree (as set out in Part 3 of this Constitution);
- (xi) approve a programme of ordinary meetings of the Council for the year if this has not previously been determined; and
- (xii) consider any business set out in the notice convening the meeting.

## **1.2 Selection of councillors on committees and outside bodies**

At the annual meeting, the Council will:

- (i) decide which committees to establish for the municipal year;
- (ii) decide the size and terms of reference for those committees;
- (iii) decide the allocation of seats to political groups in accordance with the political balance rules;
- (iv) receive nominations of councillors to serve on each committee and outside body; and

- (v) appoint to those committees and outside bodies except where appointment to those bodies has been delegated by the Council to a committee.

## **2. ORDINARY MEETINGS**

Ordinary meetings of the Council will take place in accordance with a programme decided at or prior to the Council's annual meeting which may be varied in exceptional circumstances by the Mayor. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council. Ordinary meetings will:

- (i) elect a person to preside if the Mayor and Deputy Mayor are not present;
- (ii) approve the minutes of the last meeting;
- (iii) receive any declarations of interest from members;
- (iv) receive any announcements from the Mayor, Leader, or the Chief Operating Officer;
- (v) deal with any business from the last Council meeting;
- (vi) receive reports from Council's committees and receive questions and answers on any of those reports;
- (vii) receive reports about and receive questions and answers on the business of joint arrangements and external organisations;
- (viii) consider motions; and
- (ix) consider any other business specified in the summons to the meeting, including consideration of any proposals from committees.

## **3. EXTRAORDINARY MEETINGS**

### **3.1 Calling extraordinary meetings.**

The Chief Operating Officer may call Council meetings in addition to ordinary meetings and those listed below may request him to do so:

- i) the Council by resolution;
- ii) the Mayor;
- iii) the Monitoring Officer;
- iv) any ten members of the Council if they have signed a requisition presented to the Mayor and they have refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

#### **4. APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES**

##### **4.1 Allocation**

Unless decided otherwise at the annual meeting of the Council each political group on the Council may nominate one or more substitute members for any meeting of a committee or sub-committee by notifying the Head of Legal and Democratic Services by 12 noon on the day of the meeting. This rule should only apply to Standards Committee in exceptional circumstances and if the nominated substitute has been appropriately trained.

##### **4.2 Powers and duties**

Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the member for whom they are substituting.

##### **4.3 Substitution**

Substitute members may attend meetings in that capacity only:

- (i) to take the place of the ordinary member for whom they are the designated substitute; and
- (ii) where the ordinary member will be absent for the whole of the meeting.

#### **5. TIME AND PLACE OF MEETINGS**

The time and place of meetings will be determined by the Chief Operating Officer and notified in the summons.

#### **6. NOTICE OF AND SUMMONS TO MEETINGS**

The Chief Operating Officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least five clear days before a meeting, the Chief Operating Officer will send a summons signed by them by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available.

#### **7. CHAIRMAN OF MEETING**

The person presiding at the meeting may exercise any power or duty of the Mayor. Where these rules apply to committee and sub-committee meetings, references to the Mayor also include the Chairmen of committees and sub-committees.

## **8. QUORUM**

The quorum of a meeting will be one quarter of the whole number of members. During any meeting if the Mayor counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. If after a period of fifteen minutes has elapsed there are not sufficient members present to constitute a quorum the remaining business will be deferred to a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **9. DURATION OF MEETING**

Unless the majority of members present vote for the meeting to continue, any meeting will adjourn immediately upon conclusion of the item of business under discussion at 11.00 pm on the day of the meeting. Remaining business will be considered at a time and date fixed by the Mayor. If they do not fix a date, the remaining business will be considered at the next ordinary meeting.

## **10. QUESTIONS BY MEMBERS**

### **10.1 On reports of committees**

A member of the Council may ask the Leader or the Chairman of a committee any question without notice upon an item of the report of a committee when that item is being received or under consideration by the Council.

### **10.2 Questions on notice at full Council**

Subject to Rule 10.4, a member of the Council may ask:

- the Mayor;
- the Leader; or
- the Chairman of any committee or sub-committee

a question on any matter in relation to which the Council has powers or duties or which affects the borough.

### **10.3 Questions on notice at committees and sub-committees**

Subject to Rule 10.4, a member of a committee or sub-committee may ask the Chairman of it a question on any matter in relation to which the Council has powers or duties or which affect the borough, and which falls within the terms of reference of that committee or sub-committee.

### **10.4 Notice of questions**

A member may only ask a question under Rule 10.2 or 10.3 if either:

- (a) they have given at least three working days' notice in writing of the question to the Chief Operating Officer; or

- (b) the question relates to urgent matters, they have the consent of the Chairman to whom the question is to be put and the content of the question is given to the Chief Operating Officer by 12 noon on the day of the meeting.

## **10.5 Response**

- (i) An answer may take the form of:
  - (a) a direct oral answer;
  - (b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
  - (c) where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.
- (ii) Every question shall be put and answered without discussion, but the person to whom a question has been put may decline to answer.

## **11. MOTIONS ON NOTICE**

### **11.1 Notice**

Except for motions which can be moved without notice under Rule 12, written notice of every motion, signed by at least one member subject to 11.B below, must be delivered to the Chief Operating Officer by no later than 12 noon on the Monday of the week preceding the meeting. These will be available for public inspection.

### **11.2 Motion set out in agenda**

Motions for which notice has been given will be listed on the agenda in the order in which notice was received, unless the member giving notice states, in writing, that they propose to move it to a later meeting or withdraw it.

### **11.3 Scope**

Motions must be about matters for which the Council has a responsibility or which affect the borough.

### **11.4 Automatic reference to Committee**

If the subject matter of any motion to which this Rule applies comes within the province of any committee or sub-committee of the Council, it shall, upon being moved and seconded, stand referred without discussion to committee or sub-committee for consideration.

