



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

Tuesday, 4 December 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, 12 DECEMBER 2018** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be "Kim Webber".

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.) 495 - 496

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| 4. | MINUTES
To receive as a correct record, the minutes of the previous meeting held on 17 October 2018. | 497 - 508 |
| 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) | Licensing & Appeals Committee - Tuesday, 9 October 2018 | 509 - 512 |
| b) | Planning Committee - Thursday, 18 October 2018 | 513 - 514 |
| c) | Audit & Governance Committee - Tuesday, 30 October 2018 | 515 - 518 |
| d) | Planning Committee - Thursday, 29 November 2018 | 519 - 524 |
| 8. | BUDGET UPDATE
To consider the report of the Borough Treasurer. | 525 - 532 |
| 9. | HRA REVENUE AND CAPITAL MID-YEAR REVIEW
To consider the joint report of the Director of Housing and Inclusion and the Borough Treasurer. | 533 - 544 |
| 10. | REVISED CAPITAL PROGRAMME
To consider the report of the Borough Treasurer. | 545 - 556 |
| 11. | APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005
To consider the report of the Director of Leisure & Environment | 557 - 600 |
| 12. | COUNCIL ENFORCEMENT POLICY
To consider the report of the Director of Leisure and Environment. | 601 - 630 |
| 13. | HEALTH AND WELLBEING STRATEGY ANNUAL PERFORMANCE REVIEW 2018
To consider the report of the Director of Leisure and Environment. | 631 - 652 |
| 14. | EXECUTIVE DECISIONS - SPECIAL URGENCY
To consider the report of the Borough Solicitor. | 653 - 654 |
| 15. | 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 item(s) of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that it involves the likely disclosure of exempt | |

information as defined in Paragraphs 1, 2 & 3 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

- 16. COMMERCIAL PROPERTY INVESTMENTS - UPDATE**
To consider the report of the Director of Development and Regeneration 655 - 666
- 17. REVIEW OF GROUNDS MAINTENANCE AND STREET CLEANSING UPDATE**
To consider the report of the Director of Leisure and Environment. 667 - 700

PART 3 - OPEN TO THE PUBLIC

- 18. MOTIONS**
To consider the following Motion included on the agenda at the request of the Member indicated:
- a) **Fair Deal For Leaseholders - Motion Included on the Agenda by Councillor Adrian Owens on Behalf of the Our West Lancashire Group**
There is a concern at the Government's failure to adequately regulate the sale of leasehold properties within the UK, and tackle the onerous terms of existing leases;
- at the financial burdens suffered by homeowners, due to unregulated developer practices, and the unacceptable terms of leases;
 - for residents, who find themselves unable to sell their homes, except for a considerable discount, following the public's increasing awareness of the struggles affecting leasehold homeowners.

Pledges to address the matter are welcomed however there is frustration expressed regarding the extent of the Government's plans, and its commitment to support those already affected by unfair practices, and charges.

This Council resolves that:

- A. The Government be requested to take urgent action to address:
- i) The level of and rate of increase in ground rent charges that existing leaseholders are obliged to pay to developers, or the companies to which the freehold has been sold;
 - ii) The practice of freeholders selling the freehold to third parties, without the knowledge of the existing leaseholders, and without first offering the leaseholder the option of purchasing the freehold;
 - iii) The manner in which estate maintenance charges are levied

against the leaseholders without sufficient transparency or cost-efficiency;

- iv) The unclear, and in many cases, seemingly excessive cost for the purchase of freeholds by leaseholders including excessive costs even to enter into such negotiations;
- v) The unfair systems of administration charges imposed via the lease, to the hindrance of (for example) leaseholders who wish to make alterations to the property;
- vi) The requirement of existing leaseholders to have owned the lease for a minimum period, before being eligible to purchase the freehold;
- vii) The lack of advice and adequate compensation schemes available to many leaseholders who believe they have been miss-sold, and/or their lease contains onerous conditions.

- B. The Chief Executive be requested to write to the Secretary of State for Housing, Communities and Local Government, to express its concern regarding the above issues, and request further, pressing action is taken not only to restrict the development of further leasehold homes, but to provide appropriate support and means of redress for existing leaseholders.

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		Notes
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, 17 October 2018

Start: 7.30 pm

Finish: 9.00 pm

PRESENT:

Councillors:

N Delaney (Mayor)

G Owen (Deputy Mayor)

T Aldridge

Mrs P Baybutt

T Blane

J Cairns

R Cooper

Cummins

C Dereli

C Evans

Evans

Y Gagen

N Hennessy

J Hodson

Lockie

Mrs J Marshall

M Mills

M Nixon

A Owens

E Pope

L Savage

D West

Mrs M Westley

K Wilkie

K Wright

I Ashcroft

Mrs M Blake

J Bullock

C Cooper

P Cotterill

I Davis

G Dowling

D Evans

N Furey

J Gordon

G Hodson

P Hudson

C Marshall

J Mee

I Moran

D O'Toole

J Forshaw

A Pritchard

Mrs D Stephenson

D Westley

D Whittington

Witter

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

Jacky Denning, Assistant Member Services Manager

35 PRAYERS

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

36 APOLOGIES

Apologies for absence were received on behalf of Councillors Currie, Devine, Kay, McKenna, Pryce-Roberts and Wynn.

37 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 16(a) 'Non-Hydraulic Fracturing Shale Gas Exploration Applications – Motion' and item 16(e) 'Free School Meals – Motion', as Members of Lancashire County Council (LCC), as did Councillors Cummins and Gagen as employees of LCC, and indicated that they would not participate in any detailed discussions which affected LCC.
2. Councillors C Cooper, Cotterill, Cummins, Mrs Marshall, O'Toole, Owens, Savage, D Westley, Mrs Westley, Wright and Yates declared a non-pecuniary interest in agenda item 16(e) 'Free School Meals - Motion' as school governors, as did Councillor Furey, as a school governor as his wife works in a school.
3. Councillor Mrs Marshall declared a non-pecuniary interest in agenda item 12 'The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018' in view of her employment at a local veterinary establishment.

38 MINUTES

RESOLVED: That the minutes of the meeting of Council held on Wednesday, 18 July 2018 be approved as a correct record and signed by the Mayor.

39 ANNOUNCEMENTS BY THE MAYOR AND/OR THE CHIEF EXECUTIVE

The Mayor welcomed Councillors Gareth Dowling, Joan Witter and Ron Cooper to the meeting, who have been elected following the By Elections held in Knowsely, Hesketh with Beconsall and Tanhouse Wards respectively. He also paid tribute to former Councillors Paul Moon and Bob Pendleton and thanked them for their service to the Council.

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

There were no items under this heading.

41 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. Audit and Governance Committee held on Tuesday, 24 July 2018.
- B. Planning Committee held on Thursday, 26 July and 6 September 2018.
- C. Standards Committee held on Tuesday, 18 September 2018.

42 SUSTAINABLE ORGANISATION REVIEW: APPOINTMENT OF CONTRACTOR

Consideration was given to the report of the Borough Solicitor, as contained on pages 345 to 350 of the Book of Reports, which sought agreement of the appointment of the contractor for the Sustainable Organisation Review Project (SORP).

RESOLVED: A. That the content of this report be noted.

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

43 MEDIUM TERM FINANCIAL FORECAST

Consideration was given to the report of the Borough Treasurer, as contained on pages 351 to 368 of the Book of Reports, which set out the challenging financial position facing the Council over the next 3 years.

RESOLVED: A. That the progress made in delivering the £1.06m package of efficiencies, additional income and savings that have been agreed for the 2018-19 financial year be noted.

B. 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.

C. That the adjustments to reserves, set out in paragraph 6.3 of the report, be approved to ensure that there is sufficient funding available to support the Council's budget position over the next 3 years.

D. That any future staff restructuring costs arising from the Sustainable Organisation Review or other processes be financed from available capital receipts.

44 TREASURY MANAGEMENT AND PRUDENTIAL INDICATORS MONITORING 2018-19

Consideration was given to the report of the Borough Treasurer, as contained on pages 369 to 374 of the Book of Reports, which 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.

A Motion to approve the recommendation at paragraph 2.1 of the report, was moved and seconded, incorporating the wording of a proposed Amendment circulated at the meeting.

A vote was taken, the Motion was CARRIED.

RESOLVED: A. That the Prudential Indicators and Treasury Management position

be noted.

- B. That a report be presented to Council, no later than April 2019, setting out the potential risks and rewards of accepting less security when investing the Council's cash holdings.

45 **OVERVIEW & SCRUTINY ANNUAL REPORT 2017/18**

Consideration was given to the report of the Borough Solicitor, as contained on pages 375 to 392 of the Book of Reports, which presented the Overview and Scrutiny Annual Report 2017/18 and set out how Overview and Scrutiny is working at West Lancashire.

RESOLVED: 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.

46 **THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

Consideration was given to the report of the Director of Leisure and Environment, as contained on pages 393 to 406 of the Book of Reports, which detailed the necessary action to be taken to adopt and implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

- RESOLVED: A. That the provisions of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be implemented.
- B. That the terms of reference for the Licensing and Appeals Committee contained within the Constitution be amended in accordance with Appendix 2 attached to the report.
- C. 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 the report.
- D. That, with immediate effect, the schedule of fees contained in Table 2 in this report are approved.

47 **APPOINTMENT OF VICE-CHAIRMAN OF AUDIT & GOVERNANCE COMMITTEE**

Consideration was given to the report of the Borough Solicitor, as contained on pages 407 and 408 of the Book of Reports, which sought to appoint the Vice-Chairman of the Audit and Governance Committee.

RESOLVED: That Councillor Chris Wynn, 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.

48 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 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.

49 **FORMING A DEVELOPMENT COMPANY**

The Leader advised that at the meeting of Extraordinary Cabinet, held immediately preceding the meeting of Council, had resolved to defer consideration of the report 'Forming a Development Company' until the next or a future meeting of Cabinet, in order to give consideration to the Chancellor of the Exchequer's budget statement which is to be delivered on 29 October 2018, and moved the following Motion, which was seconded:

"That consideration of the report should be deferred to the next or a future meeting of Council".

A vote was taken, the Motion was CARRIED.

RESOLVED: That consideration of the report should be deferred to the next or a future meeting of Council.

(Note: Members of the Press and public were invited back into the meeting)

50 **MOTIONS**

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

51 **NON-HYDRAULIC FRACTURING SHALE GAS EXPLORATION APPLICATIONS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR MILLS ON BEHALF OF THE LABOUR GROUP**

The following Motion was moved and seconded:

"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."

A vote was taken, the Motion was CARRIED.

RESOLVED: A. 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.
- B. 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.
- C. 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.
- D. 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.

52 **LOCAL PLAN REVIEW CABINET WORKING GROUP - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR POPE ON BEHALF OF THE CONSERVATIVE GROUP**

The following Motion was moved and seconded:

"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."

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

FOR: Councillors Ashcroft, Mr Baybutt, Mrs Blake, Blane, Cairns, Davis, Mrs C Evans, Gordon, C Marshall, Mrs Marshall, Mee, O'Toole, Owens, Pope, Mrs Stephenson, D Westley, Mrs Westley, Whittington and Witter (NINETEEN)

AGAINST: Councillors Aldridge, Bullock, C Cooper, R Cooper, Cummins, Delaney, Dereli, Dowling, D Evans, S Evans, Forshaw, Furey, Gagen, Hennessy, G Hodson, J Hodson, Hudson, Lockie, Mills, Moran, Nixon, Owen, Pritchard, Savage, West, Wilkie, Wright and Yates (TWENTY EIGHT)

ABSTENTIONS: Councillor Cotterill (ONE)

The Motion was LOST.

(Note: Councillor Stephenson arrived during consideration of this item.)

53

REVIEW OF THE POLITICAL MANAGEMENT STRUCTURE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR YATES ON BEHALF OF THE LABOUR GROUP

The following Motion was moved and seconded:

"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."

A vote was taken, the Motion was CARRIED.

RESOLVED: A. That this council believes:

- 1) That the potential for radical restructuring of Council governance exists within the SORP process, and should therefore be considered at this point in time.
- 2) That it is appropriate that the role and number of elected members be considered equally alongside those of officers within the review process.
- 3) 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.
- 4) 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.

B. That this Council resolves:

- 1) 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.
- 2) 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.

54 **PREVENTING THE PREVENTABLE: REDUCING SUICIDE - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

With the agreement of the meeting, the following Altered Motion was moved and seconded:

"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 Partnership 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."

A vote was taken, the Motion was CARRIED.

- RESOLVED:
- A. 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.
 - B. That this Council believes all deaths by suicide are preventable and that behind every statistic is an individual, a family and a community devastated by their loss and that suicide is everyone's business.

- C. 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.
- D. That this council recognises that there is a direct link between social isolation, unemployment, long-term health conditions and suicide.
- E. That this Council shall work as part of the Health and Wellbeing Partnership 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.
- F. 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.

55 **FREE SCHOOL MEALS - MOTION INCLUDED ON THE AGENDA BY COUNCILLOR COOPER ON BEHALF OF THE LABOUR GROUP**

This item was withdrawn.

.....
THE MAYOR

LICENSING & APPEALS COMMITTEE

HELD: Tuesday, 9 October 2018

Start: 7.30 pm

Finish: 8.05 pm

PRESENT:

Councillor: G Owen (Chairman)

Councillors: N Furey C Evans
J Kay J Mee
M Mills A Owens
D West

Officers: Paul Charlson, Commercial, Safety and Licensing Manager
Samantha Jordan, Senior Licensing Officer
Kay Lovelady, Principal Solicitor
Julia Brown, Member Services, Civic Support Officer

12 APOLOGIES

There were no apologies for absence received.

13 MEMBERSHIP OF THE COMMITTEE

There were no changes to Membership of the Committee.

14 URGENT BUSINESS

There were no urgent items of business.

15 DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

16 DECLARATION OF INTEREST

Councillor G Owen declared a pecuniary interest in relation to Agenda item 12 – Application for Private Hire Driver Licence – WK/000244951 as the Applicant was known to her personally.

Councillor D West declared a pecuniary interest in relation to Agenda item 12 – Application for Private Hire Driver Licence – WK/000244951 as the Applicant was known to her personally.

17 MINUTES OF SUB - COMMITTEES OR WORKING GROUPS

There were no minutes to receive.

18 MINUTES

RESOLVED: That the Minutes of the meeting held on 5 June 2018 be received as a correct record and signed by the Chairman.

19 HEALTH AND SAFETY REGULATORY SERVICE PLAN 2018/19

Consideration was given to the report of the Director of Leisure and Environment as contained on pages 33 to 46 of the Book of Reports which sought Members agreement of the Health and Safety Regulatory Service Plan 2018/19.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions and comments raised by Members.

RESOLVED: That the Health and Safety Regulatory Service Plan for 2018/19, as attached at Appendix 2 to the report be approved.

20 ADMINISTRATIVE AND SAFEGUARDING MEASURES, INCLUDING CHANGES TO THE CONVICTIONS POLICY CONTAINED IN THE HACKNEY CARRIAGE AND PRIVATE HIRE STATEMENT OF LICENSING POLICY 2018

Consideration was given to the report of the Director of Leisure and Environment as contained on pages 47 to 96 of the Book of Reports to consider administrative and safeguarding measures, including changes to the Convictions Policy contained within the Hackney Carriage and Private Hire Statement of Licensing Policy 2018, following publication of the Institute of Licensing guidance on determining the suitability of applicants and licensees in the Hackney Carriage and Private Hire trades.

The Commercial, Safety and Licensing Manager outlined the report and responded to questions and comments raised by Members.

- RESOLVED: A. That the convictions Policy document at appendix 2 to the report be approved for use, subject to consultation, thereby replacing the existing Convictions Policy – Appendix S to the Hackney Carriage and Private Hire Statement of Licensing Policy 2018.
- B. That the Hackney Carriage and Private Hire Statement of Licensing Policy 2018 be amended as necessary to reflect the content of Appendix 2 attached to this report and those measures detailed in section 5.0.
- C. That the Director of Leisure and Environment be given delegated authority to subject the amended Hackney Carriage and Private Hire Licensing Policy Statement to a period of public consultation before returning the document to the Licensing and Appeals Committee for approval.
- D. That delegated authority be given to the Director of Leisure and Environment to amend the application procedures and processes contained in the Hackney Carriage and Private Hire Statement of Licensing Policy as may be necessary.

21 **THE ANIMAL WELFARE (LICENSING OF ACTIVITIES INVOLVING ANIMALS) (ENGLAND) REGULATIONS 2018**

Consideration was given to the report of the Director of Leisure and Environment as contained on pages 97 to 104 of the Book of Reports which informed Members of the necessary action to be taken to implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The Commercial, Safety and Licencing Manager outlined the report and responded to questions and comments raised by Members.

RESOLVED A. That the report be noted.

B. That the requirements to implement the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 be referred to Council including amended terms of reference of the Licensing and Appeals Committee, appropriate delegation to Officers and licence fees.

22 **EXCLUSION OF PRESS AND PUBLIC**

RESOLVED That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 2 (Identity of an individual) and Paragraph 7 (Criminal Matters) part 1 of Schedule 12A outweighs the public interest in disclosing the information.

23 **APPLICATION FOR PRIVATE HIRE DRIVER LICENCE – WK/000244951**

Members were asked to consider an Application for a Private Hire Driver Licence Number WK/000244951 having regard to the Statutory Declaration that accompanied the Application Form and any other relevant information.

RESOLVED: That Private Hire Licence Number WK/000244951 be deferred one cycle in order to allow receipt of the DBS Report.

.....
Chairman

Agenda Item 7b

PLANNING COMMITTEE

HELD: Thursday, 18 October 2018

Start: Time 7.30 p.m.

Finish: Time 8.10 p.m.

PRESENT:

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

Councillors: I Ashcroft
Mrs P Baybutt
C Cooper
R Cooper
G Hodson
D O'Toole

G Owen
E Pope
A Pritchard
Mrs M Westley
A Yates

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 – Ms T Maguire
Member Services/Civic Support Officer – Mrs J A Ryan

50 APOLOGIES

There were no apologies for absence received.

51 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillors Devine and J Hodson and the appointments of Councillors C Cooper and R Cooper for this meeting only, thereby giving effect to the wishes of the Political Groups.

52 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

53 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

54 DECLARATIONS OF PARTY WHIP

There were no Declarations of Party Whip.

55 MINUTES

RESOLVED: That the minutes of the meeting held on the 6 September 2018 be approved as a correct record and signed by the Chairman.

56 PLANNING COMMITTEE MEETINGS - PROPOSED CHANGE OF TIME FOR FUTURE MEETINGS

RESOLVED: That all future meetings of the Planning Committee commence at 7.00pm.

57 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 965 to 994 of the Book of Reports and on pages 1009 to 1015 of the Late Information Report.

58 2018/0728/FUL - HUGHES MUSHROOM, FARM , COURSE LANE, NEWBURGH

RESOLVED: That planning application 0728/FUL relating to Hughes Mushroom Farm, Course Lane, Newburgh be approved subject to the conditions as set out on pages 970 to 973 of the Report and with the adjustment to Condition 2 as set out on pages 1010 to 1011 of the Late Information Report.

59 2018/0721/FUL - GIBBONS BARN, PLEX LANE, HALSALL

RESOLVED: That planning application 0721/FUL relating to Gibbons Barn, Plex Lane, Halsall, Ormskirk be deferred for one cycle to allow for further negotiations to take place

60 2017/1265/FUL - TANPIT FARM HOUSE, BROAD LANE, DOWNHOLLAND

RESOLVED: That planning application 2017/1265/FUL relating to Tanpit Farm House, Broad Lane, Downholland be refused for the reasons as set out on pages 993 to 994 of the Report.

61 PLANNING CODE OF GOOD PRACTICE

Consideration was given to the report of the Borough Solicitor as contained on pages 995 to 1007 of the Book of Reports the purpose of which was to update the Planning Code of Good Practice to reflect current good practice and recent case law.

RESOLVED: That the updated Planning Code of Good Practice, attached at Appendix 1 of the report be adopted.

.....
- CHAIRMAN -

Agenda Item 7c

AUDIT & GOVERNANCE COMMITTEE

HELD: Tuesday, 30 October 2018

Start: 6.30 p.m.

Finish: 7.30 p.m.

PRESENT:

Councillor: P Cotterill (Chairman)
C Wynn (Vice-Chairman)

Councillors: T Blane F McKenna
R Cooper J Mee
C Dereli E Pope
J Gordon

Officers: Borough Solicitor – Mr T Broderick
Borough Treasurer – Mr M Taylor
Internal Auditor – Ms Joanne Guest
Member Services/Civic Support Officer - Mrs J A Ryan

In attendance: Georgia Jones (Grant Thornton)

26 APOLOGIES

Apologies for absence were received on behalf of Andrew Smith (Grant Thornton).

