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22 December 2016

**TO: COUNCILLORS I MORAN, Y GAGEN, T ALDRIDGE, J HODSON, J PATTERSON,  
K WILKIE, K WRIGHT AND C WYNN**

Dear Councillor,

**ADDITIONAL INFORMATION – CABINET 10 JANUARY 2017**

6a	draft green infrastructure and cycling strategy - Revised Recommendations	1505 - 1506
6b	Community Infrastructure Levy Funding Programme 2017/18 - Motion from Councillor Hodson	1507 - 1508
6c	Granville Park Conservation Area - Character Appraisal Review - Revised Addendum Report - Motion from Councillor Hodson (including Plan) - Request to speak from resident of the Borough	1509 - 1520
6f	Housing Account - Revenue and Capital Programme - Report of the Director of Housing and Inclusion/Borough Treasurer	1521 - 1540
6g	General Revenue Account Budget 2017-2018 - Appendix A to the report	1541 - 1542
6i	Government Consultation on Funding for Supported Housing - Minute no. 30 of the Landlord Services Committee (Cabinet Working Group held on 5 January 2017	1543 - 1544

6j	Beechtrees Revival - Update - Minute no. 31 of the Landlord Services Committee (Cabinet Working Group held on 5 January 2017)	1545 - 1546
6m	Private Sector Housing Strategy 2017-2020 - Revised Recommendations	1547 - 1548
6n	Request for Funds - Opposition to extension of Whitemoss Landfill Site, Skelmersdale - Report of the Borough Solicitor/Director of Development and Regeneration - Letter from Nabarro LLP - Motion from Councillor Moran	1549 - 1564
6o	Syrian Resettlement Programme - Revised Recommendations	1565 - 1566

PART II  
PRIVATE AND CONFIDENTIAL

8a	Ormskirk Pay and Display Parking System - Appendix A to the report	1567 - 1568
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## Agenda item 6(a)

### Draft Green Infrastructure and Cycling Strategy

#### Revised Recommendations

- 2.1 That the draft Green Infrastructure and Cycling Strategy at Appendix A to the report be approved for public consultation.
- 2.2 That the Director of Development and Regeneration in consultation with the Portfolio Holder for Planning be authorised to make any necessary minor amendments to the Draft Green Infrastructure and Cycling Strategy before the document is published for consultation.



## Agenda item 6(b)

### Community Infrastructure Levy (CIL) Funding Programme 2017/18

#### Motion from Councillor Hodson

- A) That the consultation feedback report and updated Infrastructure Delivery Schedule (IDS) provided at Appendices 1 and 2 be noted.
- B) That the Agreed Comments provided by the Corporate and Environmental Overview & Scrutiny Committee (Appendix 5) be noted.
- C) That £150,000 of CIL monies be allocated to the delivery of the Canal Towpath Improvements at Burscough (described in paragraph 6.1 to the report) in 2017/18.
- D) That £23,000 of CIL monies be allocated to the delivery of the following infrastructure projects in 2017/18:-

Project A Stanley Coronation Park Play Area (£20,000)

Project B Mere Sands Wood Visitor Centre Phase 1 (£3,000)

- E) That the remaining “strategic” CIL monies collected by 31 March 2017 (i.e. those not allocated on the projects agreed under C) and D) above or spent on projects in the 2016/17 CIL Funding Programme) be “saved” and allocated toward more significant strategic infrastructure projects to be drawn down from as necessary as such significant projects are identified and approved.





CABINET: 10 January 2017

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**Report of:** Director of Development and Regeneration

**Relevant Portfolio Holder:** Councillor J. Hodson

**Contact for further information:** Ian Bond (Extn. 5167)  
(e-mail: [ian.bond@westlancs.gov.uk](mailto:ian.bond@westlancs.gov.uk))

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**SUBJECT: GRANVILLE PARK CONSERVATION AREA CHARACTER APPRAISAL UPDATE – ADDENDUM REPORT**

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Wards affected: Aughton and Downholland Ward

## **1.0 PURPOSE OF THE REPORT**

1.1 This Addendum Report has been produced to assist Cabinet in considering the comments made by Planning Committee on 8 December 2016 in relation to the report of the Director of Development and Regeneration on the Granville Park Conservation Area Character Appraisal Update and present updated recommendations.

## **2.0 RECOMMENDATIONS**

- 2.1 That the comments of the Planning Committee be noted.
- 2.2 That extension B to the Granville Park Conservation Area (identified in Appendix 1) as proposed by Planning Committee is not supported for the reasons stated in Section 5 of this Report.
- 2.3 That the Granville Park Conservation Area Character Appraisal Update (included in Appendix 4 of this report) including the provision to extend the Conservation Area boundary and to make a new Article 4 Direction be approved.
- 2.4 That Cabinet delegate authority to the Director of Development and Regeneration in consultation with the Portfolio Holder for Planning to make

the necessary arrangements to inform residents and to publish the Granville Park Conservation Area Character Appraisal Update (as identified in Appendix 4 of this report).

- 2.5 That Cabinet delegate authority to the Director of Development and Regeneration in consultation with the Portfolio Holder for Planning to make the arrangements to amend the Conservation Area boundary and make an Article 4 Direction to cover the amended Conservation Area boundary, to inform residents of the changes, carry out the relevant consultations and report back to a future Cabinet to consider confirmation of the Article 4 Direction.

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## 4.0 BACKGROUND

- 4.1 When considering any amendment to the boundary of a Conservation Area, the Council has to take a cautious approach – to ensure the area meets the statutory test imposed under the Planning (Listed Building and Conservation Areas) Act 1990 of being an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. The National Planning Policy Guidance states that: “When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest and that the concept of conservation is not devalued through the designation of areas that lack special interest” (paragraph. 127 - NPPF).
- 4.2 Background survey work of the Conservation Area for the character appraisal and the results of a public consultation workshop identified the Cockbeck Tavern as a possible extension to the Conservation Area. The building, which lies just beyond the southern boundary of the Conservation Area at its junction with Town Green Lane, is a prominent focus for the southern entrance into the residential ‘Park’. The former Public House was highlighted as playing a significant role in the setting of the Conservation Area, displaying some of the same key characteristics (set out in Section 5 of the draft appraisal document included in Appendix 4 of this report) as other properties within the Conservation Area.
- 4.3 The building dates from the mid to late C19 and is contemporary with the earliest phase of development in Granville Park. Visually it shares a number of common architectural features and materials typically found elsewhere in Granville Park.
- 4.4 Planning Committee on the 8<sup>th</sup> December considered the Character Appraisal update and resolved : *That the properties as indicated on the plan at the meeting be included in the Granville Park Conservation Area these being the Bowling Green at the rear of the Cockbeck Tavern and the cottages at the top of Winifred Lane.* This is identified in Appendix A – Map of Conservation Area – identifying the proposed extension to the Conservation Area to include both



areas A and B.

- 4.5 To assist Cabinet, Appendix 2 attached to this report provides an assessment of the properties highlighted by Planning Committee for inclusion in the Conservation Area. The property assessments have been made against the key characteristics of the conservation area identified in the Draft Character Appraisal Update.

## **5.0 ASSESSMENT OF EXTENSION PROPOSED BY PLANNING COMMITTEE**

- 5.1 The views expressed by Planning Committee on the 8<sup>th</sup> December meeting involves the inclusion of a further seven residential properties (No's 4 to 12 Winifred Lane and 62 and 64 Town Green Lane) together with the Bowling Green which is located immediately to the north of the car park to the rear of the Cockbeck Tavern. The area adjoins the southern portion of the Conservation Area and would form a new contiguous area at the junction of Granville Park with Town Green Lane and its junction with Winifred Lane.
- 5.2 In light of the comments to extend the boundary of Conservation Area, further building assessments have been undertaken, to consider the merits of the buildings and the Bowling Green, when measured against the key characteristics of the existing Conservation Area. A summary table in Appendix 2 evaluates each building (seven residential properties) against the key characteristics identified in the draft Granville Park Conservation Area Appraisal.
- 5.3 The assessments show that the seven properties have a diverse architectural style which on the whole would make little or no contribution to the character or appearance of the existing Conservation Area. This is for a number of reasons:
- The properties all lie outside the clearly defined 'residential' Park.
  - They are generally of a different scale and relate more to the settlement on the south side of Town Green Lane. No's 8-12 Winifred Lane are a group of small single bay cottages built on small (infill) residential plots and are at odds with the character of the typical properties within Granville Park, which are typically larger in scale. Even the most prominent of the group No.64 Town Green Lane has a plot size substantially below those typically found in Granville Park.
  - Four of the properties share a simple, (C19) cottage form, which have very little architectural detailing, which is a typical within Granville Park. The other three within the group are modern (mid-20<sup>th</sup> Century) detached properties of various styles/designs. No 62 Town Green Lane for example is a mid C20 bungalow. None of the properties illustrate late C19 or early C20 architecture found within Granville Park.

