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10 February 2017

**CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY MEMBERS UPDATE**

**CORPORATE YEAR 2016/17**  
**FEBRUARY 2017 – ISSUE 4**

The content of this MEMBERS UPDATE covers all services.

If a Member wishes to receive further information on anything in the Update, please contact the officer named at the beginning of the article.

If a Member wants to place an item on the Corporate and Environmental O & S Agenda in connection with any article in the Update, please complete the attached Members Update Pro Forma (Appendix A) and return it to Member Services, 52 Derby Street or e-mail: [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or telephone 01695 585017 by Friday 17 February 2017.

The Press are asked to contact the Consultation and Communications Manager for further information on this Update.

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**MEMBERS ITEM / COUNCILLOR CALL FOR ACTION**

If a Member wants to place an item on the Corporate and Environmental O&S Committee Agenda, please complete the attached Member Item/Councillor Call for Action Pro Forma (Appendix B) and return it to Member Services, 52 Derby Street, by 12 Noon on Friday 17 February 2017.

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

For further information, please contact:-  
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## ARTICLE NO: 1A

### **CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE:**

**MEMBERS UPDATE 2016/17  
ISSUE: 4**

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**Article of:** Borough Solicitor

**Contact for further information: Mrs. J Brown (Extn 5065)**  
**(E-mail: [julia.brown@westlancs.gov.uk](mailto:julia.brown@westlancs.gov.uk))**

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**SUBJECT: MINUTES OF ONE WEST LANCASHIRE BOARD – THEMATIC  
GROUPS**

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Wards affected: Borough wide

#### **1.0 PURPOSE OF ARTICLE**

1.1 To notify Members of the latest notes/minutes of meetings of One West Lancashire Board - Thematic Groups available on the Board's website.

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#### **2.0 BACKGROUND**

2.1 The West Lancashire Local Strategic Partnership was dissolved on 31 March 2013 and its successor partnership arrangement 'One West Lancashire' was established. Minutes of the Thematic Groups will continue to be received by the One West Lancashire Board and reported to Members via future issues of this Members' Update.

2.2 The following notes/minutes have been included since the last edition of this Members Update:

- Transport – 16 November 2016
- Skills, Training & Employment – 20 September 2016 and 13 December 2016
- Community Safety Partnership – 12 October 2016
- Health & Wellbeing Partnership – 23 November 2016
- Children & Young Peoples Board – 22 September 2016

They can be accessed on the One West Lancashire Board's web page at:  
<http://www.onewestlancs.org/thematic-groups.html>

### **3.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

3.1 There are no significant sustainability impacts associated with this article, and in particular no significant impact on crime and disorder. The Thematic Groups were established in order to achieve the objectives of the Sustainable Community Strategy.

### **4.0 FINANCIAL AND RESOURCE IMPLICATIONS**

4.1 There are no significant financial or resource implications arising from this article.

### **5.0 RISK ASSESSMENT**

5.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.

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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 Article 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**

None.





**ARTICLE NO: 1B**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE:**

**MEMBERS UPDATE 2016/17  
ISSUE: 4**

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**Article of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor Wright**

**Contact for further information: Mrs J A Ryan (Extn 5017)  
(E-mail: [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk))**

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**SUBJECT: MINUTES OF LANCASHIRE COUNTY COUNCIL'S HEALTH SCRUTINY  
COMMITTEE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1** To keep Members apprised of developments in relation to Health Overview and Scrutiny in Lancashire.
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## **2.0 BACKGROUND AND CURRENT POSITION**

- 2.1** The Health and Social Care Act (2001), subsequently superseded by the National Health Service Act 2006 and the Health and Social Care Act 2012, extended the powers of Overview and Scrutiny Committees of local authorities responsible for social services functions to include the power to review and scrutinise matters relating to the health service in their areas.
- 2.2** The Health Scrutiny Committee at Lancashire County Council exercises the statutory functions of a health overview and scrutiny committee. The Membership of the Committee includes twelve non-voting Co-opted District Council Members, West Lancashire's representative is Councillor Savage.
- 2.3** To ensure that Members receive regular updates on the work being undertaken by the Committee and to provide an opportunity to feed back any comments via the Council's representative, a copy of the County Council's Health Scrutiny Committee minutes are attached.

### **3.0 SUSTAINABILITY IMPLICATIONS**

3.1 There are no significant sustainability impacts associated with this update.

### **4.0 FINANCIAL AND RESOURCE IMPLICATIONS**

4.1 There are no financial and resource implications associated with this item except the Officer time in compiling this update.

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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 article 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**

Minutes of the Health Scrutiny Committee can be accessed via the link below:-

#### **[Minutes of Health Scrutiny Committees](#)**

1. 22 November 2016
2. 10 January 2017



**ARTICLE NO: 1C**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE:**

**MEMBERS UPDATE 2016/2017  
ISSUE: 4**

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**Article of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor Wright**

**Contact for further information: Mrs. J.A. Ryan (Extn 5017)**  
**(E-mail: [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk))**

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**SUBJECT: MINUTES OF THE LANCASHIRE POLICE AND CRIME PANEL**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1** To advise Members of the Minutes in connection with the Lancashire Police and Crime Panel for information purposes.

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## **2.0 BACKGROUND AND CURRENT POSITION**

- 2.1** To keep Members apprised of developments in relation to the Lancashire Police and Crime Panel in Lancashire.

## **3.0 SUSTAINABILITY IMPLICATIONS**

- 3.1** There are no significant sustainability impacts associated with this update.