Provided that the Mayor may, if they considers it convenient and conducive to the despatch of business, allow the motion to be dealt with at the meeting on which it is brought forward.

## **11.5 Acceptance of Motion**

- (a) If notice is given of any original motion which, in the opinion of the Chief Operating Officer is out of order, illegal, irregular or improper, the Chief Operating Officer shall forthwith submit such notice to the Mayor and it shall not be accepted and placed on the agenda without his/her sanction. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.
- (b) In the event of the volume of items creating difficulty for the management of Council business or jeopardising the efficient running of Council business the Chief Operating Officer may make decisions about the priority and number of notices to be accepted in consultation with those submitting Notice and the Mayor. In the event of non-acceptance the Chief Operating Officer shall inform the member giving the Notice of their decision.

## **12. MOTIONS WITHOUT NOTICE**

The following motions may be moved without notice:

- (a) to appoint a Chairman of the meeting at which the motion is moved;
- (b) in relation to the accuracy of the minutes;
- (c) to change the order of business on the agenda;
- (d) to refer something to an appropriate body or individual;
- (e) to appoint a committee or member arising from an item on the summons for the meeting;
- (f) to receive reports or adoption of recommendations of committees or officers and any resolutions following from them;
- (g) to withdraw a motion;
- (h) to amend a motion;
- (i) to proceed to the next business;
- (j) that the question be now put;
- (k) to adjourn a debate;
- (l) to adjourn a meeting;
- (m) that the meeting continue beyond 11.00 pm;
- (n) to suspend a particular Council Procedure Rule;
- (o) to exclude the public and press in accordance with the Access to Information Procedure Rules;

- (p) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4; and
- (q) to give the consent of the Council where its consent is required by this Constitution.

### **13. RULES OF DEBATE**

#### **13.1 No speeches until motion seconded**

No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.

#### **13.2 Right to require motion in writing**

Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to him/her before it is discussed.

#### **13.3 Seconders' speech**

When seconding a motion or amendment, a member may reserve their speech until later in the debate.

#### **13.4 Content and length of speeches**

Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.

#### **13.5 When a member may speak again**

A member who has spoken on a motion may not speak again whilst it is the subject of debate, except:

- (a) to speak once on an amendment moved by another member;
- (b) to move a further amendment if the motion has been amended since they last spoke;
- (c) if his/her first speech was on an amendment moved by another member, to speak on the main issue (whether or not the amendment on which they spoke was carried);
- (d) in exercise of a right of reply;
- (e) on a point of order; and
- (f) by way of personal explanation.



### **13.6 Amendments to motions**

- (a) An amendment to a motion must be relevant to the motion and will either be:
  - (i) to refer the matter to an appropriate body or individual for consideration or reconsideration;
  - (ii) to leave out words;
  - (iii) to leave out words and insert or add others; or
  - (iv) to insert or add words.so long as the effect of (ii) to (iv) is not to negate the motion.
- (b) Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of.
- (c) If an amendment is not carried, other amendments to the original motion may be moved.
- (d) If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.
- (e) After an amendment has been carried, the Mayor will read out the new substantive motion before accepting any further amendments, or if there are none, put it to the vote.

### **13.7 Alteration of motion**

- (a) A member may alter a motion of which they have given notice with the consent of the meeting. The meeting's consent will be signified without discussion.
- (b) A member may alter a motion which they have moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.
- (c) Only alterations which could be made as an amendment may be made.

### **13.8 Withdrawal of motion**

A member may withdraw a motion which they have moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.

### **13.9 Right of reply**

- (a) The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.
- (b) If an amendment is moved, the mover of the original motion has the right of reply at the close of the debate on the amendment but may not otherwise speak on it.
- (c) The mover of the amendment has no right of reply to the debate on their amendment.

#### **13.10 Motions which may be moved during debate**

When a motion is under debate, no other motion may be moved except the following procedural motions:

- (a) to withdraw a motion;
- (b) to amend a motion;
- (c) to proceed to the next business;
- (d) that the question be now put;
- (e) to adjourn a debate;
- (f) to adjourn a meeting;
- (g) to exclude the public and press in accordance with the Access to Information Procedure Rules; and
- (h) to not hear further a member named under Rule 20.3 or to exclude them from the meeting under Rule 20.4.

#### **13.11 Closure motions**

- (a) A member may move, without comment, the following motions at the end of a speech of another member:
  - (i) to proceed to the next business;
  - (ii) that the question be now put;
  - (iii) to adjourn the debate; or
  - (iv) to adjourn the meeting.
- (b) If a motion to proceed to the next business is seconded and the Mayor thinks the item has been sufficiently discussed, they will give the mover

of the original motion a right of reply and then put the procedural motion to the vote.

- (c) If a motion that the question be now put is seconded and the Mayor thinks the item has been sufficiently discussed, they will put the procedural motion to the vote. If it is passed they will give the mover of the original motion a right of reply before putting his/her motion to the vote.
- (d) If a motion to adjourn the debate or to adjourn the meeting is seconded and the Mayor thinks the item has not been sufficiently discussed and cannot reasonably be so discussed on that occasion, they will put the procedural motion to the vote without giving the mover of the original motion the right of reply.

#### **13.12 Point of order**

A member may raise a point of order at any time. The Mayor will hear them immediately. A point of order may only relate to an alleged breach of these Procedure Rules or the law. The member must indicate the rule or law and the way in which they consider it has been broken. The ruling of the Mayor on the matter will be final.

#### **13.13 Personal explanation**

A member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the member which may appear to have been misunderstood in the present debate. The ruling of the Mayor on the admissibility of a personal explanation will be final.

