



Kim Webber B.Sc. M.Sc.
Chief Executive
52 Derby Street
Ormskirk
West Lancashire
L39 2DF

Monday, 5 March 2018

**TO: COUNCILLORS I MORAN, Y GAGEN, C COOPER, J FORSHAW, J HODSON,
K WILKIE, K WRIGHT AND A YATES**

Dear Councillor,

A meeting of the **CABINET** will be held in the **CABINET/COMMITTEE ROOM, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 13 MARCH 2018** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber
Chief Executive

AGENDA
(Open to the Public)

1. APOLOGIES

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

If, by virtue of the date by which a decision must be taken, it has not been possible to follow Rule 15 (i.e. a matter which is likely to be the subject of a key decision has not been included on the Forward Plan) then the decision may still be taken if:

- a) The Borough Solicitor, on behalf of the Leader, obtains the agreement of the Chairman of the Executive Overview and Scrutiny Committee that the making of the decision cannot be

reasonably deferred,

- b) The Borough Solicitor, on behalf of the Leader, makes available on the Council's website and at the offices of the Council, a notice setting out the reasons that the decision is urgent and cannot reasonably be deferred.

3.	DECLARATIONS OF INTEREST	1283 - 1284
	If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)	
4.	PUBLIC SPEAKING	1285 - 1288
	Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submissions is 10.00am on Friday 9 March 2018.	
5.	MINUTES	1289 - 1304
	To approve as a correct record the minutes of the following meetings of Cabinet	
	<ul style="list-style-type: none">• 9 January 2018• 28 February 2018 (Extraordinary)	
6.	ITEM REFERRED FROM THE CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE - FLOODING IN THE BOROUGH	
	(Relevant Portfolio Holder Councillor J Hodson)	1305 - 1308
7.	MATTERS REQUIRING DECISIONS	
7a	Use of S106 Monies in Skelmersdale (Relevant Portfolio Holder: Councillor Y Gagen)	1309 - 1316
7b	Risk Management (Relevant Portfolio Holder: Councillor A Yates)	1317 - 1336
7c	General Revenue Account Budget Monitoring (Relevant Portfolio Holder: Councillor A Yates)	1337 - 1340
7d	HRA Revenue and Capital Monitoring (Relevant Portfolio Holders: Councillor J Forshaw and A Yates)	1341 - 1348
7e	Developing an Ormskirk Business Improvement District (Relevant Portfolio Holder: Councillor I Moran)	1349 - 1392
7f	Quarterly Performance Indicators (Q3 2017/18) (Relevant Portfolio Holder: Councillor I Moran)	1393 - 1412

7g	Corporate Performance Management 2018/19 (Relevant Portfolio Holder: Councillor I Moran)	1413 - 1424
7h	Council Plan 2018/19 - 2020/2021 (Relevant Portfolio Holder: Councillor I Moran)	1425 - 1450
7i	Ormskirk Night Markets and Town Centre Events (Relevant Portfolio Holder: Councillor J Hodson)	1451 - 1456
7j	Property Compliance Policies (Relevant Portfolio Holder: Councillor J Forshaw)	1457 - 1514
7k	Homelessness Reduction Act 2017 (Relevant Portfolio Holder: Councillor K Wright)	1515 - 1530

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Sue Griffiths on 01695 585097

Or email susan.griffiths@westlancs.gov.uk

**FIRE EVACUATION PROCEDURE FOR:
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT
(52 DERBY STREET, ORMSKIRK)**

PERSON IN CHARGE:	Most Senior Officer Present
ZONE WARDEN:	Member Services Officer / Lawyer
DOOR WARDEN(S)	Usher / Caretaker

IF YOU DISCOVER A FIRE

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

ON HEARING THE FIRE ALARM

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

NOTES:

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

CHECKLIST FOR PERSON IN CHARGE

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

NOTE:

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

CHECKLIST FOR ZONE WARDEN

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

INSTRUCTIONS FOR DOOR WARDENS

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

Agenda Item 3

MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	General		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	You cannot speak or vote and must withdraw unless you have also ticked 5 below
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	You may speak and vote
3.	<p>I have a pecuniary interest because</p> <p>it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p> <p>or</p> <p>it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) and the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest</p>	<input type="checkbox"/> <input type="checkbox"/>	<p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p> <p>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</p>
4.	<p>I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:</p> <p>(i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.</p> <p>(ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.</p> <p>(iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.</p> <p>(iv) An allowance, payment or indemnity given to Members</p> <p>(v) Any ceremonial honour given to Members</p> <p>(vi) Setting Council tax or a precept under the LGFA 1992</p>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p> <p>You may speak and vote</p>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 19/09/20)	<input type="checkbox"/>	See the terms of the dispensation
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	You may speak but must leave the room once you have finished and cannot vote

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

Interest

Prescribed description

Employment, office,
trade, profession or
vocation

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

Sponsorship

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

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

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

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

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

"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI; "relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;

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

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

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

'a connected person' means

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

'body exercising functions of a public nature' means

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

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

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

PUBLIC SPEAKING – PROTOCOL

(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)

1.0 Public Speaking

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

2.0 Deadline for submission

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

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

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

3.0 Scope

- 3.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 3.2 The Borough Solicitor may reject a submission if it:
 - (i) is defamatory, frivolous or offensive;
 - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
 - (iii) discloses or requires the disclosure of confidential or exempt information.

4.0 Number of items

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Borough Solicitor will prioritise the list of those allowed to speak. This will be considered having regard to all relevant matters including:
 - a. The order in which forms were received.
 - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
 - c. Whether a request has been submitted in relation to the same issue.
- 4.3 All submissions will be circulated to Members of the relevant body and officers for information, although no amendments will be made to the list of speakers once it has been compiled (regardless of withdrawal of a request to speak).

5.0 At the Meeting

- 5.1 Speakers will be shown to their seats. At the commencement of consideration of each agenda item the Leader/Chairman will invite members of the public to make their representations. Residents will have up to 3 minutes to address the meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker has said along with all other information, when all public speakers on that item have finished and will then make a decision. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.
- 5.4 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.
- 5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

(Please see attached form.)



REQUEST FOR PUBLIC SPEAKING AT MEETINGS

MEETING & DATE

NAME

ADDRESS

.....

Post Code

PHONE

Email

Please indicate if you will be in attendance at the meeting

YES/NO*

*delete as applicable

Note: This page will not be published.

(P.T.O.)

PLEASE PROVIDE DETAILS OF THE MATTER YOU WISH TO RAISE

Agenda Item Number

Title

Details

.....

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.....

Name Dated

Completed forms to be submitted by 10.00am on the Friday of the week preceding the meeting to:-

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

Email: member.services@westlancs.gov.uk

If you require any assistance regarding your attendance at a meeting (including access) or if you have any queries regarding your submission please contact Member Services on 01695 585065

Note: This page will be published.

Agenda Item 5

CABINET

HELD: Tuesday, 9 January 2018

Start: 7.00pm

Finish: 7.15pm

PRESENT: Councillor Ian Moran (Leader
In the Chair)

Councillors:

Portfolio

Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
Councillor Claire Cooper	Portfolio Holder for Communities and Older People
Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
Councillor John Hodson	Portfolio Holder for Planning
Councillor Kevin Wilkie	Portfolio Holder for Street Scene
Councillor Kevin Wright	Portfolio Holder for Health and Community Safety
Councillor Adam Yates	Portfolio Holder for Finance

In attendance:
Councillors Councillor A Owens

Officers:

Kim Webber, Chief Executive
Dave Tilleray, Director of Leisure and Wellbeing
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
John Harrison, Director of Development and Regeneration
Terry Broderick, Borough Solicitor
Heidi McDougall, Director of Street Scene
Marc Taylor, Borough Treasurer
Chris Twomey, Deputy Director of Housing & Inclusion
Sue Griffiths, Principal Member Services Officer

54 APOLOGIES

There were no apologies for absence.

55 LEADER'S OPENING REMARKS

The Leader announced that it was the last meeting to be attended by Dave Tilleray, Director of Leisure and Wellbeing and expressed his thanks for his service to the Council.

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

There were no items of special urgency.

57 DECLARATIONS OF INTEREST

1. Councillor Cooper declared a non-pecuniary interest in agenda item 6(a) (Funding of Voluntary Bodies and Other Organisations Working Group) in relation to applications for revenue funding received from Learning Stars and the Burscough Community Farm due to her association with these organisations.
2. Councillors Forshaw and Wilkie (tenants of Council accommodation) and Wright (connected person tenant of Council accommodation) declared disclosable pecuniary/pecuniary interests in agenda items 6(c) (Draft Housing Allocations and Pet Policy) and 6(g) (Housing Account – Revenue and Capital Programme) but considered they were entitled to speak and vote by virtue of an exemption as nothing in the report relates particularly to the relevant tenancy or lease.
3. Councillor Moran declared a non-pecuniary interest in agenda item 6(a) (Funding of Voluntary Bodies and Other Organisations Working Group) due to his appointment on the Lancashire West CAB by the Council.

58 PUBLIC SPEAKING

It was noted that the two residents who had previously given notice to speak in relation to agenda item 6(a) – Funding of Voluntary Bodies & Other Organisations Cabinet Working Group had indicated that they would not be attending the meeting.

59 MINUTES

RESOLVED That the minutes of the Cabinet meeting held on 7 November 2017 be received as a correct record and signed by the Leader.

60 MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as circulated and contained on pages 913 - 1158 of the Book of Reports.

61 **FUNDING OF VOLUNTARY BODIES & OTHER ORGANISATIONS CABINET WORKING GROUP**

Councillor Cooper introduced the report of the Director of Housing and Inclusion which advised Cabinet of the recommendations of the Funding of Voluntary & Other Organisations Cabinet Working Group in respect of the monitoring arrangements for the current grant recipients and the applications for one year revenue funding for 2018/19.

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

RESOLVED (A) That subject to (B) below, the recommendations arising from the scoring of the applications received from voluntary organisations for one year revenue funding from April 2018 by the Funding of Voluntary Bodies and Other Organisations Working Group at its meeting on 13 December 2017 be endorsed as detailed in the minutes of the meeting attached at Appendix 3 to the report.

(B) That the applicants be advised of Cabinet's recommendations and that funding is not guaranteed but will form part of considerations when the Council's budget is finalised on 28 February 2018.

62 **COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING PROGRAMME 2018/19**

Councillor J Hodson introduced the report of the Director of Development and Regeneration which advised on the outcome of the consultation on the options for the Community Infrastructure Levy (CIL) Funding Programme 2018/19 and proposed recommendations for this Programme based on the CIL monies anticipated to have been collected by the Council by 31 March 2018.

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

RESOLVED (A) That the consultation feedback report provided at Appendix 1 to the report be noted.

(B) That £125,000 of CIL monies be allocated to the delivery of the following projects in 2018/19:

- Chequer Lane Playing Fields (£60,000)
- Whittle Drive Playing Fields (£40,000)
- Mere Sands Wood Visitor Centre Phase II (£25,000)

- (C) That the remaining "strategic" CIL monies collected by 31 March 2018 (i.e. those not allocated on the projects agreed under recommendation (B)) 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.
- (D) That £300,000 of the "strategic" CIL monies saved from previous years be allocated to the implementation of actions in the Tawd Valley Park Masterplan in order to help lever in match-funding from other sources to complete all actions in the Masterplan.
- (E) That for all CIL monies collected each financial year from 1 April 2018 onwards, up to a maximum of £100,000 be allocated through the CIL Funding Programme each financial year toward projects requiring £100,000 of CIL funding or less, and that the remainder of "strategic" CIL monies collected each financial year be saved towards more significant strategic infrastructure projects (requiring more than £100,000 of CIL funding) to be drawn down from as necessary as such significant projects are identified and approved.

63

DRAFT HOUSING ALLOCATIONS AND PET POLICY

Councillor Forshaw introduced the report of the Director of Housing and Inclusion which considered a draft Housing Allocations Policy and draft Pet Policy for consultation.

Minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 3 January 2018 was circulated at the meeting.

In reaching the decision below, Cabinet considered the Minute of the Landlord Services Committee (Cabinet Working Group) and the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the Draft Housing Allocations and Pet Policy 2017 attached to Appendix 1 & 2 of the report be approved for consultation.
- (B) That the Director of Housing and Inclusion, in consultation with the relevant Portfolio Holder, be given delegated authority to make any minor changes to the Draft Housing Allocations Policy and Pet Policy 2017 where appropriate following public consultation, and to implement and deliver the policy.
 - (C) That the call-in procedure is not appropriate for this item as the report will be submitted to the meeting of the Executive Overview and Scrutiny Committee on 25 January 2018.

64 CORPORATE PERFORMANCE INDICATORS Q2 2017-18

The Leader introduced the report of the Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 30 September 2017.

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

RESOLVED (A) That the Council's performance against the indicator set for the quarter ended 30 September 2017 be noted.

(B) That the call-in procedure is not appropriate for this item as the report was submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 4 January 2018.

65 DRAFT REVENUE BUDGET 2018-2019

Councillor Yates introduced the report of the Borough Treasurer which provided a summary of the current General Revenue Account budget position.

Additional information from the Borough Treasurer was circulated at the meeting (pages 1157-1158 of the Book of Reports).

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

RESOLVED (A) That the financial position for 2018-19 and later years be noted, and consideration given to how a balanced budget can be achieved.

(B) That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 28 February 2018 to enable the budget to be set.

(C) 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 25 January 2018.

66 MEDIUM TERM CAPITAL PROGRAMME

Councillor Yates introduced the report of the Borough Treasurer which set out details on the GRA medium term capital programme position for the next 3 years.

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

- RESOLVED (A) That the medium term financial position be noted, and consideration given to how a balanced capital programme can be achieved.
- (B) That the Portfolio Holder for Finance be given delegated authority to submit firm proposals to Council on 28 February 2018 to enable the capital programme to be set.
- (C) That call-in is not appropriate for this item as it is to be submitted to the Executive Overview and Scrutiny Committee on 25 January 2018.

67 HOUSING ACCOUNT - REVENUE AND CAPITAL PROGRAMME

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and Borough Treasurer which provided a summary of the Housing Account's financial position.

It was reported that Appendix B to the report (draft HRA estimates) would be available for consultation purposes prior to the Council considering the matter in February 2018.

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

- RESOLVED (A) That the financial position be noted.
- (B) 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.
- (C) That this report be used for consultation purposes prior to the Council considering this matter in February 2018.
- (D) That the Housing Portfolio Holder be given delegated authority to submit firm proposals to Council on 28 February 2018 to enable the budget to be set.
- (E) 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 25 January 2018.

68 **EQUALITY AND DIVERSITY UPDATE**

Councillor Gagen introduced the report of the Borough Treasurer which provided an update on Equality and Diversity matters and sought approval for a number of changes to equality policies and objectives.

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

- RESOLVED (A) That the revised Equality Statement and Equality in Employment Statement, at Appendix A and B to the report respectively, be agreed.
- (B) That the revised Equality Objectives 2015-2018 document at Appendix C be agreed.
- (C) That progress against the Equality Objectives, that they now form part of the relevant Service Action Plans, and that the actions are recorded and monitored as part of core business, be noted.

69 **GENERAL DATA PROTECTION REGULATIONS**

The Leader introduced the report of the Borough Solicitor which advised on the forthcoming General Data Protection Regulations (GDPR) and sought approval for necessary actions and resources to ensure compliance with the requirements.

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

- RESOLVED (A) That the report be noted.
- (B) That the necessary actions being taken to achieve compliance with GDPR and continuing to ensure the Council maintains high standards in the processing of personal data be supported.
- (C) That a budget of £15,000 be provided to support compliance with GDPR from underspends in the current year (up to 31 March 2018) to meet the resource requirements set out at paragraph 6 of the report and it be recommended that Council give further consideration to the additional resources for 2018/19 and beyond through the budget setting process.
- (D) That the Borough Solicitor be authorised to designate a Data Protection Officer.

- (E) That call-in is not appropriate for this item as this matter is one where urgent action is required as early progress needs to be made to ensure services are prepared for the impending deadline for implementation of GDPR notwithstanding delays in issue of legislation and guidance.

.....
Leader

CABINET

HELD: Wednesday, 28 February 2018

Start: 6.00pm

Finish: 6.12pm

PRESENT: Councillor Ian Moran (Leader,
In the Chair)

Portfolio

Councillors	Councillor Yvonne Gagen	Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor Claire Cooper	Portfolio Holder for Communities and Older People
	Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
	Councillor John Hodson	Portfolio Holder for Planning
	Councillor Kevin Wilkie	Portfolio Holder for Street Scene
	Councillor Kevin Wright	Portfolio Holder for Health and Community Safety
	Councillor Adam Yates	Portfolio Holder for Finance

In attendance:
Councillors G Hodson, D Westley

Officers:
Kim Webber, Chief Executive
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
John Harrison, Director of Development and Regeneration
Terry Broderick, Borough Solicitor
Heidi McDougall, Director of Leisure & Environment
Marc Taylor, Borough Treasurer
Chris Twomey, Deputy Director of Housing & Inclusion
Sue Griffiths, Principal Member Services Officer

70 APOLOGIES

There were no apologies for absence.

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

There were no items of special urgency.

72 DECLARATIONS OF INTEREST

Councillor Wright declared a non-pecuniary interest in agenda item 5(c) (Review of

Pay and Display Parking and Charges) in view of him being a blue badge holder.

73 PUBLIC SPEAKING

There were no items under this Heading.

74 MATTERS REQUIRING DECISIONS

Consideration was given to the report relating to the following matters requiring decisions as circulated and contained on pages 1165 to 1271 and 1279 – 1281 of the Book of Reports.

75 SUSTAINABLE ORGANISATION REVIEW

The Leader introduced the report of the Chief Executive which sought agreement for a review of the Council's operating model and identification of opportunities for further income generation and efficiencies with the aim of ensuring delivery of the Council's vision, key priorities, maintenance of service provision and financial sustainability beyond 2020/2021.

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

RESOLVED (A) That the Council's financial position be noted.

(B) That a Sustainable Organisation Review be undertaken adopting Option 3 at paragraph 6.1 of the report as the preferred approach.

(C) That a Sustainable Organisation Review Cabinet Working Group be established, with the membership and functions set out at Appendix 1 to the report, and the respective Leaders provide to the Borough Solicitor details of named Councillors to fill the positions agreed.

(D) That the Chief Executive be given delegated authority in consultation with the Sustainable Organisation Review Cabinet Working Group, to take all necessary steps to procure a suitable contractor or contractors to support the Sustainable Organisation Review, in accordance with paragraphs 5.1-5.3, 9.1 and 9.3 of the report.

(E) That the Governance Arrangements set out at paragraphs 7.1-7.2 of the report be noted, and that the Chief Executive report on the Sustainable Organisation Review as set out at paragraph 7.1 of the report.

76 FORMING A DEVELOPMENT COMPANY - OPTIONS APPRAISAL

Councillor Forshaw introduced the report of the Director of Housing and Inclusion which sought authority for further preparation for the formation of a Development Company in order to drive forward the commercial ambitions of the Council.

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

- RESOLVED (A) That the Development Objectives set out in paragraph 3.2 of the report be approved.
- (B) That the formation of a single Development Company (Option 2 at paragraph 4.2 of the report) be endorsed as the best approach to delivering the Development Objectives set out in paragraph 3.2 of the report.
- (C) That the indicative implementation plan to establish a proposed Development Company set out in Appendix 5 to the report be endorsed.
- (D) That the Director of Housing and Inclusion in consultation with the relevant Portfolio Holders be authorised to put in place arrangements to form a Development Company in shadow format as identified at paragraph 7.8 of the report.
- (E) That a further report be presented to Council to consider finalising the establishment of the Development Company including presentation of a full business case and proposals for appointment of Directors to the Company.

77 REVIEW OF PAY AND DISPLAY PARKING AND CHARGES

Councillor J Hodson introduced the report of the Director of Development and Regeneration which considered proposed changes to the existing charging structure of the Council's pay and display car parks in Ormskirk Town Centre.

A motion was circulated by Councillor J Hodson and the Director of Development and Regeneration submitted additional information in relation to the motion.

In reaching the decision below, Cabinet considered the motion from Councillor J Hodson, the additional information from the Director of Development and Regeneration and the details as set out in the report before it and accepted the reasons contained therein.

- RESOLVED (A) That the Director of Development and Regeneration be authorised to make an order to introduce revised pay and display and parking permit charges on the Council's pay and display car parks in Ormskirk Town Centre as set out below:-

Short stay car parks (except Park Road)

	Existing	Proposed
Up to 1 hour	£0.70	
Up to 2 hours	£1.10	
Up to 3 hours	£1.60	£1.00
Up to 4 hours	£2.00	£2.00

Park Road

	Existing	Proposed
Up to 1 hour	Free	
Up to 2 hours	£1.10	
Up to 3 hours	£1.60	£1.00
Up to 4 hours	£2.00	£2.00

Long stay car parks (except Hants Lane)

	Existing	Proposed
Up to 1 hour	£0.70	
Up to 2 hours	£1.10	
Up to 3 hours	£1.60	£1.00
Up to 4 hours	£2.00	£2.00
Up to 9 hours	£3.00	£3.00

Hants Lane

	Existing	Proposed
Up to 1 hour	40p	
Up to 2 hours	60p	
Up to 3 hours	£1.00	£1.00
Up to 9 hours	£1.70	£2.00

- (B) That the annual cost of car parking permits be increased from £195 to £250.
- (C) That the provision of 3 hours free parking in marked disabled spaces for Blue Badge Holders be continued.

- (D) That the Director of Development and Regeneration, in consultation with the Portfolio Holder, be given delegated authority to consider and determine any objections received to the Order made.
- (E) That the new charging structure for the Council's pay and display car parks in Ormskirk Town Centre be monitored over a 12 month period in order to assess the outcomes.

78 REVIEW OF GROUNDS MAINTENANCE AND STREET CLEANSING

Councillor Wilkie introduced the report of the Director of Leisure and Environment which provided an update on the progress of the grounds maintenance and street cleansing review and proposed a way forward in order to deliver an action plan to achieve the proposed savings.

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

- RESOLVED (A) That the findings of the review, attached in Appendix 1 to the report are noted.
- (B) That the action plan attached in Appendix 2 to the report is agreed and Council be requested to provide funding for the capital items outlined.
 - (C) That the efficiency savings of £30,000 in 2018/19 are agreed and a future report be brought to Cabinet and Council on completion of further works to outline the savings for 2019/20.
 - (D) That delegated authority be given to the Director of Leisure and Environment to take all necessary steps to implement the recommendations of the review outlined in the action plan and section 8 of the APSE report in consultation with the relevant Portfolio Holder.
 - (E) That this item is not appropriate for call-in due to the need to procure and implement a computer system and that this policy option was agreed through the budget process and it is being considered by Council.

79 **RECYCLING/GARDEN WASTE BIN INITIATIVE**

Councillor Wilkie introduced the report of the Director of Leisure and Environment which sought agreement to the change of use of the green garden waste bin for paper/cardboard and the introduction of a brown bin for garden waste in order to improve the recycling and garden waste service for residents and improve the future efficiency of the service.

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

- RESOLVED (A) That from 4 June 2018 the current green bin be used for the collection of cardboard/paper and a new brown bin be introduced as set out in sections 6, 7 and 8 of the report, for use by those residents that sign up to the garden waste service.
- (B) That the new charge of £25 for a wheeled bin, agreed in the policy options report at Council in December 2017 be implemented earlier than 1 April 2018, on 12 March 2018 to coincide with the launch of the garden waste service for 2018/19.
- (C) That delegated authority be given to the Director of Leisure and Environment in consultation with the relevant portfolio holder to take all necessary steps to implement this scheme.
- (D) That this item is not appropriate for call-in due to the timescales involved in the launch of the new scheme, in time for the new growing season.

80 **EXCLUSION OF PRESS AND PUBLIC**

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

81 **MATTER REQUIRING DECISION**

Consideration was given to the private & confidential report relating to the following matter requiring a decision as contained on pages 1273 – 1277 of the Book of Reports.

82 LAND TO THE SOUTH OF DEGRAVE HOUSE, WHITEMOSS BUSINESS PARK, SKELMERSDALE

The Leader introduced the report of the Director of Development and Regeneration which provided an understanding of the reasons for the acquisition of the subject land and sought authority to purchase said land.

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

RESOLVED (A) That the Director of Development and Regeneration be authorised to take all necessary steps to proceed with the acquisition of the subject land as set out at paragraph 5.2 of the report.

(B) That this item is not appropriate for call-in due to the need to expedite the proposed acquisition of the site for the reasons set out at paragraph 7.1 of the report.

.....
Leader



CABINET: 13 MARCH 2018

Report of: Borough Solicitor

Relevant Portfolio Holder: Councillor J Hodson

Contact for further information: Mrs J Denning (Extn. 5384)
(E-mail: Jacky.Denning@westlancs.gov.uk)

**SUBJECT: ITEM REFERRED FROM THE CORPORATE AND ENVIRONMENTAL
OVERVIEW AND SCRUTINY COMMITTEE – FLOODING IN THE
BOROUGH**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To advise on the decision of the Corporate and Environmental Overview and Scrutiny Committee, at its meeting held on 4 January 2018, during consideration of the presentation from United Utilities 'Flooding in the Borough'.

2.0 RECOMMENDATIONS

- 2.1 That the recommendation from the Corporate and Environmental Overview and Scrutiny Committee in relation to 'Flooding in the Borough', as detailed at paragraph 3.1 (B) below, be considered together with the comments of the Director Development and Regeneration as set out in paragraph 4 below.
- 2.2 That Call In is not appropriate as it relates to an item already considered by the Corporate and Environmental Overview and Scrutiny Committee.

3.0 BACKGROUND

- 3.1 Minute 48 below provides details of the presentation, discussion and decision of the Corporate & Environmental Overview & Scrutiny Committee and sets out the recommendation to Cabinet in relation to Flooding in the Borough. Should Cabinet agree with the recommendation, a report will be submitted to Council on 25 April 2018.

"48. FLOODING IN THE BOROUGH (STILL DRAFT)

The Committee received a presentation from Mr Steve Howell, Asset Manager, United Utilities, in relation to flooding and the wastewater network operations and services in the Borough, requested by the Committee to attend following consideration of a Members Item raised on Hurlston Brook Flood Risk study. The presentation referred to the following:

1. The waste water network – managing flood risk and who is responsible for what:
 - Lancashire County Council – Developing, maintaining and applying a strategy for local flood risk management; managing the risk of flooding from surface water, groundwater and ordinary watercourses; and providing and maintaining highway drainage such as road gullies/grids
 - Environment Agency – Responsible for taking a strategic overview of all sources of flooding and managing the risk of flooding from main rivers
 - West Lancashire Borough Council – Managing the risk of flooding on its land and approving planning applications and ensuring it's drained in a sustainable way
 - United Utilities – Managing the risk of flooding from surface water, foul and combined sewer systems that provide drainage from buildings and yards
2. An overview of the wastewater system, including the sewers, pumping stations and treatment works.
3. West Lancashire drainage area, including inspections, planned maintenance visits and cleaning of sewers.
4. Performance statistics in relation to customer satisfaction, internal flooding and pollution incidents and spend on operating, maintaining and enhancing the wastewater network
5. Sewer flooding strategies and the calculation for ongoing risk analysis
6. Developers and development and the pressure on existing sewerage infrastructure, given their legal right to connect to both foul and surface water and to choose the point of connection
7. Partnership working:
 - Attendance at the Lead Local Flood Authority Making Space for Water meetings
 - Working closely with Local Authority Planning Departments and developers
 - Meet with Flood Action Groups such as ARRCCHS
 - Meetings with Councillors and MPs
8. Problems associated with flushing oil/fats, wipes and cotton buds
9. Reactive resolution units availability

Comments and questions were raised in respect of the following:

- The size of the sewerage pipes
- Closure of pumping stations
- The amount spent on improvements in the West Lancs area

- The programme or works for cleaning pipes
- Surface water outlets
- Problems associated with flushing oil/fats, wipes and cotton buds and campaigns to reduce this
- Hurlston Brook Flood Risk study
- Disruption to footpaths/surfaces during works

Steve Howell gave an undertaking to find out:

- (i) What the level of investment is in the West Lancs area
- (ii) If a programme of work for cleaning sewerage pipes is available to circulate to members

RESOLVED: A. That Steve Howell from United Utilities be thanked for his informative presentation and be asked to return once the report on Hurlston Brook Flood Risk study had been published.

B. That in view of the pressure placed on local authorities to meet government house building targets and the right of developers to connect to the sewerage system, Cabinet be asked to consider lobbying the government in relation to the reduction in funding for statutory services, in particular the general under investment in improving the waste sewerage systems."

3.2 In view of the Council's executive arrangements if members consider there is a need to lobby, as recommended by Corporate and Environmental Overview and Scrutiny Committee, it would be a matter that would be for the full Council to determine (as given the comments of the Director of Development and Regeneration (below) it doesn't relate to this Council's particular functions, but those of other responsible bodies operating in the Borough).

4.0 COMMENTS OF THE DIRECTOR DEVELOPMENT AND REGENERATION

4.1 As set out in 3.1 above the Borough Council has limited responsibilities relating to flood risk management and drainage infrastructure, consequently whilst the Borough may benefit from increased funding, such funding and decisions relating to its expenditure would be for Lancashire County Council and/or United Utilities as the responsible bodies.

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

None.

CABINET: 13 March 2018



Report of: Director of Leisure and Environment

Relevant Portfolio Holders: Councillor Y. Gagen

Contact for further information: Mr S. Kent (Extn. 5169)
(E-mail: Stephen.kent@westlancs.gov.uk)

SUBJECT: USE OF SECTION 106 MONIES IN SKELMERSDALE

Wards affected: Skelmersdale North, Ashurst wards

1.0 PURPOSE OF THE REPORT

- 1.1 To consider a proposal regarding the use of section 106 (S106) monies for the enhancement of public open space provision in Skelmersdale.

2.0 RECOMMENDATION

- 2.1 That the use of £175,622 of S106 monies be approved to enable improvements to be made in Tawd Valley Park.

3.0 BACKGROUND

- 3.1 Members will recall that under policy EN3 of the West Lancashire Local Plan 2012-2027, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a development to provide on-site facilities, and where there is a deficiency of open space, the Council can require a commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.
- 3.2 In accordance with the decision of the Planning Committee on January 10th 2002 the views of the relevant Parish Council/Ward Councillors have been sought in respect of the potential use of this money.

- 3.3 An Officer working group was established in February 2011 to co-ordinate the receipt of S106 commuted sums and report to Cabinet on the use of the funding. A function of this group is to establish levels of uncommitted S106 funds across all wards and liaise with Ward Councillors and Parish Councils as to how this funding could be best utilised in line with the requirements of the S106 agreements.

4.0 CURRENT POSITION

- 4.1 The Council currently has an unallocated sum of £175,622 received from land at Whalleys in Ashurst (Whalleys 4)
- 4.2 These funds form part of a unilateral agreement that involves 3 sites:-
- Whalleys 4
Whalleys 5a/5b
Cobbs Clough/Whalleys 2
- 4.3 The funding from a particular development can only be used in accordance with the terms of the related S106 agreement.
- 4.4 This agreement stipulates that the funds should be used for the installation of play facilities and a multi-use games area (MUGA) on the part of the development site known as Cobbs Clough/Whalleys 2, and environmental improvements in Tawd Valley Park in the vicinity of the development sites. (See appendix 1: Tawd Valley Park – Area subject to S106 Agreement)
- 4.5 As Cobbs Clough/Whalleys 2 has yet to be developed and sufficient further funds will be generated when it is to cover the play area/MUGA, the current funds are available for environmental improvements in Tawd Valley Park.
- 4.6 Following a wide consultation process, including Ward Councillors, a masterplan for environmental improvements to Tawd Valley Park has been produced and approved by the Council.
- 4.7 The proposals contained within this report are in accordance with the approved masterplan.

5.0 PROPOSALS

- 5.1 It is proposed to undertake the following environmental improvements in the vicinity of the land at Whalleys development sites, utilising the existing monies generated. Please note that figures shown are estimates and actual expenditure may vary:-

New entrances	£18,000
Signage	£10,000
New/upgraded paths	£45,000
New cycleway	£90,000
New/upgraded bridge	£10,000
Total	£173,000

- 5.2 Should funding remain after the implementation of the above works then it would be rolled over and help towards the next phase of the scheme. The next phase of works, along with approximate costs will include:-

BMX/Pump track	£50,000
Picnic area	£10,000
Sculpture trail	£50,000
Heritage route	£15,000
Pond creation	£80,000
Meadow improvement	£10,000
Woodland improvement	£10,000
Total	£225,000

- 5.3 Other avenues will also be sought to enable the future phases of this project to be completed. Currently £300,000 of CIL funding has been awarded to the overall Tawd Valley Park project. This will be used across the whole Tawd Valley Park site to implement works and to attract external funding sources.

6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 6.1 Together these improvements will contribute towards making Tawd Valley Park a more attractive, accessible and enjoyable place to visit for the residents of Skelmersdale and West Lancashire. It will make a considerable contribution to the implementation of the Tawd Valley Park masterplan, which in turn will contribute towards improving the health of the community.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The funding of £175,622 has been made available from the development at land at Whalleys – (Whalleys 4).
- 7.2 Whalleys 4 is one of the three main elements of the land at Whalleys development.
The commitment from the Council is to develop a play area and MUGA on the Cobbs Clough/Whalleys 2 site, plus environmental improvements in Tawd Valley adjacent to the site.
- 7.3 The play area and MUGA cannot be implemented until Cobbs Clough/Whalleys 2 is developed, and the contribution generated by that site should adequately cover that commitment, therefore, the funding currently available can be used for the environmental improvement element of the commitment.
- 7.4 Future maintenance of the new facilities will be undertaken by the Council through the Tawd Valley Park project. This maintenance will be a combination of the Councils Ranger Service and Grounds Maintenance input, plus work experience and training schemes, local groups and volunteers, working alongside small scale contractors where necessary. The cost of maintenance will be covered by existing revenue budgets plus external funding where necessary.

8.0 RISK ASSESSMENT

- 8.1 Implementation of these improvements will be a great asset to the local community but will have to be maintained effectively to continue that benefit. Local ownership will be of paramount importance and the Tawd Valley project has initiated good community buy in through an extensive consultation and engagement process. However, this will have to be continued to ensure the future success of the project
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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

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


Appendices

1. Tawd Valley Park – Area subject to S106 Agreement)
2. EIA

Appendix 1 – Tawd Valley Park – Area subject to S106 Agreement)



Appendix 2 – Equality Impact Assessment

<h1 style="text-align: center;">Equality Impact Assessment Form</h1> 	
Directorate: Leisure and Wellbeing	Service: Leisure, Cultural & Arts
Completed by: Stephen Kent	Date: 23/1/2018
Subject Title: Use of S106 monies in Skelmersdale	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	No <i>*delete as appropriate</i>
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Skelmersdale residents
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)	Skelmersdale residents, particularly family groups and children

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Site is currently public open space used for outdoor recreation.
What will the impact of the work being carried out be on usage/the stakeholders?	Works will allow the site to be used for a wider range of activities and for a longer period of time. Access in particular will be greatly improved to allow for more recreational use.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Users of the grassed area are more dissatisfied with the facility due to waterlogging preventing use for long periods of time. Proposals will improve access for all.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	An extensive consultation exercise with Skelmersdale residents, local councillors and interest groups resulted in the development of a masterplan for the site. This has been adopted by the Council.
If any further data/consultation is needed and is to be gathered, please specify:	Future monitoring will be undertaken as the project progresses.
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	This site will provide good facilities for children and families. Children in particular would benefit from better access to facilities and recreational grassed areas to use.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Monitoring use will establish any negative issues and deal with them accordingly through the Tawd Valley Project.
What actions do you plan to take to address any other issues above?	On-going liaison through the Tawd Valley Project
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	January 2019. Reviewing officer – Stephen Kent



CABINET: 13 March 2018

Report of: Borough Treasurer

Relevant Portfolio Holder: Councillor A. Yates.

Contact for further information: Rebecca Spicer (Extn. 5098)
(E-mail: rebecca.spicer@westlancs.gov.uk)

SUBJECT: RISK MANAGEMENT

Borough Wide Interest

1.0 PURPOSE OF THE REPORT

- 1.1 To set out details on the Key Risks facing the Council and how they are being managed and to propose changes to the Risk Management Policy.

2.0 RECOMMENDATIONS

- 2.1 That the progress made in relation to the management of the risks shown in the Key Risks Register (Appendix A) be noted and endorsed.
- 2.2 That the updated Risk Management Policy at Appendix B be approved.
-

3.0 BACKGROUND

- 3.1 Risk management is not about being 'risk averse' – it is about being 'risk aware'. Risk is ever present and some amount of risk taking is inevitable if the Council is to achieve its objectives. Risk Management is about effectively managing risks that could affect the Council and the community. It is also about making the most of opportunities and achieving objectives. By being 'risk aware' the Council is in a better position to avoid threats and take advantage of opportunities.
- 3.2 It is a best practice requirement that the Risk Management Policy and the Key Risks Register are reviewed and reported to Members on a regular basis. Consequently it is our standard practice to report on Key Risk Register issues to Cabinet every 6 months. Reports on the effectiveness of the Risk Management

framework are presented to the Audit and Governance Committee, and at its last meeting in January 2018 the Committee endorsed an updated version of the Risk Management Policy.

- 3.3 Risk Management covers the whole spectrum of risks and not just those associated with finance, business continuity, insurance and health and safety. It also considers risks associated with service provision, compliance with legislation, public image (reputation) and environment. Key Risks are defined as the highest priority risks that may prevent the Council from achieving its objectives, or may result in the failure of a service, or the failure to comply with legislation. The Key Risks Register gives a summary of these risks and the work that is being undertaken to mitigate them, although many of these risks will have already been the subject of separate committee reports. In addition each Service maintains its own Service Risk Register of the specific risks that they face.

4.0 KEY RISK REGISTER

- 4.1 The Key Risk Register attached (Appendix A) shows the current Key Risks and the measures in place to manage those risks. The regular reporting of the Register provides Members with an opportunity to scrutinise key risks and provides assurance that these risks are being effectively controlled.
- 4.2 Two new risks have been included in the register since the last version was produced. A risk relating to landlord compliance with regulatory requirements has been included, and details the controls that the Council has in place to ensure that as a landlord it complies with its legal obligations to keep properties in a safe condition. The General Data Protection Regulation (GDPR) comes into force on 25th May 2018 and the risks associated with the Council needing to deliver its services in accordance with the Act have also been included.
- 4.3 The risk of failing to manage the impact of the Government's Benefit Reforms has been removed from the Key Risk Register as Universal Credit was rolled out in December 2017, and going forward this risk will be managed at Service level.
- 4.4 The Structure of the Authority altered in February 2018 as a result of senior management changes and some existing risks have been reallocated to new Responsible Officers to reflect this change.
- 4.5 There are no risks that have been assessed in the "very concerned" category that would require urgent action at the highest level to reduce the risk to an acceptable position. There are a number of risks that have been assessed in the concerned category, but in each case these have been either the subject of recent Committee reports or have been considered through the budget process.

5.0 CHANGES TO THE RISK MANAGEMENT POLICY

- 5.1 The Risk Management Policy has been reviewed by Officers to ensure that it reflects best practice, new developments and organisational change. This review has identified changes needed to the Corporate Risk Assessment so that it better

suits the structure of the Council and provides Officers with a more useful tool in the scoring of risk.

- 5.2 A tracked changes version of the updated Policy is included in Appendix B, which has already been endorsed by the Audit and Governance Committee. Members are now asked to approve these amendments.

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.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The successful management of the key risks facing the Council will ensure that resources are used effectively and efficiently.