27 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor Aldridge and the appointment of Councillor McKenna for this meeting only, thereby giving effect to the wishes of the Political Groups.

28 DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

29 PUBLIC SPEAKING

There were no items under this heading.

30 MINUTES

Consideration was given to the minutes of the last meeting, and in particular to Minute no. 21. Members indicated that they wished a full report to be brought back to a future meeting and it was noted that this is planned to be brought to the next meeting of this Committee.

RESOLVED: That the minutes of the meeting held on the 24 July 2018 be approved as a correct record and signed by the Chairman with the amendment of Minute no 21 to read as below:-

"RESOLVED (A) That the progress in the year to date be noted.

(B) That a full report covering the history of the issues with regard to Property Services be brought back to a future meeting of this Committee. "

(Note: Councillor McKenna arrived during the consideration of this item).

31 **GRANT THORNTON - PROGRESS REPORT AND SECTOR UPDATE**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 307 to 312 of the Book of Reports the purpose of which was to receive an update from the Council's External Auditors, Grant Thornton on a range of different matters.

The Chairman invited Georgia Jones from Grant Thornton to present the Progress Report and Sector Update Report to the Committee.

RESOLVED: That the Grant Thornton Progress Report and Sector Update be noted.

32 **GRANT THORNTON ANNUAL AUDIT LETTER**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 313 to 326 of the Book of Reports including as an Appendix Grant Thornton's (External Auditors) Annual Audit Letter for the year ended 31 March 2018.

The Chairman invited Georgia Jones (Grant Thornton) to introduce the Annual Audit Letter.

A question was raised by a Member in relation to the prepayment of pension contributions.

RESOLVED: That the Grant Thornton Annual Audit Letter for the year ended 31 March 2018 be noted.

33 **INTERNAL AUDIT ACTIVITY - QUARTERLY UPDATE**

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 327 to 336 of the Book of Reports which advised of progress against the 2018/19 Internal Audit Plan.

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

- Disabled Facilities Grants, in particular referrals to LCC, and a Member asked that an update be reported back to the next meeting of this Committee with regard to progress made
- Audit Plan Progress

- Management of Electronic Records – storage and security of systems, and a Member asked if a training session could be delivered on this at a future training session for this Committee.

RESOLVED: (A) That progress in the year to date, be noted.

(B) That an update be provided at the next meeting with regard to progress on Disabled Facilities Grants.

(C) That a training session on Data Security and Storage be factored into this year's Work Programme for the Committee.

34 **RIPA ACT REGULAR MONITORING OF USE OF POWERS - ANNUAL SETTING OF THE POLICY**

Consideration was given to the report of the Borough Solicitor as contained on pages 337 to 365 of the Book of Reports on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and presented an updated RIPA Policy document. He reported that there had been no relevant activity to bring to the attention of the Committee.

The Borough Solicitor also advised that there were non-consequential amendments needed to be made in respect of an Officer's title and service descriptions (at paragraphs 1.6 and Appendix 3 of the Report) and that these would be amended before presenting to Cabinet.

RESOLVED: That the Council's RIPA activity and the updated RIPA Policy, at Appendix 1, subject to the minor amendments mentioned be noted.

35 **WORK PROGRAMME**

Consideration was given to the Committee's Work Programme as set at page 367 of the Book of Reports.

RESOLVED (A) That the Work Programme be noted.

(B) The following training sessions were agreed:-

29 January 2019 - Data Security and Storage

28 May 2019 – Annual Accounts Training

July 2019 – The Development Company

.....
- CHAIRMAN -

Agenda Item 7d

PLANNING COMMITTEE

HELD: Thursday, 29 November 2018

Start: 7.00 p.m.

Finish: 8.05 p.m.

PRESENT:

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

Councillors: I Ashcroft
Mrs P Baybutt
C Dereli
S Evans
G Hodson
J Hodson
D O'Toole
E Pope
A Pritchard
D Westley
A Yates

Officers: Director of Development and Regeneration – Mr J Harrison
Head of Development Manager – Mrs C Thomas
Assistant Borough Solicitor – Mr M Jones
Principal Planning Officer - Ms T Maguire
Assistant Solicitor – Mrs R Chadwick
Member Services/Civic Officer - Mrs J A Ryan

In attendance: Councillor J Mee (Tarleton Ward)

62 APOLOGIES

There were no apologies for absence received.

63 MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of Councillor G Owen, Mrs M Westley and T Devine and the appointments of Mrs S Evans, D Westley and C Dereli for this meeting only, thereby giving effect to the wishes of the Political Groups.

64 URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN

There were no urgent items of business.

65 DECLARATIONS OF INTEREST

1. In line with the Officers Code of Conduct the Head of Development Management (Mrs C Thomas) declared an interest in planning applications 0729/FUL and 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk as she had been advised that the assets of the Windmill Bowling Club had been transferred to Ormskirk Bowling Club. Her brother is Chairman of the Ormskirk Bowling Club, and accordingly she left the Chamber during consideration of this item.

66 **DECLARATIONS OF PARTY WHIP**

There were no Declarations of Party Whip.

67 **MINUTES**

RESOLVED: That the minutes of the meeting held on the 18 October 2018 be approved as a correct record and signed by the Chairman.

68 **PLANNING APPLICATIONS**

The Director of Development and Regeneration submitted a report on planning applications (all prefixed 2018 unless otherwise stated) as contained on pages 1037 to 1156 of the Book of Reports and on pages 1157 to 1159 of the Late Information Report.

(Note:

1. The Head of Development Management (Mrs C Thomas) had declared interests in respect of application nos.0729/FUL and 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk and therefore left the Chamber during consideration of these items.
2. In accordance with the procedure for public speaking on planning applications on this Committee, an objector spoke in connection with application no. 0720/FUL relating to 200 Burscough Street, Ormskirk.
3. In accordance with Regulatory Procedure Rule 7(b) Councillor Mee spoke in connection with planning application 0864/FUL relating to Netholme Farm, Park Lane, Tarleton.
4. That the next Planning Committee on the 21 January 2019 would be commencing at 7.30pm to accommodate a presentation before the meeting by external developers.

69 **2018/0790/ARM - LAND TO THE NORTH OF WHALLEYS ROAD, SKELMERSDALE**

RESOLVED: That in respect of planning application 0790/ARM relating to Land to the North of Whalleys Road, Skelmersdale:-

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 the applicant entering into a deed of variation (planning obligation) under S106 of the Town and Country Planning Act 1990 to secure:-

The terms and conditions of the affordable housing.

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 1048 to 1052 of the Report and with an additional condition as set out below:-

Condition 20

Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

70 **2018/0796/FUL - LAND TO THE NORTH OF WHALLEYS ROAD, SKELMERSDALE**

RESOLVED: That in respect of planning application 0796/FUL relating to Land to the North of Whalleys Road, Skelmersdale:-

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 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.

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 1064 to 1067 of the Report and with an additional condition as set out below:-

Condition 20

Prior to construction of any dwelling a scheme for the provision of electric vehicle charging points throughout the development and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

71 2018/0835/OUT - LAND TO THE SOUTH OF STOPGATE LANE, SIMONSWOOD

RESOLVED: That planning application 0835/OUT relating to Land to the South of Stopgate Lane, Simonswood be approved subject to the conditions as set out on pages 1075 to 1081 of the Report and with the adjustments to conditions as set out on pages 1157 to 1158 of the Late Information Report.

72 2018/0525/HYB - LAND TO THE EAST OF TOLLGATE ROAD, BURSCOUGH

RESOLVED: That planning application 0525/HYB relating to Land to the East of Tollgate Road, Burscough be approved subject to the conditions as set out on page 1091 to 1099 of the Report and with the amendment to conditions as set out on pages 1159 to 1161 of the Late Information Report.

73 2018/0729/FUL - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK

RESOLVED: That planning application 0729/FUL relating to The Windmill, 24 Wigan Road, Ormskirk be refused for the reasons as set out on pages 1112 of the Report.

74 2018/0730/LBC - THE WINDMILL, 24 WIGAN ROAD, ORMSKIRK

RESOLVED: That listed building consent 0730/LBC relating to The Windmill, 24 Wigan Road, Ormskirk be granted subject to the conditions as set out on pages 1117 to 1118 of the Report.

75 2017/1330/FUL - SCARISBRICK HALL SCHOOL, SOUTHPORT ROAD, SCARISBRICK

RESOLVED: That planning application 2017/1330/FUL relating to Scarisbrick Hall School, Southport Road, Scarisbrick be approved subject to the conditions as set out on pages 1129 to 1132 of the Report and with an additional condition as set out on page 1163 of the Late Information Report and with an additional condition as set out below:-

Condition 19

The Performing Arts Centre shall not be brought into use until works to the school entrance are completed and brought into use in accordance with the details approved under planning application 2017/1269/FUL.

Reason

To safeguard the amenity of adjacent properties and the area generally and in the interest of highway safety, in accordance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

76 2018/0581/FUL - 198 BURSCOUGH STREET, ORMSKIRK

RESOLVED: That Planning Committee noted the submission of a non-determination appeal but is of the opinion that the proposed development is unacceptable in principle, for the reasons identified under the reasons for refusal stated in the agenda report.

77 2018/0720/FUL - 200 BURSCOUGH STREET, ORMSKIRK

RESOLVED: That planning application 0720/FUL relating to 200 Burscough Street, Ormskirk be approved subject to the conditions as set out on pages 1148 to 1149 of the Report.

78 2018/0864/FUL - NETHOLME FARM, PARK LANE, TARLETON, PRESTON

RESOLVED: That planning application 0864/FUL relating to Netholme Farm, Park Lane, Tarleton be refused for the reason as set out on page 1156 of the Report.

.....
- **CHAIRMAN** -



COUNCIL: 12 December 2018

Report of: Borough Treasurer

Contact for further information: Marc Taylor (Extn. 5092)
(E-mail: marc.taylor@westlancs.gov.uk)

SUBJECT: BUDGET UPDATE

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To provide an update on a range of business rates and council tax matters.

2.0 RECOMMENDATIONS

- 2.1 That delegated authority be given to the Director of Housing and Inclusion in consultation with the relevant portfolio holders to implement the new Business Rate Reliefs announced in the Chancellor of the Exchequer's Budget Speech in October 2018.
- 2.2 That the level of Council Tax charges be set at the maximum possible level for homes that have been empty for more than 2 years as set out in section 5.0 of this report.
- 2.3 That the existing Council Tax Support Scheme be continued for the next financial year.

3.0 BACKGROUND

3.1 This report covers a range of different matters in relation to new business rate reliefs, Council Tax charges on Empty Homes and the Local Council Tax Support Scheme. These matters require consideration as a result of new government initiatives and legislation and as part of the budget setting process.

4.0 NEW BUSINESS RATE RELIEFS

4.1 The Chancellor of the Exchequer announced in his budget speech in October 2018 that the following business rate reliefs would be introduced:

- Reductions in business rate bills of a third for all small retailers with a rateable value below £51,000 for the financial years 2019-20 and 2020-21 subject to state aid limits. Nationally this could benefit up to 90% of retail properties by up to £8,000 per year
- A new mandatory 100% business rates relief for all public lavatories

4.2 It was also stated in this speech that local authorities would be fully compensated for the loss of income as a result of these business rate measures. These reliefs will provide temporary assistance to small retailers over the next 2 years and also provide a saving estimated at just under £2,000 for the Council on its public lavatories. No further details have been provided by the Government on these measures at this time and consequently it is proposed that a delegated authority be given to the Director of Housing and Inclusion in consultation with the relevant portfolio holders to implement these reliefs when more detailed guidance becomes available.

5.0 COUNCIL TAX CHARGES ON EMPTY PROPERTIES

5.1 The Council currently charges a premium of an additional 50% council tax over and above the normal council tax on unfurnished homes that have been empty for more than 2 years and are not being actively marketed for sale or rent. This is the maximum possible charge under the current rules and is designed to provide a financial incentive for home owners to bring properties back into use, which is important given the housing issues facing the Borough.

5.2 New legislation set out in the Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act 2018 means that the maximum possible charges have now been increased as follows:

From 1 April 2019

- Properties empty for over 2 years - the maximum premium will increase from 50% to 100%

From 1 April 2020

- Properties empty for a period of 2 – 5 years - the maximum premium will be 100%
- Properties empty for a period of 5+ years - the maximum premium will increase to 200%

From 1 April 2021

- Properties empty for a period of 2 – 5 years - the maximum premium will be 100%
- Properties empty for a period of 5 - 10 years - the maximum premium will be 200%

- Properties empty for a period of more than 10 years - the maximum premium will increase to 300%

5.3 It is proposed that the maximum possible charge will be made on unoccupied and unfurnished properties that are not being actively marketed for sale or rent in line with this new legislation to help to address housing issues in the Borough. Currently there are 134 properties that have been empty for between 2 to 5 years, 46 properties that have been empty for 5 to 10 years, and 28 properties that have been empty for more than 10 years. It is estimated that this approach would generate an additional £117,000 in total in 2019-20 of which the Borough Council's share would be £15,000. Additional income would be raised in subsequent years in line with the increases in charges set out above.

6.0 LOCAL COUNCIL TAX SUPPORT SCHEME

6.1 The Government abolished the national scheme of Council Tax Benefit with effect from April 2013 and now requires that local authorities put in place a local Council Tax Reduction Scheme, more commonly known as a Council Tax Support (CTS) scheme. This requires each Council tax billing authority to design its own scheme to administer Council Tax Support, working within a framework set out in legislation. Each financial year the Council must consider whether to revise its existing scheme or replace it with another scheme. If it chooses to revise its existing scheme, or replace that scheme with another scheme, it must do so no later than 31 January in the financial year preceding the financial year the scheme is to have effect.

6.2 The Council agreed its local CTS scheme in December 2012, and this scheme has been in operation since that time. The main feature of this scheme is that it calculates CTS in line with the previous Council Tax Benefit system but then applies a percentage reduction of 22% for claimants of working age, which was designed to reflect the reduction in government funding for CTS. Full details on the scheme can be found on the Council's website using the following link:

<http://www.westlancs.gov.uk/bills-benefits/benefits/council-tax-support.aspx>

6.3 The CTS scheme complies with statutory requirements and operates in an effective manner, and consequently no revisions are proposed to this scheme for the next financial year. Any values in the scheme will though be updated to reflect changes in national benefit figures in line with our standard practices.

7.0 LOCAL GOVERNMENT FINANCE SETTLEMENT

7.1 It is expected that the Local Government Finance Settlement for 2019-20 will be announced on 6th December 2018. This will be too late to be incorporated into this report and consequently an analysis of the financial consequences will be circulated to Members by email

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 Council must agree a CTS scheme by the 31st January before the start of each financial year, and if it does not a default government scheme must be implemented.

Background Documents

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

Equality Impact Assessment

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required and a formal assessment is attached as Appendix 1 to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix 1 - Equality Impact Assessment

Equality Impact Assessment Form



Directorate: Finance and HR		Service: Finance and Human Resources	
Completed by: M Taylor		Date: 30 November 2018	
Subject Title: Empty Homes Council Tax			
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):	Yes		
Details of the matter under consideration:	Increase in the level of council tax charged on homes empty for more than 2 years as a result of new legislation.		
<i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i>			
2. RELEVANCE			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes	<i>*delete as appropriate</i>	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered Yes go to Section 3</i>	This report has an impact on the council tax charged on homes that have been empty for more than 2 years.		
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)?	Council tax payers for homes that have been empty for more than 2 years.		
If the work being carried out relates to a	See Above.		

universal service, who needs or uses it most? (Is there any particular group affected more than others)?	
Which of the protected characteristics are most relevant to the work being carried out? Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	No data is held in relation to council tax payers for empty homes.
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?	A council tax premium is currently charged on homes that have been empty for more than 2 years. Under this proposal the level of this charge would increase to provide a financial incentive for the property to be brought back into use.
What will the impact of the work being carried out be on usage/the stakeholders?	A higher level of council tax will be paid.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Council currently charges the maximum council tax premium on homes empty for more than 2 years. New legislation will increase the maximum possible charge.
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?	No data is available on the protected characteristics of council tax payers. This change is being introduced though as a result of new legislation.
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)?	No data is available to assess this impact.

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.).

If the council tax payer brings the property back into use, or begins to actively market the property for sale or rent, then they will no longer be subject to a premium council tax charge.

What actions do you plan to take to address any other issues above?

No further actions on equality impact need to be taken.

7. MONITORING AND REVIEWING

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

This assessment will be reviewed as part of the annual budget setting process.



CABINET: 6 November 2018

**EXECUTIVE OVERVIEW AND SCRUTINY
COMMITTEE: 22 November 2018**

COUNCIL: 12 December 2018

Report of: Director of Housing and Inclusion and Borough Treasurer

Relevant Portfolio Holder: Councillor J. Forshaw

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

SUBJECT: HRA REVENUE AND CAPITAL MID-YEAR REVIEW

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

- 1.1 To provide a summary of the Housing Revenue Account (HRA) and Housing capital programme positions for the 2018/19 financial year.

2.0 RECOMMENDATIONS TO CABINET

- 2.1 That the 2018/19 HRA and Housing capital programme positions be noted.
- 2.2 That the proposed budget adjustments identified in the Appendix 2 be endorsed for consideration by Council.
- 2.3 That Call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 22 November 2018.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

- 3.1 That the 2018/19 HRA and Housing capital programme positions be noted.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That the 2018/19 HRA and Housing capital programme positions be noted.
- 4.2 That the proposed budget adjustments identified in Appendix 2 be approved.

5.0 BACKGROUND

- 5.1 In February 2018 Council agreed the HRA revenue and capital budgets for the 2018/19 financial year. Subsequently in July 2018 Council noted the favourable financial outturn position of the 2017/18 HRA and Capital Investment Programme and approved a number of budget changes and allocations.
- 5.2 As a result of previously approved policy options, the HRA should be able to achieve a balanced budget position during the period of 1% per annum rent reductions that will need to be implemented under government rules until 2020.

6.0 HOUSING REVENUE ACCOUNT – PROJECTED OUTTURN

- 6.1 A summary of the projected HRA revenue outturn is set out in Appendix 1 and shows that a favourable budget variance of £1,146,000 is expected, representing 4.5% of total turnover. This demonstrates that the HRA remains in a healthy financial position.
- 6.2 The main variations that are expected at this time include:
- There are a number of vacant posts, largely in Property Services, pending recruitment of the permanent staff to fill them. Consequently a significant favourable variance is anticipated on employee costs.
 - Following painting contractor issues in 2017/18 a more integrated and planned approach is being taken that delivers pre-painting at the same time as guttering and other works. The pre-painting budget itself will therefore largely not be used.
 - Void repairs and responsive repairs are both demand-led so these budget requirements can change as circumstances evolve. This year so far more responsive work is being carried out for tenants than in the same period of 2017/18 and consequently this budget area is likely to overspend.
 - Funding of £100,000 has been used from the budget contingency to support the capital programme. No further uses of the remaining budget contingency of £242,000 are anticipated at this time.
- 6.3 It is intended that consideration will be given to how the projected favourable budget variance of £1,146,000 should be used as part of the budget setting process for 2019/20.

7.0 CAPITAL INVESTMENT PROGRAMME

- 7.1 As part of the mid-year review, capital programme budgets have been examined to ensure that they continue to be required and that their level is appropriate. Appendix 2 summarises the results of this review and proposes a number of changes. These changes would reduce the overall size of the programme from £16.398m to £15.455m, as a result of £0.680m of re-profiling of expenditure into future years and taking out £0.263m of expenditure on schemes that are no longer required.

- 7.2 A summary of the Housing Capital expenditure year to date position against the revised budget is shown in Appendix 3. Total expenditure to date is £5.035m which represents 33% of the total budget. For comparison purposes, at the mid-year point in 2017/18 expenditure was around 25%.
- 7.3 Results from the recent stock condition survey have been compiled and an updated investment plan is being created in preparation for 2019/20 budget setting.

8.0 SUSTAINABILITY IMPLICATIONS

- 8.1 Monitoring the budget position ensures, with information we are aware of, that the HRA remains able to deliver services and is financially sustainable in the medium term. This supports the aim that local people should receive good quality homes for a fair and appropriate rent.