### **14. PREVIOUS DECISIONS AND MOTIONS**

#### **14.1 Motion to rescind a previous decision**

A motion or amendment to rescind a decision made at a meeting of Council within the past six months cannot be moved unless the notice of motion is signed by at least 15 members.

#### **14.2 Motion similar to one previously rejected**

A motion or amendment in similar terms to one that has been rejected at a meeting of Council in the past six months cannot be moved unless the notice of motion or amendment is signed by at least 15 members. Once the motion or amendment is dealt with, no one can propose a similar motion or amendment for six months.

#### **14.3 Recommendations from Committee**

Rules 15.1 and 15.2 shall not apply to a motion moved in pursuance of a recommendation of a Committee.

## 15. **VOTING**

### 15.1 **Majority**

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

### 15.2 **Mayor's casting vote**

If there are equal numbers of votes for and against, the Mayor will have a second or casting vote. There will be no restriction on how the Mayor chooses to exercise a casting vote.

### 15.3 **Show of hands**

Unless a ballot or recorded vote is demanded under Rules 15.4 and 15.5, the Mayor will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.

### 15.4 **Ballots**

The vote will take place by ballot **if two members** present at the meeting demand it. The Mayor will announce the numerical result of the ballot immediately the result is known.

### 15.5 **Recorded vote**

If any member present at the meeting demands it, the names for and against the motion or amendment or abstaining from voting will be taken down in writing and entered into the minutes, save that immediately after any vote is taken at a budget decision meeting on any motion or amendment there must be recorded in the minutes the names of the persons who cast a vote for the decision or against the decision or who abstained from voting ("budget decision meeting" means a meeting at which the Council makes a calculation in respect of the setting of Council Tax or issues a precept and "vote" means a vote on any decision related to the making of the calculation or the issuing of the precept.) A demand for a recorded vote will override a demand for a ballot.

### 15.6 **Right to require individual vote to be recorded**

Where any member requests it immediately after the vote is taken, their vote will be so recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

### 15.7 **Voting on appointments**

If there are more than two people nominated for any position to be filled and there is not a clear majority of votes in favour of one person, then the name of the person

with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

## **16. MINUTES**

### **16.1 Signing the minutes**

The Mayor will sign the minutes of the proceedings at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

- (a) Where the person who should have signed the minutes is unable to perform that duty the Chairman or Vice Chairman of the body is authorised to sign as a correct record the minutes of a previous meeting of that body.
- (b) Where a body ceases to exist, the Councillor who chaired the last meeting of that body is authorised to sign the minutes as a correct record.

### **16.2 No requirement to sign minutes of previous meeting at extraordinary meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of Schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

### **16.3 Form of minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

## **17. RECORD OF ATTENDANCE**

All members present during the whole or part of a meeting must sign their names on the attendance sheets before the conclusion of every meeting to assist with the record of attendance.

## **18. EXCLUSION OF PUBLIC**

Members of the public and press may only be excluded either in accordance with the Access to Information Procedure Rules in Part 4 of this Constitution or Rule 21 (Disturbance by Public).

## **19. MEMBERS' CONDUCT**

### **19.1 Standing to speak**

When a member speaks at Council they must stand and address the meeting through the Mayor. If more than one member stands, the Mayor will ask one to speak and the others must sit. Other members must remain seated whilst a member is speaking unless they wish to make a point of order or a point of personal explanation.

#### **19.2 Mayor standing**

When the Mayor stands during a debate, any member speaking at the time must stop and sit down. The meeting must be silent.

#### **19.3 Member not to be heard further**

If a member persistently disregards the ruling of the Mayor by behaving improperly or offensively or deliberately obstructs business, the Mayor may move that the member be not heard further. If seconded, the motion will be voted on without discussion.

#### **19.4 Member to leave the meeting**

If the member continues to behave improperly after such a motion is carried, the Mayor may move that either the member leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

#### **19.5 General disturbance**

If there is a general disturbance making orderly business impossible, the Mayor may adjourn the meeting for as long as they think necessary.

### **20. DISTURBANCE BY PUBLIC**

#### **20.1 Removal of member of the public**

If a member of the public interrupts proceedings, the Mayor will warn the person concerned. If they continue to interrupt, the Mayor will order their removal from the meeting room.

#### **20.2 Clearance of part of meeting room**

If there is a general disturbance in any part of the meeting room open to the public, the Mayor may call for that part to be cleared.

### **21. SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

#### **21.1 Suspension**

All of these Procedure Rules except Rules 15.6 and 16.2 may be suspended by motion on notice or without notice if at least one half of the whole number of members of the Council are present. Suspension can only be for the duration of the meeting.

Procedure Rules cannot be suspended in respect of a motion under Council Procedure Rule 11.1B that the Leader cease his/her term of office before the statutory period has come to an end.

## **21.2 Amendment**

Any motion to add to, vary or revoke these Procedure Rules will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

## **22. USE OF E MAIL AND FAX**

For the avoidance of doubt, where in the Constitution reference is made to a written notice, signed by a Member or Members, this shall include delivery by fax or e-mail, subject to confirmation of identity by the Member or Members concerned.

## **23. AUDIO OR VISUAL RECORDING OF PROCEEDINGS**

- (i) Audio recordings of the proceedings of any Council or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed by the Council. Anyone wishing to do this is requested to make their intentions clear before the commencement of the meeting in question.
- (ii) Photographing or filming of the proceedings of a Council, or Committee (including Sub-Committees) meeting or part of any such meeting held in public shall be allowed with the agreement of the Mayor or Chairman of the meeting in question. Filming shall be allowed in accordance with the law.
- (iii) In the event of the Mayor or Chairman of the meeting in question wanting to prohibit the photographing filming or audio recording of the proceedings as per (i) and (ii) above, they shall provide a reason for this to members of that meeting and seek their consent to their decision by means of a vote. Where members then vote to allow the photographing, filming or audio recording of the proceedings of that meeting, this shall be allowed. Any decision not to allow filming may only be made if such filming would prevent the orderly conduct of the meeting. Photographing, Filming and audio recording will not be allowed if Council or a committee is considering an exempt or confidential item as defined in law and the Access to Information Procedure Rules.