- All seven properties have been subject to some change and lack detailing i.e. timber windows, lighted lights commonly found elsewhere in the Conservation Area.
- The properties, because they fall outside the residential park, lack the presence of any mature landscape setting enjoyed by the houses in Granville Park. Their focus and orientation is towards the village centre of Town Green rather than the residential park.

5.4 The overall contribution to the character or appearance of the Conservation Area of the seven properties is, on our assessment very limited and would not meet the test contained in national planning guidance.

5.5 The Bowling Green is an enclosed open space located to the rear of the Cockbeck Tavern, bounded by the existing car park. The Bowling Green does not share the same historical context (associations) as the Cockbeck Tavern and dates from a later period (post 1927). Whilst this period marks a period of expansion within the Park because of its enclosed location it is largely obscured from view and is screened by the former Cockbeck Tavern and the residential properties to the north and east. It is separated from the existing Conservation Area by an existing pathway which runs northwards which is a clear and well defined boundary to the existing Conservation Area. There is currently no connection/access from the Bowling Green into the Conservation Area. The modern residential development of Capilano Park, which lies immediately to the north of the Bowling Green and is outside the Conservation Area is also bounded by the same pathway.

5.6 In conclusion, the Bowling Green is discretely located behind the frontage and is physically separated from Granville Park. It does not play a significant role in the appearance of the Conservation Area and there is no overwhelming historical value to warrant the boundary being amended to include it within the Conservation Area.

5.7 For the reasons highlighted above I do not feel the inclusion of the seven residential properties or the Bowling Green (identified as extension B in Appendix 1) as put forward by Planning Committee would meet the requirements of the statutory test of being of “special architectural or historic interest” imposed under the Planning (Listed Building and Conservation Areas) Act 1990. In relation to the above I retain the view, as outlined in my original report, that the Conservation Area should be amended to include the Cockbeck Tavern (identified as extension A in Appendix 1).

## **6.0 REQUIREMENTS - CONSULTATION**

6.1 Members need to be aware that if they wish to take forward Planning Committees recommendation to extend the Conservation Area to include the Bowling Green and the seven residential properties identified in Area B in Appendix 1, there will need to be further consultation with the owners and/or

occupiers of the properties affected. Any comments made as a result of the consultation, to include their properties in the Conservation Area and to introduce an Article 4 Direction, will need to be brought forward and considered at a future Cabinet meeting.

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

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

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 There are no significant financial or resource implications arising from this report although a programme of small scheme enhancement works including a Traditional Features Grant Scheme is currently supported via the Capital Programme for properties in designated Conservation Areas.
- 8.2 However there are circumstances in which local authorities may be liable to pay compensation having made an Article 4 Direction, although the potential liability is limited by time limits that apply. Compensation in all cases can only be claimed for abortive expenditure or other loss or damage caused by the removal of the permitted development rights in the event that the Council refuses consent for proposed works.

## **9.0 RISK ASSESSMENT**

- 9.1 The work undertaken is an important part of the Council's duty to preserve its Conservation Areas. Under existing legislation Councils are required to formulate and publish proposals for the management of its designated Conservation Areas.
- 9.2 Article 4 Directions provide planning controls over the impacts of minor development on the character and appearance of Conservation Areas. Failure to apply the Article 4 Directions weakens our management of these historic

areas and risks the Authority not fulfilling its duty to preserve the historic character and appearance of both Conservation Areas.

## **10.0 CONCLUSIONS**

10.1 That no further changes to the Conservation Area boundary, other than that proposed to include the Cockbeck Tavern identified in my original report, can be properly justified. That the revised boundary identified as Area A in Appendix 1 be taken forward as an extension to Granville Park Conservation Area.

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### **Background Documents**

2016            Advice Note 1: Conservation Area  
Designation, Appraisal and Management  
(Historic England)

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 3 to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

### **Appendices**

Appendix 1 – Map of Granville Park Conservation Area – illustrating proposed boundary extensions

Appendix 2 – Summary Assessment of buildings within proposed extension against the Key Characteristics of the Granville Park Conservation Area

Appendix 3 – Equality Impact Assessment

Appendix 4 – Granville Park Conservation Area Character Appraisal Update  
(Planning Committee and Cabinet Report)

PLEASE PROVIDE DETAILS OF THE MATTER YOU WISH TO RAISE

Agenda Item Number ... 6c .....

Title Graville Park Conservation Area - Review

Details A conservation Area review was carried out by Officers who recommended that an Article 4 Direction be extended to cover all of the CA & that the CA be extended to include the ~~pub~~ Cockbeek Pub and its Car Park. But not its Bowling Green.

There has been warm & widespread support for the proposed extensions with significant disquiet regarding the omission of the Bowling Green (and indeed the Shop & Station). Inclusion of the Green was called for by 75% of responding residents, Aughton Parish Council, CAAP (Conservation Area Advisory Panel) and by WK Planning Committee. Yet Officers are still recommending omission of the Bowling Green. I wish to give my arguments as to why the Green should be included.

Name Karen Martindale Dated 4 Jan 2017

Completed forms to be submitted by 5.00pm on the Thursday 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 or if you have any queries regarding your submission please contact Member Services on 01695 585065 or 01695 585097





Agenda item 6(c)

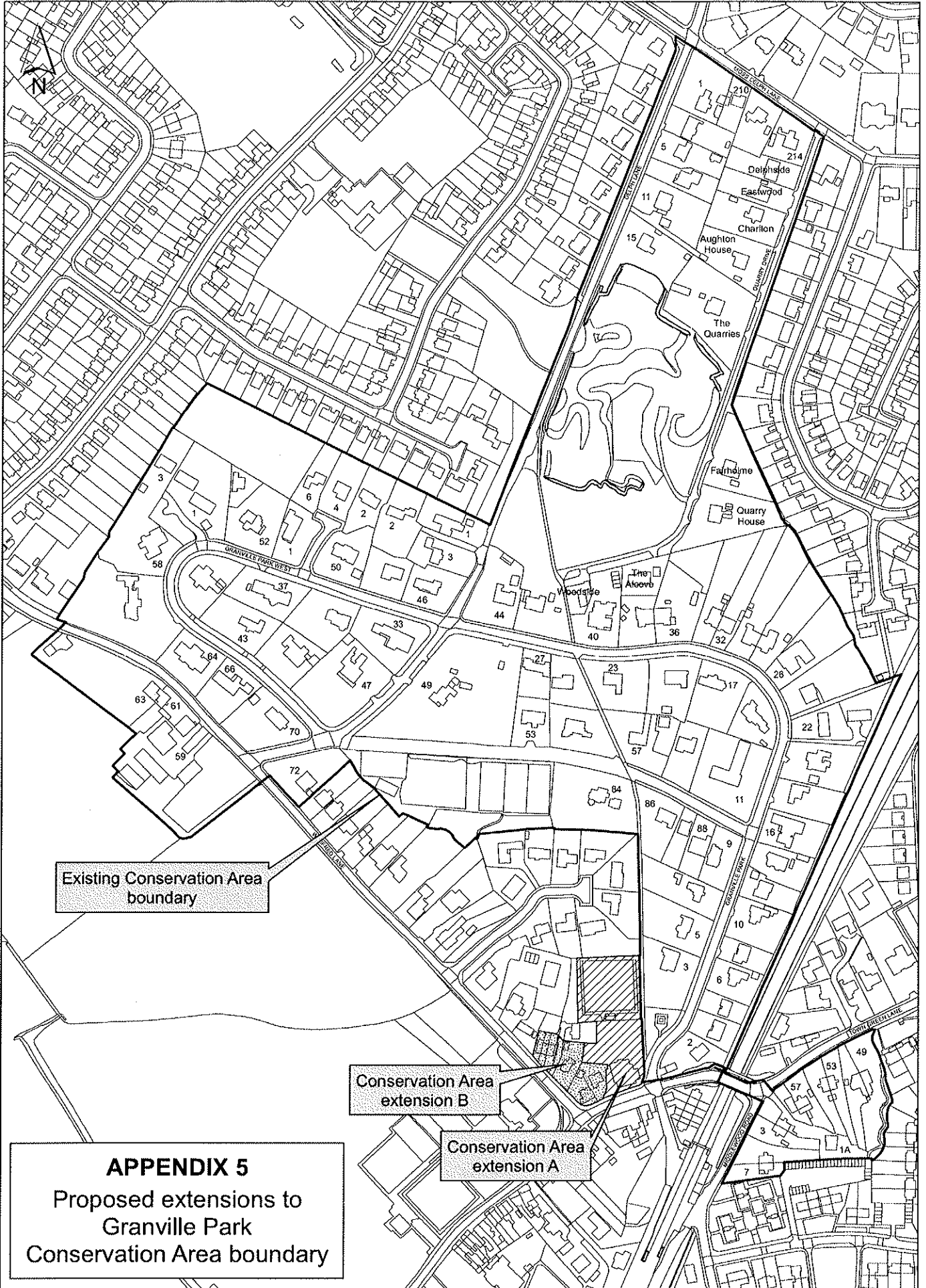
Granville Park Conservation Area Character Appraisal Update – Addendum Report

