



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

Tuesday, 9 October 2018

TO: THE MAYOR AND COUNCILLORS

Dear Councillor,

You are summoned to a meeting of the **COUNCIL** to be held in the **COUNCIL CHAMBER, 52 DERBY STREET, ORMSKIRK L39 2DF** on **WEDNESDAY, 17 OCTOBER 2018** at **7.30 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)

	PAGE(S)
1. PRAYERS	
2. APOLOGIES	
3. DECLARATIONS OF INTEREST 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.)	309 - 310

- | | | |
|-----|---|-----------|
| 4. | MINUTES
To receive as a correct record, the minutes of the previous meeting held on Wednesday, 18 July 2018. | 311 - 326 |
| 5. | ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE | |
| 6. | TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2 | |
| 7. | MINUTES OF COMMITTEES
To receive the minutes of the following meetings, to confirm, if appropriate, such of the minutes as require confirmation and to pass such resolutions as the Council may deem necessary: | |
| a) | Audit & Governance Committee - Minutes of the meeting held on Tuesday, 24 July 2018 | 327 - 330 |
| b) | Planning Committee - Minutes of the meeting held on Thursday, 26 July 2018 | 331 - 336 |
| c) | Planning Committee - Minutes of the meeting held on Thursday, 6 September 2018 | 337 - 342 |
| d) | Standards Committee - Minutes of the meeting held on Tuesday, 18 September 2018 | 343 - 344 |
| 8. | SUSTAINABLE ORGANISATION REVIEW: APPOINTMENT OF CONTRACTOR
To consider the report of the Borough Solicitor. | 345 - 350 |
| 9. | MEDIUM TERM FINANCIAL FORECAST
To consider the report of the Borough Treasurer. | 351 - 368 |
| 10. | TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2018-19
To consider the report of the Borough Treasurer. | 369 - 374 |
| 11. | OVERVIEW & SCRUTINY ANNUAL REPORT 2017/18
To consider the report of the Borough Solicitor. | 375 - 392 |
| 12. | THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018
To consider the report of the Director of Leisure and Environment. | 393 - 406 |
| 13. | APPOINTMENT OF VICE-CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE
To consider the report of the Borough Solicitor. | 407 - 408 |
| 14. | EXCLUSION OF PRESS AND PUBLIC
It is recommended that members of the press and public be excluded from the meeting during consideration of the following items of | |

business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that they involves the likely disclosure of exempt information as defined in Paragraph 3 (business/financial affairs) of Part 1 of Schedule 12A to the 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.

PART 2 - NOT OPEN TO THE PUBLIC

15. FORMING A DEVELOPMENT COMPANY

To consider the report of the Director of Housing and Inclusion.

409 - 482

PART 3 - OPEN TO THE PUBLIC

16. MOTIONS

To consider the following Motions included on the agenda at the request of the Members indicated:

a) Non-Hydraulic Fracturing Shale Gas Exploration Applications - Motion Included on the Agenda by Councillor Mills on Behalf of the Labour Group

West Lancashire Borough Council notes:

- 1) That in May this year Ministers outlined a proposal in a Written Ministerial Statement to redefine non-hydraulic fracturing shale gas exploration applications as permitted development and to redefine large scale shale gas production sites as Nationally Significant Infrastructure Projects, thus removing any local authority control and community involvement in decision-making.
- 2) That the Government consultation on both of these proposals began on 19th July 2018 and run until 25th October 2018
- 3) That on 5 July 2018, a report by the cross-party Housing, Communities and Local Government Committee warned the Government against its proposal to bring fracking applications under the Nationally Significant Infrastructure Projects (NSIP) regime, concluding that Mineral Planning Authorities, which in Lancashire is the County Council, were best placed to understand the local area and how fracking could best take place.
- 4) That the above report said the Nationally Significant Infrastructure Projects regime was unlikely to speed up the application process for fracking.

West Lancashire Borough Council is committed to the principles of localism and the involvement of local communities in decisions that affect their environment, their health and safety and their well-being.

West Lancashire Borough Council believes:

- 1) That moving decisions about fracking, which have huge implications for local communities, to a national level would contradict the principles of localism.
- 2) That 'Permitted Development' – the category of planning that the government wants to move Shale gas exploration drilling into – which was designed for developments with low environmental impacts, is an inappropriate category for drilling with such wide-reaching implications for local communities and climate change.
- 3) That bringing fracking applications under the Nationally Significant Infrastructure Projects regime will be harmful to local communities.
- 4) That local authorities are best placed to continue to make decisions throughout the planning process for shale gas exploration drilling, appraisal and production.

That the Director of Development and Regeneration:

- 1) Continues to work on a robust response to the consultation, which includes the above views and where possible does so jointly with other local authorities who share these opinions.
- 2) Shares this response with West Lancashire MPs and relevant government ministers.

b) Local Plan Review Cabinet Working Group - Motion Included on the Agenda by Councillor Pope on Behalf of the Conservative Group

The Local Plan Cabinet Working Group considered a number of updates to the existing Local Plan 2012/27 that were then incorporated as part of the Local Plan Preferred Options document, which resulted in a completely new Local Plan being approved by Cabinet for consultation.

If the Preferred Options are eventually accepted and form the basis of a new Local Plan 2020/50 then this will mean scrapping the existing Local Plan 2013/27 despite it having 9 years to run. The Existing Local Plan is continuing to (a) meet local housing need (b) deliver the planned number of new homes and (c) provide the necessary 5 year supply of housing land. It has withstood legal challenges in respect of rogue developments and is clearly soundly based and robust.

The proposal for a new 30 year Local Plan 2020/50 is unprecedented given that it has not been possible to identify any other council that has adopted such an approach. It is impossible to accurately forecast the Borough's population growth, future housing and employment needs for more than 30 years ahead. The proposal to plan for 15,992

new homes and a huge amount of land for employment use can only be a very rough estimate given the official population forecast only project to 2041 and even the Treasury has difficulties accurately forecasting medium term economic growth.

It is also proposed to stop the established practice of safeguarding sites identified for possible future development. This would mean the Council abdicating its responsibility to manage the release of sites and allow developers, or “market”, to decide which sites should be developed first. It would also mean that all the sites needed for the next 30 years would be made available for development from 2021.

Apart from wanting a huge increase in the annual target for both house building and commercial development, the Preferred Options propose to provide land to meet the future housing and commercial development needs of Merseyside - 6,256 new homes and hundreds of acres for employment use as part of an uncertain promise of support with a possible rail link for Skelmersdale.

The proposed release of up to 1,500 acres from the Greenbelt or Safeguarded land is cause for considerable concern. The need to take such drastic action is a direct consequence of the issues detailed above.

Given the above issues and the widespread public concern, this Council resolves to urge Cabinet to reconsider the Preferred Options and instruct the Local Plan Cabinet Working Group to consider new proposals to review the existing Local Plan 2012/27 and make suitable recommendations to Cabinet to update, amend and possibly extend that Local Plan.

c) Review of the Political Management Structure - Motion Included on the Agenda by Councillor Yates on Behalf of the Labour Group

That the current Sustainable Organisational Review Process (SORP) will significantly reshape Council functions, to ensure improved service delivery, greater opportunity for officers to undertake meaningful career development, and provide a sustainable financial basis for the Council to continue delivering and improving upon its services to residents and businesses;

That this review also offers an ideal opportunity to re-evaluate the structures of political management, ensuring that any restructuring of the organisation is fully comprehensive and allows for potential innovation across all areas;

That this administration is already undertaking other significant transformational projects, in regards to the Council-controlled development of Skelmersdale Town Centre, new leisure facilities for Skelmersdale and Ormskirk, and upgrades to the Burscough facilities,

the continuing development of Ormskirk and its overall economy;

That this council believes:

That the potential for radical restructuring of Council governance exists within the SORP process, and should therefore be considered at this point in time;

That it is appropriate that the role and number of elected members be considered equally alongside those of officers within the review process;

That a concomitant review of governance and service delivery will provide the best opportunity for innovative changes across the council and the way in which its services are delivered at a local level;

That the new Target Operating Model, to be presented to Council in July 2019, will provide clear guidance as to the potential for revising the political management structure;

That this council resolves:

To commence an electoral review process, to review the Council's size, numbers of councillors and ward boundaries, following consideration of the SORP review and the agreement of the new Target Operating Model in July 2019;

To authorise officers to make initial contact with the Local Government Boundary Commission for England to establish timescales and likely issues arising from an electoral review and assess the resource provision required.

d) **Preventing the Preventable: Reducing Suicide - Motion Included on the Agenda by Councillor Cooper on Behalf of the Labour Group**

That this Council notes that sixteen people in the UK lose their life to suicide each day. Suicide is the most common cause of death for men between the ages of 20-49. Suicide is the leading cause of death amongst young people.

This Council believes all deaths by suicide are preventable.

That behind every statistic is an individual, a family and a community devastated by their loss and this Council believes that suicide is everyone's business.

That this Council further believes that to eliminate suicide in young people we must start by preventing self-harm and suicidal behaviour in young people.

This council recognises there is a direct link between social isolation, unemployment, long-term health conditions and suicide.

That this Council resolves to work as part of the Health and Wellbeing Strategy to bring organisations together to start the conversation about how we can challenge the stigma of suicide, promote suicide prevention services available locally and offer help and support to those who are bereaved by suicide.

That the Chief Executive be asked to ensure that the contact details and helplines for the Samaritans and CALM are made available on the Council's website.

e) **Free School Meals - Motion Included on the Agenda by Councillor Cooper on Behalf of the Labour Group**

That this Council notes:

- Since April 1st of this year, the Government has changed the eligibility of families entitled to a Free School Meal (FSM).
- As a result of these changes, families who earn more than £7,400 and claiming Universal Credit (UC) are no longer entitled to FSMs. That is the equivalent of 18 hours work per week paid at the minimum wage.
- Research by the Children Society shows that up to one million children could miss out on FSMs. Research by Rosie Cooper MP has found that this will mean 22,936 children across Lancashire won't get free school meals.
- The protections put in place by the policy will ensure that children who are currently receiving FSMs will still do so until 2023 or until they have finished their current phase of education.
- Any loss of free school meal provision will also mean a cut to school budgets, as schools will also lose Pupil Premium

That this Council believes:

- The Government has once again targeted the most vulnerable families in our society and in our Borough.
- Children, in order to learn and reach their full potential, need to have their basic needs met and this includes having a balanced school meal.
- This policy is an attack on low paid families that are struggling to make ends meet.
- There are already too many children going to school hungry and this decision is taking food out of children's mouths.

That this Council resolves:

- To request that the Chief Executive writes to Lancashire County Council asking them, in light of these issues, to explore providing UNIVERSAL free school meals and to ensure that schools and families are aware of these changes and to work to mitigate the impact of these changes, where possible.
- That the Leader of the Council writes to the Secretary of State for Education, the Secretary of State for Work and Pensions, to

advise them of the impact of this in West Lancashire and to ask them to review this policy.

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

FIRE EVACUATION PROCEDURE: Please see attached sheet.

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

For further information, please contact:-

Jacky Denning on 01695 585384

Or email jacky.denning@westlancs.gov.uk

**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"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest because 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 or 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	<input type="checkbox"/> <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i> <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	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: (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease. (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. (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay. (iv) An allowance, payment or indemnity given to Members (v) Any ceremonial honour given to Members (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i> <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/09/16 – 19/09/20)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
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"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

'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

Employment, office, trade, profession or vocation

Sponsorship

Prescribed description

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

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.

Agenda Item 4

COUNCIL

HELD: Wednesday, 18 July 2018

Start: 7.30 pm

Finish: 10.30 pm

PRESENT:

Councillor: N Delaney (Mayor)
G Owen (Deputy Mayor)

Councillors:

T Aldridge	I Ashcroft
Mrs P Baybutt	Mrs M Blake
T Blane	J Bullock
C Cooper	P Cotterill
Cummins	S Currie
I Davis	C Dereli
T Devine	C Evans
D Evans	Evans
N Furey	Y Gagen
J Gordon	N Hennessy
J Hodson	J Kay
Lockie	C Marshall
Mrs J Marshall	J Mee
M Mills	I Moran
M Nixon	D O'Toole
A Owens	J Forshaw
R Pendleton	E Pope
A Pritchard	N Pryce-Roberts
L Savage	D West
D Westley	Mrs M Westley
D Whittington	K Wilkie
K Wright	C Wynn
A Yates	

Officers:

Kim Webber, Chief Executive
Jacqui Sinnott-Lacey, Director of Housing and Inclusion
John Harrison, Director of Development and Regeneration
Heidi McDougall, Director of Leisure & Environment
Marc Taylor, Borough Treasurer
Terry Broderick, Borough Solicitor
Simon Burnett, Deputy Director of Leisure and Wellbeing
Jacky Denning, Assistant Member Services Manager

10 PRAYERS

The Mayor's Chaplain for the evening, Deacon Des, led Members and officers in prayer.

11 APOLOGIES

Apologies for absence were received on behalf of Councillors Cairns, G Hodson and Mrs Stephenson.

12 **DECLARATIONS OF INTEREST**

The following declarations were received:

1. Councillors Aldridge, Hennessy, O'Toole and Pope declared a non pecuniary interest in relation to Agenda Item 8 'Council Plan Annual Report 2017/18', Item 17 'Moor Street Gateway Redevelopment' and item 19 (f) 'Community Transport – Motion' as Members of Lancashire County Council (LCC) as did Councillors Gagen as an employee of LCC, and indicated that they would not participate in any detailed discussions which affected LCC.
2. Councillors Ashcroft, Mrs Blake, Blane, Dereli, Gordon, Kay, Mrs Marshall, Mee, Moran, Owen, Pope and Whittington declared a non pecuniary interest in relation to Agenda Item 8 'Council Plan Annual Report 2017/18' in relation to Parish Council matters in view of their membership of a Parish Council and indicated they would not participate in any detailed discussions which affected the finances of those bodies specifically.
3. Councillor Hennessy declared a pecuniary interest in relation to Agenda Item 16. 'Leisure Facility and Contract Procurement' in respect of her appointment to West Lancashire Community Leisure.
4. Councillors Delaney, Devine, Forshaw, Owen, Nixon and West (Tenant of a Council flat/house) Aldridge (Tenant of a Council garage) declared disclosable pecuniary interests in relation to item 9 'Housing Account – Revenue and Capital Outturn' for the reasons indicated but were entitled to speak and vote by virtue of an exemption (nothing in these reports relates particularly to their respective interests arising from the tenancy or lease).
5. Councillors Aldridge, Blaine, Mee, Pendleton and Wright declared non-pecuniary interests in relation to item 9 'Housing Account – Revenue and Capital Outturn' as they have a connected person who is a tenant of rented Council accommodation. Insofar as that interest becomes a pecuniary interest (as it would affect the financial position of their relative and a member of the public with knowledge of the relevant facts would reasonably regard this as so significant that it is likely to prejudice their judgement of the public interest) they declared that interest but considered that they were entitled to speak and vote by virtue of an exemption as nothing in these reports relates particularly to the relevant tenancy or lease.
6. Councillor Wynn declared a Disclosable Pecuniary Interest in relation to item 14 'Recycling Update' and agenda item 19(a) 'Collection of Recyclables from Blue Boxes and Blue Bins – Motion' as he is employed by Essential Fleet Services Ltd to maintain Council vehicles and works at the Robert Hodge Centre and indicated he would leave the room and would not participate in any detailed discussions which affected his employer or employment.

7. Councillor Pendleton declared a personal interest in agenda item 19 (f) 'Community Transport in view of his appointment by the Council to West Lancs. Dial-A-Ride Association, as did Councillor Mee in view of his appointment to the Management Committee.

13 **MINUTES**

RESOLVED: That the minutes of the meeting held on Wednesday 25 April and Wednesday 16 May 2018 (annual meeting), be approved as a correct record and signed by the Mayor.

14 **ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE**

The Mayor announced that the Civic Sunday service would be held at 2.00pm on 9 September 2018 at St Anne's Church, Ormskirk.

15 **TO ANSWER ANY QUESTIONS UNDER THE PROVISIONS OF COUNCIL PROCEDURE RULE 10.2**

The following questions were received:

a) Grass Cutting - Question from Councillor Ian Davis

"We welcome back the control of the grass cutting back to the WLBC and hope that many more services will be returned from outside contractors and LCC and provide much needed work for the residents of our area. Being Councillor Leader and in charge of improving our economic regeneration and attracting new industries to the area can you please advise how you are going to improve the first impressions that outsiders see when approaching our area. Both Skelmersdale and Ormskirk roundabouts need far more attention than they have been receiving. First impressions are always important and companies do look for this. Can you advise how many cuts per season will be made this year and next? Some residents have informed us that they have been advised that the planned cuts for this year will not be all done, is this correct?"

b) Bulky Household Waste - Question from Councillor Ian Davis

"We have been advised that there are problems with the bulky household waste service. Not the council's fault that the social enterprise running this operation has ceased operating. Can you please advise how you intend to take this matter forward in the future and if another social enterprise operator will be monitored how you intend to control it. Can we also have some indications as to why it failed and what caused it to fold?"