## **24. USE OF MOBILE PHONES AND OTHER SOCIAL MEDIA DEVICES IN MEETINGS**

In the interests of the smooth running of meetings:-

- (i) Mobile phones/devices must be switched off or to 'silent' at meetings.
- (ii) Calls should not be made or answered during the meeting.

- (iii) The use of mobile phones/devices to send texts or emails, access Facebook, send tweets, take notes, open emails, access the internet etc should be done discreetly and with common sense and should not cause a disturbance to the smooth running of the meeting.
- (iv) The Mayor/Chairman has discretion to require that mobile phone/devices are not used as at (iii) above if a disturbance to the smooth running of the meeting is caused.

**25. DISCLOSABLE PECUNIARY INTERESTS AND PECUNIARY INTERESTS–WITHDRAWAL FROM MEETINGS**

A Member or Co-opted Member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which they have a Disclosable Pecuniary Interest (DPI) or Pecuniary Interest except where they are permitted to remain as a result of the grant of a dispensation or the Code.

**26. APPLICATION TO COMMITTEES AND SUB-COMMITTEES**

All of the Procedure Rules apply to meetings of full Council. Only Rules 5 to 13 and 15 to 26 (but not Rule 20.1) apply to meetings of committees and sub-committees with the substitution of the word 'Chairman' where the word 'Mayor' appears.

## **3.2 Committee Procedure Rules**

**NB. Relevant Council Procedure Rules are applied to Committees by virtue of Rule 24 of those Rules.**

**1. What will be the number and arrangements for Regulatory Committees?**

- (a) The Council will have the Regulatory Committees set out Part 2 (Constitution 2.2) of this Constitution and will appoint to them as it considers appropriate from time to time. Such committees may appoint sub-committees.
- (b) The terms of reference of each Regulatory Committee will be:
  - (i) to discharge the functions delegated to it as set out in Part 2;
  - (ii) to appoint such sub-committees as it considers appropriate to fulfil those functions; and
  - (iii) to consider, and respond as appropriate to, reports from the Council.



**2. Who may sit on Regulatory Committees?**

All councillors may be members of a Regulatory Committee.

**3. Meetings of Regulatory Committees**

The Council shall determine, on an annual basis, the meetings to be held each year in order to efficiently expedite the business of the Regulatory Committees. Traditionally meetings are not held in August or between the last scheduled Council meeting in April and Annual Council.

**4. Quorum**

The quorum for Regulatory Committees shall be as set out for committees in the Council Procedure Rules in Part 3.1 of this Constitution.

**5. Who chairs Regulatory Committee meetings?**

- (a) Chairmen and Vice-Chairman of Regulatory Committees/sub-committees will be drawn from among the councillors sitting on the committee/sub-committee, and subject to this requirement, the Council or the committee/sub-committee may appoint such persons, as it considers appropriate as Chairman and Vice-Chairman, subject to Rule 2(a) above.
- (b) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman of that Committee/sub-committee the Vice-Chairman shall take the Chair.
- (c) In the absence from a meeting of a Regulatory Committee/sub-committee of the Chairman or Vice-Chairman of that Committee/sub-committee, a person to chair the meeting shall be chosen from those members present at the meeting.
- (d) If a vacancy shall occur in the office of Chairman or Vice-Chairman of a Regulatory Committee/sub-committee it will be filled at the next ordinary meeting of the Council unless the Council has determined alternative procedural arrangements.

**6. Agenda items**

- (a) Any member of the Council, shall be entitled to give notice to the Head of Legal and Democratic Services that they wish an item relevant to the functions of the committee or sub-committee to be included on the agenda for the next available meeting of the committee or sub-committee. On receipt of such a request the Head of Legal and Democratic Services will ensure that it is included on the next available agenda. Other than for meetings to be held on a Monday or a Tuesday, any notice to be given under this provision shall be submitted to the Legal and Democratic Services Manager by no later than 12 noon on the Tuesday of the week preceding the meeting. For meetings to be held on a Monday or a Tuesday, Notices under this provision

shall be submitted to the Head of Legal and Democratic Services by no later than 12 noon on the Tuesday of the week before the week preceding the meeting. (For the avoidance of doubt, under this provision an item for a meeting to be held on, say Tuesday 15<sup>th</sup> would be required by noon on Tuesday 1<sup>st</sup> of that month).

- (b) Any member of the Council shall be entitled to give notice to the Head of Legal and Democratic Services by 12 noon on the Tuesday of the week preceding the meeting that they wish an item relevant to a report on the Members' Update relating to the functions of the Regulatory Committee/Sub-Committee concerned to be included on the agenda for the next meeting of that Committee or Sub-Committee. Notices under this provision shall be submitted to the Head of Legal and Democratic Services in accordance with

the timescale as set out in (a) above. The procedure for dealing with Member's Updates Procedure Rules.

## **7. Who may attend?**

- (a) The leaders of the political groups on the Council shall be allowed to attend each Regulatory Committee and to speak, subject to any restrictions in law, but not vote, on any issue under consideration.
- (b) Members who are not members of a Regulatory Committee shall be entitled to attend meetings of that Regulatory Committee but shall not be eligible to speak or vote except in relation to an item affecting that member's ward when the member will be allowed, with the consent of the Chairman, to speak but not vote, provided notice is given to the Head of Legal and Democratic Services or his/her representative by 12 noon on the day of the meeting.
- (c) Where a member has given written notice for an item to be included on a Regulatory Committee agenda, that member may attend and, with the consent of the Chairman, speak, but not vote, on that item, provided that in cases where disciplinary matters are under consideration, then only the members of the committee or sub-committee appointed by the Council shall be in attendance other than the officers servicing the committee or involved in the disciplinary action.