8.0 RISK ASSESSMENT

- 8.1 The continued identification and review of key risks is essential to ensure the management and mitigation of those risks, the successful achievement of the Authority's objectives, and the maximisation of opportunities. By continually monitoring and reviewing the risks and the Risk Management Framework we will ensure that it continues to improve, develop and meet best practice requirements.

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

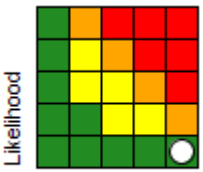
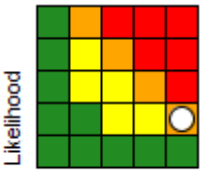
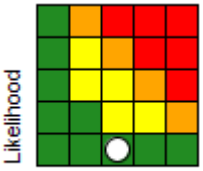
The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

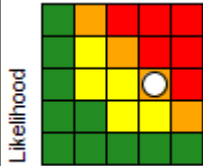
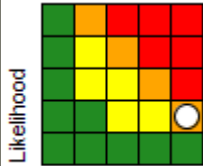
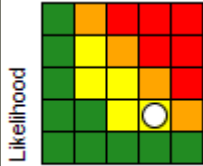
Appendices

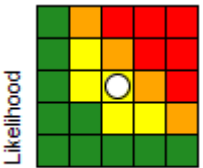
Appendix A – Key Risks Register

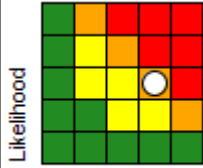
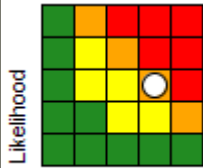
Appendix B – Amended Risk Management Policy

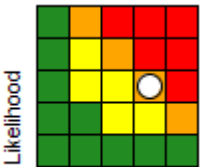
Appendix A Key Risk Register

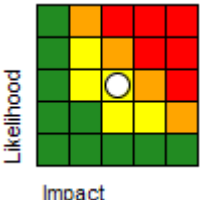
Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Finance & HR Services	Potential Treasury Management Investment Losses	Volatility in financial markets can create risks on investments, which means there is the potential that significant sums of money could be lost.	There is a treasury management policy and strategy in place. Well trained staff make investments with the guidance of brokers and treasury advisors. Investments can only be made in top rated UK based institutions or other local Authorities.	Borough Treasurer	Operational arrangements continue to be reviewed and monitored in light of current market conditions. A Treasury Management Strategy Report was presented to Council in February 2018.		5 Content
Finance & HR Services	Achieving a balanced General Revenue Account budget position	Ongoing reductions in Government funding will need to be addressed to meet the statutory requirement to set a balanced budget.	The medium term financial forecasting and Sustainable Organisational Review processes will set out how this financial challenge will be met.	Borough Treasurer	The Council approved its budget for 2018/19 and a Sustainable Organisational Review report at its February 2018 meeting.		10 Concerned
Leisure & Environment Services	Business Continuity - Potential for disruption	Lack of Business Continuity planning could have a severe impact on service provision across critical Service Areas.	Key Service areas have been identified and individual plans put in place. These plans are tested on a regular basis and updated accordingly.	Director of Leisure & Environment Services	A review is ongoing and scheduled for completion in the next few months. The review will take the form of a test and then an update, based on the findings of the test and the audit from last year.		3 Content

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Development & Regeneration Services	Land Auction	Potential loss of Capital Receipt if sales not secured within timescale of DCLG	Regular meetings with HCA to maintain progress	Director of Development & Regeneration Services	Sale of Whalleys 4 completed. Planning permission granted for housing development. Remaining sites taken to the market. Ongoing discussions with HCA regarding timing of capital receipts.		12 Concerned
Housing & Inclusion Services	Landlord Compliance & Regulatory Requirements (Health & Safety)	Injury or death to tenants, residents or visitors. Significant adverse publicity. Regulatory impact.	Comprehensive Action Plan in place, monitored quarterly at management team. Compliance incorporated into the audit programme annually.	Director of Housing & Inclusion Services	New policies to be considered by Cabinet in March.		10 Concerned
Housing & Inclusion Services	Balancing the HRA Budget	Government policy on rent reductions over a 4 year period and other matters may cause a significant reduction in HRA income.	<ul style="list-style-type: none"> - Review of management structure - Efficiency programme currently being planned - Regular review of income management performance - Implementation of Universal Credit to be carefully monitored - 100% Stock condition survey underway to limit risk and give better assurance in the business plan 	Director of Housing & Inclusion Services	<p>The rent reductions are being implemented and their impact is being effectively managed.</p> <p>Budget currently balanced with reserves identified to cushion future national policy changes.</p>		8 Uneasy

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Development & Regeneration Services	Delivery of the Housing Strategy	The Housing Strategy 2014 -2019 is intended to deliver a series of plans across a range of housing objectives including private sector housing, public sector housing and development and regeneration.	Regular monitoring will occur via the Service Action Plan (SAP) monitoring process. Each action contained in the Housing Strategy Action Plan will have its own delivery risks, however the current and target risk rating is based upon an overall consideration of risk across all the intended delivery actions that are shown in the Housing SAP.	Director of Development & Regeneration Services	The Council continues to work towards increasing the supply of affordable housing products through working with market housing developers and housing associations. This approach is increasing the supply of affordable housing in the Borough, despite the four year rent reduction imposed by Government upon registered providers. There are still other housing strategy challenges, particularly related to the provision of supported housing and reconfiguration of supported housing services generally along with the transforming care partnerships agenda that aims to relocate individuals with a learning disability from residential settings to community settings. New homeless duties will also impact upon the responses required by the Council.		9 Uneasy

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Leisure & Environment Services	Procurement of new leisure provision	<p>Impact on Council services, finances and reputation.</p> <p>Failure to deliver will impact on future service provision.</p> <p>The potential financial cost, both revenue and capital could have a significant financial impact.</p>	Project group, project Board and cabinet working group now well established and regularly monitoring progress.	Director of Leisure & Environment Services	Stage 1 financial feasibility study completed. Scheme considered potentially viable. Stage 2 detailed designs, soft market testing in progress.	 <p>Likelihood</p> <p>Impact</p>	12 Concerned
<p>Page 1324</p> <p>Housing & Inclusion Services & Legal & Democratic Services</p>	Failure to provide suitable storage of the Council's electronic information	<p>Unwieldy systems hamper efficient business processes. Failure to meet statutory and best practice requirements, e.g. in relation to FOIA, DPA, GDPR, EIR and other information handling legislation (including record retention and destruction arrangements). Staff time wasted / diverted. Potential legal challenges. Criticism by Audit and negative press. Increased electronic storage costs.</p>	<p>Engagement with the ICT provider to ensure suitable structure for information storage. Periodic training / meetings / dissemination of information, e.g. Retention and Disposal schedule, Corporate Catalogue, and ICT Data and Security Policy, for Link Officers, IAOs and staff in services to ensure up to date with current policy, legislation, best practice and recent changes affecting their areas. Identified a need for review with a view to improvements to systems on a corporate basis, following feedback from annual governance and internal audit input in 2016 / 2017.</p>	Borough Solicitor and Director of Housing & Inclusion Services	<p>Established an officer based project group to take forward a review and improvement project. Initial steps taken to prioritise work and establish an action plan. Report to Audit and Governance Committee and Council gaining resources for a post to assist in a corporate review of electronic storage and implementation of action. Appointed Project Officer and work is now in progress.</p>	 <p>Likelihood</p> <p>Impact</p>	12 Concerned

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Legal & Democratic Services	Failure to comply with General Data Protection Regulation (GDPR)	<p>The new GDPR will bring considerable changes to the current data protection framework and the Council must deliver its services in accordance with the GDPR when it comes into force in May 2018. It introduces substantial enhancements to the current requirements as well as some new elements. Compliance may have significant resource implications in terms of budget, IT, governance and communications. The Council must have a designated Data Protection Officer to take responsibility for compliance. The Information Commissioner can take a range of actions against the Council for breaches of the Data Protection legislation including issuing significant fines. The UK Government is developing legislation to supplement the GDPR although this is some time off being finalised and enacted into law.</p>	<p>In preparation for the GDPR coming into force, the Council is currently planning its approach to compliance and an action plan requires Services to review their existing policies and procedures and technical methods in line with the new requirements.</p> <p>The action plan to ensure compliance is being prepared and training organised and delivered once specific requirements of the GDPR are known as well as taking account of the emerging UK based requirements in proposed domestic legislation. The effect within Services is unclear at this stage and budget resources may be required to update processes, particularly where software is to be used.</p>	Borough Solicitor	A GDPR report was presented to Cabinet in January 2018	 <p>Likelihood</p> <p>Impact</p>	12 Concerned

Service Area	Title	Potential Effect	Internal Controls	Responsible Officer	Latest Note	Current Risk Matrix	Current Risk Assessment and Score
Development & Regeneration Services	Failure to deliver Skelmersdale Town Centre Regeneration	<p>Opportunity - The project will provide a mix of residential, commercial, leisure and education accommodation opportunities.</p> <p>Threat - We could fail to address the economic issues, not address residents' requirements and have an impact on the Council's reputation.</p>	<p>1. Continue to consult with public where relevant.</p> <p>2. Collaboration agreement in place.</p> <p>3. Continue to engage with the "other" landowners to encourage their participation in the scheme.</p> <p>4. This risk is reviewed regularly as part of the ongoing project management.</p> <p>5. Maintaining regular contact with developer and potential retail /commercial/ leisure occupiers.</p> <p>6. Project Board meets regularly to review progress.</p>	Director of Development & Regeneration Services	<p>A major planning application by St Modwen for a scheme consisting of a multi-screen cinema, restaurants & bars, retail facilities, and major enhancements to the public realm, has been approved.</p> <p>Discussions with scheme occupiers now proceeding.</p> <p>Viability of the scheme and alternative delivery options being explored.</p>		9 Uneasy

Level of Concern	Action Required
Very concerned	Urgent attention required at highest level to ensure risk is reduced to an acceptable level. Action planning should start without delay. Progress on actions should be reported to the Chief Executive and / or the Leader.
Concerned	Requires mitigation, contingency plan and identification of early warning indicators. Progress reported to CMT.
Uneasy	Acceptable. Requires mitigation. Reviewed at Head of Service level.
Content	Acceptable. Keep under review but no action required unless changes occur.



Risk Management Policy

1.0 Introduction

Risk is a part of everyday life. The Authority recognises that there are risks involved in everything it does and that it has a duty to manage these risks. This duty is to employees, residents and people working in the Borough, service users, partners and other stakeholders.

The Authority defines risk as the possibility that an action or event will adversely or beneficially affect its ability to achieve its planned objectives. The effective identification, assessment, monitoring, management and reporting of risk will help to ensure that:

- Planned objectives are more likely to be achieved
- Opportunities are recognised
- Adverse risks are less likely to happen
- The impact of adverse risks which are realised is reduced

Effective risk management is therefore regarded as a critically important part of the work of the Authority.

This policy aims to ensure that we have a planned and systematic approach to identify, evaluate and manage the whole range of risks and opportunities facing the Authority. This policy also informs the approach to the Risk Management framework which is the established process by which the Authority identifies, assesses and manages risk in order that it should succeed in its planned objectives.

2.0 Aims of the Risk Management Policy

The Risk Management Policy has the following aims and objectives:

- To integrate Risk Management into the culture of the Authority
- To raise awareness of the need for Risk Management with all those connected with the delivery of services
- To enable the Authority to anticipate and respond to changing social, environmental and legislative conditions
- Minimisation of injury, damage, loss and inconvenience to residents, employees, service users, assets etc. arising from or connected with the delivery of Council services
- To maximise the rewards that can be gained through risk management

- To maintain and develop a robust framework and procedures for the identification, analysis, assessment and management of risk

3.0 Risk Assessment

Risk arises naturally and directly from the implementation of corporate and service aims and objectives. Therefore risk assessment is an integral part of all Council activity. It is the Authority's policy that all substantive activities should be subject to risk assessment. This includes all significant projects, for example, financial developments, legislative developments, human resource initiatives, health and safety, communication upgrades, partnerships and IT developments. Risks must be regularly monitored and actively managed until the objectives have been achieved (or the risk realised).

Risks should be assessed using the standard approach set out at the end of this policy. This requires the impact and likelihood of a risk to be evaluated and then scored on a risk matrix. This score then determines the level of concern associated with that risk and the action that is required to be taken. The Authority's risk appetite is determined by Cabinet and can be defined as the level of risk that the Authority is willing to take in pursuit of its objectives and values.

4.0 Service Risk Registers

Heads of Service are responsible for ensuring that all significant risks are included in Service Risk Registers using the **Covalent Pentana Performance** system. This risk register should describe the risk event, who is responsible for managing the risk, planned and completed actions, potential effects, internal controls and a current and target risk assessment. Risk events should be removed when the objective has been reached (or the risk realised) and new risk events added as soon as they are identified.

5.0 Risk Ownership and Management

Every risk should be assigned to a risk owner who is identified on the Risk Register. The risk owner is the designated member of staff (or management group) who carries the ultimate responsibility for ensuring that the risk is effectively managed. The risk owner is responsible for agreeing and delivering the action plan to control the risk and monitoring progress against it. This is a key element in the risk management process as it is crucial that risks are not just identified and assessed but that they are also effectively controlled.

Internal control is key to effective risk management and plays a significant part in the management of risks. Actions, procedures and operations undertaken to either

contain a risk to an acceptable level, or to increase the probability of a desirable outcome should be detailed on the Risk Register.

6.0 Risk Reporting

Monitoring reports on Service Risk Registers will be produced as a minimum on a quarterly basis for the formal consideration of Heads of Service.

Monitoring reports on Key Risks (the most significant risks facing the Council) will be produced on a six monthly basis for the consideration of CMT and Cabinet.

7.0 Risks and the Decision Making Process

Risks need to be addressed at the point at which decisions are being taken. Where Members and Officers are asked to make decisions they should be advised of the risks associated with the recommendations being made. Consequently, the Authority needs to be able to demonstrate that it has taken reasonable steps to consider the risk involved in a decision.

All reports requiring key decisions, including new and amended policies and strategies, must therefore include a section to demonstrate that risks have been addressed. This ~~doesn't~~ **does not** guarantee that decisions will always be right but the important point is to demonstrate that risks have been considered and to have evidence that will support this.

8.0 Role of Risk Management Working Group

Although every member of staff carries some responsibility for the management of risk, the Authority identifies the Risk Management Working Group (RMWG) as responsible for maintaining and developing the Risk Management Framework. Heads of Service should nominate a Risk Co-ordinator to represent each Service area on the RMWG.

The Risk Management Working Group will meet twice yearly to consider the following types of area:

- Issues and improvements to the Risk Management Framework
- Risk Management training for both Members and Officers
- Reviewing and recommending changes to the Risk Management Policy
- Reviewing the Key Risk Register and recommending changes
- Disseminating good practice requirements across the Authority

9.0 Role of the Risk Co-ordinators

The Risk Co-ordinator is responsible for maintaining and developing the Risk Management Framework within their Service, supported by the Risk Management Working Group.

The Risk Co-ordinator's role is to:

- Represent their Service's interest in the management of the Council's risks and act as a Service lead officer on risk management issues including risk issues in relation to service plans.
- Support their Head of Service in implementing the Risk Management Policy within their Service
- Co-ordinate the risk process in their Service by monitoring and maintaining a Service Risk Register on behalf of their Service Managers.
- Monitor and review the status of service risks and action plans implemented to reduce or control those risks.
- To attend the twice yearly meetings of the Risk Management Working Group (or nominate a suitable substitute when unable to attend).
- Give advice and guidance to Managers/Officers within their Service on preparing risk assessments for committee reports.

10.0 Role of Heads of Service

The role of Heads of Service is to:

- Implement policies on risk management within their Services including ensuring that an up to date Service Risk Register is maintained
- Review Service Risks on a quarterly basis and Key Risks on a six monthly basis
- Review the risk management system to ensure that it is functioning effectively

11.0 Governance Arrangements

The Authority's Risk Management Framework is critically important in the context of governance and the Audit and Governance Committee has responsibility for ensuring that the Framework operates effectively. An annual report will be produced for this Committee on the operation of the Risk Management Framework so that its Members can assess its effectiveness.

12.0 Role of Audit

Internal Audit evaluate risk management processes continuously in order to provide assurance to Members and Senior Management that significant business risks are being managed appropriately and that the Risk Management and Internal Control framework is operating effectively. Our External Auditors may also conduct separate, independent reviews of the Risk Management Framework from time to time. The findings from this work will be included in the annual report to the Audit and Governance Committee.

13.0 Skills, Expertise and Guidance

Having established roles and accountabilities for risk management, the Authority must ensure that it has the necessary skills and expertise to deliver this framework. This will be accomplished through an on-going programme of risk management training and development for both Officers and Members.

More detailed procedures for Officers are available via the Council intranet at <http://intranet-westlancs-gov-uk-liveadmin/rules-and-regulations/risk-management.aspx>, which contains appropriate guidance to enable them to carry out their duties effectively.

14.0 Making Others Aware of Risk Management

The Authority recognises the potential for benefits and rewards from partnership working and it also recognises the risks involved. Whilst this risk can be managed by the Authority through formal contracts and partnership agreements that clearly allocate risks to the appropriate parties, failure by either or any one of those parties to manage their risks can have serious consequences for the other(s).

Consequently, before entering into the partnership, joint working or business contract arrangements, prospective partners and contractors should be asked to state their approach to risk management and to provide certain minimum evidence to support their response.

15.0 Maintenance and Development of the Risk Management Policy

This Risk Management Policy will be reviewed on an annual basis. The results of this review will initially be reported to the Audit and Governance Committee for detailed consideration before being submitted to Cabinet for formal approval.

CORPORATE RISK ASSESSMENT

Impact

Score	What's the worst that could happen?
1	<ul style="list-style-type: none"> Disruption to back-office function operations in the short term with no loss of service to citizens. No harm to life or limb injuries sustained. No reputational damage to service or WLBC No environmental damage. Low financial loss. One which can readily be met from existing budget provision.
2	<ul style="list-style-type: none"> Some short term disruption to a non-critical service to citizens. Minor injury to third party resolved by first aid treatment. Minimal reputational damage (single adverse article in local press/ social media). Minor damage to the environment likely to recover within one year without intervention. Medium financial loss. (Requiring virement at the level delegated to Heads of Service, currently up to £10k).
3	<ul style="list-style-type: none"> Limited temporary Short term disruption to a critical service (i.e. those services identified in the Council's Business Continuity Plan). Noticeable to customers but not exceeding 48 hours duration, or substantial disruption to a non-critical service noticeable to customers. Injury requiring visit to A&E / short term hospitalisation. Persistent adverse coverage in local press or /radio / social media. Damage to the environment which will recover within a year following remedial action. High Significant financial loss (Can be met by virement at the level delegated to Cabinet, currently up to £50k).
4	<ul style="list-style-type: none"> Serious-Sustained disruption to a critical service to citizens or loss or reduction of more than one service likely to last more than 48 hours— or multiple non critical services - Circumstances defined in the Business Continuity Plan as requiring notification of the Emergency Planning and Business Continuity Manager. Serious Injury requiring longer term hospitalisation or resulting in permanent damage. Adverse article in national press, radio or TV, TV or social media. Damage to the environment, which will not recover within one year even with remedial action or one which requires notification of other agencies. Major financial loss. (Requiring virement to be approved by Council, currently anything over £50k).
5	<ul style="list-style-type: none"> Events leading to Central Government intervention in running of a WLBC service. Loss of critical service to citizens for more than 7 days. Circumstances requiring the Business Continuity or other major incident management plans to be invoked. Multiple injury or /loss of life. Extensive coverage in national media. Damage to the environment likely to persist for many years despite remedial action or requiring intervention from other agencies. Enormous financial Page (Losses at a level which would impact on the Council's financial capacity to carry out its business).

Note, these are examples to indicate the level of risk within each category and do not include every conceivable type of risk. **This is meant as general guidance only and not precise criteria. If you have any specific queries then please contact the Borough Treasurer or Insurance & Risk Management Officer.**

Likelihood

Score	Descriptors
5	Almost certain. Occurs frequently or expected to occur within one year.
4	Likely. Expected to occur more than once in 10 years.
3	Possible. Expected to occur once in 10 years.
2	Unlikely. Not expected to occur over a 10 year period.
1	Remote. Not expected to occur. Has not occurred or may only be expected to occur in exceptional circumstances.

WLBC Impact / Likelihood Matrix

		Impact				
		1	2	3	4	5
Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5

Level of Concern	Action Required
Very concerned	Urgent attention required at highest level to ensure risk is reduced to an acceptable level. Action planning should start without delay. Progress on actions should be reported to the Chief Executive and / or the Leader.
Concerned	Requires mitigation, contingency plan and identification of early warning indicators. Progress reported to CMT.
Uneasy	Acceptable. Requires mitigation. Reviewed at Head of Service Level.
Content	Acceptable. Keep under review but no action required unless changes occur.



CABINET: 13th March 2018

**EXECUTIVE OVERVIEW AND
SCRUTINY: 29th March 2018**

Report of: Borough Treasurer

Relevant Portfolio Holder: Councillor A. Yates

Contact: Marc Taylor (Extn. 5092)
(E-mail: Marc.Taylor@westlancs.gov.uk)

SUBJECT: GENERAL REVENUE ACCOUNT BUDGET MONITORING

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide a projection of the financial position on the General Revenue Account (GRA) to the end of the financial year.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the financial position of the GRA be noted including the position on reserves and balances.
- 2.2 That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29th March 2018.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That the financial position of the GRA be noted.
-

4.0 BACKGROUND

- 4.1 In February 2017 the Council approved budgets for the GRA for the 2017-2018 financial year. It is good practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of this account. This is the third quarter monitoring report and is based on information available in January 2018.

5.0 GENERAL REVENUE ACCOUNT

- 5.1 The Council has set a revenue budget of £12.927m for the financial year. The mid-year monitoring position projected an overall favourable variance of £90,000 or 0.7% against this budget. The latest third quarter monitoring figures now project an improvement of £85,000 on this position, and forecast an updated total budget variance of £175,000, which is 1.4% of the budget.
- 5.2 At its meeting in February, Council agreed to use this favourable variance to provide financial support for the budget for 2018-19 as part of the Budget Requirement Report. This means that this budget variance has now been fully allocated.
- 5.3 The projections have been calculated on a prudent basis, and consequently it can be confidently expected that the Council will achieve these budget figures. This will continue our strong track record of managing our financial performance to ensure that the outturn position is in line with the budget. Within this total position, each Directorate and Service is also expected to have a favourable budget variance.
- 5.4 Employee costs form a significant proportion of the Council's total budget and consequently are very important from a budget management perspective. The budget contains a corporate target for staff efficiency savings of £280,000 per year, and the active management of staffing levels will mean that this target should be achieved and exceeded by the year end.
- 5.5 The external income that the Council generates can be one of the most volatile areas of the budget, with income going up and down due to factors outside our direct control. This year income levels are generally in line or performing better than the budget targets.
- 5.6 Primarily through the Policy Options process a range of measures have been agreed to deliver savings and generate additional income in the 2017-18 financial year, and the total value of these measures is just under £1.2m. In general good performance has been made in delivering these initiatives and the overall target should be exceeded. The most significant measure was the introduction of garden waste charging, and the income performance in this area has exceeded the budget target. To reflect this position the income budget for garden waste charging has been increased from £500,000 in the current year to £640,000 in 2018-19. Where relevant the budget targets for other initiatives have also been adjusted as part of the budget setting process for 2018-19.

6.0 RESERVES AND BALANCES

- 6.1 The Council agreed an updated Reserves Policy at its meeting in February. This Policy has taken various factors into account including the difficult medium term financial position facing the Council as a result of an ongoing series of reductions in its grant funding. Consequently the GRA will continue to have an adequate level of reserves in place that should enable it to deal with its financial challenges effectively.

7.0 SUSTAINABILITY IMPLICATIONS

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

8.0 RISK ASSESSMENT

- 8.1 The formal reporting of performance on the General Revenue Account is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.

Background Documents

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

Equality Impact Assessment

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

Minute of Cabinet held on 13 March 2018 (Executive Overview and Scrutiny Committee only) – *to follow*



CABINET: 13 March 2018

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 March 2018**

Report of: Director of Housing and Inclusion and Borough Treasurer

Relevant Portfolio Holder: Cllr J. Forshaw

Contact for further information: Mr P. Quick (Extn. 5203)
(peter.quick@westlancs.gov.uk)

SUBJECT: HRA REVENUE AND CAPITAL MONITORING

Wards Affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide an update on the current position in respect of the 2017-18 Housing Revenue Account (HRA) and Council Housing Capital Investment Programme.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the financial position in respect of the 2017-18 HRA and Council Housing Capital Investment Programme be noted.
- 2.2 That call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29th March.

3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That the financial position in respect of the 2017-18 HRA and Council Housing Capital Programme be noted.
-

4.0 BACKGROUND

- 4.1 In February 2017 Council agreed the 2017-18 HRA revenue and capital budgets. These budgets built on previous policy options that addressed the on-going and progressive financial pressures created by the 1% per annum rent reduction required by government policy over the 4 year period to 2019-2020.

5.0 HOUSING REVENUE ACCOUNT – PROJECTED OUTTURN

- 5.1 A summary of the projected HRA revenue outturn is set out in Appendix A and shows that a favourable budget variance of £975,000 is expected, representing 3.8% of total turnover. This compares to the mid year projected outturn position of £875,000 (3.4% of total turnover). This demonstrates that the HRA remains in a healthy financial position. The main reasons for this positive forecast are that:

- The active management of staffing levels should deliver a favourable budget variance on employee expenditure
- Void repairs and response repairs are projected to be £100,000 below budget for the year, although as both budgets are demand led this position could change depending on issues and developments in the remainder of the year
- There is a projected underspend on painting activities due to a contractor being in liquidation and the remaining two contractors being unable to substantially increase their delivery beyond that originally agreed. Painting contracts are due to be re-procured in 2018-19 so existing budget provision will be maintained.

- 5.2 A significant element of the projected favourable budget variance on employee costs comes from vacant posts being held prior to the reorganisation of the Housing and Inclusion Directorate which was agreed by Council in July. It is estimated that the reorganisation itself will generate a saving of around £100,000 this year. These staff savings have been transferred to the HRA Budget contingency in line with our normal approach for dealing with in-year savings. The anticipated shortfall in internal income is primarily due to capitalised staff costs where there are a number of vacant posts, and this is in effect offsetting part of the favourable employee expenses variance.

- 5.3 In July 2017 Council agreed funding of £60,000 from the 2016/17 favourable outturn position for use towards stock condition survey work. Having up-to-date, comprehensive stock condition information is essential for producing a good quality asset plan and maintaining good quality homes. Further spending on stock condition and other survey and inspection work has then been made this year funded from the HRA Budget contingency. This should help to provide a thorough picture of the condition of our housing stock and will enable any potential issues to be identified.

- 5.4 It can be confidently expected that the HRA will meet its budget targets and this will continue our track record of managing our financial performance to ensure that the outturn position is in line with the budget. Consideration can be given to how this projected favourable budget variance should be used when Council consider the outturn position in July 2018, taking into account the latest HRA Business Plan projections, and the funding required for the Sustainable Organisation Review approved by Council in February.

6.0 CAPITAL INVESTMENT PROGRAMME

- 6.1 A summary of capital expenditure to the end of December 2017 against the revised budgets is shown in Appendix B. Total expenditure to date is £4.036m which represents 38% of the total revised budget of £10.652m. This compares to expenditure of £6.789m at the quarter 3 point of 2016-17, which represented 45% of the total budget of £15.07m. The main reason why expenditure was higher last year was as a result of spending of £1.44m on the Firbeck Revival project, which has now largely been completed, plus £0.99m of spend in 2016-17 on completing the kitchens programme.
- 6.2 It is standard practice at year-end that capital budgets that have not been fully utilised are reviewed before being slipped into the following year to allow for completion of the existing programme. If the review identifies elements of the capital budget that will not be required in the following year they may be removed from the capital investment programme to release funding. It is anticipated at this stage that most unutilised budget will be slipped into 2018-19, and full details will be included in the HRA outturn report to July Council.
- 6.3 In order to deliver more of the 2018-19 investment programme in 2018-19 and generally reduce future slippage, procurement of several key programmes is taking place during the last quarter of 2017-18 with the aim of actually starting the programmes in quarter one of 2018-19. Previously procurement of annual programmes has typically taken place early in the year in question.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 Monitoring of the budget position will help to ensure, with the information we are aware of, that the HRA remains able to deliver services and is financially sustainable in the medium term.

8.0 RISK ASSESSMENT

- 8.1 The formal reporting of performance on the Housing Revenue Account is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.

Background Documents

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

Equality Impact Assessment

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 A – HRA Projected Revenue Outturn Position

Appendix B – Housing Capital Year to Date Position

Appendix C – Minute of Cabinet held on 13 March 2018 (Executive Overview and Scrutiny Committee only) – *to follow*

Appendix A – HRA Projected Revenue Outturn Position

Budget Area	Budget £000	Variance £000	Comment
Employee Expenses	4,958	-500	The active management of staffing levels will lead to a favourable budget variance
Void repairs and response repairs	2,637	-100	Both budgets are demanded so final outturn depends upon various factors
Other premises costs	3,160	-350	Painting contractor in liquidation
Transport costs	220	-30	
Budget contingency	125	-125	No calls on remaining contingency identified
Supplies and Services	1,304	0	
Support Services and internal income (net)	1,640	150	Capitalisation of staff salaries will be below budget due to vacant posts
Loan interest	3,057	0	
Contributions to capital	8,592	0	
Dwelling rents	-23,223	0	
Other external income	-2,470	-20	
Total	0	-975	Represents 3.8% of the overall turnover

* The budget for employee expenses has been amended to reflect the reorganisation of Housing & Inclusion approved by Council in July 2017 and becoming operational from November 2017. Budget savings in-year have been added to the contingency budget.

** The budget contingency has been used in-year to fund stock condition and related assessments. The budget has been vired to Supplies and Services.

Appendix B - Housing Capital Year to Date Position

Scheme Description	Revised Budget £000	Q3 Spend £000	Variance £000	Q3 Spend %
Bathroom Replacements	1,306	278	1,028	21%
Re-Roofing Works	1,200	142	1,058	12%
Electrical Upgrades	1,034	563	471	54%
Heating System Upgrades	809	643	166	79%
Sheltered Housing Upgrades	756	378	378	50%
Contingency/Voids	725	366	359	50%
Beechtrees	680	248	432	36%
Professional Fees	679	470	209	69%
Adaptations for Disabled People	642	101	541	16%
Communal Areas Improvements	470	35	435	7%
Property Purchases	470	495	-25	105%
Windows and Doors	455	136	319	30%
Structural Works	260	14	246	5%
HRA Garages	229	146	83	64%
Walls	200	2	198	1%
Firbeck Revival	200	-51	251	-26%
Westec Development HRA Element	130	0	130	0%
Environmental Programme	100	0	100	0%
Improvements to Binstores	50	4	46	8%
Local Housing Allowance Initiatives	50	0	50	0%
Housing OR Recommendations	40	8	32	20%
Flood Resilience Works	33	26	7	79%
Digital Inclusion Initiatives	30	0	30	0%
Flaxton Rainbow	25	0	25	0%
Environmental Improvements	24	0	24	0%
Evenwood Court Re modelling	23	0	23	0%
Painting/Rendering no Fines	15	0	15	0%
Energy Efficiency	6	30	-24	500%
Lifts	6	0	6	0%
Equipment Replacement	5	0	5	0%
Total Expenditure	10,652	4,036	6,616	38%



CABINET: 13 March 2018

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

Relevant Portfolio Holder: Councillor I Moran

Contact for further information: Kate Pierce (Extn. 2679)
(E-mail: kate.pierce@westlancs.gov.uk)

SUBJECT: DEVELOPING AN ORMSKIRK BUSINESS IMPROVEMENT DISTRICT

Wards affected: Ormskirk Ward(s)

1.0 PURPOSE OF THE REPORT

- 1.1 To provide a summary of the report prepared by Groundwork Ltd, into the feasibility of developing a BID for Ormskirk.
- 1.2 To seek agreement to the next steps in developing a BID for Ormskirk.

2.0 RECOMMENDATIONS

- 2.1 That subject to a BID Steering Group being formed by the private sector businesses of Ormskirk the development of a BID be taken forward by this group.
- 2.2 That the development of a BID for Ormskirk be supported by the Council.
- 2.3 That officers support the Town Centre Management Group and any future BID Steering Group in activities to develop a BID.
- 2.4 That, should an application be made by the Town Centre Management Group/BID Steering Group to the MHCLG (Ministry of Housing, Communities and Local Government) BID loan fund, that the application be supported by the Council and that the Council act as the accountable body for the loan.

- 2.5 That delegated authority be given to the Director of Development & Regeneration to oversee utilisation of the loan (if approved by the MHCLG).
 - 2.6 That the Council draws up and publishes baseline agreements relating to the Council's statutory obligations within the BID area.
 - 2.7 That the Council administer any BID ballot.
 - 2.8 That the proposed timeline as evidenced in Appendix C be approved.
-

3.0 BACKGROUND

- 3.1 At its meeting in 14th March 2017 Cabinet agreed to appoint Groundwork Ltd to undertake a feasibility study to look at a sustainable future for Ormskirk and the potential of introducing a Business Improvement District (BID) in Ormskirk.
- 3.2 The recommendation to undertake the Feasibility Study was made to Cabinet by the Town Centre Management Group who were considering whether the introduction of a BID would be appropriate for Ormskirk and who wanted to fully understand the implications and potential benefits of a BID.
- 3.3 Groundwork were appointed to undertake the Feasibility Study as they have significant experience in the delivery of BIDs in the UK including several examples of successful BIDs in the North West in market towns of a similar size to Ormskirk.

4.0 WHAT IS A BID?

- 4.1 A BID is a business-led and business-funded body formed to improve a defined area. A BID can enable businesses to have a collective voice and allow the business community to identify and deliver additional services in order to improve the local trading environment.
- 4.2 BIDs are created following a ballot process and funded via a levy. The levy is charged on business rate payers within the defined BID area, which is paid in addition to their current business rates bill. BIDs were first established in the UK in 2005 and there are now almost 300 BIDs in towns nationwide.
- 4.3 There is specific legislation in place for BID's, the levy is a legal requirement just like Business Rates and is treated as a statutory debt. The legislation which relates to the BID's is The Business Improvement Districts (England) Regulations 2004 and the Non Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989. The legislation details all the steps and processes involved in developing or altering a BID, providing specific information relating to proposals, renewing proposals, altering proposals, preliminary procedures, instructions on how to undertake a ballot, and it details all the specifics a proposer needs to undertake to develop a proposal.

- 4.4 The levy can be used as a catalyst to raise funds for improvements through a range of projects and initiatives that provide benefits to the local business area as long as these are over and above the services already provided by the Borough Council and other service delivery organisation such as Lancashire County Council and the police.
- 4.5 For a BID to be established a BID Proposal and business plan must be submitted to the local authority by a BID Steering Group. The BID Proposal must set out the priorities for the area, the services to be provided, the size and the scope of the BID. It would also set out who is liable for the levy, the individual amounts to be collected and how it is calculated as well as how it will be operated and managed.
- 4.6 For a BID to be implemented a ballot, run by the local authority, must be held. To be successful over 50% of the businesses in the area who cast their ballot must vote in favour and those voting in favour must also represent over 50% of the total rateable value of those businesses.
- 4.7 Once a ballot has been won the BID Proposal becomes a legally binding document and this then becomes the framework within which the BID will operate. A BID lasts for 5 years after which another ballot must be held as to whether to continue for a further 5 years.

5.0 RESULTS OF THE FEASIBILITY STUDY

- 5.1 A full copy of the Feasibility Study is attached as appendix A.
- 5.2 The Feasibility Study involved a consultation with local businesses, securing 31 responses from a sample of 60. In summary (extracted from Section 4 of the report), the report shows that there are a number of opportunities for improving town centre beyond the statutory duties of the Council.

Key trends

- 5.3 44% of respondents thought that a BID was a good idea. 52% stated that they did not know.
- 5.4 Key areas identified for improvement are:
- Improved public transport and car parking initiatives
 - Stronger marketing and profiling of Ormskirk as a destination of choice
 - Non-statutory improvements to street scene, town dressing and signage
 - Additional crime and security interventions
 - Enhanced programme of events and festivals
 - Improved communication links and business support
- 5.5 The Feasibility Study reported that the development of a single independent, dedicated body for Ormskirk could effectively lead and realise successful outcomes for the town.

Income Generation

- 5.6 A BID levy is usually set between 1% and 2% of the rateable value of a premises. Table 1 below is taken from the Feasibility Study and sets out the potential income that could be generated. The levy would be charged on all 276 hereditaments within the defined area where the rateable value of the premises is more than £6,000.
- 5.7 For the purposes of the study the BID area has been defined as the commercial district of Ormskirk and also included Edge Hill University. The plan showing the defined area is set out in Appendix B.

5.8 **Table 1: Financial Options**

% Levy	RV Threshold (below which hereditaments are exempt)	BID levy raised (pa)	Hereditaments levied
1.0%	£6k	£98k	276
1.5%	£6k	£147k	276
2.0%	£6k	£196k	276

These figures are based on 276 hereditaments.

- 5.9 The report showed that a revenue of between £490,000 and £980,000 over 5 years (£98k pa at 1% and £196k pa at 2% respectively). These sums are calculated without caps and exclusions.

Time line

- 5.10 The report suggested an indicative timeline for the implementation of a BID. This is detailed in Appendix C and suggests that, on the basis of the MHCLG loan being approved, a BID could be implemented within 12 months.

Summary of the Feasibility Study

- 5.11 The report recommends that consideration be given to the development of a BID as the most appropriate mechanism for the release of sustainable, secure funding, to realise added value opportunities.
- 5.12 The report strongly recommends the establishment of a private sector led steering group. 76% of respondents showed an interest in participating in a working group to support and guide the development of projects and services that will benefit the town's trading environment.

6.0 RESPONSE OF THE TOWN CENTRE MANAGEMENT GROUP

- 6.1 The findings of the report were presented to the Town Centre Management Group at its meeting on 23rd January 2018. After the presentation there was a discussion and an opportunity for questions. The group agreed that further

consideration should be given to a potential BID for Ormskirk. The group agreed to:

- Explore the positive and negative outcomes of BIDs in other areas
- Promote the idea of a BID to businesses of Ormskirk
- Identify and invite potential business leaders to become active in a BID
- Establish a motivated body of local business leaders who would progress activity towards a BID with a view to this becoming a more formalised Steering Group
- Establish the likely revenue sum to be generated and what the possible outcome of this would be in terms of delivery
- Apply for a loan from the MHCLG to cover BID development costs

6.2 The group agreed that should a steering group be formally established then a formal consultation on the BID proposal, of all businesses within the defined area, would be undertaken.

6.3 The Group agreed to request that the Council:

- Supports the Town Centre Management Group/BID Steering Group in the development of a BID for Ormskirk
- Assists the Town Centre Management Group and the BID Steering Group in activities to develop a BID
- An application to the DCLG BID loan fund be supported and that the Council acts as the accountable body for the loan
- Administer the BID ballot

7.0 COSTS

7.1 The resources required to facilitate the development of a BID will include financial and staff time. Groundwork has estimated that the likely costs of enabling a BID would be in the region on £25,000 to £35,000.

7.2 A loan fund of up to £50,000 is available from the DCLG for BID development. The Town Centre Management Group can apply for the loan with the Council acting as accountable body for the loan recipient. As part of the loan fund agreement, the repayment terms will be on receipt of the annual levy following a successful ballot. There is no obligation to pay back the loan in the event of an unsuccessful ballot. Interest will be charged on the loan at 1% above the rate of inflation.