The Leader advised that the responses would be circulated after the meeting.

16 **MINUTES OF COMMITTEES**

Consideration was given to the minutes of the undermentioned meetings of the Committees shown.

RESOLVED That the minutes of the undermentioned meetings and any recommendations contained in them, be approved:

- A. Planning Committee held on Thursday, 19 April, 24 May and 21 June 2018.
- B. Audit and Governance Committee held on Tuesday, 29 May 2018.
- C. Licensing and Appeals Committee held on Tuesday, 5 June 2018.
- D. Licensing and Gambling Committee held on Tuesday, 5 June 2018.

17 **COUNCIL PLAN ANNUAL REPORT 2017/18**

Consideration was given to the report of the Director of Housing and Inclusion, as contained on pages 55 to 84 of the Book of Reports, which presented the Council Plan Annual Report 2017/18.

An addendum to the Appendix was circulated.

- RESOLVED:
- A. That the Council Plan Annual Report 2017/18, attached at Appendix 1 to the report, be approved.
 - B. That authority be given to the Director of Housing and Inclusion, in consultation with the relevant Portfolio Holder, to make any minor final amendments to the document, prior to publication.

18 **HOUSING ACCOUNT - REVENUE AND CAPITAL OUTTURN**

Consideration was given to the joint report of the Director of Housing and Inclusion and the Borough Treasurer, as contained on pages 85 to 92 of the Book of Reports, which provided a summary of the Housing Revenue Account (HRA) revenue and capital outturn position for the 2017-2018 financial year.

RESOLVED: That the financial outturn position of the 2017-18 HRA and Capital Investment Programme be noted and that the budget allocations set out in paragraphs 4.3 and 5.4 of the report, be approved.

19 **GENERAL REVENUE ACCOUNT OUTTURN**

Consideration was given to the report of the Borough Treasurer, as contained on pages 93 to 96 of the Book of Reports, which provided a summary of the revenue and capital outturn position on the General Revenue Account (GRA) for the 2017/18 financial year.

RESOLVED: That the outturn position be noted and the budget allocations set out in paragraph 4.5 of the report be approved.

20 TREASURY MANAGEMENT AND PRUDENTIAL INDICATOR PERFORMANCE 2017-18

Consideration was given to the report of the Borough Treasurer, as contained on pages 97 to 104 of the Book of Reports, which set out details of Treasury Management performance and Prudential Indicators for the year ended 31 March 2018.

RESOLVED: That the performance for the 2017-18 financial year be noted.

21 HEALTH AND SAFETY STRATEGIC PLAN 2017/20 - UPDATE

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 105 to 114 of the Book of Reports, which provided an update on the progress made in relation to the 2017/20 Health and Safety Strategic Plan.

RESOLVED: That progress against the Health and Safety Strategic Plan 2017/20 be noted.

22 CLEAN AIR STRATEGY 2018 - CONSULTATION

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 115 to 132 of the Book of Reports, which advised on the contents of the Government's Clean Air Strategy 2018 Consultation and sought approval of an appropriate response.

A Motion to approve the recommendation at paragraph 2.1 of the report was moved and seconded.

An Amendment to add the following words was moved and seconded:

"That the Council write to Lancashire County Council to ask what measures they propose to bring in, to anticipate pollution problems, perhaps by monitoring roads at risk, and ensure that any new traffic measures do not add seriously to pollution."

A vote was taken on the Amendment, which was CARRIED.

A vote was taken on the Substantive Motion, which was CARRIED.

RESOLVED: A. That the contents of the Government's Clean Air Strategy 2018 consultation be noted and the proposed response set out in Appendix 2 to the report be approved.

B. That the Council write to Lancashire County Council to ask what measures they propose to bring in, to anticipate pollution problems, perhaps by monitoring roads at risk, and ensure that any new traffic measures do not add seriously to pollution.

23 RECYCLING UPDATE

Consideration was given to the report of the Director of Leisure and Environment, as

contained on pages 133 to 148 of the Book of Reports, which provided an update on the changes to the recycling and garden waste service to improve the future efficiency of the service.

Councillor Wilkie, the Portfolio Holder for Street Scene, advised that Extraordinary Cabinet had agreed the recommendations at paragraph 2.1, 2.2, 2.3, 2.4 (b), 2.5 and 2.6 of the report.

RESOLVED: That funding for the changes to the service as agreed by Extraordinary Cabinet be approved on the following basis:

- A. That funding of £200,000 be approved from capital receipts to fund blue and green bins to those properties that are using boxes, other containers or previously had a box, until 31 October 2018, as outlined in paragraphs 5.15, 5.26 and 5.28 of the report.
- B. That residents who have purchased a blue bin since 12 March 2018 to replace the use of a blue box or other containers, as outlined in paragraph 5.22 of the report, be refunded.

24 **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 3 items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 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.

25 **LEISURE FACILITY AND CONTRACT PROCUREMENT**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 149 to 196 of the Book of Reports, which provided an update on progress to date with implementing key actions contained within the 2015-2025 West Lancashire Leisure Strategy and sought the necessary authority to continue with its implementation.

Councillor Gagen, Portfolio Holder for Leisure and Human Resources advised that the Extraordinary Cabinet had approved the recommendations set out at paragraphs 2.1, 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7 of the report.

RESOLVED: A. That the decision of Cabinet be noted.

B. That the progress made on the key actions contained within the Leisure Strategy be noted.

C. That funding from the Strategic Investment Reserve be allocated

in line with financial requirements set out in Table 4, paragraph 9.1 of the report.

(Note: Councillor Hennessy left the room whilst this item was under consideration.)

26 **MOOR STREET GATEWAY REDEVELOPMENT**

Consideration was given to the report of the Director of Development and Regeneration, as contained on pages 197 to 224 of the Book of Reports, which provided an update on progress of the Moor Street Gateway Project, incorporating the Ormskirk Bus Station site (the Project) and to determine matters to allow future progress.

The Leader and Portfolio Holder for Economic Regeneration, Councillor Moran, advised that Extraordinary Cabinet had approved the recommendations set out at paragraphs 2.1, 2.2, 2.3 and 2.4 of the report.

- RESOLVED:
- A. That the decision of Cabinet be noted.
 - B. That Scheme A, with the highest score achieved in the competitive tender process, be acknowledged as an appropriate redevelopment scheme for the site (subject to planning permission).
 - C. That delegated authority be given to the Director of Development & Regeneration, in consultation with the Portfolio Holder for Regeneration & Estates, to:
 - 1) Negotiate terms and enter into an agreement with Lancashire County Council in respect of its financial contribution to the Project.
 - 2) Negotiate terms and enter into all necessary agreements with the preferred developer and appropriate parties.
 - 3) Take all necessary steps to implement and complete the Project including, where necessary entering into legal agreements.
 - 4) Secure appropriate tenants for the ground floor space that will belong to the Council.
 - D. That the Director of Development & Regeneration be authorised to pursue and accept any external grant funding that would benefit the Project.

27 **DELIVERING THE SKELMERSDALE TOWN CENTRE SCHEME**

Consideration was given to the joint report of the Director of Development and Regeneration and the Borough Treasurer, as contained on pages 225 to 300 of the

Book of Reports, which sought approval of an appropriate way of funding and delivering the development scheme in Skelmersdale Town Centre.

The Leader and Portfolio Holder for Economic Regeneration, Councillor Moran, advised that Extraordinary Cabinet has approved the recommendations at paragraphs 2.1 and 2.2 of the report.

A Motion to approve the recommendations set out in paragraph 3.1 and 3.2 of the report, was moved and seconded.

A vote was taken, and at the request of a Member, was recorded as follows:

FOR: Councillors Aldridge, Ashcroft, Mr Baybutt, Mrs Blake, Blane, Bullock, Cooper, Cotterill, Cummins, Curry, I Davis, Delaney, Dereli, Devine, Mrs C Evans, D Evans, S Evans, Forshaw, Furey, Gagen, Gordon, Hennessy, J Hodson, Kay, Lockie, C Marshall, Mrs Marshall, Mee, Mills, Moran, Nixon, O'Toole, Owen, Owens, Pendleton, Pope, Pritchard, Pryce-Roberts, Savage, West, D Westley, Mrs Westley, Wilkie, Wright, Wynn and Yates.
(FORTY SIX)

AGAINST: NONE

ABSTENTIONS: Councillor Whittington (ONE)

The Motion was CARRIED.

RESOLVED: A. That the decision of Cabinet be noted.

B. That budgetary provision to deliver the scheme be provided as set out in Paragraph 9 of the report.

28 MOTIONS

The following Motions were considered at the request of the Members indicated:

29 COLLECTION OF RECYCLABLES FROM BLUE BOXES AND BLUE BINS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR DAVID WESTLEY ON BEHALF OF THE CONSERVATIVE GROUP

This item was dealt with at Minute 23 'Recycling Update'.

30 NORTHERN RAIL DISPUTE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR R PENDLETON ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"That this Council calls upon the Secretary of State for Transport, Chris Grayling, to work with and encourage discussions between Northern (Arriva Rail North) and the RMT Union in order to find a solution to the ongoing dispute over proposed changes to the role of the guards."

A vote was taken on the Motion, which was CARRIED.

RESOLVED: That this Council calls upon the Secretary of State for Transport, Chris Grayling, to work with and encourage discussions between Northern (Arriva Rail North) and the RMT Union in order to find a solution to the ongoing dispute over proposed changes to the role of the guards.

31 **SURPLUS STUDENT HMOS IN ORMSKIRK - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR ADRIAN OWENS**

The following Motion was moved and seconded:

"That this Council notes that there is currently a significant surplus of student HMOs in Ormskirk with 69 properties comprising 334 rooms currently available for the 2018/19 academic year on one website alone on 4 July 2018, with at least nine of these properties being currently advertised for sale on the same website.

That it be further noted that the Council has available £850,823 in so-called 'one-for-one' monies which must be used to provide additional council housing by 31 December 2019 or be returned to Government and that currently the Council has no plans to expend these funds and therefore they are at risk of being lost to the Borough.

That the Director of Housing and Inclusion be asked to submit a report to Cabinet on 11 September and Council on 17 October 2018 to allow councillors to consider establishing a £1 million fund using £300,000 of so called 'one-for-one' monies, with match funds being provided from the appropriate HRA reserve, to purchase empty student HMO properties in Ormskirk and establish them as council homes for families. "

An Amendment was moved and seconded as follows:

"That this Council notes that there is currently a significant surplus of student HMOs in Ormskirk, with 69 properties, comprising 334 rooms, currently available for the 2018/19 academic year on one website alone on 4 July 2018, with at least nine of these properties being currently advertised for sale on the same website.

That it be further noted that the hard work of this Labour administration has contributed significantly to reducing the demand for student HMOs in Ormskirk, by supporting Edge Hill University to build on campus; and, since 2015, by rejecting far more applications for HMO conversions than have been approved. Over four hundred HMO applications were permitted prior to 2015 but under this administration, only four have been approve. Coupled with a national demographic fall in student numbers, this approach now means that many private landlords are left with vacant properties.

That the Director of Housing and Inclusion be asked to report to Cabinet, and Council if appropriate, to look into the viability of a scheme to offer guaranteed,

short-term loans, along with other professional services and support, to landlords wishing to convert HMO properties back to a suitable state for sale as family occupation either through the council directly or via the new development company, as is deemed most appropriate.

A charge would be applied to such properties, which, when sold, would be reclaimed in full by the council. Upon sale, properties would have to be returned to private ownership and non-HMO status. Such a scheme would create little risk for the council, as the loans would be repaid in full on sale of the property and it would not be required to take on ageing housing stock in order to bail out struggling private landlords.

The scheme would also generate increased council tax receipts and help increase the number of affordable properties, in conjunction with the council's plans to create more affordable housing stock through its proposed development company."

The meeting was adjourned for 10 minutes.

The Amendment was altered with the agreement of the mover, seconder and with the consent of the meeting, to replace "rejecting" with "refusing" in the second paragraph.

A vote was taken on the Altered Amendment, which was CARRIED.

A vote was taken on the Substantive Motion, which was CARRIED.

- RESOLVED: A. That this Council notes that there is currently a significant surplus of student HMOs in Ormskirk, with 69 properties, comprising 334 rooms, currently available for the 2018/19 academic year on one website alone on 4 July 2018, with at least nine of these properties being currently advertised for sale on the same website.
- B. That it be further noted that the hard work of this Labour administration has contributed significantly to reducing the demand for student HMOs in Ormskirk, by supporting Edge Hill University to build on campus; and, since 2015, by refusing far more applications for HMO conversions than have been approved. Over four hundred HMO applications were permitted prior to 2015 but under this administration, only four have been approved. Coupled with a national demographic fall in student numbers, this approach now means that many private landlords are left with vacant properties.
- C. That the Director of Housing and Inclusion be asked to report to Cabinet, and Council if appropriate, to look into the viability of a scheme to offer guaranteed, short-term loans, along with other professional services and support, to landlords wishing to convert HMO properties back to a suitable state for sale as family occupation either through the council directly or via the new development company, as is deemed most appropriate.

A charge would be applied to such properties, which, when sold, would be reclaimed in full by the council. Upon sale, properties would have to be returned to private ownership and non-HMO status. Such a scheme would create little risk for the council, as the loans would be repaid in full on sale of the property and it would not be required to take on ageing housing stock in order to bail out struggling private landlords.

The scheme would also generate increased council tax receipts and help increase the number of affordable properties, in conjunction with the council's plans to create more affordable housing stock through its proposed development company.

(Note: Councillor Kay left the meeting during consideration of this item.)

32 **NHS AT 70 - MOTION INCLUDING ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"That this Council:

1. celebrates the fact that 70 years ago Parliament, under a Labour Government, created a National Health Service, free at the point of delivery
2. accordingly seeks to maintain those benefits for every resident in West Lancashire
3. resolves to write to the Secretary of State and to our local MP, Rosie Cooper, asking that the Government:
 - works with those in all parties to find a way of resolving the NHS's continuing cash crisis and securing a funding agreement for the long term
 - funds social care as identified by the Local Government Association
 - publishes a White Paper (by summer 2018) outlining the Government's intentions for integrating and funding health and social care provision in the future
 - provides adequate funding for mental health care in West Lancashire
 - takes appropriate steps to protect community pharmacies in West Lancashire"

An Amendment to the Motion was moved and seconded, which sought to include Seema Kennedy MP also at paragraph 3 and remove the deadline "(by summer 2018)" in respect of the request that the Government publishes a White Paper at bullet point 3 of paragraph 3.

A vote was taken, the Amendment was CARRIED.

A vote was taken on the Substantive Motion, which was CARRIED.

RESOLVED: That this Council:

- A. Celebrates the fact that 70 years ago Parliament, under a Labour Government, created a National Health Service, free at the point of delivery.
- B. Accordingly seeks to maintain those benefits for every resident in West Lancashire.
- C. Resolves to write to the Secretary of State and to our local MPs, Rosie Cooper and Seema Kennedy, asking that the Government:
 - works with those in all parties to find a way of resolving the NHS's continuing cash crisis and securing a funding agreement for the long term
 - funds social care as identified by the Local Government Association
 - publishes a White Paper outlining the Government's intentions for integrating and funding health and social care provision in the future
 - provides adequate funding for mental health care in West Lancashire
 - takes appropriate steps to protect community pharmacies in West Lancashire

33

COOPERATIVE PARTY CHARTER AGAINST MODERN SLAVERY: MOTION SUBMITTED BY CLLR HENNESSY ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"That this Council will support and sign the Cooperative Party Charter Against Modern Slavery and it will promote awareness of Modern Day Slavery amongst our residents and work with officers to support survivors, as follows:

"Charter Against Modern Slavery

West Lancs Borough Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.

4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually."

A vote was taken on the Motion, which was CARRIED.

RESOLVED: That this Council will support and sign the Cooperative Party Charter Against Modern Slavery and it will promote awareness of Modern Day Slavery amongst our residents and work with officers to support survivors, as follows:

"Charter Against Modern Slavery

West Lancs Borough Council will:

1. Train its corporate procurement team to understand modern slavery through the Chartered Institute of Procurement and Supply's (CIPS) online course on Ethical Procurement and Supply.
2. Require its contractors to comply fully with the Modern Slavery Act 2015, wherever it applies, with contract termination as a potential sanction for non-compliance.
3. Challenge any abnormally low-cost tenders to ensure they do not rely upon the potential contractor practising modern slavery.
4. Highlight to its suppliers that contracted workers are free to join a trade union and are not to be treated unfairly for belonging to one.
5. Publicise its whistle-blowing system for staff to blow the whistle on any suspected examples of modern slavery.
6. Require its tendered contractors to adopt a whistle-blowing policy which enables their staff to blow the whistle on any suspected examples of modern slavery.
7. Review its contractual spending regularly to identify any potential issues with modern slavery.
8. Highlight for its suppliers any risks identified concerning modern slavery and refer them to the relevant agencies to be addressed.
9. Refer for investigation via the National Crime Agency's

- national referral mechanism any of its contractors identified as a cause for concern regarding modern slavery.
10. Report publicly on the implementation of this policy annually."