## **4.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 4.1** There are no financial and resource implications associated with this item except the Officer time in compiling this update.
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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**

Minutes of the Lancashire Police and Crime Panel can be accessed via the link below:

[Minutes of the Lancashire Police and Crime Panel](#)

1. 23 January 2017



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**Article of: Director of Leisure and Wellbeing**

**Contact for further information: Mrs Laura Lea (Extn. 5196)  
(E-mail: [laura.lea@westlancs.gov.uk](mailto:laura.lea@westlancs.gov.uk))**

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**SUBJECT: HOUSES IN MULTIPLE OCCUPATION AND RESIDENTIAL PROPERTY  
LICENSING REFORMS CONSULTATION**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1 To provide members with an update on the Houses in Multiple Occupation and Residential Property Licensing Reforms consultation.
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## **2.0 BACKGROUND**

- 2.1 On the 18 October 2016, Government issued the Houses in Multiple Occupation and Residential Property Licensing Reforms consultation paper. The closing date for submissions was 13 December 2016.
- 2.2 The paper sets out how the Government intends to implement its decision to extend the scope of mandatory licensing of houses in multiple occupation (HMOs) and introduce a mandatory national minimum size for rooms used as sleeping accommodation in licensable HMOs.
- 2.3 A copy of the consultation paper can be viewed on line at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/560774/161018\\_HMO\\_CONSULTATION.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/560774/161018_HMO_CONSULTATION.pdf)
- 2.4 Officers in consultation with the Portfolio Holder for Health and Community Safety; submitted a response on the 12 December 2016. A summary of the questions and answers is provided at Appendix 1.

## **3.0 CURRENT POSITION**

- 3.1 In order for a HMO to be subject to mandatory licensing it must be occupied by five or more persons who comprise two or more separate households and the accommodation must be arranged over three storeys.

- 3.2 It is proposed to retain the requirement for the property to be occupied by five or more persons comprising two or more separate households but remove the requirement for the accommodation to be arranged over three storeys.
- 3.3 It is also proposed that flats occupied by five or more persons comprising two or more separate households will be subject to mandatory licensing if the flat is in a converted building or in certain circumstances, is in a building where part of the building is used for commercial or other non-residential purposes.
- 3.4 A further proposal is to require that only rooms that meet certain minimum room sizes can be occupied for sleeping in a licensed HMO. A room will only be considered suitable for one person if it is at least 6.52sq.m or 10.23sq.m for two people.
- 3.5 There are currently 37 licensed HMOs in West Lancashire. If the proposals are adopted the number of properties requiring a licence is estimated to be 300.

#### **4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 4.1 The report is for information only to update members on the consultation response submitted by the Council.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 Whilst there are no significant financial or resource implications arising from this article, should the proposed changes come into effect, the increase in the number of properties requiring a licence will mean additional resources will be needed. It is anticipated that the cost of an additional resource will be covered by the extra income from the licence fees.

#### **6.0 RISK ASSESSMENT**

- 6.1 This Article is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers.

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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 Article.

#### **Equality Impact Assessment**

This article is for information only and 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 1            Consultation response

## Houses in Multiple Occupation and Residential Property Licensing Reforms

### Consultation Response

**Q1. Is the proposal sufficiently clear about how the new scheme will apply to buildings that are HMOs occupied by five persons or more in two or more households? If not please explain why.**

Yes

**Q2. Do you agree with our approach with regard to the threshold for mandatory licensing of multiply occupied purpose built flats? If not, please explain why.**

Purpose built blocks of flats containing non self-contained units with shared facilities should be required to be licensed as the shared facilities and equipment need to be maintained by a responsible person.

These HMOs meet the current 'Standard Test' (s.254 Housing Act 2004) so once you remove the 3 storey requirement for licensing it would only be fair to include these.

The licence should only cover the part of the building which requires to be licensed and not the whole building.

However we do not agree with the Government's proposal to require the licensing of purpose built self-contained flats that are either above or below shops or other non-residential because it is only applicable if there is one or two flats that are in multiple occupation. If read correctly, if there are three or more purpose built self-contained, multiply occupied flats above commercial premises, a licence would not be required?

**Q3. Are the different rules that apply in relation to the mandatory licensing of flats in purpose built blocks and converted premises set out sufficiently clearly? If not please explain why.**

The guidance is difficult to work your way through, it is difficult to find answers to questions easily and some points are unclear e.g. in the main body of the text you say that for flats in converted buildings above shops the residential accommodation needs a license if there are **any** flats in multiple occupation (FMO). As the legal definition of an FMO is 3 occupiers 2 households this leaves you in doubt about how to add up the number of occupiers and households. Does each flat need to have 5 occupiers in 2+ households or does the whole of the living accommodation need to have 5 occupiers in 2+ households?

In Annex A under 'self-contained flats in converted buildings', the test doesn't mention shops and you are drawn to the test for bedsits and letting rooms above or below shops.

It would also be helpful to have just one test in Annex A to cover all self-contained flats. This would be best explained with a flow diagram rather than a series of questions.

You should also remove the test for bedsits and letting rooms above and below shops as this is unnecessary as these HMOs fall under your 'Shared building' and 'non self-contained living accommodation test'. (The equivalent tests under the Housing Act 2004 are the 'Standard Test' or 'Converted Building test').

To reduce confusion the Tests in Annex A should make reference to and be consistent with the categories and terms used in ss.254 to 257 of the Housing Act 2004 as these form the basis of the definition for the various type of 'House in Multiple Occupation'.

The Act uses the term 'building or part of a building' in the 'standard test' the 'self-contained flat test' the 'converted building test' and the 'converted blocks of flats' test. There is no separate category or test for bedsits and letting rooms above or below shops and adding one will cause confusion. The Regulations for licensing can exempt self-contained flats in purpose build blocks of flats in all cases except where there are one or two flats and are above or below shops.

**Q4. Do you agree that where buildings contain individual flats in multiple occupation that these should be separately licensed, including where the flat is in a building which also contains bedsits? If not please explain why.**

If there are self-contained flats in the same building as bedsits you should only require 1 license. If you require a separate license for a self-contained flat the landlord may be encourage to change the self-contained flat into a non-self-contained flat to avoid a separate license. This also creates excessive administration for the Local Authority and unfair costs to the landlord.

**Q5. Do you agree the licence of a multiply occupied flat should extend to the common parts, in appropriate cases? If not please explain why.**

Yes. For FMO's in converted buildings consisting of self-contained flats; this means that the licence holder could be held responsible for providing and maintaining any fire alarm system for the flat and common areas. Currently these have to be pursued under an Improvement Notice; this creates an excessive administrative burden on Local Authorities.