## **8. Appeal or quasi-judicial hearings**

The Licensing and Appeals Committee will, on occasions, meet to determine applications or appeals and will be sitting in a quasi-judicial capacity. For those meetings, the committee may have adopted a procedure to meet the requirements of the rules of natural justice and the conventions in the Human Rights Act 1998. If, on those occasions, any conflict arises between the adopted procedure and these Rules, the adopted procedure will apply.

## **9. Party Whip**

When considering any matter in respect of which a member of a Regulatory Committee is subject to a party whip, the member must declare the existence of the

whip, and the nature of it, before the commencement of the committee's deliberations on the matter. The declaration and the details of the whipping arrangement shall be recorded in the minutes, it being noted that it is current practice for the party whips not to be used in respect of quasi-judicial decisions.

### **3.3 PUBLIC PARTICIPATION SCHEME**

Part A - or meetings of Policy and Resources Committee, Audit & Governance Committee and Standards Committee)

#### **1.0 Public Speaking**

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 A Parish Council Representative may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.

#### **2.0 Written Representations**

- 2.1 Residents of West Lancashire may submit written representations, which will be considered by the relevant body if the Resident is unable to attend for any reason.
- 2.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

#### **3.0 Deadline for submission**

- 3.1 The prescribed form should be received by Member Services by 10.00 am on the Friday of the week preceding the meeting. This can be submitted by e-mail to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or by sending to:

Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

- 3.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the resident (and representative) and details of the issue to be raised will be published.
- 3.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

## **4.0 Scope**

4.1 Any matters raised must be relevant to an item on the agenda for the meeting.

4.2 The Head of Legal and Democratic Services may reject a submission if it:

- (i) is defamatory, frivolous or offensive;
- (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
- (iii) discloses or requires the disclosure of confidential or exempt information.

## **5.0 Number of items**

5.1 A maximum of one form per resident will be accepted for each Agenda Item.

5.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, Member Services will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:

- a. The order in which forms were received.
- b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
- c. Whether a request has been submitted in relation to the same issue.

No amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

5.3 All submissions received will be published on the Council's website and circulated to Members of the relevant body and officers for consideration.

## **6.0 At the Meeting**

6.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite the speakers to make their representations. Speakers will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.

6.2 Members may discuss what the speaker/s have said along with any other information/representations submitted under the protocol, when all public speakers on that item have finished and will then make a decision. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.

6.3 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them, including a Parish or Borough Councillor representative. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.

6.4 A Borough Councillor is able to speak on behalf of a resident (without the need for the

resident to be in attendance), if requested to do so. However, that Councillor must not be a member of the body considering the item.

6.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)

## APPENDIX - FORM

### REQUEST FOR PUBLIC SPEAKING/REPRESENTATIONS AT MEETINGS

MEETING & DATE .....

NAME .....

ADDRESS.....  
.....

Post Code .....

PHONE.....

Email .....

Please indicate if you will be in attendance at the meeting Yes/No

Please indicate if someone will be speaking on your behalf at the meeting. Yes/No

If someone is speaking on your behalf please provide their correct details:

NAME .....

PHONE.....

Email .....

Note: This page will not be published.

PLEASE PROVIDE DETAILS OF THE MATTER YOU WISH TO RAISE

Agenda Item Number .....

Title.....

Details.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....

Name .....

Dated .....

Completed forms to be submitted by 10.00am on the Friday of the week preceding the meeting to:-  
Member Services, West Lancashire Borough Council, 52 Derby Street, Ormskirk, Lancashire, L39  
2DF or Email: [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) If you require any assistance regarding your  
attendance at a meeting (including access) or if you have any queries regarding your submission  
please contact Member Services on 01695 585065

**Note: This page will be circulated to Members of the Committee and published**

## **PART B - PROCEDURE FOR THE PUBLIC AND APPLICANTS WHO WISH TO SPEAK AT THE PLANNING COMMITTEE ON PLANNING APPLICATIONS THAT MIGHT AFFECT THEM**

The Council wants to improve the opportunity given to people in West Lancashire to have their say about planning applications that affect them.

The Council have decided that people should have the opportunity to reinforce their views by talking to the Councillors who make the decision at Planning Committee.

The people who can request to speak at meetings are:

- anyone who has written objecting to the planning application and who has been consulted under the neighbour notification process by the Council, or his/her representative;

Note: Consultees/Organisations that have been formally consulted on the application will not be invited to speak, as their views will be set out clearly in the Committee reports.

- the Clerk to a Parish Council, or his/her representative where the Clerk is unavailable, to express the view of the Parish Council;
- the applicant or his/her representative but only where it has been agreed that a third party objecting to the proposal may speak.

Note: The minimum age for people to address the Committee under this procedure is 16 years.

Any person who wishes to speak must give at least 3 working days' notice prior to the day of the Committee meeting that they want to address the Committee (i.e. by 5pm on the Monday of the week of the Committee meeting). The request must also include a brief outline of the points the speaker wishes to make. A pro-forma is available.

If there is more than one speaker in any category then the Chairman of the Committee will decide how many can speak. This will be done the day before the meeting and the Member Services Officer will notify the person who has made the request to speak of the Chairman's decision. Groups (e.g. of residents) are asked to nominate one person to speak on their behalf.

Each person who is authorised by the Chairman to speak will be limited to three minutes.

Speakers must not circulate any supporting documentation at the Committee meeting.