34 **COMMUNITY TRANSPORT - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"That this Council calls upon Lancashire County Council's Conservative Administration to reverse the 50% cut of funding to the Community Transport Consortium, which includes our own Dial a Ride service in West Lancashire.

That Councillor Ian Moran, as the Leader of West Lancashire Borough Council writes to County Councillor Geoff Driver expressing this Council's shock and dismay and requesting a reverse to this cut to Community Transport including our Dial a Ride Service.

That this Council recognises the contribution that Community Transport services play in West Lancashire, having a major role in promoting good health and wellbeing, reducing loneliness and isolation and helps people to access important services. Noting that the recent public consultation resulted in over a thousand responses demanding that the services are not cut; that Dial-a-Ride services provide a door to door service for some of the most vulnerable in our communities; and that these are the elderly, disabled and people who suffer from long term illness, who cannot stand at the bus stop.

That the Chief Executive and the Leader of Lancashire County Council be asked to write to the Minister for Transport, Mr Chris Grayling MP requesting that he gives councils control over the Bus Service Operators' Grant, a fuel duty rebate currently paid directly to bus operators. The effect of this would also enable councils to protect vital bus routes, and give them the funding they need to provide an effective and efficient bus service."

A vote was taken on the Motion, which was CARRIED.

RESOLVED: A. That this Council calls upon Lancashire County Council's Conservative Administration to reverse the 50% cut of funding to the Community Transport Consortium, which includes our own Dial a Ride service in West Lancashire.

B. That Councillor Ian Moran, as the Leader of West Lancashire Borough Council writes to County Councillor Geoff Driver expressing this Council's shock and dismay and requesting a reverse to this cut to Community Transport including our Dial a Ride Service.

C. That this Council recognises the contribution that Community Transport services play in West Lancashire, having a major role in promoting good health and wellbeing, reducing

loneliness and isolation and helps people to access important services. Noting that the recent public consultation resulted in over a thousand responses demanding that the services are not cut; that Dial-a-Ride services provide a door to door service for some of the most vulnerable in our communities; and that these are the elderly, disabled and people who suffer from long term illness, who cannot stand at the bus stop.

- D. That the Chief Executive and the Leader of Lancashire County Council be asked to write to the Minister for Transport, Mr Chris Grayling MP requesting that he gives councils control over the Bus Service Operators' Grant, a fuel duty rebate currently paid directly to bus operators. The effect of this would also enable councils to protect vital bus routes, and give them the funding they need to provide an effective and efficient bus service.

(Note: Councillor Blane left the meeting during consideration of this item.)

.....
THE MAYOR

AUDIT & GOVERNANCE COMMITTEE

HELD: Tuesday, 24 July 2018

Start: 6.30 p.m.

Finish: 7.20 p.m.

PRESENT:

Councillor: P Cotterill (Chairman)
R Pendleton (Vice-Chairman)

Councillors: T Aldridge E Pope
C Dereli A Pritchard
J Gordon C Wynn
J Mee

Officers: Borough Solicitor – Mr T Broderick
Borough Treasurer – Mr M Taylor
Internal Audit Manager – Mr M Coysh
Member Services/Civic Support Officer – Mrs J A Ryan

In Attendance: Andrew Smith (Grant Thornton)
Georgia Jones (Grant Thornton)

14 APOLOGIES

Apologies for absence were received on behalf of Councillor Hennessy.

15 MEMBERSHIP OF THE COMMITTEE

There were no changes to the membership of the Committee.

16 DECLARATIONS OF INTEREST

There were no declarations of interest.

17 PUBLIC SPEAKING

There were no items under this heading.

18 MINUTES

RESOLVED: That the minutes of the meeting held on the 29 May 2018 be approved as a correct record and signed by the Chairman.

19 GRANT THORNTON - AUDIT FINDINGS REPORT

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 75 to 76 of the Book of Reports and on pages 135 to 158 and pages 269 to 294 of the Supplementary Agendas also published. The purpose of which was to receive a report from the Council's External Auditors, Grant Thornton setting out their findings on the audit of the accounts and value for money.

The Chairman invited Andrew Smith and Georgia Jones from Grant Thornton to present the Audit Finding's Report to the Committee. This report reflected the findings from the external audit of the statement of accounts for 2017-18, which had mainly been completed although there were a small number of issues still to be concluded.

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

- Accounting treatment of pre-payment of monies into the pension fund.
- Matters in relation to fraud where it was felt that sentence should be put in the report to clarify what this meant.

RESOLVED: That the Audit Findings Report in its current format be noted.

20 **APPROVAL OF STATEMENT OF ACCOUNTS**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 77 to 78 of the Book of Reports and on pages 159 to 268 and pages 295 to 296 of the Supplementary Agendas also published. The purpose of which was to approve a Letter of Representation and the Council's Annual Statement of Accounts.

- RESOLVED**
- A.** That the Letter of Representation set out in Appendix 1 of the report be endorsed.
- B.** That delegated authority be given to the Borough Treasurer in consultation with the Chairman of the Audit and Governance Committee to approve the Statement of Accounts set out in Appendix 2 subject to the Audit Findings Report being finalised.

21 **INTERNAL AUDIT ACTIVITIES - QUARTERLY UPDATE**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 79 to 89 of the Book of Reports which advised of the progress against the 2018/19 Internal Audit Plan.

The Audit Manager reported that delivery of the Internal Audit Plan was satisfactory and that there had been an improvement in performance.

Comments and questions were raised in respect of the following:

- Procurement controls in Property Services
- Management of electronic records
- Cataloguing of records
- Importance of public perception and transparency

RESOLVED: A That the progress in the year to date be noted

- B** That a further report be brought on progress on actions arising from the report on Property Services presented to the Committee previously.

22 **REGULATION OF INVESTIGATORY POWERS (RIPA) ACT - REVIEW OF USE OF POWERS**

In relation to the regular monitoring of activity under the Regulation of Investigatory Powers Act 2000 (RIPA) the Borough Solicitor reported that there was no relevant activity to bring to the attention of the Committee.

RESOLVED: That the report be noted.

23 **EXTERNAL REVIEW OF INTERNAL AUDIT**

Consideration was given to the report of the Borough Treasurer as contained on pages 91 to 115 of the Book of Reports which advised Members of the outcome of the external review of internal audit's conformance to the Public Sector Internal Audit Statements (the review).

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

- That all involved in this piece of work be thanked for all their hard work and producing an excellent piece of work

RESOLVED: That the review's overall conclusion that West Lancashire Borough Council's Internal Audit Service generally conforms to the requirements of the Public Sector Internal Audit Standards and those of the Local Government Application Note be noted.

(Notes: 1. At the conclusion of this item the Chairman invited Councillor Pope to formally thank the Internal Audit Manager Mr Coysh for all his work supporting the Audit and Governance Committee and for the service he has given to the Council over the years as Mr Coysh was retiring and this would be his last Audit and Governance Committee. The Chairman, Councillor Cotterill also echoed these comments.

2. Councillor Pope left the meeting at the conclusion of this item and was not present for the remainder of the meeting.)

24 **INTERNAL AUDIT CHARTER**

Consideration was given to the report of the Borough Treasurer as contained on pages 117 to 131 of the Book of Reports the purpose of which was to consider revisions to the Internal Audit Charter.

RESOLVED: That the Internal Audit Charter presented as an appendix to the report be approved to take effect immediately.

25 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme as set out at page 133 of the Book of Reports.

RESOLVED: That the Work Programme be noted and that the next training session would be on the Development Company.

.....
- CHAIRMAN -

Agenda Item 7b

PLANNING COMMITTEE

HELD: Thursday, 26 July 2018

Start: 7.30pm

Finish: 10.20pm

PRESENT:

Councillor: M Mills (Chairman)
D Evans (Vice-Chairman)

Councillors: I Ashcroft
Mrs P Baybutt
S Evans
J Gordon
G Hodson
D O'Toole

G Owen
R Pendleton
A Pritchard
N Pryce-Roberts
Mrs M Westley

Officers: Director of Development and Regeneration - Mr J Harrison
Head of Development Management - Mrs C Thomas
Legal and Member Services Manager - Mr M Jones
Principal Planning Officer - Mrs A Veevers
Member Services/Civic Support Officer – Mrs J A Ryan

17 APOLOGIES

There were no apologies for absence received.

18 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Devine and Yates and the appointments of Councillor Pryce-Roberts and S Evans for this meeting only, thereby giving effect to the wishes of the Political Groups.

19 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

20 DECLARATIONS OF INTEREST

In line with Section 17.1 of the Constitution, the Officers Code of Conduct, the Head of Development Management, Mrs C Thomas declared an interest in respect of planning application 0394/FUL relating to the Halton Castle Inn, Crosshall Brow Westhead as her brother is a member of another Bowling Club in Ormskirk and she would therefore leave the Chamber during consideration of this application.

21 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

22 MINUTES

RESOLVED: That the minutes of the meeting held on the 21 June 2018 be approved as a correct record and signed by the Chairman.

23 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 151 to 271 of the Book of Reports and on pages 273 to 289 of the Late Information Report.

(Notes:

1. In accordance with the procedure for public speaking on planning applications an objector and a representative for the applicant spoke in connection with application no. 2017/0975/OUT relating to the Sisters of Notre Dame Convent, Lancaster Lane, Parbold.
2. Parish Councillor N Campbell from Halsall Parish Council and the applicant spoke in connection with planning application 0375/FUL relating to 14A New Cut Lane, Halsall.
3. In accordance with Regulatory Procedure Rule 7(b), Councillor A Owens spoke in connection with planning application 0275/FUL relating to 50 St. Helens Road, Ormskirk.
4. In accordance with the procedure for public speaking on planning applications on this Committee, 2 objectors spoke in connection with planning application 0275/FUL relating to 50 St. Helens Road, Ormskirk.
5. In accordance with Regulatory Procedure Rule 7(b), Councillor I Davis spoke in connection with planning application 0394/FUL relating to the Halton Castle Inn, Crosshall Brow, Westhead.
6. In accordance with the procedure for public speaking on planning applications on this Committee, 2 objectors and the applicant spoke in connection with planning application 2017/1055/FUL relating to the Former Ainscough Mill, Mill Lane, Burscough.
7. In accordance with Regulatory Procedure Rule 7(b), Councillor E Pope spoke in connection with planning application 0409/FUL relating to Land to the east of Lords Cottage, Hall Lane, Lathom and Pilkington Technology Centre, Hall Lane, Lathom.
8. The Head of Development Management, Mrs C Thomas had declared an interest in respect of planning application 0394/FUL relating to Halton Castle Inn, Crosshall Brow, Westhead and therefore left the Chamber during consideration of this item.
9. Councillor Pope left the meeting at the conclusion of planning application 0409/FUL relating to Land to the east of Lords Cottage, Hall Lane, Lathom and Pilkington Technology Centre, Hall Lane, Lathom and was not present for the remainder of the meeting.
10. Councillor Owens left the meeting at the conclusion of planning application 0275/FUL relating to 50 St. Helens Road, Ormskirk and was not present for the remainder of the meeting.
11. The Leader of the Council, Councillor Moran joined the meeting during

consideration of planning application 2018/0275/FUL relating to 50 St. Helens Road, Ormskirk.

12. Councillor I Davis left the meeting at the conclusion of planning application 0394/FUL relating to the Halton Castle Inn, Crosshall Brow, Westhead and was not present for the remainder of the meeting.
13. The Leader of the Council, Councillor Moran left the meeting at the conclusion of planning application 2017/1055/FUL relating to Former Ainscough Mill, Mill Lane, Burscough and was not present for the remainder of the meeting.
14. At the conclusion of the planning applications, the Director of Development and Regeneration discussed with Members the next meeting of the Planning Committee due to take place on Thursday 6 September and sought Members views on the possibility of starting the meeting at 7pm as the Agenda would contain the Council's new Local Plan and Preferred Options Report it was envisaged that this was going to be a lengthy meeting. Members agreed therefore to commence the meeting at 7pm.

24 2018/0410/WL3 - 62 LEA CRESCENT, ORMSKIRK

RESOLVED: That planning application 0410/WL3 relating to 62 Lea Crescent, Ormskirk be approved subject to the conditions as set out on page 153 of the Report.

25 2018/0411/WL3 - 55A PENNINGTON AVENUE, ORMSKIRK

RESOLVED: That planning application 0411/WL3 relating to 55A Pennington Avenue, Ormskirk be approved subject to the conditions as set out on pages 158 to 159 of the Report.

26 2018/0614/WL3 - 9 RIMMER GREEN, SCARISBRICK

RESOLVED: That planning application 0614/WL3 relating to 9 Rimmer Green, Scarisbrick be approved subject to the conditions as set out on pages 163 to 164 of the Report.

27 2017/0975/OUT - SISTERS OF NOTRE DAME CONVENT, LANCASTER LANE, PARBOLD

RESOLVED: That in respect of planning application 2017/0975/OUT relating to Sisters of Notre Dame Convent, Lancaster Lane, Parbold:-

1. The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to confirmation that the submitted bat survey is satisfactory.
2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set out on pages 173 to

177 of the Report and any additional conditions in relation to bats and with an additional condition as set out below:-

Condition 21

Prior to commencement of use of the development, the existing hedge adjacent to the Lancaster Lane entrance shall be reduced in height to the same height as the existing boundary wall for a length of 10m in both directions, and shall be maintained as such thereafter.

Reason

To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

28 **2018/0409/FUL - LAND TO THE EAST OF LORDS COTTAGE, HALL LANE, LATHOM AND PILKINGTON TECHNOLOGY CENTRE, HALL LANE, LATHOM**

RESOLVED: That planning application 0409/FUL relating to Land to the east of Lords Cottage, Hall Lane, Lathom be approved subject to the conditions as set out on pages 199 to 202 of the Report.

29 **2018/0375/FUL - 14A NEW CUT LANE, HALSALL**

RESOLVED: That planning application 0375/FUL relating to 14A New Cut Lane, Halsall be approved subject to conditions as set out on pages 207 to 210 of the Report.

30 **2018/0275/FUL - 50 ST HELENS ROAD, ORMSKIRK**

RESOLVED: That planning application 0275/FUL relating to 50 St. Helens Road, Ormskirk be withdrawn from the Agenda to allow Officers to seek further clarification on this application.

31 **2018/0394/FUL - HALTON CASTLE INN, CROSSHALL BROW, WESTHEAD, ORMSKIRK**

RESOLVED: That in respect of planning application 0394/FUL relating to Halton Castle Inn, Crosshall Brow, Westhead:-

1. That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a planning obligation under S106 of the Town and Country Planning Act 1990 to secure:

The terms and conditions of the affordable housing units
To secure the provision of lighting at Ormskirk Bowling Club

- 2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set out on pages 225 to 228 of the Report.

32 2017/1055/FUL - FORMER AINSCOUGH MILL, MILL LANE, BURSCOUGH

RESOLVED: That planning application 2017/1055/FUL Former Ainscough Mill, Mill Lane, Burscough be refused for the reason below:-

The proposed parking area results in loss of public open space and would be detrimental to the character and appearance of the area, contrary to Policies GN3 and EN3 of the West Lancashire Local Plan 2012-2027 DDP and the National Planning Policy Framework.

33 2016/1166/FUL - BRIDGE FARM, DALE LANE, NORTHWOOD, KIRKBY

RESOLVED: That planning application 2016/1166/FUL relating to Bridge Farm, Dale Lane, Northwood, Kirkby be refused for the reasons as set out on page 250 of the Book of Reports but with the amendments to reasons 1 and 4 set out on page 286 of the Late Information Report.

34 2018/0401/OUT - 67 GAW HILL LANE, AUGHTON, ORMSKIRK

RESOLVED: That planning application 0401/OUT relating to 67 Gaw Hill Lane, Aughton be refused – reasons for refusal are yet to be specifically determined.

35 2018/0003/COU - LIME TREE BARN, 59 WINIFRED LANE, AUGHTON

RESOLVED: That planning application 0003/COU relating to Lime Tree Barn, 59 Winifred Lane, Aughton be approved subject to the conditions as set out on pages 270 to 271 of the Book of Reports.

.....
- CHAIRMAN -

Agenda Item 7c

PLANNING COMMITTEE

HELD: Thursday, 6 September 2018

Start: 7.00 PM

Finish: 8.00 PM

PRESENT:

Councillor: M Mills (Chairman)
D Evans (Vice-Chair)

Councillors: I Ashcroft J Hodson
Mrs P Baybutt G Owen
S Evans A Pritchard
J Gordon Mrs M Westley
N Hennessy D Westley
G Hodson

Officers: Director of Development and Regeneration – Mr J Harrison
Assistant Director of Development and Regeneration – Mr I Gill
Head of Development Management – Mrs C Thomas
Strategy Planning and Implementation Manager – Mr P Richards
Legal and Member Services Manager – Mr M Jones
Principal Planning Officer – Mr R Hitchcock
Member Services/Civic Support Officer – Mrs J A Ryan

36 APOLOGIES

There were no apologies for absence received.