**Q6. How are the common parts dealt with under additional licensing which relate to self-contained flats (a) when the whole building is owned or managed by the licence holder and (b) where the licence holder is a leaseholder of an individual flat let in multiple occupation and doesn't have control of the common parts?**

WLBC does not administer additional licensing schemes.

**Q7. Do you agree that the proposal for implementing the new regime in two phases is clear and appropriate? If not please explain why.**

Yes



**Q8. Are the transitional arrangements for HMOs that are already licensed, or which ought to have been licensed, clear and appropriate? If not please explain why.**

Yes

**Q9. Do you agree that persons sharing protected characteristics are more likely to live in HMOs than in the wider private rented sector? Please give your reasons.**

Yes. Many HMOs (excluding student HMOs) are occupied by foreign nationals who are at risk of being accommodated in severely overcrowded accommodation that would breach HMO management regulations. Many such properties currently fall outside the mandatory licensing regime.

**Q10. Do you believe that extending the scope of mandatory licensing will impact upon persons sharing protected characteristics and if so how will it impact upon them? If you think the impact is negative can you suggest how it may be mitigated?**

Extending the scope of mandatory licensing will protect people sharing protected characteristics as it will improve the conditions and management of smaller HMOs.

**Q.11 Do you agree that the regulations should only apply to rooms occupied by one or two persons? If not, please explain why.**

Yes

**Q.12 Do you agree that there should be no difference in how children and adults are counted for the purpose of the room size condition? If not please explain why.**

Yes

**Q.13 If you do not agree with question 12 how you would treat children for the purpose of calculating minimum room sizes?**

N/A

**Q.14 How easy or difficult would it be for local housing authorities to monitor and enforce where children are to be counted separately from adults?**

Monitoring the occupancy of HMOs is difficult for Local Authorities to enforce as there are not the resources to carry out regular property inspections. Children are also not likely to be present during an inspection if they are of school age.

**Q.15 Do you agree that the minimum floor to ceiling height should be set at 1.5 metres? If not, do you have an alternative measure that can be used? Please explain your alternative measure.**

Yes

**Q.16 Do you think that the proposal not to treat temporary visitors as occupiers is appropriate?**

Yes

**Q17. Do you agree that if the landlord causes or permits the occupation of a room which does not comply with the room size rule, they shall be in breach of the HMO licence?**

Yes

**Q.18 Do you think the definition of hostel and temporary accommodation providers is appropriate? If not please explain why. Can you give examples of the types of providers whose accommodation may be subject to the exemption?**

Yes

**Q.19 Do you think that introducing minimum room sizes will impact upon persons sharing protected characteristics and if so how will it impact upon them? If you think the impact is negative can you suggest how it may be mitigated?**

Yes. The changes will have a positive impact as landlords will be prevented from overcrowding properties.

**Q20. How many families living in bedsits or shared houses do you think would be affected by the policy of restricting the number of occupants to specific size of the rooms?**

No comment.

**Q21. Do you think the impact on the family would be negative or positive? Please explain why. If you think the impact is negative please say how you think it might be mitigated.**

No comment.

**Q22. Do you have any comments on the Impact Assessment?**

No comment

**Q.22 Do you think regulations should be made that would require a criminal record certificate to be obtained for an applicant for a licence and any manager of the property?**

(two questions are marked as Q22 in the consultation document)

Yes.

**Q23. Do you have a preference for checks through DBS or Disclosure Scotland? If so please explain why.**

No preference.

**Q24. Do you agree that there should be a mandatory condition in HMO licences relating to household refuse?**

Yes

**Q25. Do you think the terms of the condition are reasonable and appropriate?**

Yes, although the terms and conditions should also include a requirement that waste receptacles should be located so they do not cause or minimize disamenity to the locality of the area.

For some buildings the requirement to store the waste within the curtilage of the building may be problematic, so flexible solutions may be necessary in these cases.

**Q26. Do you think that such a condition would impose additional costs on licence holders? If so please provide an estimate of how much compliance with such a condition might cost and give your reasons.**

No

**Q27. Is local housing authority intervention in purpose built licensed student accommodation currently minimal? Please give your reasons.**

Yes. The local University deal with any complaints in the first instance with the Local Authority inspecting under Part 1 of the Act if a direct complaint is received. The majority of complaints investigated are from street student HMOs.

**Q28. Do you think that membership of a code of practice approved under section 233 ensures acceptable management practice and standards? If not, please explain why.**

Yes. University accommodation that complies with a code of practice is generally managed and maintained to a high standard. Any code of practice should offer a complaint resolution process.

**Q29. Do you agree that the Secretary of State should consider whether to approve a code of practice under section 233 which relates to purpose built blocks of flats exclusively providing accommodation for students? Please give your reasons.**

Yes. However, the current code of practice only focusses on management and not on the number of facilities and amenities. Any new code should lead to a more consistent standard between University and privately managed student accommodation.

**Q30. Do you agree those private providers who comply with such a code should be entitled to a discount on the standard rate for a licence application? Please give your reasons.**

Yes

**Q31. Do you think a 50% is appropriate? If not should this be more or less? Please give your reasons**

Yes. If the code is sufficiently robust and is complied with, the role of the Local Authority in licensing the building should be minimal therefore a 50% reduction would be enough to cover the Local Authority costs.

**Q32. What savings could a landlord expect by a reduction in fees of say 50%?**

The saving made will be dependent on the non-discounted cost of the licence charged by the local authority.



**ARTICLE NO: 1E**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE**

**MEMBERS UPDATE 2016/17  
ISSUE: 4**

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**Article of: Borough Transformation Manager and Deputy Director of Housing & Inclusion Services**

**Contact for further information: Claire Hall ( 07786 197194)  
(E-mail: [claire.hall@BTLancashire.co.uk](mailto:claire.hall@BTLancashire.co.uk))**

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**SUBJECT: REVENUES & BENEFITS SERVICE UPDATE**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1 To provide an update of the National and Local Developments which are directly impacting on the Revenues & Benefits Service, the Council and residents of the Borough.