7.3 In terms of officer time, it is proposed that officers of the Economic Regeneration team support the business community in the development of a BID for Ormskirk. Officers from several Council service areas will be required to support the development of a BID. In particular officers will be required to formalise baseline agreements relating to the Council's statutory obligations within the BID area. This could include street cleansing, maintenance of open space, highways etc. Other organisation who provide base line services to the town, eg, Lancashire County Council and the Police, would also be required to

draw up baseline agreements. Officers of the Council will also be required to run a formal ballot and also administer the loan.

8.0 NEXT STEPS

- 8.1 For successful BID implementation the development of a BID needs to be business led. In recognition of this the Management Group has agreed to take a number of steps in progressing a potential BID for Ormskirk (see paragraph 6.1).
- 8.2 Nevertheless the Council can offer support in the development of a BID which will help strengthen the likelihood of a positive result at the ballot. Support can be given by officers of the Economic Regeneration team and might involve effective business engagement, promotion of the potential BID and assistance in the development of the business plan.
- 8.3 Should a loan be applied for by the Town Centre Management Group then the Council are asked to act as the accountable body. It is proposed that delegated authority be given to the Deputy Director of Development & Regeneration to oversee utilisation of the loan (if approved).
- 8.4 In the event that a formal BID Steering Group is set up by local businesses to progress a BID for Ormskirk, and a formal consultation is undertaken, the Council will be required to host a formal BID ballot. The DCLG loan fund could be used in part to cover the costs of running a BID ballot.

9.0 SUSTAINABILITY IMPLICATIONS

- 9.1 There are some sustainability impacts associated with this report, in particular, the economic prosperity of existing businesses of Ormskirk and the image of the Ormskirk as a commercial centre.

10.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 10.1 There are some financial and resource implications arising from this report in respect of potential costs of developing a BID for Ormskirk. However the financial cost will be met utilising the DCLG BID loan fund (if approved) and within the existing budget for Ormskirk Town Centre Strategy. Should a BID Steering Group make a BID proposal to the Council which in turn proposes a ballot of local businesses for the implementation of a BID, then the Council will be obliged to administer the BID ballot. Staff resource implication will be met using existing resources and the BID loan.

11.0 RISK ASSESSMENT

- 11.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

12.0 EQUALITY IMPACT ASSESSMENT

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

Background Documents

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

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
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Appendices

Appendix A – *'Feasibility Study Potential Business Improvement District for Ormskirk Town Centre'* Groundwork, February 2018

Appendix B – Proposed BID plan area

Appendix C – Proposed BID Timeline

Appendix D - Equality Impact Assessment (EIA)



Feasibility Study – Potential Business Improvement District for Ormskirk Town Centre

CONFIDENTIAL

February 2018

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Contents

1.0	EXECUTIVE SUMMARY	4
2.0	INTRODUCTION AND PROJECT BACKGROUND	5
2.1	<i>Project Aim and Methodology</i>	6
3.0	ORMSKIRK TOWN CENTRE BID FEASIBILITY KEY FINDINGS.....	7
3.1	<i>Stakeholder and Business Interview Results</i>	7
3.2	<i>Geographical Coverage of a Business Improvement District for Ormskirk</i>	211
3.3	<i>Summary Time Line for Development of a BID</i>	222
4.0	RECOMMENDATIONS ON A BID FOR ORMSKIRK.....	233
APPENDIX ONE – MAP SHOWING THE AREA OF ORMSKIRK TOWN CENTRE AGAINST WHICH ANALYSIS WAS UNDERTAKEN OF HEREDITAMENT’S RATEABLE VALUE		266

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Office use only

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1	20 th September 2017	For release to client and initial feedback
3	12 th January 2018	Final release
4	6 th February 2018	WLBC Approved

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1.0 Executive Summary

This study has been produced to assess the feasibility of a business improvement district (BID) in Ormskirk town centre. The project has involved engagement with a sample of 60 businesses and stakeholders to gauge opinion on a range of issues and challenges for Ormskirk town centre. The feedback within this report is from 31 companies and organisations who provided detailed responses through the project's consultation process.

The results of these consultations have shown a number of areas for improvement in the management of the town centre. Importantly, these areas for improvement in many cases are added value requirements, above and beyond the statutory responsibilities of West Lancashire Council. The report has therefore recommended that a BID is considered for resourcing these requirements on a sustainable and secure basis, subject to approval by companies and organisations within the town centre.

The study has also undertaken analysis of the rateable value of Ormskirk, and option provided for the potential income that might be generated from a business improvement district for Ormskirk town centre incorporating Edge Hill University. These have shown that a BID could generate an investment of £490k and £980k over five years from 276 hereditaments with a rateable value above £6,000.

Recommendations have been provided to support the next steps in development of a BID for Ormskirk town centre. These include recommendations on expected development costs, resource requirements from West Lancashire council and a timeline with a target of a BID being operational by April 2018. Further recommendations are also made around the importance of further private sector engagement, data gathering, communications and the establishment of a private sector led Town Centre BID Steering Group.

2.0 Introduction and Project Background

Ormskirk is a market town in West Lancashire which has been in existence for over 700 years. The town has a unique historic character, a long established market and is home to Edge Hill University, which employs 4000 staff and is the largest hereditament within the Town. Ormskirk has maintained a lower than average level of vacant units in the town, which in July 2017 was 4.5% against a regional average of 13.3%. Despite this, recent anecdotal feedback from businesses indicates that the economic performance of traders is struggling. These pressures include on-line shopping, increased presence of dominant retail centres in the Northwest (Liverpool One, Trafford Centre) and competition from neighbouring towns and out of town shopping centres including Wigan, Southport, Preston and Aintree.

To support the continued success of the town, West Lancashire Borough Council developed a Town Centre Strategy in 2015, and have dedicated capital budget and officer time and resource to supporting the on-going development of the Town Centre. The private sector has been actively engaged through a mixture of public / private partnerships (Town Centre Management Group) and private sector networks - in recent years this has included Love Ormskirk (now ceased trading), Ormskirk and West Lancashire Business Focus (OWL) and the recently formed Ormskirk Town Centre Business Action Group. Ormskirk has been supported through the Market Towns Initiative in the past, and more recently (2014 -2017) the Healthy High Streets Programme.

Notwithstanding the past success achieved in Ormskirk, the Town Centre is perceived by stakeholders to be in need of further investment, for which the Local Authority holds some limited funds to enable. However, to ensure that the success of the past is sustained in the future, the Town Centre Management Group are interested in understanding how a Town Centre focused Business Improvement District could secure sustainable, private sector led investment in projects and services to secure Ormskirk's long term future.

2.1 Project Aim and Methodology

This feasibility study on a Business Improvement District for Ormskirk town centre has been commissioned by West Lancashire Borough Council, and produced by Groundwork, with the aim of producing:

1. Key findings and trends from interviews with businesses and stakeholders
2. Geographical options for development of a BID
3. Recommendations on timescales and the process for developing a BID for Ormskirk town Centre
4. Production of a rateable value database for Ormskirk town centre, including the analysis of RV data to develop geographical options for a BID
5. Producing a BID development timeline for Ormskirk town centre, and a summary of outcomes a BID could generate
6. A developed understanding on the role a BID could play in the future development of Ormskirk town centre, and advice on whether a BID is feasible.

This study was delivered through the following methodology:

Stage 1 – Project start meeting

Stage 2 – Engagement and consultation with companies

Stage 3 – Analysis of Rateable Value (RV) database

Stage 4 – BID development timeline for Ormskirk Town Centre

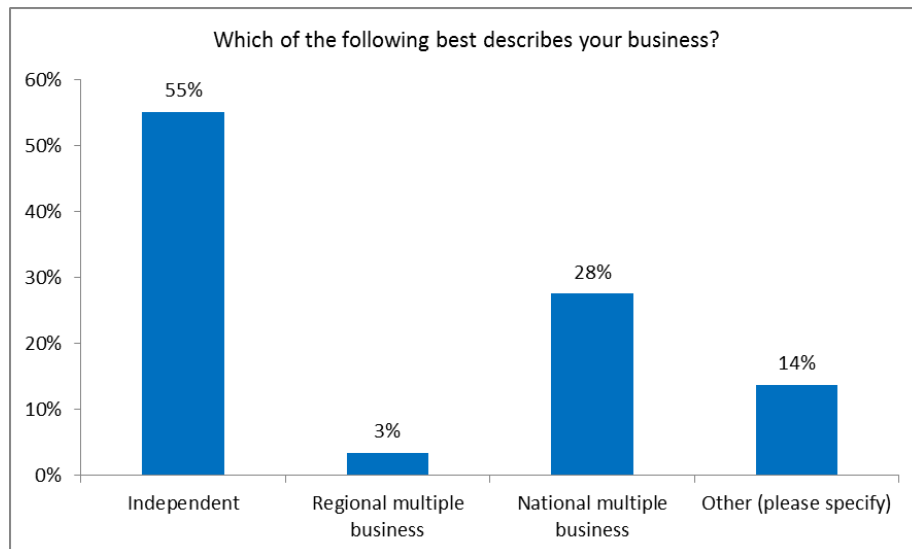
Stage 5 – Production of the draft report for feedback

Stage 6 – Production of the final report, presentation and reporting

3.0 Ormskirk Town Centre BID Feasibility Key Findings

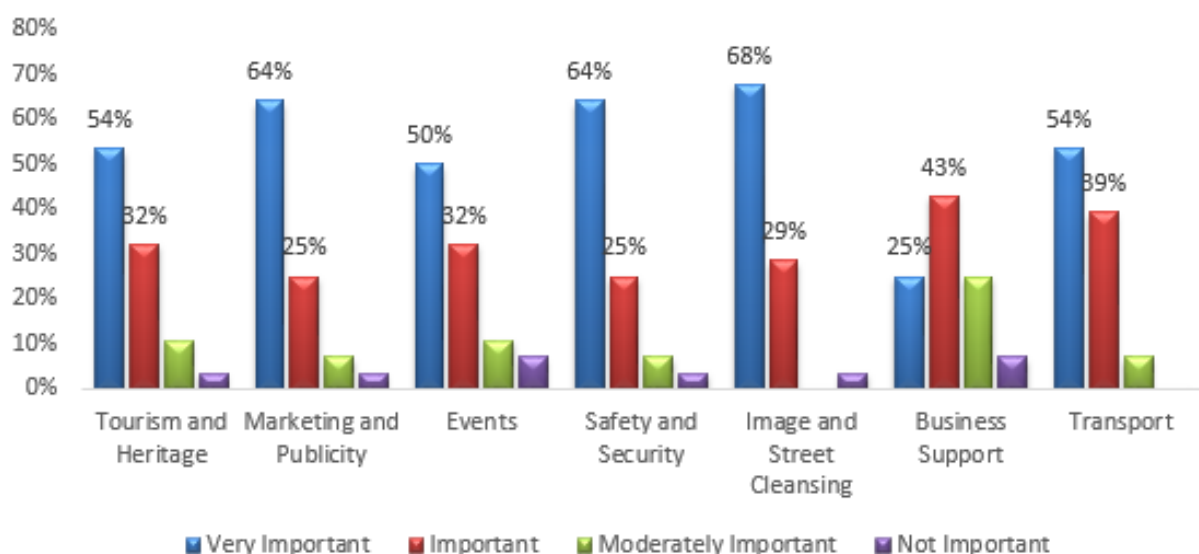
3.1 Stakeholder and Business Interview Results

A total of 60 companies were invited to take part in the consultation, with responses to the consultation being received from 31 businesses against a target of 30 businesses. The businesses responding were from the following sectors:



Businesses and stakeholders engaged through this project were asked to indicate the relative importance to their business that each of the following themes from this consultation has in making Ormskirk town centre an improved trading environment.

Please indicate the relative importance to your business that each of the following themes have in making Ormskirk Town Centre an improved trading environment.



When responses are prioritised against the themes reported as important or very important, the priority for these themes are as follows:

Theme	% respondents reporting that this theme is very Important or Important to their business
1. Image and Street Cleansing	96%
2. Transport	93%
3. Marketing and Publicity	89%
4. Safety and Security	89%
5. Tourism and Heritage	86%
6. Events	82%
7. Business Support	68%

Place Promotion and Management

Place promotion and management is a key economic driver for any Town or City Centre. When asked how important it was for the overall visitor and customer experience in Ormskirk the following responses were received in order of priority.

Please state the level of importance you place on the list below	Very Important	Important	Moderately Important	Not Important
1)Physical assets: e.g. Key shopping streets, markets, art galleries, historic buildings, parks	68%	28%	4%	0%
2)Information Services: e.g. Visitor information services, street maps and town centre guides, web presence, social media	50%	32%	18%	0%
3) Access and connectivity: e.g. Good transport routes in to the town centre, connections via car, bus, train, cycling and walking across the town and beyond	82%	18%	0%	0%
4) Events, festivals and the activity offer: e.g. Weekly markets, specialist markets, Christmas lights switch on & Christmas shopping weekend, park events, charity events	61%	29%	7%	3%

Marketing and Events

The consultation shows that respondents place a significant importance on marketing for their business, with 76% of respondents also stating that the marketing of Ormskirk as a destination was important to their business. However, when businesses were asked how they currently rate the marketing of Ormskirk, 26% of respondents stated that they thought it was poor with 44% stating it was satisfactory. Businesses were also asked if they were aware of the new Ormskirk branding, 68% stated that they were not aware of the new branding for Ormskirk.

When stakeholders and businesses were asked who they thought was responsible for the marketing of Ormskirk, the following feedback was received.

Who do you think is responsible for the marketing of Ormskirk town centre?	Response (Y)
West Lancashire Borough Council	64%
Lancashire County Council	21%
Marketing Lancashire	11%
Local/online newspapers	14%
Local businesses in the town centre	18%
Local business groups/networks	18%
All of the above	43%

Respondents also stated that they thought there was a responsibility on businesses and the community to support with the marketing of Ormskirk.

When respondents were asked if the existing festivals and events deliver an additional financial benefit / increased footfall to their business in Ormskirk, the following responses were received.

Event/Festival	Yes	No	N/A
Weekly markets	85%	15%	0%
Love Your Local Market and other market related events	46%	46%	8%
Specialist markets e.g., vintage markets	44%	52%	4%
Christmas Lights Switch on event	41%	48%	11%
Christmas shopping weekend	35%	50%	15%
Motor Fest	44%	41%	15%
Gingerbread Festival	48%	44%	8%
Events in Coronation Park	22%	70%	8%
Food and drink festivals	41%	52%	7%
Freshers' week	42%	58%	0%

Respondents were asked if there were any other events or festivals that are currently delivered in Ormskirk that bring a financial benefit to their business. Respondents reported the following:

- Golf open
- The market is the main draw to Ormskirk, but it desperately needs improving
- Partnership opportunities, i.e. University Students working with events/businesses, in a volunteering/organizing capacity
- Edgehill events e.g. graduations

Respondents were asked what additional events and festivals could bring a financial benefit to their business. Respondents suggested:

- Free parking days, say one afternoon a week
- Music Festival
- National Fitness Day September 27th UKACTIVE something on Coronation Park that would get Ormskirk active
- Mass participation events starting / terminating in the town (road races, cycling events, charity runs).
- Festivals of arts & crafts
- Trader day spaces on the public realm

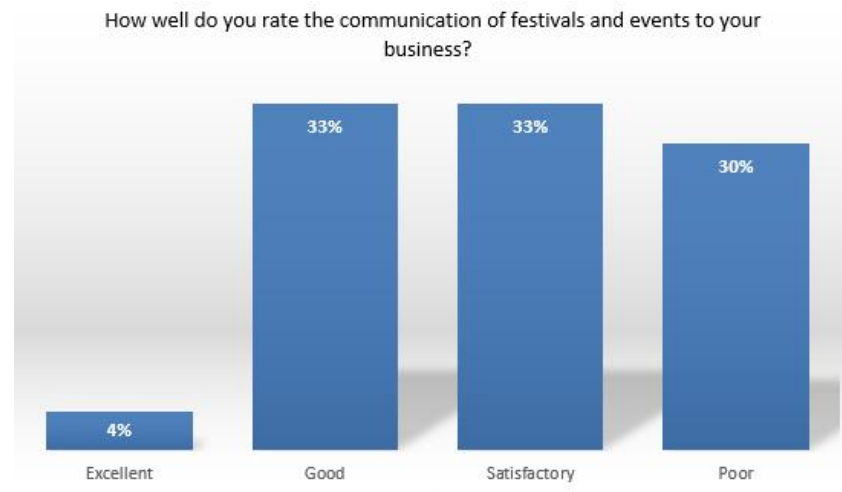
When asked how would you anticipate these Events to be funded and organised? The following responses were received.

- The Council
- Businesses
- Self-financing
- Charity/Grant funding

Respondents were asked what part if any, would your business play in such events. Respondents suggested:

- All businesses would need to be involved - Has to be the collective.
- Advertising and promoting
- Donation towards cost
- None

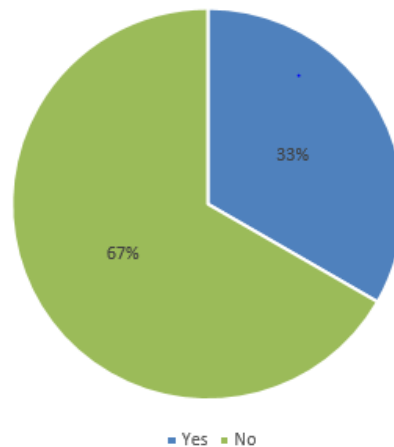
Respondents were asked how they rated the communication of festivals and events to their business. 30% stated that they felt communication was poor, with 33% reporting communications as good.



Safety and Security

Businesses and organisations were asked a series of questions around safety, security and crime during the consultation. 33% of businesses who responded to the survey said that their business had been a victim of crime in the last 12 months, which is below average compared to previous town centre consultations completed by Groundwork.

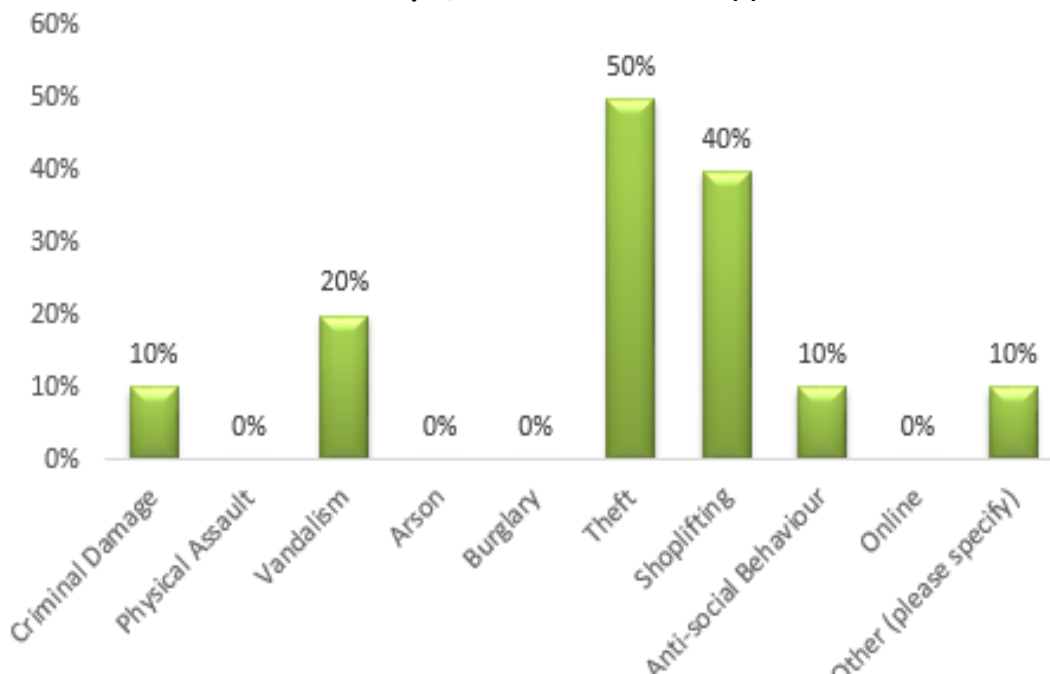
Has your business been a victim of crime in the last 12 months?



When asked what types of crime respondents had experienced, the most common offences reported by the 33% of respondents who had been a victim of crime were:

- General theft from a business (50%),
- Shoplifting as a specific crime (40%)
- Vandalism (20%)

If yes, what did the incident (s) involve?



Respondents were also asked how safe they felt during key times of the day. The following responses were received (right).

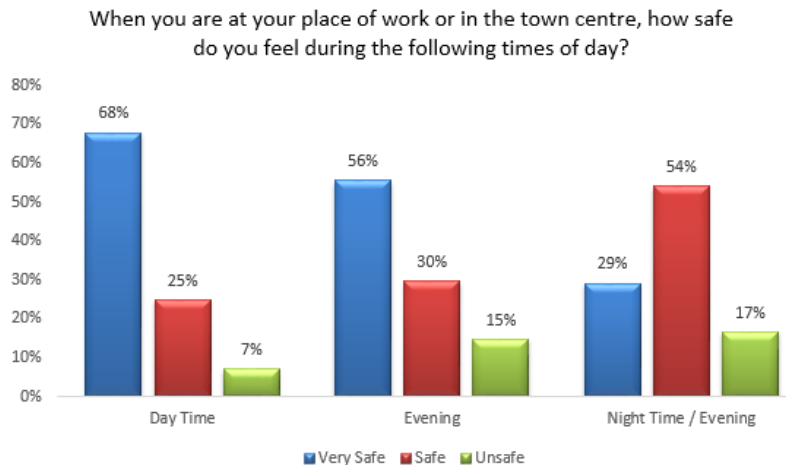


Image and Street Cleansing

Respondents were asked to rate a range of services, public realm assets and locations within Ormskirk town centre. The responses have been analysed taking account of the poor ratings for the first analysis and the excellent and good rating for the second analysis of this question. This has produced a list of the five poorest rated services, public realm assets and locations and a second list of the five highest rated services, public realm assets and locations.

The five poorest rated services, public realm assets and locations	% of respondents scoring item as satisfactory/poor
1. Alleyways and Ginnels	82%
2. Condition of the Pathways	64%
3. Floral and Planting displays	61%
4. Signage (Interpretation, e.g. maps)	57%
5. Condition of the Buildings	56%

The five highest rated services, public realm assets and location	% of respondents scoring item as excellent/good
1. Street Cleanliness	67%
2. Street Lighting	64%
3. Removal of Litter	61%
4. Public Realm (e.g. paving and trees)	59%
5. Building Lighting	59%

When asked how the following activities are managed in Ormskirk town centre, the following responses were received.

Street Activity	Excellent	Good	Satisfactory	Poor
Chuggers (street fundraisers)	0%	29%	32%	39%
Leafleting	0%	29%	50%	21%
Buskers	0%	44%	44%	12%
Street Traders	4%	44%	33%	19%
Animations / Professional Street Performers	0%	42%	42%	16%
Unlawful advertising e.g. flyposting, A-boards	4%	31%	38%	27%
Traffic restrictions	4%	33%	30%	33%

Additional comments received included:

- No parking enforcement whatsoever in Moorgate & Market way, vans & cars parking wherever they feel like, gives a poor impression and feeling of town centre, main problem on market days.
- Too many aggressive charity and marketing sales people in the street
- Although Church Street is meant to be pedestrianised. Vehicles are frequently parked
- 'A' boards are not managed and are unsightly for local residents in particular
- There are no restrictions on buskers or chuggers - don't get moved on by anybody
- Policing of Town Centre traffic access / parking controls appears to be confused between various agencies and is inconsistent and largely ineffective
- Issues with fundraisers especially around the bus station
- Rarely see street performers... There's a huge opportunity to use busking as a form of income generation ('spot' branding) - busker quality needs to be vetted

Business Support

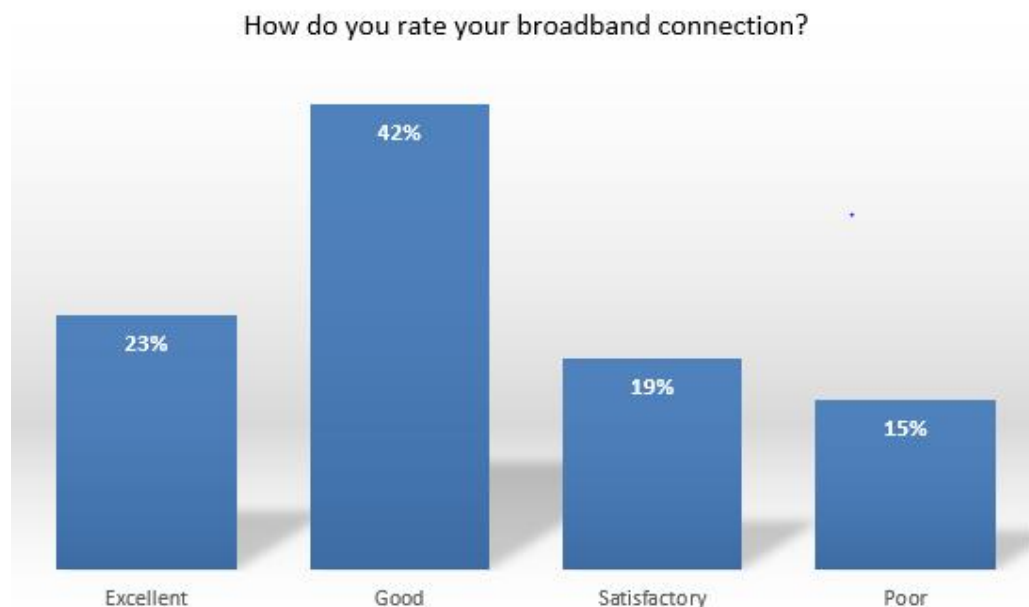
Joint Procurement

Businesses were asked if they would be interested in joint procurement services to lower their operational costs. There was very little interest expressed by those businesses who responded to the consultation.

Despite the low level of interest, this initiative should be kept under review through a full Business Improvement District consultation, Joint Procurement services delivered by BID's have realised huge cost savings particularly with independent businesses and the professional business services industry.

Broadband Connectivity

Broadband and connectivity plays a significant role in any future development plans for town centres. Businesses were asked during the consultation if they had access to broadband and if they did how they rate their broadband connection. 28 participants responded to this question, providing the following responses to rating their broadband connection:

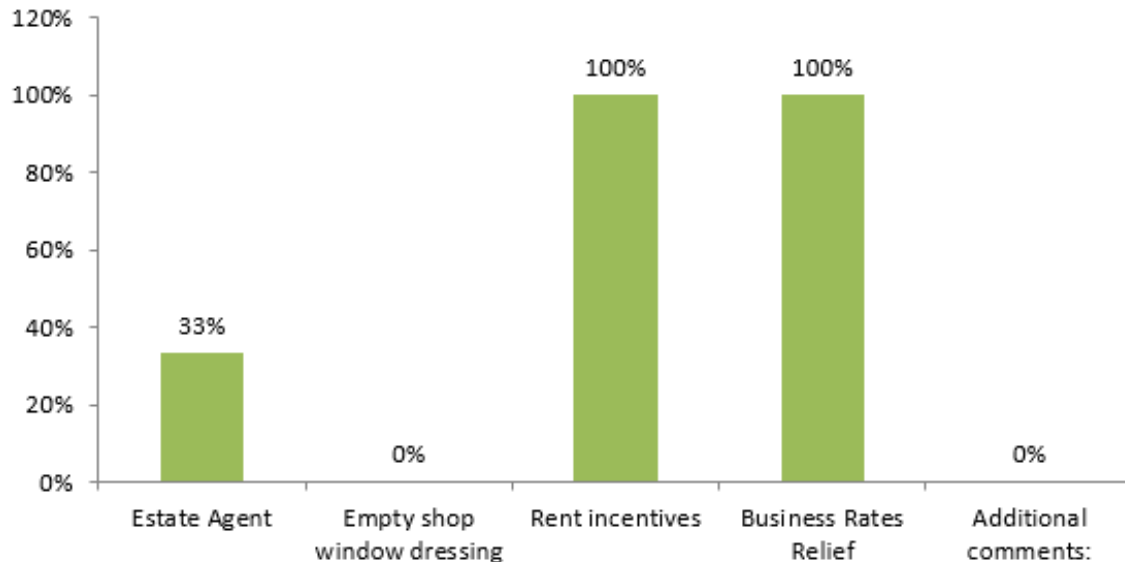


Landlord Assistance – Empty Property

If the respondent was a landlord, the following question was asked.

Note: 3 respondents identified themselves as landlords when answering this question

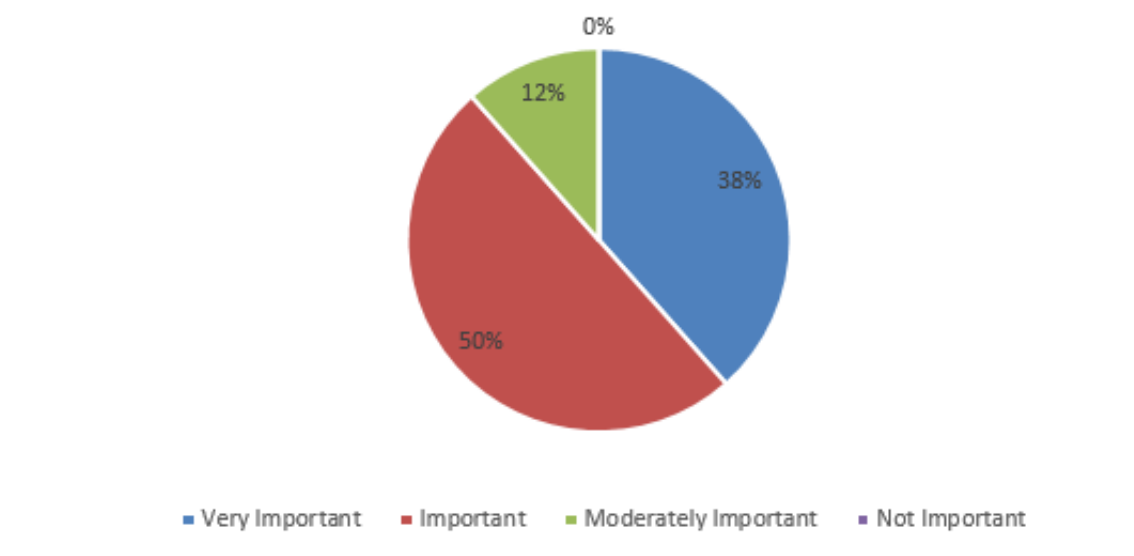
If you are a Landlord of commercial property, what assistance can be provided to finding new occupiers for your vacant properties?



Importance of a single, independent, dedicated body for Ormskirk Town Centre

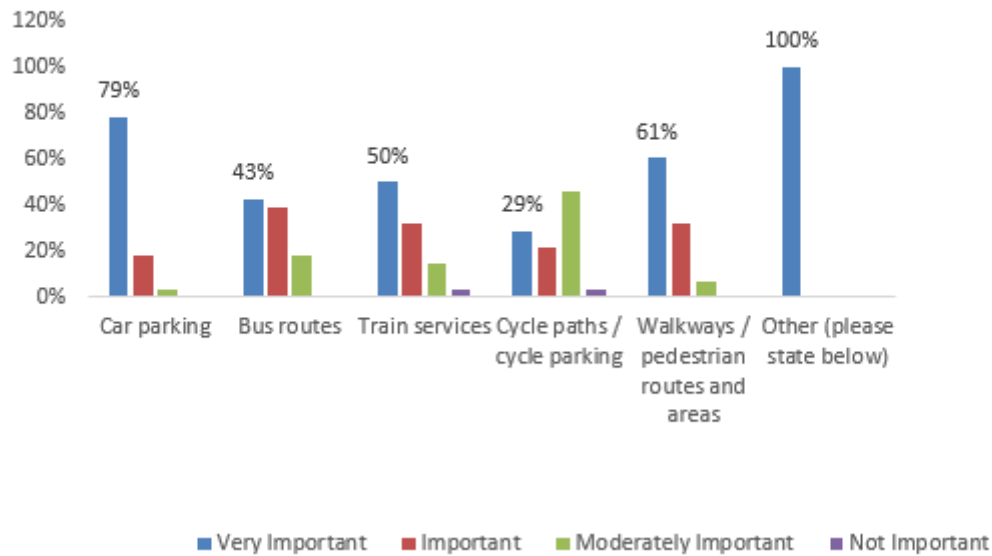
Within Ormskirk there is not currently a single, independent dedicated body for supporting retailers and businesses. Many BID projects fulfil this requirement for their town and city centre businesses, and therefore the following question was asked to gauge the importance of such a body for retailers and businesses in Ormskirk Town Centre.

How important is it for your business to have a single, independent, dedicated body responsible for managing improvements in Ormskirk Town Centre?



Connectivity and Transport

What importance does your business place on improvements to the following:



Comments received in the section marked other:

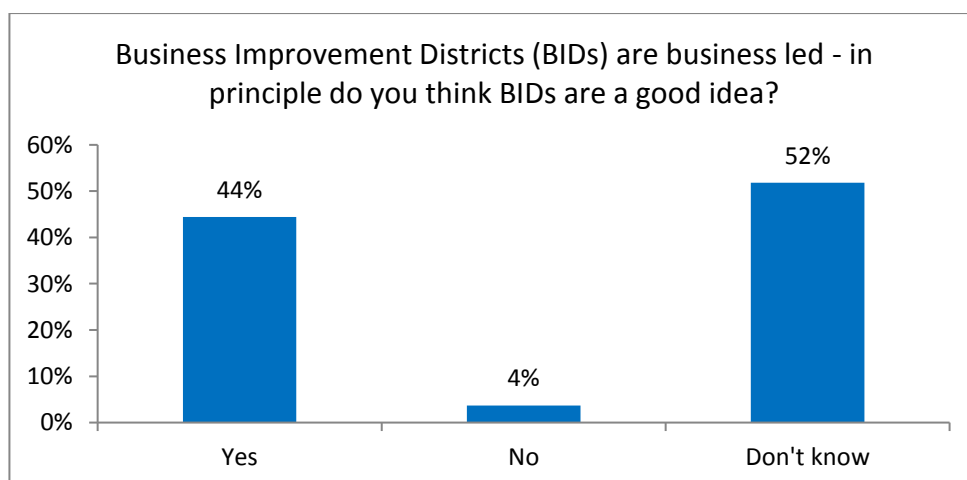
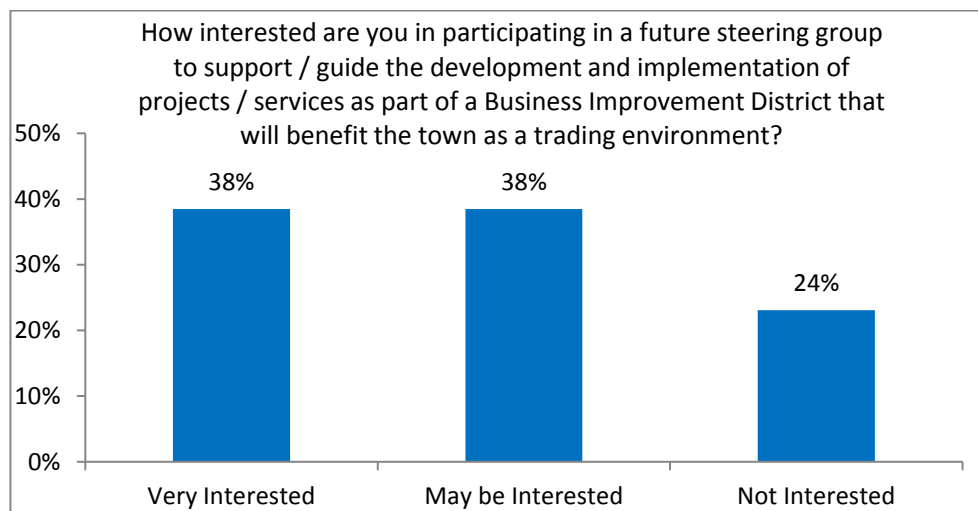
- Parking Enforcement and a review of car parking with traders
- Cleanliness
- Security

Future Plans for Businesses, Participation and support for Business Improvement Districts

To take a BID forward within Ormskirk, it is essential for the private sector be willing to engage and lead on the process. Therefore the study asked respondents to state their level of interest in participating in a future working group to support / guide the development and implementation of projects / services that will benefit the town as a trading environment. The responses to the consultation highlighted the following key points:

- 76% of respondents are either interested in very interested in in participating in a future steering group to support / guide the development and implementation of projects / services as part of a Business Improvement District that will benefit the town as a trading environment.
- 36% of respondents reported they feel unsure about the future of Ormskirk town centre, with 32% reporting they felt positive and 32% reporting they negative about the future of the town.
- 44% of respondents reported that BIDs in principle were a good idea, whilst 52% are unsure.

The graphs below provide more detail on each of these questions asked.



Respondents were asked what their three priorities were in Ormskirk.

Priority 1 Responses

Car Parking and Transport

- Car parking subsidies
- Transport Links,
- Parking enforcement and car parking review
- Car parking - pay on exit
- Free parking for the first 3 hours
- 3 Hour Parking - People are paranoid about getting a ticket
- Free Parking - This would attract many more visitors to the area
- Parking

Planning and Retail Support /Strategy

- Not as Many Charity shops
- Less retail parts on the outskirts of town
- Keep local businesses open with financial help (business rate relief)
- Vacant properties filled, improved products in the markets
- Stop catering just for students
- Making the market look better with a good range of stalls not all the same
- Diversity of stores, not just charity shops
- Improved market stalls
- Reduction in business rates

Marketing, Events and Activities

- A social calendar delivered to businesses
- More maps of shops on streets
- Better signage for our business and more involvement in steering groups
- Comprehensive events schedule - always something happening; seasonal gaps filled

Greener and Cleaner

- Deep cleanse the town

Priority 2 Responses

Car Parking and Transport

- Parking - encourage medium term parking, discourage long-term within the ring-road, enforce pedestrian zones
- Free Parking
- Local Events - Combined with free parking would boost numbers to the area.
- Transport

Planning and Retail Support /Strategy

- Marketing
- Incentives for small independent businesses to open.
- No more food or drink establishments and encouragement to other business
- Better parking cheaper parking
- Reduce rent to fill units with proper shops to increase shoppers to the town and new Business's
- Restriction of Charity shops
- Limit student accommodation in the centre
- Decrease the number of charity shops. We are known as the charity shop centre of the north
- Increase in branded retail outlets in town centre
- Business rate reduction to encourage needed types of businesses to move into town centre
- Affordable retail units
- Remove illegal A-boards and street signs
- Less Charity shops

Marketing, Events and Activities

- More events on coronation park
- Strong marketing for events and the town centre
- Promotion via social media – e.g. Instagram
- Better street signs

Greener and Cleaner

- Continued enhancement of pedestrian area

Safety and Security

- Employ security of a night time

Priority 3 Responses

Car Parking and Transport

- Car parking
- Transport - We need to be easily and cheaply accessible to more people
- Bus support

Planning and Retail Support /Strategy

- Town centre funding to be used for the town centre and not Edge Hill
- Sunday trading- Sunday markets - a reason to visit Ormskirk on a Sunday
- Tighter controls to discourage ugly shop frontages & street furniture
- A better variety of shops and a restriction of charity shops
- better choice of shops not 14 charity shops
- Turn the market stalls around to face the shops
- More retail shops

Marketing, Events and Activities

- Town centre Events throughout the year
- Clear instructions as to where we can advertise in the town centre
- More events in the town centre
- Proper Christmas markets like York
- More student engagement

Greener and Cleaner

- Continued enhancement of pedestrian area
- Look & feel - cleanliness, floral & art displays, creation of a Town Centre charter for shop frontages

Safety and Security

- Employ security of a night time

Respondents were also given the opportunity to provide any further comments relating to Ormskirk town centre. A summary of the comments received are:

- The town has gone downhill in recent years. Free parking would help.
 - More independent businesses in the town would help Ormskirk thrive. Encouraging the night time economy over the day time economy will lead to the demise of the independent businesses.
 - Really love the idea of BID - think the potential for Ormskirk to thrive as a town really can improve.
 - Improving the selection of retail outlets will bring trade to the town rather than people going into Liverpool city centre.
 - The expansion of local retail parks like Hattersley's and ringtail has negatively impacted on Ormskirk town centre. Particularly because of free parking.
 - Ormskirk needs shops providing clothes, food, giftware housewares etc.
 - Parking charges and the one way system discourages people from shopping in Ormskirk.
 - Other towns have benefited from introducing a 'first three hours for free' parking.
 - I have worked in many towns in the North West, non-come close to the effort Ormskirk makes to maintain and improve the area. The commitment and effort from some people I have met is excellent.
 - There are too many charity shops and cheap shops in Ormskirk. Ormskirk would benefit from more choice.
 - Better communication between organisations across the town, for improved co-working is needed.
-
- More consideration should be given to Students' wants and needs.
 - An 'open space' for organisations to hire as pop-up space wold be helpful.