What any speaker says must be relevant to the planning application only - nothing damaging or personal. There should be no duplicating points made by other speakers. All speakers should address the meeting and must not enter into a debate with Councillors. The Chairman may intervene and end a speaker's time if they do not comply with these requirements.



A speaker may ask someone else to speak for them if they are unable to do so or bring an interpreter if they need one.

A request to speak should be sent to Member Services, West Lancashire Borough Council,

Council Offices, 52 Derby Street, Ormskirk, Lancashire, L39 2DF. Telephone: 01695 585017 E Mail: [memberservices@westlancs.gov.uk](mailto:memberservices@westlancs.gov.uk)

## **PART 3.4 PETITION SCHEME**

A petition is one way in which people can let the Council know its concerns.

### **1.0 What is a petition?**

1.1 A petition is any communication that is signed by 10 or more people either on paper or in electronic format. There are no restrictions on who can submit or sign a petition. For details of the e-Petition scheme, see paragraphs 8 & 9 below.

### **2.0 What should a petition contain?**

2.1 A clear statement of concerns

This must relate to something which is the responsibility of this Council. Where a petition relates to a matter over which the authority has no responsibility or influence, we will return the petition to the petition organiser with an explanation for that decision. Where a petition relates to a matter which is within the responsibility of another public authority (e.g. Lancashire County Council), we will ask the petition organiser whether s/he would like us to redirect the petition to that other authority.

2.2 A statement of what action you would like the Council to take.

What would the petitioner(s) like the Council to do?

2.3 The name and contact details of the “petition-organiser”

Or someone to whom any correspondence about the petition can be sent. Contact details must be a postal address and/or an Email address.

2.4 The names of at least 10 petitioners

This can include the petition organiser. Where the petition is in paper form, this must include the full name, postal address and actual signature from each petitioner. Where the petition is in electronic form, this must include the full name, postal address and e-mail address of each petitioner.

### **3.0 Who should the petition be sent to?**

3.1 Paper petitions should be sent to:

Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

Or alternatively the e-petition facility may be used (see paragraphs 8 and 9 below) or the petition can be scanned and e-mailed to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk)

3.2 Member Services will ensure that an acknowledgement is sent to the 'petition organiser' within 5 working days.

#### **4.0 What steps can the Council take to deal with a petition?**

Steps that may be taken to deal with a petition include:

- Take the action requested
- Give a written response setting out the Council's views about the request
- Refer to a meeting of the Council, a Committee, Sub-Committee or Working Group (as appropriate)
- Hold a consultation
- Hold a meeting with petitioners

#### **5.0 What happens to a Petition when it is submitted?**

When a petition is received by Member Services it will be circulated to the Chief Operating Officer and relevant Corporate Director/Head of Service and the relevant Ward Councillors.

The relevant Corporate Director/Head of Service will consider what steps should be taken to deal with the petition request and advise the 'Petition Organiser' and Member Services within 20 working days from the date the petition was acknowledged. Copies of the response will also be sent to the relevant relevant Ward Councillors.

#### **6.0 E-Petition**

6.1 The e-petition facility enables people to create, submit and sign petitions through the Council's website. E-petitions follow the same guidelines as paper petitions as detailed above. The 'Petition Organiser' will need to register on the site before they can create a petition on line and will need to provide their name and contact details. They will also need to decide how long the petition should be open for signatures. Six months would probably be sufficient, but a shorter or longer timeframe can be chosen, up to a maximum of 12 months.

6.2 Once an online petition has been created it can be submitted. It may take up to 5 working days after an e-petition has been submitted before it is published online when other people can sign it. This is because we have to check that the content of the petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact the Petition Organiser to explain.

6.3 When an e-petition has closed for signature, the Petition Organiser is required to submit to Member Services, either by printing the petition on paper or by submitting electronically via the e-petition facility, and it will be dealt with in the same way as a paper petition as detailed above.

#### **7.0 How do people 'sign' an e-petition?**

7.1 E-petitions available for signature will be available on the website at:

[http://www.westlancs.gov.uk/council\\_democracy/democracy\\_and\\_decision\\_making/petitions.aspx](http://www.westlancs.gov.uk/council_democracy/democracy_and_decision_making/petitions.aspx)

Petitioners will be asked to provide their name, address and a valid email address. Once this step is complete the petitioners 'signature' will be added to the petition. People visiting the e-petition will be able to see the petitioner's name and town/city in the list of those who have signed it but other contact details will not be visible. Once a response is prepared an automated email will be sent to the Petition Organiser and all petitioners who have made a request on line to be informed of the outcome.

## **PART 3.5 ACCESS TO INFORMATION PROCEDURE RULES**

### **1. SCOPE**

These rules apply to all meetings of the Council, Committees and any sub-committees appointed by them (together called meetings).

### **2. ADDITIONAL RIGHTS TO INFORMATION**

These rules do not affect any more specific rights to information contained elsewhere in this Constitution or the law such as the Freedom of Information Act, the Environmental Information Regulations or Data Subject Access requests under data protection legislation.

### **3. RIGHTS TO ATTEND AND REPORT ON MEETINGS**

3.1 Members of the public may attend all meetings and are permitted to report on the meeting, subject only to the exceptions in these rules and the law.

3.2 Oral reporting or oral commentary on a meeting as it takes place is not permitted if the person reporting or providing commentary is present at the meeting as this could be disruptive to the conduct of the meeting.

3.3 'Reporting' means:

- (a) filming, photographing or making an audio recording of proceedings at a meeting,
- (b) using any other means for enabling persons not present to see or hear proceedings at a meeting as it takes place or later, or
- (c) reporting or providing commentary on proceedings at a meeting, orally or in writing, so that the report or commentary is available, as the meeting takes place or later to persons not present.

3.4 Any person who attends the meeting to report the proceedings may use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities.