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## **2.0 BACKGROUND**

- 2.1 The Welfare Reform Act 2012 put in place significant changes to the benefits system. Members have received previous updates and verbal briefings on the roll-out of these reforms.
- 2.2 The report attached at Appendix A provides an overview of developments affecting the Revenue & Benefits Service over the next 12-24 months and highlights the potential impact of these developments.

## **3.0 CURRENT POSITION**

- 3.1 Members are reminded that residents who are concerned about these changes can be referred to appropriate agencies for expert advice and guidance including, for Council tenants, the Rent and Money Advice Service.

- 3.2 There will be opportunity for any queries or issues arising from this update to be raised by interested Members via forthcoming 'drop in sessions'. These sessions will include representatives from the DWP and Revenues & Benefits Service. Members will be contacted to confirm arrangements.

#### **4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 4.1 There are no significant sustainability impacts associated with this article and, in particular, no significant impact on crime and disorder. The article has no significant links with the Sustainable Community Strategy. Whilst Welfare Reform has links to the economy and jobs and quality and accessible services, the article itself is giving information for which there are no recommendations for action.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 Reports are produced for Cabinet and / or Council as appropriate to ensure that any financial implications from the reforms are considered and addressed.

#### **6.0 RISK ASSESSMENT**

- 6.1 Failure to manage the impact of Welfare Reforms is included as a Key Risk on the Council's Strategic Risk Register. This report provides an update on how these reforms are being managed to provide assurance to Members that appropriate action is being done to address the issues involved.

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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 Article.

#### **Equality Impact Assessment**

This article is for information only and 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: Revenues & Benefits Service Update – Briefing Note.

# BT Lancashire Services

## Revenue & Benefits Service Update

### PURPOSE

The purpose of this briefing note is to provide an overview of both the National and Local Developments which are directly impacting the Revenue & Benefits Service (RBS) over the next 12-24 months and as such the Council and residents of the Borough, and to highlight the potential impact of these developments.

### NATIONAL DEVELOPMENTS

There are some significant changes ahead within the RBS which will not only impact on those receiving services but could have significant implications on the delivery of the Service and indeed the Council's Medium Term Financial Planning. Key developments will affect; Business Rates, the Council Tax Support Scheme, Benefits and Universal Credit, further details of the changes are summarised below:-

#### **Business Rates (NNDR)**

There are many changes underway nationally surrounding Business Rates the most significant being that in October 2015, the Government announced that by 2020 local authorities will be able to keep 100 per cent of the business rates they raise locally. This is a fundamental change in the way local government is financed and something which will affect the Council significantly in the longer term. However against the back drop of this there are several other changes which will impact this area in the short to medium term and these can be grouped into the following three areas;-

- a) **2017 Revaluation and Transitional Relief**
- b) **Update on 2016 Budget Measures and the Autumn Statement**
- c) **Better Billing and Digitalisation Measures**

An outline of these changes along with any known or anticipated impact on WLBC and its residents is summarised below;-

## APPENDIX A - BRIEFING NOTE

a) **2017 Revaluation & Transitional Relief** – The Valuation Office (VOA) have now completed the Revaluation of all business properties and as such Business Rates will be calculated using the new rateable values from 1st April 2017.

The 2010 List which forms the basis of current rates included values that were set prior to the start of the recession. As recovery from the recession has not been uniform either in geographical or property sector terms it was announced as part of the Chancellors Autumn statement that a Transitional Relief Scheme will be introduced to support the implementation of the changes. Government continues to believe it is important to provide the greatest level of support to small and medium businesses seeing reductions to gain quickly from the revaluation. Draft regulations have been published detailing arrangements similar to previous schemes, however there will now also be the introduction of a further tier for transition in 2017/18 and as such there will now be three types of hereditaments – Small, Medium & Large.

It has been widely reported that following the Revaluation, nationally there is a fall in Rateable Values across the whole country with the exception of London. In the North West there is a fall of approximately 10% in totality.

*Impact within WLBC:* Initial comparisons made against the 2010 and 2017 list for West Lancashire shows an overall reduction in rateable value of approximately 3%.

In addition to the revaluation the Government have introduced a new appeals process for the 2017 List called 'Check, Challenge, Appeal'. As its name suggest there are 3 separate stages to the process:

*Check:* The first stage of the new system is for the ratepayer to **check** the relevant facts upon which the Valuation Office Agency has based its revaluation. Any facts that can be agreed will be updated on the rating list. If there are any facts that cannot be agreed between the ratepayer and the Valuation Office Agency, those disagreements must be clearly identified.

*Challenge:* The second stage allows the ratepayer to **challenge** their rating list entry. The challenge must be submitted within 4 months of completion of the check stage.

The evidence should provide an explanation of the basis for an alternative valuation. The ratepayer will need to make a full disclosure of all the evidence and arguments that they wish to rely on for their challenge as new evidence or amendments to the challenge will not be automatically accepted.

If an agreement cannot be reached between the ratepayer and the VOA, the ratepayer can proceed to the final stage of the process.

*Appeal:* The final stage of the new process is for the ratepayer to **appeal** to the Valuation Tribunal for England.



## APPENDIX A - BRIEFING NOTE

*Impact within WLBC:* As a result of the introduction of this new appeals process the government are aiming to provide a system which will make it easier for businesses across the Borough to navigate, particularly for small businesses or unrepresented ratepayers, with an emphasis on early engagement by all parties to reach a swift resolution.

**b) Update on 2016 Budget Measures (Revenue) and the Autumn Statement** - Several updates on changes announced as part of the 2016 Budget have been provided during the past couple of months, those which directly and most significantly impact on WLBC as summarised below;-

- *Small Business Rate Relief (SBRR):* From April 2017 small businesses that occupy properties with a rateable value of £12k or less will not be required to pay business rates, this level of exemption is currently only provided to businesses with a value of £6k or less. There will also be a tapered rate of relief on properties worth from £12k up to £15k which again will provide further relief for small to medium sized businesses.