9.0 RISK ASSESSMENT

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

Background Documents

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

Equality Impact Assessment

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

Appendices

- Appendix 1 - HRA Revenue Projected Outturn.
Appendix 2 - Housing Revised Capital Programme Summary of Changes.
Appendix 3 - Housing Capital Year to Date Position
Appendix 4 - Minute of Cabinet (Executive Overview and Scrutiny Committee 22 November 2018 only)
Appendix 5 - Minute of Executive Overview and Scrutiny Committee (Council 12 December 2018 only)

Appendix One – HRA Revenue Projected Outturn

Budget Area	Budget £000	Variance £000	Comment
Employee Expenses	4,621	-250	Staffing vacancies will lead to a favourable budget variance
Void repairs and response repairs	2,742	175	Both budgets are demand-led so final outturn depends upon various factors. Pressure to date on these budgets mainly due to increased resident activity
Other premises costs	3,232	-660	Following painting contractor issues in 2017/18 a more integrated and planned approach is being taken that delivers pre-painting at the same time as guttering and other works. The pre-painting budget itself will therefore largely not be used.
Transport costs	186	0	
Budget contingency	242	-242	Funding of £100,000 has been transferred to capital but there are no other anticipated requirements for the remaining budget of £242,000
Supplies and Services	1,076	-170	Variance reflects a range of factors including a smaller than anticipated bad debt provision
Support Services and internal income (net)	-1,075	61	
Loan interest	3,057	0	
Contributions to capital	11,335	0	A contribution to the capital budget of £8,456k was approved by Council in February 2018 budget setting. A further £2,779k of revenue contributions from 2017/18 slippage and surplus was approved by Council in July 2018. An additional £100k is now being funded from the budget contingency (£8,456k + £2,779k + £100k = £11,335k).
Dwelling rents	-22,820	-10	
Other external income	-2,596	-50	
Total	0	-1,146	Represents 4.5% of the overall turnover

Appendix Two – Housing Revised Capital Programme Summary of Changes

Scheme	Current Budget £000's	Transfers £000's	Re-profiling £000's	Funding changes £000's	Revised Budget £000's	Comments
Beechtrees	3,699				3,699	
Re-Roofing Works	2,826		-600	-400	1,826	£600k slipped to future years, £400k anticipated works not required
Walls	1,258				1,258	
Heating System Upgrades	1,021	150			1,171	Communal funding transferred for Evenwood Court communal boiler replacement
Bathroom Replacements	965		100		1,065	Reprofiled from the 2019/20 budget to utilise the contractor effectively and deliver part of next year's programme in 2018/19
Electrical Upgrades	927		-180	-40	707	£180k slipped to future years
Adaptations for Disabled People	828			-443	385	£243k was slipped from 2017/18 to fund three adaptations projects. These are continuing but can now be accommodated within the 2018/19 budget. A further £200k will not be spent and is therefore being released
Communal Areas Improvements	756	-150			606	
Professional Fees	697				697	
Westec Development HRA Element	637				637	
Contingency/Voids	466				466	
Kitchen Replacements	414				414	
Windows and Doors	336				336	
Improvements to Binstores	224	140			364	Funding transferred from structural works
Communal Fire Safety Works	200			700	900	Additional spending requirement identified from Fire Risk Assessment survey
Structural Works	199	-140			59	

Scheme	Current Budget £000's	Transfers £000's	Re- profiling £000's	Funding changes £000's	Revised Budget £000's	Comments
Sheltered Housing Upgrades	183	-40		-80	63	
Install Carbon Monoxide Detectors	180				180	
Lifts	168				168	
HRA Garages	149	40			189	
Local Housing Allowance Initiatives	51				51	
Firbeck Revival	50				50	
Environmental Programme	45				45	
Purchase Service Charge Software	40				40	
Digital Inclusion Initiatives	39				39	
Housing OR Recommendations	23				23	
Flaxton Rainbow	12				12	
Flood Resilience Works	5				5	
Total	16,398	0	-680	-263	15,455	

Resources

	Current Budget £000's	Transfers £000's	Re- profiling £000's	Funding changes £000's	Revised Budget £000's	Comments
Capital Receipts	190				190	
HRA Borrowing	4,973		-780	-263	3,930	
HRA/MRA Contribution	11,235		100		11,335	
Total Resources	16,398	0	-680	-263	15,455	

Appendix Three – Housing Capital Year to Date Position

Scheme Description	Revised Budget £000's	Mid-year Spend £000's	Mid-year Spend %
Beechtrees	3,699	888	24%
Re-Roofing Works	1,826	628	34%
Walls	1,258	381	30%
Heating System Upgrades	1,171	424	36%
Bathroom Replacements	1,065	952	89%
Electrical Upgrades	707	196	28%
Adaptations for Disabled People	385	167	43%
Communal Areas Improvements	606	28	5%
Professional Fees	697	659	95%
Westec Development HRA Element	637	192	30%
Contingency/Voids	466	253	54%
Kitchen Replacements	414	1	0%
Windows and Doors	336	36	11%
Improvements to Binstores	364	12	3%
Communal Fire Safety Works	900	54	6%
Structural Works	59	25	42%
Sheltered Housing Upgrades	63	34	54%
Install Carbon Monoxide Detectors	180		0%
Lifts	168		0%
HRA Garages	189	54	29%
Local Housing Allowance Initiatives	51		0%
Firbeck Revival	50	-29	-58%
Environmental Programme	45	51	113%
Purchase Service Charge Software	40		0%
Digital Inclusion Initiatives	39	12	31%
Housing OR Recommendations	23	4	17%
Flaxton Rainbow	12	11	92%
Flood Resilience Works	5		0%
Energy Efficiency	0	2	N/a
Total Expenditure	15,455	5,035	33%

MINUTE OF CABINET – 6 NOVEMBER 2018

53 HRA REVENUE AND CAPITAL MID YEAR REVIEW

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and the Borough Treasurer which provided a summary of the Housing Revenue Account (HRA) and Housing Capital Programme positions for the 2018/19 financial year.

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 2018/19 HRA and Housing capital programme positions be noted.
- B. That the proposed budget adjustments identified in Appendix 2 to the report be endorsed for consideration by Council.
- C. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 22 November 2018.

**MINUTE OF EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 22
NOVEMBER 2018**

31 HRA REVENUE AND CAPITAL MID-YEAR REVIEW

Consideration was given to the joint report of the Director of Housing and Inclusion and Borough Treasurer as circulated and contained on pages 643 – 651 of the Book of Reports that summarised the Housing Revenue Account (HRA) and Housing Capital Programme positions for 2018/2019 financial year. The report had previously been considered by Cabinet at its meeting on 6 November 2018 and was scheduled to be considered by Council at its meeting on 12 December 2018.

The Borough Treasurer attended the meeting and provided an overview of the report referring to details as set down in the report and appendices and the Director of Housing and Inclusion responded to a query raised by a Member on anticipated slippage and advised that processes had been put in place by the Investment Team to improve performance on completed schemes this year.

RESOLVED: That the HRA and Housing Capital Programme positions be noted.



CABINET: 6 November 2018

EXECUTIVE OVERVIEW AND SCRUTINY
COMMITTEE: 22 November 2018

COUNCIL: 12 December 2018

Report of: Borough Treasurer

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

SUBJECT: REVISED CAPITAL PROGRAMME

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To agree a Revised General Revenue Account (GRA) Capital Programme for 2018/2019 and to provide an update on progress on capital schemes.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the revised Capital Programme, including the budget adjustments contained within Appendix A, be endorsed for consideration by Council.

2.2 That progress against the Revised Capital Programme be noted.

2.3 That Call in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 22 November 2018.

3.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

3.1 That progress against the Revised Capital Programme be noted.

4.0 RECOMMENDATIONS TO COUNCIL

4.1 That the revised Capital Programme, including the budget adjustments contained within Appendix A, be approved.

4.2 That progress against the Revised Capital Programme be noted.

5.0 BACKGROUND

- 5.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2018/2019, 2019/2020 and 2020/2021 were approved by Council in February 2018. It is also standard practice for unused funding from the previous year to be slipped into the current year.
- 5.2 In accordance with best practice, the Capital Programme is subject to revision during the year to ensure that it is based on the latest available information and to make monitoring of the Programme more meaningful. It enables Managers to review their schemes with the most up to date information and to review the resources available. It also provides a base upon which to build future Capital Programmes.
- 5.3 Members are kept informed of the financial position of the Capital Programme through periodic monitoring reports. The Housing Public Sector programme is the subject of a separate report elsewhere on the agenda and this report concentrates on the GRA programme.

6.0 REVISED CAPITAL PROGRAMME

- 6.1 The original budget that was set for the 2018/19 financial year together with slippage from the previous financial year comes in total to £7.498m. Taken together with the £0.200m of funding for Blue and Green Bins agreed at July 2018 Council means that the current budget total is £7.698m.
- 6.2 Heads of Service have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including:
- Re-profiling of schemes to match the anticipated timing of spending
 - Increasing expenditure budgets to reflect new and / or additional external funding
 - Amending budgets to reflect anticipated levels of demand or new issues
- 6.3 The proposed changes to the 2018/2019 Programme are analysed in Appendix A, and show an overall net reduction of £0.570m. The revised GRA Capital Programme will then total £7.128m following these changes. The overall programme is analysed by service in Appendix B along with a summary of the revised capital resources available.

7.0 CAPITAL EXPENDITURE

- 7.1 Generally, capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead

in times, for example, because of the need to undertake the tendering process and award contracts at the start of the scheme. Other schemes are dependent on external partner funding and schemes can only begin once their funding details have been finalised. Other schemes include contract retentions or contingencies that will only be spent some time after completion of the contract. Most schemes then progress and spend in line with their approval by the year end.

- 7.2 For the current year, £1.908m (27%) of expenditure has been incurred by the end of September. This is a higher percentage spend than the position in 2015-16 and 2017-18, but lower than in 2016-17 as a result of the large value purchase of the Wheatsheaf Walk site that took place in the first half of that year. Comparisons to previous years' programmes are shown in Table 1.

Year	Expenditure £m	Budget £m	% spend against Budget
2018/2019	1.908	7.128	27%
2017/2018	0.455	2.634	17%
2016/2017	4.616	7.676	60%
2015/2016	1.323	10.060	13%

- 7.3 The 2 largest capital schemes in the current year's programme are the Westec House site development (£2.194m) and the Gorseley Place Redevelopment (£0.962m), and both of these schemes are currently in progress.

8.0 CAPITAL RESOURCES

- 8.1 There are sufficient resources identified to fund the 2018/2019 Revised Capital Programme as shown in Appendix B.
- 8.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.
- 8.3 The budget for useable capital receipts to be generated from Council House sales in the year is set at £0.633m from 50 sales. At the mid-year point 25 sales had been completed and the target for the year is expected to be met.
- 8.4 In addition to receipts from council house sales the Council also has a programme to sell plots of its land and other assets. The budget for this in the 2018/2019 Programme is £0.100m, and to date there have been 3 land sales generating £0.103m.

9.0 SUSTAINABILITY IMPLICATIONS

- 9.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. The Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital

investment plans are affordable, prudent, and sustainable. This report provides an updated position on the Programme and shows progress against it.

10.0 RISK ASSESSMENT

10.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions and/or decisions are not started until funding is secured. Other resources that are subject to fluctuations are monitored closely to ensure availability. The capital receipts position is scrutinized on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

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 majority of the budget issues set out in this report have been the subject of previous reports to committees and consequently an Equality Impact Assessment has already been prepared for them where relevant.

Appendices

- A 2018/2019 Revised Capital Programme Summary of Changes
- B 2018/2019 Revised Capital Programme Spend to Date Against Budget
- C Minute of Cabinet (Executive Overview and Scrutiny Committee and Council only)
- D Minute of Executive Overview and Scrutiny Committee (Council only)

APPENDIX A - REVISED CAPITAL PROGRAMME SUMMARY OF CHANGES

	£000
<u>Current budget total</u>	7,698
<u>Reprofiling of expenditure into future years</u>	
Parish Capital Grants Timing of expenditure is dependent on progress by Parish Councils	-15
Enabling of Digital Services Re-profiling reflects phased implementation of CRM system	-35
Affordable Housing Work delivering this scheme with our partner Regenda is ongoing	-247
Replacement Refuse Collection Vehicle Timing of replacement put back into 2019-20	-80
Park Pool Refurbishment Scheme dependent on timing of Leisure Centre replacements	-150
Play Strategy Improvements Timing of works put back into 2019-20	-40
Subtotal	<hr/> -567
<u>Other Adjustments</u>	
Tawd Valley Park Funding transferred to revenue	-3
Subtotal	<hr/> -3
Revised total	<hr/> <hr/> 7,128

APPENDIX B - 2018/2019 CAPITAL PROGRAMME
SPEND TO DATE AGAINST BUDGET

Service	Budget Approval	Spend to date	
	£'000	£'000	%
EXPENDITURE			
Central Items			
Financial Services	105	18	17%
Central Schemes	309	0	0%
Leisure and Environment			
Leisure and Wellbeing - General	769	162	21%
Street Scene	755	496	66%
Development and Regeneration			
Planning	208	2	1%
Technical Services	281	151	54%
Regeneration and Estates	977	36	4%
Housing and Inclusion			
Corporate Property	288	42	15%
Westec Site Development	2,194	617	28%
Housing Private Sector	835	364	44%
IT Investment	407	20	5%
Total	7,128	1,908	27%

RESOURCES	
Capital Receipts	2,437
Grants and external contributions	1,238
GRA revenue funding	1,259
Prudential borrowing	2,194
Total	7,128

MINUTE OF CABINET – 6 NOVEMBER 2018

55 REVISED CAPITAL PROGRAMME

Councillor Yates introduced the report of the Borough Treasurer which sought agreement of a Revised General Revenue Account Capital Programme for 2018/19 and provided an update on progress on capital schemes.

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

- RESOLVED A. That the revised Capital Programme, including the budget adjustments contained within Appendix A to the report be endorsed for consideration by Council.
- B. That progress against the Revised Capital Programme be noted.
- C That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 22 November 2018.

**MINUTE OF EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE – 22
NOVEMBER 2018**

33 REVISED CAPITAL PROGRAMME

Consideration was given to the report of the Borough Treasurer as circulated and contained on pages 659 – 667 of the Book of Reports that provided an update on progress on capital schemes. The report had previously been considered by Cabinet at its meeting on 6 November 2018 and was scheduled to be considered by Council at its meeting on 12 December 2018.

The Borough Treasurer attended the meeting and provided an overview of the report referring to details as set down in the report and appendices.

RESOLVED: That the progress against the Revised Capital Programme be noted.



**LICENSING & GAMBLING
COMMITTEE:
4 DECEMBER 2018**

**COUNCIL:
12 DECEMBER 2018**

Report of: Director of Leisure and Environment

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

**SUBJECT: APPROVAL OF STATEMENT OF LICENSING POLICY AND
AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005**

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 That the necessary action be taken to approve the Statement of Licensing Policy required under Gambling Act 2005.

2.0 RECOMMENDATION THE LICENSING AND GAMBLING COMMITTEE

2.1 That the Statement of Licensing Policy attached at Appendix 2 be endorsed.

3.0 RECOMMENDATIONS TO COUNCIL

3.1 That the Statement of Licensing Policy attached at Appendix 2 be approved.

3.2 That the Director of Leisure and Environment be given delegated authority to publish and administer the Statement of Licensing Policy.

4.0 BACKGROUND

4.1 Members will be aware that the Council acts as Licensing Authority (the Authority) when discharging its functions under the Gambling Act 2005 (the Act). As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy (the Policy) every 3 years. The current Policy came into force on 31 January 2016, and so a revised Policy must be approved and published before 3 January 2019.

5.0 ISSUES

- 5.1 A draft version of the Policy was approved by the Licensing and Gambling Committee on 5 June 2018. The content of the Policy has been revised and reordered to make the document easier to use. The Local Area Profile now forms an Appendix to the Policy, rather than forming part of the body of the document, so it can be updated without the need to revise the entire Policy. Increased emphasis has also been placed on safeguarding issues, with new requirements for operators to provide details of relevant issues as a means to help the Council to identify potential local safeguarding issues and address these accordingly.
- 5.2 The Policy also contains a new requirement for Local Risk Assessments (LRAs). This builds on the existing Licensing Conditions and Codes of Practice issued by the Gambling Commission, which formalise the need for operators to consider local risks to the Licensing Objectives posed by the provision of gambling facilities and to operate control measures to mitigate those risks. Accordingly, the Policy sets out the expected content for LRAs and the requirement that operators must hold a copy of the LRA at individual licensed premises. The Policy also requires operators to provide the LRA to the Council with any new or variation application, or when changes in the local environment to the respective premises warrant the LRA to be conducted again.
- 5.3 In accordance with relevant legislation, the draft Policy was subject to public consultation between 6 August 2018 and 4 November 2018. Relevant statutory consultees were contacted directly in writing, requesting their comments on the draft statement. In addition, the following activities were undertaken to ensure increased awareness of the draft Policy:
- Updates in the local press to draw attention to the draft Policy and the need for contributions;
 - The draft Policy posted on the Council's website;
 - The continued use of a dedicated licensing email address to receive comments on the draft Policy or other licensing queries;
 - Presentation of the draft Policy to the Council's MALT (Multi Agency Licensing Team).

6.0 ISSUES

- 6.1 The comments that have been received during the consultation period are provided in Appendix 3 to this report. Each response is detailed with corresponding analysis and whether the Policy has been amended as a result. All amendments to the Policy are marked as tracked changes; those changes marked in bold relate to the responses to the consultation.
- 6.2 Final approval of the Policy must be granted by Council as the Act prevents this from being delegated to the Licensing and Gambling [or any other] Committee. In order for the Council to function as Licensing Authority under the Act, the revised Statement of Licensing Policy attached at Appendix 2 to this report must be approved for publication and use. The final Policy must be published no later than 3 January 2019 in advance of it coming into force on 31 January 2019.

7.0 SUSTAINABILITY IMPLICATIONS

- 7.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the gambling industry and the leisure time of the public of West Lancashire.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 8.1 There are no financial implications associated with this report.

9.0 RISK ASSESSMENT

- 9.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration.

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. Gambling Act 2005 Statement of Licensing Policy: January 2019
3. Consultation response analysis
4. Minute of the Licensing and Gambling Committee held on 4 December 2018 (Council only) – to follow

Equality Impact Assessment Form



Directorate: Leisure and Environment		Service: Licensing	
Completed by: Paul Charlson		Date: 09/11/18	
Subject Title: APPROVAL OF STATEMENT OF LICENSING POLICY AND AUTHORISATIONS REQUIRED BY THE GAMBLING ACT 2005			
1. DESCRIPTION			
Is a policy or strategy being produced or revised:	Yes	<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>			
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, Responsible Authorities, gambling trade, service users, and 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	All sections of the public and businesses that use or operate the licences relevant to the Policy contained in this report.		

others)?	
Which of the protected characteristics are most relevant to the work being carried out? Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i> No No No No No No No No No No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	All sections of the public and businesses that use or operate the licences relevant to the Policy contained in this report.
What will the impact of the work being carried out be on usage/the stakeholders?	The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.
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?	The draft Policy has been subject to consultation and the responses have been considered in compiling the final document.
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?	The Gambling Act requires that the Policy be reviewed every 3 years. This assessment will be reviewed at that time.



Gambling Act 2005

Statement of Licensing Policy

January 2019

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PART A: GENERAL

1.0 Introduction

1.1 In exercising most of the functions under the Gambling Act 2005 (the Act), West Lancashire Borough Council (the Council) is designated the Licensing Authority (the Authority) and must have regard to the Licensing Objectives as set out in Section 1 of the Act. The Licensing Objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 The Gambling Commission (the Commission) has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

1.3 In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks fit [in order to regulate gambling in the public interest](#):

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with this Statement of Licensing Policy.

1.4 [This Statement of Licensing Policy applies to the Borough of West Lancashire. A map detailing the key locations in the Borough is provided at Appendix 1. The Local Area Profile for the Borough is provided at Appendix 2.](#)

2.0 Declaration

- 2.1** In producing this Statement of Licensing Policy, the Authority declares that it has had regard to the Licensing Objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

3.0 Legal background and rationale

- 3.1 This Statement of Licensing Policy (this Statement) sets out the manner in which the Authority will ~~have regard generally apply to promote~~ the Licensing Objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Commission's Guidance for Licensing Authorities issued under Section 25 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.
- 3.2 The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the 31 January 2019, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2022. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 3.3 This Statement will also be kept under review during this three year period, and accordingly, the Director of Leisure and Environment will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published. No such issues were recorded that affect this revised Statement.
- 3.4 Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act. However, it should be noted that the Authority has passed on 'no casino' resolution under Section 166(1) of the Act – Section 15.0.
- 3.5 Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 3.6 The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in ~~a community~~the Borough and an important aspect of a successful and vibrant economy.
- 3.7 The Authority recognises that under Article 8 of the European Convention on Human Rights everyone has the right to respect for his/her private and family life. The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities.

Full consideration has been given to these issues in formulating this Statement.

- 3.8** This Statement recognises the Equality Act 2010; no condition will be attached to a licence or certificate that conflicts or duplicates the requirements of the Act.

Development process and consultation

- 3.9** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is maintained separately from this Statement and is available on request from the Licensing Service using the details provided at Appendix 4.

- 3.10** The Act requires the Authority to consult the following parties:

- Chief Officer of Police;
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area;
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.