37 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Devine, O'Toole and Yates and the appointment of Councillors S Evans, D Westley and Hennessy for this meeting only, thereby giving effect to the wishes of the Political Groups.

38 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

39 DECLARATIONS OF INTEREST

In relation to Agenda Item 8 Councillor J Hodson wished to make members of the public aware that as well as being a Planning Committee Member he is also the Portfolio Holder for Planning and in that role, and as a member of Cabinet, he would be considering the Local Plan Review – Proposed Local Plan Preferred Options Consultation report again at a meeting of Cabinet on the 11 September 2018.

In accordance with the Members' Planning Code of Good Practice he considered he was able to contribute to the debate at Planning Committee but would keep an open mind when the matter comes before Cabinet and would take into account all the representations received, including those comments agreed by Planning Committee, prior to taking a decision as a Cabinet member

40 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

41 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 26 July 2018 be approved as a correct record and signed by the Chairman but noting that Councillor J Hodson was in attendance at the meeting as the Portfolio Holder for Planning.

42 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 295 to 352 of the Book of Reports and on pages 943 to 947 of the Late Information Report and on pages 949 to 950 of the Additional Late Information Report.

43 **2018/0401/OUT - 67 GAW HILL LANE, AUGHTON**

RESOLVED: That planning application 0401/OUT relating to 67 Gaw Hill Lane, Aughton be refused for the reason below:-

The proposed development would conflict with Policies EC1, EC2 and GN4 of the West Lancashire Local Plan (2012 - 2027) DPD and National Planning Policy Framework in that it has not been robustly demonstrated that the site is unsuitable for an on-going viable employment use.

44 **2018/0275/FUL - 50 ST. HELENS ROAD, ORMSKIRK**

RESOLVED: That planning application 0275/FUL relating to 50 St. Helens Road, Ormskirk be approved subject to the conditions as set out on pages 316 to 317 of the Report.

45 **2018/0618/FUL - ELM TREE COMMUNITY PRIMARY SCHOOL, ELMERS WOOD ROAD, SKELMERSDALE**

RESOLVED: That planning application 0619/FUL relating to Elm Tree Community Primary School, Elmers Wood Road, Skelmersdale be approved subject to the conditions as set out on pages 324 to 325 of the Report.

46 **2018/0251/FUL - WRIGHTINGTON HOSPITAL, HALL LANE, WRIGHTINGTON**

RESOLVED: That in respect of planning application 0251/FUL relating to Wrightington Hospital, Hall Lane, Wrightington:-

1. The proposed development is considered to be acceptable in principle and therefore it is recommended that the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the confirmation of no objections from the Secretary of State under the terms of the Town and Country Planning (Consultation) (England) 2009 Direction.
2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1 above be subject to the conditions as set out on pages 338 to 342 of the Report but with the amendments to Conditions 20, 23 and 24 as set out on pages 946 to 947 of the Late Information Report and with the amendment of Condition 2 as set out on page 949 to 950 of the Additional Late Information Report.

47 **2018/0300/FUL - WRIGHTINGTON HOSPITAL, HALL LANE, WRIGHTINGTON**

RESOLVED: That the Listed Building Consent application number 0300/FUL relating to Wrightington Hospital, Hall Lane, Wrightington be approved subject to the conditions as set out on pages 347 to 348 of the Report and with the amendment of Condition 2 as set out on page 950 of the Additional Late Information Report.

48 **2018/0702/FUL - 21 MANSE AVENUE, WRIGHTINGTON**

RESOLVED: That planning application number 0702/FUL relating to 21 Manse Avenue, Wrightington be approved subject to the conditions as set out on pages 351 to 352 of the Report.

49 **LOCAL PLAN REVIEW - PROPOSED LOCAL PLAN PREFERRED OPTIONS CONSULTATION**

Consideration was given to the report of the Director of Development and Regeneration as set out on pages 353 to 941 of the Book of Reports the purpose of which was to seek Cabinet's authorisation to publicly consult on the Council's Preferred Options for a new Local Plan and for Planning Committee to refer any agreed comments to Cabinet.

In addition to the agreed comments moved and seconded as detailed at (A) and (B) below, the following comment (C) was moved and seconded:

"That Planning Committee have serious concerns over the Local Plan Preferred Options as it considers the Local Plan Review Cabinet Working Group has exceeded its remit. It was set up to carry out the planned 5 yearly review of the Adopted Local Plan 2012/27 and to make recommendations to the Cabinet. Instead, it has exceeded its remit and put forward Preferred Options for a completely new Local Plan.

The Preferred Options recommend scrapping the existing Local Plan that still has 9 years to run yet it is meeting local housing need, has delivered the planned number of new homes and continues to provide the necessary 5 year supply of housing land. It has also withstood legal challenges in respect of rogue developments and proved to be robust.

The proposal for a new 30 year Local Plan 2020/50 is unprecedented and it is felt impractical to accurately forecast that far ahead, the future housing and employment needs of the Borough. The proposal to plan for 15,992 new homes can only be a very rough estimate given the official population forecast only project to 2041 and even the Treasury has difficulty forecasting medium term economic growth.

It is also proposed to stop the established practice of safeguarding sites identified for future development. This would mean the Council abdicating its responsibility to manage the release of sites and allow developers, or "market", to decide which sites should be developed first. It would also mean that all the sites needed for the next 30 years would be made available for development from 2020/21.

Apart from wanting a huge increase in the annual target for both housing building and commercial development, the Preferred Options propose to provide land to meet the future housing and commercial development needs of Merseyside – 6,256 new homes and hundreds of acres for employment use.

The proposed release of up to 1,500 acres from the Greenbelt or Safeguarded land is cause for considerable concern. The need to take such drastic action is a direct consequence of the issues detailed above.

The Planning Committee urge Cabinet to reject the Preferred Options and instruct the Local Plan Review Cabinet Working Group to prepare new proposals that are in line with the original remit i.e. to review the existing Local Plan 2012/27 and make suitable recommendations to update, amend and perhaps extend it for a further 5 or 7 years. "

A vote was taken on the comment (C) at the request of a Member which was recorded as follows:

FOR: Councillors Ashcroft, Mrs Baybutt, Gordon, Mrs M Westley and D Westley **(FIVE)**

AGAINST: Councillors D Evans, S Evans, Hennessy, G Hodson, J Hodson, Mills, Owen, Pritchard **(EIGHT)**

Comment (C) was therefore LOST.

AGREED: That the following agreed comments be referred to Cabinet:-

A. That Planning Committee wished it to be emphasised that the

public consultation on the Preferred Options document will allow members of the public and other stakeholders to put forward suggestions/observations for consideration by Officers and Members before a final draft of the Local Plan is produced.

- B. That consideration be given to holding one additional event to be held outside of Skelmersdale in the South Eastern Parishes.

.....
- CHAIRMAN -

STANDARDS COMMITTEE

HELD: Tuesday, 18 September 2018

Start: 5.00 pm

Finish: 5.15 pm

PRESENT:

Councillor: I Moran (Chairman)

Councillors: D Westley I Davis
N Hennessy Mrs J Marshall
K Wright

In attendance: Mr S Garvey (Reserve Independent Person)

Officers: Terry Broderick, Borough Solicitor
Matthew Jones, Legal and Member Services Manager
Sue Griffiths, Principal Member Services Officer

1 **APOLOGIES**

Apologies for absence were received on behalf of Mr S Ibbs (Independent Person).

2 **MEMBERSHIP OF THE COMMITTEE**

There were no changes to membership of the Committee.

3 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

4 **URGENT BUSINESS**

There were no items of urgent business.

5 **PUBLIC SPEAKING**

There were no items under this heading.

6 **MINUTES**

RESOLVED That the minutes of the last meeting of the Committee held on 20 March 2018 be approved as a correct record and signed by the Chairman.

7 **COMPLAINTS STATISTICS**

The Committee considered the complaints statistics for 2017/18 as set down at pages 11 to 16 of the Book of Reports.

The Borough Solicitor advised that a complaint received against a Parish Council had been recorded as one incident and proposed that the statistics be updated to reflect the usual practice of recording each individual complaint.

RESOLVED That subject to the amendment referred to above, the Standards Complaints Statistics, attached at Appendix 1 to the report be noted.

8 STANDARDS COMMITTEE ANNUAL REPORT 2017-2018

The Borough Solicitor presented the Standards Committee Annual Report as circulated and contained on pages 17 – 26 of the Book of Reports.

RESOLVED That the Standards Committee Annual Report 2017/18, attached as an Appendix to the report be noted, endorsed and published on the Council’s website.

9 ANNUAL MONITORING OF TRAINING 2017-2018

Consideration was given to the report of the Borough Solicitor as circulated and contained on pages 27 – 32 of the Book of Reports which detailed training undertaken in 2017/18 and its effectiveness in relation to the Code of Conduct and standards.

RESOLVED That the training undertaken and the evaluation of it be noted.

10 WORK PROGRAMME

Consideration was given to the Work Programme as circulated and contained on page 33 of the Book of Reports.

During the ensuing discussion reference was made to Chairmanship skills training and the Borough Solicitor proposed that this be a matter for consideration by the Member Development Commission.

RESOLVED (A) That the Work Programme be noted.
(B) That the Member Development Commission be requested to review Chairmanship skills training.

- Councillor Wright arrived at the meeting during consideration of the above item.

.....
Chairman



CABINET: 11 September 2018

COUNCIL: 17 October 2018

Report of: Borough Solicitor

Relevant Portfolio Holders: Councillors I. Moran and A. Yates

Contact for further information: Terry Broderick (Extn. 5001)
(E-mail: terry.broderick@westlancs.gov.uk)
Neale Walker (Extn. 5022)
(E-mail: neale.walker@westlancs.gov.uk)

SUBJECT: SUSTAINABLE ORGANISATION REVIEW: APPOINTMENT OF CONTRACTOR

Borough-wide interest.

1.0 PURPOSE OF THE REPORT

1.1 To seek agreement of the appointment of the contractor for the Sustainable Organisation Review Project (SORP).

2.0 RECOMMENDATIONS TO CABINET

2.1 That the content of this report be noted.

2.2 That subject to the approval of Council, Red Quadrant be appointed as the contractor for the SORP.

3.0 RECOMMENDATIONS TO COUNCIL

3.1 That the content of this report be noted.

3.2 That Red Quadrant be appointed as the Contractor for the SORP.

4.0 BACKGROUND

4.1 At an Extraordinary Meeting of Cabinet and Council on 28 February 2018 it was agreed 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 SORP, up to recommending to Council and/or Cabinet the contractor offering the most economically advantageous proposal, in accordance with paragraphs 5.1-5.3 and 9.3 of the report then presented.

4.2 Accordingly, the Chief Executive in consultation with an Officer-based SORP Board gave detailed consideration to the procurement process which would lead to the appointment of suitable contractor(s). It was recognised that the primary criterion for selection of contractor(s) should be quality, followed by price. The Public Contracts Regulations 2015 and the Council's internal Contracts Procedure Rules determine that a sealed-bid tender process be undertaken.

4.3 Given the potential value of the contract(s) and the project timescales, the EU single-stage Open Procedure was chosen. Ahead of the formal process potential bidders were alerted to the opportunity via publication of a Prior Information Notice (EU-wide), and an Early Engagement notice was placed on Contracts Finder (the UK Government's public sector tender advertising website) on 21 March 2018. This asked suppliers to complete a no-obligation Soft Market Test Questionnaire. 11 Questionnaire responses were received, which was considered to be a good response rate. The main result of the Questionnaire feedback was that the four Lots initially proposed should be reduced to two:

- Lot 1: Organisational Review, including income generation and ICT advice
- Lot 2: Optional Additional Services, primarily implementation services, to be drawn down if and when required.

4.4 Draft tender documentation was developed by the officers forming the SORP Board and shared with the Cabinet Working Group at its meeting of 21 May 2018. Amendments were incorporated into the documentation to reflect suggestions offered by Members at the meeting. The main amendment related to a reduction in the scoring weighting for Timescales from 10% to 5%, and an increase for Method Statement from 25% to 30%. The final version of the scoring matrix is shown below.

CRITERION	WEIGHTING %
Supplier Questionnaire Part 1 Potential Supplier Information	Pass or Fail
Supplier Questionnaire Part 2 Exclusion Grounds	Pass or Fail
Supplier Questionnaire Part 3 Selection Questions	Pass or Fail
QUALITY QUESTIONS	
1. Individuals' Experience	10%
2. Corporate Experience	5%
3. Method Statement	30%
4. Timescales	5%
5. Risk Analysis	5%
6. References	5%
7. Economic and Financial Standing	Pass or Fail
Price	40%
TOTAL	100%

- 4.5 The tender documents were published on The Chest tendering portal and Contracts Finder on 23 May 2018, and on the EU tendering website the following day. The tender advert attracted 404 views on Contracts Finder, and 69 firms downloaded the tender documents from The Chest. 12 completed the Non-Disclosure Agreement which gave them access to detailed information about the Council's ICT arrangements. A number of clarification questions were received from potential bidders during the tender process, but none of these resulted in any significant amendments to the tender documentation.

5.0 TENDER RESPONSES

- 5.1 The tender submission deadline was noon on 3 July 2018. 13 tenders were received, of which one was rejected as it arrived after the tender submission deadline. Valid tenders were received from:

Lot 1: Agilisys
Caja
Castlerigg Consulting
CIPFA (C Co)
CPC Project Services LLP
Human Engine
Ignite
NVT Group (a consortium bid)
RedQuadrant
Trueman Change
Veraces

Lot 2: As above, with the addition of ICE Creates.

6.0 OVERVIEW OF TENDERS RECEIVED

- 6.1 Most of the responses were of a high standard, and responded to our detailed requirements in a way which allowed us to analyse the assumptions and methodologies which underpin the proposals.
- 6.2 Few of the bidders have recent experience of conducting reviews of this type across a whole local authority. Most have experience of reviewing only one or several departments or services.
- 6.3 Several bidders lack experience in reviewing specific areas of activity, primarily income generation, HR or ICT.
- 6.4 The methodologies proposed by some of the bidders are proprietary models and approaches which may lack the flexibility to be fully adapted to the Council's particular situation. In some instances the process may not take the Council much further as they replicate earlier processes, e.g. organisational re-engineering.
- 6.5 Examination of the method statements provided as part of each tender reveals wide variations in the amount of man-days of effort proposed. These range between 98 and 253 days. Some of the reason for this is linked to comment 6.6

below; the tenders with fewer man-days of effort seem to indicate that more support and effort will be required from Council staff than those with higher days.

6.6 It is clear from the method statements that some bidders would demand a much greater input of senior officer time and/or project support from the Council than others. This has been taken into account in the scoring process through the approved methodology.

7.0 TENDER EVALUATION

7.1 A sub-group of the SORP Officer Board carried out the detailed tender evaluation in accordance with the scoring criteria and weightings described in paragraph 4.4 above. A shortlist was arrived at comprising the two highest-scoring bidders for Lot 1. A series of questions relating to their tenders was developed and sent to the shortlisted bidders. Each shortlisted bidder attended a clarification meeting to receive their responses and discuss them in further detail.

7.2 The end result of this process was that Red Quadrant received the highest scores for both Lots 1 and 2. This was a good quality submission at a good price and the evaluation demonstrated that this contractor should be able to carry out the required work to a high standard.

7.3 The scores for each tender are summarised below (ranked):

Lot 1: Organisational Review, including income generation and ICT advice.

Ranking	Quality score (out of 60)	Price score (out of 40)	Total score %	Price £
1	51.90	25.35	77.25	119,812
2	43.23	32.81	76.05	94,000
3	30.97	40.00	70.97	69,150
4	32.73	36.62	69.35	80,850
5	52.20	15.02	67.22	155,520
6	48.60	11.71	60.31	166,950
7	38.23	14.09	52.33	158,720
8	32.27	13.51	45.78	160,738
9	43.00	0.00	43.00	211,938
10	36.53	0.00	36.53	325,000
11	28.83	0.00	28.83	567,595

Lot 2: Optional Additional Services, primarily implementation services, to be drawn down if and when required.

Ranking	Quality score (out of 60)	Price score (out of 40)	Total score %
1	53.67	34.44	88.10
2	51.00	32.80	83.80
3	44.00	37.26	81.26
4	35.97	40.00	75.97
5	39.70	35.48	75.18
6	41.60	33.01	74.61

7	35.97	38.60	74.56
8	36.70	36.81	73.51
9	45.00	27.90	72.90
10	44.50	22.55	67.05
11	31.43	30.66	62.10
12	31.87	22.16	54.03

- 7.4 Details of the tender process and its outcome were reported to the SORP Cabinet Working Group at its meeting on 4th September. Any agreed comments from this meeting will be reported back to Cabinet and Council as appropriate.