*Impact within WLBC:* This change will have a positive impact on all businesses within the Borough with a value of up to £15k. Whilst the overall benefit of this change to ratepayers within West Lancashire is not yet known, nationally it has been reported that 600,000 small businesses will not pay a penny business rates from April 2017, whilst a further 250,000 small properties will see a reduction in their bills. The financial impact to the Council directly will be a reduction in business rates, value not yet known, however the Government will pay the Council a grant to compensate for the loss of income from the increased rate relief in 2017-18.

- *Annual Indexation:* From April 2020 taxes for all businesses paying rates will be reduced, by switching the annual indexation rate from Retail Price Index (RPI) to Consumer Price Index (CPI), as CPI is generally lower than RPI it is expected that taxes for all businesses paying rates should reduce and will represent a small reduction each year from 2020.

*Impact within WLBC:* This change will have a small but positive impact on all businesses however the financial impact on the Council will be negative.

Several updates on changes announced as part of the **2016 Autumn Statement** have been provided during the past couple of months and these include updates on;-

## APPENDIX A - BRIEFING NOTE

- *Rural Rate Relief* - From April 2017 Rural Rate Relief will double to 100%, this change is intended to remove the inconsistency between rural rate relief and small business rate relief. However, before the requirement to grant mandatory relief comes into force Local Authorities will be expected to use their local discount powers to grant 100% rural rate relief to eligible ratepayers from 1 April 2017. Local Authorities will be compensated in full for the loss of income by Section 31 grant.

*Impact within WLBC:* This change will have a positive impact on residents affected as it will bring additional relief to residents who currently only benefit from 50% relief. The financial impact to the Council is anticipated to be minimal.

- *Telecom Fibre Optics:* From April 2017 a new 100% business rate relief will be introduced for new full-fibre infrastructure for a five year period to support the rollout of new fibre-broadband infrastructure and future 5G communications to homes and businesses.

The changes to primary legislation will be made in the near future and it is anticipated that this will enable the relief to be backdated to April 2017. DCLG and the Valuation Office Agency will work with the telecoms sector and local government on implementing the relief and will publish guidance on how it will operate in due course.

*Impact within WLBC:* At the moment no action is required by local authorities and the impact of this change within West Lancashire is currently unknown as these types of hereditaments currently appear on the National Rating list, however details are yet to be confirmed.

**c) Better Billing & Digitalisation Measures** - The Government have previously stated its commitment to work with authorities to standardise business rates bills, ensure ratepayers have the option to receive and pay bills online, make explanatory notes available online and to end multi-year billing. Below is an update on progress made and planned in these areas:

- *Publishing Explanatory notes online:* From April 2017 Authorities will no longer be required to provide individual copies of explanatory notes when bills are issued, however they will be required to publish these notes online.
- *End of Multi-Year billing on a Single Bill:* In the Summer budget the DCLG announced a simpler bill for business rates. One of the suggestions is that Local Authorities will need to issue single notices for each year rather than a multiyear bill and these changes will be effective from April 2017.

## APPENDIX A - BRIEFING NOTE

- *Better Billing:* In the Summer budget the DCLG announced that Local Authorities would need to ensure that businesses could receive their bills via email, however whilst they do not intend to introduce a legislative requirement to provide electronic bills by April 2017, they do advise that authorities who do not already provide this service should be working towards implementation as soon as possible. This is expected to be a mandatory requirement by April 2018. It was also announced that the government wanted to introduce a simpler bill for businesses to understand, this work is continuing and they are hoping to share a model of best practice in 2017, and do not intend to enforce any mandatory changes to the bill format ahead of April 2017.

*Impact within WLBC / BTLs:* The service is well ahead in planning to support the changes due and anticipated as a result of the above and this will take the form of updating systems, websites and providing communications to local businesses.

The changes required surrounding the introduction of a single bill will require extensive system upgrades and system testing to be carried out as part of the Test Annual Billing process to ensure this is delivered on time for April 2017.

### **Council Tax**

In April 2016 legislation was passed to allow County Councils to increase their budget by an additional 2% to fund Adult Social Care. This was in addition to the capped increase limits of 1.99%. It has now been proposed that County Councils would also be able to raise the council tax precept again to support Social Care from the current 2% to 3% in both of the following two financial years, details are yet to be confirmed.

Initial legislation stipulated that the increase should show separately on all Council Tax Bills which is how bills were issued for 2016/17. However DCLG are now considering changing how Adult Social Care will show on bills, recent legislation has recently been provided and is currently being reviewed by the Service.

*Impact within WLBC:* Any increase in Council Tax will impact residents across the Council and will increase the levels of liability which will need to be recovered by the service. Any changes surrounding amendments to Council Tax Bills also requires extensive system upgrades and system testing.

## APPENDIX A - BRIEFING NOTE

### National Housing Benefit Scheme (HBS)

As expected following the 2016 Autumn Statement and with the 2017/18 financial year approaching there has been much movement on the Welfare Reform agenda during the past few months. A summary of the main 'Benefit' related changes which will affect the service and Council are listed below;-

- *Universal Credit (UC)*: The date for UC Digital Roll out for Ormskirk and Skelmersdale Jobcentres has now been confirmed by letter from the Department for Work and Pensions (DWP) dated 16 November 2016, within the letter it states this change will be effective from December 2017. At present, in most areas only single job seeking claims are accepted for Universal Credit. From December 2017 Income Support, Income Based Jobseekers, Income Based Employment and Support Allowance, Child Tax Credit, Working Tax Credit and Housing Benefit can be claimed 'online' by residents across the Council through Universal Credit. This means that all new claims for working age customers will apply for assistance with their housing costs through Universal Credit rather than Housing Benefit.

*Impact within WLBC*: To date Universal Credit roll out has not had a significant impact on the Council's Housing Benefit caseload and it is anticipated that the number of residents who make a new claim for Universal Credit from December 2017 will also be relatively low, as this change only affects new working age customers and the Council's caseload consists of approximately 40% pensioner and 60% working age cases. However any breaks in Housing Benefit (HB) entitlement for working age customers moving forward, will mean that any future claims for Housing costs will be actioned through Universal Credit so overall UC numbers will start to increase with the resultant HB caseload reducing over time.