- 3.11** The consultation took place between [6 August XXXX](#)2018 and [4 November XXXX](#)2018 and followed the [Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Consultation principles: Guidance on consultations by the public sector.](#)

- 3.12** The full list of comments made, and the consideration by Council of those comments, is available from the Council using the contact details given at Appendix 4.

- 3.13** This Statement was approved at a meeting of the Licensing and Gambling Committee on 4 December 2018 and Full Council 12 December 2018. It was published on the Council's website on 13 December 2018 and is available from the Council's Licensing Service at the address given in Appendix 4.

- 3.14** If you have any comments on this Statement, please send them via e-mail or letter to:

Paul Charlson – Commercial, Safety and Licensing Manager
Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE
Telephone: 01695 585246
Fax: 01695 585126
Email: licensing.enquiries@westlancs.gov.uk
Webpage: www.westlancs.gov.uk/licensing

4.0 Responsible Authorities

4.1 Section 157 of the Act details the necessary Responsible Authorities. When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

- The need for the body to be responsible for an area covering the whole of the licensing Authority's area;
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

4.2 Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services Safeguarding Children's Board.

4.3 The contact details of all the Responsible Authorities under the Act are given at Appendix 3 and are also available at www.westlancs.gov.uk/licensing

5.0 Interested Parties

5.1 Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.

5.2 The Authority will determine whether a person is an interested party if the person:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- Has business interests that might be affected by the authorised activities;
- Acts as a representative of those persons who satisfy either of the above points.

5.3 The Authority will consider each case and make a decision upon its merits, the Authority will also aim not to apply a rigid rule to its decision making.

5.4 The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.

5.5 Interested Parties can include trade associations and trade unions, and residents’ and tenants’ associations. The Authority will not, however, generally view these bodies as Interested Parties unless they have a member who can be classed as one under the terms of the Act, as outlined in paragraph 5.2.

5.6 [Those organisations that the Authority may consider to have business interests will be interpreted widely and could include partnerships, charities, faith groups and medical practices.](#)

5.7 Interested Parties can be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the Authority’s activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient.

5.8 If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Committee that will deal with the application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 4.

6.0 Exchange of Information

6.1 Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the ~~Data Protection Act 1998~~ [General Data Protection Regulation](#) will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. [Privacy Notices relating to any information provided to the Authority in the exercise of its duties under the Act are available at www.westlancs.gov.uk/licensing. However, it should be noted that details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.](#)

6.3 The Authority will also have regard to any guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.

6.4 Where any protocols are established to facilitate such exchange of information, these will be made available [from the Licensing Service using the details provided at Appendix 4, at www.westlancs.gov.uk/licensing](#)

Multi Agency Licensing Team (MALT)

6.5 The coordination of its duties under the Act requires the Authority to maintain close and regular liaison with Responsible Authorities as well other bodies involved in the licensing process. The MALT has been established for this purpose and is coordinated by the Authority.

7.0 Integration Strategies

General

- 7.1** There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2** Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3** Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be principally carried out through regular MALT meetings, which will address strategic and operational issues raised by the Act.
- 7.4** The Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the Council's Planning Service. The Authority will not consider whether a licence application is likely to be awarded planning consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.
- 7.5** The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate. Planning Officers will be kept regularly apprised of the situation regarding licensed premises within the Borough through the MALT meetings.

8.0 Inspection and criminal proceedings

8.1 The Authority is required by regulation to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises and its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

8.2 In this regard, the Authority will undertake its inspection and enforcement functions in accordance with the relevant legislation, the Guidance and the principles of better regulation in the Regulator's Code. The Authority's principles for enforcement are:

- **Proportionate:** The Authority will only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** The Authority will justify its decisions, and be subject to public scrutiny;
- **Consistent:** The Authority's rules and standards will be joined up and implemented fairly;
- **Transparent:** The Authority should be open, and keep regulations simple and user friendly; and
- **Targeted:** The Authority's regulation should be focused on the problem, and minimise side effects.

8.3 The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

8.4 The MALT ensures that a coordinated and proactive approach to the issues arising from licensed premises can be formulated and delivered. This is conducted on a priority basis. Those premises that have been identified as presenting a risk from the perspective of one or more MALT members will be targeted. Such premises could expect increased monitoring and MALT members may conduct more frequent visits to such premises. This affords the licensed operation sufficient opportunity, as well as support, to address the problems. Should the matter be sufficiently serious and/or the operation does not take the necessary action to address the problems, the premises will be subject to further intervention. These premises will be subject to close scrutiny and a coordinated approach to enforcement devised between the appropriate MALT members. This approach ensures an efficient and proportionate deployment of resources engaged in enforcing relevant legislation within licensed premises, as only problem and/or high-risk premises are targeted.

- 8.5** However, the role of the MALT is not solely focused upon enforcement activity. It also sees the promotion and encouragement of best practice within the industry as being fundamental in the development of responsibly managed licensed operations. Accordingly, the Authority will carry out proactive visits to premises on a risk based programme to ensure operators are provided with appropriate support.
- 8.6** To ensure transparency in its enforcement action, the Authority maintains an enforcement policy that all staff must comply with. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 4.

9.0 Licensing Authority functions

9.1 The Act requires the Authority to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs;
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines;
- Grant Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see Section 6.0);
- Maintain registers of the permits and licences that are issued under these functions.

9.2 The Authority is not involved in the licensing of remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

10.0 Hearings

- 10.1** A Hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the Regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a Hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public, they do have the power to hear certain applications in private. If this happens, a public announcement of the decision will be made at the end of the Hearing. The decision of the Committee or Sub-Committee will be accompanied by clear reasons for the decisions, having regard to the Human Rights Act 1998, the Licensing Objectives and all other relevant legislation and the Guidance.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives; conditions will not relate to matters that are the subject of other legislation.

PART B: OPERATIONAL REQUIREMENTSPREMISES LICENCES

11.0 General Principles

11.1 Each case will be determined on its merits. Premises Licences will be subject to the permissions/restrictions set out in the Act and associated Regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

11.2 The Authority is aware that in making decisions about Premises Licences it should aim to permit the use of premises for gambling in so far as it thinks it is in the public interest and:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this Statement.

Definition of “premises”

11.3 Premises is defined in the Act as “any place”. Different Premises Licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one Premises Licence, provided they are for different parts of the building and the different parts can be reasonably regarded as being different premises. Whether different parts of a building can be properly regarded as being separate premises will always be a question of fact in the circumstances. However, the Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

11.4 The Authority will consider each case on its merits and the relevant section of the Guidance when considering applications for:

- Multiple licences for a building;
- A specific part of the building to be licensed;
- Access to the licensed premises is through other premises (which themselves may be licensed or unlicensed)

Conditions

11.5 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;

- Directly related to the premises, and the type of licence applied for and any associated risks;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

11.6 Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. as detailed below. The Authority will also expect applicants to offer their own suggestions as to ways in which the Licensing Objectives can be met effectively.

12.0 Safeguarding Requirements

12.1 The Council has formulated a Safeguarding Policy and operates a Lead Officer Group to coordinate its response and responsibilities in respect of children and vulnerable adults so as to provide a simple / clear pathway to report any safeguarding issues / concerns.

12.2 In respect of its duties under the Act that relate to safeguarding, the Council's Licensing Service is represented on the Lead Officer Group. Any operational safeguarding issues can be raised to Responsible Authorities through the Multi Agency Licensing Team (MALT) and/or to other partner agencies through the Lead Officer Group.

12.3 Accordingly, the Authority expects operators to address safeguarding risks directly in relevant applications through their Local Risk Assessments. See Section 13.0.

12.4 In order that the Authority can be best placed to address local safeguarding issues **[and not to duplicate and/or carry out the functions of the Commission]**, where requested, Operators will provide to the Authority with details (where available) of:

- Results of any underage testing carried at licensed premises within the Borough;
- Details of where a child or young person repeatedly attempts to gamble at licensed premises within the Borough.

12.5 Operators are also encouraged to engage with Lancashire County Council Social Services Safeguarding Children's and Adult's Boards as a means to obtain guidance on identifying vulnerable groups and what can be done to reduce the risks to these groups. Contact details are given at Appendix 3 and are also available at www.westlancs.gov.uk/licensing

13.0 Local Risk Assessments

- 13.1 The Licence Conditions and Codes of Practice issued by the Commission require operators to consider local risks to the Licensing Objectives posed by the provision of gambling facilities and to operate control measures to mitigate those risks. The Authority will expect operators to undertake these Local Risk Assessments (LRAs) in accordance with the requirements of the Commission and this Statement. This would include the need to refer to the requirements for safeguarding in Section 12.0 and the Local Area Profile provided at Appendix 2.
- 13.2 Accordingly, all operators must undertake an LRA in accordance with this Statement. Operators must also submit an LRA to the Authority with any new or variation application. LRAs must also be reviewed when changes in the local environment to the respective premises warrant the LRA to be conducted again.
- 13.3 LRAs must be kept at the individual premises to which they relate and must be available for inspection by the Authority.
- 13.4 LRAs will be determined to a large extent by the type of gambling proposed. The Authority recognises that the good management of licensed businesses and the street environment within which they operate is vital to the infrastructure of the Borough and to attracting a wide range of people to work, visit or live in the Borough. However, the varied nature of the Borough means that the impact of a given operation can vary. The Authority will expect LRAs to precisely and clearly specify the methods by which the operator will promote the Licensing Objectives and address the specific issues relating to the nature and location of the premises.
- 13.5 LRAs will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.
- 13.6 As a minimum, all LRAs must consider:
- The location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - The demographics of the area in relation to vulnerable groups - for example hospitals, residential care homes, Council housing offices, **drug and/or alcohol dependency services, unemployment, homelessness and/or** other gambling premises;
 - How vulnerable people, including people with gambling dependencies **and/or financial difficulties** are protected;
 - Whether the premises is in an area subject to high levels of crime and/or disorder;
 - Age verification policies;
 - The proximity of machines to the entrance door;

- Consideration of line of sight from any staff counter to gambling machines;
- Details of exclusions, self-exclusions and incidences of underage gambling.

13.7 In considering the above matters, the following are examples of operational controls that LRAs may need to consider:

- Suitable staff provision;
- CCTV;
- Door supervisors;
- Supervision of entrances / machine areas;
- Physical separation of areas;
- Location of entry;
- Notices / signage;
- Ensuring that any promotional material does not encourage the use of the premises by children or young people if they are not legally allowed to do so;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

Please note that this list is not mandatory, nor exhaustive.

13.8 If children are allowed to enter licensed premises, it is important that they do not participate in gambling - other than category D machines. Where other machines are available in the premises to which children are not permitted to use, LRAs are expected to ensure that:

- The suitability and layout of the premises promotes restricted access to relevant areas;
- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this area where the machines are located;
- Access to the area where the machines are located is supervised;

- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

Premises Plans

13.9 Any plans that accompany an application should not simply provide an outline of the licensed premises and the exit points. Plans should include sufficient detail resulting from the LRA. For example, the plan should include details of the location of the gaming machines and staff counter(s).

Numbers of machines

13.10 LRAs will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of machines by children and young persons or by vulnerable persons when considering the number, nature and/or circumstances of machines an operator wants to offer.

13.11 The Authority may consider restricting the number and location of any machines to facilitate the protection of children and other vulnerable persons from being harmed or exploited by gambling where LRAs do not provide sufficient safeguards.

14.0 Requirements for Specific Premises

Unlicensed Family Entertainment Centre Gaming Machine Permits

- 14.1 Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 [of the Act](#)).
- 14.2 An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application. The Authority would take into account considerations such as the applicant's suitability (e.g. any convictions that they may have that would make them unsuitable to operate a family entertainment centre), the suitability of the premises in relation to their location, and issues about disorder.
- 14.3 The Authority will invite the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. However they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. The Authority will also expect, as per the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 14.4 The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

(Alcohol) Licensed Premises Gaming Machine Permits

- 14.5 The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority.
- 14.6 [However, the](#) Authority can remove the automatic authorisation in respect of any particular premises if:
- Provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives;
 - Gaming has taken place on the premises that breaches a condition of Section 282 of the Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code

of practice issued by the Commission about the location and operation of the machine has been complied with)

- The premises are mainly used for gaming; or
- An offence under the Act has been committed on the premises.

14.7 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the Licensing Objectives, the Guidance, and “*such matters as they think relevant.*” This Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

14.8 The Authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached. The holder of a permit must comply with ~~any~~ [the Code of Practice for gaming machines in alcohol licensed premises and/or the Code of Practice for equal chance gaming in alcohol licensed premises, both](#) issued by the Commission ~~about the location and operation of the machine.~~

Prize Gaming Permits

14.9 The Authority expects applicants to set out the types of gaming that there are intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law.

14.10 In making its decision on an application for this permit the Authority does not need to have regard to the Licensing Objectives but must have regard to any guidance produced by the Commission.

Club Gaming and Club Machines Permits

14.11 Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members’ club and may grant the permit if the majority of members are over 18.

14.12 [The matters detailed in paragraphs 13.7 and 13.8 are also relevant.](#) The Authority may only refuse an application on the grounds that:

- The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- The applicant's premises are used wholly or mainly by children and/or young persons;
- An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- A permit held by the applicant has been cancelled in the previous ten years; or
- An objection has been lodged by the Commission or the police.

Tracks

14.13 Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track.

14.14 The Authority will have particular regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

14.15 The Authority would expect applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. However, children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

14.16 The Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

14.17 The Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

Fairs

- 14.18** The Authority will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 14.19** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 14.20** The 27-day statutory maximum for the land being used as a fair is per calendar year, and it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

Door Supervisors

- 14.21** The Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, it is noted that the Security Industry Authority cannot license door supervisors at casinos or bingo premises. The Authority therefore may produce specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.
- 14.22** Where conditions requiring the presence of door supervisors may be attached to Premises Licences or other permissions, the Authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

15.0 Casinos

- 15.1** In accordance with Section 166 of the Act, the Authority has passed a 'no casino' resolution. This was determined on 26th April 2006 by full Council.

16.0 Provisional Statements

16.1 When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

16.2 In terms of representations about Premises Licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the Premises Licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- Which could not have been raised by objectors at the provisional licence stage; or
- Which, in the Authority's opinion, reflect a change in the operator's circumstances.

16.3 The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

17.0 Reviews

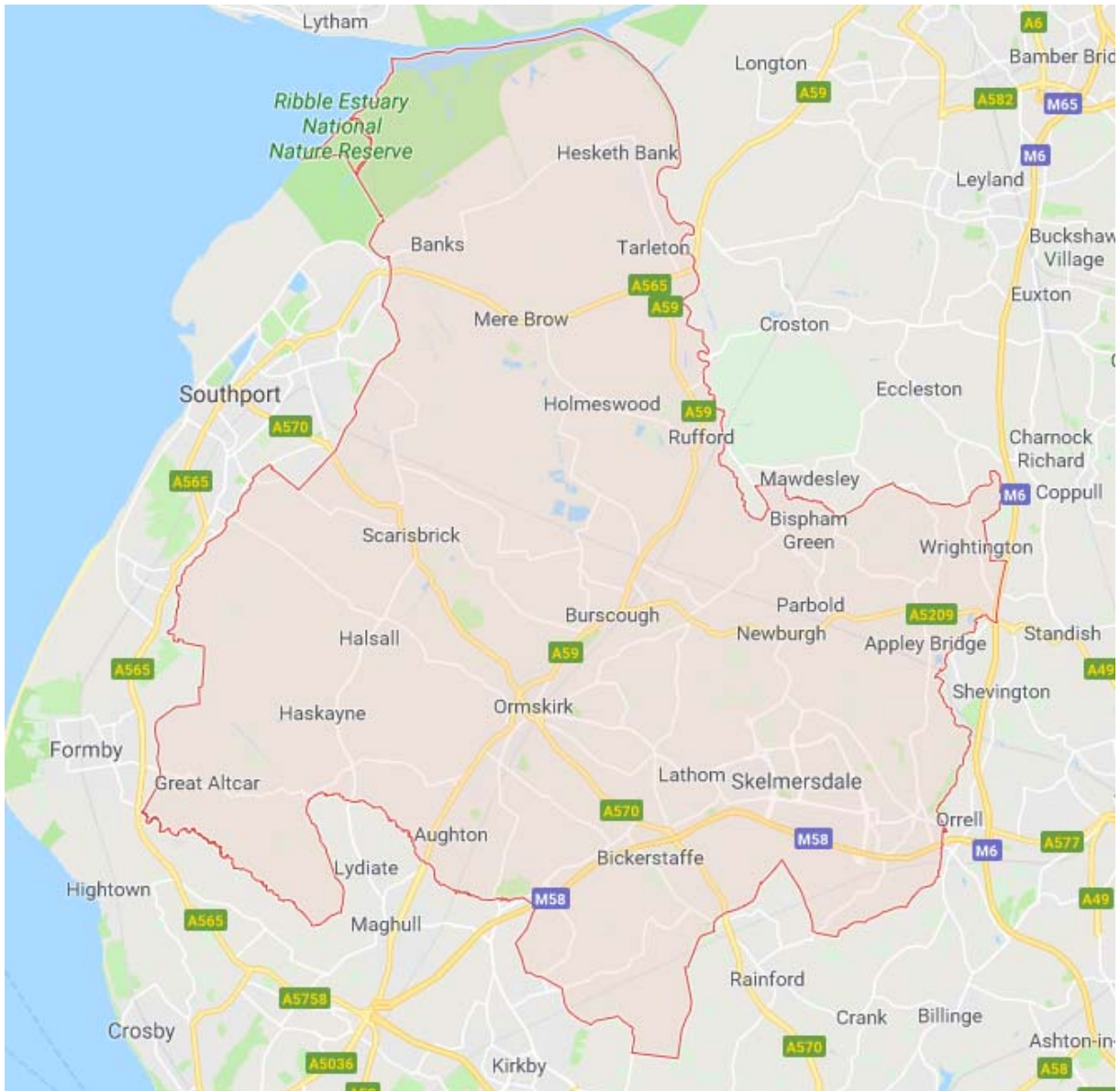
17.1 Responsible Authorities and Interested Parties may request a review of a Premises Licence at any time. However, it is for the Authority to decide whether the review is to be conducted. [Whilst each case will be determined on its merits.](#) This will be [assessed](#) on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this [Statement](#), [suitable reference to the details contained in the Local Area Profile and the requirements for Local Risk Assessments.](#)

17.2 The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

APPENDICES

Appendix 1: Map detailing key locations in West Lancashire



Appendix 2: Local Area Profile

General

West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 110,700 (National Census 2011) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 1.

West Lancashire is an attractive area and has a good transport links. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

There are a relatively low number of licensed premises in the Borough. These premises mainly comprise of betting shops and bingo establishments. Whilst there are differing demographics between the residential and commercial areas within the Borough, there are currently no concentrations of licensed premises that would necessitate any specific policy requirements other than those detailed below.

If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Local Area Profile will be updated separately from this Statement.

Location and demand for premises

The Authority will reflect the 'aim to permit' principle of the Act and will not comment on whether there is a demand for gambling premises. However, the Authority does consider the location of premises in so far as it relates to the Licensing Objectives to be relevant. The Authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. For example, the Authority would have regard to the proximity of the premises to:

- Schools and/or other facilities frequented by children and young people;
- Vulnerable adult centres;
- Residential areas where there may be a high concentration of families and children;
- Services treating gambling addiction, substance misuse;
- Existing gambling outlets, pawnbrokers and pay day loan outlets;
- An area of known deprivation;
- Foodbank locations;
- An area with known high levels of organised crime and/or disorder and nuisance.

Appendix 3: List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

- The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”);
- The Gambling Commission;
- Lancashire Constabulary;
- Lancashire Fire and Rescue Service;
- Development Management Team, Planning Services, West Lancashire Borough Council;
- Environmental Protection Service, West Lancashire Borough Council;
- Children and Young Persons Division, Lancashire County Council;
- HM Customs and Excise.