Motion from Councillor Hodson

- (A) That the Granville Park Conservation Area Character Appraisal Update (as outlined in Appendix 4 of the addendum report) be deferred in order to undertake further consultation on the inclusion of the Bowling Green to the north of the Cockbeck Tavern within the Granville Park Conservation Area and any comments thereon be considered at a future Cabinet meeting.
- (B) That subject to there being no objections received as a result of the consultation on the revised Conservation Area boundary referred to in (A) above, the Granville Park Conservation Area Appraisal Update (including the revised Conservation Area boundary including the Cockbeck Tavern and Bowling Green, identified as extension A in appendix 5) and the making of a new Article 4 Direction to cover the new Conservation Area Boundary be approved.
- (C) That subject to there being no objections received as a result of the consultation on the revised Conservation Area boundary referred to in (A) above, the Director of Development and Regeneration in consultation with the Portfolio Holder for Planning be given delegated authority to make the necessary arrangements to inform residents and publish the approved Granville Park Conservation Area Character Appraisal Update.
- (D) That subject to there being no objections received as a result of the consultation on the revised Conservation Area boundary referred to in (A) above, the Director of Development and Regeneration in consultation with the Portfolio Holder for Planning be given delegated authority to make the necessary arrangements to amend the Conservation Area boundary, to make the Article 4 Direction to cover the agreed Conservation Area boundary and report back to a future meeting of Cabinet to consider confirmation of the Article 4 Direction.







Existing Conservation Area boundary

Conservation Area extension B

Conservation Area extension A

**APPENDIX 5**  
 Proposed extensions to  
 Granville Park  
 Conservation Area boundary





**AGENDA ITEM: 6(f)**

**CABINET:** 10 January 2017

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:**  
26 January 2017

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**Report of:** Director of Housing and Inclusion and Borough Treasurer

**Relevant Portfolio Holder:** Councillor J. Patterson

**Contact for further information:** Peter Quick (Extn. 5203)  
(E-mail: [peter.quick@westlancs.gov.uk](mailto:peter.quick@westlancs.gov.uk))

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**SUBJECT: HOUSING ACCOUNT – REVENUE AND CAPITAL PROGRAMME**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To provide a summary of the Housing Account's financial position.

**2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the financial position be noted and consideration given to the budget matters set out in this report.
- 2.2 That the use of the Director of Housing and Inclusion's delegated authority in relation to rent and service charge changes be noted and endorsed.
- 2.3 That this report be used for consultation purposes prior to the Council considering this matter in February 2017.
- 2.4 That the Housing Portfolio Holder be given delegated authority to submit firm proposals to Council on 22 February 2017 to enable the budget to be set.
- 2.5 That call in is not appropriate for this item as it is to be submitted to the next meeting of the Executive Overview and Scrutiny Committee on 26 January 2017.

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

- 3.1 That the budget position be considered and that any comments agreed by the Committee be submitted to the Housing Portfolio Holder in advance of the Council meeting to be held on 22 February 2017.
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### **4.0 BACKGROUND**

- 4.1 The Council must set a budget for its Housing Account before the start of each financial year, and this budget will set out the financial basis for the delivery of services. The budget that is set must enable Council and tenant priorities to be delivered but must also be affordable. In addition it should comply with best practice requirements on budget setting, and meet statutory and accounting regulations. The Council meeting on the 22<sup>nd</sup> February will provide all Members with the opportunity to debate and agree this budget.
- 4.2 The Policy Options report to the July 2016 Council meeting identified a cumulative budget gap of £7.954m for the HRA over the next 3 years in terms of the level of spending required to deliver agreed service levels and the value of funding that was expected to be available. This was primarily as a result of a change in government approach requiring rents to be reduced by 1% per year over the 4 year period to 2020, rather than allowing rents to be increased by inflation (CPI) plus 1%.
- 4.3 At the July 2016 Council meeting, a package of budget streamlining and other measures were agreed to address this position and this will deliver savings over the 4 year period 2016-20 of £3.453m. At the October Council meeting a further package of measures was agreed that would deliver additional savings of £6.155m in the period up to 2019/20. Following these policy option reports the bottom line position for the HRA was that it would have additional funds available for investment and to deal with future financial challenges. This report now provides an update on this position taking into account the work that has been completed to date through the budget setting process.

### **5.0 RENTAL INCOME**

- 5.1 The Government announced a change in its policy on Council housing rents in the Summer of 2015, which required a 1% reduction in tenant rent levels per year for the four year period from 2016/17 to 2019/20. Rents were set on this basis in 2016/17 and a further 1% reduction will be made in 2017/18.
- 5.2 The Government had announced an exception for certain categories of supported housing in 2016/17, including sheltered housing. This meant in 2016/17 sheltered housing rents were increased using the previous approach of CPI + 1% which resulted in an increase of 0.9% for 2016/17. The Government had also advised that as a one-off option, providers of sheltered housing could increase the rent charged on re-let sheltered properties by 10% and this approach was taken during 2016/17. Government have since advised that sheltered housing for

elderly people will be subject to the same 1% reduction in rents per year for the remaining three years of the rent reduction policy and this is reflected in the 2017/18 budget estimates.

5.3 Consequently in line with our standard practice the Director of Housing and Inclusion will use her delegated authority to reduce rent levels by 1% from April 2017 for all properties.

5.4 Rental income is the main funding source for the Housing Account. The rent reduction means that the overall level of rent income will reduce next year, although there are a number of other factors that will influence this position including:

- The number of properties within the Housing Stock which will be influenced by Right to Buy Council house sales (which is outside the Council's control), the number of homes built or purchased, and the number of homes demolished as part of revival and development projects
- Void levels and the time it takes to relet can have an adverse impact on income levels. It is estimated that void levels will continue at their existing 2% level into 2017/18
- The Welfare Reform agenda, including Universal Credit, will affect tenant's income and consequently their ability to pay their rents. This is likely to have a negative impact on collection rates and levels of bad debts, and consequently this is an area that will need to continue to be monitored closely to assess its impact

## **6.0 OTHER CHARGES**

6.1 A general principle is applied to service charges that they should be calculated to ensure that they are sufficient to recover the cost of service provision. In keeping with this principle it is proposed to increase the general level of service charges next year by 2.0% (based on the September CPI rate of 1.0% plus 1.0% in line with our standard practices).