This migration of cases to UC will however create additional work in the interim for the Benefits Service as case information will need to be transferred to DWP and resultant queries/issues resolved. It is therefore not anticipated that the requirement for Benefits staff will reduce in the short to medium term.

- *Benefit Cap*: As announced in the Autumn 2015 Budget Statement, a new lower benefit cap was introduced on 7th November 2016, this change reduced the total income cap from £23k to £20k for 'couples', and £18k to £13k for 'adults with no children'.

*Impact within WLBC*: The Council currently has 51 residents who have been affected by the new Benefit cap and in agreement with council colleagues all of these customers have been invited to apply for a Discretionary Housing Payment (DHP), which although is very much a temporary support mechanism should assist residents affected during

## APPENDIX A - BRIEFING NOTE

the transition period. RBS senior managers will continue to work closely with council colleagues to ensure that the allocation of DHP funding follows WLBC Policy guidance and is directed to those in greatest need of 'temporary support' to assist them in paying their housing costs.

- *Wider Use of Real Time Information (WURTI)*: From January 2017 the DWP will roll out WURTI. Real Time Information is currently provided by the DWP and enables us to update our residents HB entitlement. The development of the 'scope' of the information received in real time will provide the Council with access to HMRC earnings and non-state pension information 'in real time' for residents in receipt of Housing Benefit. WURTI will also provide alert notifications where there are changes to income details throughout the duration of the benefit claim to enable claim re assessment, the overall aim being to ensure that HB is paid accurately and is used alongside other Fraud and Error initiatives.

*Impact within WLBC*: It is anticipated that due to the improved access to information in real time there will be a reduction in the number of cases where the service will need to contact customers to verify earnings and pensions. Overall once the new ways of working are embedded this development should improve the accuracy of the HB paid to residents across the Council and ensure the Housing Subsidy Claim is as accurate as possible.

- *Fraud & Error Reduction Incentive Scheme (FERIS)*: FERIS was introduced in 2014 to offer financial rewards to Local Authorities to better identify fraud and error in their Housing Benefit caseload, and funding to support this has been made available previously under the FERIS 1 & 2 Schemes.

In January 2017 FERIS 3 will be launched for 2017/18 to help embed WURTI into Housing Benefit 'business as usual' activities along with the support of the Maintenance Funding made available by the DWP. The aim is to 'encourage' Housing Benefit teams to action as many WURTI alerts as possible, as these alerts will assist in achieving baseline and threshold FERIS targets which would trigger additional incentive grant payment for the Council.

FERIS is also being re-named as the Right Benefit Scheme, with the aim of raising customer awareness of the need to report changes and take proactive action to identify and correct unreported changes.

*Impact within WLBC*: The RBS will submit an application on behalf of the Council for the Maintenance Funding to support the implementation of FERIS 3 locally with the aim of achieving additional Admin Grant funding for the Council.

## APPENDIX A - BRIEFING NOTE

### LOCAL DEVELOPMENTS

In addition to the range of National Developments outlined above there are also several key local developments which will impact the Revenues and Benefits Service during the coming months and as such the Council these too are summarised below:-

- *Empty Property Discounts:* Changes to discount awards as agreed as part of the Councils budget setting proposals for 2017/18 require changes to the current scheme in relation to properties entitled to an Empty Property Discount.

*Impact within WLBC / BTLs:* Residents within the Borough who apply post April 2017 will receive a discount of 50% for a three month period rather than previously a six month period. This will increase the liability to be recovered by the service and this change will also require extensive system changes.

- *Datatank:* The RBS are currently supporting WLBC with work being carried out by a third party 'Datatank' in an attempt to review the current levels of entitlement regarding Single Persons Discount, to ensure the information on which discounts are awarded in this area remain as accurate as possible. The activity entails review of circumstances using external intelligence sources and issuing letters and reminders as appropriate.

*Impact within WLBC / BTLs:* WLBC are anticipating additional income to be generated from this review, value not yet known.

- *Business Rate Maximisation and Retention:* RBS staff have been working with Council colleagues to determine the best course of action to take in order to maximise, retain and forecast Business Rates across the Borough moving forward into this critical period pre 2020. Although final details are yet to be concluded this is likely to involve utilising external intelligence sources and systems, and working with expert third parties to identify new and/or changed Business Rates liabilities within the Borough and to increase the collectable Business Rate liability for the Council.

*Impact within WLBC:* WLBC are anticipating additional income to be generated from this review, value not yet known.

- *Year End Council Tax, Business Rates and Benefits Billing Process:* Planning has now commenced to support the Year End Annual Billing process meeting with key stakeholders to agree critical tasks and milestones, to ensure statutory bill issue dates

## APPENDIX A - BRIEFING NOTE

are met to enable collection of Council Tax and Business Rates. This critical process requires strict governance arrangements and very close partnership working to ensure key statutory deadlines are met and accurate bills and benefit calculated across the Council.

*Impact within WLBC / BTLs:* Failure to issue correct and accurate bills within the necessary statutory deadlines would put at risk the effective collection of over £90m local taxation and payment of over £35m Benefits.

- *Support to WLBC Financial Challenges :* During the past six months Senior Managers from within BTLs have been working closely with Senior Managers within the Council to identify proposals for changes in service provision which could support delivering a 10% saving on the current partnership contract, to support the Council in meeting its financial challenges. These proposals at a value of approximately £320k which contain a variety of approaches from reducing costs, increasing income and changing ways of working have now been agreed and are in the process of being implemented.

*Impact within WLBC / BTLs:* Succession and exit plans are currently being implemented within the service to ensure appropriate skills and knowledge transfer takes place, to support sustainability and deliverability of high quality service provision. The changes will have a positive impact on the Councils budget in 2017/18 of approximately £320k.

### **CURRENT SERVICE PERFORMANCE**

It is evident from the above that we are anticipating a significant array of developments and change to impact the Revenues & Benefits Service and arena over the coming months and years and that these changes may present challenges to the residents and businesses of the Borough, the RBS and indeed the Council.