3.2 Geographical Coverage of a Business Improvement District for Ormskirk

Following an analysis of the rateable value of hereditaments within Ormskirk Town Centre, the following options show the potential income depending on the levy set:

Finance options

% Levy	RV Threshold (below which hereditaments are exempt)	BID levy raised p.a.	Hereditaments levied
1.0%	£6k	£98k	276
1.5%	£6k	£147k	276
2.0%	£6k	£196k	276

Notes:

- RV = Rateable value
- 1%, 1.5% and 2% levy is for illustrative purposes only, to demonstrate the income that would be raised by a BID levy at the % of hereditaments rateable value within Ormskirk town centre. The final BID levy percentage for a BID in Ormskirk would need to be determined through the business plan development process.
- The income analysis listed has been taken from information provided in the Ormskirk town centre Business Rates database supplied by West Lancashire Borough Council and is estimated income. The total BID levy income could change through the development process for a number of reasons which include any change in national policy on business rates, properties that may be demolished, constructed, merged or split throughout the BID development process.
- 30% of businesses in the town centre have a rateable value of less than £6,000 and are therefore excluded for paying into the levy.
- BID in the UK have been established with income values of £80-100k

3.3 Summary Time Line for Development of a BID

Key Actions for Developing a BID	Date
1 st Stage Feasibility Study complete	January 2018
Business data cleansing/engagement of all stakeholders to identify needs and opportunities for the development of a draft business plan	May 2018
Proceed to full consultation with the businesses in Ormskirk town centre	June – July 2018
Proceed to Business Plan development and consultation to refine businesses priorities	August - November 2018
Develop and finalise baseline agreements with the Local Authority, Lancashire Police and other public agencies	May - November 2018
Business Improvement District Regulations – 84 day notice	December 2018
Finalise the BID Business Plan/BID proposal document	January 2019
Business Improvement District Regulations – 42 day notice	March 2019
Develop and deliver marketing campaign for the BID vote	February – May 2019
Business Improvement District Vote Period – minimum 28 days	April / May 2019
Set up BID company/BID delivery body	June - August 2019
BID Implementation day	1 st September 2019

4.0 Recommendations on a BID for Ormskirk

A Business Improvement District (BID) for Ormskirk Town Centre?

- Feedback from the sample set of businesses and stakeholders has identified a number of opportunities for improving town centre management beyond the statutory responsibilities of Lancashire County Council and West Lancashire Borough Council. Given the long term pressures on the Council budgets, West Lancashire Borough Council is recommended to consider development of a BID, as the most appropriate mechanism to realise sustainable, secure funding for realising these added value opportunities.
- Key areas for improvement that have been identified from consultation that a BID could deliver on are:
 - Improved Public Transport and Car Parking initiatives
 - Stronger marketing and profiling of Ormskirk town centre as a destination of choice
 - Non-statutory improvements to town dressing, street scene and signage
 - Additional crime and security interventions, in partnership with the statutory functions of Lancashire Police and Lancashire Borough Council e.g. safer night time economy programmes.
 - Enhanced events and festivals, which promote the history and heritage of Ormskirk
 - Improved communications links and business support
 - Development of a single, independent, dedicated body / partnership for Ormskirk town centre that can effectively lead and realise successful outcomes for businesses and stakeholders.
- During the process of developing the business plan for a BID, further analysis and market testing of the size and scale of the BID will be required. In particular, this must include the University, national retailer's property departments, who will closely scrutinise the project to identify their return on investment.
- 44% of respondents stated that they thought that Business Improvement Districts were a good idea, with 52% stating that they did not know and 4% indicated that. It will be essential for further detailed discussions with those businesses "who didn't know" should be undertaken through the next stage to establish "buy in" to the project.
- The Council should strongly consider establishment of a private sector led, Town Centre BID Steering Group to guide and direct the development of projects and services that will form the fundamental basis of a BID for Ormskirk. The new group could include representation from:
 - a. Representative eligible (e.g. group members should be likely to be a BID levy contributor) business sectors such as:
 - i. Retail
 - ii. Business services
 - iii. Pubs / clubs
 - iv. Hotels (where applicable),
 - v. Restaurants
 - vi. A range of business sizes including independents and nationals

- b. Other significant stakeholders in the town centre i.e. Edge Hill University and West Lancashire Borough Council.

It is important that the group is private sector-led, and contains significant representation from the private sector. Partnership arrangements and representation from public sector bodies should be included however balanced against the need for private involvement and leadership in the BID development process

- Respondents have shown interest in participating in a working group to support and guide the development of projects and services that will benefit the town as trading environment. 76% of respondents stated they may be interested in this opportunity. The respondents should be considered for invitation to join a Town Centre BID Development Steering Group.
- Should the Council decide to facilitate the establishment of a private sector led Town Centre BID Steering Group, consideration will need to be given to the form and function of groups such as the existing Town Centre Partnership.
- The members of the Town Centre BID Steering Group should be encouraged to become ambassadors for the BID project, actively selling the concept within their own organisations and to fellow traders / businesses within Ormskirk town centre.
- It is recommended that serious consideration is given to how the BID development process is marketed / presented to companies. Private sector leadership and involvement within the process will be critical to the success of the BID in winning support. A BID development process that is public sector fronted / led will risk being perceived as the Council using the mechanism to fund existing statutory obligations. Within Chester City Centre as an example, a new brand and identity was established for the BID Development Process known as CH1 BID. This presented a private sector led and managed process, and was a key success factor in securing a positive vote for a BID, following a previous failed BID in 2006 which had been heavily Council led.
- In establishing the geographical area for a BID, it recommended that the following risks are considered:
 - Inclusion of the University who hold the largest rateable value, which would make a significant contribution to the BID. Support from the University and ensuring they are included in the development of the business plan is paramount to the success of the project.
 - The number of non-retail businesses within the proposed area, for whom a business case will need to be developed for supporting a retail led BID.
 - The impact of any new development on the BID budgets.

Resources

- West Lancashire Borough Council to review the resource implications of developing a BID. The resources required to facilitate the development of a Town Centre BID will include financial and staff time.

- The financial budget will be dictated by the level of outsourcing of the project that West Lancashire Borough Council decides to take, however an initial budget range of between £25,000 - £35,000 would not be unreasonable to assume to enable development of a BID.
- Internal Borough and County Council resources will include staff time and departmental resources from the following council functions:
 - Economic development
 - Business rates
 - Electoral affairs
 - Street cleansing
 - Highways
 - Regulatory Services
 - Planning
 - Environmental Services

Note: this list is not exhaustive, however is illustrative of the level of cross departmental working that is likely to be required in establishing a BID.

- The resource implications of realising 'quick win' projects during the development process for a BID should be considered. As a minimum West Lancashire Borough Council and the County Council will need to resource activity to demonstrate the achievement of baseline commitments which are likely to include street cleansing, signage and highways.

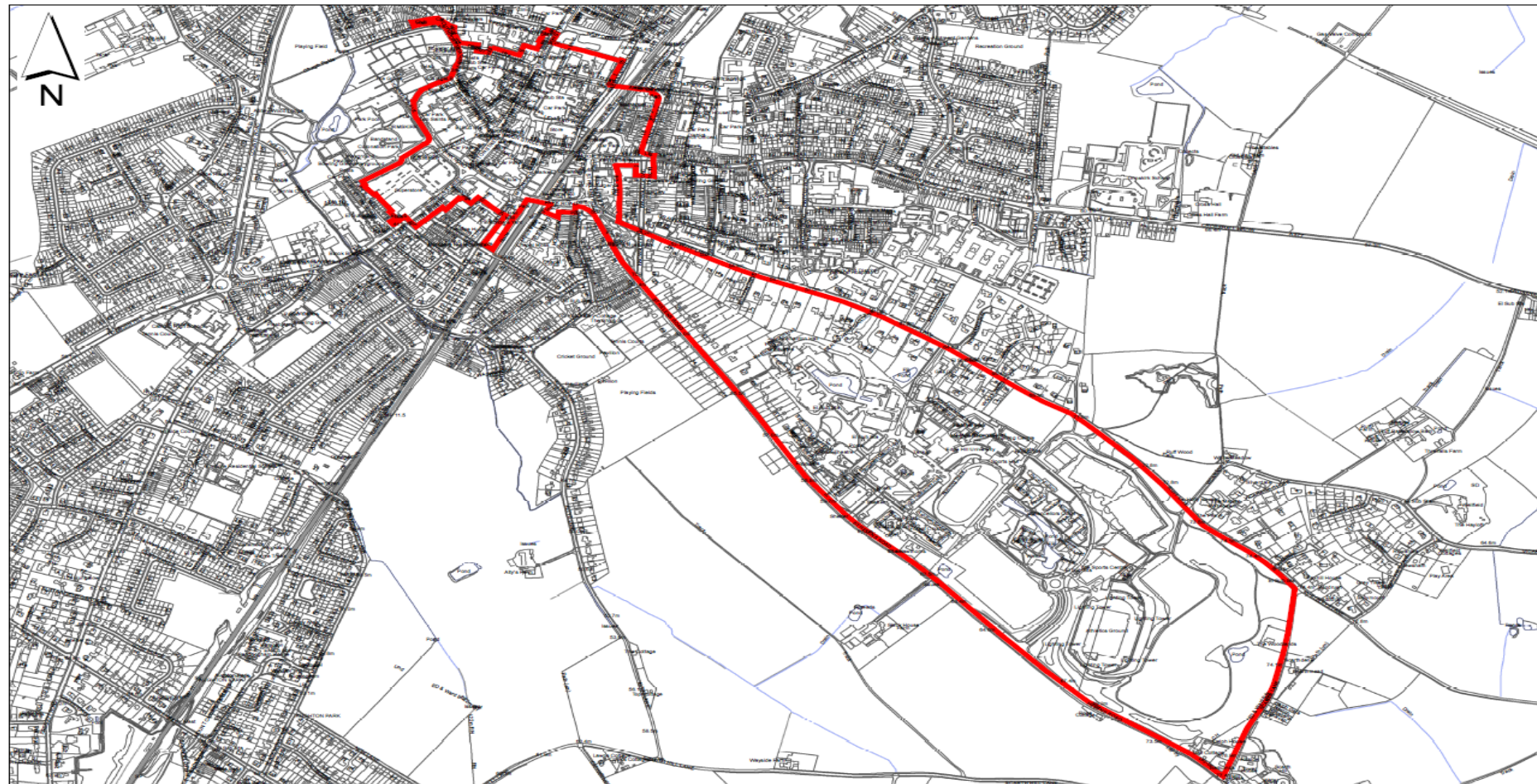
Communications and Data

- In undertaking this study, the initial data available relating to key contacts within businesses was limited. Therefore, a data collection and cleansing exercise is recommended for collecting contact details of key personnel from businesses/premises occupiers who are likely to become levy paying hereditaments.
- It is recommended that this refreshed data is used to deploy a programme of communication to engage and involve businesses in the process of developing a BID. These communication can also be used to enhance general communications across the town centre relating to events, festivals and general developments of interest to companies. In other town centres a weekly/monthly e-bulletin has been shown to be of benefit to companies combined with less regular hard copy communications.

West Lancashire Borough Council and Lancashire County Council Responsibilities

- The development of a BID for Ormskirk town centre will require West Lancashire Borough Council and Lancashire County Council to formalise and make public baseline agreements relating to their statutory obligations in areas such as street cleansing, removal of litter, maintenance of open space (including car parking), and highways. Respondents have highlighted through this project areas where Lancashire Borough and County Council is 'perceived' to not be meeting statutory obligations. The Councils are recommended to begin the process of reviewing and establishing baselines for the town centre and ensuring that these are being met, in order for the BID to clearly demonstrate how it will be delivering added value project and services above and beyond the Council's statutory obligations.
- To support the development of baselines, and ensure clear understanding of the BID process across key Council departments, it is recommended to establish an internal council officers working group to steer this process, and lead on the development of an operating agreements between both Councils and the BID.

Appendix one – Map showing the area of Ormskirk town centre against which analysis was undertaken of hereditament's rateable value



West Lancashire Borough Council
ORMSKIRK TOWN CENTRE - BID AREA

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Scale 1:8,000 @A3

smarterbusiness

from Groundwork Cheshire, Lancashire and Merseyside Limited

Yarwoods Arm

Navigation Road

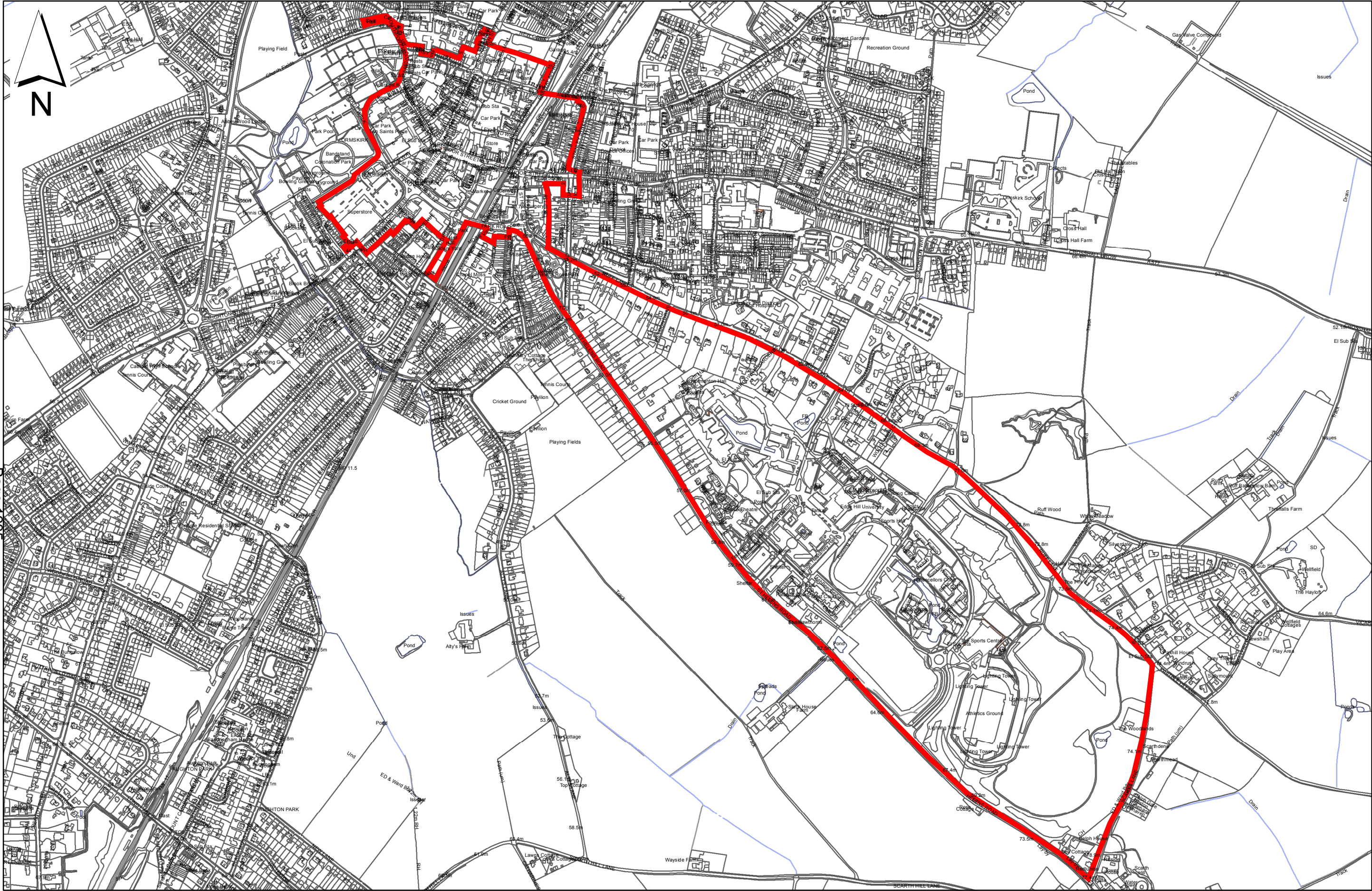
Northwich

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Tel: 01606 723175

Web: www.smarterbusiness.org.uk

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West Lancashire Borough Council

ORMSKIRK TOWN CENTRE - BID AREA

Key Actions for Developing a BID	Date
1 st Stage Feasibility Study complete	January 2018
Business data cleansing/engagement of all stakeholders to identify needs and opportunities for the development of a draft business plan	May 2018
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Develop and deliver marketing campaign for the BID vote	February – May 2019
Business Improvement District Vote Period – minimum 28 days	April / May 2019
Set up BID company/BID delivery body	June - August 2019
BID Implementation day	1 st September 2019

Equality Impact Assessment Form



Directorate: Development and Regeneration		Service: Economic Development	
Completed by: Kate Pierce		Date: 13th March 2018	
Subject Title: Developing an Ormskirk Business Improvement Plan			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	No <i>*delete as appropriate</i>		
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	Yes		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes		
Details of the matter under consideration:	To provide a summary of the report prepared by Groundwork Ltd, into the feasibility of developing a BID for Ormskirk and to seek agreement to the next steps in developing a BID for Ormskirk.		
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes <i>*delete as appropriate</i>		
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	Staff of the Economic Development Team will be involved in supporting delivery. Officers across the organisation will be required to formalise baseline agreements relating to the Council's statutory obligations within the BID area. Officers will also be required to run a formal ballot and also administer the loan.		
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
3. EVIDENCE COLLECTION			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Business and users of Ormskirk town centre.		

If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	<p>Whilst development of the BID is carried out there will be a limited impact on any groups.</p> <p>Should a BID be implemented it would seek to improve the trading environment for all businesses and visitors to Ormskirk.</p>
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity</p>	<p><i>*delete as appropriate</i></p> <p>No No No No No No No No No No</p>
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	N/a
What will the impact of the work being carried out be on usage/the stakeholders?	If a BID is implemented it would enable the business community of Ormskirk to have a collective voice and allow the private sector to identify and deliver additional services in order to improve the local trading environment. This will enable Ormskirk to be a competitive trading environment.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The feasibility study showed that 76% of respondents are either interested or very interested in participating in a future steering group to support / guide the development and implementation of projects / services as part of a Business Improvement District that will benefit the town as a trading environment.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Feasibility Study undertaken by Groundwork and peer review from other towns who have implemented a BID.
If any further data/consultation is needed and is to be gathered, please specify:	A formal consultation and ballot would be required to implement a BID.
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The implementation of a BID should help to improve the trading environment and offer, supporting businesses and encouraging more people to visit. Such activity should

	have a positive impact upon all.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	<p>BIDs are considered to be positive for a trading environment.</p> <p>A BID ballot will enable all businesses who would pay the levy to have a vote. If a business considered that the BID would be negative for them then they would be able to vote against. A successful BID would run for 5 years before being subject to a further ballot.</p>
What actions do you plan to take to address any other issues above?	<p>Hosing of a BID ballot.</p> <p><i>If no actions are planned state no actions</i></p>
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	By the Town Centre Management Group and Council officers of the Economic Development.



**CORPORATE & ENVIRONMENTAL
OVERVIEW & SCRUTINY COMMITTEE:
1 MARCH 2018**

CABINET: 13 MARCH 2018

Report of: Director of Housing and Inclusion

Relevant Portfolio Holder: Councillor I Moran

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

SUBJECT: QUARTERLY PERFORMANCE INDICATORS (Q3 2017/18)

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To present performance monitoring data for the quarter ended 31 December 2017.

2.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE

- 2.1 That the Council's performance against the indicator set for the quarter ended 31 December 2017 be noted.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That the Council's performance against the indicator set for the quarter ended 31 December 2017 be noted.
- 3.2 That the call-in procedure is not appropriate for this item as the report was submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 1 March 2018.

4.0 CURRENT POSITION

- 4.1 Members are referred to Appendix A of this report detailing the quarterly performance data for key performance indicators. The performance information aims to help demonstrate performance against the corporate priorities as well as providing some service-specific information.

4.2 31 data items are reported quarterly, two of these are data only. Of the 29 PIs with targets reported:

- 21 indicators met or exceeded target
- 5 indicators narrowly missed target; 3 were 5% or more off target

As a general comparison, Q3 performance in 2016/17 gave 22 (from 30) performance indicators on or above target.

4.3 Performance plans prepared by service managers are already in place for those indicators where performance falls short of the target by 5% or more for this quarter, if such plans are able to influence outturn and will be relevant for future monitoring purposes.

4.4 These plans provide the narrative behind the outturn and are provided in Appendix B1. Where performance is below target for consecutive quarters, plans are revised only as required, as it is reasonable to assume that some remedial actions will take time to make an impact. Progress on actions from previous Performance Plans are provided in Appendix C.

4.5 For those PIs that have flagged up as 'amber' (indicated as a triangle), an assessment has been made at head of service level based on the reasons for the underperformance and balancing the benefits of implementing a performance plan versus resource implications. This is indicated in the table.

4.6 Performance against the full corporate suite of indicators 2017/18 will be reported within the Council Plan Annual Report. This suite of indicators and targets was agreed by Cabinet in March 2017.

5.0 SUSTAINABILITY IMPACTS

5.1 The information set out in this report aims to help the Council improve service performance. There are no significant sustainability impacts associated with this report/update and, in particular, no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no direct financial or resource implications arising from this report.

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 report. Monitoring and managing performance information data helps the authority to ensure it is achieving its corporate priorities and key objectives and reduces the risk of not doing so.

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 A: Quarterly Performance Indicators for Q3 October-December 2017/18

Appendix B1: R1 % of Council Tax collected / R3 % of Non-domestic Rates Collected

Appendix C: Actions from Previous Performance Plans













Appendix D: Minute of Corporate & Environmental Overview & Scrutiny Committee – 1
March 2018 (Cabinet only)

APPENDIX A: QUARTERLY PERFORMANCE INDICATORS

Icon key					
PI Status			Performance against same quarter previous year		
	OK (within 0.01%) or exceeded	21		Improved	12
	Warning (within 5%)	5		Worse	16
	Alert (by 5% or more)	3		No change	3
	Data only	2	/	Comparison not available	0
N/A	Data not collected for quarter	0		Awaiting data	0
	Awaiting data	0			
Total number of indicators/data items		31			

Shared Services ¹

Page 1397



Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
ICT1 Severe Business Disruption (Priority 1)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	99.0%			
ICT2 Minor Business Disruption (P3)	98.0%	98.0%	98.0%	97.0%	98.0%	98.0%	98.0%	99.0%	99.0%	97.0%			
ICT3 Major Business Disruption (P2)	89.0%	92.0%	100.0%	92.0%	94.0%	96.0%	100.0%	100.0%	100.0%	98.0%			
ICT4 Minor Disruption (P4)	97.0%	98.0%	99.0%	99.0%	99.0%	99.0%	98.0%	99.0%	99.0%	98.0%			
B1 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events (days)	8.00	7.02	7.22	7.24	8.10	6.41	6.87	7.10	6.93	12			
B2 Overpayment Recovery of Housing Benefit overpayments	£207,159	£276,577	£79,368	£157,338	£226,000	£311,409	£69,860	£140,362	£212,841	£144,713			

PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
(payments received)													
R1 % of Council Tax collected	84.37%	97.02%	29.38%	56.67%	84.38%	96.74%	29.30%	56.28%	83.97%	85.90 %	Performance Plan attached as Appendix B1	↓	⚠
R2 % council tax previous years arrears collected	32.64%	37.31%	9.98%	17.3%	22.54%	26.82%	7.13%	13.37%	18.22%	18.20 %		↓	✅
R3 % of Non-domestic Rates Collected	80.41%	98.32%	29.27%	56.87%	82.98%	97.72%	29.18%	55.15%	80.66%	81.85 %	Performance Plan attached as Appendix B1	↓	⚠
R4 Sundry Debtors % of revenue collected against debt raised	88.84%	95.00%	66.42%	72.43%	80.87%	95.06%	39.49%	74.71%	87.99 %	76.25 %		↑	✅







Development & Regeneration Services











PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 157a Processing of planning applications: Major applications	100.00%	81.82%	100.00%	92.31%	71.43%	83.33%	100.00%	100.00%	100.00%	65.00%		↑	✅
NI 157b Processing of planning applications: Minor applications	67.14%	62.26%	70.97%	91.67%	96.49%	94.67%	76.56%	93.90%	93.62%	75.00%		↓	✅
NI 157c Processing of planning applications: Other applications	81.82%	80.00%	85.95%	96.64%	92.68%	89.52%	87.31%	93.62%	94.87%	85.00%		↑	✅

Finance and HR Services







PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
WL_121 Working Days Lost Due to Sickness Absence ⁴	10.47	9.64	8.89	7.61	7.40	7.44	6.92	7.54	7.67	8.08			

Housing & Inclusion Services











PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
HS1 % Housing repairs completed in timescale	97.02%	95.38%	94.93%	97.42%	98.13%	98.40%	95.88%	96.06%	98.44%	97.00%	The project around the repairs service has resulted in above target performance for all three months.		
TS13 % LA properties with Landlord Gas Safety Record Outstanding	0.08%	0.13%	0.13%	0.22%	0.07%	0.19%	0.16%	0.13%	0.15%	0%	Target based on legal requirement for all eligible properties to have certificate. Reported performance is an average from months in the period. 0.15% represents around 9 properties. A project is currently underway reviewing policies & procedures. Performance Plan in progress. See Appendix C.		
TS1 Rent Collected as a % of rent owed (excluding arrears b/f)	99.74	99.81	102.3	99.96	99.96	99.09	102.46	99.97	100.5	99	Collection rates have exceeded the same quarter in previous years. Universal Credit full service was introduced on 13.12.17. The team have an externally funded dedicated post to deal with the additional workload and support for claimants through the claim process. We are continuing to make requests for direct housing cost payments and payments off arrears through UC to ensure the vulnerable and those with arrears can cover their rent obligations. We have secured discretionary housing payments until 31.03.18 for those		





PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											affected by the spare room subsidy, and prioritise intervention at the earliest stages of a debt accruing.		
TS11 % of rent loss through dwellings being vacant	1.66%	1.74%	1.76%	1.79%	1.80%	1.79%	1.84%	1.79%	1.87%	2%			
BV8 % invoices paid on time	99.28%	98.36%	98.54%	98.33%	98.65%	98.37%	99.11%	98.05%	98.79%	98.75%	This relates to 9,615 invoices in the quarter.		
WL19bii Direct dial calls answered within 10 seconds ²	82.35%	81.00%	80.15%	79.95%	82.41%	82.69%	81.39%	81.24% ²	80.07% ²	82.21%	Due to technical issues with the call logger, the data refers to data for the quarter from 13.10.17 Head of Service's amber assessment: performance plan not required.		
Page 6 of 100 WL90 % of Contact centre calls answered	92.4%	91.1%	92.2%	94.6%	93.7%	91.9%	80.1%	90.3%	88.3%	91.0%	During implementation of the new telephony platform on 13.12.17 technical issues with the original telephone gateways/lines impacted on call volumes and waiting timesPerformance Plan in progress. See Appendix C.		
WL108 Average answered waiting time for callers to the contact centre (seconds)	37.00	60.00	64.00	47.00	58.00	69.00	163.00	83.00	102.00 ³	60.00	Data refers to 01.10.17–12.12.17. Data from 13.12.17 when new telephony platform installed was 106s. New telephony platform issues impacted as above. Performance Plan in progress. See Appendix C.		

Leisure & Wellbeing Services

PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
WL08a Number of Crime Incidents	1,271	1,205	1,359	1,224	1,388	1,199	1,432	1,504	1,559				
WL_18 Use of leisure and cultural facilities (swims and visits)	215,442	331,443	307,707	311,904	245,996	348,199	318,045	333,750	229,272				

Street Scene Services

PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 191 Residual household waste per household (Kg) ⁵	124.96	138.46	128.7 ⁶	121.00	125.32	126.71 ⁷	133.82 ⁸	127.18	127.81	125	Performance Plan in progress. See Appendix C.		
NI 192 Percentage of household waste sent for reuse, recycling and composting ⁵	51.37%	41.81%	42.05% ⁹	54.16%	51.41%	43.42% ¹⁰	38.57% ¹¹	47.38%	44.41%	50.00%	Performance Plan in progress. See Appendix C.		
NI 195a Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Litter	1.17%	2.00%	N/A	1.33%	1.11%	0.00% ¹²	N/A	1.22%	0.33%	1.61%			
NI 195b Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Detritus	5.97%	5.47%	N/A	3.24%	2.96%	2.05% ¹²	N/A	3.13%	3.86%	5.00%			
WL01 No. residual bins missed per 100,000 collections	87.42	97.41	73.06	75.87	78.68	79.62	91.48	93.36	74.31	80.00			

PI Code & Short Name	Q3 2015/16	Q4 2015/16	Q1 2016/17	Q2 2016/17	Q3 2016/17	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Current Target	Comments	Q3 17/18 vs Q3 16/17	Quarter Performance
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
WL06 Average time taken to remove fly tips (days)	1.06	1.08	1.03 ¹³	1.05 ¹³	1.03	1.03	1.03	1.03	1.05	1.09			
WL122 % Vehicle Operator Licence Inspections Carried Out within 6 Weeks	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%			

¹ Managed through LCC/BTLS contract. Contractual targets are annual. Quarter targets are provided as a gauge for performance only. ICT data and RBS data reflect progress to year end. ICT 4 Q4 2016/17 data previously reported as 100% (which was December 2016 performance) rather than year to date 99%

² WL19bii: Data does not include BTLS seconded staff. Data for Q2 2017/18 was only for the period 01.07 – 15.09.17; Q3 data from 13.10.17.

³ WL108: new telephony platform issues impacted. Data entered refers to 01.10.17–12.12.17. Data from 13.12.17 when new telephony platform installed was 106s.

⁴ WL_121: Data does not include BTLS seconded staff. From 2016/17, quarter data shows a rolling 12 month outturn against the annual target rather than ‘within quarter’ performance.

⁵ Outturns of previous quarters re-stated to show this.

⁶ NI191-192: Data is provided to WLBC with a time lag due to time involved to confirm final figures. The data provided therefore reflects an outturn verified within the quarter rather than an outturn produced within the quarter. Data shown has been re-stated to reflect this change.

⁷ NI191: Data restated from the originally published 131.82; ⁷ Data restated from the originally published 121.6. NB these outturns and time periods have been adjusted from those originally published in line with the revised reporting arrangements. ⁸ Data restated from originally published 130.26

⁹ NI192: Data restated from originally published 40.61; ¹⁰ Data restated from originally published 44.43. NB these outturns and time periods have now been adjusted from those originally published in line with the revised reporting arrangements. ¹¹ Data restated from originally published 40.93

¹² NI195a - previously reported as 0.65%; NI195b - previously reported as 2.19%

¹³ WL06: Data restated from originally published Q1 1.07, Q2 1.01 2016/17.

Following the annual review of PIs, the following changes to QPIs were approved by Cabinet in March 2017 for 2017/18: *B2: Overpayment Recovery of Housing Benefit overpayments (payments received)* – annual target changed from £170K to £195K. Quarter profile changed to reflect this; *NI191: Residual household waste per household* and *NI192: Percentage of household waste sent for reuse, recycling and composting* - Quarter reporting period amended. There is a significant lag in reporting data for each quarter due to the external reporting and validating process. This has frequently meant that there is no quarterly data reportable for these PIs within the relevant quarter report. To allow quarterly figures to be monitored, data validated during the period being monitored will now be reported, and this will refer to outturn of the previous quarter; *TS1: Rent Collected as a % of rent owed (excluding arrears b/f)* - target changed from 97% to 99%; *TS24a: Average time taken to re-let local authority housing (General Needs)* and *TS24b: Average time taken to re-let local authority housing (Supported Needs)*. These PIs have been replaced by *TS11: % of rent loss through dwellings being vacant*, which identifies how much money is being lost through delays in turnaround of properties for letting; *WL108: Average answered waiting time for callers to the contact centre* - target decreased from 50 to 60 seconds to reflect end of year outturn. Since this PI was introduced the contact centre service has developed to provide greatly increased call resolution at first point of contact which has resulted in call duration being longer. Whilst maintaining an efficient contact centre remains integral to our customer service, the resourcing of this needs to be balanced with the promotion of other access routes for services via the Council’s Digital by Preference initiative and the drive for channel shift. To support this approach, the annual target will therefore reflect annual outturn.

‘NI’ and ‘BV’ coding retained for consistency/comparison although national reporting no longer applies.

PERFORMANCE PLAN	
Indicator	R1 % of Council Tax collected / R3 % of Non-domestic Rates Collected
<p>Reason(s) for not meeting target:</p> <p>Although the contractual Service Level Agreement for Current Year Council Tax & Current Year NNDR Recovery remains an annual target as in previous years the outturn has dipped below the local service target for this period in the financial year to date.</p> <p>Both of these annual targets remain the most challenging for the service to deliver and although resources were increased in both areas early on this financial year and work trays are at very low levels, which indicates the level of resource allocated to these areas is not an issue, the service haven't managed to meet their internal target this quarter.</p> <p>The impact of notification of high values of NNDR rateable value changes late in the financial year (approximately £500k via WLBC led Analyse Local project and in excess of £200k miscellaneous VOA changes) has and will present significant collection challenges within the current financial year and the ability of BTLS to meet these SLAs.</p> <p>The ongoing impact of processing Optional Real Time Information (RTI) Benefit changes continues to also present a challenge in terms of Council Tax collection, as Council Tax Support (CTS) awards are cancelled or reduced retrospectively i.e. CTS claims which have been amended following notification of backdated changes in circumstances, will increase the Council Tax liability toward the end of the financial year, is proving challenging in terms of collection, and will impact performance levels.</p> <p>However, taking the above into account the cash value of the underperformance to WLBC in these targets is being more than offset by the over performance across other SLA targets of the service, such as Housing Benefit Overpayment Recovery and Sundry Debtor Recovery, and as such WLBC remains in a cash positive position overall.</p>	
<p>Additional Commentary</p> <p>Proposed Actions</p> <p>The service continues to closely review and implement action to address debt recovery and bring performance back on track, activity includes:</p> <ul style="list-style-type: none"> • Weekly monitoring meetings with detailed analysis of targeted debt. • Focused review of high value recovery cases to target non payers, for example the highest value 'medium / high' risk NNDR non payers are being very closely monitored and appropriate bespoke action taken to collect. • Follow up of NNDR ratepayers who potentially may qualify for NNDR Discretionary Rate Relief e.g. Pub Rate Relief. • Close liaison with the Valuation Office to ensure accurate Rating Lists maintained. 	

- Extension of the appointment of specialist Revenues Agency worker to assist in maximising collection process.
- Use of new Management Information Software to assist identification of areas for focus.
- Review and monitor the impact of the Optional RTI work on recovery.
- Close liaison with our Enforcement Agent to prioritise CT and NNDR debt repayment, recent meeting to promote increased pressure on `won't payers`.
- Review of potential bulk write off cases in accordance with WLBC Policy.
- Progress a pilot of working with third party advanced specialist recovery providers to utilise in recovering high value, more complex non-payment cases.

It is anticipated that these actions will have a positive impact with the aim of improving performance by the end of the financial year.

Resource Implications

Resource issues have been considered during the updating of the Recovery Strategy and will be met within the existing service.

Priority

The collection of both Council and Business Rates Tax remains an ongoing key priority for the Service and Council.

Future Targets

No proposed change to target. The contractual Service Level Agreement is an annual target, however this reports performance against where the service would like recovery to be at that point in the financial year.

Action Plan

Tasks to be undertaken	Completion Date
Increased monitoring and review of high value recovery cases to target non payers	Ongoing
Liaising closely with Valuation Office to ensure accurate Rating Lists maintained	Ongoing
Appointment of specialist Revenues Agency worker to assist in maximising collection process	Ongoing

ACTIONS FROM PREVIOUS PERFORMANCE PLANS

APPENDIX C

Indicator	Task created following Q	Tasks to be undertaken	Completion Date	Progress	Comment/Impact
HS13 % LA properties with Landlord Gas Safety Certificate outstanding	Q3 16/17	Form a working group. Involving Legal, Property Services, Housing Operations and the councils heating contractor.	March 2017	Complete.	Performance for Q3 remains under target. Some issues experienced with no access notifications which are now resolved to enable staff to be prompted and make contact with a tenant when a contractor has failed to gain access for the gas service. A review of current procedures has taken place and new systems are to be in place before the end of the financial year. Actions should impact on performance once recommendations are implemented, so should be visible from Q4 onwards.
		Review current processes with the group	May 2017	Complete. Gas servicing process onto QL.	
		Review best practice from other organisations	June 2017	Complete. We have identified that additional contact with the tenant earlier in the process, and more reliable information in a shared format (to enable other teams to assist with access problems) is needed. Our procedures are being changed to address this. We are also exploring communications to raise tenants' awareness around gas servicing.	
		Make recommendations for changes to the process.	July 2017	Complete. Initial changes recommended to Interim Property Services Manager (as above) and we will monitor their impact. Gas servicing is now on QL. Once the new process is established we will identify any further	

				improvements necessary.	
		Implement changes.	Sept 2017	Gas servicing is now on QL. The changes planned are documented in the Gas Servicing Improvement Plan.	
		Rewrite of the Gas Policy and re-working of the procedure to be implemented with the advice of external adviser.	Dec 2017	In progress.	
WL108 Average answered waiting time for callers to the contact centre & WL90 % of Contact Centre calls answered Page 1408	Q1 17/18	Continue discussions with the project/ implementation team to plan subscriptions for year 2.	January 2018	Planning work is underway. Online subscriptions will open earlier than telephone subscriptions to actively encourage residents to sign up online.	Performance for Q3 remained red for WL108 and amber for WL90. Whilst the Customer Services team will continue to focus on call handling performance, it is unlikely that performance targets will be achieved for 2017/18 due to the sheer volume of calls received in the first quarter.
		Use data gathered from the initial subscriptions to target all current subscribers with information about year 2 and to actively encourage them to subscribe online.	March 2018	Data gathering exercise is complete. Targeted messages will be used to encourage current subscribers to re-subscribe online. The messages will be issued ahead of the online subscription opening in March 18.	
NI 191 Residual household Waste per Household	Q1 17/18	Monthly performance monitoring	Ongoing	Underway	Performance for Q3 was Amber.
NI 192 Percentage of Household Waste sent for reuse, recycling and composting.	Q1 17/18	Publicity plan publicising/promoting the garden waste collection service	April 2018	Plan is in development.	Performance for Q3 was Red. The publicity plan will have an impact at the start of the new subscription season - first quarter in 2018/19
WL01: Missed Bins per 100,000 Collections	Q1 17/18	Continue to monitor performance	Ongoing	Underway	These tasks were anticipated to show an impact on performance

		Review performance indicator	March 2018	A more precise number of properties/bins will be determined through the route optimisation project.	from October (Q3). Performance for Q3 was Green.
		Review classification of missed bins	March 2018		
R1 % of Council Tax collected / R3 % of Non-domestic Rates Collected	Q2 17/18	Implementation of new Management Information Software to assist identification of areas for focus – Go Live	November 2018	Complete	Q3 outturn remains below target. Updated plan provided at B1.