Lancashire Constabulary
Licensing Unit: C Division
County Police Office, St Thomas's Road
Chorley Lancashire PR7 1DR

Telephone: 01257 246215
Fax: 01257 246217
Email:
centrallicensing@lancashire.pnn.police.uk

Lancashire Fire and Rescue Service
Fire Safety Officer - Skelmersdale Fire Station
Tanhouse Road, Skelmersdale,
Lancashire WN8 9NN

Telephone: 01695 723853
Fax: 01695 731172
Email:
skelmersdaleFireSafety@lancsfireandrescue.org.uk

West Lancashire Borough Council
Planning Service
52 Derby Street, Ormskirk
Lancashire L39 2DF

Telephone: 01695 577177
Email: plan.apps@westlancs.gov.uk

Environmental Protection & Community Safety
Manager
West Lancashire Borough Council
Robert Hodge Centre, Stanley Way, Skelmersdale
Lancashire WN8 8EE

Telephone: 01695 585243
Fax: 01695 585126
Email: a.hill@westlancs.gov.uk

[HM Revenue and Customs - Excise Written Enquiries Team](#)
[Ground Floor, Portcullis House](#)
[21 India Street](#)
[Glasgow](#)
[G2 4PZ](#)

Telephone: 0300 200 3700

Lancashire County Council
Lancashire Safeguarding Children's Board
Manager
Room B52, PO Box 61
County Hall
Preston
Lancashire PR1 8RJ

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Telephone: 0121 230 6666
Email: info@gamblingcommission.gov.uk

Appendix 4: Useful contacts

Further information on West Lancashire Borough Council's Statement of Licensing Policy or the Gambling Act 2005 can be obtained from the Council's Licensing Service:

West Lancashire Borough Council, Licensing Service, Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE

Telephone: 01695 577177
Fax: 01695 585126
Email: licensing.enquiries@westlancls.gov.uk
Webpage: www.westlancls.gov.uk/licensing

Information on the Gambling Act 2005 is also available from:

The Department for Digital, Culture, Media and Sport
100 Parliament Street,
London SW1A 2BQ
Telephone: 020 7211 6200
Email: enquiries@culture.gov.uk
Internet: www.culture.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP
Telephone: 0121 230 6666
Email: info@gamblingcommission.gov.uk

Appendix 3:

Gambling Act 2005 Policy Consultation 2019 - consultation response analysis

Date	Respondent	Relevant paragraph	Comment	Analysis	Policy amended?
06/08/18	Gambling Commission	General	Welcomes amendments regarding safeguarding and local risk assessments. No additional comments.	Noted.	No.
07/08/18	Burscough Parish Council	General	There are no limitations placed on the use of Gaming Machines or limits on the maximum stakes allowed in licensed premises	Such limitations are placed by statute and do need not to be replicated in the Policy.	No.
		1.3	The phrase 'the Authority shall aim to permit the use of premises' infers that the Borough actually promotes the use of premises as gambling outlets. The words 'aim to' should be removed to avoid this inference.	This statement is supported by the Gambling Commission in all local authority policy statements. It does not infer that the Council promotes gambling, rather that it acknowledges to rights of applicants. The existing sentence also clarifies this role by stating that such permission would be given in so far as it [the Council] thinks fit in order to regulate gambling in the public interest in the context of available legislation, codes of practice etc.	No.
14/08/18	GamCare	General – no specific comments	A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/	Given the wide geography of the Borough, a specific risk map is not included within the Policy. However, all of the stated risks and issues are detailed within the Policy so these factors can be considered when determining licence applications.	No.
			Consider that proposals for new gambling premises which are near hostels or other	See above comment.	No.

			accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant regarding the proximity to schools, colleges and universities.		
			A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.	The requirement for local risk assessments is contained within the Policy.	No.
			Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?	This requirement is contained in paragraph 14.3.	No.
			Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.	Reference to suitable staff provision is not specifically addressed in the Policy.	Yes. Paragraph 13.7 amended to include "Suitable staff provision".
			Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.	This requirement is contained in paragraph 13.8.	No.
			Consider whether any promotional material associated with the premises	Reference to suitable promotional material is not specifically addressed in the Policy.	Yes. Paragraph 13.7 amended to include "Ensuring that any

			could encourage the use of the premises by children or young people if they are not legally allowed to do so.		promotional material does not encourage the use of the premises by children or young people if they are not legally allowed to do so".
			We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator's player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice.	Reference to GamCare is made within the Policy, but the Council cannot limit or prevent applications solely from GamCare certified operators.	No.
18/10/18	Lancashire County Council – Public Health	General – no specific comments	<p>Define geographic areas of vulnerability and risk to determine which wards within their district have a heightened vulnerability and risk, this determination should be based on the following indicators:</p> <ul style="list-style-type: none"> • Deprivation – and the income, employment and crime domains of deprivation • Proximity to schools and other facilities frequented by children and young people • Proximity to services treating gambling addiction, substance misuse • Proximity to homeless hostels • Proximity to Foodbank locations • Density of existing gambling outlets, pawnbrokers and pay day loan outlets 	The majority of the stated risks and issues are detailed within the Policy so these factors can be considered when determining licence applications. However, some of the stated risk examples are not explicit.	Yes. Paragraphs 13.6 and 13.7 amended accordingly.
			<p>Provide guidance on local risk assessments including:</p> <ul style="list-style-type: none"> • Children and young people • Problem gamblers seeking treatment • Financial difficulties 	The requirement for local risk assessments is contained within the Policy. However, some of the stated risk examples are not explicit.	Yes. Paragraph 13.7 and Appendix 2 amended accordingly.

			<ul style="list-style-type: none"> • Substance abuse/misuse • Unemployment • Homelessness • Minority ethnic groups 		
			Ask operators to publicise pathways to treatment including self-exclusion schemes and information on national and local services and groups who offer support relating to gambling addiction and debt.	This information is already contained within the Policy.	No.
29/10/18	Gosschalks Solicitors	3.1	Paragraph 3.1 indicates that the statement of licensing policy “sets out the manner in which the authority will generally apply to promote the licensing objectives when considering and making decisions on applications made under the Act”. This sentence should be redrafted. The licensing authority is required to “have regard” to the licensing objectives and not to promote them. Applications granted must be “reasonably consistent with the licensing objectives and the only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission. Accordingly this sentence should be redrafted or removed in its entirety as Paragraph 3.2 correctly identifies the purpose of the Statement of Licensing Policy.	No additional inference or loss of intent is conferred by this suggested change, only bringing the sentence into line with legislation and guidance.	Yes. Paragraph 3.1 amended to make reference to "have regard" to the licensing objectives.
		11.5 & 11.6	Paragraphs 11.5 and 11.6 of Part B explained the licensing authority's approach to the imposition of conditions on premises licences. This section should be expanded to make it clear that Gambling Act 2005 premises licences are subject to mandatory and default conditions and that these conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives. This section should also state	The relevance of mandatory and default conditions, including the role of local conditions is adequately referenced in paragraph 11.1 and so no further clarification is required. However, paragraph 11.5 could more explicit with regard to associated risks.	Yes. Paragraph 11.5 amended to include "any associated risks".

			that additional conditions will only be imposed where there is a clear evidence of risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.		
		12.4	<p>Paragraph 12.4 should be deleted. This requires that operators provide to the authority any result of underage testing and details of where a child or young person repeatedly attempts to gamble. The requirement for test purchasing in so far as betting offices are concerned is found within SR Code provision 3.2.7. This requires that licensees must conduct test purchasing or take part in collective test purchasing and provide the test purchase results to the Gambling Commission. As this is an SR Code provision, it is relevant to the operating licence and the purpose of sharing this information with the Gambling Commission is to ensure that the policies and procedures to prevent under age gambling are effective. The Gambling Commission is the expert and apart from the fact that to share with the licensing authority is an unnecessary duplication, any such requirement to share this information with the licensing authority could lead to conflicting advice with regards to those policies and procedures. The licensing authority should not trespass into an area where the Gambling Commission is the expert and accordingly this section should be amended or deleted.</p>	Paragraph 12.4 clearly states that the requirement for this information is so that the Council is best placed to address local safeguarding issues. Accordingly, this paragraph did not intend to for operators to continually provide such data or for the Council to duplicate and/or carry out the functions of the Commission.	Yes. Paragraph 12.4 amended to clarify this requirement.
			Similarly, betting offices are required to report attempts to gamble to the Gambling Commission. Once again, the		

			requirements to provide identical information to the licensing authority is an unnecessary duplication and this should also be removed from the draft statement.		
		13.9	Paragraph 3.9 is headed "premises plans" and appears to make local requirements with regards to information to be shown on plans of premises. This information is prescribed by Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007, Regulation 4. The licensing authority cannot require more information that it is prescribed by the statutory instrument. Accordingly this section should be amended.	This comment relates to paragraph 13.9 and not 3.9 as stated. The requirements of the Policy are consistent with the stated Regulations.	No.
01/11/18	William Hill Bookmakers	12.4	As you are probably aware, we do conduct our own age verification testing, and as well as sharing this with the Gambling Commission, this is also shared with our Primary Authority. The purpose of this approach is that these two groups can monitor our results, and take appropriate action if they consider there is a problem. It is meant to replace the need to notify each and every Local Authority, which could stretch to over 300 for the larger bookmakers. We are happy to share this information with you in specific cases where it may be required, so would therefore suggest that the wording could be changed slightly to: "Operators will provide to the Authority, <u>where requested</u> , details (where available) of: Results of any underage testing carried at licensed premises within the Borough."	The intention of this paragraph was that such information should be made available when requested.	Yes. Paragraph 12.4 amended accordingly.



COUNCIL: 12th December 2018

Report of: Director of Leisure and Environment Services.

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

SUBJECT: COUNCIL ENFORCEMENT POLICY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise Members of a new draft Corporate Enforcement Policy.

2.0 RECOMMENDATION TO COUNCIL

2.1 That Members agree the Corporate Enforcement Policy proposed in Appendix 1b.

3.0 BACKGROUND

3.1 In 2009 Members agreed the contents of a Corporate Enforcement Policy and an Enforcement Policy for the Community Services Division.

3.2 The original corporate policy was written following numerous pieces of guidance and set out the approaches to enforcement that the Council would take across the various sections. The Community Services policy was based on the corporate policy, but covered the specific legislation enforced.

3.3 The Better Regulation Office of the Department for Business Innovation and Skills produced a Regulator's Code (the Code) in April 2014. In introducing the Code, the Minister detailed the purpose of Regulators which is "to regulate for the protection of the vulnerable, the environment, social or other objective". He also indicated that "This Code does not detract from these Core Purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate".

3.4 Given that the two old codes were broadly very similar, to avoid duplication it was considered that just one corporate code would be necessary going forwards. The new document at Appendix 1a details the tracked changes from the original document and there is also a clean copy at Appendix 1b to assist Members.

4.0 ENFORCEMENT POLICY DETAILS

4.1 The policy is underpinned by several principles, namely

- The Council will support those they regulate to comply and grow.
- The Council will provide simple and straightforward ways to engage with those regulated and listen to their views.
- Regulation will be based on risk.
- Information about compliance and risk should be shared.
- Clear information, guidance and advice will be provided.
- Regulatory approaches will be transparent.
- Enforcement options and decision making.

4.2 The policy also sets out some of the issues that will be considered when officers are making the decision whether to prosecute or not, which include

- Blatant disregard for law;
- Placing law-abiding citizens at a disadvantage;
- Gravity of offence;
- Offender record, public expectation that offence is serious enough to warrant prosecution;
- Deterrent to others;
- Wilful intent;
- Previous history;,,
- Poor attitude;
- Significant penalty likely;
- Public concern;
- Public interest;
- The offence is contrary to Council's aims and priorities;
- The offence is commonplace and requires attention;
- Officers safety was compromised;
- Additional costs were incurred by the Council due to approach and the Council is the most appropriate body to act.

4.3 A corporate policy assists the Council demonstrate that relevant legal action is being taken at the appropriate time in line with Government guidance.

5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

5.1 One of the aspects of the policy relates to avoiding imposing unnecessary burdens on businesses to ensure they are compliant and support economic growth. This could improve the economic prosperity of businesses and the Borough.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

6.1 There should be no financial or resource implications associated with this policy.

7.0 RISK ASSESSMENT

7.1 The Council's enforcement policy should always be based on the most recent guidance and this update was therefore necessary. Given the number of cases the Council takes to court, by not having an up to date policy the Council could be left open to challenge.

Background Documents

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

Equality Impact Assessment

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

Appendices

Appendix 1a – Draft new policy (with tracked changes).
Appendix 1b – Draft new policy (clean version)
Appendix 2 – Equality Impact Assessment.

West Lancashire Borough Council



Corporate Enforcement Policy

October 2018

VERSION 2

July 2009

VERSION 1.

1.0 West Lancashire Borough Council and Enforcement

~~1.1 1.1—Set in the heart of the North West of England, the Borough of West Lancashire is located at the southern edge of Lancashire and also borders the Merseyside region. West Lancashire is home to a growing number of UK and international businesses. It's world class for business and can help companies succeed and grow. Companies are reaping competitive advantage thanks to:~~

- ~~– Cost-effective land and property~~
- ~~– Outstanding communication links~~
- ~~– Quality of life for work and pleasure.~~

~~West Lancashire Borough Council (the Council) is ambitious for our businesses, our places and our people. We are committed to important projects that will benefit the Borough and everyone who lives and works here.~~

~~1.2—The Council seeks to maintain a balance between the businesses operating in its area, the residents living in its area and the people visiting the area. Accordingly, the Council is seeking to provide an attractive Borough. By engaging and consulting with the community, the Council is seeking to:~~

- ~~• Improve the quality of life for all in the Borough;~~
- ~~• Reduce the levels of crime and disorder in the Borough;~~
- ~~• Promote a strong and sustainable economy;~~
- ~~• Aim to reduce levels of poverty and social exclusion in the Borough by developing a more inclusive community;~~
- ~~• Help to improve the health and well-being of the Borough's residents.~~

~~1.3—The Council acts as a regulatory body across a wide range of services including Building Control, Community Safety, Environmental Health, Financial Services, Housing and Planning.~~

1.4 This Council supports the use of statutory enforcement powers. This includes the use of a wide range of enforcement options, as an effective means of ensuring that the practices and activities of individuals and local premises comply with statutory requirements. ~~This is to attempt.~~ In doing so, the Council aims to ensure that the health, safety and well-being of the general public, employees, consumers and the environment are not put at risk.

~~1.5—The Department for Business Enterprise and Regulatory Reform (B.E.R.R.) published a Regulators' Compliance Code in 2007. This document stated that "Effective and well targeted regulation is essential in promoting fairness and protection from harm. However, the Government believes that in achieving these and other legitimate objectives, regulation, and its enforcement should be proportionate and flexible enough to allow or even encourage economic progress".~~

~~1.6—The Council regards prevention as better than cure. It offers (and encourages the request of) information and advice to those it regulates and seeks to secure co-operation avoiding bureaucracy, ensuring efficient compliance with legislation, whilst, at the same time, minimising the burden on businesses and individuals to put safety and~~

welfare first and to integrate good working practices into normal working methods.

1.7 This policy sets out the general principles, which the Council intends to follow, in relation to its enforcement options. It is intended to be used in conjunction with any more detailed guidance on enforcement practice issued by or for the various specific functions of the Council.

Our Vision

The Council's vision is to be a council which is ambitious for West Lancashire – our Economy, Environment and for Health and Wellbeing.

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

Our Values underpin our vision which are as follows:

- **Collaborative** – working in partnership to benefit West Lancashire, being open and involving in the way decisions are made, and adopting a co-ordinated "one Council" approach.
- **Empowering** – valuing and developing communities and employees to take responsibility for solutions, and to make the most of our local assets.
- **Enterprising** – being innovative and creative, delivering lasting improvements;
- **Equality** – promoting equality and seeking to reduce inequality;
- **Focussed** – being strategic and prioritising the things that make the biggest difference to our communities.
- **Proud** – of West Lancashire as a place to live, work and invest.

In order to realise these commitments, the Council recognises that fair, proportionate and transparent regulation is essential. As such, the Council first adopted a Corporate Enforcement Policy in 2009, which was based on a number of influences at that time. These included the Human Rights Act 1998, the Government's Enforcement Concordat, the Macrory Review, the Department for Business Enterprise and Regulatory Reform Regulator's Compliance Code and the Hampton Review.

Our Approach

The Better Regulation Office of the Department for Business Innovation and Skills produced a Regulator's Code (the Code) in April 2014. This Enforcement Policy is based on that document and outlines the Council's approach to any enforcement activity. In introducing the Code, the Minister detailed the purpose of Regulators which is "to regulate for the protection of the vulnerable, the environment, social or other objective". He also indicated that "This Code does not detract from these Core Purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the

development of transparent and effective dialogue and understanding between regulators and those they regulate".

Good enforcement secures compliance with legislation and as a result Council Officers will seek to use a combination of assistance, advice and formal action. Accordingly, the Council is required to have regard to the Code. If the Code is not followed, that decision and the reason(s) for it should be recorded.

The Council has a wide variety of regulatory/enforcement options available to it across a number of different legislative regimes. Essentially, these vary from informal verbal advice through to Court action.

~~2.0—Influences on our approach~~

~~2.1—Various bodies/reviews/documents and agreements have and will continue to influence the approach to enforcement taken by the Council. These include:-~~

- ~~●—**The Human Rights Act 1998.** This places Enforcement Bodies under a duty to interpret all legislation compatibly with the Convention Rights incorporated by The Act and requires West Lancashire Borough Council, as a Public Authority, to act in accordance with the Convention Rights. Authorised Officers will, accordingly, ensure that respect for human rights is at the core of their day-to-day work.~~
 - ~~●—**The Government's Enforcement Concordat.** West Lancashire Borough Council has formally adopted the Government's Enforcement Concordat on good enforcement. The principles underlying the Concordat require a policy of firm but fair regulation. Commitment to these principles will be demonstrated by:-~~
 - ~~○—Taking all enforcement decisions in a proportionate manner.~~
 - ~~○—Striving for high standards of consistency.~~
 - ~~○—Ensuring that all enforcement staff are helpful, courteous and efficient.~~
 - ~~○—Measuring performance against agreed standards, where appropriate.~~
 - ~~●—**The Macrory Review.** This review sets out that regulators should:-~~
 - ~~○—Aim to change the behaviour of the offender.~~
 - ~~○—Aim to eliminate any financial gain or benefit from non-compliance.~~
 - ~~○—Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction.~~
 - ~~○—Be proportionate to the nature of the offence and the harm caused.~~
 - ~~○—Aim to restore the harm caused by regulatory non-compliance, where appropriate, and~~
 - ~~○—Aim to deter future non-compliance.~~
- ~~—This document also suggests that, where possible, all enforcement action will be managed on an outcomes rather than output basis. For example, the serving of notices will~~

~~relate to the number of notices complied with, not just the number served.~~

- ~~• **The Department for Business Enterprise and Regulatory Reform (BERR) Regulators Compliance Code** and any recommendations from the Local Better Regulation Office (part of the BERR). The Code supports the Government's better regulation agenda and is based on the recommendations in the Hampton Report. Its purpose is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes, without imposing unnecessary burdens on business, the third sector (charities etc.) and other regulated entities, and~~
- ~~• **The Hampton Review.** This supports the idea that businesses should be supported by regulators to comply with regulations. In addition it details the principle that it is important that business activity is properly regulated, encouraging the economy to thrive, while protecting public health and supporting consumer interests.~~

~~— 2.2 Good enforcement secures compliance with regulations and as a result Council Officers will seek to use a combination of assistance, advice and formal action.~~

The principles of our approach are as follows:

1. The Council will support those they regulate to comply and grow

The Council will strive to avoid imposing unnecessary burdens and will act in a proportionate matter. This means Officers will balance enforcement action against risks and will consider what alternatives are available.

Supporting economic growth and compliant businesses will be a consideration given to new and reviewed Council policies, operational procedures and practices and as such Officers will strive to:

- Understand and minimise negative economic impacts of their regulatory activities;
- Minimise the costs of compliance;
- Provide greater certainty to improve confidence in compliance, and
- Encourage and promote compliance.

The Council will ensure its staff have the knowledge, skills and competence to support those they regulate and can consider proportionate and effective approaches.

2. The Council will provide simple and straightforward ways to engage with those regulated and listen to their views

When developing new policies and service standards that could affect those they regulate, the Council will engage with and seek the views of

residents and businesses. Unless legislation dictates otherwise, this communication will most frequently be done via the Council's website.

Unless immediate action to prevent or respond to a serious breach is necessary, Officers will ensure that any non-compliance is fully explained and will offer the opportunity to discuss any proposed action to ensure it is proportionate and consistent.

Officers will ensure that appeal mechanisms are highlighted. Any appeal will usually be to the Officer's line manager in the first instance, unless dictated by legislation, where the options for appeal will be clearly explained. The Council also operates a formal complaints procedure, the details of which are available on the Council's website (www.westlancs.gov.uk). Where possible, Officers will also engage with local business forums. Any relevant feedback regarding enforcement given to such groups will be passed on to the relevant section manager.

3. Regulation will be based on risk

The Council will ensure that resources are allocated appropriately according to risk. In some cases, the priority given to certain risks will be determined by external agencies (for example the Health and Safety Executive or the Food Standards Agency). The most appropriate form of intervention will be used in relation to the risk to employees, the public or the environment at the time the issue arises.

4. Information about compliance and risk should be shared

The Council will try to reduce the amount of information requested from businesses. However, information may be shared with other regulators to promote safeguarding, prevent fraud (including identify fraud) and deter criminal activity. Where information is shared, it shall be in accordance with the General Data Protection Regulation, Data Protection Act 2018 and/or other relevant legislation and Codes of Practice.