However we continue to work closely with Council colleagues to ensure these challenges can be met and as such it is worth noting that service performance remains strong and with the exception of the 'Current Year - Council Tax' Recovery, a consistently challenging area which has been further negatively impacted this year due to the closure of Ormskirk Magistrates Court, performance across the service remains positive. From local information available we continue to perform well in comparison to other District and Unitary authorities across Lancashire.

**Claire Hall**  
**Director of Transactional Services**  
**January 2017**







# Agenda Item 2a

**ARTICLE NO: 2A**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE**

**MEMBERS UPDATE 2016/2017  
ISSUE: 4**

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**Article of: Director of Leisure and Wellbeing**

**Contact for further information: Mr A Hill (Extn. 5243)**  
**(E-mail: [a.hill@westlancs.gov.uk](mailto:a.hill@westlancs.gov.uk))**

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**SUBJECT: AIR QUALITY ANNUAL STATUS REPORT 2016**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1 To advise Members that the Annual Status Report submitted by this authority to DEFRA, was approved.
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## **2.0 BACKGROUND**

- 2.1 The Local Air Quality Management (LAQM) system was set out in Part IV of the Environment Act 1995. This placed an obligation on all local authorities to regularly review and assess air quality in their areas. European and UK law set out the current air quality limit values and objectives. If it is considered likely that one of these objectives will be exceeded, the local authority must declare an Air Quality Management Area (AQMA). This must then be followed by an Air Quality Action Plan (AQAP), highlighting the measures and actions that are intended to be put in place with the ultimate goal of achieving those objectives.
- 2.2 Air pollution is associated with several adverse health impacts. It is recognised as a contributing factor in the onset of heart disease and cancer. Air pollution particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions. There is also often a strong correlation with equalities issues, because areas with poor air quality are also often the less affluent areas.

## **3.0 ISSUES FOR WEST LANCASHIRE**

- 3.1 One specific location within West Lancashire is affected by emissions from road traffic. This issue continues to cause exceedance of the air quality objectives for nitrogen dioxide (NO<sub>2</sub>). The measured exceedance of nitrogen dioxide previously resulted in the designation of an AQMA in 2010, located on Moor Street, around the one way system of Ormskirk town centre.

The designation of this AQMA can be found by visiting: <http://www.westlancs.gov.uk/media/47218/aqma-order-2010.pdf>.

- 3.2 Since the designation of this AQMA, apart from a peak in 2011, monitoring results within it have highlighted an annual decline in levels of NO<sub>2</sub>. Whilst monitoring levels still show exceedance in the AQMA, the overall indication is that the pollution levels are reducing annually.
- 3.3 Following the declaration of an AQMA, a Local Authority must produce a report each year which reviews the previous 12 months air quality work. This Annual Status Report (ASR) is an annual requirement showing the strategies employed by West Lancashire Borough Council to improve air quality and any progress that has been made. Our 2016 report can be viewed via <http://www.westlancs.gov.uk/media/461701/asr-final-2016.pdf>.
- 3.4 This report was submitted to DEFRA before the 31<sup>st</sup> April deadline and was formally approved in September.

#### **4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 4.1 Improving air quality can lead to improvements in health and longevity.

#### **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 5.1 There are no additional financial implications for the Council in relation to this consultation.

#### **6.0 RISK ASSESSMENT**

- 6.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

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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 approval of the report by DEFRA 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**

None.



# Agenda Item 3a

**ARTICLE NO: 3A**

**CORPORATE AND  
ENVIRONMENTAL OVERVIEW &  
SCRUTINY COMMITTEE**

**MEMBERS UPDATE 2016/17  
ISSUE:4**

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**Article of: Borough Transformation Manager and Deputy Director of Housing and Inclusion**

**Relevant Portfolio Holder: Councillor Gagen**

**Contact for further information: Mrs J Ryan (Extn. 5017)  
(E-mail: [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk))**

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**SUBJECT: COMMUNITY CHEST GRANTS**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

1.1 To inform Members of the mechanism for dealing with grant applications from the Community Chest and of the grants awarded in the second tranche of bids for the financial year 2016/17.

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## **2.0 BACKGROUND**

2.1 Applications for grants from the Community Chest are dealt with through the delegation procedures. The delegation is to the relevant Portfolio Holder.

2.2 In reaching the decisions on Community Chest Applications, the Portfolio Holder in consultation with Councillors and Directorate Service Heads have taken into consideration the details contained within the application form, membership of the organisation, how long the organisation has been in existence, their current balances and the amount of assistance requested.

2.3 Consideration of the above is applied in order to ensure the best and most efficient use of monies.

## **3.0 CURRENT POSITION**

3.1 Applications were considered on 30 November 2016 by Councillor Gagen, Portfolio Holder for Leisure.

3.2 The following grants were awarded from the General Fund.

|               |      |
|---------------|------|
| Helping Hands | £300 |
|---------------|------|

|  |      |
|--|------|
| South West Lancs Ind Comm Advice Network         | £200 |
| West Lancashire Crisis Centre                    | £500 |
| Ormskirk Civic Hall                              | £500 |
| Tanhouse Morris Dancers                          | £500 |
| Crawford Village & Pimbo Lane Playing Fields Ass | £462 |
| Westhead Carnival Association                    | £500 |
| Ormskirk Parish Church                           | £250 |
| Emma Gill  | £250 |
| Erin Rose McGee                                  | £250 |
| Freya Harrison                                   | £250 |
| West Lancashire Warriors Basketball Club         | £500 |
| Fit Play   | £250 |
| Hilldale Community Association                   | £500 |

3.3 The following grant was awarded from the Play Fund:-

|               |      |
|---------------|------|
| Play and Stay | £500 |
|---------------|------|

3.4 The current Community Chest balances are as follows:

|                         |           |
|-------------------------|-----------|
| General                 | £1,328.00 |
| Play                    | £3,650.00 |
| Arts                    | £1,440.00 |
| Sports/Talented Athlete | £2,670.00 |

#### 4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

4.1 There are no significant sustainability implications associated with this update and in particular, no significant impact on crime and disorder. Applications involve proposals that will promote existing leisure and recreation facilities and provide information and training.