6.2 There will be a number of exceptions to this general approach including:

- An analysis of Leaseholder service charges identified that the costs of service provision were being under-recovered. In February 2016 it was agreed to implement service charge increases in a phased manner over a 3 year period to rectify this position, and 2017/18 will be the second year of this approach
- The District Heating Account is currently in surplus and consequently it is proposed to reduce the level of heating charges by 2% in 2017/18
- Garage rents will be frozen at 2016/17 levels pending the implementation of the Garage Strategy
- Lancashire County Council have advised that the Supporting People grant previously paid to the Council (currently worth £237,000 per year) to support residents in sheltered accommodation will cease completely in March 2017. This follows a period of reductions in the level of grant received. In response to this anticipated decision a review of the sheltered housing support service and service charges has been carried out during 2016/17 and residents will be consulted on proposals in January 2017

## **7.0 DRAFT ESTIMATES AND CAPITAL INVESTMENT PROGRAMME**

7.1 The base assumptions used in the HRA Business Plan and for the HRA Estimates are detailed in Appendix A. The HRA Business Plan sets out projections of expenditure and income over a 30 year period to enable forward planning and long term investment decisions to be made. The HRA Estimates for 2017-18 then provide more detailed information that sets out the financial basis for how HRA service objectives will be achieved.

7.2 The draft estimates for 2017/18 are shown in Appendix B and provide a provisional HRA budget for 2017/18 covering all areas of revenue expenditure and income. These estimates include increases in the base budget required to roll forward agreed service levels but do not allow for any service improvements. They also allow for reductions in rents and changes in service charges as highlighted above. These estimates will be reviewed prior to the Council meeting in February 2017 to ensure that they are robust for the purposes of the budget calculation in accordance with the requirements of the Local Government Act 2003.

7.3 The draft HRA estimates reflect the following factors:

- The Policy Options agreed by Council in July 2016 and October 2016 have been built into the estimates
- The Government has decided not to proceed with its compulsory Pay to Stay initiative in 2017/18 so this factor has not been included in the draft estimates
- The Government has amended its plans to charge a High Value Assets Levy to each housing authority to fund the extension of right to buy to housing associations. In this year's Autumn statement the Government advised that an extended pilot would take place in one region, yet to be determined, before being rolled out. In effect this means that the High Value Asset Levy is not expected until April 2018 at the earliest and it could be longer. The value of any potential future levy is not reflected in the 2017/18 draft estimates or the Business Plan
- The Government will introduce a new Apprenticeship Levy from April 2017, and the estimated cost for the HRA of £15,000 has been included in the draft estimates
- Streamlining of operational budgets was carried out earlier in 2016/17 as part of the Policy Options process. As part of 2017/18 budget setting, budgets have again been reviewed and further savings found. These are primarily from harvesting previously reported savings by deleting posts that were being held vacant. This will not affect service delivery or existing employees.
- The budget for external interest payments has been reduced as funding requirements for the capital programme have been financed by reducing cash balances rather than taking out external loans at higher interest rates

- A technical adjustment has been made to transfer £100,000 of the voids revenue budget into capital voids as this better reflects the nature of how money will be spent in this area. This change has a neutral bottom line financial impact.

7.4 In addition to the roll over budget in continuing services, it is also important to consider new budget issues and areas for development. Appendix C comprises a list of budget issues that Officers have identified and that should be considered as part of the budget process. Members will need to carefully consider those options, and any others that emerge through the budget process, and determine which proposals to include in the final budget to meet service objectives.

7.5 The proposed Capital Investment Programme for the next 5 years is shown in Appendix D. This programme has been developed through the long term asset management process to ensure that sufficient investment will take place to develop and maintain the housing stock in line with agreed standards. The programme also contains a number of other schemes that reflect Member and tenant priorities including the Beechtrees Revival Project, and funding to enable affordable new homes to be built and / or purchased. The total value of the proposed programme is currently £10,447,000 in 2017/18, and this can be funded by a combination of revenue contributions, HRA borrowing, and capital receipts.

## **8.0 TOWARDS A BALANCED BUDGET POSITION AND LONG TERM PROSPECTS**

8.1 The draft estimates contained in the appendices identify that there are additional funds available for investment next year. Officers will work with Members from both political groups, and will consult with tenants, to consider this position and how these funds can be used. In looking at finalising the budget for next year consideration will need to be given to a number of different factors including:

- Tenants comments and feedback on the budget position
- The acceptance of the new budget issues set out in Appendix C
- Potential future developments in the Welfare Reform agenda
- The potential future impact of the government's High Value Assets Levy
- The profiling of capital expenditure and borrowing across future financial years
- HRA reserves and balances

## **9.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

9.1 The Council with its Tenants wants to ensure that the future business plan allows properties to be brought up to a reasonable standard and that appropriate investment can be made at the appropriate time. Business plan modelling

enables a well informed investment plan to be developed in keeping with the requirements of an effective asset management strategy. The community strategy has highlighted that local people should receive good quality homes for a fair and appropriate rent, and these issues are considered through the business plan process.

## **10.0 RISK ASSESSMENT**

10.1 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.

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### **Background Documents**

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

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required. A formal Equality Impact Assessment will be produced when the Council agrees the budget at its meeting in February.

### **Appendices**

Appendix A – HRA Business Plan Key Assumptions  
Appendix B – Draft HRA Estimates  
Appendix C - Budget Issues  
Appendix D - Draft Investment Plan



## APPENDIX A - KEY BUSINESS PLAN ASSUMPTIONS

	2017/18	2018/19	2019/20	2020/21	2021/22
<u>General Factors</u>					
CPI Inflation	1%	2%	2%	2%	2%
RPI Inflation	2%	3%	3%	3%	3%
Stock numbers	-0.9%	-0.6%	-0.8%	-0.8%	-0.9%
<u>Income</u>					
Dwelling rents	-1%	-1%	-1%	3%	3%
General Service Charges (CPI + 1%)	2%	3%	3%	3%	3%
Garage rents	0%	0%	0%	0%	0%
Heating Charges	-2%	3%	3%	3%	3%
Interest income	0.3%	0.3%	0.3%	0.3%	0.3%
Other income (CPI)	1%	2%	2%	2%	2%
<u>Expenditure</u>					
Employee related	1%	1%	1%	2%	2%
Repairs, maintenance & energy (RPI)	2%	3%	3%	3%	3%
Bad debt provision	1%	1%	0.5%	0.5%	0.5%
Interest rate on new borrowing	3%	3%	3%	3%	3%
Other expenditure (CPI)	1%	2%	2%	2%	2%

### Notes

- ✓ (1) As void rates, (currently budgeted at 2%), are not expected to change over the period of this forecast and their impact is built into the starting budgets they have not been included in this analysis
- ✓ (2) The average interest rate on existing borrowing of 3.47% is fixed and will not change over the forecast period and so is not shown above
- ✓ (3) The scale of the investment programme has been based on long term investment profiles and will be reviewed in time for Council in February 2017.
- ✓ (4) For 2017/18 draft budgets the above assumptions have been applied but where there is a contractual obligation for a different rate it has been used instead
- ✓ (5) In addition to the assumed 1% pay uplift in 2017/18, employers pension contributions have been increased from 13.7% to 16.3% as a result of an actuarial review of the pension fund
- ✓ (6) No principal repayments of debt will be made over the next 3 years and then this position will be reassessed in 2020/21

## **AREAS OF UNCERTAINTY WITHIN THE BUSINESS PLAN**

- 1) It is difficult to accurately predict future inflation rates, interest rates, and the level of right to buy sales. These will be kept under review and updated if required.
- 2) The continuing welfare reform agenda, along with the implementation of the Local Housing Allowance may potentially have a significant effect on the level of bad debts.

## **FACTORS NOT BUILT INTO THE BUSINESS PLAN**

- 1) Although the High Value Assets Levy has been delayed until April 2018 at the earliest it is still on the horizon. As there remains no information on the size or nature of the levy, no definitive date that the levy will start to be charged, or a formula with which to calculate it, the levy has not been included in the business model.
- 2) Current Government policy requires a 1% reduction in tenant rents until 2019/20. The business plan assumes that after this time rent increases will return to the previous formula of CPI + 1%. If Government extend the rent reduction period or implement any other policies these are not included in the business plan.