5. Clear information, guidance and advice will be provided

Officers will ensure that, when providing advice and support, legal requirements will be clearly distinguished from suggested good practice to prevent unnecessary burdens being imposed.

The Council encourages requests for advice and wants individuals and businesses to feel comfortable seeking advice without the fear of immediate enforcement action.

Officers will ensure that where alternative advice has been provided by other regulators, they will discuss this with the other regulator to reach an acceptable agreement.

6. Regulatory approaches will be transparent

Appendix 1 contains information relating to the inspection regimes operated by the Council. In carrying out these responsibilities, Officers can also provide information on what businesses can expect from them. This could include inspection regimes, the frequency of inspections, any relevant fees, how to contact officers and how to complain.

3.0—Principles of our approach

3.1—Economic Progress.

~~3.1.1 This Authority fully supports the principles of the Hampton review and the idea that businesses should be supported by regulators to comply with regulations. In addition, the principle that it is important that business activity is properly regulated, encouraging the economy to thrive, while protecting public health and supporting consumer interests. It will make sure that any enforcement action it takes is strictly proportionate to the risks posed and to the seriousness of any breach of law. Consideration will also be given to the costs of any regulation.~~

3.2—Proportionality.

~~3.2.1 In general, the concept of proportionality is included in much of the regulatory system through the balance of action to protect the employee, the environment, or the public against risks and costs. Achieving proportionality requires that the enforcement action taken is directly related to the risks involved or where there is no alternative.~~

3.3—Consistency.

~~3.3.1 Consistency means taking a similar approach in similar circumstances to achieve a similar result. All those involved need to know that they are being treated fairly. Businesses in particular need to know that they are competing with others on level terms. The Council will endeavour to ensure that all its enforcement decisions are uniform. In coming to a decision to take enforcement action, the factors in Section 4.6 below will be considered, along with the issues detailed in section 4.8 and Appendix 1 or 2 below.~~

~~3.3.2 The Council will continue to develop the necessary arrangements to promote consistency, including the effective arrangements for liaison with other enforcement agencies, such as the police. In relation to "Enviro-crimes" such as littering, waste offences, dog fouling etc., the Council will continue to follow a "zero-tolerance" approach and therefore aims to assist building safer cleaner communities.~~

3.4—Targeting of Resources.

~~3.4.1 Targeting of resources means making sure that regulatory effort is directed primarily towards those whose activities give rise to the most~~

~~serious risks or where the hazards are poorly controlled or against deliberate or organised crime or guided by legislation, where appropriate. Action will be primarily focused on those that break the law or those directly responsible for the risk and who are best placed to control it. In addition, issues or locations where greater numbers of substantiated complaints are received, will merit greater attention. Planning Services will respond to all issues brought to their attention. This action will, however, be prioritised in accordance with the seriousness of the breach and ensure breaches of planning control are rectified in the most appropriate manner.~~

~~3.4.2 Systems have been introduced for prioritising regulatory effort. They include guidance contained in Codes of Practice and legislation, the response to complaints from the public about regulated activities, the assessment of risks posed by a person's operations and the gathering and acting on intelligence about illegal activities.~~

~~3.4.3 In evaluating the likelihood of non-compliance in non-planning related matters, the Council will give consideration to all relevant factors, including:~~

- ~~• Past compliance records and potential future risks~~
- ~~• The existence of good systems for managing risks, in particular within regulated entities or sites~~
- ~~• Evidence of recognised external accreditation, and~~
- ~~• Management competence and willingness to comply~~

~~3.5 Transparency of Regulatory advice and guidance.~~

~~3.5.1 The Council will endeavour to ensure that all legal requirements relating to its regulatory activities, as well as changes to them, are promptly communicated to relevant organisations. It will also provide general information, advice and guidance to make it easier for regulated entities to understand and meet their regulatory obligations. This information, advice and guidance will be provided in clear, concise and accessible language, using a range of appropriate formats and media~~

~~3.5.2 Where a remedial intervention is required, it will be clearly explained (and confirmed in writing, if requested) why the action is necessary and when it must be carried out; a clear distinction will always be made between legal requirements and best practice advice. Opportunity will be provided to discuss the circumstances of the case, clarify what is required to comply with the law and if possible, resolve any points of difference, before formal enforcement action is taken, unless urgent action is required, for example, to prevent serious harm or prevent evidence being destroyed.~~

~~3.5.3 Where prompt action is required, a written explanation of the reasons will be provided as soon as practicable after the event where appropriate and certainly upon request.~~

~~3.5.4 Written explanation will be given of any rights of appeal against formal enforcement action at the time the action is taken. This will explain the~~

~~appeal procedure, where and when an appeal may be made as well as confirming the grounds on which it may be brought. It will make clear whether action will be suspended pending the outcome of the appeal. Information from the Council can be provided on audio tape, in large print, in Braille or in other languages if requested and a large portion of it is available on the Council's website (www.westlincs.gov.uk).~~

~~3.5.5 This document and any enforcement policies produced by individual Divisions or Services, is/are freely available to businesses and individuals and we will actively promote this.~~

~~3.6 Helpfulness.~~

~~3.6.1 Advice and assistance are regarded as central to the implementation of the enforcement policy and are used to inform both businesses and residents of their rights and responsibilities. Help will be given to businesses, voluntary or community groups, workplace representatives and the public to assist them to comply with statutory requirements. By adopting this approach and by positively encouraging businesses and others to seek advice and information it is hoped that many issues can be resolved without having to resort to more formal stages of enforcement action.~~

~~3.6.2 A courteous approach and efficient service will be provided with all staff identifying themselves by name. The purpose of any visit will be properly explained and a contact point or telephone number for any further dealings will be given when required. Applications for licences, registrations, approvals notifications and requisitions for information etc., will be dealt with efficiently and promptly. Every effort will be made to ensure that, wherever practicable, the Council's enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.~~

~~3.6.3 The Council offers a flexible approach to service delivery, which takes account of the diverse needs of the public and business community. Services will, if necessary, be made available by prior arrangement, possibly out of office hours and will be tailored to meet the specific needs of both the public and businesses. In delivering the service, special arrangements will be made, wherever appropriate, to accommodate ethnicity, disability, gender and age. The Council has access to translation services and will use them where necessary.~~

~~3.7 Accountability.~~

~~3.7.1 The Council recognises that it is accountable to government, citizens, and Parliament for its actions. Policies and Standards have been adopted against which it can be judged, along with effective and easily accessible mechanisms for dealing with comments and handling complaints.~~

~~3.8 Information requirements.~~

~~3.8.1 The Council will endeavour to request only the information it needs and will, where possible, share relevant data in order to reduce the burden, on businesses or individuals, of providing data.~~

~~4.0 Enforcement Options and Decision Making.~~

~~4.1 There are four main types of enforcement options available to the Council. These are~~

- ~~• Advice and guidance, including the provision of leaflets and verbal or written guidance.~~
- ~~• Informal warnings, including advice in relation to acts or omissions or minor contraventions.~~
- ~~• Formal action, including the use of legal notices and licensing.~~
- ~~• Legal proceedings, including cautions, prosecutions and injunctions.~~

~~In some cases a combination of these options may be appropriate.~~

~~4.2 A hierarchical approach will be adopted in selecting the most appropriate enforcement sanctions. Although decisions will clearly vary depending upon the circumstances, non-criminal sanctions will always be considered before criminal sanctions.~~

4.3 As a general rule, legal proceedings will not be undertaken without the offender being given reasonable opportunity to comply with the law. In some cases, this approach is dictated by national guidelines and/or case law. It is recognised, however, that there are circumstances where a contravention is particularly serious and would result in harm to members of the public or the environment or there is a blatant or reckless disregard for the law, in which case legal proceedings may take place without a prior warning. Failure to comply with a Statutory Notice, will normally result in legal proceedings, except in cases where works in default may be more appropriate.

4.4 It is recognised that the instigation of legal proceedings is a serious and important part of enforcement that should only be taken after full consideration of the implications and consequences. Decisions about legal proceedings will take account of Council policies and procedures and the Code for Crown Prosecutors.

4.5 For non-planning matters¹, legal proceedings will not be commenced or continued unless there is sufficient admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of a conviction. A bare prima facie case is not enough. If the case does not pass this evidential test, it will not go ahead, no matter

¹ Matters that relate to planning legislation are addressed directly in the Council's Planning Enforcement Plan, which is referenced below.

how important or serious it may be. In addition, any possible defence, which could successfully be utilised, will be considered and may prevent a case being taken. The issue of a caution will not be used as an alternative in such circumstances, as, if a caution cannot be agreed, a prosecution must be taken. ~~There is likely to be a greater use of cautions in future and guidance is available on this course of action from a variety of sources. (The Community Services Division has its own guidance note on this area of work).~~

The following non-exhaustive list details some of the issues that can be taken into consideration when a decision is made whether to undertake a prosecution, or not:

- Blatant disregard for law;
- Placing law-abiding citizens at a disadvantage;
- Gravity of offence;
- Offender record, public expectation that offence is serious enough to warrant prosecution;
- Deterrent to others;
- Wilful intent;
- Previous history;
- Poor attitude;
- Significant penalty likely;
- Public concern;
- Public interest;
- The offence is contrary to Council's aims and priorities;
- The offence is commonplace and requires attention;
- Officers safety was compromised;
- Additional costs were incurred by the Council due to approach and the Council is the most appropriate body to act.

A record is kept of which of the above factors influenced the decision to act. In addition to the above, it is necessary to consider whether it is in the public interest to prosecute in accordance with the Code for Crown Prosecutors.

4.6 ~~The circumstances that are likely to warrant legal proceedings may be characterised by one or more of the following:-~~

- ~~There has been a blatant disregard for the law, particularly where the economic advantages of breaking the law are substantial and the law-abiding are placed at a disadvantage to those who disregard it.~~
- ~~The gravity of the offence taken with the general record and approach of the offender warrants a strong legal sanction. For example, a reckless disregard for standards, repeated breaches or persistent poor standards.~~
- ~~Where the offence and or the circumstances leading to it are reasonably foreseeable.~~
- ~~It is considered to be an appropriate way of drawing attention to the need for compliance with the law and the maintenance of standards,~~

~~especially where there would be a normal expectation that a prosecution would be taken.~~

- ~~▪ The offender and particularly others may be deterred from similar failures through the conviction.~~
 - ~~▪ Evidence of wilful intent of the offender, individually and/or corporately.~~
 - ~~▪ There has been a previous history of offending, poor standards or lack of co-operation.~~
 - ~~▪ The poor attitude of the offender, particularly in respect of any explanations offered and any remedial action taken.~~
 - ~~▪ If the prosecution is successful, a significant penalty is likely to result.~~
 - ~~▪ The particular contravention or circumstances have caused serious public concern or alarm.~~
 - ~~▪ Prosecution would serve the public interest.~~
 - ~~▪ The offence is contrary to the Councils aims and priorities.~~
 - ~~▪ The lack of ability to establish a robust defence.~~
 - ~~▪ The offence, although not serious in itself is widespread in the area where it is committed and requires attention.~~
 - ~~▪ In cases of obstruction or where officers safety has been put in doubt, prosecution will always be considered, especially where undue delay, or additional works/costs/visits have arisen.~~
 - ~~▪ West Lancashire Borough Council, as opposed to another authority or agency, is the most appropriate body to institute proceedings.~~

~~4.7 These factors are not exhaustive and those that apply will depend on the particular circumstances of each case and each case will be judged on its merits. The importance of each factor will be determined in the circumstances of each case and will be used to make an overall assessment.~~

~~4.8 In making a decision about whether or not to undertake legal proceedings, an officer will use one of the pre-prosecution assessment forms contained at Appendix 1, or a relevant similar document specific to an individual service. The officer will fill in the relevant form for an individual or a company. The form will assist the officer and their relevant manager to decide if a prosecution is the most appropriate course of action. There is no hard and fast rule in relation to how many items are needed for a prosecution, as some issues will be more important than others. Space is available for further comment. The assessment should be included with the prosecution file that is sent to the Legal Services Division. This will assist them recognise the officer thought process as to why a prosecution is necessary.~~

~~4.9 All investigations into alleged breaches of legislation will follow best professional practice and the requirements of the legislation listed below or successive legislation:~~

- ~~• The Human Rights Act 1998 (HRA)~~
- ~~• The Regulation of Investigatory Powers Act 2000 (RIPA)~~
- ~~• The Police & Criminal Evidence Act 1984 - Codes of Practice~~
- ~~• The Criminal Procedures & Investigations Act 1996 (CPIA)~~
- ~~• The Code for Crown Prosecutors~~

~~4.10 Where necessary, criminal proceedings will be taken against those persons responsible for the offence. Where a Company is involved, it will be usual practice to prosecute the Company where the offence resulted from the Company's activities. However, any part played in the offence by the officers of the Company, including Business Proprietors, Directors, Managers, and the Company Secretary or employees of the Company will also be considered.~~

~~4.11 Action may also be taken against such officers (as well as the Company) where it can be shown that the offence was committed with their consent, was due to their neglect or they had "turned a blind eye" to the offence or the circumstances leading to it. In appropriate cases, consideration will be given to seeking the prohibition of the business proprietor under the appropriate specific statutes.~~

~~4.12 Enforcement action against employees will receive special consideration. Where appropriate, a warning letter will be issued unless the matter is serious and/or that the employee had received a prior warning from either his employer or the Council.~~

NOTE

~~The Exchequer Services Division of the Council has a separate Benefit Sanctions and Prosecution Policy approved by Members. This governs their action taken against benefit fraudsters and is based on specific legislation covering this area of work. Enforcement action in this area of work may therefore deviate from this policy. For further details, the Exchequer Services Manager can be contacted via 01695 577177.~~

~~The Planning and Development Division has an enforcement protocol, which is based on Planning Circular 10/97 and the 1997 Good Practice Guide. For further details contact the Planning Enforcement section via 01695 577177.~~

Individual Directorate Policies

It is the Council's intention for this Enforcement Policy to apply to all of its Directorates. However, in some instances it is necessary for the Council to operate separate enforcement policies to address specific responsibilities. Where such policies exist, these will normally follow the general principles of this Enforcement Policy. An example is:

- Planning enforcement is based on the Council's Planning Enforcement Plan.

5.0 Individual Divisional/ Sectional policies.

~~5.1 The Council has several sections/Divisions that can and do take enforcement action. Officers undertake some of this work, under a scheme of delegation approved by Council. These enforcement~~

interventions cover a wide range of regulatory activities. These include:-

- The Community Services Division, which undertakes regulatory activity in relation to noise pollution, food safety, health and safety, public health matters, licensing issues, fly tipping and litter, amongst other issues.
- The Planning Services Division, which undertakes regulatory activity in relation to planning and building control matters.
- The Housing and Property Maintenance Services Division, who undertake action in relation to breaches of tenancy (including the recovery of debt and anti-social behaviour), housing standards and caravan sites
- The Exchequer Services section, which undertakes the recovery of debts relating to Business Rates, Council Tax, Sundry Debts and Benefits in accordance with relevant regulations and good practice.
- Anti-social behaviour unit which investigates complaints regarding anti-social behaviour from the public and relevant partners, and takes appropriate action ranging from education up to enforcement including Acceptable Behaviour Contracts (ABC's), injunctions, evictions and Anti-Social Behaviour Orders (ASBO's).
- Technical Services unit which supervises external contractors to enforce "off street" parking offences and the regulation of any markets in Ormskirk.

5.2—These sections may have individual policy documents, which provide further details on their enforcement action, however they will all follow the broad principles of this policy. Divisional Managers will check and keep updated these policies.

Complaints

Anyone wishing to complain about enforcement action should contact the relevant service manager in the first instance. The Council's website (www.westlancs.gov.uk) contains details of the formal complaints procedure, which starts with the section manager and can progress to a Head of Service, if necessary. If the procedure is followed and there is still dissatisfaction with any response from the Council's Chief Executive, the matter could progress to the Local Government Ombudsman. Court convictions can also attract appeals and the Council would always suggest seeking legal advice regarding this approach.

6.0—Complaints against Officers/the Service.

6.1—The Council has a clear and well-defined procedure that deals with complaints. Any complainant has the ability to "appeal" against a decision that has been made or against the response they may have had in reply to a letter. In the first instance the Divisional Manager or Service Manager would investigate the response. If the complainant still feels that their complaint has not been answered satisfactorily the Chief Executive of the Council would investigate the matter. If, after the response of the Chief Executive, the complainant was still

~~aggrieved they could ultimately request the attention of the Local Government Ombudsman. Full details of this procedure are available on the Council's website (www.westlincs.gov.uk)~~

~~6.2 There is also an appeal procedure through the relevant Court in relation to Court Convictions following prosecutions.~~

~~7.0 **Departure From The Enforcement Policy**~~

~~7.1 All authorised officers will abide by this Policy when making enforcement decisions.~~

~~7.2 Any departure from the Policy will only be accepted in exceptional circumstances, capable of justification, and only after full consideration and authorisation by the relevant Executive Manager, or designated alternative officer.~~

Appendix 1

The different inspection regimes operated by the Council include:

Local Air Pollution Prevention and Control

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342158/LAPPC-Risk-Method-July-2013-revision-Final.pdf

<http://www.westlancs.gov.uk/environment/environmental-issues/pollution-control/industrial-pollution-control-and-permits.aspx>

Food Safety

<https://www.food.gov.uk/about-us/local-authorities>

<http://www.westlancs.gov.uk/environment/foodsafety.aspx>

Health and Safety

<http://www.hse.gov.uk/lau/enforcement.htm>

<http://www.westlancs.gov.uk/business/business-services/business-regulation/health-and-safety.aspx>

Building Control

<http://www.westlancs.gov.uk/planning/building-regulations.aspx>

PRE PROSECUTION ASSESSMENT – INDIVIDUAL

OFFICER:..... DATE OF OFFENCE:.....

NAME:.....

ADDRESS:.....

.....

DETAILS OF

OFFENCE:.....

.....

Has previous legal action been taken against the by WLBC? YES / NO /?

Has previous legal action been taken regarding a similar matter? YES /NO /?

Is there evidence of previous written warnings being issued re this matter? YES /NO /?

Has there been blatant disregard for the law to gain economic advantage? YES /NO /?

Was a poor attitude to officers demonstrated? YES /NO /?

Is a significant penalty likely? YES /NO /?

Has the contravention(s) caused serious public alarm/concern/disturbance? YES /NO /?

Would the prosecution serve the public interest? YES /NO /?

Is a defence available? YES /NO /?

Is the contravention contrary to the Council's aims and priorities? YES /NO /?

Is the issue widespread and requires targeting? YES /NO /?

Was the safety of the officer in any doubt? YES /NO /?

Was the officer obstructed in the course of his/her duties? YES /NO /?

Is there a public expectation that the prosecution will be taken? YES /NO /?

Is a prosecution warranted to deter others via ensuing publicity? YES /NO /?

Would a prosecution result in bad publicity for the Council? YES /NO /?

Is a caution appropriate? YES /NO /?

Recommendation from Officer - PROSECUTE YES /NO /?

Reason:.....

.....

(Continue overleaf if necessary)

Recommendation from the Officer in Charge
of the investigation PROSECUTE YES / NO /?

Reason:.....

.....

.....

Decision of EM - PROSECUTE YES / NO /?

Notes:.....

.....

.....

PRE PROSECUTION ASSESSMENT – BUSINESS

OFFICER:.....DATE OF OFFENCE:.....

COMPANY:.....

ADDRESS:.....

DETAILS OF
OFFENCE:.....

Has previous legal action been taken against the Company by WLBC? YES /NO /?

Has previous legal action been taken regarding a similar matter? YES /NO /?

Is there evidence of previous written warnings being issued re this matter? YES /NO /?

Has there been blatant disregard for the law to gain economic advantage? YES /NO /?

Was a poor attitude to officers demonstrated? YES /NO /?

Is a significant penalty likely? YES /NO /?

Has the contravention(s) caused serious public alarm/concern/disturbance? YES /NO /?

Would the prosecution serve the public interest? YES /NO /?

Is a defence available (e.g. BPM)? YES /NO /?

Is the contravention contrary to the Council's aims and priorities? YES /NO /?

Is the issue widespread and requires targeting? YES /NO /?

Was the safety of the officer in any doubt? YES /NO /?

Was the officer obstructed in the course of his/her duties? YES /NO /?

Is there a public expectation that the prosecution will be taken? YES /NO /?

Is a prosecution warranted to deter others via ensuing publicity? YES /NO /?

Is the issue likely to be a problem again? YES /NO /?

Is a caution appropriate? YES /NO /?

Recommendation from Officer - PROSECUTE YES /NO /?

Reason:.....

(Continue overleaf if necessary)

Recommendation from Officer in Charge
of the Investigation PROSECUTE YES / NO /?

Reason:.....

Decision of EM - PROSECUTE YES / NO /?

Reason:.....