Performance plans often include actions which, by the time of publication, have already been completed and/or become part of the day to day ongoing operations of a service. The above table details those actions from Performance Plans in previous quarters that contained a future implementation date.

**MINUTE OF CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY
COMMITTEE – 4 JANUARY 2018**

51 CORPORATE PERFORMANCE INDICATORS Q2 2017-18

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 259 to 272 of the Book of Reports, which presented performance monitoring data for the quarter ended 30 September 2017.

Comments and questions were raised in respect of the following targets:

- NI157a 'Processing of planning applications' R3 '% of Non-domestic Rates Collected'
- HS1 '% Housing repairs completed in timescale'
- WL90 '% of Contact Centre calls answered'
- WL19bii 'Direct dial calls answered within 10 seconds'
- WL08a 'Number of Crime Incidents'
- WL01 'No. residual bins missed per 100,000 collections'

- RESOLVED:
- A. That the Council's performance against the indicator set for the quarter ended 30 September 2017, be noted.
 - B. That Cabinet be asked to review the target level for NI157a 'Processing of planning applications' at its meeting in March 2018.
 - C. That in relation to WL08a' Number of Crime Incidents' the Community Safety Partnership be asked to include facts and figures at the next meeting of this Committee when they are scheduled to give their annual presentation on the work of the Partnership.



CABINET: 13 March 2018

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
29 March 2018**

Report of: Director of Housing and Inclusion

Relevant Portfolio Holder: Councillor I Moran

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

SUBJECT: CORPORATE PERFORMANCE MANAGEMENT 2018/19

Borough wide interest

1.0 PURPOSE OF THE REPORT

- 1.1 To seek approval for the Suite of Performance Indicators (Appendix A) to be adopted as the Council's Corporate PI Suite 2018/19.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the Suite of Performance Indicators 2018/19 (Appendix A) and targets identified be approved and adopted as the Council's Corporate PI Suite 2018/19.
- 2.2 That the Director of Housing & Inclusion, in consultation with the Leader of the Council as Portfolio Holder, be authorised to finalise and amend the suite having regard to agreed comments from Executive Overview and Scrutiny Committee made on 29 March 2018, and to make necessary amendments to the suite in year in response to any issues that may arise, for example government policy or collection mechanisms.
- 2.3 That call-in is not appropriate for this item as it is being considered at the next meeting of Executive Overview & Scrutiny Committee on 29 March 2018.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That the Committee consider the Suite of Performance Indicators 2018/19 (Appendix A) and agree comments as appropriate.
-

4.0 BACKGROUND

- 4.1 The corporate suite of performance indicators is reported to provide information about service areas and where indicators are relevant help demonstrate performance against the priorities agreed by Members through the Council Plan. The suite assists the authority to understand how well it is performing and provides information as to whether the organisation is on track to achieve the priorities.
- 4.2 As part of the development of the Council Plan 2018/19, a review of the 2017/18 suite of performance indicators was undertaken, including consideration of the Corporate & Environmental Overview and Scrutiny Committee request to review the target for NI157a, Processing of Major Planning Applications. The review resulted in revision to some targets, as well as changes around indicators as follows.
- The addition of a wider range of compliance indicators relating to the housing stock:
 - HS22a % of properties with a valid Landlord Gas Safety Record for all homes and buildings owned or managed by WLBC which require one.
 - HS23a % of properties covered by a suitable 'in date' water hygiene risk assessment (no older than 2 years) in place for all buildings owned or managed by WLBC which require one.
 - HS24a % of properties with a valid Electrical Installation Condition Report for all homes and buildings owned or managed by WLBC which require one.
 - HS25a % of non-domestic (communal) and 'other' asset numbers with an 'in-date' asbestos management survey/re-inspection which require one.
 - HS26a % of properties with a valid in date fire risk assessment in place for all buildings owned or managed by WLBC which require one.
 - The replacement of HS13 % LA properties with Landlord Gas Safety Record Outstanding with HS22a above (once reporting processes are developed), and the replacement of WL08a Number of Crime Incidents with indicators WLBC are more directly responsible for:
 - WL124 No. observations/incidents the CCTV operatives are involved in
 - WL125 No. arrests that CCTV operators were involved in
 - WL126 No. incidents identified by the operators through general monitoring.
 - The addition of digital data to reflect the Council's journey towards channel shift:
 - WL85a Website: no. visits
 - WL85aa Website: number of unique visitors
 - WL85b Website: use of online forms
 - WL85c Website: no. online payments
 - The addition of annual survey data to better reflect the priorities of Engage/empower and Promoting the Borough:
 - CIT14 % of residents who feel the Council keeps them well informed about its services and benefits
 - CIT16 % of residents who feel they belong to their local area

Further details of the changes are provided in the Appendix.

- 4.2 It is recommended that targets for performance in 2018/19 are set to be challenging but realistic. In most cases given resources this means that targets are maintained as for 2017/18, but where circumstances suggest that PIs/targets

need to vary then an explanation for the proposed change is provided in the table.

- 4.3 As in previous years, PI targets are reviewed and agreed with Heads of Service and Portfolio Holders prior to submission to committee. Targets for the Revenue & Benefits and ICT Services are determined via the Shared Services contractual process with input from the Director of Housing & Inclusion in consultation with the Portfolio Holder/s.
- 4.4 There are therefore 63 proposed performance indicators/data items within the suite that will be reported at year end for 2018/19. Of these, 38 are the 'key performance indicators' which will be reported to Members on a quarterly basis as indicated in the Appendix. Performance plans will be provided where identified actions can be expected to make a difference to future outturn or provide further detail on any underperformance. The remainder of the PIs will be reported annually. The full suite outturn will be reported with the Annual Council Plan Report.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 The information set out in this report aims to help the Council to improve and sustain service performance.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no significant financial or resource implications arising from the recommendations within this report. Several of the indicators/data items report against use of resources, helping to monitor and manage these appropriately within the authority.

7.0 RISK ASSESSMENT

- 7.1 Monitoring and managing performance information data together with the monitoring of progress against the Council Plan helps the authority to ensure it is achieving its priorities and reduces the risk of not doing so.

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 a direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no equality impact assessment is required.

Appendices

Appendix A – Proposed 2018/19 Corporate Performance Indicator Suite

Appendix B - Minute of Cabinet 13 March 2018 (Executive Overview and Scrutiny Committee only) – to follow

APPENDIX A: PROPOSED PERFORMANCE INDICATOR SUITE 2018/19

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
HS1 % Housing repairs completed in timescale	96.56%	96.39%	97.22%	97.00%	97.00%			Tangible/visible	Q/Annual
HS13 % LA properties with Landlord Gas Safety Record outstanding	0.1%	0.13%	0.19%	0.00%	0.00%	Target based on legal requirement for all eligible properties to have a certificate. This PI is proposed for replacement once new gas compliance PI (HS22a below) can be reported at the end of Q2 18/19	Yes – propose replacement	Corporate/service delivery or support	Q/Annual
HS22a % of properties with a valid Landlord Gas Safety Record for all homes and buildings owned or managed by WLBC which require one.	~	~	~	~	100%	Replacing existing Gas Certificate PI to reflect new policies and management. One of a suite of service PIs that manage WLBC regulatory responsibilities with regard to gas safety. Target based on legal requirements. Data will only be available for Q2 2018/19 onwards, since we are currently developing appropriate and robust recording and reporting processes.	NEW/ Replacement	Corporate/service delivery or support	Q/Annual
HS23a % of properties covered by a suitable 'in date' water hygiene risk assessment (no older than 2 years) in place for all buildings owned or managed by WLBC which require one.	~	~	~	~	100%	One of a suite of service PIs that manage WLBC regulatory responsibilities with regard to water hygiene safety and preventing exposure to legionella. Target based on legal requirements. Data will only be available for Q2 2018/19 onwards, since we are currently developing appropriate and robust recording and reporting processes.	NEW	Corporate/service delivery or support	Q/Annual
HS24a % of properties with a valid Electrical Installation Condition Report for all homes and buildings owned or managed by WLBC which require one.	~	~	~	~	100%	One of a suite of service PIs that manage WLBC regulatory responsibilities with regard to electrical safety. Target based on legal requirements. Data will only be available for Q2 2018/19 onwards, since we are currently developing appropriate and robust recording and reporting processes.	NEW	Corporate/service delivery or support	Q/Annual
HS25a The total number of non-domestic (communal) and 'other' asset numbers 'at risk' that require an asbestos management survey/re-inspection	~	~	~	~	0	One of a suite of service PIs that manage WLBC regulatory responsibilities with regard to asbestos. Target based on legal requirements. Data will only be available for Q2 2018/19 onwards, since we are currently developing appropriate and robust recording and reporting	NEW	Corporate/service delivery or support	Q/Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
						processes.			
HS26a % of properties with a valid in date fire risk assessment in place for all buildings owned or managed by WLBC which require one	~	~	~	~	100%	One of a suite of service PIs that manage WLBC regulatory responsibilities with regard to fire safety. Target based on legal requirements. Data will only be available for Q2 2018/19 onwards, since we are currently developing appropriate and robust recording and reporting processes.	NEW	Corporate/service delivery or support	Q/Annual
HS14 % non-decent council homes	0.39%	0.30%	0.25%	0.25%	0.20%	To reflect ongoing investment in housing stock.	Y - target	Tangible/visible	Annual
TS1 Rent Collected as a % of rent owed (excluding arrears b	98.65	99.81	99.09	99.00	99.50	Universal Credit (UC) full service went live from December 2017. Rent income received through UC housing costs will now have an impact on this PI. (Data is currently showing UC housing costs direct at 52% compared to HB payments direct at 60%). We will receive UC income 4 weeks in arrears unlike HB income which is received weekly. These factors have been considered in setting the target for the coming year. Further profiling will be undertaken during the financial year to understand ongoing impact and to maximise performance.	Y - target	Corporate/service delivery or support	Q/Annual
TS11 % of rent loss through dwellings being vacant	1.69%	1.75%	1.79%	2.00%	1.90%	This indicator identifies how much income is lost through properties being vacant. 2018/19 target has been based on an improvement plan having benchmarked performance with other landlords to achieve continuous improvement and reduce income loss.	Y - target	Corporate/service delivery or support	Q/Annual
WL90 % of Contact Centre calls answered	92.4%	92.0%	93.0%	91.0%	88.0%	Consistently high call answering rates and low wait times actively encourages customers to contact the Council by phone which reduces the need for them to self-serve. Whilst maintaining an efficient contact centre remains integral to our customer service, this needs to be balanced with the promotion of other access routes for services in line with key elements of the Council's Plan to encourage self-service and delivering ongoing	Y - target	Corporate/service delivery or support	Q/Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
Page 1419						<p>service efficiencies.</p> <p>The successful launch of the garden waste collection service resulted in 70% of subscriptions being completed online; this is the first time that online transactions have exceeded phone interactions for the same service. This was a direct result of active promotion of the online subscription service via the Contact Centre's Interactive Voice Response (IVR), which encouraged customers to hang up and sign up online. This subsequently counts as an abandoned call and impacts on this performance indicator.</p> <p>The same approach will be taken during the roll out of the second year of garden waste subscriptions in addition to opening up the online subscription service earlier than phone subscriptions, to further encourage online take up of the service. Other significant changes to Street Scene Services during 18/19 will also generate high call volumes and the revised target is considered to be a challenging but realistic target.</p>			
	WL108 Average answered waiting time for callers to the contact centre (seconds)	30.00	51.00	60.00	60.00	<p>Reflect annual outturn</p> <p>Since this PI was introduced the contact centre service has developed to provide greatly increased call resolution at first point of contact which has resulted in call duration being longer. The year to date figure at the time of this report is currently at 1 minute 46 seconds, which is above the 60 second target. Whilst maintaining an efficient contact centre remains integral to our customer service, the resourcing of this needs to be balanced with the promotion of other access routes for services in line with key elements of the Council's Plan to encourage self-service and</p>	Y - target	Corporate/service delivery or support	Q/Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
						<p>deliver ongoing service efficiencies.</p> <p>To support this approach, the annual target will therefore reflect annual outturn.</p>			
WL19bii Direct dial calls answered within 10 seconds	81.98%	81.34%	81.23%	82.21%	Reflect 2017/18 annual outturn	Maintaining telephone contact for customers remains a method of service access, however this needs to be balanced with the promotion of other access routes for services via the Council's Digital by Preference initiative and the drive for channel shift. To support this approach, the annual target will therefore reflect annual outturn.	Y - target	Corporate/service delivery or support	Q/Annual
WL85a Website: no. visits	444,352	451,906	516,776	~	Data only		NEW	Corporate/service delivery or support	Q/Annual
WL85aa Website: number of unique visitors	313,689	301,624	344,140	~	Data only		NEW	Corporate/service delivery or support	Q/Annual
WL85b Website: use of online forms	8,845	13,084	11,204	~	Data only		NEW	Corporate/service delivery or support	Q/Annual
WL85c Website: no. online payments	34,061	40,353	45,134	~	Data only		NEW	Corporate/service delivery or support	Q/Annual
ICT1 Severe Business Disruption (Priority 1)	100.0%	100.0%	100.0%	99.0%	99.0%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
ICT3 Major Business Disruption (P2)	100.0%	92.0%	96.0%	98.0%	98.0%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
ICT2 Minor Business Disruption (P3)	99.0%	98.0%	98.0%	97.0%	97.0%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
ICT4 Minor Disruption (P4)	99.0%	98.0%	99.0%	98.0%	98.0%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
ICT5 Advice & Guidance (P5)	100.0%	100.0%	100.0%	98.0%	98.0%	Targets to be agreed via contract process *		Corporate/service delivery or support	Annual
B1 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	6.62	7.02	6.41	12.00	12.00	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
B2 Overpayment Recovery of Housing Benefit overpayments (payments received)	£203,868	£276,577	311,409	£195,000	£195,000	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
B4 Benefits Local authority Error Overpayments - Lower threshold	£86,090	£82,401	£96,867	£123,371 (below lower threshold)	tbc (Below lower threshold)	Targets to be agreed via contract process * Annual target cash figure may change, but is arrived at from the annual target of 'lower threshold year to date based on next year estimates' on the subsidy grant claim form. Actual cash figure will not be received until later in the year.		Corporate/service delivery or support	Annual
R1 % Council Tax collected	96.03%	97.02%	96.74%	97.10%	97.10%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
R2 % Council tax previous years arrears collected	33.56%	37.31%	26.82%	24.5%	24.5%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
R3 % of Non-domestic Rates Collected	96.40%	98.32%	97.72%	97.20%	97.20%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
R4 Sundry Debtors % of revenue collected against debt raised	90.73%	95.00%	95.06%	89.1%	89.1%	Targets to be agreed via contract process *		Corporate/service delivery or support	Q/Annual
BV8 % invoices paid on time	98.22%	98.81%	98.48%	98.75%	98.75%	Monitored by BTLS but mainly dependent on WLBC processes within individual services		Corporate/service delivery or support	Q/Annual
NI 154 Net additional homes provided	239	266	305	Data only	Data only			Tangible/visible	Annual
NI 155 Number of affordable homes delivered (gross)	16	92	95	Data only	Data only	The Housing Strategy 2014-2019 aspiration was for the development of no less than 500 affordable homes (AH) during the life of the strategy (from 2014-19).		Tangible/visible	Annual
NI 157a Processing of planning applications: Major applications	76.09%	95.12%	87.10%	65.00%	65.00%			Tangible/visible	Q/Annual
NI 157b Processing of planning applications: Minor applications	73.88%	67.31%	88.85%	75.00%	75.00%	Government target of 65%		Tangible/visible	Q/Annual
NI 157c Processing of planning	81.99%	82.71%	90.56%	85.00%	85.00%	Government target of 80%		Tangible/visible	Q/Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
applications: Other applications									
NI 159 Supply of ready to develop housing sites	120.5%	108.3%	106.3%	Data only	Data only			Tangible/visible	Annual
NI 191 Residual household waste per household (Kg)	502.59	513.15	504.95	500.00	500.00			Great place	Q/Annual
NI 192 Percentage of household waste sent for reuse, recycling and composting	46.29%	46.80%	47.38%	50.00%	50.00%			Great place	Q/Annual
NI 195a Improved street and environmental cleanliness (levels of litter)	0.83%	1.44%	0.80%	1.61%	1.61%			Great place	Q/Annual
NI 195b Improved street and environmental cleanliness (levels of detritus)	4.77%	4.95%	2.16%	5.00%	5.00%			Great place	Q/Annual
WL01 No. residual bins missed per 100,000 collections	84.26	89.83	76.81	80.00	80.00	Route Optimisation project is on going the aim is to have more balanced rounds. This is due for completion in March 2018.		Great place	Q/Annual
WL06 Average time taken to remove fly tips (days)	1.09	1.06	1.03	1.09	1.09			Great place	Q/Annual
WL08a Number of Crime Incidents	4,971	4,765	5,170	Data only	Propose deletion	WLBC has limited influence on the number of crime incidents recorded and reported by Lancashire Constabulary. To be replaced with data from the CCTV monitoring suite.	Yes – propose replacement	Great place	Q/Annual
WL124 No. observations/incidents the CCTV operatives are involved in	~	~	6,045	~	Data only		NEW	Great place	Annual
WL125 No. arrests that CCTV operators were involved in	~	~	282	~	Data only		NEW	Great place	Annual
WL126 No. incidents identified by the operators through general monitoring	~	~	1,525	~	Data only		NEW	Great place	Annual

PI Code & Short Name	2014/15	2015/16	2016/17	Annual target 2017/18	Proposed Annual Target	Latest Notes	Change to 2017/18	Priority / Purpose	Reporting
	Outturn Value	Outturn Value	Outturn Value		2018/19				
WL_18 Use of leisure and cultural facilities (swims and visits)	1,203,074	1,164,957	1,213,806	Data only	Data only	PI comprises data from: participants in sports development; numbers attending countryside events and activities; visits to leisure/sports centres, golf course and Chapel Gallery.		Great place	Q/Annual
WL24 % Building regulations applications determined within 5 weeks	61.64%	61.98%	62.20%	50.00%	50.00%			Tangible/visible	Annual
WL122 % Vehicle Operator Licence Inspections Carried Out within 6 Weeks	100%	100%	100%	100%	100%			Corporate/service delivery or support	Q/Annual
WL123 Apprenticeships Started Each Year Within WLBC	~	~	~	2.30%	2.30%	The Government target itself is an average of 2.3% apprenticeship starts across the years that the target applies, from 2017/18 to 2020/21. Numbers include new recruits or existing staff starting on Apprenticeship Programmes. 2.3% as a headcount is established annually at 31 March.		Great place	Annual
WL121 Working Days Lost Due to Sickness Absence	8.74	9.64	7.44	8.08	8.08			Corporate/service delivery or support	Q/Annual
ER01 Apprenticeships created from Council intervention	~	~	27	Data only	Data only	Introduced for 2017/18.		Great place	Annual
ER04 Apprenticeship vacancies within the borough	~	~	113	Data only	Data only	Introduced for 2017/18. Apprenticeships advertised in the West Lancashire area		Great place	Annual
ER05 Benefit claimant count in West Lancs	~	~	1.9%	Data only	Data only	Introduced for 2017/18. Includes Universal Credit. Monitors both those out of work claiming benefits and also those in work claiming benefits. However outturn is beyond control of the Council, therefore data only. Information comes from DWP administrative data.		Great place	Annual
CIT01 % feel West Lancs is safe & secure to live	78%	79%	79%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT02 % satisfied with cleanliness of streets	69%	65%	56%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT03 % satisfied with how	68%	62%	57%	Data only	Data only	Carried out by survey.		Great place	Annual

WLBC runs things									
CIT05 % satisfied with local area as a place to live	82%	78%	80%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT06 % satisfied with sports/leisure facilities	42%	41%	27%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT07 % satisfied with parks and open spaces	58%	60%	52%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT08 % residents agreeing that WLBC provides value for money	43%	41%	35%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT12 % of people satisfied with household collections for domestic waste	83%	86%	85%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT13 % of people satisfied with household collections for recyclable materials	82%	82%	78%	Data only	Data only	Carried out by survey.		Great place	Annual
CIT14 % of residents who feel the Council keeps them well informed about its services and benefits	57%	50%	49%	Data only	Data only	Carried out by survey.	NEW	Great place	Annual
CIT16 % of residents who feel they belong to their local area	71%	69%	72%	~	Data only	Carried out by survey. Reflecting engaging and empowering priority	NEW	Engage/Empower	Annual

Notes:

*Managed through BT Lancashire Services contract. SLA targets are annual and are subject to contractual processes. Quarter targets as reported in performance reports are provided only as a gauge.

~ not collected and/or reported at this time or previous calculations not comparable

+ data restated

^ restated following a planning appeal

Reporting of PIs is dependent on collection mechanisms remaining in place. Satisfaction (CIT_) indicators are collected via the Citizen & Stakeholder Survey.



CABINET: 13 MARCH 2018

**EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE: 29 MARCH 2018**

COUNCIL: 25 APRIL 2018

Report of: Chief Executive

Relevant Portfolio Holder: Councillor I Moran

Contact for further information: Ms K Webber (Extn. 5005)
(E-mail: Kim.Webber@westlancs.gov.uk;
Alison.Grimes@westlancs.gov.uk)

SUBJECT: COUNCIL PLAN 2018/19 – 2020/21

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval for the “Council Plan 2018/19 – 2020/21” (Appendix A).

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the “Council Plan 2018/19 – 2020/21” attached as Appendix A to this report be approved and referred to Council for adoption.
- 2.2 That authority is given to the Chief Executive in consultation with the Leader to make any final amendments to the document, prior to publication.
- 2.3 That call-in is not appropriate for this item, as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 29 March 2018.

3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY

- 3.1 That the “Council Plan 2018/19 – 2020/21” attached at Appendix A to the report be considered and that agreed comments be referred to Council on 25 April 2018 for consideration.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the “Council Plan 2018/19 – 2020/21” attached at Appendix A to the report be adopted.
-

5.0 BACKGROUND AND CURRENT POSITION

- 5.1 The draft Council Plan 2018/19 – 2020/21 is attached at Appendix A and sets out the Council's vision, values and priorities, together with key strategy actions and measures. The Plan enables the Council to communicate its direction with the public, stakeholders and staff, and supports transparency and accountability. Having a clear statement of corporate priorities also assists effective planning and prioritisation of work within Services, informs the development of staff work programmes and annual development appraisals, and is recognised good practice.
- 5.2 In order to finalise the document for publication, minor details such as typos/clarifications will be amended under the proposed delegated authority outlined in s.2.2
- 5.3 The Council Plan will have an annual refresh to ensure it reflects progress and remains up to date and relevant during its lifetime. Progress will be monitored with six-month reports provided through Members Updates against a detailed delivery plan, and a full Annual Report to Council.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The vision, values, priorities and key projects set out in Appendix A should contribute to the sustainability of services and the borough as a whole.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 The Council Plan 2018/19 – 2020/21 appended to this report will ensure the Council is able to continue to pursue its objectives, within the resources available. An agreed Council Plan will assist in shaping budget decisions and enable clear priorities to be set for services.

8.0 RISK ASSESSMENT

- 8.1 The difficult financial position facing Councils, together with changing legislative requirements and the regional agenda, means that having a clear statement of Council priorities is particularly important. By having well-defined priorities, attention and resources can be effectively focussed on achieving the Council's core objectives.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix A: Council Plan 2018/19 – 2020/21 (version dated 09.02.18)

Appendix B: Equality Impact Assessment

Appendix C: Minute of Cabinet 13 March 2018 (Executive Overview and Scrutiny Committee and Council only) – *to follow*

Appendix D: Minute of Executive Overview and Scrutiny Committee (Council only) – *to follow*



Council Plan
2018/19 – 2020/21

Contents

Foreword & Introduction.....	1
Financial Position	4
Organisational Overview.....	5
Council	Plan 8
Summary.....	
Priorities and Key Projects	9
Monitoring Progress.....	15

Version *09* *February* *2018***

DRAFT

Foreword

by the Leader of the Council

Following successful delivery of the Council Plan 2015/16 – 2017/18, for 2018/19 we have refreshed our vision and priorities. In order to achieve our ambitions for our economy, environment, health and wellbeing we will be focussing on:

- delivering tangible and visible improvements in the Borough
- engaging and empowering our local communities
- actively promoting the Borough as a great place to live, work, visit and invest.

For these priorities to result in meaningful change, the projects outlined in this plan have been developed as the Council's key areas of work.

Often our outcomes do not result in physical changes, however I am delighted that this year 36 new homes for rent at Beechtrees, Digmoor, will be built to replace older flats and houses and improve the appearance of the estate. Building work is also anticipated on the former Council-owned Westec site in Ormskirk resulting in 27 new houses, including 18 to be sold, with the rest being added to our housing stock.

A fine example of the Council involving the local community in decisions is the Tawd Valley Park Project where we have joined forces with Groundwork, the Environment Agency, the River Douglas Catchment Partnership, Lancashire County Council and West Lancs

CVS on a major improvement scheme for the park. We will continue to build and sustain partnerships with all sectors, and look to widen our involvement of volunteers and community groups in other services and developments as appropriate.

As public sector budgets shrink, it is important to harness the energy of our communities in order to maintain the standard of services, and quality of life we want in the Borough. In addition, community involvement has other benefits, including developing friendships, new skills and local ownership.

I am excited at the growing promotion of Skelmersdale and Ormskirk. There are now more than 100 members of the Skelmersdale Ambassadors Network, who act as a powerful advocates to influence, attract investment and encourage business growth and we are looking to grow this number. The Ormskirk Town Centre Management Group are steering Ormskirk town centre towards an even more vibrant future. Both towns now have dedicated websites for the first time, allowing targeted promotion of their different strengths.

Our services are experiencing changing demands and expectations, as well as a changing financial system. We anticipate getting fuller control of our finances by 2020, whilst losing government grant, and therefore need to make sure that we making the most of existing income streams. As well as exploring any new options for income, making efficiencies and savings throughout our service areas maximises the income available to spend on service delivery.

We are optimistic about sustaining services that meet the needs of our customers through redesigning and reshaping services. A greater engagement with partners and the community, and a more commercial outlook than traditionally associated with local

authorities, is reflected in our plans. This is an ongoing adjustment for Members, officers, and as importantly, for residents, businesses and other stakeholders.

I am proud to lead a Council with committed staff who apply our 'outcomes first' approach as the driver for the services and achieving our priorities. We will continue to develop services for the whole of our Borough so that we make a difference for all – our businesses, our places and our people.

Councillor Ian Moran

Leader of West Lancashire Borough Council

Introduction

from the Chief Executive

This plan provides a clear statement of the vision, values and priorities of the Council over the next few years. We made good progress on our priority projects during 2017/18 and will continue to build on this throughout 2018/19.

With the likelihood that the government will not be providing revenue support grant by 2020, all income to fund the Council's Services will need to be raised locally, and Councils will need to become financially self-sustaining. Here in West Lancashire we will need to make an estimated ****£2.7m**** of savings or efficiencies over the next three

years. Along with achieving this challenging target, our commitment to providing the best possible service whilst minimising the impact on services and staff remains – a task which becomes more difficult each year. As always it is essential that value for money is achieved.

We continue to look to all opportunities to achieve efficiencies, and innovative ways to generate income whilst delivering the Council's Policies.

In recent years the Council has balanced the budget through a Policy Options approach developed within individual services, and during 2017/18 measures for £0.94 million ongoing efficiencies, income and savings were agreed, including £100,000 from a senior management restructure. Although this method has been extremely successful for the authority, we believe that, with the implementation of the new management structure, there is an ideal opportunity to create an organisation fit for future needs. We will therefore be commencing a Sustainable Organisation Review in 2018/19, which looks at how the Council can best deliver the services our Borough needs in a sustainable way, over the medium to long term. This will involve a fundamental review of how the Council works, including the use of new technology, how we generate income, and the way we work with communities.

In delivering this plan, our staff are the most important resource. Capable, and with a 'can do' attitude, particularly where taking on new ways of working is required, our staff recognise the need for flexibility and change to support the Council and West Lancashire as a whole. With the change agenda now part of day to day working life, one of my priorities over the coming year will be to ensure residents and staff are kept aware of the direction of the Council, and that its ambitions and priorities are clearly communicated.

Our digital by preference approach will help our customers access our services more conveniently, 24/7. A digital communications strategy will help extend our public messages, including helping to increase understanding of the Council's role compared to that of other public bodies. We have a responsibility to clearly communicate why we make changes and what those changes mean, to inform expectations and choices.

Internally our Leadership Development Programme, Development Appraisal process and annual staff e-survey will, among other things, provide us with a clearer picture of where staff see development needs not only for themselves but also for the health of the organisation. Listening to staff and addressing these points will help us to further improve our services.

Feedback from our External Auditors, and the performance monitoring undertaken shows that we are an effective organisation, but we are not complacent and there is scope to further improve, notwithstanding the financial constraints Councils are under. A big part of this will come from working together with statutory and non-statutory groups, communities and our city region neighbours.

I look forward to working with Members, staff and partners to deliver the Council's vision and priorities over the next year.

Kim Webber
Chief Executive

Financial Position

*[**Text from the Borough Treasurer to follow after Local Government Finance Settlement is published/analysed (est mid March**)]*

Organisational Overview

West Lancashire is served by a Borough Council, County Council, 20 Parish Councils and one Parish Meeting. There are 54 elected Members for 25 wards. As a Borough Council, working in partnership with these organisations as well as the police, fire service, NHS, businesses, schools, colleges, university and other stakeholders is vital for delivering lasting improvements for the benefit of the borough. Council policy is determined by Councillors, with advice from officers. The Cabinet is the Executive Councillor body for the Council. The Cabinet and senior management structures and responsibilities are provided overleaf.

The Borough Council provides services for around 113,400 people or 49,300 households (including approximately 6,050 council homes) as well as businesses and organisations. Services are delivered by around 460 full time equivalent staff (not including employees managed through our secondment agreement with Lancashire County Council/BT Lancashire Services).

As part of our service delivery, we aim to improve how efficiently we function as an organisation including ensuring value for money and focusing our financial and staff resources on outcomes that support our priorities. Through our Sustainable Organisational review during 2018/19 we are looking ahead to ensure that we can meet anticipated future needs of our communities and for the organisation.

The organisation's success depends on our staff. Our staff are the face of the Council, representing the whole organisation, and we are committed to ensuring that staffing levels are appropriate for delivering services, and that the workforce is equipped to meet our commitments to the

community and wider stakeholders, whilst fulfilling their own potential. As part of this, we are working with staff to help create a culture where our values flourish and make our organisation a great place to work. We will continue to develop the Leadership and Development programme for managers and the e-learning system to complement other traditional training methods.

The Human Resources Strategy and Workforce Plan demonstrate the Council's commitment to aligning its workforce planning with corporate and financial planning cycles for greatest efficiency. We have also undertaken a staff survey to help us realise our organisational potential and continue to build a great place for Council staff to work.

Members of the Cabinet with Portfolios



Leader of the Council: Councillor Ian Moran

Chairman of the Cabinet; community leadership; partnership working including One West Lancs; major policy issues not specified within other portfolios; matters of urgency; liaison for management issues. Liaison for: LGA; DCN; other Lancashire & neighbouring authorities; Parish Councils; town twinning; Lancashire & Liverpool LEPs; Marketing Lancashire. Economic Regeneration: town centre developments; external funding & inward investment; borough marketing; business grants & training advice; corporate & commercial property portfolio; asset management; valuation advice; rating appeals. Legal & democratic services: corporate procurement; Freedom of Information. Transformation: service design; customer relations; consultation & community engagement; press/media; corporate planning & performance; ICT and revenues & benefits services, including LCC/BTLS contract.



Deputy Leader and Portfolio Holder for Leisure & Human Resources

Councillor Yvonne Gagen

Properties held and the services delivered for sports development, swimming pools, sports centres, arts development, the Chapel Gallery, playgrounds and community centres. Leisure Trust Partnership. Countryside service; golf course, formal parks, open spaces, rights of way, environmental improvements. Outdoor recreation; facilities and services in partnership to develop local communities. Children's services. Human Resources; equalities.



Portfolio Holder for Communities and Older People Councillor Claire Cooper

Voluntary sector grants. Well Skelmersdale. Community aspects of asylum seekers and refugees. Older people's issues; encouraging and supporting active, independent and healthy lives; raising the profile of and needs of older people; involving older people in the development of relevant council policies and service design; promoting positive images of older people as citizens; liaison with older peoples' networks and organisations.



Portfolio Holder for Finance Councillor Adam Yates

Accounting services; general capital and revenue estimates and budgeting; performance against budget; annual statement of accounts; treasury management; internal audit; risk management & insurance; data quality; value for money.



Portfolio Holder for Health and Community Safety Councillor Kevin Wright

Commercial Safety: health promotion, health & safety and food safety. Public Protection and Licensing: licensing for taxis, public entertainment/alcohol, charities etc; pest control and animal welfare. Environmental Protection: environmental monitoring & sampling; public health; pollution control; nuisance complaints; foul drainage & private sewers; flytipping; dog control; unsanitary premises; disposal of the dead. Private Sector Housing: renovation & disabled facilities grants; home energy efficiency; Home Care Link; homelessness; unfit homes. Community safety, emergency planning/business continuity. Social cohesion.



Portfolio Holder for Planning Councillor John Hodson

Planning policy; Local Development Framework; development control, building control & enforcement; conservation of built & natural environment; arboricultural & landscape services. Council-owned unadopted footways, highways & grit bins; liaison with utility companies/Highway Authority for highway works & transport issues; off-street public car parking & enforcement; Ormskirk market & bus station; land drainage & coastal engineering; 'green' & sustainability issues.



Portfolio Holder for Street Scene Councillor Kevin Wilkie

Transport: fleet/ garage/depot facilities; street cleansing; grounds maintenance; stores. Waste disposal & recycling duties as a waste collection authority; waste management, including through partnership; domestic & trade refuse; green waste & recyclables collection; farm round.

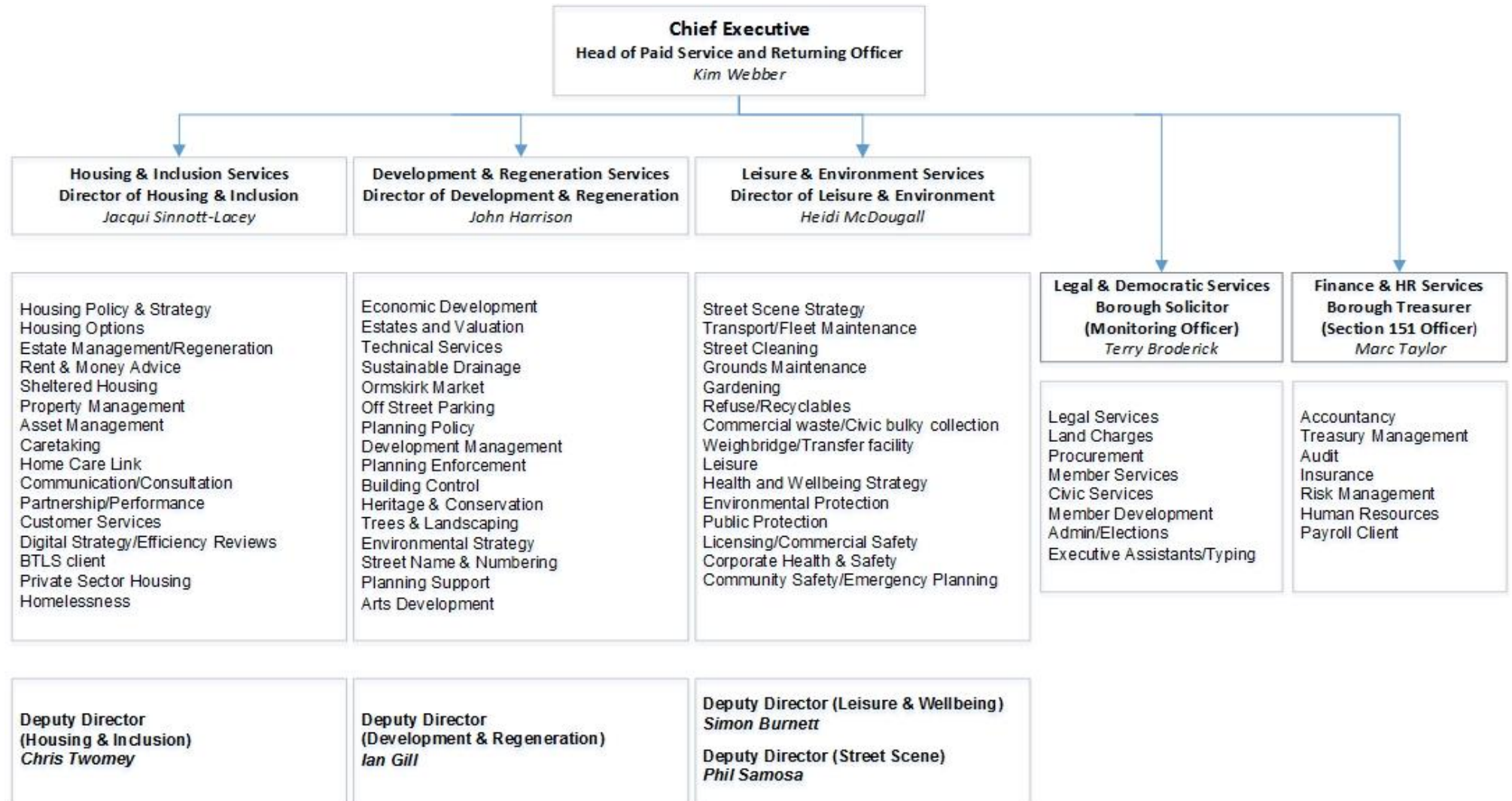


Portfolio Holder for Housing and Landlord Services Councillor Jenny Forshaw

Public sector housing: repairs & maintenance; housing allocations; tenancy management; rent & money advice; sheltered housing; tenant empowerment/participation. Housing strategy; housing advice service; Supporting People Initiative. Links with social services, health providers and regulatory bodies. Housing finance including self-financing business plan.

Jan 2018

Senior Officer Management Structure



Council Plan 2018/19 - 2020/21

Our Vision

To be a Council which is ambitious for West Lancashire – our Economy, Environment and for Health and Wellbeing

We are ambitious for our economy, and for inclusive growth in West Lancashire, retaining and growing good quality jobs, increasing skills levels and encouraging business and wealth generation. This is matched by our ambitions for a good quality, clean, built and physical environment, and for ensuring the conditions are in place for people in West Lancashire to live healthy and fulfilling lives. These ambitions are reflected in the priorities and key projects that have been identified.