#### 5.0 RISK ASSESSMENT

5.1 The actions referred to in this update are covered by the scheme of delegation to Members any necessary changes have been made in the relevant operational risk registers.

#### **Background Documents**

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

Application forms from:

|   |          |
|---|----------|
| Helping Hands   | 26/10/16 |
| South West Lancs Independent Community Advice Network | 29/07/16 |

|  |          |
|--|----------|
| The Birchwood Centre – West Lancs Crisis Centre          | 01/11/16 |
| Ormskirk Civic Hall                                      | 13/10/16 |
| Tanhouse Morris Dancers                                  | 20/10/16 |
| Crawford Village & Pimbo Lane Playing Fields Association | 11/08/16 |
| Westhead Carnival Association                            | 01/11/16 |
| Ormskirk Parish Church                                   | 04/11/16 |
| Emma Gill  | 25/09/16 |
| Erin Rose McGee  | 08/09/16 |
| Freya Harrison   | 12/07/16 |
| West Lancs Warriors Basketball Club                      | 04/11/16 |
| Fit Play   | 03/08/16 |
| Play and Stay  | 12/09/16 |
| Hilldale Community Association                           | 17/10/16 |

### **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 to this report, the results of which have been taken into account when undertaking the actions detailed within this article.

### **Appendices**

1. Equality Impact Assessment.

Appendix 1

|    |  |  |
|----|--|--|
| 1. | <p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service/policy/strategy/decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i><br/> <i>People with a disability;</i><br/> <i>People of different races/ethnicities/ nationalities;</i><br/> <i>Men; Women;</i><br/> <i>People of different religions/beliefs;</i><br/> <i>People of different sexual orientations;</i><br/> <i>People who are or have identified as transgender;</i><br/> <i>People who are married or in a civil partnership;</i><br/> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i><br/> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p> | <p>No – from the equality information gathered, no negative effects have been identified. There are some positive effects, particularly for carers and people of different ages, people with disabilities.</p> |
| 2. | <p>What sources of information have you used to come to this decision?</p>   | <p>Application forms and supporting evidence including equalities information.</p>   |
| 3. | <p>How have you tried to involve people/groups in developing your service/policy/strategy or in making your decision (including decisions to cut or change a service or policy)?</p>   | <p>We engage with applicants to provide advice on form filling. Members are involved in the decision making process.</p>   |
| 4. | <p><i>Could your service/policy/strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:-</i><br/> <i>Eliminate discrimination, harassment and victimisation;</i><br/> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i><br/> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>  | <p>If grants are awarded these will assist in advancing equality of opportunity and foster good community relations.</p>   |
| 5. | <p>What actions will you take to address any issues raised in your answers above</p>   | <p>Not Applicable.</p>   |



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**Article of: Borough Transformation Manager and Deputy Director Housing & Inclusion**

**Contact for further information: A Grimes (Extn. 5409)  
(E-mail: [alison.grimes@westlancs.gov.uk](mailto:alison.grimes@westlancs.gov.uk))**

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**SUBJECT: EXEMPTION FROM CONTRACT PROCEDURE RULES**

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

1.1 To advise Members of a recent exemption from Contracts Procedure Rules.

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## **2.0 BACKGROUND**

2.1 The Council has in place robust rules and procedures, reflecting national and European regulations in relation to the procurement of goods and services.

2.2 However, there are certain occasions where, with appropriate reasons, officers can be approved to procure goods or services in a different way. The Chief Executive recently signed an exemption from the Contracts Procedure Rules in relation to engaging Datatank to carry out a review of Single Person Discounts on behalf of the Council.

## **3.0 CURRENT POSITION**

3.1 The exemption relates to Contracts Procedure Rule 6 "...where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate senior officer shall obtain not less than three written quotations...".

3.2 The value of the contract is only indicative at this stage but we are assuming that its value may reach the value of £10,000 and above. If the exercise is successful it is likely that it will be repeated at a later date using the same supplier. This would therefore take the value over the £10K threshold.

- 3.3 Three written quotations were sought, but only two costed options were received. The pricing models of providers mean that direct comparison is difficult and the timescales for the work mean that requesting another quote is not practicable; hence the request for an exemption from Contracts Procedure Rules.
- 3.4 It was not practicable to approach Cabinet to request an exemption to the above Contracts Procedure Rule because the next meeting of Cabinet where papers can be submitted in time is scheduled for 10 January. This is too long a delay in the work commencing as it is important to maximise revenue in 2016/17 in line with the Policy Options agreed by Council in February 2016 and also to help inform the Council tax base setting process in December 2016.

#### **4.0 ISSUES**

- 4.1 Quotes were received from the two leading providers in this field. In analysing the quotes and applying our own assumptions, Datatank's quote emerged as the most cost effective. In addition, BTLS were approached about conducting the review in-house but within the required timescales were unable to adequately support the project as well as maintaining SLAs and other existing priority workstreams. BTLS are happy to fully support a fully-managed service.
- 4.2 Given the loss of revenue that the discount provides, it is good practice to periodically review the applications to ensure that the Council has been notified of any changes in circumstances that would affect the claim, that all applications are genuine, and that any fraudulent claims are identified. A Single Person Discount review was last conducted for West Lancashire claimants in 2014. Only 12% of revenues generated will be retained by West Lancs BC. It is important however to remember that part of the exercise is to maintain accurate records and reduce fraud.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 There are no significant sustainability impacts associated with this article. The work may reduce fraud but this cannot be known at the outset. The article has no significant links with the Sustainable Community Strategy.

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

- 6.1 The service is fully managed and should therefore have minimal impact on officer time and resource. The exercise is anticipated to result in a small net income for the Council. There are some financial resource implications arising from this article however these are met from existing resources.

#### **7.0 RISK ASSESSMENT**

- 7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this article.



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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 Article.

### **Equality Impact Assessment**

This article is for information only and 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**

None.