West Lancashire Borough Council



Corporate Enforcement Policy

October 2018

Version 2.0

West Lancashire Borough Council and Enforcement

Set in the heart of the North West of England, the Borough of West Lancashire is located at the southern edge of Lancashire and also borders the Merseyside region. West Lancashire Borough Council (the Council) is ambitious for our businesses, our places and our people. We are committed to important projects that will benefit the Borough and everyone who lives and works here.

This Council supports the use of statutory enforcement powers. This includes the use of a wide range of enforcement options, as an effective means of ensuring that the practices and activities of individuals and local premises comply with statutory requirements. In doing so, the Council aims to ensure that the health, safety and wellbeing of the general public, employees, consumers and the environment are not put at risk.

Our Vision

The Council's vision is to be a council which is ambitious for West Lancashire – our Economy, Environment and for Health and Wellbeing.

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

Our Values

Our Vision is underpinned by our Values which are as follows:

- **Collaborative** – working in partnership to benefit West Lancashire, being open and involving in the way decisions are made, and adopting a co-ordinated "one Council" approach.
- **Empowering** – valuing and developing communities and employees to take responsibility for solutions, and to make the most of our local assets.
- **Enterprising** – being innovative and creative, delivering lasting improvements;
- **Equality** – promoting equality and seeking to reduce inequality;
- **Focussed** – being strategic and prioritising the things that make the biggest difference to our communities.
- **Proud** – of West Lancashire as a place to live, work and invest.

In order to realise these commitments, the Council recognises that fair, proportionate and transparent regulation is essential. As such, the Council first adopted a Corporate Enforcement Policy in 2009, which was based on a number of influences at that time. These included the Human Rights Act 1998, the Government's Enforcement Concordat, and the Macrory Review,

the Department for Business Enterprise and Regulatory Reform Regulator's Compliance Code and the Hampton Review.

Our Approach

The Better Regulation Office of the Department for Business Innovation and Skills produced a Regulator's Code (the Code) in April 2014. This Enforcement Policy is based on that document and outlines the Council's approach to any enforcement activity. In introducing the Code, the Minister detailed the purpose of Regulators which is "to regulate for the protection of the vulnerable, the environment, social or other objective". He also indicated that "This Code does not detract from these Core Purposes but seeks to promote proportionate, consistent and targeted regulatory activity through the development of transparent and effective dialogue and understanding between regulators and those they regulate".

Good enforcement secures compliance with legislation and as a result Council Officers will seek to use a combination of assistance, advice and formal action. Accordingly, the Council is required to have regard to the Code. If the Code is not followed, that decision and the reason(s) for it should be recorded.

The Council has a wide variety of regulatory/enforcement options available to it across a number of different legislative regimes. Essentially, these vary from informal verbal advice through to Court action.

The principles of our approach are as follows:

1. The Council will support those they regulate to comply and grow

The Council will strive to avoid imposing unnecessary burdens and will act in a proportionate matter. This means Officers will balance enforcement action against risks and will consider what alternatives are available.

Supporting economic growth and compliant businesses will be a consideration given to new and reviewed Council policies, operational procedures and practices and as such Officers will strive to:

- Understand and minimise negative economic impacts of their regulatory activities;
- Minimise the costs of compliance;
- Provide greater certainty to improve confidence in compliance, and
- Encourage and promote compliance.

The Council will ensure its staff have the knowledge, skills and competence to support those they regulate and can consider proportionate and effective approaches.

2. The Council will provide simple and straightforward ways to engage with those regulated and listen to their views

When developing new policies and service standards that could affect those they regulate, the Council will engage with and seek the views of residents and businesses. Unless legislation dictates otherwise, this communication will most frequently be done via the Council's website.

Unless immediate action to prevent or respond to a serious breach is necessary, Officers will ensure that any non-compliance is fully explained and will offer the opportunity to discuss any proposed action to ensure it is proportionate and consistent.

Officers will ensure that appeal mechanisms are highlighted. Any appeal will usually be to the Officer's line manager in the first instance, unless dictated by legislation, where the options for appeal will be clearly explained. The Council also operates a formal complaints procedure, the details of which are available on the Council's website (www.westlancs.gov.uk). Where possible, Officers will also engage with local business forums. Any relevant feedback regarding enforcement given to such groups will be passed on to the relevant section manager.

3. Regulation will be based on risk

The Council will ensure that resources are allocated appropriately according to risk. In some cases, the priority given to certain risks will be determined by external agencies (for example the Health and Safety Executive or the Food Standards Agency). The most appropriate form of intervention will be used in relation to the risk to employees, the public or the environment at the time the issue arises.

4. Information about compliance and risk should be shared

The Council will try to reduce the amount of information requested from businesses. However, information may be shared with other regulators to promote safeguarding, prevent fraud (including identify fraud) and deter criminal activity. Where information is shared, it shall be in accordance with the General Data Protection Regulation, Data Protection Act 2018 and/or other relevant legislation and Codes of Practice.

5. Clear information, guidance and advice will be provided

Officers will ensure that, when providing advice and support, legal requirements will be clearly distinguished from suggested good practice to prevent unnecessary burdens being imposed.

The Council encourages requests for advice and wants individuals and businesses to feel comfortable seeking advice without the fear of immediate enforcement action.

Officers will ensure that where alternative advice has been provided by other regulators, they will discuss this with the other regulator to reach an acceptable agreement.

6. Regulatory approaches will be transparent

Appendix 1 contains information relating to the inspection regimes operated by the Council. In carrying out these responsibilities, Officers can also provide information on what businesses can expect from them. This could include inspection regimes, the frequency of inspections, any relevant fees, how to contact officers and how to complain.

As a general rule, legal proceedings will not be undertaken without the offender being given reasonable opportunity to comply with the law. In some cases, this approach is dictated by national guidelines and/or case law. It is recognised, however, that there are circumstances where a contravention is particularly serious and would result in harm to members of the public or the environment or there is a blatant or reckless disregard for the law, in which case legal proceedings may take place without a prior warning. Failure to comply with a Statutory Notice, will normally result in legal proceedings, except in cases where works in default may be more appropriate.

It is recognised that the instigation of legal proceedings is a serious and important part of enforcement that should only be taken after full consideration of the implications and consequences. Decisions about legal proceedings will take account of Council policies and procedures and the Code for Crown Prosecutors.

For non-planning matters², legal proceedings will not be commenced or continued unless there is sufficient admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of a conviction. A bare prima facie case is not enough. If the case does not pass this evidential test, it will not go ahead, no matter how important or serious it may be. In addition, any possible defence, which could successfully be utilised, will be considered and may prevent a case being taken. The issue of a caution will not be used as an alternative in such circumstances, as, if a caution cannot be agreed, a prosecution must be taken.

The following non-exhaustive list details some of the issues that can be taken into consideration when a decision is made whether to undertake a prosecution, or not:

- Blatant disregard for law;
- Placing law-abiding citizens at a disadvantage;
- Gravity of offence;

² Matters that relate to planning legislation are addressed directly in the Council's Planning Enforcement Plan, which is referenced below.

- Offender record, public expectation that offence is serious enough to warrant prosecution;
- Deterrent to others;
- Wilful intent;
- Previous history,;
- Poor attitude;
- Significant penalty likely;
- Public concern;
- Public interest;
- The offence is contrary to Council's aims and priorities;
- The offence is commonplace and requires attention;
- Officers safety was compromised;
- Additional costs were incurred by the Council due to approach and the Council is the most appropriate body to act.

A record is kept of which of the above factors influenced the decision to act. In addition to the above, it is necessary to consider whether it is in the public interest to prosecute in accordance with the Code for Crown Prosecutors.

Individual Directorate Policies

It is the Council's intention for this Enforcement Policy to apply to all of its Directorates. However, in some instances it is necessary for the Council to operate separate enforcement policies to address specific responsibilities. Where such policies exist, these will normally follow the general principles of this Enforcement Policy. An example is planning enforcement which is based on the Council's Planning Enforcement Plan.

Complaints

Anyone wishing to complain about enforcement action should contact the relevant service manager in the first instance. The Council's website (www.westlancs.gov.uk) contains details of the formal complaints procedure, which starts with the section manager and can progress to a Head of Service, if necessary. If the procedure is followed and there is still dissatisfaction with any response from the Council's Chief Executive, the matter could progress to the Local Government Ombudsman. Court convictions can also attract appeals and the Council would always suggest seeking legal advice regarding this approach.

Appendix 1

The different inspection regimes operated by the Council include:

Local Air Pollution Prevention and Control

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/342158/LAPPC-Risk-Method-July-2013-revision-Final.pdf

<http://www.westlancs.gov.uk/environment/environmental-issues/pollution-control/industrial-pollution-control-and-permits.aspx>

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<https://www.food.gov.uk/about-us/local-authorities>

<http://www.westlancs.gov.uk/environment/foodsafety.aspx>

Health and Safety


<http://www.hse.gov.uk/lau/enforcement.htm>

<http://www.westlancs.gov.uk/business/business-services/business-regulation/health-and-safety.aspx>

Building Control

<http://www.westlancs.gov.uk/planning/building-regulations.aspx>

APPENDIX 2

Equality Impact Assessment Form		
Directorate: Leisure and Environment	Service: Environmental Protection and Community Safety	
Completed by: Andrew Hill	Date: 23rd October 2018	
Subject Title: Corporate Enforcement Policy		
1. DESCRIPTION		
Is a policy or strategy being produced or revised:	Yes	
Is a service being designed, redesigned or cutback:	No	
Is a commissioning plan or contract specification being developed:	No	
Is a budget being set or funding allocated:	No	
Is a programme or project being planned:	No	
Are recommendations being presented to senior managers and/or Councillors:	Yes	
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes	
Details of the matter under consideration:	Agreement of revised Corporate Enforcement Policy	
<i>If you answered Yes to any of the above go straight to Section 3</i>		
<i>If you answered No to all the above please complete Section 2</i>		
2. RELEVANCE		
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes	
If Yes , provide details of how this impacts on service users, staff or Councillors (stakeholders):		
<i>If you answered Yes go to Section 3</i>		
If you answered No to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>		
3. EVIDENCE COLLECTION		
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	WLBC residents and businesses	
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)?		

Which of the protected characteristics are most relevant to the work being carried out?	
Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
4. DATA ANALYSIS	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	
What will the impact of the work being carried out be on usage/the stakeholders?	Consistent enforcement action
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?	Enforcement in relation to offences is usually welcomed
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	n/a
If any further data/consultation is needed and is to be gathered, please specify:	n/a
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	n/a
6. CONSIDERING THE IMPACT	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	n/a
What actions do you plan to take to address any other issues above?	n/a
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	Andrew Hill January 2023



Report of: Director of Leisure and Environment

**Relevant Portfolio Holders: Councillor K. Wright
Councillor Y. Gagen**

**Contact for further information: Caroline Robinson - (ext 5152)
Email: Caroline.Robinson@westlancs.gov.uk**

SUBJECT: Health and Wellbeing Strategy Annual Performance Review 2018

Wards affected: Borough Wide.

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide an update on performance during the first twelve months of the 2018-2021 Health and Wellbeing Strategy.

2.0 RECOMMENDATIONS

- 2.1 That Members note the content of the Health and Wellbeing Strategy Performance Review 2018.

3.0 BACKGROUND

- 3.1 On 13 December 2017 Council approved the 2018-2021 Health and Wellbeing Strategy (H&WS) for West Lancashire.
- 3.2 The H&WS was published following a thorough internal audit of services and extensive consultation with various stakeholders.
- 3.3 The H&WS focuses on four priority areas which can have a positive impact upon the health and wellbeing of residents. The four priority areas are to:

- ensure across-the-board action to improve health and wellbeing throughout the borough;
- take every opportunity to improve health and wellbeing through contacts with residents and in key settings such as schools and workplaces;
- create and sustain an environment that helps people to make healthy choices;
- support residents and communities to manage their health, prevent ill-health and build resilience.

3.4 Each priority area is underpinned by a series of actions where tangible and transparent borough-wide health improvements can be made.

3.5 In order to monitor the progress and success of the H&WS it was agreed by Members that an annual performance update would be received.

3.6 To provide an opportunity to review progress, Appendix 1 of this report sets out the H&WS Annual Performance Review for 2018.

4.0 CURRENT POSITION

4.1 Over the course of 2018 to meet the distinct and varied health needs of our changing population, the H&WS has been a key feature in the transformation of how the Council delivers services in the context of health and wellbeing.

4.2 The last twelve months have seen foundations being put in place to promote integrated working to address a range of health inequalities affecting the borough. These foundations will ensure that the H&WS is in a good position to build upon the performance outlined in Appendix 1 of this report.

4.3 The aim for the next twelve months will be to sustain and build on the progress made and to start to further influence residents health and wellbeing.

5.0 PROPOSALS

5.1 That Members note the content of the Health and Wellbeing Strategy 12 month Performance Review 2018.

6.0 SUSTAINABILITY IMPLICATIONS

6.1 The annual review outlines progress made towards embedding health and wellbeing into the everyday business of the Council to ensure that the best conditions possible are in place to help residents to live healthy, fulfilling and independent lives.

7.0 FINANCIAL AND RESOURCE IMPLICATIONS

7.1 There are no financial implications related to this update report.

7.2 Monitoring and reporting on progress is undertaken as part of the role of the Health and Wellbeing Strategy Manager.

8.0 RISK ASSESSMENT

8.1 Failure to achieve and comply with the underpinning actions of the four priority areas of the H&WS will reduce the ability of the Council to support improvements in residents health and wellbeing. However, regular monitoring should identify areas that are not being achieved and help to target improvements.

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

A full Equality Impact Assessment was completed at the time of strategy production, however for the purposes of this update report an Equality Impact Assessment is not required.

Appendices

Appendix 1 Health and Wellbeing Strategy Annual Performance Review 2018.

Appendix 1

Health and Wellbeing Strategy Annual Performance Review 2018

Strategy Vision – To have in place the best conditions possible for people to live fulfilling lives.
Core Principles – To clearly define health and wellbeing in its broadest sense.
Cross-Cutting Theme – To focus on the needs of the local population to reduce health inequalities.

Health and Wellbeing Strategy Action Plan Performance Review							
Priority – Ensure cross-the-board action to improve health and wellbeing throughout the Borough							
Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
To identify, explore and apply for relevant external funding opportunities, as appropriate.	All Directorates	Health and Wellbeing Strategy Manager	Existing officer time	Identify Directorates funding requirements.	Ensure that funding from the Strategic Investment Reserve (SIR) is maximised, and more external funding is brought into WLBC to support the development of schemes of health intervention and early prevention.	Jan 2018 Ongoing	As detailed below, a bid register will soon be introduced allowing a more joined-up and standardised approach across directorates when seeking and securing external funding. Estimated completion November 2018
Lead Directorates to be contacted on a quarterly basis to identify their funding requirements, and to alert them to funding opportunities to support delivery on health and wellbeing initiatives within the community.	Leisure and Wellbeing, Housing and Inclusion, Development and Regeneration Street Scene Services	Health and Wellbeing Strategy Manager	Existing officer time	Develop the resource to alert Lead Directorates to funding opportunities relevant to service requirement.	Provide the capacity to develop opportunities to take decisive action to achieve health and wellbeing goals and build Council resilience.	Jan 2018 Ongoing	To communicate national, regional and local funding pots and highlight funding opportunities to respective Officers. The Health and Wellbeing Strategy Manager is working with the Digital Communications Manager on the development of a funding webpage to be made accessible for all. Estimated completion October 2018

Health and Wellbeing Strategy Action Plan Performance Review

Priority – Ensure cross-the-board action to improve health and wellbeing throughout the Borough

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
In the context of available resources, seek to address and rationalise the present stock of ageing built sports provision to provide facilities which meet contemporary standards.	Leisure and Wellbeing, Development and Regeneration, Legal and Democratic and Finance and HR Services	Deputy Director of Leisure and Wellbeing	Existing officer time and match-funding support	Establish a project team with representatives from finance, legal, procurement, property services, planning and development and leisure services supported by external specialist advisers – to undertake a feasibility study that will allow for significant capital and inward investment.	The project model for development to be based on the Built Sports Provision action of the 2015-2025 Leisure Strategy.	Apr 2020	<p>Cross Departmental Officer Working Group, Project Board, and Member Steering Group all established.</p> <p>Initial feasibility studies for Ormskirk and Skelmersdale completed.</p> <p>Funding profiles established and potential partners involved.</p> <p>Detailed designs and costings established.</p> <p>Public consultation planned Jan – Feb 2019.</p> <p>Project approved by Cabinet and Council to progress to implementation.</p>
Ongoing partnership facilitation to ensure the infrastructure is in place to enable apprenticeships, training and skills development is accessible for people living and working in the Borough.	Development and Regeneration Services	Economic Regeneration Manager	Existing officer time	Using our Economic Development Strategy 2015-2025 to drive this action forward.	Opportunities available at various skills levels for those seeking employment.	Ongoing	<p>Continued strategic partnership working with key agencies through the STEP group.</p> <p>To connect business leaders and support business growth the continuation of the Skelmersdale Ambassadors network.</p> <p>Working with partners, such as West Lancashire College and Edge Hill University in the facilitation of apprenticeships, training and skills development.</p>

Health and Wellbeing Strategy Action Plan Performance Review

Priority – Take every opportunity to improve health and wellbeing through contacts with residents and in key settings such as schools and workplaces

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Easy access to the information and resources that will allow residents to make healthy choices and manage their own health. Possible activities:</p> <p>Develop a comprehensive health and wellbeing service directory that joins programmes, activities and resources;</p> <p>To increase the skills and knowledge of individuals by providing training, talks, workshops and seminars on a wide range of local and national health issues in the community.</p>	<p>Leisure and Wellbeing, Housing and inclusion, Development and Regeneration, Street Scene Services</p>	<p>Health and Wellbeing Strategy Manager</p> <p>Health Promotion Officer</p>	<p>Existing officer time</p> <p>Existing officer time</p>	<p>Review internal processes, with regard to assessing implementation functionality.</p> <p>Plan and evaluate new and existing health promotion initiatives with the aim to develop a timeline of structured programmes.</p>	<p>To help local people make informed choices by putting them in touch with a variety of services and organisations so that they can find out what might best meet their health and wellbeing need.</p>	<p>Mar 2020</p> <p>Apr 2018 Ongoing</p>	<p>Work is planned to commence early 2019 on the development of a Council Wellbeing Directory aimed at providing information on local services to improve the quality of life of residents.</p> <p>The Health Promotion Officer is currently in the process of developing and delivering a number of initiatives aimed at tackling social isolation, loneliness and the onset of dementia for older residents living in WLBC retirement properties and retirement homes.</p>

Priority – Take every opportunity to improve health and wellbeing through contacts with residents and in key settings

Health and Wellbeing Strategy Action Plan Performance Review

such as schools and workplaces

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Combat negative health implications by facilitating schemes of intervention to reverse the upward trend in adult and childhood obesity, in particular to:</p> <p>Reduce prevalent levels of obesity amongst adults, children 0-5 and 10-11 year olds by working alongside schools and communities using a variety of pathways, including social prescribing, to enable people to access health promotion activities such as: physical activity "sessions" and healthy eating "classes"</p>	Leisure and Wellbeing Services	Health and Wellbeing Strategy Manager and Leisure Operations Manager	Existing officer time and match-funding support	Benchmark impact based on PHE Health Profile Summary for West Lancashire.	To support reductions in adult and childhood obesity.	Aug 2018 Ongoing	<p>WLBC is represented by the Health and Wellbeing Strategy Manager at the West Lancashire CCG social prescribing network to link local people/ communities to social or physical activities.</p> <p>To tackle childhood obesity the Health and Wellbeing Strategy Manager is exploring opportunities with West Lancashire School Sports Partnership.</p> <p>WLBC have secured a 12 month extension after successfully piloting for 3 years the LCC commissioned Active West Lancs scheme aimed at encouraging the adoption of healthier lifestyles whether through diet and/ or exercise of various cohorts.</p> <p>Currently underway the 2017-19 ESF funded More Positive Together project is helping to support social housing tenants furthest from the labour market access the right pathways to employability, with a particular focus on providing a range of activities aimed at improving physical and mental wellbeing.</p>

Priority – Take every opportunity to improve health and wellbeing through contacts with residents and in key settings such as schools and workplaces