3.5 Publication and dissemination may take place at the time of the meeting or occur after the meeting.

### **4. NOTICES OF MEETING**

The Council will give at least five clear day's notice of any meeting by posting details of the meeting at the Council offices, 52 Derby Street, Ormskirk and on the Council's website .

### **5. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING**

The Council will make copies of the agenda and reports open to the public available for inspection at the designated office and where appropriate on the Council's website at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed

and sent to councillors) will be open to inspection from the time the item was added to the agenda.

## **6. SUPPLY OF COPIES**

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) any other documents supplied to councillors in connection with an item if the Head of Legal and Democratic Services thinks fit.

to any person on payment of a charge for postage, copying and any other costs

## **7. ACCESS TO MINUTES, DECISIONS ETC AFTER THE MEETING**

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting or records of decisions taken, together with reasons, excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) reports relating to items when the meeting was open to the public.

## **8. BACKGROUND PAPERS**

### **8.1 List of background papers**

Every report will set out a list of those documents (called background papers) relating to the subject matter of the report which in the opinion of the author:

- (a) disclose any facts or matters on which the decision / report or an important part of the report is based; and
- (b) which have been relied on to a material extent in preparing the report or making the decision

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) or the advice of a political advisor.

### **8.2 Public inspection of background papers**

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers at the Council offices.

## 9. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend and report on meetings and to inspect and copy documents is kept at and available to the public at the Council offices, 52 Derby Street, Ormskirk.

## 10. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

### 10.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed and reporting on the meeting will also not be permitted.

### 10.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that exempt information would be disclosed and reporting on the meeting will also not be permitted.

### 10.3 Meaning of confidential information

“Confidential information” means information given to the Council by a Government Department on terms (however expressed) which forbid its public disclosure, or information which cannot be publicly disclosed by or under any enactment or by a Court Order.

### 10.4 Meaning of exempt information

Information which falls within any of the descriptions 1 - 7 below is exempt information if and so long, as the Proper Officer considers, in all the circumstances of the case, that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Description	Qualification and Interpretation
1. Information relating to any individual	
2. Information which is likely to reveal the identity of an individual.	
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Information falling within description 3 is not exempt information by virtue of that description if it is required to be registered under: (a) the Companies Act (as defined in Section 2 of the Companies Act 2006). (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993

	<p>“financial or business affairs” includes contemplated, as well as past or current, activities.</p> <p>“registered” in relation to information required to be registered under the Building Societies Act 1986 means recorded in the public file at any building society (within the meaning of that Act)</p>
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>	<p>“labour relations matter” means</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218(1) of the Trade Union and Labour Relations (Consolidation) Act 1992, (matters which may be the subject of a trade dispute, within the meaning of that Act) or</p> <p>(b) any dispute about a matter falling within paragraph (a) above and for the purposes at this definition the enactments mentioned in paragraph (a) above, with the necessary modifications, shall apply in relation to office-holders under the authority as they apply in relation to employees of the authority.</p> <p>“office-holder” means the holder of any paid office appointments to which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p> <p>“employee” means a person employed under a contract of service.</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	
<p>6. Information which reveals that the authority proposes -</p> <p>(a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) to make an order or direction under any enactment.</p>	.
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	



Notes:

- (i) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.
- (ii) Previous exemptions relating to personal information continue to be protected under the Data Protection Act.
- (iii) The Exemptions relating to commercial interests complement similar provisions in the Freedom of Information Act and Environmental Information Regulations.
- (iv) Information which
  - (a) falls within any paragraphs 1-7 above; and
  - (c) is not prevented from being exempt by virtue of paragraph 3 and (i) above, is exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

## **11. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS**

If the Head of Legal and Democratic Services thinks fit, the Council may exclude access by the public to reports which in their opinion relate to items during which, in accordance with Rule 10, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication" together with the category of information likely to be disclosed.





**COUNCIL: 28 February 2024**

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**Report of: Corporate Director of Transformation, Housing & Resources**

**Relevant Portfolio Holder: Councillor Cummins**

**Contact for further information: Name Kathryn Moffitt (Extn. 5175 )  
(E-mail: [Kathryn.moffitt@westlancs.gov.uk](mailto:Kathryn.moffitt@westlancs.gov.uk))**

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**SUBJECT: PUBLIC HEALTH, HEALTHY WEIGHT COLLABORATION AGREEMENT**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To seek approval to enter into a Collaboration Agreement with Lancashire County Council (Public Health Team) to deliver a five-year Healthy Weight service in West Lancashire for adults, children and families.
- 1.2 To request authority to receive £75,000 per annum funding from Lancashire County Council's Public Health Team to deliver Healthy Weight Programmes and interventions.
- 1.3 To request the authority to spend the funding received from Lancashire County Council's Public Health Team, to deliver Healthy Weight Programmes and interventions in West Lancashire between April 2024 to 31<sup>st</sup> March 2029.
- 1.4 To request authority to receive and spend any additional funding beyond the initial term of this agreement by a further period up to a maximum 36 months.

## **2.0 RECOMMENDATIONS TO COUNCIL**

- 2.1 That approval is granted to receive £75,000 per annum funding from Lancashire County Council for five years (possible plus 3) to deliver Healthy Weight services across West Lancashire
- 2.2 That approval is granted to enter into a collaboration agreement with Lancashire County Council, April 2024 to March 2029, to deliver the Healthy Weight services for an initial five-year period.
- 2.3 That approval is granted to allow the spending of the grant monies received to deliver healthy weight management services across West Lancashire.