APPENDIX B

HOUSING REVENUE ACCOUNT

DRAFT ESTIMATES 2017/18

## HOUSING REVENUE ACCOUNT

	Employees	Running	External	Total cash	Support	Net budget
	Expenses	Expenses	income		Services & Capital Charges	
Budget 2017/18	£	£	£	£	£	£
<b>SUMMARY</b>						
General Expenses				0		0
Premises Related Expenses		96,170		96,170		96,170
Bad Debts Provision		235,000		235,000		235,000
Capital Programme Contribution				0	7,928,000	7,928,000
Debt Charges				0	3,056,990	3,056,990
<b>Sub-Total</b>	<b>0</b>	<b>331,170</b>	<b>0</b>	<b>331,170</b>	<b>10,984,990</b>	<b>11,316,160</b>
Supervision, Management, Repairs & Maintenance						
Central Administration	898,649	599,595	-129,910	1,368,334	1,725,675	3,094,008
Performance Improvement Tm	366,040	164,420	0	530,460	21,425	551,885
Rents and Money Advice	525,540	28,915	-2,300	552,155	242,526	794,681
Voids and Allocations	427,570	1,641,315	-173,390	1,895,495	13,950	1,909,445
Estates Management & TP	387,758	374,188	-6,030	755,916	39,960	795,876
Property Services	1,789,310	3,619,668	-341,680	5,067,298	-605,184	4,462,115
Elderly & Disabled Support	650,543	425,350	-1,106,190	-30,297	239,573	209,276
<b>Sub-Total</b>	<b>5,045,410</b>	<b>6,853,451</b>	<b>-1,759,500</b>	<b>10,139,362</b>	<b>1,677,925</b>	<b>11,817,286</b>
General Income						
Customer & Client Receipts			-23,916,541	-23,916,541	0	-23,916,541
Interest			-100	-100	-37,000	-37,100
<b>Sub-Total</b>	<b>0</b>	<b>0</b>	<b>-23,916,641</b>	<b>-23,916,641</b>	<b>-37,000</b>	<b>-23,953,641</b>
<b>Grand Total</b>	<b>5,045,410</b>	<b>7,184,621</b>	<b>-25,676,141</b>	<b>-13,446,109</b>	<b>12,625,915</b>	<b>-820,194</b>

	Employees	Running Expenses	External income	Total cash	Support Services & Capital Charges	Net budget
Budget 2016/17	£	£	£	£	£	£

### SUMMARY

General Expenses				<b>0</b>		<b>0</b>
Premises Related Expenses		72,700		<b>72,700</b>		<b>72,700</b>
Bad Debts Provision		250,000		<b>250,000</b>		<b>250,000</b>
Capital Programme Contribution				<b>0</b>	7,928,000	<b>7,928,000</b>
Debt Charges				<b>0</b>	3,169,480	<b>3,169,480</b>
<b>Sub-Total</b>	<b>0</b>	<b>322,700</b>	<b>0</b>	<b>322,700</b>	<b>11,097,480</b>	<b>11,420,180</b>

### Supervision, Management, Repairs & Maintenance

Central Administration	869,844	662,819	-64,910	<b>1,467,753</b>	1,651,518	<b>3,119,271</b>
Performance Improvement Tm	324,440	158,890		<b>483,330</b>	44,790	<b>528,120</b>
Rents and Money Advice	515,030	27,845	-2,300	<b>540,575</b>	246,610	<b>787,185</b>
Voids and Allocations	390,240	1,707,420	-171,090	<b>1,926,570</b>	10,730	<b>1,937,300</b>
Estates Management & TP	345,698	376,890	-15,030	<b>707,558</b>	66,500	<b>774,058</b>
Property Services	1,907,170	3,578,860	-385,627	<b>5,100,403</b>	-595,077	<b>4,505,326</b>
Elderly & Disabled Support	642,020	448,670	-954,020	<b>136,670</b>	240,240	<b>376,910</b>
<b>Sub-Total</b>	<b>4,994,442</b>	<b>6,961,394</b>	<b>-1,592,977</b>	<b>10,362,859</b>	<b>1,665,311</b>	<b>12,028,170</b>

### General Income

Customer & Client Receipts			-24,287,650	<b>-24,287,650</b>		<b>-24,287,650</b>
Interest			-100	<b>-100</b>	-37,000	<b>-37,100</b>
Transfers to Reserves				<b>0</b>	876,400	<b>876,400</b>
<b>Sub-Total</b>	<b>0</b>	<b>0</b>	<b>-24,287,750</b>	<b>-24,287,750</b>	<b>839,400</b>	<b>-23,448,350</b>

<b>Grand Total</b>	<b>4,994,442</b>	<b>7,284,094</b>	<b>-25,880,727</b>	<b>-13,602,191</b>	<b>13,602,191</b>	<b>0</b>
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## HOUSING REVENUE ACCOUNT

Budget 2017/18	£	£	£	£	£	£
<u>SUPERVISION, MANAGEMENT, REPAIRS &amp; MAINTENANCE</u>						
Central Administration	898,649	599,595	-129,910	1,368,334	1,725,675	3,094,008
Performance Improvement Tm	366,040	164,420	0	530,460	21,425	551,885
Rents and Money Advice	525,540	28,915	-2,300	552,155	242,526	794,681
Voids and Allocations						
Voids and Allocations Admin	396,610	68,845	-90	465,365	13,950	479,315
Furnished Homes	28,960	73,170	-133,300	-31,170		-31,170
Tenants Expenses		25,500		25,500		25,500
Housing Repairs Voids	2,000	1,473,800	-40,000	1,435,800		1,435,800
<b>Sub-Total</b>	<b>427,570</b>	<b>1,641,315</b>	<b>-173,390</b>	<b>1,895,495</b>	<b>13,950</b>	<b>1,909,445</b>
Estates Management and Tenant Participation						
Estates Administration	262,460	313,809	-30	576,239	17,000	593,239
General Community Facilities		360	-6,000	-5,640		-5,640
Estate Maintenance Services	2,400	22,030		24,430	0	24,430
Tenant Participation	122,898	37,989		160,887	22,960	183,847
<b>Sub-Total</b>	<b>387,758</b>	<b>374,188</b>	<b>-6,030</b>	<b>755,916</b>	<b>39,960</b>	<b>795,876</b>
Property Services						
Property Services Admin	1,443,310	165,308	-3,600	1,605,018	-618,064	986,954
Caretakers & Gardners	346,000	136,680	-37,680	445,000	12,880	457,880
Communal Areas				0		0
Maintenance of Grassed Areas		623,360	-7,500	615,860		615,860
TV Arial Maintenance		18,880	-2,900	15,980		15,980
District Heating Service		280,000	-280,000	0		0
Housing Repairs and Maintenance		2,395,440	-10,000	2,385,440		2,385,440
<b>Sub-Total</b>	<b>1,789,310</b>	<b>3,619,668</b>	<b>-341,680</b>	<b>5,067,298</b>	<b>-605,184</b>	<b>4,462,115</b>
Elderly and Disabled Support	650,543	425,350	-1,106,190	-30,297	239,573	209,276
<b>Grand Total</b>	<b>5,045,410</b>	<b>6,853,451</b>	<b>-1,759,500</b>	<b>10,139,362</b>	<b>1,677,925</b>	<b>11,817,286</b>