8.0 CONTRACT AWARD PROCESS

- 8.1 All bidders will be/were formally notified of the tender result on 11 September 2018 following which a mandatory 10-day standstill period is/was imposed to allow unsuccessful bidders to be de-briefed. The standstill period ends/ended on 21 September 2018.
- 8.2 A contract is being drawn up with Red Quadrant so that Lot 1 work can commence as soon as possible after Council approval of the appointment and signature of the contract. It is intended that the Red Quadrant will commence work on the SORP project in November and that the outcome of this work will be reported to Council in July 2019.

8.0 SUSTAINABILITY IMPLICATIONS

- 8.1 No significant implications at this early stage and no significant implications for crime and disorder.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 The contract price for Lot 1 is £119,812. The total price for Lot 2 will depend upon the types and volumes of implementation activity identified at the end of the Lot 1 phase. The cost will be funded 80% from the General Revenue Account (through the Policy Options / Sustainable Organisation Review Reserve) and 20% from the Housing Revenue Account in line with staffing numbers / budgets.

10.0 RISK ASSESSMENT

- 10.1 There could be a challenge to the tender process which would delay the timescales for implementation. A carefully considered tender process has been put in place, and tender responses are being evaluated in accordance with strict criteria. This should minimise the risk of a credible challenge.
- 10.2 The SORP has been included on the Council's Key Risk Register as it will play a vital role in ensuring the Council's continuing financial health over the medium term future.

Background Documents

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

Equality Impact Assessment

This is an initial report and does not make any recommendations that would require an Equality Impact Assessment at this time.

Appendices

Minute of Cabinet – 11 September 2018 (below)

CABINET

HELD: Tuesday, 11 September 2018

37 SUSTAINABLE ORGANISATION REVIEW - APPOINTMENT OF CONTRACTOR

Councillor Yates introduced the report of the Borough Solicitor which sought agreement of the appointment of the contractor for the Sustainable Organisation Review Project (SORP).

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 subject to the approval of Council, Red Quadrant be appointed as the contractor for the Sustainable Organisation Review Project.



Report of: Borough Treasurer

Contact for further information: Marc Taylor (Ext. 5092)
(marc.taylor@westlancs.gov.uk)

SUBJECT: MEDIUM TERM FINANCIAL FORECAST

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To consider the challenging financial position facing the Council over the next 3 years.

2.0 RECOMMENDATIONS

- 2.1 That the progress made in delivering the £1.06m package of efficiencies, additional income and savings that has been agreed for the 2018-19 financial year be noted.
- 2.2 That the Medium Term Financial Forecast for 2019-22, including the need to generate further ongoing savings and income of £1.91m per year to maintain the Council's financial health, be noted.
- 2.3 That the adjustments to reserves set out in paragraph 6.3 be approved to ensure that there is sufficient funding available to support the Council's budget position over the next 3 years.
- 2.4 That any future staff restructuring costs arising from the Sustainable Organisation Review or other processes be financed from available capital receipts.
-

3.0 BACKGROUND

- 3.1 Since 2009 the Council has been going through an extended period of falling resources primarily as a result of significant reductions in its government grant funding. A series of programmes and initiatives to generate efficiencies, additional income and other savings have been implemented to address this

position including Major Service Reviews and Policy Option processes. This has been a period of unprecedented change and means that it is becoming progressively more difficult to identify further significant savings and income opportunities without it having an impact on the level or nature of services provided and on stakeholders.

4.0 AGREED EFFICIENCIES, SAVINGS AND ADDITIONAL INCOME FOR 2018-19

- 4.1 There was a significant budget gap for the 2018/19 financial year in terms of the spending required to maintain agreed service levels and the resources that were expected to be available. To address this position a series of measures were agreed by the Council through the Policy Options framework and other processes to be implemented in the current year. A full list of these measures, which in total come to £1.06m, is contained in Appendix 1. These measures include efficiency improvements, generating additional income through a more commercial approach and through charging, restructuring and other staff savings, and in certain limited cases the reshaping of services.
- 4.2 This programme is now being implemented and good progress is being made on delivering these measures. It is inevitable with a programme of this size that there will be some variation from budget projections, and consequently it is intended that this area will be closely monitored, and any necessary revisions considered through the budget process for 2019-20. Reports on the Route Optimisation of the Refuse and Recycling rounds and on the Review of Grounds Maintenance and Street Cleansing Services will be brought back to Council in due course.

5.0 MEDIUM TERM FINANCIAL FORECAST 2019-2022

- 5.1 Earlier this year the Government published a Finance Settlement for local authorities setting out details of future funding levels over the medium term. This Settlement has been combined with other information to produce the financial forecast set out in Appendix 2. This forecast shows the estimated budget gap over the next 3 years.
- 5.2 The forecast has been calculated at a high level taking into account government grant funding, forecasts of corporate council tax and business rate income, and service expenditure and income. The projections show that there will be an estimated cumulative budget gap of £1.53m for 2019-20, £1.77m for 2020-21, and £1.91m for 2021-22.
- 5.3 There is a large budget gap in 2019-20, primarily as a result of the temporary use of £0.955m of reserves to help bridge the budget gap in the current year for one year only. In addition there is a projected £0.435m reduction in revenue support grant from the government. In subsequent years the budget gap increases but by a far smaller extent. This reflects the expectation that from 2020 the Government will not be implementing further significant reductions in local authority funding.
- 5.4 In practice there is scope for considerable variation in this type of forecast as many factors cannot be known with certainty at this time and unexpected new developments will occur. However the forecast does give a clear indication of the

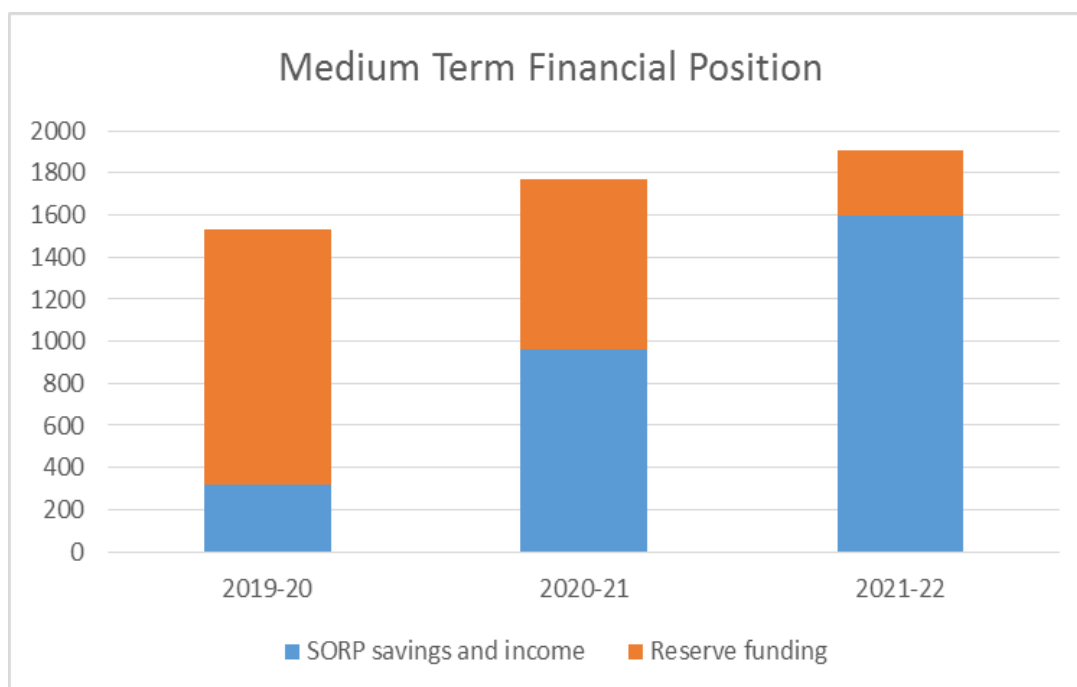
scale of budget reductions that will need to be found over the next 3 years, which would be around 10% of GRA turnover.

6.0 FINANCE AND RESOURCE IMPLICATIONS

6.1 The main mechanism for addressing the budget gap facing the Council will be the Sustainable Organisation Review process (SORP). It is intended that the SORP will start in November 2018 and that a report presenting the results of the SORP will be presented to Council in July 2019. Consequently SORP measures will only start to be implemented part way through 2019-20 and are expected to take a considerable period of time to be fully completed, based on the experience of other authorities that have been through a similar process.

6.2 The table and chart below show the projected budget gap in each year. It also shows an estimated level of SORP savings and income based on the full budget gap being closed on a prudent basis over a 3 year period at an even pace starting half way through 2019-20. On this basis funding from reserves of £2.33m would be required to provide sufficient time for the SORP process to bridge the budget gap.

	2019-20 £000	2020-21 £000	2021-22 £000
Projected budget gap	1,530	1,770	1,910
Estimated SORP savings and income	320	960	1,600
Use of reserves	1,210	810	310
Total use of reserves			2,330



- 6.3 To ensure there is sufficient reserve funding available to finance this position a number of transfers to the Budget and Efficiency Savings Reserve are proposed as follows:
- That £0.22m of funding for the capital programme from the capital reserve is replaced with funding from capital receipts (this will not change the schemes to be delivered in the agreed capital programme but how they are financed)
 - That funding of £0.10m is transferred from the Benefits Initiatives Reserve which is no longer required
 - That funding of £0.36m is transferred from the Business Rates Equalisation Reserve to leave a balance on this reserve of £0.32m, which is equivalent to 1% of the net business rates payable in the current year, which based on experience in recent years should be adequate
 - That funding of £0.54m is transferred from the Restructuring Fund and that in future any staff restructuring costs are funded through available capital receipts. This approach is a change to our previous practice but is permissible under capital finance regulations and is used by many other authorities
 - That unallocated funding of £0.63m is transferred from the Strategic Investment Reserve
- 6.4 These measures together with the £0.48m of unallocated funding already in the Budget and Efficiency Savings Reserve will provide the £2.33m required for the medium term financial position set out above. An updated list of reserves reflecting this position is shown in Appendix 3.
- 6.5 The approach set out above is based on the Council agreeing a programme of savings and income at its July 2019 meeting that is sufficient to bridge the projected budget gap. This is vital to ensure the Council's ongoing financial health.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 Every effort will be made through the SORP to minimise the impact of budget savings on priority areas. Creating a sustainable budget is a priority for all organisations and the SORP will seek to achieve this.

8.0 RISK ASSESSMENT

- 8.1 The difficult financial position facing the Council and the SORP are both included on the Council's Key Risk Register. The financial scenario facing all local authorities means that "doing nothing" is not an option, and that a large scale package of savings and income needs to be agreed over a medium term period.
- 8.2 In considering the medium term financial forecast, it is important to recognise that these are projections based on the best available information at the current time using prudent assumptions. However there is scope for considerable variation, and the value and scale of issues identified in the forecast may change and new issues may emerge. In particular it is difficult to predict future

government funding changes. Similarly the scale and timing of the savings and income that the SORP will deliver are difficult to forecast at this time.

- 8.3 The risk that the final budget gap may be worse than the forecast, or the pace of SORP savings may be slower than expected, can be managed by taking unallocated funding out of the Strategic Investment Reserve. Conversely if the budget gap is less than the forecast or SORP savings are delivered more quickly, it would enable reserve funding to be transferred back to the Strategic Investment Reserve to support future schemes and projects.

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.

Appendix

Appendix 1 – Efficiencies, Savings and Additional Income for 2018-19

Appendix 2 – Medium Term Financial Forecast 2019-22

Appendix 3 – GRA Reserves

APPENDIX 1 - EFFICIENCIES, SAVINGS AND ADDITIONAL INCOME FOR 2018-19

Date Agreed	Ref.	Measure	Target 2018/19 £000	Target 2019/20 £000
LEISURE AND ENVIRONMENT				
Oct 2016	OP9	Introduction of garden waste charging (additional saving from changes in activity in 2018/19)	100	100
July 2017	OP1	Leisure and Wellbeing Budget Streamlining	11	11
July 2017	OP2	Reduction in leased vehicles for Environmental Enforcement Officers	5	5
July 2017	OP8	Replace distribution of waste / recycling calendars with an on line facility	11	11
July 2017	OP9	Change approach to Street Scene Out of Hours service provision	8	8
July 2017	OP11	Seek efficiencies from the Leisure Contract in advance of the new procurement initiative	10	10
Oct 2017	Para 4.4	Additional garden waste charging income (based on actual performance in 2017/18 net of costs of collection)	140	140
Oct 2017	OP17	Cross service review of Grounds Maintenance and Street Cleansing Services	30	150

APPENDIX 1 - EFFICIENCIES, SAVINGS AND ADDITIONAL INCOME FOR 2018-19

Date Agreed	Ref.	Measure	Target 2018/19 £000	Target 2019/20 £000
LEGAL AND DEMOCRATIC SERVICES				
July 2016	OP5	Paperless distribution of agendas and the Constitution etc by Member Services	8	8
July 2017	OP3	Legal and Democracy Budget Streamlining	11	11
Dec 2017	OP16	Reduced Civic Services and Mayoral Role	7	8
FINANCE AND HR SERVICES				
Feb 2016	PO7	Reduce concurrent grants paid to parishes by 10% per year over 3 years	7	7
Feb 2016	PO8	Reduce council tax support grants paid to parishes by 10% per year over 3 years	4	4
July 2017	OP5	Treasury Management Savings from using cash balances to avoid the need to borrow at higher interest rates	88	88
July 2017	OP6	Reduce the Minimum Revenue Provision (MRP) on historical balances in the Capital Financing Requirement from 2% to 1%	25	25

APPENDIX 1 - EFFICIENCIES, SAVINGS AND ADDITIONAL INCOME FOR 2018-19

Date Agreed	Ref.	Measure	Target 2018/19 £000	Target 2019/20 £000
HOUSING AND INCLUSION				
July 2017	OP7	Housing and Inclusion Staff Restructuring	73	73
Dec 2017	OP12	Increase Bus Station departure charges to Bus Companies from 7.5p per departure to 50p	24	24
Dec 2017	OP13	Home Care Link – look to at least break even or else review the provision and model of service delivery	70	70
CORPORATE				
N / a	-	Digital by Preference	30	97
July 2017	OP4	Corporate budget streamlining – increase the central savings target for efficiency savings based on recent performance	165	165
July 2017	OP10	General Efficiencies Programme	50	100
Oct 2017	OP18	Senior Management Team Restructuring	101	101
Dec 2017	OP14	General Income Programme	80	130
		Total	1,058	1,346

MEDIUM TERM FINANCIAL FORECAST 2019-2022
Cumulative budget gap over next 3 years

	2019-20 £000	2020-21 £000	2021-22 £000
GOVERNMENT GRANT FUNDING			
<p><u>1. Revenue Support Grant (RSG)</u> The Government will provide £435,000 of RSG funding to the Council in 2018-19. However the Finance Settlement published in February 2018 confirmed that RSG funding will cease entirely from 2019-20 onwards. This factor will have a significant impact on the service offer that the Council will be able to provide in future years.</p>	435	435	435
<p><u>2. Housing Benefit Administration and Council Tax Support Administration grant</u> The admin grant for these functions has been continuously reduced in recent years, and it is expected that these grants will continue to reduce in future years at broadly the same rate. It is not possible at this time to predict the financial impact that the roll out of Universal Credit will have on these service areas and consequently this position will continue to be closely monitored going forward.</p>	40	80	120
<p><u>3. New Homes Bonus Grant</u> This is a performance reward grant that provides an incentive to stimulate new house building, bring empty homes back into use, and to increase the number of affordable homes. This grant is expected to reduce over the next 2 years as a result of changes in the formula that the government use to calculate the grant. The numbers of new homes being built will play a key role in determining how much grant will be received from this source, and the estimates have been based on the latest 2 year average (around 380 per year).</p>	65	155	130

	2019-20 £000	2020-21 £000	2021-22 £000
CORPORATE FUNDING FROM COUNCIL TAX AND BUSINESS RATES			
<p><u>4. Increase in the Council Tax Base</u></p> <p>The main factors that can cause the council tax base to change are the number of new homes that are built in the borough and the number of council tax support claimants. It has been forecast that the tax base will increase by around 1.2% per year in the future, based on the average increase over the last 3 years.</p>	-85	-170	-255
<p><u>5. Increases in the Council Tax Level</u></p> <p>For planning purposes it has been assumed that the council tax level will increase by 2.99% each year in line with the actual increase in 2018-19, subject to any changes in capping criteria that the government may introduce.</p>	-205	-410	-615
<p><u>6. Increase in the Business Rates Base</u></p> <p>It is forecast that the amount of business rate income will grow in future years based on consideration of trend increases in the business rates base, known new developments and other relevant factors.</p>	-45	-90	-135
<p><u>7. Increase in the level of the Business Rates NNDR Multiplier</u></p> <p>It is Government policy to increase the level of business rates in line with the September RPI inflation rate. Consequently it is assumed that income will increase by 3% per year over the next 3 years.</p>	-85	-175	-270