### **3.0 BACKGROUND**

- 3.1 The whole systems approach to obesity recognises that obesity is a complex issue with multiple causes and has significant implications beyond health. There is no one solution in tackling this problem and it requires a long-term, system wide approach to support change. Evidence suggests a family based holistic approach to be more effective, acknowledging that working with whole families extends the reach of services and increases the likelihood of making and sustaining behaviour change. ([Health matters: whole systems approach to obesity – GOV.UK \(www.gov.uk\)](https://www.gov.uk/health-matters/whole-systems-approach-to-obesity)).
- 3.2 Lancashire's Cardiovascular Disease (CVD) mortality rates are well above the England average which in part is likely to be associated with correspondingly high levels of deprivation. Two of the common modifiable risk factors of CVD is being overweight or obese and physically inactive.
- 3.3 Lancashire County Council's Health and Wellbeing Board have made a commitment to prioritise Healthy Hearts as one of its initial three priorities. The Healthy Weight service will form a key part of supporting the Healthy Hearts Strategy and will report to the Healthy Hearts Steering group.
- 3.4 Addressing unhealthy weight and supporting people to sustain weight loss is complex and it is recognised that just providing traditional weight management services is no longer enough.
- 3.5 A flexible service is needed that adapts to meet need and promotes sustainability whilst contributing to a whole systems approach to tackling obesity, working closely and in partnership with stakeholders to improve outcomes for all.
- 3.6 West Lancs Borough Council's Community and Wellbeing Team have for the last five years been successfully delivering the Adult Weight Management services across the borough.
- 3.7 The Children and Young People (Family healthy weight programme) has recently been delivered by Shares Lancashire Ltd in West Lancs, delivering targeted interventions to families identified by schools in our priority wards.
- 3.8 In 2017 Lancashire County Council adopted and signed the Healthy Weight Declaration (HWD). The HWD outlines 16 commitments which tackle a range of issues influencing unhealthy weight.

### **4.0 CURRENT POSITION**

- 4.1 Lancashire County Council have engaged partners and residents to gather insight and design a new collaboration agreement that support the delivery of a healthy weight service in each district across Lancashire.
- 4.2 At a community level the healthy weight service will support a reduction in health inequity by engaging all eligible members of the local community. The venues used for delivery and methods will need to vary depending on the need in the community.

- 4.3 Lancashire County Council have designed the Collaboration Agreement to ensure that Adult Weight Management and Family based healthy lifestyles intervention funding is distributed to each District Council based on population and need.
- 4.4 West Lancashire will be due to receive £75,000 per annum for five years with a possible plus 3 to deliver the healthy weight programmes in West Lancashire.
- 4.5 The Community and Wellbeing Team will continue to deliver the Adult Weight Management programme and will look to procure services to deliver the family healthy lifestyle programme to a third sector provider.
- 4.6 The Healthy Weight Service will include components of a Tier 2 Weight Management Service for adults, a family programme that promotes and supports healthy weight behaviours, and a wider integrated support option for individuals who wish to access independent community services that support healthy weight behaviours.
- 4.7 The Healthy Weight Services will deliver its family-based programme as a group intervention. This will be a programme that does not place a focus on weight and instead encourages and models healthy lifestyle behaviours; and a varied balanced diet, support, and encouragement to get involved with community activities. For example, learning practical skills such a cooking and play in a fun environment as piloted in the programme known as PASTA (Play and skills at Teatime Activities).
- 4.8 The existing Healthy Weight Management Grant Agreement that the Community and Wellbeing Team are currently delivering comes to an end on 31<sup>st</sup> March 2024. The new Healthy Weight Collaboration Agreement is due to start 1<sup>st</sup> April 2024 and finish 31<sup>st</sup> March 2029.

## **5.0 ISSUES**

- 5.1 Timescales to gain approval and receipt of the funding before April 2024 is challenging. LCC have recognised this and extended the Grant Agreement with Shares Lancashire Ltd to ensure sustainability and continuation of the PASTA service between April and July 2024.
- 5.2 The Adult Weight Management programme requires authorisation to receive and spend the allocation of funding from April 2024 and secure existing staff in post to deliver the service.

## **6.0 SUSTAINABILITY IMPLICATIONS**

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 There are some financial/ resource implications arising from this report in respect of the salary costs for staffing, however these will be met using existing resources.

## **8.0 RISK ASSESSMENT**

- 8.1 The impact and risk of this Collaboration Agreement is considered low, all risks will be managed effectively by Officers delivering the services and through any procurement of services to a third sector provider.

## **9.0 HEALTH AND WELLBEING IMPLICATIONS**

- 9.1 The proposal will positively impact on health wellbeing and behaviours of adults and families who engage with the healthy weight services in West Lancashire.

- 9.2 The service to be delivered will be an accessible multi component Healthy Weight Service for individuals which, at a minimum will include:

- A single point of assessment for all eligible individuals, whether self-referral or via health professionals.
- Adult weight management/healthy weight interventions that are evidence based and support healthy nutritionally balanced diets and healthier lifestyles.
- A family intervention based on the piloted programme known as PASTA (Play and skills at Teatime Activities) which will support healthy behaviours focusing on being active as a family, cooking healthy meals, playing out and reducing sedentary behaviour.
- Provide programmes embedded in the principles of and delivery methods that support behaviour change.
- Advice and support to access appropriate physical activity opportunities and reduce sedentary behaviours.
- An integrated approach that offers support outside of the Provider(s) own delivery, utilising a place-based approach that links with community assets.
- Maternal nutrition, healthy eating, and physical activity advice during pregnancy.
- Development of a network of place-based opportunities and encourage ongoing peer connection and support network.
- Promote good health and wellbeing and enable people to flourish.
- Prevent and tackle the causes of ill health.
- Empower people in vulnerable, deprived, and disadvantaged communities to realise their full health potential.
- Develop and support effective and high-quality health and wellbeing services.
- Encourage and enable all people to take a role in identifying and addressing barriers to improve health and wellbeing.
- Increase people's independence throughout their life course and ability to lead full active lives.)

## **Background Documents**

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

## **Appendices**

None