Health and Wellbeing Strategy Action Plan Performance Review

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Demonstrate our commitment to health and wellbeing of our workforce. Possible activities:</p> <p>Develop an internal programme of health and wellbeing initiatives, reminiscent of the key health-related themes of PHE "Workplace Charter" i.e. healthy eating, physical health and mental health (further details see Appendix 6 of the HWS).</p>	HR Services and Leisure and Wellbeing Services	Health Promotion Officer and HR Services	Existing officer time and possible budget implications	Design a programme of health-related themes aimed to improve our workforces' health and wellbeing.	To provide the internal infrastructure to help support the workforce to make healthy choices. Creating a healthier workplace will also support reductions in ill-health and employee sickness absence.	Sep 2018	<p>Work has commenced to form a workforce wellbeing steering group.</p> <p>A draft action plan and TOR have also been formulated for discussion.</p>
To educate local businesses knowledge and raise awareness on healthy workplace programmes to improve workforce health and wellbeing.	Leisure and Wellbeing Services	Health Promotion Officer	Existing officer time	Develop a programme and/ or step-by-step guide of effective tools and examples to embed practical health-related themes into the workplace.	(See above action point anticipated outcome/ impact).	Mar 2019	This objective is planned to commence following the piloting of the above action.
Priority – Create and sustain an environment that helps people to make healthy choices							
Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date

Health and Wellbeing Strategy Action Plan Performance Review

<p>Maximise opportunities to reduce health inequalities through greater integration of planning, housing and environmental developments, such as:</p> <p>Ensure health and wellbeing issues are embedded into the Local Plan, (further details, see Appendix 4 of the HWS);</p> <p>Consult with LCC public health specialists to advise planning teams on the creation of health-promoting (non-obesogenic) developments and environments;</p>	<p>Development and Regeneration Services</p> <p>Development and Regeneration Services</p>	<p>Strategic Planning and Implementation Manager</p> <p>Strategic Planning and Implementation Manager</p>	<p>Existing officer time</p> <p>Existing officer time</p>	<p>Consider Health and Wellbeing issues as a cross-cutting theme during preparation of the Local Plan Review and through the Sustainability Appraisal (SA) of the Local Plan.</p> <p>Consultation to be carried out where a form of development is proposed that has the potential to impact on public health.</p>	<p>To embed considerations of health, equity and sustainability as a standard part of decision-making.</p>	<p>Feb 2019</p> <p>Feb 2019</p>	<p>The Assistant Strategic Planning & Implementation Manager has confirmed that the new emerging Local Plan will refer to the Health and Wellbeing Strategy and that health considerations will be intrinsic to the various policies of the Plan, and that the Strategy will be added as part of the evidence-base for the Local Plan Reviews.</p> <p>The Assistant Strategic Planning & Implementation Manager has confirmed that over the course of the recent Local Plan review the planning team, to better understand and take account of the health status and needs of residents, have consulted heavily with LCC Public Health Team and since a partnership for future reviews.</p>
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Priority – Create and sustain an environment that helps people to make healthy choices

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Utilise the "Health Impact	All Directorates	Health and	Existing officer	To develop the framework/		Nov 2018	The Health and Wellbeing Strategy

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Assessment" to embed considerations about health and wellbeing into committee reports.		Wellbeing Strategy Manager	time	policy document(s) to embed health into committee reports.			Manager has commenced discussions with Member Services to establish how to incorporate Health Impact Assessments into the reporting process.
<p>Promote a healthy environment, through the following service provisions and actions:</p> <p>Play areas to be accessible by walking and cycling routes;</p>	Leisure and Wellbeing Services	Leisure Operations Manager	Existing officer time and possible internal capital (Inc. CIL & Section 106) and external grant funding	Working with youth services, schools and/ or voluntary sector groups consult with children and young people to ascertain the routes they take to access play areas and the mode of transport they use to identify any specific safety concerns or other potential barriers to develop a rolling capital programme of improvement.	Enable residents' ease of access to physical activity to maintain a healthy weight.	Mar 2019	A mapping exercise is planned to assess the feasibility to link cycle pathways to play areas. It was also confirmed that all play areas are accessible by foot.

Priority – Create and sustain an environment that helps people to make healthy choices

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Develop more physical	Leisure and	Leisure Operations	Existing officer	Engage the views of local	Regular participation in	May 2019	All new play facilities proposed

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<p>activities in parks and open spaces, including the continued development of outdoor gyms in suitable locations;</p> <p>In relation to play provision continue to pursue "fewer, bigger and better" prioritising lower quality yet high value sites, and rationalising lower quality sites;</p>	<p>Wellbeing Services</p> <p>Leisure and Wellbeing Services</p>	<p>Manager</p> <p>Leisure Operations Manager</p>	<p>time and possible internal capital (Inc. CIL & Section 106) and external grant funding</p> <p>Existing officer time and possible capital budgetary implications</p>	<p>communities about improving the parks and open spaces and develop a community engagement strategy aimed to better utilise the outdoor gyms, placing emphasis on engaging with disabled users and older people (50+).</p> <p>Undertake a play provision review to ascertain sites considered "surplus to requirement" to develop plans for alternative usage in respect of further access to open spaces of public value.</p>	<p>physical activity among children and young people is vital for health growth and development.</p> <p>In the context of policy and finances available, continue to identify, protect and enhance play provision and work closely with other play site providers to alleviate catchment gaps where areas lacking in certain types of provision are targeted.</p>	<p>Mar 2019</p>	<p>through housing developments will be assessed for accessibility.</p> <p>To date the Health and Wellbeing Strategy Manager is reviewing funding opportunities to tackle social isolation and loneliness of older residents by securing to support to increase access to open spaces and outdoor gyms.</p>
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Priority – Create and sustain an environment that helps people to make healthy choices

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Operate with an effective management and	Leisure and Wellbeing	Leisure Operations Manager	Existing officer time and possible	Engage the views of local communities attuned with the	Access to open space has a positive impact on	Mar 2019	Low value low quality play sites identified through The Play

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maintenance regime in place to maintain the quality and usability of open spaces.	Services		capital budgetary implications	type of space and wildlife habitats present to develop robust mechanisms for the funding and maintenance of open space resource.	health and wellbeing. Living close to areas of green space, parks, woodland and other open space can improve physical and mental health regardless of social background.		<p>Strategy for community transfer or rationalisation.</p> <p>Programme of improvements to maintain quality of high value sites being developed.</p> <p>Discussions with the Operations Manager of Street Scene with a view to coordinating an operational and maintenance regime between Street Scene and Ranger Services.</p> <p>An open space assessment is being updated through Planning Section to highlight open space provision and quality requirements across the Borough.</p>
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Priority – Create and sustain an environment that helps people to make healthy choices

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Address relative over and under provision of playing	Leisure and Wellbeing Services	Deputy Director of Leisure and	Existing officer time and match-funding support	Investigate the conversion of some adult pitches to junior/ youth provision, particularly at	Underpin the contribution that sport,	Oct 2018	Playing Pitch Strategy review completed in September 2018,

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pitches in different parts of the Borough.		Wellbeing and Leisure Operations Manager		Blaguegate and Skelmersdale.	<p>and the facilitation of opportunities has towards supporting local people to achieve a healthy lifestyle.</p> <p>West Lancashire population is predicted to grow significantly over the next few years, so there is a need to ensure sufficient provisions of accessible, quality and affordable facilities and pitches to meet local need.</p>		<p>helping to inform local plan process. Findings to be used to develop an action and investment plan for current and future requirements.</p> <p>Management of Blaguegate Playing Fields currently under review.</p>
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Priority – Create and sustain an environment that helps people to make healthy choices

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Explore possibilities to reshape Arts Services as a hub identifiable by the	Leisure and Wellbeing Services	Deputy Director of Leisure and Wellbeing and Arts	Existing officer time	Develop a business plan to increase participation and income.	Create linkages between culture and other civic activities to promote	Oct 2018	A business plan being developed for Chapel Gallery.

Health and Wellbeing Strategy Action Plan Performance Review

entire community, so to further build the cultural landscape of West Lancashire.		Development Manager			greater communal, engagement, strengthen community identity and support local economic development.		To increase Chapel Gallery's footfall a full itinerary of cultural activities such as, exhibitions, events and educational workshops have been produced.
To develop significant environmental and recreational benefits to Tawd Valley Park (TVP) and surrounding local communities.	Leisure and Wellbeing Services	Deputy Director of Leisure and Wellbeing and Leisure Operations Manager	Existing officer time and possible internal capital (Inc. CIL & Section 106) and external grant funding	Co-ordinate the development of the Masterplan for improvement to TVP, and establish management methods and required resources to implement the Masterplan and ensure future community engagement in the park and its facilities.	To support the provision of intrinsic environmental, aesthetic, and recreational benefits for residents.	Dec 2018	<p>Masterplan developed from local consultation.</p> <p>Funding currently being secured to support project delivery.</p> <p>Phase 1 delivery commenced on the ground in Autumn 2018.</p> <p>To reinforce the Masterplan and project sustainability a community engagement plan has been developed.</p>
Priority – Create and sustain an environment that helps people to make healthy choices							
Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
To enable all residents to live in communities that are clean, tidy and safe:							

Health and Wellbeing Strategy Action Plan Performance Review

<p>Continue to review our street cleaning schedule (including weekends) to maximise its effectiveness whilst ensuring it reflects the varying needs of local communities;</p> <p>Engage with community and volunteer groups to organise local clean-ups;</p> <p>Removal of fly-tipping, dog fouling, chewing gum and target litter hotspots;</p> <p>Continue to measure public satisfaction levels with cleanliness in both residential and retail areas;</p> <p>Maintain public open spaces to enhance the local environmental quality.</p>	Street Scene Services	Street Scene Operations Manager	Existing officer time	<p>Cleaning schedules to be reviewed.</p> <p>Working in partnership communicate borough-wide messages on-line, publishing press releases, public notices opportunities for increased public participation in keeping our streets and parks clean, and safe.</p> <p>Work in partnership with residents and other stakeholders to improve the street cleanliness.</p> <p>Increase the number of residents that are satisfied with the cleanliness of the Borough and the quality of the public open space using the residents' survey.</p> <p>Working in partnership with the volunteer community to generate additional opportunities to help care for our parks and green spaces.</p>	To maintain the highest standards of street cleanliness within the Borough.	<p>Ongoing</p> <p>Jun 2018</p> <p>Aug 2018</p> <p>May 2018</p> <p>Jun 2018</p>	<p>A service review of grounds maintenance and street cleansing services has been undertaken.</p> <p>Report presented to Council Feb 2018 with a series of recommendations including restructure and subsequent merger of the two service areas.</p> <p>New structure proposed for commencement 01.04.19.</p> <p>On completion the new structure will allow for all designated actions to be taken forward.</p>
Priority – Support residents and communities to manage their health, prevent ill-health and build resilience							
Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Strengthen the role and impact of ill-health prevention through regulation and enforcement of:							

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<p>Excess noise and pollution, and seek to reduce the impact of noise or pollution on or from new developments;</p> <p>Continue to produce Air Quality update reports containing work to reduce impacts of vehicle pollution in air quality management area;</p> <p>Continue to inspect sites to ensure compliance with relevant permits;</p> <p>Continue to work with partners to reduce anti-social behaviour, crime and the fear of crime within communities;</p>	<p>Leisure and Wellbeing Services</p>	<p>Environmental Protection and Community Safety Manager</p>	<p>Existing officer time</p>	<p>Continue to have a robust process of noise nuisance monitoring in situ.</p> <p>Action plan in place.</p> <p>Continue to ensure associated staff have detailed knowledge on relevant Codes of Practice and Enforcement.</p> <p>Action Plan in place.</p>	<p>Mitigate against the effects of noise and pollution on health and quality of life.</p> <p>Comply with Department for Environment, Food & Rural Affairs requirement and work to improve air quality.</p> <p>To ensure adherence to statutory requirements and regulatory obligations for the greater wellbeing of local residents.</p> <p>Ongoing partnership working to prevent and deter criminal activities.</p>	<p>Mar 2018</p> <p>Jun 2018</p> <p>Aug 2018</p> <p>Jan 2019</p>	<p>Officers maintained performance in dealing with noise complaints and responses to consultations on planning and licencing applications.</p> <p>Revised completion date December 2018.</p> <p>In accordance with the risk assessment schedule a vast majority of premises have now been inspected.</p> <p>Continuing to work closely with multi agency partners to address the strategic priorities identified in the 2016-2019 West Lancashire Community Safety Partnership (WLCSP) Plan.</p>
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Priority – Support residents and communities to manage their health, prevent ill-health and build resilience

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Continue to carry out licensing and inspection of tattooists, skin piercing and laser treatment businesses, and inspection	Leisure and Wellbeing Services	Commercial Safety and Licensing Manager		Continued statutory compliance.	Reduce the risk of infectious disease.	Ongoing	Such premises are inspected as part of the grant of a skin piercing licence to ensure suitable hygiene standards and practices.

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<p>of premises for legionella prevention;</p> <p>Continue to carry out inspections of food businesses and analysis of food samples as necessary;</p> <p>Licensing policy to include data on responsible drinking to prevent anti-social behaviour associated with drinking;</p> <p>Carrying out our Taxi Licensing functions and continue to operate with robust policies to ensure that all those associated with the taxi industry are safe and suitable to do so.</p>				Continued statutory compliance.	<p>To ensure the production, transportation, storage, preparation and sale of food in hygienic conditions to reduce the risk of food poisoning.</p> <p>Tackle underage access to alcohol, street drinking and reinforce responsible drinking and reduce the high incidence of hospital stays for alcohol related harm.</p> <p>To continue to protect public safety, in particular relation to safeguarding children, young persons and vulnerable adults.</p>	<p>Ongoing</p> <p>Apr 2019</p> <p>Apr 2018</p>	<p>A register of cooling towers is similarly maintained to ensure that suitable legionella controls are in place at relevant premises.</p> <p>An annual programme of food safety interventions is maintained and approved through the Council's Food Safety Service Plan.</p> <p>The Council's Licensing Policy will be reviewed during 2019 and implemented from February 2020.</p> <p>The Council's Hackney Carriage & Private Hire Licensing Policy was reviewed during 2018 to ensure requirements are in line with national guidance and priorities.</p>
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Priority – Support residents and communities to manage their health, prevent ill-health and build resilience

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
Plan to meet the changing needs of current and future occupants and assist residents who live with limiting long-term illness or disability							

Health and Wellbeing Strategy Action Plan Performance Review

<p>(including reducing frailty) by undertaking the following actions:</p> <p>Seek additional funding to support frail, elderly and disabled people with home adaptations that will enable them to live at home for as long as possible;</p> <p>Identify external funding sources to promote warm, fuel efficient homes – in both private and public rented sector, for example - identify external sources of funding to continue the winter warmth programme;</p>	<p>Housing and Inclusion and Leisure and Wellbeing Services</p>	<p>Property Services Manager, Homelessness and Private Sector Housing Manager and Programme Works Manager</p> <p>Property Services Manager, Homelessness and Private Sector Housing Manager</p>	<p>Existing officer time and match-funding support</p> <p>Existing officer time and match-funding support</p>	<p>Identify sources of funding with consideration to investigate the feasibility to strengthen funding bids with integration support from the NHS and/ or other partners, for example, drawing on the Better Care Fund.</p> <p>Identify sources of funding with consideration to investigate the feasibility to strengthen funding bids with integration support from the NHS and/ or other partners, for example, drawing on the Better Care Fund.</p>	<p>Accessible and easily adaptable homes can help support independence, which in turn helps to reduce physical frailty and support fewer need for hospital admissions.</p> <p>Provide support to residents who may be suffering ill-health due to insufficient warmth and help to reduce fuel poverty.</p>	<p>Nov 2018</p> <p>Nov 2018</p>	<p>Meeting scheduled between the Homelessness and Private Sector Housing Manager and Health and Wellbeing Strategy Manager to explore cross-cutting integrated working with health partners.</p> <p>As per the above.</p>
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Priority – Support residents and communities to manage their health, prevent ill-health and build resilience

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Develop opportunities for older people living in local care homes, sheltered accommodation and users of our Home Care Link service to be more socially included and raise</p>		<p>Housing Operations Manager and Home Care Link Control Room Manager</p>	<p>Existing officer time and match-funding support</p>	<p>Identify sources of funding with consideration to investigate the feasibility to strengthen funding bids with integration support from the NHS and/ or other partners, for example, drawing on the Better Care Fund.</p>	<p>Help to tackle social isolation, loneliness and support mental wellbeing.</p>	<p>Oct 2018</p>	<p>Discussions around suitable activities and available funding are currently taking place.</p>

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<p>awareness of opportunities already available;</p> <p>Installation of free Wi-Fi across 12 sheltered housing schemes with the aim of improving digital and financial inclusion and the general health and wellbeing of older residents.</p>	Housing and Inclusion	Performance & Projects Manager	Existing resources and officer time	Work in partnership with Social Telecoms, Lancashire Adult Learning and The Good Things Foundation in developing a Digital Deal for Older People.	Campaign aims to reduce isolation and loneliness through the use of the internet.	Dec 2017	Complete
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Priority – Support residents and communities to manage their health, prevent ill-health and build resilience

Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Work together to implement schemes for systemic change towards proactive prevention, which include to:</p> <p>Embed social value considerations throughout</p>	All Directorates	Procurement Executive	Existing officer time	Establish the core economic, social and environmental	Greater and more explicit focus on using	Jun 2019	Exploratory work projected to commence March 2019.

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<p>the procurement cycle (including in the core requirements, contract notices, pre-qualification questionnaire, award processes, and throughout delivery, contract management and disposal, as well as through a prominent position in the pre-procurement process) (further details, see Appendix 3 of the HWS);</p> <p>Initiate "Health in All Policies" framework to build an across sector approach to Council public policies that will systematically take into account the health implications of decisions, seek synergies and avoid harmful health impacts in order to improve local population health and health "equity" (further details, see Appendix 4 of the HWS);</p>	All Directorates	Health and Wellbeing Strategy Manager	Existing officer time	<p>objectives that we want to achieve from our procurement activities, and include a social value % weighting within procurement assessments where appropriate. Including – to produce guidance for procurers on social value and how to include social value considerations in specifications and procurement documentation.</p> <p>Review internal processes, with regard to assessing implementation functionality.</p>	<p>the Council's procurement spending power to deliver economic, social and environmental benefits for the wider community as part of our drive to secure best value.</p> <p>To embed considerations of health, equity and sustainability as a standard part of decision-making.</p>	Jun 2019	Exploratory work projected to commence March 2019.
Priority – Support residents and communities to manage their health, prevent ill-health and build resilience							
Key Action	Directorate/ Partner	Responsible Lead	Resources	Key Steps	Overall Anticipated Outcome/ Impacts	Timescale	Performance to Date
<p>Make changes to internal processes, such as service action plan (SAP) templates to embed considerations (and data) about health and wellbeing into decision-making and work objectives.</p>	All Directorates	Health and Wellbeing Strategy Manager / Partnership and Performance Manager	Existing officer time	To develop the framework/ policy document(s) to initiate embedding health into SAP.	Cement Health and Wellbeing as an integral part of business functions.	Jun 2019	Exploratory work projected to commence March 2019.

Health and Wellbeing Strategy Action Plan Performance Review

Health and Wellbeing Strategy Action Plan Performance Review							



COUNCIL: 12 December 2018

Report of: Borough Solicitor

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

SUBJECT: EXECUTIVE DECISIONS – SPECIAL URGENCY

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise that, for the period 1 December 2017 to 30 November 2018, no decisions were taken under Access to Information Procedure Rule 16 (Special Urgency).

2.0 RECOMMENDATION

2.1 That it be noted that Access to Information Rule 16 (Special Urgency) was not exercised during the period 1 December 2017 to 30 November 2018.

3.0 ACCESS TO INFORMATION PROCEDURES

3.1 In accordance with Access to Information Procedures, Key Decisions undertaken by the Executive (Cabinet) must be included on the Forward Plan. If the matter has not been included on the Forward Plan, Procedure Rule 15 (General Exception) still allows the decision to be taken when the specified safeguards are met.

3.2 Access to Information Procedure Rule 16 (Special Urgency) states:

“If by virtue of the date by which a decision must be taken Rule 15 (general exception) cannot be followed, then the decision can only be taken if the decision taker (if an individual), the Leader (if the Cabinet is making the decision) or the Chairman of the body making the decision:

- (a) obtains the agreement of the Chairman of a relevant Overview and Scrutiny Committee; or
- if there is no Chairman of the relevant Overview and Scrutiny Committee; or
- if the Chairman of each relevant Overview and Scrutiny Committee is unable to act, then the agreement of the Chairman of the Council (the

Mayor), or in his/her absence the Vice Chairman (the Deputy Mayor), that the making of the decision is urgent and cannot reasonably be deferred; and

- (b) makes available on the Council's website and at the Offices of the Council a notice setting out the reasons that the meeting/decision is urgent and cannot reasonably be deferred."

3.3 In accordance with the 'Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, any decisions taken under 'Special Urgency' must be reported to Council annually.

3.4 I can advise that Procedure Rule 16 (Special Urgency) was not exercised in the period 1 December 2017 to 30 November 2018.

4.0 SUSTAINABILITY IMPLICATIONS

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

5.0 FINANCIAL AND RESOURCE IMPLICATIONS

5.1 There are no financial/resource implications arising from this report.

6.0 RISK ASSESSMENT

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

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.

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