	2019-20 £000	2020-21 £000	2021-22 £000
SERVICE EXPENDITURE AND INCOME			
<p><u>8. Employee Pay Awards</u> For planning purposes it is assumed that the level of the general pay award will be 2% per year in line the pay award for 2018-19. However this factor is determined by national pay bargaining and consequently is not within the Council's direct control.</p> <p>The increase in 2019-20 is higher than in subsequent years to allow for a number of pay pressures including pay rises above 2% for the lowest graded staff, the assimilation of new spinal column points into the pay structure as a result of the pay settlement that has been agreed for next year, and to allow for holiday pay on overtime in line with recent employment case law.</p>	345	635	925
<p><u>9. Impact of next pension revaluation</u> It has been assumed that pension costs will increase in 2020-21 when the results of the next actuarial revaluation of the pension fund will take effect. This is in line with the long term trend of increasing costs that have resulted from recent actuarial reviews of the pension fund.</p>	0	150	150
<p><u>10. Contract inflation and other base budget uplift factors</u> Council contracts typically contain provisions to uplift costs in line with relevant inflationary factors. This heading also allows for other standard base budget uplift factors that are required to maintain agreed service levels.</p>	120	240	360

	2019-20 £000	2020-21 £000	2021-22 £000
OTHER BUDGET FACTORS			
<p><u>11. New Budget issues</u> This factor is a provision for new and additional budget pressures. Past experience demonstrates that each year the Council will face new and unavoidable budget increases and consequently an allowance for this factor needs to be included in the financial forecasts although it cannot be estimated with certainty.</p>	125	250	375
<p><u>12. Use of reserves to balance the budget for 2018-19 on a one off basis</u> The budget that was set for 2018-19 required the use of £0.955m of reserves. This funding was for one year only and consequently the scale of the budget gap will be increased by this amount in subsequent years.</p>	955	955	955
<p><u>13. Impact of temporary budget items</u> A number of proposals have been approved through the budget setting process on a temporary basis. As these items are completed the funding for them is no longer needed, which reduces the budget requirement going forward.</p>	-85	-150	-150
<p><u>14. Previously agreed policy options that will have a further impact in future years</u> There are a number of policy options that have already been approved which will have a further financial impact in future years including the general income and general efficiencies programmes</p>	-75	-175	-175
BUDGET GAP	1,525	1,770	1,910

FACTORS CONSIDERED BUT NOT QUANTIFIED IN THE FORECAST INCLUDE

- Devolution of Business Rates from 2020 – it is not clear how this proposed new system will operate but from the information provided to date it is expected that the implementation will have a net nil financial impact on local authorities
- The potential impact of universal credit
- Potential future political changes at both national and local level
- The potential impact of Brexit
- New legislative and regulatory requirements

KEY RISKS AND SENSITIVITIES IN THE FORECAST INCLUDE

- Government decisions on any further potential changes to the New Homes Bonus Grant system, and changes in capping criteria for council tax increases
- Numbers of new homes built in the Borough
- Changes in the business rate base
- Levels of economic activity
- General inflation rates and pay settlements
- Interest rates

APPENDIX 3 – GRA RESERVES

Description	Purpose	How and When Used	Responsible Officer(s)	Value £000
Balances				
CORE BALANCES	Balances held to help cushion the impact of uneven cash flows and to avoid unnecessary temporary borrowing	Core balances will typically not change in year and should be maintained at a minimum level of 5% of the budget requirement	Borough Treasurer	690
CONTINGENCY BALANCES	Balances held to cushion the impact of unexpected events or emergencies	Used if required as a general contingency with an expectation that it will be maintained at a minimum level of 2% of budget	Borough Treasurer	270
Corporate Reserves				
MAJOR PROJECTS	Funds set aside to cover the costs of major corporate initiatives and projects	Used to meet the costs of specific initiatives agreed through Council and Cabinet	Borough Treasurer	676
POLICY OPTIONS / SUSTAINABLE ORGANISATIONAL REVIEW	To support the development and implementation of the Policy Options and Sustainable Organisational Review processes	Funding to implement proposals, including additional unexpected costs, project resourcing, delays in implementation etc.	Borough Treasurer	553
BENEFITS / COUNCIL TAX SUPPORT EQUALISATION	To assist in managing and controlling benefits / council tax support costs which are demand led areas outside of the direct control of the Council	Used to smooth out variations in benefits spending and council tax support against budget.	Borough Treasurer	140
BUSINESS RATE INCOME EQUALISATION	To assist in managing and controlling business rate income which is not within the direct control of the Council	Used to smooth out variations in business rate income over a medium term time scale	Borough Treasurer	320
PLANNING INCOME EQUALISATION	To assist in managing and controlling planning income which is not within the direct control of the Council	Used to smooth out variations in planning income over a medium term time scale	Borough Treasurer	175
BUDGET AND EFFICIENCY SAVINGS	This reserve is available to support the overall budget position	Used to deal with the financial challenges facing the Council as set out in the medium term financial forecast	Borough Treasurer	2,330
STRATEGIC INVESTMENT	This reserve is available to support Economic Regeneration initiatives and the Leisure Strategy	Used to meet the costs of specific initiatives agreed through Council and Cabinet	Borough Treasurer	1,151
Insurance Reserve				
INSURANCE RESERVE	Funds held to meet the Council's self-insured liabilities where this is a more cost effective method of insuring than using an external company.	Costs are incurred when insurance claims are settled and funding is provided by individual Council services. The level of the reserve is determined through actuarial reviews	Borough Treasurer	2,095

Description	Purpose	How and When Used	Responsible Officer(s)	Value £000
Repairs and Renewals				
CRA PORTFOLIO – REPAIRS AND RENEWALS FUND	Fund used to meet the costs of building and other issues on the Community Related Assets Portfolio	Available for programmed maintenance and response repairs, new investment, and to provide general support for the CRA portfolio. Annual contribution made from revenue budget	Director of Development & Regeneration	258
SOLAR PV FUND	To fund the replacement of Solar PV equipment located on Council houses	Annual contribution made to reserve from within revenue budget. To be used to fund repairs and renewals	Director of Housing & Inclusion	102
PAY & DISPLAY MACHINE REPLACEMENT FUND	To part fund the replacement of the pay & display machines located on the Council car parks	Annual contribution made to reserve from within revenue budget. To be used to part fund replacement of all machines	Director of Development & Regeneration	73
Ring Fenced Reserves				
HOME CARE LINK	Funding generated from surpluses on Home Care Link activities which is operated as a trading account	Available to meet costs and initiatives within this trading account area. Its level reflects accumulated surpluses	Director of Housing and Inclusion	8
INDUSTRIAL PORTFOLIO FUND	Funding generated from surpluses on the Langtree Estate that is ring fenced for certain regeneration purposes	Available to meet initiatives within this ring fenced area. Its level reflects accumulated surpluses	Director of Development & Regeneration	760
INVESTMENT CENTRE	Funding generated from surpluses on the Investment Centre that is ring fenced for social enterprise purposes	Available to meet initiatives within this ring fenced area and to provide general support to the trading account position. Its level reflects accumulated surpluses	Director of Development & Regeneration	354
COMMUNITY INFRASTRUCTURE LEVY	Funding generated from CIL monies and which must be spent in line with the CIL framework	Uses of this reserve are agreed through reports to Cabinet	Director of Development & Regeneration	2,361



COUNCIL: 17 October 2018

Report of: Borough Treasurer

Contact for further information: Mr M Kostrzewski (Extn.5374)
(E-mail: Mike.Kost@westlancs.gov.uk)
Mr J Smith (Extn.5093)
(E-mail: Jonas.Smith@westlancs.gov.uk)

**SUBJECT: TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS
MONITORING 2018-19**

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To set out details of Treasury Management operations in the year to date and on future plans, and to report on the Prudential Indicators for 2018/19 where available.

2.0 RECOMMENDATION

2.1 That the Prudential Indicators and Treasury Management position be noted.

3.0 BACKGROUND

3.1 The Council has adopted the CIPFA Treasury Management Code of Practice in Local Authorities. One condition of the Code is that a report must be made twice yearly to the Council on the activities of the Treasury Management function including the exercise of Treasury Management powers delegated to the Borough Treasurer.

3.2 The CIPFA Prudential Code for Capital Finance sets out a range of prudential indicators to assess whether an authority's financial position is prudent, affordable and sustainable. It is best practice that performance on these indicators is reported to Members on a regular basis.

4.0 PRUDENTIAL INDICATORS

- 4.1 One of the Council's main strengths is its healthy financial position, and the Council has consistently received reports from its external auditors stating that the Council has a strong financial standing. This position is confirmed in the latest set of prudential performance indicators that are set out in the Appendix.
- 4.2 Table 1 in the Appendix details the estimated and the projected outturn in relation to the principle of affordability contained within the Prudential Code for the current financial year. The first indicator shows that the GRA has a low ratio of financing costs compared to the net revenue stream. The HRA ratio is higher as a result of the borrowing that had to be taken out when the HRA Self Financing system was introduced in March 2012. The borrowing undertaken of some £88.212m attracts annual interest payments of £3.057m, which represents 11.68% of revenue, after allowing for some investment income.
- 4.3 Table 2 in the Appendix details the Prudential Indicator in relation to capital expenditure, which fall under the principle of prudence. At its meeting in February 2018 the Council approved a capital programme worth £20.177m for 2018-19. Capital monitoring in the year to date shows that expenditure is not expected to exceed these budget levels.
- 4.4 There is also a requirement to report upon the Capital Financing Requirement of the Council. This indicator details the authority's underlying need to borrow for a capital purpose. At the end of the financial year 2017/18 the Capital Financing Requirement stood at £101.560m. Due to its nature this indicator can only be reported upon when the non current asset accounts are closed, and the figure for the 2018/19 financial year will not be available until Summer 2019.
- 4.5 With regard to the Treasury Management Prudential Indicators two of these relate to approved borrowing limits, in terms of the authorised limit and the operational boundary for external debt. Council agreed these limits at £112.0m and £108.1m respectively at its meeting on 28th February 2018, and we are currently well within these limits. Table 3 in the Appendix details the borrowing structure and interest payments associated with our debt.

5.0 INVESTMENTS

- 5.1 There have been on average far greater funds available for investment during the current year compared to the last year. The average amount of funds invested for the first 5 months of 2018/2019 was £26.0m compared to £15.9m after the same period in 2017/2018.
- 5.2 The Base Rate started the year at 0.50% and was then increased to 0.75% in August. Our treasury management advisors, Link Asset Services have forecast that the base rate will remain at this level for the rest of this financial year. As a result investment rates have improved and it is anticipated that the total interest earned in 2018/19 will be in excess of that earned in 2017/18.
- 5.3 The Council's strict investment criteria means that there are only a limited number of counter parties in which we can invest. These criteria ensure that the Council will only invest with other Local Authorities or with UK based Banks or Building

Societies with the highest possible credit rating, and this approach seeks to minimise the risk of the loss of public funds.

- 5.4 The following table provides details on investment activity during the first 5 months of this year and last year.

	End of Aug 2018/19	End of Aug 2017/18
Investment levels		
Average Funds invested	£26.0 million	£15.9 million
External Investment Interest earned	£58,213	£21,521
Turnover	£43.10 million	£29.75
million		
Number of individual investments	23	15
Average Rate earned on all investments	0.530%	0.213%
Number & type of organisations invested in		
Local Authorities	1	0
Building Societies	3	3
Banks	3	3

- 5.5 As part of the ongoing work to achieve Best Value in Treasury Management, we continually monitor our performance against a benchmark figure of the average 3-month LIBID interest rate. The position at the end of August is that we are just short of this target, achieving an average rate of interest earned of 0.53% on all investments, against the benchmark average of 0.55%. There is still time in the remainder of this year though to improve on this position.

- 5.6 Members should note that investments are only made in very secure financial institutions with the highest possible credit ratings. We liaise closely with money market brokers and our treasury advisors in order to anticipate the investment landscape ahead, so that we are in a good position to safeguard our investments. In addition each year our treasury advisors undertake a review of our activities and approach to ensure its effectiveness and to consider potential opportunities.

6.0 TREASURY MANAGEMENT FRAMEWORK

- 6.1 There have not been any significant changes made to the treasury management framework in the year to date. It is standard practice that credit rating and other financial information are fully assessed before investments are made to ensure their security.

- 6.2 No changes have been made to the criteria used for deciding upon counterparties for investment purposes, and the maximum amount and loan period for investing with a single organisation remains unchanged. In addition no changes have been made to the list of Brokers used for investment purposes.

7.0 LARGE SCALE DEVELOPMENTS

- 7.1 The Council has a number of initiatives in the pipeline that will require careful consideration from a treasury management perspective including:

- The Skelmersdale Town Centre development
- Leisure Centre replacement
- Forming a Development Company, which is the subject of separate report elsewhere on this agenda

7.2 We are currently exploring approaches to the funding of these schemes to ensure that cash flow is managed efficiently, debt costs are managed to minimum levels and the risks associated with the differing approaches are fully considered. There has however been no external borrowing taken out on these or any other schemes in the year to date.

7.3 It has been previously reported to Members that new Prudential Indicators and a capital strategy have to be in place from April 2019 as a result of regulatory changes. It is intended that these issues will be covered in a report to Council in February 2019, and this will incorporate the potential implications of the new developments set out above in order to ensure the effective financial management of these projects.

8.0 SUSTAINABILITY IMPLICATIONS

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

9.0 RISK ASSESSMENT

9.1 The formal reporting to Council of Prudential Indicators and Treasury Management performance is part of the overall framework set out in Codes of Practice to ensure that the risks associated with this area are effectively controlled. Treasury management activities are included as a risk in the Council's Key Risk Register.

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 – Prudential Indicators

Appendix A - Prudential Indicators

Table 1 REVENUE

Estimate of Ratio of Financing Costs to net revenue stream

G.R.A.	Estimate	2.84%	
	Forecast		2.82%
H.R.A.	Estimate	11.66%	
	Forecast		11.68%

Estimate/Forecast of the incremental impact of capital decisions on the Council Tax

Incremental increase Band D:		£	£
	Estimate	Nil	
	Forecast		Nil

Note: The estimated figures relate to the indicators agreed by Council on 28th February 2018 for the 2018-19 financial year. Forecast indicators relate to the projected outturn for 2018-19.

Table 2 CAPITAL

Estimate of Capital Expenditure

		£ 000's
G.R.A.	Estimate	6,558
H.R.A.	Estimate	13,619
	TOTAL	20,177

Table 3 Borrowing and Interest payment structure

All fixed rate loans:

£ Value	% Interest Rate	Period	Maturity date	£ Int p.a.
4,410,600	3.01	15	28/3/2027	132,759
4,410,600	3.30	20	28/3/2032	145,549
8,821,200	3.44	25	28/3/2037	303,449
8,821,200	3.50	30	28/3/2042	308,742
8,821,200	3.52	35	28/3/2047	310,506
8,821,200	3.53	37	28/3/2049	311,388
8,821,200	3.52	40	28/3/2052	310,506
8,821,200	3.51	42	28/3/2054	309,624
8,821,200	3.50	45	28/3/2057	308,742
8,821,200	3.50	47	28/3/2059	308,742
8,821,200	3.48	50	28/3/2062	306,977

Weighted average interest rate is 3.47%

Total interest charge p.a. is £3,056,986



COUNCIL: 17th October 2018

Report of: Borough Solicitor

Contact for further information: Mr John Addison (Extn. 5016)
(E-mail: john.addison@westlancs.gov.uk)

OVERVIEW AND SCRUTINY ANNUAL REPORT 2017/18

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To present the Overview and Scrutiny Annual Report 2017/18 and consider how Overview and Scrutiny is working at West Lancashire.

2.0 RECOMMENDATION

2.1 That the Overview and Scrutiny Annual Report 2017/18, appended to this report, be noted and the Overview and Scrutiny Committees be commended on their work.

3.0 CURRENT POSITION

3.1 The Overview and Scrutiny Annual Report, appended to this report, provides details of the work of the Overview and Scrutiny Committees undertaken during 2017/18.

4.0 SUSTAINABILITY IMPLICATIONS

4.1 Overview and scrutiny arrangements can assist in involving the community in decisions which affect their lives.

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no specific financial or resource implications arising from this report. However, there are financial and resource implications in respect of officer and member time in dealing with overview and scrutiny matters which must be contained within available resources.

6.0 RISK ASSESSMENT

6.1 Effective overview and scrutiny arrangements are important in holding the executive to account, policy development and meeting statutory 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 or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

Appendix - Overview and Scrutiny Annual Report 2017/18



West Lancashire Borough Council

Overview and Scrutiny Annual Report 2017/18



INTRODUCTION

Welcome to the fifteenth annual report on Overview and Scrutiny in West Lancashire, which gives a retrospective insight into the work undertaken by each of the Council's Overview and Scrutiny Committees and information on some of the subjects our Committees will be scrutinising during 2018/19.