## HOUSING REVENUE ACCOUNT

	Employees	Running Expenses	External income	Total cash	Support Services & Capital Charges	Net budget
Budget 2016/17	£	£	£	£	£	£
<u>SUPERVISION, MANAGEMENT, REPAIRS &amp; MAINTENANCE</u>						
Central Administration	869,844	662,819	-64,910	1,467,753	1,651,518	3,119,271
Performance Improvement Tm	324,440	158,890	0	483,330	44,790	528,120
Rents and Money Advice	515,030	27,845	-2,300	540,575	246,610	787,185
Voids and Allocations						
Voids and Allocations Admin	355,760	71,190	-90	426,860	10,730	437,590
Furnished Homes	27,980	68,500	-131,000	-34,520		-34,520
Tenants Expenses		25,000		25,000		25,000
Housing Repairs Voids	6,500	1,542,730	-40,000	1,509,230		1,509,230
<b>Sub-Total</b>	<b>390,240</b>	<b>1,707,420</b>	<b>-171,090</b>	<b>1,926,570</b>	<b>10,730</b>	<b>1,937,300</b>
Estates Management and Tenant Participation						
Estates Administration	224,410	320,320	-30	544,700	41,810	586,510
General Community Facilities		360	-15,000	-14,640		-14,640
Estate Maintenance Services		24,075		24,075	8,450	32,525
Tenant Participation	121,288	32,135		153,423	16,240	169,663
<b>Sub-Total</b>	<b>345,698</b>	<b>376,890</b>	<b>-15,030</b>	<b>707,558</b>	<b>66,500</b>	<b>774,058</b>
Property Services						
Property Services Admin	1,542,170	152,755	-3,660	1,691,265	-595,077	1,096,188
Caretakers & Gardners	355,390	135,045	-37,677	452,758		452,758
Communal Areas				0		0
Maintenance of Grassed Areas	9,610	618,830	-4,000	624,440		624,440
TV Arial Maintenance		18,510	-2,900	15,610		15,610
District Heating Service		337,390	-337,390	0		0
Housing Repairs and Maintenance	0	2,316,330	0	2,316,330		2,316,330
<b>Sub-Total</b>	<b>1,907,170</b>	<b>3,578,860</b>	<b>-385,627</b>	<b>5,100,403</b>	<b>-595,077</b>	<b>4,505,326</b>
Elderly and Disabled Support	642,020	448,670	-954,020	136,670	240,240	376,910
<b>Grand Total</b>	<b>4,994,442</b>	<b>6,961,394</b>	<b>-1,592,977</b>	<b>10,362,859</b>	<b>1,665,311</b>	<b>12,028,170</b>





## APPENDIX C

### HRA BUDGET ISSUES IDENTIFIED

Budget Issue		2017/18 £000	2018/19 £000	2019/20 £000
	<b>Capital Expenditure</b>			
1	Beechtrees Revival – additional resources (see note)	496	-	-
2	Installation of communal bins	100	100	-
3	Local Housing Allowance initiatives	50	50	-
	<b>Sub Total</b>	<b>646</b>	<b>150</b>	<b>-</b>
	<b>Revenue Expenditure</b>			
1	Flaxton Rainbow	25	-	-
2	Digital inclusion initiatives	20	20	20
3	Control of non-native invasive plants	15	15	15
4	Additional resources to support internal project development	15	15	15
5	Communal door entry preventative maintenance service	11	11	17
6	Renewal of GPRS air time contract (2 year contract)	-	16	16
7	Implementing the data quality strategy	15	-	-
8	Introduce a paperless direct debit service – 2 year pilot	5	4	-
	<b>Sub Total</b>	<b>106</b>	<b>81</b>	<b>83</b>
	<b>Total</b>	<b>752</b>	<b>231</b>	<b>83</b>

#### Note

The Beechtrees Revival project is the subject of a separate report on the Cabinet agenda.



## APPENDIX D

### CURRENT INVESTMENT PLAN UNTIL 2021/22

	2017/18	2018/19	2019/20	2020/21	2021-22
	Budget	Budget	Budget	Budget	Budget
	£'000	£'000	£'000	£'000	£'000
Bathrooms	3,441	231	237	311	273
Communal Electrics	0	0	188	216	217
Communal heating	122	34	26	22	0
Electrical	517	497	519	584	588
Fencing and paving	0	0	0	1,155	1,354
Heating	602	826	940	867	907
Kitchen	0	511	522	539	580
Lifts	0	168	171	175	0
R&M	0	0	30	0	0
Roofing	1,286	2,198	2,453	1,035	1,093
Walls	770	744	1,054	384	386
Windows and Doors	0	335	405	349	403
Disabled Adaptations	642	584	653	774	789
Failed double glazing	11	11	12	12	12
Laundry equipment	5	5	5	5	5
Gulleys	11	11	12	12	12
Gutters	11	11	12	12	12
Communal Areas CAAT	293	434	261	220	258
Sheltered Upgrades	125	132	138	141	144
Structural Work	188	199	208	212	217
Void work Contingency	253	0	0	0	0
Garages	117	124	0	0	0
Minor Works	3	22	0	0	0
Beech Trees Revival	859	1,633	0	0	0
Westec	505	0	0	0	0
Fees	686	703	717	732	746
<b>Total Capital Investment</b>	<b>10,447</b>	<b>9,413</b>	<b>8,563</b>	<b>7,757</b>	<b>7,996</b>

#### Notes

- (1) All budgets have been inflated by RPI and adjusted for changes in stock number as assumed in Appendix A
- (2) The Communal Doors category in the investment plan has been combined with the Communal areas CAAT category as this all refers to communal area works



**MINUTE OF LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP) – 5 JANUARY 2017**

**32 HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME**

Consideration was given to the draft joint report of the Director of Housing and Inclusion and Borough Treasurer that provided a summary of the Housing Account's financial position.

The Group Accountant (HRA) attended the meeting and provided an overview of the report, clarification on issues raised referring to detail as set down in the report and responded to questions.

In discussion comments and questions were raised in relation to:

- Current Investment Plan (Appendix D) – loss of budgets in future years (roofing; void work contingency; garages and minor work) and 17/18 (windows & doors; fencing & paving.)
- Key Business Plan Assumptions 2017/18 to 2021/22 (Appendix A) – predictions in respect of Heating Charges / rents / stock numbers)
- HRA Budget Issues Identified (Appendix C) – budget for control of non-native invasive plants
- Communal Charge – parity across accommodation.
- Refuse bins – appropriateness of type supplied / positioned.

A discussion ensued in relation to investment in longer-term environmental / aesthetic improvements across the “Estates” and the positive impact of improvements on the wider community.

The Property Services Manager provided further clarification on issues raised.

**RESOLVED:** As a consequence of the discussion on this item it was agreed that the recommendations to Cabinet be supported.



**APPENDIX – DRAFT GRA ESTIMATES**

**WEST LANCASHIRE BOROUGH COUNCIL  
GENERAL REVENUE ACCOUNT ESTIMATES**

<b>NET EXPENDITURE BUDGETS</b>	<b>2016/2017 BUDGET £</b>	<b>2017/2018 ESTIMATE £</b>
<b>SERVICE BUDGETS</b>		
Leisure and Wellbeing	4,707,070	4,603,290
Housing and Inclusion	1,440,310	1,598,350
Development and Regeneration	940,240	737,040
Street Scene	5,025,710	4,737,460
Legal and Democracy	1,079,860	909,800
Finance and Human Resources	1,679,690	1,579,610
General and Unallocated Items	-523,642	-1,740
<b>NON SERVICE ITEMS</b>		
Treasury Management	-34,560	-37,030
Capital Charges	-1,277,710	-1,327,070
Minimum Revenue Provision	185,390	261,550
Transfer from Balances / Reserves	-339,040	-88,390
<b>FUNDING ITEMS (all provisional or to be updated)</b>		
General Government Grants	-3,297,059	-2,601,078
Retained Business Rate Income	-3,195,780	-3,614,780
Council Tax Deficit / Surplus (-)	-36,725	-67,000
Council Tax Income	-6,353,754	-6,535,170
<b>Bottom line budget position</b>	<b>0</b>	<b>154,842</b>





## APPENDIX: C

### MINUTE OF LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP) – 5 JANUARY 2017

#### 30 GOVERNMENT CONSULTATION ON FUNDING FOR SUPPORTED HOUSING

Consideration was given to the draft report of the Director of Housing and Inclusion that gave details of a proposed response (Appendix B) to the Government Consultation paper on Funding for Supported Housing, attached at Appendix A.