Our Values

Collaborative – working in partnership to benefit West Lancashire, being open and involving in the way decisions are made, and adopting a co-ordinated 'one Council' approach

Empowering – valuing and developing communities and employees to take responsibility for solutions, and to make the most of our local assets

Enterprising – being innovative and creative, delivering lasting improvements and ongoing efficiencies to bring the Council to a sustainable position

Equality – promoting equality and seeking to reduce inequality

Focussed – being strategic and prioritising the things that make the biggest difference to our communities

Proud – of West Lancashire as a place to live, work, visit and invest

Priorities and Key Projects

Deliver tangible and visible improvements in the Borough, by:

- ❖ Completing the current review of the Local Plan
- ❖ Developing new leisure facilities as health and wellbeing hubs for the Borough
- ❖ Delivering retail, housing and public realm improvements with a focus on Skelmersdale Town Centre
- ❖ Establishing a Development Company, subject to the business case, to accelerate the build of housing and commercial property for rent and sale

Engage and empower our local communities, by:

- ❖ Delivering the Master Plan for Tawd Valley park, subject to resources, involving the community in planning and delivering improvements
- ❖ Piloting volunteer engagement at Abbey Lakes, and exploring opportunities to roll out this approach to other countryside parks in the Borough
- ❖ Facilitating the asset transfer of existing leisure facilities in North Meols, working with the owners of this facility and local communities
- ❖ Deliver digital inclusion initiatives, to encourage self-service and further strengthen customer service

Actively promote the Borough as a great place to live, work, visit and invest, by:

- ❖ Promoting the Council's role and West Lancashire's achievements through a new digital communications strategy, complementing traditional approaches
- ❖ Roll out 'place branding' and continue to develop the websites for Ormskirk and Skelmersdale
- ❖ Continue to engage with Liverpool City Region and Lancashire authorities, to bring benefits to West Lancashire
- ❖ Engaging businesses and communities in enhancing and promoting Ormskirk, Burscough and Skelmersdale, including through the Ormskirk Town Centre Management Group and Skelmersdale Place Board

Organisational Sustainability Review

Our Priorities & Key Projects

Working to achieve the priorities to deliver the vision provides a clear strategic direction for the organisation and allows resources to be targeted in the most effective and efficient way. Our identified priorities are:

- deliver tangible and visible improvements in the Borough
- engage and empower our local communities
- actively promote the Borough as a great place to live, work, visit and invest.

Service delivery throughout the Council supports our priorities, however the projects for 2018/19 have been highlighted as contributing significantly to achieving them. Our plan allows us to prioritise and therefore co-ordinate financial and staffing requirements. An annual refresh of a three year plan ensures that the plan remains in line with current thinking and the environment in which we operate. Progress on the projects, including the key measures and targets, will be monitored and reported during the year.

Deliver Tangible and Visible Improvements in the Borough

We will:

- ensure new homes, jobs and services are located in the most sustainable places
- create a framework for delivering infrastructure facilities
- provide a wide range of opportunities for promoting health and wellbeing in the community
- reduce the build and operational costs of our leisure provision
- regenerate the town centre in Skelmersdale
- establish mechanisms to support new and growing businesses through the provision of suitable facilities for sale or rent
- embed the development of employment and skills training opportunities in schemes wherever possible.

Completing the review of the Local Plan

The review of the current Local Plan 2012-2027 will ensure that land use plans for the Borough remain in line with evolving national planning policy and local needs. The Local Plan contains the vision and strategy for development in West Lancashire. It not only ensures that the new homes, jobs and services required by communities are located in the most sustainable places, but also provides the framework for delivering the necessary infrastructure facilities and other development to make this possible. The review processes and timescales are outlined within the Local Development Scheme. Taking around four years, the full review will involve extensive consultation and culminate in a new Local Plan and revised selected Supplementary

Planning Documents. During 2018/19, the review will progress to development and consultation of the preferred options document, with the entire review due to conclude in 2020. 2018/19 will see:

- Local Plan Preferred Options Document considered by Cabinet.
- Monitor the Local Plan through the Annual Monitoring Report.
- Publication / Pre-Submission Consultation.
- Submission to Planning Inspectorate.

Developing new leisure facilities as health and wellbeing hubs

Significant physical improvements to the borough can be achieved through replacement leisure facilities in Skelmersdale and Ormskirk. Our leisure facilities are the biggest assets we have for supporting and encouraging people of all ages to live active lives and enjoy healthy lifestyles. Collaborating with the West Lancashire Clinical Commissioning Group around options for incorporating a health centre/doctors surgery into the facilities will in the longer term provide a wider range of opportunities for further promoting health and wellbeing in the community and also help to reduce build and operational costs. 2018/19 will see:

- Completion of soft market testing.
- Business case development.
- Completion of design process.
- Progression to next phase of design and procurement.

Delivering retail, housing and public realm improvements with a focus on Skelmersdale Town Centre

Our main scheme in Skelmersdale will secure regeneration in the form of new commercial, leisure and residential development alongside existing property and environmental enhancements across a large area of land within and surrounding Skelmersdale town centre. The project is being implemented in partnership with the Homes and Communities Agency, LCC and St Modwen. We will be working with our partners and housing developers to secure development on three large residential sites adjacent to the town centre of over 200 houses.

Following success against a judicial challenge, the Council and its partners are now refreshing the work around the retail/leisure market element of the development. In 2018/19 we aim to:

- Review the approved retail/leisure scheme to ensure it meets current market demands and undertake all actions identified as necessary by the review.
- Agree Heads of Terms with interested parties for the Town Centre development.
- Explore all options to ensure that the scheme can either be delivered in its entirety or in a phased approach.

Establishing a Development Company

- The establishment of a sustainable and profitable Development Company will deliver new commercial, industrial and residential development of Council-owned land and also

consider wider development opportunities bringing investment and growth to the borough. Grant funding will be sought to support the establishment, in particular through the Homes & Communities Agency's Accelerated Construction programme. This will be used to unlock housing development on Council-owned sites. The company will take development forward in tune with market conditions. Long-term outcomes will include direct support of new and growing businesses, increased income through Council Tax and Business Rates, and employment and skills training opportunities in the construction industry. Initial work will include:

- Set up Development Company in shadow form including financial and governance arrangements, appointment of key staff, identification of key development sites to support the Business Plan.

Then subject to council approval,

- Later consider the Business Plan and formation of the Development Company including registration, appointment of the board and key officers and implement the development programme,

There are other work streams also supporting this priority. The **Moor Street Gateway** project will see the enhancement or redevelopment of the existing bus station and car park site emphasising its importance as a gateway into the town and contributing to the regeneration of Ormskirk town centre. The former **Westec Site** in Ormskirk, adjacent to the Council offices, will be developed for 27 houses. The **Beechtrees scheme** in Digmoor, Skelmersdale is revitalising and enhancing the council estate and maintaining a modernised and sustainable housing stock with the building of 36 new dwellings. We will provide a supply

of ready to build housing sites including through the **Community Land Auction** model involving the Homes & Communities Agency. Longer term, working with LCC on their **West Lancashire Highways and Transport Masterplan** is supporting improvements to transport infrastructure such as around the Skelmersdale rail station location and the Ormskirk town centre movement strategy.

Actively promote the Borough as a great place to live, work, visit and invest

We will:

- extend the influence of the Skelmersdale Place Board in promoting opportunities for business development
- foster Ormskirk's profile as a visitor destination
- cultivate brand identification for Ormskirk and Skelmersdale
- maintain West Lancashire's profile and ambitions within the wider regional agenda
- promote satisfaction with the area as a place to live
- encourage satisfaction with the way the Council runs things
- expand understanding of how the Council provides value for money
- ensure core messages are effectively delivered and received by all sections of the community and staff
- promote West Lancashire as a place to operate an organisation or business in.

Engaging businesses and communities in enhancing and promoting Ormskirk and Skelmersdale

As traditional shopping habits, ways of doing business and leisure activities evolve, to provide what people are looking for, Ormskirk and Skelmersdale are adapting and evolving. The Council, Ormskirk Community Partnership, local businesses (through the Business Action Group), Businesses in the Community, Edge Hill University, and the Student Union have joined forces as the Ormskirk Town Centre Management Group to ensure the long term economic and social viability of Ormskirk. Key initiatives will focus on town centre events and place promotion of Ormskirk and the wider area as a visitor destination. In Skelmersdale, key public and private sector leaders including from businesses, the Council, Edge Hill University, West Lancashire College and Homes England are driving forward the promotion of Skelmersdale through the Skelmersdale Place Board and Skelmersdale Ambassadors. The Board oversaw the successful launch of the branding and Skelmersdale Story, and is now looking to sustain this work by growing the Ambassadors network, establishing new relationships, providing information on opportunities and encouraging inward investment. In 2018/19 we will:

- Increase Skelmersdale Ambassador numbers.
- Facilitate a series of year round events promoting Ormskirk.

Rolling out 'place branding' and developing the websites for Ormskirk and Skelmersdale

The two main towns of West Lancashire are now benefitting from their own distinctive branding and websites. The business-focussed *Let's Talk Skelmersdale* website highlights Skelmersdale's strengths as a place to do business by providing information for business support, employment and skills, lifestyle and education. It targets both existing businesses in the area and companies looking to take advantage of the opportunities in the area. The *Discover Ormskirk* website and supporting social media is aimed at visitors to Ormskirk and West Lancashire, highlighting attractions, shops and events. The aim is to encourage visitors to the borough and into the town centre. Through increased and persistent use the unique branding will create a distinct profile for the borough.

- Promote and expand the use of Ormskirk and Skelmersdale place branding within the Council and in the community.
- Increase footfall into Ormskirk town centre.
- Develop the content of both websites.
- Increase visitor numbers to the websites.
- Engage people through social media to encourage them to visit West Lancashire.

Promoting the Council's role and West Lancashire's achievements

Developing a digital communications strategy will help us meet the current trends and changing needs of how customers seek and receive information, building on existing channels of media and public relations. We will continue to work with partners and diverse stakeholder groups to effectively communicate our responsibilities, services, key policies and programmes in line with our priorities to

promote a positive image of the borough and its achievements. 2018/19 will see us:

- Develop a draft strategy, action plan and measures of success.
- Track and manage digital communication programmes.
- Assist residents to feel the Council keeps them well informed about our services and benefits.
- Ensure accessibility is maximised within online service development.

Engaging with Liverpool City Region and Lancashire authorities

Although we are a Lancashire authority, West Lancashire's geographical position means we benefit from our active engagement with the Liverpool City Region Combined Authority. Within Lancashire, the 'shadow' Combined Authority has been in operation since July 2016. It has a focus on economy, skills and transport matters. One democratically accountable body will avoid duplication and provide more efficient services; create a stronger basis for bidding for funding; make best use of Council and Government money; and speed up decision-making on a pan-Lancashire basis. Despite some Lancashire Council's doubts over the existing proposals, West Lancashire remains involved in the process and is working with Lancashire Authorities to take this project forward. In 2018/19 we will:

- Play an active role as an Associate Member of Liverpool City Region Combined Authority.
- Further develop the Lancashire Plan based on the five core themes – Skilled Lancashire; Better Homes for Lancashire; Connected Lancashire; Prosperous Lancashire and Public Services Working for Lancashire.

- Continue to play an active role in the Housing theme of the Shadow Combined Authority for Lancashire.

There are other work streams also supporting this priority. We will continue to work through the **Private Sector Housing Strategy** to provide residents of West Lancashire decent homes which are safe, secure, warm, and in good repair. Progress the **Economic Development delivery plan actions** with partners to address employment opportunities, availability of housing, environmental improvements, raising skills and training levels, provide support for indigenous businesses and attract new investment

Engage and empower our local communities

We will:

- develop our parks and countryside sites for wider health and wellbeing, economic and social value
- sustain leisure facilities where possible through different models of service delivery and budget control
- support the uptake of basic online skills and access to the internet
- increase awareness and uptake of digital Council services
- utilise Overview & Scrutiny to examine the potential of community groups' involvement in service delivery.

Delivering the Master Plan for Tawd Valley park

The local community has been integral to progressing the Tawd Valley project. Significant environmental and recreational enhancements will see improvements to footpaths and landscapes, cycle paths, wetland habitat areas, a heritage trail, picnic spaces and the creation of an informal event space in the amphitheatre. Such an extensive scheme has required collaboration between a number of partners: Groundwork, the Environment Agency, Lancashire County Council, the River Douglas Catchment Partnership, SHARES and West Lancs CVS. In the summer of 2017, extensive public consultation through public events and presentations, school and college workshops, press coverage, a visioning event, and an on-line survey resulted in a draft masterplan. External funding has been secured to take the plan forward and further consultation held on an updated plan. Over a 3-5 year period the park can be developed to instil pride in the local community and significantly contribute to the wider health and wellbeing of Skelmersdale. In 2018/19 we will:

- Develop scheme implementation plans.
- Establish sustainable staffing and community support via a Friends of Tawd Valley Park group.

Piloting volunteer engagement at Abbey Lakes and exploring opportunities to roll out this approach

We have explored alternative ways to maintain and develop our parks and countryside sites for wider economic and social value whilst minimising the draw on Council resources. A trial project at Abbey Lakes in Up Holland involved volunteers from EDs Place, a community-based organisation that provides help and support to ex-forces personnel. Working with the Parks and Countryside Ranger service, the participants gained new skills whilst upgrading the site, for

example through tree management, drainage works, de-silting streams and establishing a new fishing club. Discussions are taking place with West Lancashire College to identify possible Land Management courses that would allow students to gain both academic and vocational qualifications, whilst helping to maintain our Countryside Parks. Other potential partnerships will be explored in order to replicate the success of Abbey Lakes. It is anticipated that this will commence with Tawd Valley Park. In 2018/19 we will:

- Review the Abbey lakes pilot.
- Establish timelines for project(s)

Facilitating the asset transfer of existing leisure facilities in North Meols

We are working with key partners (Department of Health, West Lancs Community Leisure, North Meols Parish Council and the West Lancs School Sports Partnership) to identify a cost-effective delivery model which will facilitate the continued operation of Banks Leisure Centre. In 2018/19 we will:

- Explore options for community transfer with key partners.
- Review proposals and business plans.
- Reduce the Leisure Management Contract fee, if the transfer takes place.

Delivering digital inclusion initiatives

Our work around digital development continues to expand to meet both efficiency and public expectations. We are also encouraging the use of digital technology with those members of community who are less confident in this area, with the aim of increasing basic online skills

and access to the internet and therefore increasing the uptake of West Lancashire Borough Council's digital services. Initiatives include engaging with customers at customer service points to understand why they are using face to face contact, attending local events to showcase on line services and providing further support at sheltered housing schemes, which will help promote self-service and further strengthen our customer service. In 2018/19 we will:

- Monitor needs and attitudes of residents around their digital aspirations via survey.
- Encourage and support direct uptake of online UC claims.

There are other work streams also supporting this priority. Our **financial inclusion strategy** for tenants helps those affected by welfare reforms to sustain their tenancy and to increase their opportunities for employability through the Money Advice Service. We are a partner in the **Well Skelmersdale** project, a diverse collaboration across community, voluntary, faith, charitable, business, enterprise and public sectors committed to creating conditions that allow the community to reach its full potential by creating healthy environments for healthy living. Implementing the **Homelessness Strategy** will extend the range of housing advice services to meet current and future challenges, enhance the housing offer to all homeless applicants in the Borough and improve health and wellbeing. Our **Health and Wellbeing delivery plan** targets the reduction of health inequalities in the borough, for example through the More Positive Together programme directed at tenants in the most deprived areas to improve their health, activity levels, skills and employability.

Monitoring Progress

The plan projects are resourced and managed through budget and service action planning. They are monitored directly by the relevant service areas and through budget reports, service action plans, the corporate risk register and individual project reports to committees and working groups as appropriate. In addition, progress on the projects are reported to Members half-yearly and as an annual report. A set of performance indicators spanning various service areas are also reported quarterly to Members to help the authority understand how well it is performing.

Our priorities and resulting projects are informed by working closely with partners and through various consultation and stakeholder engagement activities. We recognise that people who provide and use our services come from diverse backgrounds and have different experiences and needs. We develop, commission and deliver services in a way that will help overcome discrimination and disadvantage.

We aim to keep the public well informed about all our services, how we run things and how we are working to achieve value for money. As well as specific consultation for particular proposed projects, we have a continuous customer engagement programme for housing services and an annual citizen and stakeholder survey. The annual survey is used to gather views about Council spending, better understand the usage and opinions of Council services, gauge community safety perceptions, and receive views on the Council as a whole. Public opinion was directly sought to inform significant projects including the *Tawd Valley Park Project* and the *Open Space Study* as a piece of evidence for the emerging West Lancashire Local Plan. During 2017/18 we also undertook a Meeting the Budget Challenge consultation to inform our approach to service reviews and balancing the budget.

If you require any further information, or copies of this document in an alternative format, please contact:

Partnership & Performance, West Lancashire Borough Council,
Elson House, 49-51 Westgate, Sandy Lane Centre, Skelmersdale,
WN8 8LP

transformation@westlancs.gov.uk

01695 577177

Equality Impact Assessment Form



Directorate: Housing & Inclusion	Service: Partnership & Performance
Completed by: Alison Grimes	Date: 15 January 2018
Subject Title: Council Plan 2018/19-2020/21	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
<p>Details of the matter under consideration: The assessment is for the Council Plan 2018/19 - 2020/21. The Council Plan reflects the Council's vision, values and priorities.</p> <p>The Council Plan is the overarching strategy for the Council and sets the vision and priorities for the Council, summarising the main actions/projects to achieve this. The Plan sets well-defined priorities to be used during service planning and when shaping future budget decisions. The plan includes items (actions) which may themselves involve service design, redesign or cutback, or contract specification development, or require budget considerations.</p> <p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	Delivery of the vision and priorities is through a variety of actions. Specifying priorities assists with managing resources. Outcomes and outputs will impact on a variety of customers, service users, communities, Councillors and employees depending on the action.
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Given the wide range of actions included in the Plan, there is unlikely to be a disproportionate effect on any single group with protected characteristics, or on any stakeholder group. The plan directly or indirectly impacts on all Council services and therefore all who work for the Council, those who use Council services or engage with the Council. Any actions that may impact upon equality groups should be subject to an individual EIA by the relevant service.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	As above. The current wide-range of actions included in the whole plan across many service areas means that there is unlikely to be a 'most relevant' protected characteristics affected, or any particular group affected more than others. This may change with content in the lifetime of the plan.
Which of the protected characteristics are most relevant to the work being carried out? Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	No No No No No No No No No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The plan applies borough-wide and beyond. Given the wide range of actions included, the work detailed in the plan will therefore likely impact on a variety of stakeholders in different ways.
What will the impact of the work being carried out be on usage/the stakeholders?	By having a clear statement of priorities through the Plan, attention and resources can be effectively focussed on achieving the Council's core objectives. The overall impact should be positive since the priorities of the plan aim for a positive impact on the borough. Negative impact will be mitigated through individual EIAs by the relevant service.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Council priorities are informed by the Citizen/Stakeholder Survey which gathers views on a range of issues including the Council's budget. The survey results assist the Council in making plans to deliver services and make efficiency improvements.

Appendix B

	<p>The most recent survey results are from the survey conducted in March 2017. Results from the Citizen/Stakeholder Survey provide information about satisfaction with certain Council services and these can be broken down into protected characteristics (other than beliefs, culture, marriage/ partnership, pregnancy/ maternity). The reason for levels of satisfaction is not explored.</p> <p>Responses to the Policy Options consultation (July-September 2017) also provided a wide range of views on the impact the policy options would have on Council services and around the financial constraints that the Council works within.</p>
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	As above. Individual projects that may impact upon equality groups should be the subject of EIAs themselves by the relevant service with involvement/consultation as appropriate.
If any further data/consultation is needed and is to be gathered, please specify:	As above.
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Outlining the Council's priorities should provide reassurance that resources are being carefully managed. There is unlikely to be a disproportionate effect on any single group with protected characteristics, or on any stakeholder group. The plan can be provided in alternative formats on request. Impacts of changes resulting from individual actions will be dealt with by the relevant service.
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Any initiatives within the plan that may impact upon equality groups should be subject to an individual EIA by the relevant service.
What actions do you plan to take to address any other issues above?	No actions.
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The assessment will be reviewed as part of the Council Plan annual refresh process. This will include review by the senior management team.



CABINET: 13 MARCH 2018

Report of: Director Development and Regeneration

Relevant Portfolio Holder: Councillor I Moran

Contact for further information: Mr Ian Gill (Extn. 5094)

(E-mail: ian.gill@westlancs.gov.uk)

Mr Colin Brady (Extn. 5125)

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SUBJECT: ORMSKIRK NIGHT MARKETS AND TOWN CENTRE EVENTS

Wards affected: Ormskirk Wards (Derby, Knowsley and Scott)

1.0 PURPOSE OF THE REPORT

- 1.1 To seek a way forward to facilitate the successful implementation of a series of night markets and other events in Ormskirk Town Centre in conjunction with the Ormskirk Business Action Group and other appropriate community/business organisations.

2.0 RECOMMENDATIONS

- 2.1 That the Director of Development and Regeneration, in consultation with the Portfolio Holder, be authorised to submit an application for a Premises Licence under the Licensing Act 2003 and to authorise regulated entertainment and sale of alcohol which would enable the night markets and other themed events in Ormskirk Town Centre to proceed.
- 2.2 That the Director of Development and Regeneration be authorised to develop a code of conduct under which any night market or other event must operate for agreement with the organising body and to review these as appropriate.
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3.0 BACKGROUND

- 3.1 Recent national studies have emphasised how town centres are changing and that leisure activities and events are key to driving forward town centre footfall.
- 3.2 The Ormskirk Town Centre Strategy recognised that the development of an events calendar was important and a key action was to work with partners to develop and promote events. This was reinforced by the further work undertaken by Thinking Place, place specialists. Thinking Place found in their street surveys research that a lack of events was one of Ormskirk's challenges with a key feeling that Ormskirk needed such events to improve its vibrancy. Alongside the need for events their research also suggested adding a variety of markets to the towns offer. This was the key finding from residents and students, however even when taking on board external perceptions, they also noted they would want to see more events.
- 3.3 The recent Ormskirk BID research, whilst targeted solely at businesses, showed that 82% of respondents found events important to their business, with 61% stating it was very important.
- 3.4 In 2017 the Council was approached by Ormskirk Business Action who wished to trial a 'night market' in the town centre. The intention was to use local businesses as far as possible to sell food and drink to create a vibrant event in the town centre.
- 3.5 Two night market events were trialled, one on a Friday and one on a Saturday evening. These ran from approximately 5.30pm to 9pm. Both were mainly run by the Ormskirk Business Action Group, although advice and assistance was given by Council Officers as part of our partnership role. The first event held on a Saturday was extremely successful although some difficulties were experienced due to the existing market having to be taken down before the 'night market' could be set up. The second night market was trialled on a Friday evening to avoid this difficulty, and was still very successful despite a train strike on that day.
- 3.6 Businesses reported that not only was the night market very successful in its own right, but the town centre was very busy after the night market finished and it was very good for town centre trade.
- 3.7 The night market sold alcohol under a Temporary Event Notice (TEN) issued under the Licensing Act 2003 (the Act), which proved to cause some issues due to the difficulties in controlling the number of attendees in the licensed area that are required by a TEN. There were also some issues in terms of litter clearance and disposal of waste. Accordingly, Officers asked that no more markets be held whilst these licensing and operational issues were resolved.
- 3.8 There were no public disorder issues relating to the two trial night markets and this was helped by the fact that they ended at 9pm.

- 3.9 At the Council meeting on 18th October 2017 the efforts of local businesses in holding the night markets were recognised and it was agreed that a letter of thanks be sent to businesses and that officers support the initiative in any way possible within available resources.

4.0 CURRENT POSITION

- 4.1 Discussions have taken place with the Council's Commercial, Safety and Licensing Manager and Ormskirk Business Action to find the most suitable way forward. It would appear that the best solution is for the Director of Development and Regeneration to hold a Premises Licence (issued under the Act) to authorise both the sale of alcohol and the provision of regulated entertainment within a certain area of the Town Centre. This would give the Council control over events in the Town Centre. The hours permitted by the licence can be different for the sale of alcohol than for entertainment, which would also allow greater flexibility depending upon the nature of the proposed event. This would need to be based upon restrictions in terms of hours of operation, but further restrictions may be placed upon the night market operator. For example, whilst a licence could cover Monday - Thursday 5pm - 9.30pm and Friday - Sunday 12.00noon - 9.30pm, the Council may impose further restrictions on a night market event if it saw fit (for example, Fridays 5pm – 9pm), but the Council would maintain the flexibility under the licence. It would also give the Council, or other operators, the ability to hold further events if so desired, but any other operators would have to operate under a code of conduct developed by the Council. A Premises Licence that covered the town centre area would also will be useful for other events such as the Christmas lights switch on.
- 4.2 Ormskirk Business Action (or specially constituted committee of businesses and the Council) would run the night market event. In order for alcohol sales to take place, the Premises Licence must state the name of the Designated Premises Supervisor (DPS). Under the Act, the DPS must hold a Personal Licence (also issued under the Act) and be the person in operational control of a premises or an event. It is proposed that a representative from Ormskirk Business Action would be the DPS, but who would then need to conform to the restrictions of the licence and any other stipulations that the Council wished to place on the event. This would be stated in the code of conduct that would include times of operation, food hygiene and health and safety requirements, street trading consents for stallholders, street cleansing etc.
- 4.3 A DPS is not required where the Premises Licence solely authorises entertainment, it is only for alcohol sales that a DPS must be stipulated. The Premises Licence can only stipulate one DPS at a time, but this can be changed through a formal application prior to a given event, and with the aforementioned consent of the Council under the proposed code of conduct.

- 4.4 Any direct costs incurred by the Council in connection with the running of these events would need to be covered by the charges to stallholders.

5.0 NEXT STEPS

- 5.1 Authority is being sought to obtain the necessary delegations for the Director of Development and Regeneration to submit an application for a Premises Licence. If granted, the Premises Licence would authorise the sale of alcohol and the provision of regulated entertainment to enable night market and other such events to take place in Ormskirk town centre.
- 5.2 This process will involve further liaison with the Council's Commercial, Safety and Licensing Manager, Legal Services and the Police to develop a draft Premises Licence application, which would be presented to the Council's Multi Agency Licensing Team for further comment. However, once the application is finalised and submitted, it will be important to demonstrate transparency and an absence of bias in the determination of the application. The application would be determined by the Council's Licensing Service in accordance with existing procedures prescribed by the Act. This requires that the application be subject to public consultation and could include determination by the Council's Licensing and Gambling Committee (or Sub-Committee thereof) if representations against the grant of the licence were received.
- 5.3 Officers are also looking at the potential use of Street Trading Consents to regularise the conditions under which it possible for businesses to trade on the town centre streets.
- 5.4 Officers will work with Ormskirk Business Action to take forward a series of Night Markets and monitor their success.

6.0 SUSTAINABILITY IMPLICATIONS

- 6.1 A series of events will enhance Ormskirk's offer and make the town centre a more vibrant place. Controls will need to be put in place to ensure that crime and disorder implications, public nuisance and public safety are considered and controlled.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 7.1 There are no significant financial or resource implications arising from this report. Any direct Council costs will need to be covered by the receipts from the night markets.

8.0 RISK ASSESSMENT

- 8.1 Under the proposals contained in this report, the Council would be ultimately and legally responsible for any activities provided under the Premises Licence, but would seek to obviate any risk posed by an event through the stipulations placed on the DPS and/or event organiser under a code of conduct.
- 8.2 Accordingly, given that there would be alcohol sold on the street, events will need to be strictly controlled in terms of hours of operation, safety and security etc. Organisers will need to abide by a code of conduct which will specify the criteria under which any event will operate, and this can be reviewed as necessary. Given the night markets are only operating in the early evening and will be aimed at the family market, they are not considered to pose a high risk. The two trial events in 2017 passed without incident. Officers will, however, liaise with the Police, and other partners as appropriate, to ensure that events are appropriately managed.

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

None



CABINET: 13 MARCH 2018

Report of: Director of Housing and Inclusion

Relevant Portfolio Holder: Councillor J. Forshaw

Contact for further information: Mr W. Berkley (Extn. 5259)
(E-mail: william.berkley@westlancs.gov.uk)

SUBJECT: PROPERTY COMPLIANCE POLICIES

Wards affected: All

1.0 PURPOSE OF THE REPORT

- 1.1 To present policies in relation to the main five areas of property compliance.
- 1.2 To seek cabinet approval of the policies for implementation.

2.0 RECOMMENDATIONS

- 2.1 That the policies set out at Appendices A to E be approved.
- 2.2 That the Director of Housing and Inclusion be given delegated authority to make minor amendments to the policies in line with any legislative changes in the future.

3.0 BACKGROUND

- 3.1 Following a procurement exercise, Pennington Choices were recently appointed to assist Property Services with the development of policies with a view to achieving compliance best practice.
- 3.2 The review identified some policy improvement areas relating to areas of property compliance so we have now used this opportunity to ensure that we set high standards in delivering our health and safety obligations.

4.0 CURRENT POSITION

- 4.1 Five new policies have now been developed which are included as Appendices A to E of this report.
- 4.2 The policies detail regulatory standards, legislation, codes of practice and legal obligations. In addition they detail how the Council proposes to address these areas with a view to achieving best practice, this includes inspection programmes, key roles and responsibilities and how performance will be monitored / reported.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 5.1 The costs relating to implementing the policies will be met from existing established budgets.

6.0 RISK ASSESSMENT

- 6.1 The Council has a legal duty to ensure that properties it manages are safe and comply with all applicable statutory requirements. The policies this report seeks to approve set out these responsibilities and how the Council will be working to achieve compliance best practice. Cabinet approval of the policies would be taking a top down approach to compliance management, set clear expectations and ensure accountability throughout the organisation. Failure to adopt clear policies could result in ambiguity and compliance failures, potentially putting tenants and residents at risk.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix A - Gas Safety Policy
Appendix B - Electrical Safety Policy
Appendix C - Asbestos Policy
Appendix D - Fire Safety Policy
Appendix E - Water Hygiene Policy
Appendix F - Equality Impact Assessment

Gas Safety Policy



Contents

1	Introduction	2
2	Scope.....	2
3	Regulatory Standards, Legislation and Codes of Practice	3
4	Additional Legislation	3
5	Obligations.....	4
6	Statement of Intent	5
7	Compliance Risk Assessment/Inspection Testing Programmes	6
8	Compliance Follow up Work	7
9	Record Keeping	8
10	Key Roles and Responsibilities.....	8
11	Competent Persons	9
12	Training.....	9
13	Performance Reporting.....	10
14	Non-Compliance	10

1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 WLBC is responsible for the maintenance and repairs to its 6,000 homes and other buildings, many of which will contain gas installations and appliances. The Gas (Installation and Use) Regulations 1998 specifically deal with the installation, maintenance and use of gas appliances, fittings and flues in domestic properties and certain commercial premises. The regulations also place a legal duty on landlords to ensure that gas appliances, fittings and flues provided for tenants' use are safe.
- 1.4 WLBC is also responsible for maintaining other types of heating systems to ensure that all appliances, fittings and flues provided for tenants' use are safe. These may include oil fired, solid fuel, biomass, air source and other types of heating systems.

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements of the Gas Safety (Installation and Use) Regulations 1998. In addition to this, the policy must provide assurance to WLBC that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with gas fittings, appliances and flues.
- 2.2 WLBC must ensure compliance with gas safety legislation is formally reported at Cabinet level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.
- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC non-domestic properties.

- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is The Gas Safety (Installation and Use) Regulations 1998 (as amended). WLBC has a legal obligation under Part F, Regulation 36 of the legislation (Duties of Landlords) and is the 'Landlord' for the purposes of the legislation.
- 3.3 **Code of Practice** – the principal codes of practice applicable to this policy are as follows:
- 3.3.1 **ACoP L56** - 'Safety in the installation and use of gas systems and appliances' (4th edition 2013).
- 3.3.2 **INDG285** - 'A guide to landlords' duties: Gas Safety (Installation and Use) Regulations 1998'.
- 3.4 **Sanctions** - WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential gas safety checks, maintenance and safety related repair works.
- 3.6 In exceptional cases and where it is clearly identified that wider welfare risks exist to others, the organisation will consider the use of forced entry to safeguard against the risk. The Director of Housing and Inclusion will approve any such cases.

4 Additional Legislation

- 4.1 This gas safety policy also operates in the context of legislation including the following legislation:
- Health and Safety at Work Act 1974
 - The Management of Health and Safety at Work Regulations 1999

- The Workplace (Health Safety & Welfare) Regulations 1992
- Gas Safety (Management) Regulations 1996 (as amended)
- Dangerous Substances and Explosive Atmospheres Regulations 2002
- Pressure Systems Safety Regulations 2000
- Pipelines Safety Regulations 1996
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 The Gas Safety (Installation and Use) Regulations 1998 impose duties on landlords to protect tenants' safety in their homes with respect to gas safety. The main duties as a landlord are set out in Regulation 36 requiring landlords to:
- Ensure gas fittings and flues are maintained in a safe condition. Gas appliances should be serviced in accordance with the manufacturer's instructions. If these are not available it is recommended that they are serviced annually unless advised otherwise by a Gas Safe registered engineer
 - Ensure the annual safety check is carried out on each gas appliance and flue within 12 months of the previous safety check
 - Have all installation, maintenance and safety checks carried out by a Gas Safe registered engineer
 - Keep a record of each safety check for at least 2 (two) years
 - Issue a copy of the latest safety check record to existing tenants within 28 days of the check being completed, or to any new tenant when they move in
 - Display a copy of the latest safety check record in a common area of a building where the gas appliance serves a communal heating system to multiple homes.
- 5.2 In addition, landlords must ensure that no gas fitting of a type that would contravene Regulation 30 (e.g. certain gas fires and instantaneous water heaters) is fitted in any room occupied or to be occupied as sleeping accommodation after the Regulations came into force. This includes any room converted into such accommodation after that time.

6 Statement of Intent

- 6.1 WLBC acknowledges and accepts its responsibilities under the Gas Safety (Installation and Use) Regulations 1998.
- 6.2 WLBC will hold accurate records against each property it owns or manages setting out the requirements for gas safety checks and servicing of all gas fittings, appliances and flues.
- 6.3 WLBC will periodically (not more than intervals of 5 years) commission an independent external asset data review to ensure adequate assurance is provided that gas supply data held against the organisation's property assets is accurate and up to date.
- 6.4 WLBC will ensure that each property requiring a gas safety check and/or service will have a landlords' gas safety record (LGSR) that has a completion date not more than 12 months following the completion date of the previous LGSR relating to the property or installation date of new installations.
- 6.5 WLBC will ensure that copies of all LGSRs are provided to tenants within 28 days of completion or displayed in a common area where necessary upon completion of the LGSR.
- 6.6 WLBC will cap off gas supplies to all properties when the property becomes void and a new tenant is not moving in immediately following the previous tenant leaving.
- 6.7 WLBC will cap off gas supplies to all new build properties at handover if the new tenancy is not commencing immediately at the point of handover.
- 6.8 WLBC will reinstate gas supplies to void properties and new build properties at commencement of the new tenancy and will undertake a gas safety check and issue a new LGSR.
- 6.9 WLBC will ensure that gas safety checks are carried out prior to, or immediately following the commencement of any new tenancy (void properties), mutual exchange and/or transfer and that the tenant receives a copy of the LGSR prior to, or immediately after moving in.
- 6.10 WLBC will test and replace as necessary hard wired smoke alarms as part of the annual gas safety check visit. This may include replacement with battery operated smoke alarms.
- 6.11 WLBC will supply carbon monoxide detectors to all homes through a planned programme in 2018-19.
- 6.12 WLBC will carry out an annual gas safety check to all properties where the gas supply is inactive (capped) at the request of the tenant. This is to ensure that gas supplies have not been reconnected by the tenant.

- 6.13 WLBC will carry out annual assessments of properties where tenants have chosen for personal reasons not to use the gas supply in the property. This is to check on the tenant's wellbeing and also to assess that the lack of gas heating is not adversely affecting the condition of the property.
- 6.14 WLBC will ensure that only suitably competent Gas Safe accredited engineers undertake gas works for the organisation.
- 6.15 WLBC will remove any open flue gas appliances found in any rooms that are being used as bedrooms.
- 6.16 WLBC will carry out a gas safety check and issue a new LGSR for the whole property following the installation of new gas appliances.
- 6.17 WLBC will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing gas installations.
- 6.18 WLBC will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.19 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to gas safety.
- 6.20 WLBC will ensure that where applicable all solid fuel, chimney stacks, oiled fire appliances and flues are inspected and maintained at least annually and that this work is completed by a suitably competent engineer.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 WLBC will establish and maintain a risk assessment for gas safety operations. This risk assessment will set out all of the organisations' key gas safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void works (at the start of the contract and annually thereafter), component replacement works and refurbishment projects. This plan will detail any gas installations that may be affected by the works and detail all necessary gas work required to make safe and reinstate gas installations including the requirement for a new gas safety check, maintenance service and LGSR.
- 7.3 WLBC will carry out a programme of annual gas safety checks and services to all its **domestic properties**. This check will include all gas fittings, appliances and flues in the property and will be completed 12 months from the date of the previous LGSR. This safety check is driven from the anniversary date of the most recent LGSR which may have been carried out at the start of a new tenancy or following installation of new gas appliances.

- 7.4 WLBC will ensure robust management processes are in place to take advantage of proposed changes to Part F, Regulation 36 (3) of the Gas (Installation and Use) Regulations 1998 that will provide landlords with some flexibility around the anniversary date of LGSRs. The proposal is that if a new gas safety check is completed within 10 months and 1 day of the previous safety check then the new LGSR can be dated as the 12-month anniversary date of the previous LGSR. This is likely to come into effect in April 2018 subject to the changes coming into force.
- 7.5 WLBC will carry out a programme of annual gas safety checks and services to all **non-domestic, public and commercial properties (where it has the legal obligation to do so)**. These checks will include all gas fittings, appliances and flues in the property and will be completed no longer than 12 months from the date of the previous LGSR, these safety checks and maintenance services will be carried out by a suitably competent engineer. These installations may include catering equipment, boilers serving communal heating systems, combined heat and power systems and water heating boilers.
- 7.6 WLBC will carry out where applicable a programme of annual safety checks and services to all **oil fired and solid fuel systems**. This check will include all fittings, appliances and flues in the property in accordance with all relevant British Standards and will be completed no longer than 12 months from the date of the previous safety check / service. These safety checks and maintenance services will be carried out by a suitably competent engineer.

8 Compliance Follow up Work

- 8.1 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a gas, oil or solid fuel safety check.
- 8.2 WLBC will ensure that there is a robust process in place to collate and store all warning notices and associated records of completed remedial works.
- 8.3 WLBC will replace any faulty hard wired smoke alarms and carbon monoxide detectors (once these have been fitted during 2018-19) in a property where faults are identified as part of the annual safety check.
- 8.4 A safety check will be carried out on completion of any repair and/or refurbishment works to occupied or void properties where works may have affected any gas fittings, appliances or flues.
- 8.5 WLBC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to gas safety.

9 Record Keeping

- 9.1 WLBC will establish and maintain a core asset register of all properties that have an active or inactive gas supply. This register will also hold data against each property asset of gas, oil and solid fuel inspection and servicing requirements, where applicable, for all domestic and non-domestic property assets.
- 9.2 WLBC will ensure the Gas Safe registered engineer records the details of all appliances and other equipment which is served by the gas supply in every domestic and non-domestic property.
- 9.3 WLBC will establish and maintain accurate records of all completed safety records, warning notices and associated remedial works and keep these for a period of not less than two years.
- 9.4 WLBC will hold and maintain accurate records on the qualifications of all engineers undertaking gas works for the organisation.
- 9.5 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all gas safety related data.

10 Key Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the gas policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on gas safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior officer team will receive reports in respect of gas management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of gas safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the gas safety policy.
- 10.5 The Property Services Manager and Deputy Property Services Manager will be responsible for overseeing the delivery of the gas servicing and safety check programmes; completion of any works arising from gas safety checks or reported by tenants and the maintenance of sufficient records in respect of works completed to gas appliances, fittings and flues.