In 2017/18 Overview and Scrutiny at West Lancashire operated through two Committees, the Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee. The work undertaken has been wide-ranging and the report notes key scrutiny activity handled over the last year. Members in examining the issues presented to them have considered best practice and taken evidence from interested parties, highlighting the reasons that informed the recommendations resulting from their work.

Recognising the extensive and in depth nature of the work undertaken by the two Committees, I would like to thank, past and current Members who were involved in the scrutiny activities during 2017-18. Particular thanks goes to those external to the Council who gave up their time to attend meetings and contribute to the work of the Committees.

The Council continues to recognise the importance of the independent challenge of overview and scrutiny and the diversity of the contributions that has been invaluable in assisting the approach to overview and scrutiny at West Lancashire Borough Council.

Terry Broderick
Borough Solicitor
September 2018

SCRUTINY IN WEST LANCASHIRE

In 2017/18 Overview and Scrutiny operated through two committees – The Executive Overview and Scrutiny Committee and the Corporate and Environmental Overview and Scrutiny Committee.

Executive Overview and Scrutiny Committee

The Executive Overview and Scrutiny Committee continues to provide a cross-cutting forum to consider matters as follows:

- 'Call In' – scrutinising decisions made by Cabinet prior to implementation
- 'Post Hoc Scrutiny' – examining decisions after they have been made
- Considering matters referred by Cabinet or Council
- Making proposals to Cabinet or Council/reviewing the performance of the Cabinet and the Council's senior officers
- Conducting budget and policy development linked to the Cabinet Cycle

During 2017/18 under the Chairmanship of **Councillor John Bullock**, the business of the Executive Overview and Scrutiny Committee included consideration of the following matters:

'Call In'

One 'call-in' request was received. In respect of this request, following a debate no alternative decision was put forward to Cabinet. Details of the item that was called-in is set down at Appendix 1.

'Post Hoc Scrutiny'

All minutes of Cabinet meetings were referred to the Committee for post hoc scrutiny. As part of this process the Committee raised questions and made observations on the following items:

- Risk Management - Key Risk Register with particular reference to Land Auction (Potential loss of Capital Receipt if sales not secured within timescale of DCLG) - Progress in relation to the Whalleys, Skelmersdale site.
- Draft Community Infrastructure Levy (CIL) Funding Programme 2018/19 – consultation process; filtering process of submitted bids; guidance.
- Garage Strategy 2016/2020– improved visual aspect of the estates; positive feedback of residents; continuing and future delivery / investment for the programme.
- Housing and Planning Act 2016: Civil Penalties & Rent Repayment Orders – impact, if any, for tenants.
- Mart Lane Hall, Burscough – explanation of Cabinet decision.
- Community Infrastructure Levy (CIL) Funding Programme 2018/19, particularly in relation to: The public consultation and Member involvement in the process

Matters referred by Cabinet or Council to Executive Overview and Scrutiny Committee for views and comments

Agendas regularly include items that are referred to both Executive Overview and Scrutiny Committee and Cabinet.

In 2017/18, the following items were referred by Cabinet to the Committee.

- Draft Housing Allocations and Pet Policy
- Health and Wellbeing Strategy and Delivery Plan for West Lancashire

Making proposals to Cabinet or Council

The Overview and Scrutiny Committee has the power to make recommendations to the Cabinet or Council in respect of any issue.

Conducting policy and budget development linked to the Cabinet Cycle

Policy and Budget Development is also a key role for scrutiny and the Committee was involved in the following during the year:

- Council Plan 2018-19 – 2020/2021
- Corporate Performance Management 2018/19

Scrutiny members were also members of the following Cabinet Working Groups:

- Local Plan
- Funding of Voluntary Bodies and Other Organisations
- Landlord Services Committee

Budget Scrutiny

The Committee has continued to be involved in budget scrutiny. Directors/Heads of Service and various officers across the Council have attended meetings to provide information and answer questions.

The Committee has been involved with the following budget monitoring during the year:

- Capital Programme Outturn 2016-17
- Capital Programme Monitoring 2017-18
- Revised Capital Programme and Mid-Year Review 2017-2018
- Housing Revenue Account (HRA) and Capital Monitoring
- General Revenue Account Budget 2017-18
- Medium Term GRA Capital Programme
- Housing Account – Revenue and Capital Programme

Corporate and Environmental Overview and Scrutiny Committee

The remit of the Corporate and Environmental Overview and Scrutiny Committee is to:

- Undertake Performance Management.
- Conduct in-depth reviews/policy development within each Service, including related external matters as set out in its Work Programme for the relevant year.
- Routinely review recommendations from previous reviews.
- Consider Members' items (including Councillor Call for Action).

- Consider Items referred to it from the Members' Update at the request of a Member.
- Act as the Council's Crime and Disorder Committee.

Under the Chairmanship of **Councillor Nikki Hennessy** the business of the Corporate and Environmental Overview and Scrutiny Committee in 2017/18 included consideration of the following matters:

Performance Management

The Committee plays a key role in performance management by:

- Monitoring and commenting on Council performance by considering regular performance management reports.
- Requesting additional performance information to scrutinise specific service quality.
- Holding the Cabinet and Officers to account if specified outcomes are not being met, ensuring questions are asked both about value for money and the performance of staff.
- Ensuring that effective performance systems are in place and working well.
- Conducting strategic reviews that include service performance in line with strategic objectives.
- Raising individual agenda items on aspects of poor performance.

During 2017/18 the Committee considered:

- Quarterly Performance Indicators ended 31 March 2017 with particular reference to:
 - PI TS13 (% LA properties with Landlord Gas Safety Record (LGSR))
- Quarterly Performance Indicators ended 30 June 2017, with particular reference to:
 - WL108 (Average answered waiting time for callers to the contact centre)
 - WL90% of Contact Centre calls answered
- Quarterly Performance Indicators ended 30 September 2017 and 31 December 2016, with particular reference to:
 - 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'

Relevant officers attended the meetings and provided additional information and responded to questions.

Other items considered:

At the request of Cabinet, the Corporate Overview and Scrutiny Committee receive annually, in the form of a presentation to Members, a report on the work undertaken in the previous twelve months on the:

- **BT Lancashire Shared Services**

An update of the work undertaken in the previous twelve months, as part of the shared service arrangements, is considered by the Committee. In 2016/17 the Directors of ICT and Revenues & Benefits of BT Lancashire Services, attended a meeting (13 July 2016) to present the annual report of that body and responded to questions on their presentations.

- **Leisure Trust**

An update on the work undertaken in the previous twelve months was presented on behalf of West Lancashire Community Leisure (WLCL)/SERCO. In 2017/18 the Contracts Manager, along with the Chairman of WLCL, attended a meeting (12 October 2017) to present the annual report of that body and responded to questions on the presentation.

- **Flooding in the Borough**

The Committee received a presentation in relation to flooding and the wastewater network operations and services in the Borough.

- **Crime and Disorder Scrutiny**

Members reviewed and consider the work being undertaken around crime and disorder, projects being delivered in the borough to combat and improve resident's lives and how it was funded.

In-depth review/policy development

West Lancashire Tourism – The Visitor Economy'

The Committee concluded its work on this review in 2017/18. The final report and recommendations were approved and submitted to Cabinet on 11 September 2017 and Council on 18 October 2017.

Progress on the in-depth study's recommendations will be considered by the Committee at its meeting on 11 October 2018.

'Community Involvement in Service Delivery'

In 2017/18 the Committee commenced its work to carry out a review to explore Community Involvement in Service Delivery.

The Committee received presentations and information from a number of external contributors including representatives from Lancashire Association of Local Councils, and West Lancashire Community Leisure Trust

Briefings were also provided by Officers from Economic Regeneration and the Borough Solicitor to assist in the exploration of the issues.

Work on the review will conclude at the Committee's October 2018 Meeting.

Other matters referred to the Corporate and Environmental Overview and Scrutiny Committee for views and comments

In 2017/18 the following items were referred to the Committee:

- Procedure for the Public and Applicants who wish to speak at the Planning Committee on Planning Applications that might affect them – July Committee.
- Sustainability Transformation Plans (STPS) – October Committee.

Member Development Commission

The overview of the development of Members continues through the Commission, the Member Development Group representatives and Portfolio Holders/Shadow Portfolio Holders with special interests. The Commission meets twice a year and Members have been kept abreast of courses, conferences and other training opportunities and Members have attended these in accordance with their particular areas of interest. The Identification of Training Needs (ITNs) for Members continued.

Members have also attended events organised for them in-house including sessions on new member induction; GDPR; RIPA; licensing; planning; Universal Credit, CIL Briefing, Local Plan, women in Government; I-Trent; ICT; code of conduct and standards.

The Committee is kept up-to-date with the work of the Commission through the minutes of its meetings.

Member items/Councillor Call for Action

Any Member can ensure that any matter relevant to the remit of the Committee can be placed on the agenda and discussed at a meeting in accordance with the protocol for submitting Members Items and Councillor Call for Action in accordance with the provisions in the Local Government and Public Involvement in Health Act 2007 (as amended).

There were 3 items requested under this arrangement in 2017/18;

- Need for Clarity on how Planning Committee considers precedence and comparability
- Poor response from LCC on Drainage complaint
- Hurston Brook Flood Risk Study

Crime and Disorder Committee

Section 19 of the Police and Justice Act 2006 requires every local authority to have a crime and disorder committee with the power to review or scrutinise decisions made or other action taken in connection with the discharge by responsible authorities of their

crime and disorder functions. The Crime and Disorder (Overview and Scrutiny) Regulations 2009 complement the provisions under section 19.

The Corporate and Environmental Overview and Scrutiny Committee has been designated as the committee responsible for undertaking this function, enabling that committee to scrutinise the work of the West Lancashire Community Safety Partnership and the partners who comprise it, insofar as their activities relate to the partnership itself. The legislation gives powers to scrutinise the Community Safety Partnership (CSP) rather than the partners to encourage Members to focus on policy issues rather than individual organisations. The Council has a duty to carry out crime and disorder scrutiny at least once a year in order to fulfill its statutory responsibility.

At the meeting of the Corporate and Environmental Overview and Scrutiny Committee held on 2nd March 2018 Members received a presentation on the role and the work of the CSP that had been undertaken during 2017/18. It detailed the Partnership's initiatives in and with the community during the preceding 12 months and the multi-agency approach to manage key local priorities. The Environmental Protection and Community Safety Manager attended the meeting to provide information and respond to questions.

OFFICER SUPPORT

The Council ensures that officers effectively support the overview and scrutiny function to encourage a healthy culture of open debate and reporting. It has developed an integrated approach with officer support from a variety of sources: Member Services, Partnership/Performance and officers from Services across the Council. This integrated approach means that a full range of professional skills can be used when undertaking any particular scrutiny exercise.

The Borough Solicitor is responsible for the Council's overview and scrutiny function.

Overview and Scrutiny Committees are administered by Member Services, led by the Assistant Member Services Manager, to bring a supported and corporate approach to the scrutiny process, whilst maintaining its independence within the democratic function.

This Council has a supportive senior officer culture for Overview and Scrutiny. As well as attending meetings, Directors/Heads of Service and other senior officers play a proactive role in supporting the function by:

- Assisting in identifying the work programme (ensuring it is focused on the Council's corporate priorities, thereby adding value), being mindful of big issues "on the horizon", scheduling in reports from the inspectorate regimes etc.
- Briefing Members on current issues.
- Assisting in identifying officer support when required.
- Overseeing the quality and value of reports to Committees.

Deputy Director of Housing and Inclusion Services leads the performance management agenda on behalf of the Council through:

- Provision of performance information, production of corporate performance plan, establishing the Council's high-level priorities, target and action.
- Corporate inspection regimes.

- Establishment of the Council's Performance Management Framework including the incorporation of service plans.

Officers from Leisure and Wellbeing Services and West Lancashire Community Safety Partnership have supported development relating to crime and disorder scrutiny.

OVERVIEW AND SCRUTINY NETWORKS/TRAINING

Overview and Scrutiny Network – North West Scrutiny Support Officers' Network (NWSSON)

The network was established in order to look at the following:

- Benchmarking – to introduce a scrutiny benchmark, which would measure impacts and outputs;
- Share good practice;
- Establish a professional network and possibly arrange joint training on scrutiny matters;
- To reinforce the member network, organised by the North West Employers Organisation;
- To establish a channel for information and good practice.

During 2017/18 we have continued to support the Network by ad hoc attendance at organised meetings to hear from presenters, including representatives from numerous Council's, Centre for Public Scrutiny (CfPS); Care Quality Commission (CQC) and receive information on emerging issues. These have included: Combined Authorities and Devolution, NHS Sustainability Transformation Plans (STPs); Engagement with Scrutiny (CQC) and Brexit.

North West Strategic Scrutiny Network (NWSSN) – North West Employers' Organisation

This councillor led network is for scrutiny chairmen, vice chairmen and experienced scrutineers. The role of the group is to support councillors in their development of their scrutiny function role, share good practice and advice and highlight local and national drivers.

The network is open to both Councillors and officers in organisations who hold membership with North West Employers.

The NWSSN aims are:

- To increase collaboration between authorities to ensure greater efficiencies and explore value for money approaches.
- To support the value of overview and scrutiny.
- To share intelligence, knowledge, resources and generate ideas to improve scrutiny function.
- To disseminate information on national and regional initiatives to ensure equal opportunity.
- To share strategic and practical contributions and recognise the value of listening to experiences.

The NWSSON, Centre for Public Scrutiny (CfPS) and NWE also provide sign-posts to guidance and information through Bulletins and Newsletters.

HEALTH SCRUTINY

Health Scrutiny functions are conferred on Councils with social services responsibilities as a result of The Local Authority (Public Health, Health and Well-Being Boards and Health Scrutiny) 2013 Regulations.

The Health Scrutiny Committee at LCC exercises the statutory functions of a health overview and scrutiny Committee. The purpose of the Committee is to review and scrutinise issues around public health and health inequalities. Membership includes 12 non-voting co-opted district Council Members. In 2017/18 West Lancashire's representative was Councillor G Hodson.

Members receive regular Members' Updates on the work being undertaken by the Committee in order to provide an opportunity to feed back any comments via the Council's representative or request items to be included on the next appropriate Committee agenda for more detailed scrutiny as referred to above in relation to the Lancashire and South Cumbria Sustainability Transformation Plan (STP).

The North West Ambulance Service also provide information through Bulletins to its stakeholders.

PUBLICITY

Press releases are regularly sent out to the local press in the area. Independent articles related to work undertaken through the reviews have also been reported on in newspapers circulating in the Borough.

WORK PROGRAMMES

The process for establishing the work programmes is well established.

- **Members of the Council** submit topics (to ensure Member involvement)
- **Members of the Corporate Management Team** submit topics (to ensure a strategic input into the process)
- **Members of the public** submit topics via a press release and the inclusion of an article on the Council's web site (to encourage public participation)

The Work Programme for each Committee is included on the Council's web site, which includes a facility to submit potential topics. Comments in relation to overview and scrutiny in general may also be sent.

The Council uses well-established Selection/Rejection Criteria for scoring topics to ensure a structured approach to the selection of topics to be included in the Work Programme.

Other area of supportive related scrutiny work undertaken during 2017/18 has included the completion of the Annual CfPS Survey.

THE PLAN FOR THE DEVELOPMENT OF OVERVIEW AND SCRUTINY

- The Annual Report will routinely be submitted to Council.
- The Overview and Scrutiny web page will continue to be updated.
- Support will continue for innovative reviews.
- Work in relation to joint scrutiny with the County Council, will continue to be developed, within existing resources.
- Performance Management including the annual review of the work undertaken through BT Lancashire Services and West Lancashire Leisure Trust.
- Operation of the overview and scrutiny agenda through two Committees.
- Participation in the Scrutiny Networks, where appropriate.
- Further training will be provided for officers and members, within existing resources.

CONCLUSION

This report has highlighted the main activities undertaken by overview and scrutiny during 2017/18. The Overview and Scrutiny Committees have considered a range of issues that impact on the Council and the Borough as a whole. Overview and Scrutiny will continue to ensure policies and practices are developed and meet objectives.

CONTACTS

For further information about this annual report or any aspect of scrutiny work in West Lancashire please contact:

John Addison, Principal Overview and Scrutiny Officer, 52 Derby Street, Ormskirk, West Lancashire L39 2DF, Phone 01695 585016, E-mail: john.addison@westlancs.gov.uk

All overview and scrutiny reports are available to the public: on our website and by request.

We are always happy to talk to you about what is happening in overview and scrutiny. If you have any comments or topics for future scrutiny work, then please do get in touch. You can also visit our website at www.westlancs.gov.uk

Please bear in mind that overview and scrutiny is not a complaints system.