In discussion comments and questions were raised in relation to:

- Universal Credit (UC) and Social Housing – long term impact.
- Welfare payments and the LHA rate / cap.
- Protection of vulnerable groups – an assurance that no-one will be homeless or placed in unsuitable accommodation.
- Protecting existing tenants and accommodation provision.
- Timescale proposed for implementation of the changes / introduction of new scheme.
- Cost of the “service” – seeking guarantees in respect of on-going funding levels to administer/ impact for LA budgets.
- Division of “housing” responsibilities – higher-tier (LCC) and Borough Council.

The Director of Housing and Inclusion responded to questions and provided clarification on issues raised relating to the proposed reform to the funding of supported housing, referring to detail as set down in her proposed response and consultation paper.

Members asked that the tone of the response be direct, with the request that the proposals be trialled on a “voluntary” or be implemented on a staged basis.

It was requested that, when finalised, a copy of the Council’s response, be circulated to all Members of the Council.

**RESOLVED:** As a consequence of the discussion on this item, it was agreed the comment to Cabinet be:

“that the response at Appendix B, when finalised, be sent by the Director of Housing and Inclusion as the Council’s response and a copy be circulated to all Members of the Council.”



## APPENDIX: B

### MINUTE OF LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP) – 5 JANUARY 2017

#### 31 BEECHTREES REVIVAL - UPDATE

Consideration was given to the draft report of the Director of Housing and Inclusion that provided an update and outlined options in respect of the Beechtrees Revival Project.

The Deputy Property Services Manager attended the meeting and provided an overview of the options, as set down in the report and additional detail on the preferred option.

In discussion comments and questions were raised in relation to:

- Changes to the refurbishment programme for the block – longevity of revised options (sustainability / maintenance costs; suitability of accommodation; aesthetics / environmental improvements.)
- Loss of overall number of properties / impact on housing “waiting list”.
- Council House Stocks – investment / provision in future housing.

The Director of Housing and Inclusion and the Property Services Manager who also attended the meeting, responded to questions and provided additional clarification on the issues raised.

RESOLVED: As a consequence of the discussion on this item, it was agreed the comments to Cabinet be that:

“that Option 3 – Demolish 6 detached blocks and replace with 22 x 2 bed houses, as detailed at paragraph 5.3 of the report as part of the budget setting process for 2017/18, be supported.”



## Agenda item 6(m)

### Private Sector Housing Strategy 2017-2020

#### Revised Recommendations

- 2.1 That the Private Sector Housing Strategy 2017-2020 attached as Appendix 1 be approved and implemented.
- 2.2 That the Director of Leisure and Wellbeing in consultation with the Portfolio Holder for Health and Community Safety be authorised to make any minor amendments to the Private Sector Housing Strategy 2017-2020.





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**Report of:** Borough Solicitor and Director of Development & Regeneration

**Relevant Portfolio Holder:** Councillor I Moran

**Contact for further information:** Mr T Broderick (Extn 5001)  
(terry.broderick@westlancs.gov.uk)

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**SUBJECT: REQUEST FOR FUNDS – OPPOSITION TO EXTENSION OF WHITEMOSS LANDFILL SITE, SKELMERSDALE**

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Wards affected: Skelmersdale South

### **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a request for a contribution to assist in funding a challenge to the Secretary of State's decision to allow planning permission to extend the Whitemoss Landfill Site, Skelmersdale.

### **2.0 RECOMMENDATION**

- 2.1 That Members determine whether to agree to the funding request.

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### **3.0 BACKGROUND**

- 3.1 On 19 December 2016 a request for funding was received from "ARROW Northwest", a voluntary organisation opposing the extension of the Whitemoss Landfill site. The funding request is for a contribution towards the costs of pursuing a challenge at a hearing to be held at the Royal Courts of Justice in London against the Secretary of State's decision to permit the landfill extension. On 4 January 2017 ARROW Northwest confirmed that it is requesting a contribution of £4000 from the Council.
- 3.2 Whitemoss Landfill Ltd. wish to extend its business at Whitemoss, Skelmersdale (the Project). The Project was designated a Nationally Significant Infrastructure Project by the Secretary of State under the Planning Act 2008. Council noted its concerns in relation to the proposed development and authorised the Managing Directors to write to the Secretary of State to have the matter determined locally (Appendix 1). However, the Secretary of State did not accede to that request.

- 3.3 Cabinet, at its meeting in July 2014, considered a report of the Assistant Director Housing and Regeneration (Appendix 2) and authorised him, in consultation with the relevant Portfolio Holder to take all necessary steps to conduct the Council's case in relation to resisting the Compulsory Acquisition of the Council's adjacent land by Whitemoss Landfill Ltd. and all matters incidental thereto having regard to paragraph 4 of the report (which included the drainage position of the land and its contribution to the SUDS system which the Council installed when the Whitemoss Business Park was built). It was not the Council's determination to challenge the other elements of the application for permission.
- 3.4 In the event the decision of the Secretary of State was that permission be granted and, in pursuance of this he approved the compulsory acquisition. Following the receipt of external advice the Council considered there were insufficient grounds to pursue a case to challenge the Secretary of State's decision.
- 3.5 Members will recall that an earlier request for funding, in the sum of £4000 was agreed by Cabinet at its meeting on 2 February 2016 – minute 98 (Appendix 3) and this sum was paid over. The litigation being pursued by the ARROW Northwest group is taken in the name of one of its constituent individual members.

#### **4.0 CURRENT POSITION**

- 4.1 On 5 October 2016 the Court of Appeal granted permission for a hearing of the judicial review of the Secretary of State's decision. This granting of permission indicates that the challenge is arguable. However, it does not establish that the case will be won; which is a matter to be determined at the full hearing which Arrow Northwest is listed to take place on the 2 March 2017 at the Royal Courts of Justice.
- 4.2 No detail is known as to the strength of the challenge to the decision of the Secretary of State. It is noted though that the initial application for permission to proceed with the judicial review i.e. the "permission stage" in the High Court was not successful. The applicants then appealed that decision and were successful in gaining permission at a hearing in the Court of Appeal on the 5 October 2016. Accordingly, the case may now proceed to a full substantive hearing (as outlined above) which will attract significant additional expenditure by the parties. ARROW Northwest now seek an additional contribution of £4000 towards the cost of conducting the substantive hearing which it appears will be partly funded (35%) by legal aid and partly (65%) by way of community contribution. The total amount required to be raised by the community is stated to be £10,000.
- 4.3 Members may wish to consider that the request, which is not one which is routinely entertained by the Council, may lead to other similar requests being submitted. Members may also wish to note that there is no detail of what would happen if the matter would need to be further argued on appeal, and whether further funding requests may be forthcoming.
- 4.4 As outlined in the July 2014 Cabinet report (Appendix 2) the Council's interests in terms of its landholding would be served by a successful challenge to the decision of the Secretary of State.



4.5 Members need to be aware of the call-in mechanism and the need for early action in their deliberations. As stated above the case is scheduled for hearing on 2 March 2017.

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 If members are minded to agree to the request for a contribution of £4000 this will be made available from the Major Projects Reserve .

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

6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **7.0 RISK ASSESSMENT**

7.1 If the funding request is agreed then the Council would wish to ensure that funds are appropriately applied. Through delegated arrangements this could be achieved. The Council's contribution should not commit the Council to further involvement or any degree of control over the proceedings.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices (to be referenced if included)**

1 – Decision of Council – 16 April 2014

2 - Report of the Assistant Director Housing and Regeneration – Cabinet - July 2014

3 – Decision of Cabinet – 2 February 2016



Council Decision 16 April 2014:

- A. That Council notes that Whitemoss Landfill has applied through the national infrastructure plan to extend the size of the Whitemoss Landfill site.
- B. That Council is concerned about the detrimental impact that any extension will have on the future regeneration of the town and the health and well-being of its residents
- C. That Council supports the concerns that have been raised by the residents, businesses and Elected Members in relation to the extension of this site.
- D. That the Managing Directors be asked to write to the Secretary of State, with a request to allow the decision, in relation to this matter, to be determined locally.