- 10.6 The Director of Housing and Inclusion will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

11 Competent Persons

- 11.1 WLBC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified; holding a recognised gas safety management qualification. In addition to this they should have or be working towards gaining the CORGI Level 4 VRQ in Gas Safety Management and full membership of the Association of Gas Safety Managers. If they do not have these already, they should obtain them within 12 months of the approval of this policy
- 11.2 WLBC will ensure that all operatives (internal or external contractors) maintain Gas Safe accreditation for all areas of gas works that they undertake. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.3 WLBC will ensure that only suitably competent Accredited Certification Scheme (ACS) gas accredited engineers are employed by the organisation to undertake works to gas fittings, appliances and flues. The operational team with responsibility for delivery will check the relevant qualifications of employees working for WLBC to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.4 WLBC will ensure that only suitably competent Gas Safe accredited contractors are procured and appointed to undertake works to gas fittings, appliances and flues. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.5 WLBC will ensure that where applicable, only suitably competent Oil Firing Technical **Association (OFTEC)** and/or accredited contractors are procured and appointed to undertake works to oil fired and solid fuel fittings, appliances and flues. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified and accredited for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of gas safety but who may not be actively involved in the delivery of the gas safety policy. This will be basic gas safety awareness training and will be covered in team meetings.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of gas safety checks and repair works to gas fittings, appliances and flues as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the CORGI Level 4 VRQ in Gas Safety Management and will ideally be a full member of the Association of Gas Safety Managers (AGSM). WLBC will fund training as necessary so they gain this qualification and membership. This will happen within 12 months of approval of this policy.
- 12.4 Regular tool box talks will be given to operatives in the form of appropriate gas safety training. WLBC's partner contractors will be expected to do this with their operatives and evidence this to WLBC on request.
- 12.5 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to gas safety.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to gas safety.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:
 - 13.2.1 The number (and percentage) of properties with a valid LGSR for all homes and buildings owned or managed by WLBC which require one.
- 13.3 WLBC will carry out independent third party quality assurance audits of gas safety checks, gas appliance services and gas appliance repair works as required by the WLBC gas safety compliance risk assessment. Best practice suggests this should be a 5% sample of the total gas safety works carried out.
- 13.4 WLBC will carry out an independent audit of gas safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.
- 14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.
- 14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 14.4 In cases of any serious non-compliance issues the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.

Electrical Safety Policy



Contents

1	Introduction	2
2	Scope.....	2
3	Regulatory Standards, Legislation and Codes of Practice	3
4	Additional Legislation	3
5	Obligations	4
6	Statement of Intent	5
7	Compliance Risk Assessment/Inspection Testing Programmes	6
8	Compliance Follow up Work	7
9	Record Keeping	7
10	Key Roles and Responsibilities.....	8
11	Competent Persons	9
12	Training.....	9
13	Performance Reporting.....	10
14	Non-Compliance	10

1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 WLBC is responsible for the maintenance and repairs to its 6,000 and other buildings, all of which will contain electrical installations and appliances. The Landlord and Tenant Act 1985 and the Housing Act 2004 place duties on landlords to ensure that these electrical installations are safe at the start of any tenancy and are maintained in a safe condition throughout the tenancy.
- 1.4 WLBC is also responsible for maintaining electrical installations and equipment including communal parts of domestic premises in addition to non-domestic buildings and offices.

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements for electrical safety under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994. In addition to this the Policy must provide assurance to WLBC that measures are in place to ensure compliance with these regulations and to identify, manage and/or mitigate risks associated with electrical installations and electrical portable appliances.
- 2.2 WLBC will also ensure compliance with electrical safety legislation is formally reported at CMT and Cabinet level, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services. Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant including communal parts of domestic premises.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Landlord and Tenant Act 1985; the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994. Section 8 of the Landlord and Tenant Act 1985 sets out implied terms as to fitness for human habitation and Section 11 of the Landlord and Tenant Act 1985 places repairing obligations in short leases. The Electricity at Work Regulations 1989 places duties on employers to ensure that all electrical equipment used within the workplace is safe to use. The Electrical Equipment (Safety) Regulations 1994 requires Landlords to ensure that any appliances provided as part of a tenancy are safe when first supplied.
- 3.3 **Code of Practice** – the principle codes of practice applicable to this policy are:
- 3.3.1 IET Wiring Regulations British Standard 7671: 2008 (as amended 2015)
- 3.3.2 The Code of Practice for In-Service Inspection and Testing of Electrical Equipment (ISITEE)
- 3.3.3 HSE INDG236: 'Maintaining portable electrical equipment in offices and other low risk environments'
- 3.3.4 Electrical Safety Council: 'Landlords' Guide to Electrical Safety 2009'.
- 3.3.5 **Sanctions** – WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and a serious detriment judgement from the regulator Homes England.
- 3.3.6 **Tenants** – WLBC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant refuse access to carry out essential electrical safety checks, maintenance and safety related repair works.

4 Additional Legislation

- 4.1 This electrical safety policy also operates in the context of the following additional legislation:
- Health and Safety at Work Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - The Workplace (Health Safety & Welfare) Regulations 1992

- Management of Houses in Multiple Occupation (England) Regulations 2006
- Regulatory Reform (Fire Safety) Order 2005
- The Building Regulations for England and Wales (Part P)
- The Housing Act 2004
- The Occupiers' Liability Act 1984
- Health and Safety (Safety Signs and Signals) Regulations 1996
- Provision and Use of Work Equipment Regulations 1998
- Construction, Design and Management Regulations 2015
- The Building Regulations for England and Wales 2005 (Part P)
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 The Landlord and Tenant Act 1985 places duties on landlords to ensure that electrical installations in rented properties are:
- Safe when a tenancy begins, Section 8 (1a)
 - Maintained in a safe condition throughout the tenancy, Section 11 (1b)
- 5.2 In order to be compliant under these duties electrical installations are required to be periodically inspected and tested. The intervals between inspections are not absolutely set within any regulations, however, best practice guidance from the Electrical Safety Council and from BS7671:2008 states that electrical installations should be tested at intervals of no longer than 5 years from the previous inspection. Any deviation from these intervals should be at the recommendation of a competent NICEIC qualified (or equivalent) person and should be backed up by sound engineering evidence to support the recommendation.
- 5.3 All electrical installations should be inspected and tested prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and a satisfactory Electrical Installation Condition Report (EICR) should be issued to the tenant prior to them moving in.
- 5.4 The Electricity at Work Regulations 1989 places duties on employers that all electrical installations and appliances within the workplace are safe and that only competent persons work on the electrical installations, systems and equipment (Section 16).

- 5.5 The Electrical Equipment (Safety) Regulations 1994 requires Landlords to ensure that any electrical appliances provided as part of a tenancy are safe when first supplied.

6 Statement of Intent

- 6.1 WLBC acknowledge and accept its legislative responsibilities with regard to electrical safety including that under the Landlord and Tenant Act 1985, the Housing Act 2004, the Electricity at Work Regulations 1989 and the Electrical Equipment (Safety) Regulations 1994.
- 6.2 WLBC will hold accurate records against each property it owns or manages identifying when the electrical installation was last inspected and tested and listing all electrical portable appliances that the organisation owns held at each property together with details of Portable Appliance Tests (PATs) undertaken.
- 6.3 WLBC will ensure that all domestic properties owned or managed by the organisation have a valid EICR that is no older than 10 years from the date of the previous EICR by no later than 31st March 2018. Thereafter WLBC will deliver a comprehensive programme of testing and inspection of all domestic properties on a rolling 5-year cycle commencing on 1st April 2018.
- 6.4 WLBC will ensure that all non-domestic, public and commercial properties and offices, including communal parts of domestic premises, owned or managed by the organisation have a valid Electrical Installation Condition Report (EICR) that is no older than 5 years from the date of the previous EICR by no later 31st March 2018. Thereafter WLBC will deliver a comprehensive programme of testing and inspections of all non-domestic including communal, public and commercial properties; and offices, on a rolling 5-year cycle commencing on 1st April 2018.
- 6.5 WLBC will ensure that all electrical installations shall be in a satisfactory condition following completion of an electrical installation inspection and test.
- 6.6 WLBC will ensure that electrical installation inspection and tests are carried out prior to the commencement of any new tenancies (void properties), mutual exchanges and transfers and that a satisfactory EICR is issued to the tenant prior to them moving in.
- 6.7 WLBC will ensure that only suitably competent NICEIC electrical contractors and engineers (or equivalent) undertake electrical works for the organisation.
- 6.8 WLBC will ensure that all electrical portable appliances owned and/or provided by the organisation are tested periodically in accordance with the testing guidance set out in 'The Code of Practice for In-Service Inspection and Testing of Electrical Equipment'.
- 6.9 WLBC will carry out electrical installation inspection and tests and issue new satisfactory EICRs when completing planned component replacement works within domestic properties. In the case of a rewire WLBC will receive an installation certificate and following minor works, a minor works certificate.

- 6.10 WLBC will test and replace as necessary hard wired smoke alarms and heat detectors which are not covered as part of the annual gas safety check visit (i.e. the property does not have gas) on an annual basis.
- 6.11 WLBC will ensure that robust processes and controls are in place to manage the completion of follow up works identified during inspection and testing of electrical installations and electrical portable appliances.
- 6.12 WLBC will ensure that robust processes and controls are in place to ensure that all electrical works are properly notified and approved under Part P of the Building Regulations for England and Wales where this is required.
- 6.13 WLBC will ensure that robust processes and controls are in place to manage works to void and occupied properties that may affect existing electrical installations.
- 6.14 WLBC will have a robust process in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.15 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to electrical safety.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 WLBC will establish and maintain a risk assessment for electrical safety operations. This risk assessment will set out all the organisation's key electrical safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void property (at the start of the contract and annually thereafter), component replacement and refurbishment works. This plan will detail any electrical installations that may be affected by the works and detail all necessary electrical work required to make safe and reinstate electrical installations including the requirement for inspection and testing.
- 7.3 WLBC will carry out a programme of electrical installation inspection and testing to all offices, public buildings, commercial properties and common areas of non-domestic properties where there is a landlords' electrical installation (and WLBC has the legal obligation to do so). This inspection and test will be carried out at intervals of no more than 5 years and will include the issuing of a new satisfactory Electrical Installation Condition Report (EICR). This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out following planned component replacement works.

- 7.4 WLBC will carry out a programme of electrical installation inspection and testing to all domestic properties. This inspection and test will be carried out at intervals of no more than 5 years commencing on 1st April 2018 and will include the issuing of a new satisfactory Electrical Installation Condition Report (EICR). This inspection and test is driven from the anniversary date of the most recent EICR which may have been carried out at the start of a new tenancy or following planned component replacement works.
- 7.5 WLBC will carry out a programme of portable appliance testing (PAT) to all electrical portable appliances owned and/or provided by the organisation. These appliances will be tested in accordance with the testing guidance set out in 'The Code of Practice for In-Service Inspection and Testing of Electrical Equipment'.

8 Compliance Follow up Work

- 8.1 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a periodic inspection and test of an electrical installation or electrical portable appliance.
- 8.2 WLBC will ensure there is a robust process in place to collate and store all Electrical Installation Condition Reports (EICRs) and associated records and certification of completed remedial works.
- 8.3 WLBC will ensure there is a robust process in place to collate and store all Electrical Portable Appliance Tests (PATs) and associated records and certification of completed remedial works.
- 8.4 WLBC will as a minimum make safe and/or where possible endeavour to repair all code 1 and code 2 defects identified by a periodic electrical installation inspection and test before leaving site after completing the inspection and testing works. Any further remedial works to code 1 and 2 defects will be completed within 5 working days and an EICR will be issued stating that the installation is in a satisfactory condition. Code 3 and FI type works will be referred back to WLBC and considered for inclusion in future works programme.
- 8.5 WLBC will establish and implement programmes of electrical installation upgrading works to improve electrical installations, that have been identified as not meeting current standards but are in a satisfactory condition for the purposes of an EICR, up to a standard that meets all current requirements of BS7671.
- 8.6 WLBC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to electrical safety.

9 Record Keeping

- 9.1 WLBC will establish and maintain a core asset register of all properties that have an active electrical supply and electrical installation (Aareon QL). This register should identify electrical installations within all domestic properties and electrical installations within non-domestic (communal) properties, public buildings, commercial properties and offices.
- 9.2 WLBC will establish and maintain a register against each property asset of any electrical portable appliances owned by the organisation and the portable appliance testing (PAT) requirements.
- 9.3 WLBC will establish and maintain accurate records of all completed Electrical Installation Condition Reports (EICRs), Minor Electrical Works Certificates (MEW) and Building Regulation Part P notifications associated with remedial works from these reports and Electrical Installation Certificates and keep these for a period of not less than 10 years. These will be held against the individual property on the organisation's shared drive.
- 9.4 WLBC will establish and maintain accurate records of all completed electrical Portable Appliance Test reports and details of associated completed remedial works and keep these for a period of not less than 5 years.
- 9.5 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all electrical safety related data.

10 Key Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the electrical safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on electrical safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior officer team will receive reports in respect of electrical safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of electrical safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the electrical safety policy.
- 10.5 The Property Services Manager and Deputy Property Services Manager will be responsible for overseeing the delivery of the electrical installation periodic inspection and testing and electrical portable appliance testing (PAT) programmes, completion of any works arising from Electrical Installation Condition Reports (EICRs) or PAT tests or faults reported by tenants together with the maintenance of sufficient records in respect of works completed to electrical installations and portable electrical appliances.

- 10.6 The Director of Housing and Inclusion will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate legal process to gain access as necessary.

11 Competent Persons

- 11.1 WLBC will ensure that the manager(s) with lead responsibility for operational delivery is appropriately qualified; holding a recognised electrical safety management qualification, as per 12.3.
- 11.2 WLBC will ensure that the manager with lead responsibility for operational delivery maintain Approved Electrical Contractor accreditation with the National Inspection Council for Electrical Inspection Contracting (NICEIC) or equivalent for all areas of electrical inspection, testing, installation and repair works that they undertake. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.3 WLBC will ensure that only suitably competent NICEIC Approved Electrical Contractors (or equivalently accredited) contractors are procured and appointed to undertake electrical inspection, testing, installation and repair works. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.4 WLBC will ensure that only suitably competent engineers are employed or appointed to undertake electrical portable appliance testing (PAT). The operational team with responsibility for delivery will check the relevant qualifications of persons undertaking PAT testing for the organisation to ensure that they are certified as competent to carry out PAT testing. These checks will be undertaken on an annual basis and evidenced appropriately.

12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of electrical safety but who may not be actively involved in the delivery of the electrical safety policy. This will be basic electrical safety awareness training and covered in team meetings.

- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of electrical installation inspections and repair works to electrical installations and portable appliances as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the Level 4 VRQ in Electrical Safety Management in Social Housing and will ideally be a full member of the Association of Electrical Safety Managers. WLBC will fund training as necessary so they gain this qualification and membership.
- 12.4 Regular tool box talks (quarterly) will be given to operatives in the form of appropriate electrical safety training. WLBC will ask their contractor partners to do this and evidence this upon request.
- 12.5 Monitors briefings will be provided to those employees involved in the monitoring of compliance performance in relation to electrical safety.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to electrical safety.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. The KPI measure will be:
- The number (and percentage) of properties with a valid Electrical Installation Condition Report (EICR) for all homes and buildings owned or managed by WLBC which require one.
- 13.3 WLBC will carry out independent third party quality assurance audits of electrical installation condition reports and completed electrical repair and installation works as required by the electrical safety compliance risk assessment. Best practice suggests this should be a 5% sample of the total electrical safety works carried out.
- 13.4 WLBC will carry out an independent audit of electrical safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.
- 14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.

- 14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.

Asbestos Policy



Contents

1	Introduction	2
2	Scope.....	2
3	Regulatory Standards, Legislation and Codes of Practice	3
4	Additional Legislation	3
5	Obligations	4
6	Statement of Intent	5
7	Compliance Risk Assessment/Inspection Testing Programmes	6
8	Compliance Follow up Work	7
9	Record Keeping	7
10	Roles and Responsibilities.....	8
11	Competent Persons	8
12	Training.....	9
13	Performance Reporting.....	9
14	Non-Compliance	10

1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 Breathing in air containing asbestos fibres can lead to asbestos-related diseases, mainly cancers of the lungs and chest lining. Asbestos is only a risk to health if asbestos fibres are released into the air and breathed in.
- 1.4 Any WLBC home or building built or refurbished before the year 2000 may contain asbestos. As long as the asbestos containing material (ACM) is in good condition and is not going to be disturbed or damaged, there is negligible risk. However, if it is disturbed or damaged it can become a danger to health, because people may breathe in any asbestos fibres released into the air. Workers who carry out repairs and maintenance work are at particular risk. If asbestos is present and can readily be disturbed, is in poor condition and not managed properly, others who may be occupying the homes or buildings could be put at risk.
- 1.5 WLBC is responsible for the maintenance and repairs to its 6,000 homes, public, corporate and other buildings, many of which will contain asbestos containing materials. As such, the organisation has a legal 'duty to manage' asbestos in its non-domestic stock..

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements of the Control of Asbestos Regulations 2012, which came into force on 6th April 2012. In addition to this, the policy must provide assurance to WLBC that measures are in place to identify, manage and/or mitigate risks associated with asbestos.
- 2.2 WLBC must also ensure compliance with asbestos is formally reported to the most senior level of officers management team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all communal areas of buildings.
- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC non-domestic properties

- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Control of Asbestos Regulations (CAR) 2012, which came into force on 6th April 2012. WLBC has a legal obligation under Part 2, Section 4 of the legislation (Duty to manage asbestos in non-domestic properties) and is the 'Duty Holder' for the purposes of the legislation.
- 3.3 **Approved Codes of Practice and Guidance** – the principle codes of practice and guidance applicable to this policy are:
- 3.3.1 **ACoP L143** - 'Managing and working with Asbestos' (Second edition December 2013)
- 3.3.2 **HSG264** - 'Asbestos: The survey guide' (Second edition 2012, this holds ACoP status)
- 3.3.3 **HSG247** - 'Asbestos: The licensed contractors' guide' (First edition 2006)
- 3.3.4 **HSG227** - 'A comprehensive guide to managing asbestos in premises' (First edition 2002)
- 3.3.5 **HSG210** - 'Asbestos Essentials – A task manual for building, maintenance and allied trades and non-licensed asbestos work' (Third edition 2012)
- 3.4 **Sanctions** - WLBC acknowledge and accept its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the regulator Homes England
- 3.5 **Tenants and Leaseholders** - WLBC will use the legal remedies available within the terms of the tenancy/lease agreement should any tenant/leaseholder refuse access to carry out essential asbestos related inspection and remediation works.

4 Additional Legislation

- 4.1 This asbestos policy also operates in the context of the following additional legislation:

- Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999
- The Workplace (Health Safety & Welfare) Regulations 1992
- Personal Protective Equipment at Work Regulations 1992
- Hazardous Waste (England & Wales) Regulations 2005 (Amendment 2009)
- Control of Substances Hazardous to Health (COSHH) Regulations (as amended) 2002
- Construction, Design and Management Regulations 2015
- Defective Premises Act 1972
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

5.1 The duty to manage asbestos is included in the Control of Asbestos Regulations (CAR) 2012. The duty requires WLBC to manage the risk from asbestos by:

- Finding out if there is asbestos in the homes and buildings owned and managed by the organisation (or assessing if asbestos containing materials are liable to be present and making a presumption that materials contain asbestos, unless the organisation has strong evidence that they do not), identifying its location and identifying what condition it is in. If the home or building was built prior to the year 2000 the organisation will assume asbestos is present. If the home or building was built after the year 2000 asbestos is unlikely to be present and no further action will be required.
- Making and keeping an up-to-date record of the location and condition of the asbestos containing materials or presumed asbestos containing materials in the homes and buildings owned and managed by the organisation.
- Assessing the risk from the asbestos containing materials found.
- Preparing a plan that sets out in detail how the organisation is going to manage the risk from the asbestos containing materials.
- Taking the steps needed to put the plan into action.
- Reviewing and monitoring the plan and the arrangements made to put it in place; and

- Setting up a system for providing information on the location and condition of the asbestos containing materials to anyone who is liable to work on or disturb these materials.
- 5.2 Anyone who has information on the whereabouts of asbestos in homes and buildings is required to make this available to the organisation as the 'duty holder', but the organisation then have to assess its reliability.
- 5.3 Those who are not duty holders, but control access to the organisation's homes or buildings, have to co-operate with the organisation in managing the asbestos present.

6 Statement of Intent

- 6.1 WLBC recognises that the main hazard in relation to asbestos is the non-identification of asbestos and asbestos containing materials and as such will protect those persons potentially exposed to asbestos as far as is reasonably practical by minimising the exposure through the use of appropriate control measures and working methods.
- 6.2 WLBC accepts that asbestos is likely to be present in the majority of its properties built prior to the year 2000 and will therefore manage these properties accordingly.
- 6.3 In order to fully comply with the legislation WLBC has a Cabinet approved Asbestos Policy. In addition the organisation will have an Asbestos Management Plan and an Asbestos Register which will hold records of the assets which have asbestos containing materials in them.
- 6.4 WLBC will employ competent external contractors (UKAS accredited) to undertake asbestos management surveys. Licensed asbestos removal contractors will be employed to carry out remediation works (where necessary) to non-domestic and domestic properties including communal parts of domestic properties as outlined in section 8.4 to 8.7.
- 6.5 Domestic properties will include all void properties where repairs or maintenance work is taking place and is likely to disturb any asbestos containing materials within these properties. Domestic properties will also include any tenanted properties where repairs or maintenance work is taking place and is likely to disturb any asbestos containing materials within these properties.
- 6.6 WLBC will also undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties prior to planned maintenance works taking place, to the areas within the property that are likely to be disturbed as part of the proposed works. They will also undertake a management survey to the remainder of the property as part of the same R&D survey. This will be in accordance with the criteria set out in the WLBC Asbestos Management Plan, which should be read in conjunction with this policy.

- 6.7 WLBC consider good communication essential in the safe delivery of asbestos management and will therefore ensure that information about asbestos containing materials (known or suspect) is provided to every person liable to disturb it, accidentally or during the course of the work. This includes employees and tenants.
- 6.8 WLBC will ensure all employees and contractors have adequate asbestos survey information to enable them to manage and/or work safely with asbestos.
- 6.9 WLBC will provide advice to customers regarding asbestos containing materials through information held on the organisations website.
- 6.10 WLBC will ensure where appropriate, that all visitors are made aware of the Asbestos Register and emergency arrangements on site.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 **Non-Domestic Stock** – WLBC will review existing asbestos management survey information prior to carrying out any repairs or planned maintenance works which may involve working on or adjacent to any asbestos containing materials within a non-domestic (communal) property. This is to ensure that any asbestos containing materials likely to pose a risk are identified prior to works commencing and the details passed onto the relevant operatives or external contractors and managed in an appropriate way.
- 7.2 WLBC will ensure that all non-domestic (communal) public and commercial properties in ownership or management have an initial asbestos management survey carried out. All surveys will comply with the CAR 2012 legislation and therefore be dated after 6th April 2012 when the legislation came into effect.
- 7.3 Thereafter all non-domestic (communal) public and commercial properties will have a re-inspection survey and an assigned re-inspection date where applicable. This date will be in accordance with the specific needs of the building. Re-inspection dates may change following the re-categorisation of a property or a building.
- 7.4 WLBC will not need to re-inspect any non-domestic (communal) public or commercial properties built after the year 2000, or where the initial asbestos management survey confirms that there are no asbestos containing materials present.
- 7.5 **Domestic Stock** - WLBC will review existing asbestos management survey information prior to carrying out any void repairs, day to day repairs or planned maintenance works which may involve working on or adjacent to any asbestos containing materials within a domestic property. This is to ensure that any asbestos containing materials likely to pose a risk are identified prior to works commencing and the details passed onto the relevant contractors and managed in an appropriate way.

- 7.6 Where there is no previous asbestos related information in respect of a domestic property which requires an asbestos survey ahead of void repairs, day-to-day repairs or planned maintenance work, a survey will be undertaken and the scope of the survey agreed in accordance with the works due to be carried.
- 7.7 **Refurbishment Work** - WLBC will undertake an intrusive refurbishment and demolition (R&D) survey to domestic and non-domestic properties prior to planned maintenance works taking place to the areas property that are likely to be disturbed as part of the proposed works. They will also undertake a management survey to the remainder of the property as part of the same R&D survey. This will be in accordance with the criteria set out in WLBC's Asbestos Management Plan, which should be read in conjunction with this policy.

8 Compliance Follow up Work

- 8.1 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of an asbestos management survey.
- 8.2 WLBC will ensure that following asbestos surveys, any asbestos containing materials that are found to be in a poor condition or that are likely to be regularly/easily damaged or disturbed through the normal use of a dwelling will be repaired, protected, or removed at the earliest opportunity.
- 8.3 Where there is any doubt as to the composition of the material uncovered, a sample will be taken and analysed in order to facilitate the instruction of remedial works where required.
- 8.4 Where asbestos is positively identified and as a result of a risk assessment (conducted in accordance with published guidance) removal, sealing or encapsulation is recommended, this will be carried out for:
- 8.5 **Non-licensed works** – as defined in regulation 2 of the CAR 2012 – by specifically trained contractors with appropriate equipment and working procedures in place which are sufficient to comply with the CAR 2012.
- 8.6 **Notifiable non-licensed works** – as defined in regulation 2 of the CAR 2012 – by a licensed asbestos removal contractor (LARC) licensed by the Health & safety Executive in compliance with the CAR 2012, or
- 8.7 **Licensed works** - as defined in regulation 2 of the CAR 2012 – by a licensed asbestos removal contractor (LARC), licensed by the Health & safety Executive in compliance with the CAR 2012.
- 8.8 Where an asbestos containing material has been removed in whole or in part, it will be replaced with a material that has no asbestos content and fulfils the equivalent function of the original asbestos material, e.g. for fire protection.

9 Record Keeping

- 9.1 WLBC will establish and maintain a programme of non-domestic surveys and re-inspections and an Asbestos Register.
- 9.2 The Asbestos Register will be used to record the details of all asbestos surveys undertaken on WLBC's non-domestic (communal), public, commercial and domestic properties. This will include the date of the inspection, the findings from the survey, any remediation works identified and subsequently completed. The database and register should also record the date of any subsequent re-inspection required, where applicable.
- 9.3 WLBC will hold and maintain accurate records against every non-domestic (communal), public, commercial and domestic property where applicable and all survey reports will be stored on the organisation's shared drive.
- 9.4 Appropriate asbestos information will be made available to all interested stakeholders as required.

10 Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the asbestos policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on the asbestos performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior officer team will receive reports in respect of asbestos management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of asbestos and ensuring compliance is achieved and maintained. The Property Services Manager and the Deputy Property Services Manager will oversee the implementation of the asbestos policy.
- 10.5 The Property Services Manager and the Deputy Property Services Manager will be responsible for overseeing the delivery of the agreed survey inspection programmes and the prioritisation and implementation of any works arising from the surveys.
- 10.6 The Director of Housing and Inclusion and Housing Operations Manager will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so.

11 Competent Persons

- 11.1 WLBC will ensure that the manager with lead responsibility for operational delivery is suitably qualified. In addition to this they should have achieved or be working towards gaining one of the asbestos management qualifications (P407 or W504). If they do not have P405 or one of the additional qualifications already, they should obtain them within 12 months of the approval of this policy.
- 11.2 WLBC will ensure that competent (UKAS accredited) contractors are procured and appointed to deliver initial asbestos management surveys and the ongoing programme of surveys thereafter. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidenced appropriately.
- 11.3 WLBC will ensure that competent licensed asbestos removal contractors (LARC) are procured and appointed for all notifiable non-licensed work or licensed works. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors on an annual basis and evidenced appropriately.

12 Training

- 12.1 This policy and the asbestos management plan that supports it will be subject to a range of training across WLBC.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of asbestos but who may not be actively involved in the delivery of the asbestos policy, plan and programmes of surveys and works. This will be basic asbestos awareness training and will include delivery at team meetings.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of surveys and remediation works as part of their daily job.
- 12.4 Regular tool box talks will be given to operatives and WLBC's contractor partners will conduct these in the form of appropriate asbestos awareness training and provide evidence of the same.
- 12.5 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to asbestos.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to asbestos.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:

- The total number of non-domestic (communal) and 'other' asset numbers 'at risk' that require an asbestos management survey/re-inspection.

13.3 WLBC will require external contractors to provide the results of their own 5% quality assurance audit checks, as required by UKAS, on a monthly basis.

13.4 WLBC will carry out an independent audit of asbestos at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.

14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.

14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.

Fire Safety Policy



Contents

1	Introduction	2
2	Scope.....	2
3	Regulatory Standards, Legislation and Codes of Practice	3
4	Additional Legislation	3
5	Obligations	4
6	Statement of Intent	4
7	Compliance Risk Assessment/Inspection Programmes.....	6
8	Compliance Follow up Work	7
9	Record Keeping	7
10	Key Roles and Responsibilities.....	8
11	Competent Persons	9
12	Training.....	9
13	Performance Reporting.....	10
14	Non-Compliance	10

1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 Most fires are preventable. Those responsible for buildings to which the public have access can avoid them by taking responsibility for and adopting the right behaviours and procedures. In October 2006, the Regulatory Reform (Fire Safety) Order 2005 (FSO) came into force. This FSO places a duty on persons responsible for buildings to carry out risk assessments and implement adequate fire prevention measures to their buildings.

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements of the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. In addition to this, the Policy must provide assurance to WLBC that measures are in place to identify, manage and/or mitigate risks associated with fire.
- 2.2 WLBC must also ensure compliance with fire safety legislation is formally reported to the most senior level of officers management team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all communal areas of buildings.
- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC non-domestic properties.
- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principal legislation applicable to this policy is the Regulatory Reform (Fire Safety) Order 2005 (FSO), which came into force in October 2006. These regulations place a duty on the 'responsible person' to take general fire precautions to ensure, as far as is reasonably practicable, the safety of the people on their premises and in the immediate vicinity.
- 3.3 **Code of Practice** – the principal codes of practice applicable to this policy are:
- **LACORS - Housing - Fire Safety:** Guidance on fire safety provisions for certain types of existing housing
 - **HHSRS Operating Guidance - Housing Act 2004:** Guidance about inspections and assessment of hazards given under Section 9
 - **Chief Fire Officers Association (CFOA) - Fire Safety in Specialist Housing** – April 2017, covers sheltered schemes, supported schemes and extra care schemes
- 3.4 **Sanctions** - WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies having regard to within the terms of the tenancy agreement should any tenant refuse access to carry out essential fire safety related inspection and remediation works.
- 3.6 **Leaseholders** - WLBC will use the legal remedies available within the terms of the lease agreement should any leaseholder refuse permission and/or access to carry out essential fire safety related inspection and remediation works

4 Additional Legislation

- 4.1 This fire safety policy also operates in the context of the following additional legislation including:
- Housing Act 2004
 - Health and Safety at Work Act 1974
 - The Management of Health and Safety at Work Regulations 1999
 - Management of Houses in Multiple Occupation (England) Regulations 2006

- Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006
- Gas Safety (Installation and Use) Regulations 1998
- The Furniture and Furnishings (Fire Safety) Regulations 1988
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- The Building Regulations 2000: Approved Document B Fire Safety
- Electrical Equipment (Safety) Regulations 1994
- Construction, Design and Management Regulations 2015
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 The responsible person, WLBC, must carry out a fire risk assessment for the purpose of identifying the general fire precautions and other measures needed to comply with the Regulatory Reform (Fire Safety) Order 2005 (FSO). Although under the FSO this requirement only applies to the common parts of premises, in practice the responsible person will need to take into account the entire premises - including, if necessary, the units of residential accommodation.
- 5.2 The responsible person, WLBC, must implement all necessary general fire precautions and any other measures identified by a fire risk assessment.
- 5.3 The responsible person, WLBC, must put in place a suitable system of maintenance and appoint competent persons to implement any procedures that have been adopted.
- 5.4 The responsible person, WLBC, must periodically review fire risk assessments in a timescale appropriate to the premises and/or occupation fire risk level. This timescale is determined by the fire risk assessor carrying out the fire risk assessment.

6 Statement of Intent

- 6.1 WLBC acknowledge and accept its responsibilities under the Regulatory Reform (Fire Safety) Order 2005 (FSO).
- 6.2 WLBC will hold accurate records against each property it owns or manages setting out the requirements for having a fire risk assessment in place.

- 6.3 WLBC will hold accurate records against each property it owns or manages setting out the requirements for servicing, maintenance and repair of fire prevention, detection and firefighting equipment. These include fire alarm systems, emergency lighting, smoke/heat detectors, hose reels, dry and wet risers, auto window/door openers, fire extinguishers, fire blankets, sprinkler systems and any other equipment relating to fire safety.
- 6.4 WLBC will establish and manage programmes to deliver servicing and maintenance in accordance with all relevant British Standards for all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 6.5 WLBC will periodically undertake an asset data review to ensure adequate assurance is provided that fire safety data held against the organisations' property assets is accurate.
- 6.6 WLBC will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that has been carried out by a competent fire risk assessor.
- 6.7 WLBC will ensure that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor.
- 6.8 WLBC will ensure that the fire risk assessment to a building is reviewed following a fire, change in building use, change in working practices that may affect fire safety, following refurbishment works to the building or if required following an independent fire safety audit and that this review is carried out by a competent fire risk assessor.
- 6.9 WLBC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. Remedial actions will be carried out in accordance with the fire risk assessments recommendations. WLBC will also give due consideration to all non-mandatory recommendations.
- 6.10 WLBC will implement a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals and inspection records will be kept against each property.
- 6.11 WLBC will ensure that robust processes are in place to record and action any 'near miss' reports with regard to fire safety. A 'near miss' is an unplanned event which does not result in an injury but had the potential to do so.
- 6.12 WLBC will test and replace as necessary hard wired smoke alarms in domestic dwellings on an annual basis. The majority of properties can be done as part of the annual gas safety check visit.

- 6.13 WLBC will ensure that all disabled residents and/or employees within buildings requiring a fire risk assessment, where there is a member of staff in residence (i.e. sheltered housing or supported housing schemes), will have a Personal Emergency Evacuation Plan (PEEP) and that this PEEP will be reviewed annually by a competent person. This will be kept in the Fire Safety Log held securely on site and made available to the fire service in the event of an evacuation.
- 6.14 WLBC will have robust processes and controls in place to ensure that consideration is made when letting properties to the suitability of the accommodation for the prospective tenant with regards to fire safety.
- 6.15 WLBC will ensure that only suitably competent fire risk assessors and fire safety engineers appropriately certified under BAFE and UKAS accredited certification schemes undertake fire safety assessments or works for the organisation.
- 6.16 WLBC will have robust processes in place to gain access should any tenant or leaseholder refuse access to carry out essential fire safety related inspection and remediation works.
- 6.17 WLBC will have robust processes in place to gain access to properties where tenant vulnerability issues are known or identified whilst ensuring the organisation can gain timely access to any property in order to be compliant with this policy and safeguard the wellbeing of the tenant.
- 6.18 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to fire safety and is committed to working with relevant Fire Services to create safer places to live and work. Joint working will include sharing information, the fire service reviewing risk assessments and providing training to WLBC staff.
- 6.19 WLBC considers good communication essential in the safe delivery of fire safety and will therefore ensure that information about fire safety and fire prevention measures is available to residents and building users on the organisation's website.

7 Compliance Risk Assessment/Inspection Programmes

- 7.1 WLBC will establish and maintain a risk assessment for fire safety management and operations. This risk assessment will set out the organisations' key fire safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void property, component replacement and refurbishment works. This plan will detail any fire safety installations and/or other fire prevention measures that may be affected by the works and detail all necessary work required to make safe and reinstate fire safety prevention installations and measures including any requirement for review of the fire risk assessment.

- 7.3 WLBC will complete a programme of initial fire risk assessments to all communal blocks in its management and ownership.
- 7.4 Thereafter, WLBC will carry out a programme of fire risk assessment reviews ensuring that all fire risk assessments are reviewed no later than the review date set by the fire risk assessment and that this review is carried out by a competent fire risk assessor.
- 7.5 WLBC will ensure that each property requiring a fire risk assessment has a fire risk assessment in place that is PAS79 compliant (Publicly Available Specification) from the British Standards Institute (BSI) and that has been carried out by a competent fire risk assessor.
- 7.6 WLBC will carry out a programme of regular property inspections to all properties with a fire risk assessment in place to audit that all required management actions are taking place. These inspections will be undertaken at regular intervals and inspections records will be kept.
- 7.7 WLBC will carry out a programme of servicing and maintenance, in accordance with all relevant British Standards to all fire detection, prevention and firefighting systems and equipment within buildings owned or managed by the organisation.
- 7.8 WLBC will carry out a programme of annual inspection and testing of smoke alarms where they are fitted within domestic properties.

8 Compliance Follow up Work

- 8.1 WLBC will ensure that robust processes are in place to implement all mandatory fire precaution measures identified by fire risk assessments. Remedial actions will be carried out in accordance with the fire risk assessments recommendations. WLBC will also give due consideration to all non-mandatory recommendations.
- 8.2 WLBC will ensure that robust processes are in place to implement all fire precaution measures identified by monthly property inspections.
- 8.3 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of servicing and maintenance checks to fire detection, prevention and fire-fighting systems and equipment.
- 8.4 WLBC will ensure they install if required a battery powered smoke alarm in all domestic properties as part of the annual gas safety check, or if recommended as part of any fire risk assessment. They will also test and renew these as required as part of the annual gas safety check.

9 Record Keeping

- 9.1 WLBC will establish and maintain a core asset register of all buildings that require a fire safety risk assessment. This register should identify all fire safety equipment, systems and installations within each building.

- 9.2 WLBC will establish and maintain a register against each property asset of any smoke/heat detection equipment contained within domestic dwellings.
- 9.3 WLBC will establish and maintain accurate records of all completed fire risk assessments, fire risk assessment reviews and associated completed remedial works from these reports and keep these for a period of not less than 10 years.
- 9.4 WLBC will establish and maintain accurate records of all completed servicing and maintenance checks on fire safety equipment, systems and installations and details of associated completed remedial works and keep these for a period of not less than 5 years.
- 9.5 WLBC will maintain an appropriate Fire Safety Log Book and keep securely on site, where practical, for all buildings requiring a fire risk assessment.
- 9.6 WLBC will establish and maintain records of all fire safety related training undertaken by staff.
- 9.7 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all fire safety related data.

10 Key Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the fire safety policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on fire safety performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior management team will receive reports in respect of fire safety management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of fire safety and ensuring compliance is achieved and maintained. The Property Services Manager and Deputy Property Services Manager will oversee the implementation of the fire safety policy.
- 10.5 The Property Services Manager and Deputy Property Services Manager will be responsible for overseeing the delivery of the agreed fire risk assessment and re-assessment programmes, and the prioritisation and implementation of any works arising from the fire risk assessments. They are also responsible for overseeing the delivery of service, maintenance and repair programmes to all fire detection, alarms and firefighting equipment within property assets owned or managed by WLBC.

- 10.6 The Director of Housing and Inclusion will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also initiate appropriate legal process to gain access as necessary.

11 Competent Persons

- 11.1 WLBC will ensure that the manager with lead responsibility for operational delivery is appropriately qualified; holding a recognised fire safety management qualification (e.g. NEBOSH National Certificate in Fire Safety and Risk Management).
- 11.2 WLBC will ensure that only suitably competent Fire Risk Assessors, certified by BAFE and on a UKAS accredited certification scheme that meets the competency criteria established by the Fire Risk Assessment Competency Council, are procured and appointed to undertake fire risk assessments. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.
- 11.3 WLBC will ensure that only suitably competent contractors and engineers, certified by a UKAS accredited certification scheme, are procured and appointed to undertake works to fire safety equipment, systems and installations. The operational team with responsibility for delivery will check the relevant accreditations for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of fire safety but who may not be actively involved in the delivery of the fire safety policy. This will be basic fire safety awareness training.
- 12.3 On the job training will be provided to those employees who will be responsible for managing the programme of fire risk assessments (FRAs) and FRA reviews and programmes of servicing and maintenance to fire safety equipment, systems and installations as part of their daily job. The manager(s) with lead responsibility for operational delivery will hold the NEBOSH National Certificate in Fire Safety and Risk Management. WLBC will fund training as necessary so they gain this qualification and membership. This will happen within 12 months of the approval of this policy.
- 12.4 Training will be provided to all WLBC employees with specific duties regarding fire safety such as Fire Wardens, Estate Managers and Scheme Managers.