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

OVERVIEW AND SCRUTINY 2018/19

In 2018/19 overview and scrutiny will operate through two Committees:

Overview and Scrutiny Chairmen

Corporate and Environmental Overview and Scrutiny Committee – Councillor Nikki Hennessy
01695 423872 – cllr.hennessy@westlancs.gov.uk

Executive Overview and Scrutiny Committee – Councillor John Bullock
07764929131 – cllr.bullock@westlancs.gov.uk

Member Development Commission – Councillor Cynthia Dereli
01704 895247 – cllr.dereli@westlancs.gov.uk

Overview and Scrutiny Lead Officers

Corporate and Environmental Overview and Scrutiny Committee – Heidi McDougall, Director
Leisure and Environment
01695 585191 – heidi.mcdougall@westlancs.gov.uk

Executive Overview and Scrutiny Committee – Jacqui Sinnott-Lacey, Director Housing and
Inclusion
01695 585200 – Jacqui.sinnott-Lacey@westlancs.gov.uk

Member Development Commission – Julia Brown, Member Services/Civic Support Officer
01695 585065 – julia.brown@westlancs.gov.uk

Overview and Scrutiny Function and Support Officers

Lead Officer – Terry Broderick, Borough Solicitor
01695 585001 – terry.broderick@westlancs.gov.uk

Overview and Development – Jacky Denning, Assistant Member Services Manager
01695 585384 – jacky.denning@westlancs.gov.uk

Overview and Scrutiny Committees / Development and Support – John Addison, Principal
Overview & Scrutiny Officer
01695 585016 – john.addison@westlancs.gov.uk

Member Development Commission Support - Julia Brown, Member Services/Civic Support
Officer 01695 585065 – Julia.brown@westlancs.gov.uk

E-mail any of the team at member.services@westlancs.gov.uk

'CALLED IN' ITEM

During 2017/18 the following 'call in' request was considered:

DATE OF O&S MEETING	ITEM	DECISION OF EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE	ACTION
21 st March 2018	Forming a development company – options appraisal.	It was determined that the Committee did not wish to ask for a different decision to the one agreed by an Extraordinary Cabinet on 28 February 2018.	There was no action as an outcome of this meeting.



Report of: Director of Leisure and Environment

Contact for further information: Paul Charlson (ext 5246)
(E-mail: paul.charlson@westlancs.gov.uk)

SUBJECT: THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

- 1.1 That the necessary action be taken to adopt and implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

2.0 RECOMMENDATIONS

- 2.1 That the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be implemented.
- 2.2 That the terms of reference for the Licensing and Appeals Committee contained within the Constitution be amended in accordance with Appendix 2 attached to this report.
- 2.3 That the proper officer provisions and scheme of delegation to the Director of Leisure and Environment contained within the Constitution be amended in accordance with Appendix 3 attached to this report.
- 2.4 That, with immediate effect, the schedule of fees contained in Table 2 in this report are approved.
-

3.0 BACKGROUND

- 3.1 The Council has long had the responsibility to licence commercial activities involving animals and relevant establishments, which includes pet shops and

animal boarding. However, much of this legislation is in excess of 50 years old and therefore does not adequately address present day needs, which has resulted in inconsistent application of the legislation by local authorities.

- 3.2 The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (the Regulations) are made under the Animal Welfare Act 2006 (the Act), and replace, and in some circumstances extend, the existing legislation governing the licensing of commercial activities involving animals and the relevant establishments. Specifically, this includes:
- Boarding of cats and/or dogs in catteries/kennels
 - Boarding of dogs in domestic premises (home boarding)
 - Temporary boarding of dogs in day care
 - Hiring out of horses for the purpose of riding or instruction in riding
 - Selling animals as pets
 - Exhibition of animals for educational or entertainment purposes
- 3.3 Given the aforementioned inconsistencies in application of the relevant legislation, the Regulations seek to improve welfare standards in such businesses by setting explicit requirements for each of the above activities, whilst also placing additional requirements on local authorities in respect of Officer training.
- 3.4 The Regulations also introduce a varied licence duration based on a risk assessment model that takes account of the level of risk posed by each business (based on elements such as past compliance) and the animal welfare standards adopted. Each business is also given a corresponding star rating, ranging from 1 to 5 stars, that aims to provide consumers with information to help them make informed choices when using such businesses. The system also incorporates safeguards to ensure fairness to businesses, which includes an appeal procedure and a mechanism for requesting a re-inspection for the purposes of re-rating when improvements have been made.
- 3.5 With the exception of the activity of “Keeping or Training Animals for Exhibition” (which is set at a 3 year licence on the basis that these activities have hitherto been subject to a registration system), licences can be issued for 1, 2 or 3 years. This will mean that compliant businesses can be issued with longer licences and will therefore receive fewer inspections and pay less fees as a result of their good compliance. The model is summarised in Table 1 below.

Table 1

Scoring Matrix		Welfare Standards		
		Minor Failings (existing business that are failing to meet minimum standards)	Minimum Standards (as laid down in the schedules and guidance)	Higher Standards (as laid down in the guidance)
Risk	Low Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	3 Star 2yr licence Min 1 unannounced visit within 24 month period	5 Star 3yr licence Min 1 unannounced visit within 36 month period
	Higher Risk	1 Star 1yr licence Min 1 unannounced visit within 12 month period	2 Star 1yr licence Min 1 unannounced visit within 12 month period	4 Star 2yr licence Min 1 unannounced visit within 24 month period

3.6 The Regulations also contain transitional provisions whereby existing licence holders are assured that their licences will be unaffected by the Regulations until the expiry date of the existing licence. Upon expiry, the business will be inspected in accordance with the Regulations and new format licences issued accordingly.

4.0 ISSUES

4.1 The Regulations came into force on 1 October 2018, but the formal guidance was not made available until the summer recess, preventing a report to Members until this time. The recommendations contained in this report are therefore required for the Council to adopt and implement the Regulations.

4.2 The terms of reference for the Licensing and Appeals Committee and proper officer provisions and scheme of delegations for the Director of Leisure and Environment already include many of the animal welfare licensable activities outlined above, but not all. It is therefore proposed that the content of Appendices 2 and 3 are approved so that the requirements of the Regulations can be added to the terms of reference for the Licensing and Appeals Committee and proper officer provisions and scheme of delegations respectively. These amendments include the power to undertake the routine review and setting of licence fees on a cost recovery basis.

4.3 Accordingly, the Council is required to set a licence fee for each activity. The proposed fees contained in Table 2 are based on the existing agreed for 2018/19, which follow current guidelines and requirements for licence fee setting. If the recommendations contained in this report are approved, these fees will be

reviewed in December 2018 by the Licensing and Appeals Committee, as part of all locally set licence fees based on estimated budgets for 2019/20.

Table 2 **Proposed fee** **Proposed fee comprised of (a) initial fee; and (b) successful application (enforcement) fee**

Animal Welfare Licences – Cat/Dog Boarding (incl. dog day care / home boarding), Dog Breeding, Pet Shop, Animal Exhibition		
1 year licence New / renewal (+vet fee if required)	£152.87	(a) £97.23; (b) £55.64
2 year licence New / renewal (+vet fee if required)	£208.51	(a) £97.23; (b) £111.28
3 year licence New / renewal (+vet fee if required)	£264.15	(a) £97.23; (b) £166.92
Animal Welfare Licences – Hiring out of horses for the purpose of riding or instruction in riding		
1 year licence New / renewal (+ vet fee)	£200.00	(a) £112.31; (b) £87.69
2 year licence New / renewal (+ vet fee)	£287.69	(a) £112.31; (b) £175.38
3 year licence New / renewal (+ vet fee)	£405.38	(a) £112.31; (b) £293.07

5.0 SUSTAINABILITY IMPLICATIONS

5.1 The new legislation replaces the existing law by clarifying and extending the operational requirements for licensed businesses. The proposals will therefore impact on relevant licensed businesses and the wider public who may use the services of such businesses.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There are no financial implications associated with this report.

7.0 RISK ASSESSMENT

7.1 The Council has a legal duty to carry out the functions of the Act and the Regulations; therefore failure to do so is a breach under the Act. Accordingly, the Council must adopt and implement the legislation for all relevant businesses.

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.

None.

Equality Impact Assessment

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

Appendices

1. Equality Impact Assessment.
2. Proposed amendments to the Constitution: terms of reference for the Licensing and Appeals Committee (relevant sections)
3. Proposed amendments to the Constitution: proper officer provisions and scheme of delegation (relevant sections)

Equality Impact Assessment Form



Directorate: Leisure and Environment		Service: Licensing	
Completed by: Paul Charlson		Date: 17/10/18	
Subject Title: THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018			
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:	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:			
<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	<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>	A new licence regime is being implemented for relevant commercial animal welfare activities		
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)?	Licensing Authorities, service users, members of the public.		
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)?	Sections of the public and businesses use or operate the licences outlined in this report.		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
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?	Sections of the public and businesses use or operate the licences outlined in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	Compliance with the new Regulations is mandatory. The Council has already made routine contact with affected businesses advising them of the implications.
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?	Compliance with the new Regulations is mandatory, so the Council is not currently seeking public views.
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?	See above. 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)?	None.
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 <i>If no actions are planned state no actions</i>

7. MONITORING AND REVIEWING

When will this assessment be reviewed and who will review it?

Implementation and compliance issues will be reported to the Licensing and Appeals Committee when required.

Appendix 2: Proposed amendments to the Constitution: terms of reference for the Licensing and Appeals Committee (relevant sections)

(amendments/additions in bold underline)

Licensing and Appeals Committee – Terms of Reference.

Part 3 – Responsibility for Functions

Licensing and Appeals Committee

Membership - see Appendix at Section 4.1A

Functions

Licensing

- (1) Power to issue licences authorising the use of land as a caravan site (“site licences”).
- (2) Power to license the use of moveable dwellings and camping sites.
- (3) Power to license hackney carriages and private hire vehicles.
- (4) Power to license drivers of hackney carriages and private hire vehicles.
- (5) Power to license operators of hackney carriages and private hire vehicles.
- (6) Power to license performances of hypnotism.
- (7) Power to license premises for acupuncture, tattooing, ear-piercing and electrolysis
- (8) Power to license pleasure boats and pleasure vessels.
- (9) Power to license market and street trading.
- (10) Duty to keep list of persons entitled to sell non-medicinal poisons.
- (11) Power to license dealers in game and the killing and selling of game.
- (12) Power of register and license premises for the preparation of food.
- (13) Power to license scrap yards.
- (14) Power to license the breeding of dogs and cats.**
- (15) Power to license the selling of animals as pets**
- (16) Power to license zoos.
- (17) Power to license dangerous wild animals.
- (18) Power to license the boarding of cats and dogs**
- (19) Power to license the hiring out of horses**
- (20) Power to license the keeping or training of animals for exhibition**
- (21) Power to discharge the functions of the Council as “Licensing Authority” under The Animal Welfare Act 2006**
- (22) Delegation: Power to set all fees as required by the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018**
- (23) Power to license knackers’ yards.
- (24) Power to license persons to collect for charitable and other causes.
- (25) Power to grant consent for the operation of a loudspeaker.
- (26) Power to grant a street works licence.
- (27) Powers under the Highways Act 1980 granted to Borough Councils or under agency from Lancashire County Council.
- (28) Power to approve meat product premises.
- (29) Power to approve premises for the production of minced meat or meat preparations.
- (30) Power to approve dairy establishments.
- (31) Power to approve egg product establishments.
- (32) Power to approve fish products premises.
- (33) Power to approve dispatch or purification centres.

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

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

Appendix 3: Proposed amendments to the Constitution: proper officer provisions and scheme of delegation (relevant sections)

(amendments/additions in bold underline)

Constitution 4.2C: Scheme of Delegation to Issue Date
Director of Leisure and Environment

TO THE DIRECTOR OF LEISURE AND ENVIRONMENT

(ii) PUBLIC HEALTH

1. To administer relevant provisions, give directions, serve notices, enforce, carry out work in default, issue formal cautions and to lay informations and complaints to Court in respect of offences in appropriate cases, under the following enactments and any Act or Acts extending or amending the same or incorporated therein and under any Orders or Regulations made under the said Act or Acts.

- Open Spaces Act 1906
- Dogs Act 1906
- Public Health Acts 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Pet Animals Act 1951
- Zoo Licensing Act 1981
- Animal Welfare Act 2006
- **Performing Animals (Regulation) Act 1925**
- **Animal Boarding Establishments Act 1963**
- **Riding Establishments Act 1964**
- Home Safety Act 1961
- Agriculture (Miscellaneous Provisions) Act 1968
- Late Night Refreshment Houses Act 1969
- Local Government Act 1972
- Control of Pollution Act 1974
- Health and Safety at Work etc., Act 1974
- Slaughterhouse Act 1974
- Guard Dogs Act 1975
- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Building Act 1984
- County of Lancashire Act 1984
- Public Health (Control of Diseases) Act 1984
- Food and Environment Protection Act 1985
- Environmental Protection Act 1990
- Food Safety Act 1990
- Dangerous Dogs Act 1991
- Clean Air Act 1993
- Noise and Statutory Nuisance Act 1993
- Sunday Trading Act 1994
- Environment Act 1995
- Noise Act 1996
- Clean Neighbourhood and Environment Act 2005

- Sunbeds (Regulation) Act 2010
- Water Industry Act 1991
- Water Act 2002
- The Dogs Act 1871
- The Dangerous Dogs Act 1989
- Control of Dogs Order 1992

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

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

3. To appoint officers, where appropriate, as authorised officers or Inspectors and to authorise officers to sign documents and to enter land/premises in connection with their duties under the following enactments or re-enactment thereof:

- Public Health Act 1936 and 1961
- Prevention of Damage by Pests Act 1949
- Pet Animals Act 1951
- Rag, Flock and Other Filling Materials Act 1951
- Agriculture (Safety, Health and Welfare Provisions) Act 1956
- Factories Act 1961
- Animal Boarding Establishments Act 1963
- Riding Establishments Acts 1964 and 1970
- Scrap Metal Dealers Act 1964
- Breeding of Dogs Act 1973
- Control of Pollution Act 1974
- Health and Safety at work etc., Act 1974
- Slaughterhouses Act 1974
- Dangerous Wild Animals Act 1976

- Local Government (Miscellaneous Provisions) Acts 1976 and 1982
- Building Act 1984
- County of Lancashire Act 1984
- Public Health (Control of Diseases) Act 1984
- Food and Environment Protection Act 1985
- Environmental Protection Act 1990
- Food Safety Act 1990
- Breeding of Dogs Act 1991
- Dangerous Dogs Act 1991
- Clean Air Act 1993
- Noise and Statutory Nuisance Act, 1993
- Sunday Trading Act 1994
- Noise Act 1996
- Clean Neighbourhoods and Environment Act 2005
- Sunbeds (Regulation) Act 2010
- Water Industry Act 1991
- Water Act 2003
- **The Animal Welfare Act 2006**

14. To determine, after consultation with the Borough Solicitor whether or not to prosecute persons contravening legislation relating to **dogs or other animals.**

15. To make arrangements for the seizure of animals, and subsequent action in cases of emergency under the Dangerous Wild Animals Act 1976.

16. To authorise a Veterinary Surgeon, or Veterinary Practitioner, or such other person as he deems competent, to inspect any premises where any animal is, or may be held, in pursuance of a Licence which has been applied for, or granted, under the Dangerous Wild Animals Act 1976.

17. To vary Licence Conditions, to allow removal of any animal that is to be kept at premises outside the Borough for more than 72 hours, under the Dangerous Wild Animals Act 1976.

18. To consult with the Secretary of State and other persons necessary to formulate an inspection team and appoint Inspectors on behalf of the Council under the Zoo.

...

51. To take all measures to administer and enforce the provisions contained in The Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018, including but not limited to the grant, refusal, variation, suspension and/or revocation of licences, appointment and/or instruction of inspectors, appointment of a listed veterinarian, serving notices, providing information to the Secretary of State, entering premises, taking prosecutions, responding to appeals, setting fees along with the assessment and recovery of costs.



COUNCIL: 18 October 2018

Report of: Borough Solicitor

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

SUBJECT: APPOINTMENT OF VICE-CHAIRMEN OF THE AUDIT AND GOVERNANCE COMMITTEE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To appoint the Vice-Chairman of the Audit and Governance Committee.

2.0 RECOMMENDATION

2.1 That a Councillor, who is a Member of the Audit and Governance Committee, be appointed Vice-Chairman of the Audit and Governance Committee for the remainder of the 2018/19 Municipal Year.

3.0 BACKGROUND AND CURRENT POSITION

3.1 Council Procedure Rule 1.1(x) provides that the Annual Meeting will appoint Chairmen and Vice-Chairmen of Committees for the ensuing Municipal Year.

3.2 Councillor Pendleton was appointed Vice-Chairman of the Audit and Governance Committee and as he is no longer a Councillor, this position is now vacant.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no financial implications arising from this report.

6.0 RISK ASSESSMENT

6.1 This report meets the requirements set out in the Council's Constitution.

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.

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

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

Document is Restricted