**AGENDA ITEM: 6(i)**

**CABINET: 1<sup>st</sup> July 2014**

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**Report of: Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor A. Fowler**

**Contact for further information: Mr B Livermore (Extn. 5200)  
(E-mail: bob.livermore@westlancs.gov.uk)**

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**SUBJECT: COUNCIL LAND AT WHITEMOSS**

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Wards affected: Skelmersdale South Ward

**1.0 PURPOSE OF THE REPORT**

1.1 To seek authority to resist the Compulsory Acquisition of land owned by the Council at Whitemoss, shown stippled on the plan in the Appendix (the Land).

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the current position be noted.

2.2 That the Assistant Director Housing and Regeneration in consultation with the relevant Portfolio Holder be authorised to take all necessary steps to conduct the Council's case in relation to resisting the Compulsory Acquisition of "the Land" by Whitemoss Landfill Ltd. and all matters incidental thereto having regard to paragraph 4 of the report.

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**3.0 BACKGROUND**

3.1 Whitemoss Landfill Ltd. wish to extend their business venture at Whitemoss, Skelmersdale (the Project). "The Project" has been designated a Nationally Significant Infrastructure Project by the Secretary of State under the Planning Act 2008. A motion relevant to "the Project" was considered at the Council meeting in April 2014 when it was determined that :

- A. That Council notes that Whitemoss Landfill has applied through the national infrastructure plan to extend the size of the Whitemoss Landfill site.
  - B. That Council is concerned about the detrimental impact that any extension will have on the future regeneration of the town and the health and well-being of its residents
  - C. That Council supports the concerns that have been raised by the residents, businesses and Elected Members in relation to the extension of this site.
  - D. That the Managing Directors be asked to write to the Secretary of State, with a request to allow the decision, in relation to this matter, to be determined locally.
- 3.2 When projects are designated as Nationally Significant Infrastructure Projects powers are available to the Applicant which allow him to seek to Compulsory Acquire land where he considers the land is required for the development or is required to facilitate, or is incidental, to the Development. This will be determined by the Planning Inspector following the Compulsory Acquisition Public Inquiry.
- 3.3 To facilitate this development, Whitemoss Landfill Ltd. are seeking to acquire land in the area and this includes “the Land”. Despite robust resistance by the Council, Whitemoss Landfill Ltd have already successfully claimed part of the Council’s land at Whitemoss through a claim via the Land Registry for Adverse Possession and this is shown hatched on the Appendix.

#### **4.0 CURRENT POSITION**

- 4.1 Whitemoss Landfill Ltd. (WLL) has identified “the Land” as being required to facilitate, or which is incidental to, their development under Section 122(a) of the Planning Act 2008. This follows a rejection by the Council of their recent request to sell the land voluntarily.
- 4.2 Officers are preparing a case to resist the Compulsory Acquisition. External specialist advice and support has been sought to ensure that the case made is robust, in order to protect the Council’s other landholding in the WhiteMoss area.
- 4.3 The Statement of Reasons submitted by WLL as part of the application do not in the view of officers demonstrate that the statutory grounds for compulsory acquisition of “the land” are met. This will form part of the presentation to the Planning Inspector.
- 4.4 Other matters being considered which may form part of the Council’s argument are the drainage position of the land and its contribution to the SUDS system which the Council installed when the WhiteMoss Business Park was built.

- 4.5 The impact of Whitemoss Landfill Ltd. acquiring this land could lead to ongoing issues in the area and because of this, an urgent decision was taken by the Assistant Director Housing & Regeneration in consultation with the Leader and Portfolio Holder to take initial steps to defend the Council's position and not to be compelled to sell "the Land". The initial steps comprise engagement of specialist advice and submission of the written representations.

## **5.0 WAY FORWARD**

- 5.1 This report brings Members up to date. Members are asked to confirm that they wish to continue to defend the position and incur the relevant costs.

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

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 To date existing budgets have been utilised in resisting the adverse possession claim. It is estimated that a budget of £10,000 will be required to defend the remainder of the land against a claim for Compulsory Acquisition.
- 7.2 The value of the land is difficult to value precisely. The initial offer received from Whitemoss Landfill Ltd was for £14,000 inclusive of costs. Any residual costs would be met by the major projects reserve. The specialist Solicitor now acting for the Council in this matter has confirmed that the applicant's costs of the compulsory acquisition process will only be payable by the Council if the Council acts unreasonably and that behaviour results in the aggrieved party incurring unnecessary costs.

## **8.0 RISK ASSESSMENT**

- 8.1 If action to resist the claim is not taken it is likely that the Planning Inspector will make a Compulsory Acquisition Order in respect of "the Land".

### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix – Site Plan





## APPENDIX 3

Minute of Cabinet held on 2 February 2016

### **98. REQUEST FOR FUNDS - OPPOSITION TO EXTENSION OF WHITEMOSS LANDFILL SITE, SKELMERSDALE**

The Leader introduced the joint report of the Interim Borough Solicitor & Interim Director of Housing & Regeneration which considered a request for a contribution of £4,000 towards the cost of funding a challenge to the Secretary of State's decision to allow planning permission to extend the Whitemoss Landfill Site, Skelmersdale.

A motion from the Leader was circulated at the meeting.

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

- RESOLVED A. That the Interim Director Housing & Regeneration be authorised to make a contribution of £4,000 from the Major Projects Reserve towards the funding for a challenge to the Secretary of State's decision to allow planning permission to extend the Whitemoss Landfill Site, Skelmersdale.
- B. That the call-in procedure is not appropriate for this item as the request for funding has just been received to enable representation at an imminent Court hearing on 16 February 2016.



Agenda item 6(n)

Request for Funds – Opposition to extension of Whitemoss Landfill Site,  
Skelmersdale

Motion from Councillor I Moran

- A) That the Director of Development and Regeneration be authorised to make a contribution of £4,000 from the Major Projects Reserve towards the funding for a challenge to the Secretary of State's decision to allow planning permission to extend the Whitemoss Landfill Site, Skelmersdale.





N A B A R R O

FAO Matthew Jones / Terry Broderick  
Legal Department  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
L39 2DF

9 January 2017

Our ref: PH/RHR/W2280/00003

**SENT BY POST AND EMAIL:** [matthew.jones@westlancs.gov.uk](mailto:matthew.jones@westlancs.gov.uk) / [terry.broderick@westlancs.gov.uk](mailto:terry.broderick@westlancs.gov.uk)

Dear Sirs

**Mr Arthur Scarisbrick v Secretary of State for Communities and Local Government and Whitemoss Landfill Limited as an Interested Party (CO/3070/2015)**

As you are aware from previous correspondence, we act on behalf of Whitemoss Landfill Limited in the above matter.

We have been made aware that the agenda for the Council's Cabinet meeting on 10 January includes a request for funds from ARROW Northwest, apparently to support the claim brought by Mr Arthur Scarisbrick against our client's authorised development.

As we have previously made clear, Mr Scarisbrick has applied for costs protection as part of the proceedings on the basis that he is a private individual with limited means. It would appear that Mr Scarisbrick is in fact supported by other parties, including ARROW Northwest, and potentially including the Council, which may affect the status of his costs protection.

In the circumstances, and in particular by reference to paragraph 4.4 of the cabinet report, please clarify the Council's interest in these proceedings. It would at least appear that the Council is seeking to benefit from litigation whilst hiding behind the costs protection of Mr Scarisbrick. We therefore reserve the right to make representations to the Court regarding the Council's apparent involvement in the proceedings and Mr Scarisbrick's cost protection at the forthcoming hearing. Please draw this letter to the attention of members of Cabinet before they make their decision on this agenda item.

A copy of this letter has been forwarded to the solicitors acting for the Claimant and the Secretary of State for Communities and Local Government.

Yours faithfully

*Nabarro LLP*

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## Agenda item 6(o)

### Syrian Resettlement Programme

#### Revised Recommendations

- 2.1 That the Director of Leisure and Wellbeing be authorised to resettle 5 refugee households with a suggested arrival date of July 2017.
- 2.2 That in order to fulfil the authorisation in 2.1 above, the Director of Leisure and Wellbeing, in consultation with the relevant Portfolio Holder and Lancashire County Council, be authorised to commission a third sector organisation to provide the required integration support whilst retaining the task of sourcing and securing suitable accommodation.





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

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