- 12.5 Regular tool box talks will be given to operatives and WLBC contractor partners will be required to do this in the form of appropriate fire safety training and evidence the same.
- 12.6 Briefings will be provided to those employees involved in the monitoring of compliance performance in relation to fire safety.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to fire safety.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:
- The number (and percentage) of properties with a valid in date fire risk assessment (FRA) in place for all buildings owned or managed by WLBC which require one
- 13.3 WLBC will carry out an independent audit of fire safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.
- 14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.
- 14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.
- 14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to Homes England in the spirit of co-regulation as part of the Regulatory Framework.

Water Hygiene Policy



Contents

1	Introduction	2
2	Scope.....	2
3	Regulatory Standards, Legislation and Codes of Practice	3
4	Additional Legislation	3
5	Obligations.....	4
6	Statement of Intent	4
7	Compliance Risk Assessment/Inspection Testing Programmes	6
8	Compliance Follow up Work	6
9	Record Keeping	7
10	Key Roles and Responsibilities.....	7
11	Competent Persons	8
12	Training.....	8
13	Performance Reporting.....	9
14	Non-Compliance	9

1 Introduction

- 1.1 West Lancashire Borough Council (WLBC) owns and manages approximately 6,000 council homes and other public and commercial buildings.
- 1.2 Council and Cabinet develop and set Corporate strategy. Directors/Heads of Service are responsible for implementing the strategy including observing relevant compliance requirements impacting their services. The most senior management team of the Council provides a forum for consideration of both development and delivery of strategy.
- 1.3 Legionellosis is a collective term for diseases caused by legionella bacteria including the most serious Legionnaires' disease, as well as the similar but less serious conditions of Pontiac fever and Lochgoilhead fever. Legionnaires' disease is normally contracted by inhaling small droplets of water suspended in the air containing the bacteria.
- 1.4 Therefore, it is important that WLBC control the risks by introducing measures which reduce and/or control the risk of legionella growth and proliferation of legionella bacteria and other organisms in the water systems and reduce, so far as is reasonably practicable, exposure to water droplets and aerosol in non-domestic and domestic stock as required. This will reduce the possibility of creating conditions in which the risk from exposure to legionella bacteria is increased.

2 Scope

- 2.1 WLBC must establish a policy which meets the requirements of the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 (the Management Regulations). In addition to this, the policy must provide assurance that measures are in place to demonstrate compliance with the Control of Substances Hazardous to Health Regulations 2002 (as amended) and to identify, manage and/or mitigate risks associated with hot and cold water systems and any other systems that may cause exposure to legionella bacteria.
- 2.2 WLBC must also ensure compliance with water hygiene legislation is formally reported the most senior level of officers management team and Cabinet, including the details of any non-compliance and planned corrective actions.
- 2.3 The policy is relevant to all WLBC employees, tenants, contractors and other persons or other stakeholders who may work on, occupy, visit, or use its premises, or who may be affected by its activities or services.
- 2.4 It should be used by all to ensure they understand the obligations placed upon WLBC to maintain a safe environment for tenants and employees within the home of each tenant and within all non-residential premises or areas of buildings.

- 2.5 The policy is also relevant for maintaining a safe environment for all tenants and employees within all WLBC properties.
- 2.6 Where legal obligations relating to this area of compliance have been transferred to a tenant/leaseholder (e.g. Commercial Lets). The appropriate Director will endeavour to ensure that tenants/leaseholders are complying with the terms of the lease and their statutory obligations.

3 Regulatory Standards, Legislation and Codes of Practice

- 3.1 **Regulatory Standards** - the application of this policy will ensure compliance with the regulatory framework and consumer standards (Home Standard) for social housing in England.
- 3.2 **Legislation** - the principle legislation applicable to this policy is the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1999 (the Management Regulations) and the Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH). WLBC has a legal obligation under COSHH to prevent or control exposure to biological agents. Being harmful to human health, legionella falls within the scope of these regulations.
- 3.3 **Code of Practice** – the principle codes of practice applicable to this policy are:
 - 3.3.1 **ACoP L8** - 'Legionnaires' disease: The control of legionella bacteria in water systems' (4th edition 2013).
 - 3.3.2 **HSG274** - Legionnaires' disease: Technical guidance Part 2: The control of legionella bacteria in hot and cold water systems (2014).
 - 3.3.3 **HSG274** - Legionnaires' disease: Technical guidance Part 3: The control of legionella bacteria in other risk systems (2013).
 - 3.3.4 **INDG458** - Legionnaires' disease: A guide for dutyholders Leaflet (HSE Books 2012).
- 3.4 **Sanctions** - WLBC acknowledges and accepts its responsibilities in accordance with the regulatory standards, legislation and codes of practice and that failure to discharge these responsibilities properly could lead to a range of sanctions including prosecution by the Health & Safety Executive under the Health & Safety at Work Act 1974, prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007 and via a serious detriment judgement from the Homes England.
- 3.5 **Tenants** - WLBC will use the legal remedies available within the terms of the tenancy agreement, lease or licence should any tenant or leaseholder refuse access to carry out essential safety checks, maintenance and safety related repair works.

4 Additional Legislation

4.1 This water hygiene policy also operates in the context of the following legislation:

- The Workplace (Health Safety & Welfare) Regulations 1992
- Construction, Design and Management Regulations 2015
- Housing Act 2004
- Landlord and Tenant Act 1985
- Data Protection Act 1998
- RIDDOR 2013

5 Obligations

- 5.1 The Control of Substances Hazardous to Health Regulations 2002 (as amended) (COSHH), the Management of Health and Safety at Work Regulations 1999 and the Health and Safety at Work Act 1974 place a duty, as an employer or person in control of a premises (e.g. a landlord), to take suitable precautions to prevent or control the risk of exposure to legionella.
- 5.2 To carry out a risk assessment for all hot and cold water systems, cooling plant and any other systems that can produce water droplets to establish any potential risks and implement measures to either eliminate or control identified risks.
- 5.3 WLBC as the 'Duty Holder' responsible for control of legionella and water hygiene safety will appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks.
- 5.4 This 'Duty Holder' should also appoint a competent person or persons to take day-to-day responsibility for controlling any identified risks from legionella bacteria.

6 Statement of Intent

- 6.1 WLBC acknowledges and accepts its responsibilities with regard to water hygiene safety and preventing exposure to legionella.
- 6.2 WLBC will hold accurate records against each property it owns or manages setting out the requirements for water hygiene risk assessments and safety checks and maintenance of all water systems that could present a risk of exposure to legionella.
- 6.3 WLBC as the 'Duty Holder' responsible for control of legionella and water hygiene safety will appoint a competent/responsible person to take managerial responsibility for legionella control - risk assessment, production of a written scheme and implementation of that scheme to prevent or control the risks.

- 6.4 This 'Duty Holder' should also appoint a competent person or persons to take day-to-day responsibility for controlling any identified risks from legionella bacteria.
- 6.5 WLBC will ensure that all properties are risk assessed by a competent person for potential to cause exposure to legionella. This risk assessment should include:
- Management responsibilities, including the name of the competent person carrying out the risk assessment
 - A description of the system, any potential risk sources and any controls currently in place to control risks
 - Monitoring, inspection and maintenance procedures
 - Records of the monitoring results, inspection and checks carried out and a review date.
- 6.6 Where the risks are assessed to be, insignificant and are being properly managed to comply with the law, no further action is required. WLBC will periodically review these risk assessments in case anything changes in the system.
- 6.7 WLBC will ensure that a 'written scheme of control' is developed and fully implemented for all properties risk assessed as requiring controls to adequately manage the risk of legionella exposure.
- 6.8 WLBC will ensure that a risk assessed approach for water hygiene safety is adopted as part of the void standard, when carrying out works on void properties prior to re-let. These checks will be applicable on all void properties prior to commencing works which may affect the hot and cold water systems and that any identified risk control measures are fully implemented where identified.
- 6.9 WLBC will maintain and store adequate records in respect of all risk assessments, written schemes of control, remedial works, water quality tests and audits and shall keep these records for the time they remain current and for at least 5 years thereafter. WLBC will ensure that a sample audit is undertaken of 5% of all written schemes of control by an independent third party consultant to ensure that all control actions are being fully and robustly implemented by the competent person.
- 6.10 In addition to 6.10, WLBC will ensure audits are undertaken annually, by an independent competent person, to all systems identified as a high risk (e.g. high rise buildings and older persons' schemes) to ensure that all control actions are being fully and robustly implemented.
- 6.11 WLBC will ensure that only suitably competent consultants, surveyors, risk assessors and engineers undertake works for the organisation in respect of water hygiene safety.
- 6.12 WLBC will make written schemes of control in communal areas of buildings available to inform occupants on how the risk of exposure to legionella bacteria is being managed and controlled.

- 6.13 WLBC will ensure that robust processes and controls are in place to ensure that all remedial works identified through risk assessments and subsequent control activities are completed within a reasonable timescale commensurate with the risk identified.
- 6.14 WLBC will ensure robust processes and controls are in place to ensure that any suspected outbreak of Legionellosis is properly reported as required under RIDDOR.
- 6.15 WLBC will establish and maintain a plan of all continuous improvement activity undertaken with regards to water hygiene safety.

7 Compliance Risk Assessment/Inspection Testing Programmes

- 7.1 WLBC will establish and maintain a risk assessment for water hygiene safety operations. This risk assessment will set out all of the organisation's key water hygiene/legionella safety risks together with appropriate mitigations.
- 7.2 To comply with the requirements of the Construction, Design and Management Regulations 2015 (CDM) a Construction Phase Plan will be completed for all void works, component replacement works and refurbishment projects. This plan will detail any water installations that may be affected by the works and detail all necessary work required to make safe and reinstate water installations to ensure that they continue to comply with any written scheme of control, including any testing and review of controls.
- 7.3 WLBC will carry out a programme of risk assessments and risk assessment reviews to properties containing any water system that could present a risk of exposure to legionella. These risk assessments will be reviewed at least every 2 years or after any works have been completed to the installation.
- 7.4 Risk assessments will be carried out to domestic properties on a sample basis due to the high number of domestic properties. This will be a representative proportion based on similar design, size, age heating and water systems.
- 7.5 WLBC will carry out a programme of maintenance visits by competent persons to all properties that have a written scheme of control in place. These programmes will ensure that all maintenance and testing set out in the written scheme of control is fully completed at the times and intervals stated.
- 7.6 WLBC will appoint an independent competent person to complete a programme of compliance audits to 5% of written schemes of control to ensure that all control actions are being fully and robustly implemented. In addition all schemes identified as high risk will receive an annual audit.

8 Compliance Follow up Work

- 8.1 WLBC will ensure there is a robust process in place for the management of any follow-up works required following the completion of a water hygiene/ legionella risk assessment or where identified by the competent person when undertaking required maintenance activities.

- 8.2 WLBC will ensure that there is a robust process in place to collate and record details of all remedial works and water testing completed against individual installations.
- 8.3 WLBC will ensure there is a robust process in place to investigate and manage all RIDDOR notices issued with regard to water hygiene and legionella safety.

9 Record Keeping

- 9.1 WLBC will establish and maintain a core asset register of all properties that have a written scheme of control for water hygiene in place. This register will also hold data against each property asset of the water hygiene risk assessment carried out.
- 9.2 WLBC will establish and maintain accurate records of all written schemes of control and any associated remedial works and water testing and keep these for a period of not less than 5 years. Records should include the person or people responsible for conducting the risk assessment, managing, and implementing the written scheme; any significant findings of the risk assessment; the written control scheme and its implementation; and the results of any inspection, test or check carried out, together with the dates. This should include details about the state of operation of the system, i.e. in use/not in use.
- 9.3 WLBC will hold and maintain accurate records on the qualifications of all consultants, surveyors, risk assessors and engineers undertaking water hygiene works for the organisation.
- 9.4 WLBC will ensure robust processes and controls are in place to provide and maintain appropriate levels of security for all water hygiene safety related data.

10 Roles and Responsibilities

- 10.1 WLBC Cabinet will have overall governance responsibility for ensuring the water hygiene policy is fully implemented to ensure full compliance with the regulatory standards, legislation and codes of practice. As such the Cabinet will formally approve this policy and review should there be a material change in regulation, legislation or codes of practice).
- 10.2 The Cabinet will receive regular updates on the water hygiene performance along with notification of any non-compliance issue which is identified. This is so they have assurance that the policy is operating effectively in practice.
- 10.3 The Council's most senior officer team will receive reports in respect of water hygiene management performance and ensure compliance is being achieved. They will also be notified of any non-compliance issue identified.
- 10.4 The Director of Housing and Inclusion has strategic responsibility for the management of water hygiene and ensuring compliance is achieved and maintained. The Deputy Property Services Manager will oversee the implementation of the water hygiene policy.

- 10.5 The Deputy Property Services Manager along with the Duty Holder; will be responsible for overseeing the delivery, implementation and audit of this policy.
- 10.6 The Director of Housing and Inclusion will provide key support in gaining access into properties where access is proving difficult and use standard methods to do so. They will also facilitate the legal process to gain access as necessary.

11 Competent Persons

- 11.1 WLBC will ensure that the Duty Holder and/or the manager with lead responsibility for operational delivery is appropriately competent; holding a recognised qualification in legionella control through the completion of a certified training course designed to meet the training needs of a 'duty holder' or 'responsible' person for legionella control.
- 11.2 Training include courses by BOHS (British Occupational Hygiene Society), City and Guilds, CIBSE or HABC around the requirements of ACoP L8 - 'Legionnaires' disease: The control of legionella bacteria in water systems'.
- 11.3 WLBC will ensure that only suitably competent consultants and contractors, registered members of the Legionella Control Association (LCA) or equivalent, are procured and appointed to undertake risk assessments, prepare written schemes of control and undertake works in respect of water hygiene and legionella control. The operational team with responsibility for delivery will check the relevant qualifications of employees working for these contractors to ensure that all persons are appropriately qualified for the work that they are carrying out. These checks will be undertaken on an annual basis and evidenced appropriately.

12 Training

- 12.1 This policy and the procedures that support it will be subject to a range of training across WLBC and will involve all relevant stakeholders. The training will be bespoke to the individual stakeholders and refresher training will be provided as appropriate.
- 12.2 Training will include team briefings for those employees who need to have a basic understanding and awareness of water hygiene safety but who may not be actively involved in the delivery of the water hygiene policy.
- 12.3 On the job training, will be provided to those employees who will be responsible for managing the programme of water hygiene checks and repair works as part of their daily job. The nominated Duty Holder and manager(s) with lead responsibility for operational delivery will hold a recognised qualification in legionella control through the completion of a certified training course designed to meet the training needs of a 'duty holder' or 'responsible' person for legionella control.

- 12.4 Regular tool box talks will be given to operatives and WLBC contractor partners will do this in the form of appropriate Legionella prevention and water hygiene training and evidence the same.
- 12.5 Monitors briefings will be provided to those employees involved in the monitoring of compliance performance in relation to water hygiene and legionella safety.

13 Performance Reporting

- 13.1 Robust key performance indicator (KPI) measures will be established and maintained to ensure WLBC is able to report on performance in relation to water hygiene / legionella safety.
- 13.2 KPI measures will be produced and provided at the Council's most senior management team level on a regular basis and at Cabinet level within the performance suite of KPI's. These KPI measures will include reporting on:
- The number (and percentage) of properties covered by a valid 'in date' water hygiene risk assessment in place for all buildings owned or managed by WLBC which require one.
- 13.3 The number (and percentage) of properties without a valid 'in date' water The number of RIDDOR notices issued with regards to water hygiene safety.
- 13.4 WLBC will carry out independent third party quality assurance audits to 5% of written schemes of control, including all high-risk installations, to ensure that all control actions are being fully and robustly implemented.
- 13.5 WLBC will carry out an independent audit of water hygiene and legionella safety at least once every five years. This audit will specifically test for compliance with the regulation, legislation and codes of practice and identify any non-compliance issues for correction.

14 Non-Compliance

- 14.1 Any non-compliance issue identified at an operational level will be formally reported to the Director of Housing and Inclusion in the first instance.
- 14.2 The Director of Housing and Inclusion will agree an appropriate course of corrective action with the operational team in order to address the non-compliance issue and report details of the same to the Council's most senior management team.
- 14.3 The Director of Housing and Inclusion will ensure the Cabinet are made aware of any non-compliance issue so they can consider the implications and take action as appropriate.

14.4 In cases of a serious non-compliance issue the Director of Housing and Inclusion and the relevant Portfolio Holder will consider whether it is necessary to disclose the issue to the Homes England in the spirit of co-regulation as part of the Regulatory Framework.

Equality Impact Assessment Form



Directorate: Housing and Inclusion	Service: Property Services
Completed by: Jacqui Sinnott-Lacey	Date: 21.02.18
Subject Title: Property Compliance Policies	
Is a policy or strategy being produced or revised	Yes
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	N/A
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	N/A
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	N/A
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Staff, Service Users, tenants and Councillors
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A
Which of the protected characteristics are most relevant to the work being carried out?	

Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	N/A
What will the impact of the work being carried out be on usage/the stakeholders?	N/A
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	N/A
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	N/A
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	N/A
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	On review of the policies by the Property Services Manager



CABINET: 13 MARCH

Report of: Director of Housing & Inclusion

Relevant Portfolio Holder: Councillor K. Wright

Contact for further information: Mrs L. Lea (Extn. 5196)

(E-mail: laura.lea@westlancs.gov.uk)

SUBJECT: HOMELESSNESS REDUCTION ACT 2017

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform Members of the changes to homelessness legislation being brought in by the Homelessness Reduction Act 2017 and to put in place appropriate arrangements.

2.0 RECOMMENDATIONS

- 2.1 That the Director of Housing and Inclusion be authorised to implement the new powers contained within the Homelessness Reduction Act 2017.
- 2.2 That the Homelessness Prevention Fund Policy 2018 (Appendix 1 to the report) be approved.
- 2.3 That the Director of Housing and Inclusion be authorised to amend the policy approved at 2.2 to take account of any minor amendments as a result of legislative changes.
- 2.4 That the call-in procedure is not appropriate for this item as processes need to be established before the legislation comes into place in April 2018.

3.0 BACKGROUND

- 3.1 The Housing Act 1996 lays down the duties on Housing Authorities to prevent homelessness and provide assistance to people who are either threatened with homelessness or who are actually homeless.

- 3.2 The Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 amended the Housing Act 1996. The amendments placed a duty on Housing Authorities to produce a homelessness strategy and extended the priority need categories.
- 3.3 The Homelessness Reduction Act 2017 (the Act) significantly reforms England's homelessness legislation by placing duties on Housing Authorities to intervene earlier to prevent homelessness in their areas and to provide a service to all those who are homeless, not just those who have a priority need. The Act is due to come into force on the 3 April 2018.

4.0 CURRENT POSITION

- 4.1 Under the Housing Act 1996 (as amended), the Council has a duty to provide advice and information about homelessness, the prevention of homelessness, the rights of those who are homeless or threatened with homelessness as well as the help that is available from either the Council or other services.
- 4.2 A person is currently considered to be threatened with homelessness if they are likely to become homeless within 28 days. A person is considered to be homeless if they do not have accommodation anywhere in the world that they have a legal right to access, that they are able to access and that is reasonable for them to occupy.
- 4.3 If the Council believes that a person is homeless or threatened with homelessness, it must make inquiries to see whether a duty is owed under Part 7 of the 1996 Act.
- 4.4 The duty owed to a person under the 1996 Act is dependent on the decision made based on the facts of the case. In order to determine the duty owed, the Council must decide whether the person is:
- homeless or threatened with homelessness;
 - eligible for assistance (certain people from abroad are not eligible for assistance);
 - in priority need;
 - homeless intentionally or unintentionally;

The Council can also take into account whether the person has a local connection to their area.

- 4.5 The following table outlines the duty owed based on the decision made.

Decision	Duty Owed
Unintentionally threatened with homelessness and in priority need	<p>To take reasonable steps to secure that accommodation does not cease to be available for the person's occupation.</p> <p>Where the Council cannot prevent the loss of the accommodation, the duty is to secure alternative suitable accommodation.</p>

Unintentionally threatened with homelessness but not in priority need	<p>Ensure that the person is provided with advice and assistance in any attempts he/she may make to secure that accommodation does not cease to be available for his/her occupation.</p> <p>There is also a power to take reasonable steps to secure that accommodation does not cease to be available for the person's occupation.</p>
Intentionally threatened with homelessness and has a priority need	Ensure that the person is provided with advice and assistance in any attempts he/she may make to secure that accommodation does not cease to be available for his/her occupation.
Unintentionally homeless and in priority need	<p>Secure that accommodation is available for occupation by the person and those who are reasonably expected to reside with him/her.</p> <p>Referred to as the main homelessness duty (duty to re-house).</p>
Unintentionally homeless, no priority need	To provide advice and assistance in any attempts he or she may make to secure that accommodation becomes available for his or her occupation.
Intentionally homeless and in priority need	<p>Secure that accommodation is available for the person's occupation for such a period as it considers will give him or her a reasonable opportunity of securing accommodation for his or her occupation (provision of temporary accommodation);</p> <p>and</p> <p>Provide the person with advice and assistance in any attempts he/she makes to secure that accommodation becomes available for his or her occupation.</p>
Intentionally homeless, no priority need	Provide the person with advice and assistance in any attempts he or she may make to secure that accommodation becomes available for his or her occupation.

- 4.6 Although some of the duties outlined above can be termed as prevention or relief duties, they are not regarded as such and a statutory homeless assessment has to be made and a decision recorded. Many of the true prevention and relief cases are dealt with before a person is considered to be threatened with homelessness, i.e. they approach the Council for assistance when they have more than 28 days remaining in their current property, and therefore they are not considered to be part of the statutory framework.

- 4.7 Homelessness is considered to have been prevented where steps have been taken that have enabled the person to stay in their current accommodation or move into new accommodation before they actually become homeless.
- 4.8 Homelessness is considered to have been relieved where the person is already homeless but steps are taken that directly lead to the person being provided with accommodation.

5.0 HOMELESSNESS REDUCTION ACT 2017

- 5.1 The Homelessness Reduction Act 2017 (the Act) places a set of duties on Housing Authorities to intervene at an earlier stage to prevent homelessness and to take reasonable steps to prevent and relieve homelessness for all eligible applicants not just those that have priority need. The Act brings the prevention and relief duties into the statutory framework and makes prevention the main focus with the making of a statutory homeless decision (as outlined in the table above) a last resort. The intention is that the number of recorded prevention and relief cases will increase with the number of statutory decisions decreasing.

- 5.2 The main changes brought in by the Act are as follows:

- **Improved advice and information about homelessness and the prevention of homelessness:-**

Services providing advice and information must be designed to meet the needs of particular groups for example, care leavers, people suffering with a mental illness or impairment and other groups identified as being at particular risk of homelessness. Housing Authorities will need to work with other relevant statutory and non-statutory service providers to identify groups at particular risk and to develop appropriate, accessible provision.

- **Extension of the period that someone is considered to be threatened with homelessness:-**

Under current legislation, a person is only considered to be threatened with homelessness if they are likely to become homeless within 28 days. Under the new Act, the period is extended to 56 days. A person will also be considered to be threatened with homelessness if they have been served with a valid section 21 notice (notice to end a tenancy) that expires in 56 days or less. The extension aims to encourage Council's to act quickly and proactively and to allow more time for prevention work.

- **Introduction of new duties to prevent and relieve homelessness for all eligible people regardless of priority need and intentionality:-**

All eligible people who are found to be homeless or threatened with homelessness will be entitled to more tailored support from Housing Authorities, regardless of priority need and intentionality. Support will also be available to everyone, regardless of whether they have a local connection.

Where accommodation is provided to prevent or relieve homelessness, the accommodation must be available to the person for at least 6 months. If it is not, homelessness will not be considered to have been prevented or relieved.

- **Introduction of a duty to refer on certain public authorities**

Under the Act, the public authorities specified in Regulations will be required to notify a Housing Authority of service users they consider may be homeless or threatened with homelessness within 56 days. They must obtain consent and allow the person to identify the Housing Authority the referral is to be made to. The implementation of the duty to refer has been delayed to October 2018 and Government will issue a list of the public bodies the duty applies to.

- **Introduction of personalised housing plans**

All eligible applicants who are homeless or threatened with homelessness must receive an assessment and a personalised housing plan must be developed. The assessment should include:

- the circumstances that caused the applicant to become homeless or threatened with homelessness;
- the housing the applicant needs and the type of accommodation that would be suitable;
- whether the applicant needs support to obtain and keep accommodation

The plan must set out the steps both the applicant and the Council must take to enable them to remain in or find suitable accommodation for example the Council agrees to provide financial support to access private rented accommodation and the applicant agrees to seek assistance with managing their finances. The plan must clearly set out which steps are mandatory and which are recommendations.

5.3 There are seven circumstances under which the prevention and relief duties can be brought to an end:

- the Council is satisfied that the applicant has suitable accommodation available for their occupation and there is a reasonable prospect that it will be available for at least 6 months
- the Council has complied with the prevention or relief duty and 56 days have passed (regardless of whether the applicant is still threatened with homelessness in the case of the prevention duty or whether they have secured accommodation in the case of the relief duty)
- the applicant has refused an offer of suitable accommodation and on the date of refusal, there was a reasonable prospect that suitable accommodation would be available for the minimum prescribed period
- the applicant has become homeless intentionally from any accommodation that has been made available to them as a result of reasonable steps taken by the Council during the prevention or relief duty, whichever is relevant

- the applicant is no longer eligible for assistance
- the applicant has withdrawn their application for homelessness assistance
- the applicant has deliberately and unreasonably refused to co-operate

5.4 In addition to the seven circumstances above, the prevention duty will end where the applicant has become homeless, at this point the relief duty begins. The Council has a duty to try and relieve homelessness for 56 days. If the authority is satisfied that the applicant has a priority need and is homeless unintentionally, the relief duty can be brought to an end on day 57 by the issue of a statutory decision accepting the full housing duty. The relief duty can also be brought to an end on refusal of a final offer of accommodation. Where the housing authority is satisfied that the applicant does not have a priority need or has a priority need and is homeless intentionally, the relief duty ends, however, the Council has the discretion to continue the relief duty for a longer period.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 The implementation of the Act will increase the number of people receiving advice and assistance at a much earlier stage thereby reducing the number of people becoming homeless.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are financial implications associated with the implementation of the Act. Changes to the way data is recorded and reported to Government means a new homelessness recording system is required. Government has announced that funding will be available to Councils to upgrade their IT packages due to the new homelessness reporting burdens and this will be available before the end of this financial year.

7.2 In addition to new IT requirements, it is anticipated that additional staff may be required. A Homelessness Prevention Fund policy has been devised (attached as Appendix 1) and funds will be required to support the prevention tools listed in the policy.

7.3 In recognition of the burden being placed on local Housing Authorities to implement the new Act, additional Government funding has been announced. The Council already receives a Homelessness Prevention Grant annually, the additional grant funding as outlined below has been committed by Government until 2019/20.

	17/18	18/19	19/20
Homelessness Prevention Grant	£49,247	£49,416	£49,663
Flexible Homelessness Support Grant	£40,000	£40,000	£0.00
New Burdens Funding	£16,997	£15,569	£20,065
Upgrading IT Systems	TBC	TBC	TBC

8.0 RISK ASSESSMENT

- 8.1 The new Act provides an opportunity to assist those who are threatened with homelessness at a much earlier stage and provides funding to enable enhanced prevention work to take place. The Council has a legal duty to carry out the functions of the Act, failure to do so is a breach of the law and leaves the Council open to legal challenge, incurring costs and damaging the Council's reputation.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1 Homelessness Prevention Fund Policy 2018

Appendix 2 Equality Impact Assessment



HOMELESSNESS PREVENTION FUND POLICY

2018

1.0 Introduction

- 1.1 The primary homelessness legislation is Part 7 of the Housing Act 1996 (the 1996 Act). The 1996 Act was amended by the Homelessness Act 2002 and the Homelessness (Priority Need for Accommodation) (England) Order 2002 and has been amended again by the Homelessness Reduction Act 2017.
- 1.2 The Homelessness Reduction Act 2017 places a duty on Local Authorities to intervene at an earlier stage to prevent homelessness in their area and to provide services to all those affected, not just those who have a 'priority need' for assistance.
- 1.3 The purpose of the Homelessness Prevention Fund Policy 2018, is to outline the assistance available to residents to ensure that they are prevented from becoming homeless wherever possible.
- 1.4 The options in the Policy are a guide to the assistance available and are not exhaustive. The Homelessness and Private Sector Housing Manager has the discretion to authorise the release of funds for any measures not outlined providing they achieve the aim of preventing or relieving homelessness.
- 1.5 The options in the Policy are to be undertaken within the constraints of the available budget.

2.0 Definitions

- 2.1 A person is considered to be threatened with homelessness if they are likely to become homeless within 56 days.
- 2.2 A person is considered to be homeless if they do not have accommodation that they have a legal right to occupy, which is accessible and physically available to them and their household and which it would be reasonable for them to continue to live in. The accommodation can be anywhere in the world.
- 2.3 The prevention duty means that Council's must take reasonable steps to help prevent any eligible person (regardless of priority need status, intentionality or local connection) who is threatened with homelessness from becoming homeless. This means either helping them stay in their current accommodation or helping them find somewhere else to live before they become homeless. The prevention duty continues for 56 days unless it is brought to an end.
- 2.4 The relief duty applies where the person is already homeless or becomes homeless despite the Council trying to prevent it. The reasonable steps will focus on helping the person to secure accommodation. If the Council believes that the person is eligible for assistance and has a priority need, they must be provided with interim accommodation.
- 2.5 If homelessness is not successfully prevented or relieved and the person is eligible, in priority need and unintentionally homeless, the Council will owe them the main housing duty. This means the Council must ensure that suitable accommodation is available for the applicant and their household until the duty is brought to an end.

3.0 Scheme Requirements

- 3.1 A financial assessment must always be carried out prior to use of the fund being considered to ensure that the accommodation will be affordable and sustainable and that homelessness will either be prevented or relieved.
- 3.2 Payments will not be authorised where it is clear that homelessness will not be prevented or relieved.
- 3.3 Where the applicant has poor money management skills and this has led to the loss of accommodation or debts that threaten the security of the accommodation, access to the fund will only be considered if the applicant is prepared to engage with an agency or support service such as the Citizens Advice Bureau or Welfare Rights.

Payments will be made directly to the landlord/agency concerned, no money will be given to the applicant.

The Homelessness & Private Sector Housing Manager must approve all expenditure.

4.0 Homelessness Advice

- 4.1 The Council has a duty to provide advice and information about homelessness and the prevention of homelessness, the rights of homeless people or those at risk of homelessness and the help that is available.
- 4.2 Advice is provided in a number of ways, residents can access the homeless pages of the Council's website www.weslancs.gov.uk, by telephoning the Homelessness Advice & Prevention Team or by a pre-arranged office appointment. Advice is also freely available from Citizens Advice Bureau www.citizensadvice.org.uk or Shelter www.shelter.org.uk
- 4.3 The Council will provide advice free of charge, to anyone who requires it even if they would not be eligible for any other assistance under the 1996 Act.

5.0 Initial Assessment

- 5.1 Every person applying to the Council for assistance with housing (the applicant) who states that they are homeless or threatened with homelessness will be offered an initial assessment. The assessment is usually conducted at a pre-arranged office interview and is important as it allows the Council to determine whether the applicant is homeless or threatened with homelessness.
- 5.2 If the applicant is not eligible for assistance or is not homeless or threatened with homelessness within 56 days, written notification of the decision reached will be provided.
- 5.3 If the Council is satisfied that the applicant is homeless or threatened with homelessness and eligible for assistance, a full assessment will be carried out

and the Council will make inquiries to see whether the applicant is owed a duty under the 1996 Act. The assessment will include:

- a) The circumstances that have caused the homelessness or threatened homelessness;
- b) The type of accommodation that will be suitable for the applicant and their household;
- c) The support needed to help them sustain accommodation

The outcome of the assessment will inform the personalised housing plan.

6.0 Personalised Housing Plans

6.1 The personalised housing plan will identify the steps to be taken by both the applicant and the Council to help them retain or secure suitable accommodation. The steps will be tailored to the household and a copy of the plan will be provided.

6.2 Examples of reasonable steps are:

- a) Attempting mediation/conciliation where an applicant is threatened with parent/family exclusion
- b) Assessing whether applicants with rent arrears might be entitled to discretionary housing payment
- c) Providing support to applicants, whether financial or otherwise to access private rented accommodation
- d) Assisting people at risk of violence and abuse wishing to stay safely in their home through provision of 'sanctuary' or other measures
- e) Helping people who are sleeping rough to secure an immediate safe place to stay

6.3 Every effort should be made to secure the agreement of the applicant to their personalised housing plans as this will improve the likelihood of the plan being successful in preventing or relieving homelessness. If agreement cannot be reached, this should be recorded along with the reasons why it has not been agreed.

6.4 The plan will be kept under review with any amendments notified to the applicant.

6.5 The applicant has a right to request a review of the reasonable steps in the plan within the prevention and relief stages.

The duty to prevent homelessness exists whether or not the applicant has a local connection to West Lancashire.

7.0 Homelessness Prevention / Relief Tools

- 7.1 Where the applicant has been assessed as being threatened with homelessness and is eligible for assistance, the following options can be considered to prevent or relieve the applicant's homelessness. The option(s) used will depend on the identified cause of the homelessness / threatened homelessness. These options are available irrespective of priority need or intentionality.

❖ Discretionary Housing Payments (DHPs)

Discretionary housing payments are available to help people who are in severe financial hardship or their tenancy is at risk, to pay their rent when their housing benefit does not cover the full amount of rent being charged.

DHPs are typically provided on a temporary basis but longer term awards can be made provided they are reviewed on a regular basis.

Advice on the availability of a DHP should be sought to enable the applicant to remain in their current home pending a full assessment of their financial circumstances or while alternative, more affordable accommodation is sought.

❖ Disabled Adaptations

Where the cause of the threatened homelessness is due to the current home being unsuitable due to adaptations being required, officers should consult with the Private Sector Housing Team on the likelihood of a disabled facilities grant being available to the applicant.

❖ Sanctuary Scheme

Where the cause of the threatened homelessness is domestic violence, an application to the Sanctuary Scheme should be considered. The scheme is available to applicants who wish to remain in their current home, where it is safe for them to do so, and where the perpetrator of the violence does not live at the address.

❖ Payment of deposits on private rented accommodation

Most private landlords require a cash deposit to be paid, usually equivalent to one months' rent. Since 6 April 2007, landlords have been legally required to protect such deposits in a Government backed tenancy deposit protection scheme. This means that landlords are not able to hold the deposit themselves (unless they are using an insurance backed scheme).

Where the landlord requires a deposit to be paid, there are two options available:

- Rent Deposit Guarantee Scheme

Where the landlord will accept a written guarantee from the Council instead of asking for a cash deposit, the rent deposit guarantee scheme should be used. The Council will guarantee the deposit for a maximum of 12 months and is open to any eligible applicant who is owed a duty to prevent or relieve homelessness,

irrespective of priority need, intentionality, local connection or the location of the property.

- Payment of the deposit directly to the landlord

Where the landlord will not accept a written guarantee, a cash deposit can be paid to the landlord subject to the following conditions:

- Landlord must protect the deposit on receipt and provide evidence of this to the Council
- The deposit must not equal more than 6 weeks' rent

In both cases the property must be in a condition suitable to be let, all required certificates must be in place, the property must be affordable for the applicant, at least a 6 month tenancy must be offered.

❖ **Rent in advance**

Where the applicant is unable to meet the rent in advance requested by the landlord, this can be paid in addition to the deposit. The amount requested must not be more than one months' rent.

❖ **Lettings Agents Fees**

Where an applicant is being assisted into private rented accommodation but they are unable to meet the administration fee requested by the lettings agency, consideration can be given to providing that fee in addition to any deposit or months' rent in advance. The fees must be clearly provided to the Council and must be reasonable. Payment will not be covered where it is just to register the applicant with the agency.

Government is expected to introduce new legislation banning letting agents' fees. This section will be updated once the legislation comes into effect.

❖ **Private Sector, Local Authority, Housing Association Rent Arrears or Mortgage Arrears**

Where the cause of the threatened homelessness is rent or mortgage arrears, a single payment can be made to the landlord / mortgage company in order to clear the arrears.

In order to consider this option, officers must be satisfied that the cause of the arrears has been resolved i.e. was it the loss of a job or a period of illness and the applicant is now in work, are benefits now being claimed that were not previously etc.


Officers must also be satisfied that all other options have been considered or have failed i.e. lender assistance, any mortgage support schemes and the applicant is able to pay the rent / mortgage going forward and the landlord / mortgage company must be willing to withdraw any action.

Where the property is privately rented and the current tenancy has expired or is due to expire, the landlord must agree to grant a new assured shorthold tenancy with a term of at least 6 months.

Where appropriate, applicants should be referred to support agencies such as Citizens Advice Bureau or Welfare Rights to look at income maximisation and debt management.

The maximum amount that can be paid in any one case to clear arrears is £5,000. Any amount above this must be approved by the Director of Housing and Inclusion.

Where possible, all parties should be prepared to compromise on the debt owed. For example, payment could be offered to reduce arrears to a level below which the lender / landlord can take action without clearing in full. The lender / landlord could then consider writing off the remaining debt or setting up a payment plan to clear the remaining balance.

<h2 style="text-align: center;">Equality Impact Assessment Form</h2> 	
Directorate: Housing and Inclusion	Service: Homelessness & Private Sector Housing
Completed by: Laura Lea	Date: 1 December 2017
Subject Title: Homelessness Reduction Act 2017	
1. DESCRIPTION	
Is a policy or strategy being produced or revised:	<u>Yes</u>
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	No
Details of the matter under consideration:	The implementation of the Homelessness Reduction Act 2017
<p><i>If you answered Yes to any of the above go straight to Section 3</i></p> <p><i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <i>*delete as appropriate</i>
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Members of the public who are threatened with homelessness or homeless
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Single males aged 25-44

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The majority of people currently presenting as homeless are single males aged 25-44
What will the impact of the work being carried out be on usage/the stakeholders?	Reduce the number of people becoming homeless
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	N/A
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	N/A
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The changes will increase the number of people receiving tailored advice to prevent them becoming homeless
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	This will be kept under review periodically
What actions do you plan to take to address any other issues above?	No actions
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	Laura Lea – April 2019

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

WEST LANCASHIRE BOROUGH COUNCIL

**KEY DECISION FORWARD PLAN
CONSTITUTION 6, RULE 15 (GENERAL EXCEPTION)**

To: Chairman of the Executive Overview and Scrutiny Committee

I hereby give notice that, in accordance with the above Regulations and Constitutional Rules the following matter is to be considered at the meeting of Cabinet scheduled to take place at the Council Offices, 52 Derby Street, Ormskirk on 13 March 2018.

“Homelessness Reduction Act 2017

The matter is likely to be the subject of a key decision, which has not been included on the Forward Plan and the general exception procedure set out at rule 15 of the Constitution cannot be followed. In accordance with rule 16 of the Constitution the Leader has obtained the agreement of the Chairman of the Executive Overview and Scrutiny Committee and this notice setting out the reasons that the decision is urgent and cannot reasonably be deferred is being made available on the Council’s website and at the offices of the Council.

The reasons that the decision is urgent and cannot reasonably be deferred is that it is necessary in order to have processes in place before the legislation comes into place in April 2018.

Dated: 14 February 2018

Kim Webber
Chief Executive

