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21 September 2018

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

**CORPORATE YEAR 2018/19  
SEPTEMBER 2018 – ISSUE 2**

The content of this MEMBER UPDATE covers all services.

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

If a Member wants to place an item on the Committee agenda in connection with any article in the Update, please provide it to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or telephone 01695 585017 by **12 Noon Friday 28 September 2018.**

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

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

For further information, please contact:-  
Julia Brown on 01695 585065  
Or email: [Julia.brown@westlancs.gov.uk](mailto:Julia.brown@westlancs.gov.uk)





**MEMBER ITEM/ COUNCILLOR CALL FOR ACTION****APPENDIX B****CORPORATE AND ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE  
AGENDA - MEETING: 11 October 2018**

**This form must be received by Member Services, 52 Derby Street, Ormskirk, before 12 noon on Friday 28 September 2018.**

**Please advise Member Services on 01695 585016 if at any time you wish to withdraw this item following receipt of further information or e-mail [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk)**

|   |                                      |
|---|--------------------------------------|
| <b>Councillor:</b>  | (Name of Member requesting the item) |
| <b>Subject:</b>   |                                      |
| 1. What are your reasons for requesting the item:                       |                                      |
| 2. What outcome would you wish to see following discussion of the item? |                                      |

3. What have you already done to resolve this issue?

**Potential means of pursuing an issue before resorting to a Member Item/CCfA:**

- Raise Ward Issue as a 'Patch Problem'
- Discuss issue with an appropriate officer from the Council Service or Agency
- Discuss issue with an appropriate Cabinet member
- Raise the issue with partner agency, eg. Police, PCT, etc.
- Write formal letters on behalf of constituents
- Use official complaints procedure or other official route
- Put forward the issue as a topic for inclusion on an O&S work programme

**The following are potential reasons why your Member Item/CCfA may not be considered further:**

- The issue is an individual case
- You have not explored the issue fully and exhausted all avenues above
- A review into the general issue is included in an O&S work programme
- A petition is being submitted to the Council
- A complaint is being or has been submitted and the outcome is awaited
- A FOI request is being or has been made and the outcome is awaited
- Scrutiny of the issue is unlikely to result in improvements for local people
- The issue has been the subject of Executive Call In
- The issue has been the subject of a Council Motion / Question
- The issue is urgent and could be more speedily resolved by other means
- The issue is an 'excluded matter' (Constitution 18.3)

**FOR MEMBER SERVICES USE ONLY**

|                          |                          |                           |                          |
|--------------------------|--------------------------|---------------------------|--------------------------|
| Received by:             |                          | Date of Committee:        |                          |
| Date:                    | Time:                    | Chief Executive informed  | <input type="checkbox"/> |
| Head of Service informed | <input type="checkbox"/> | Chairman informed         | <input type="checkbox"/> |
| Contact Officer informed | <input type="checkbox"/> | Portfolio Holder informed | <input type="checkbox"/> |



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

**MEMBERS UPDATE 2018/19  
ISSUE: 2**

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**Article of:** Borough Solicitor

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

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

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

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

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## **2.0 BACKGROUND**

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

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

- Community Safety Partnership – 18 April 2018, 11 July 2018
- Ageing Well Partnership – 30 July 2018
- People and Communities –Newsletter May 2018

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

### **3.0 SUSTAINABILITY IMPLICATIONS**

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

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

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

### **5.0 RISK ASSESSMENT**

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

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

#### **Appendices**

None.





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

**MEMBERS UPDATE 2018/19  
ISSUE: 2**

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**Article of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor Wright**

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

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

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Wards affected: Borough wide

**1.0 PURPOSE OF ARTICLE**

**1.1** To keep Members apprised of developments in relation to Health Overview and Scrutiny in Lancashire.

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**2.0 BACKGROUND AND CURRENT POSITION**

**2.1** The Health and Social Care Act (2001), subsequently superseded by the National Health Service Act 2006 and the Health and Social Care Act 2012, extended the powers of Overview and Scrutiny Committees of local authorities responsible for social services functions to include the power to review and scrutinise matters relating to the health service in their areas.

**2.2** The Health Scrutiny Committee at Lancashire County Council exercises the statutory functions of a health overview and scrutiny committee. The Membership of the Committee includes twelve non-voting Co-opted District Council Members, West Lancashire's representative is Councillor G. Hodson.

**2.3** To ensure that Members receive regular updates on the work being undertaken by the Committee and to provide an opportunity to feed back any comments via the Council's representative, a copy of the County Council's Health Scrutiny Committee minutes are attached.

### **3.0 SUSTAINABILITY IMPLICATIONS**

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

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

4.1 There are no significant financial or resource implications associated with this item, except the Officer time in compiling this Article.

### **5.0 RISK ASSESSMENT**

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

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

#### **Appendices**

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

[Minutes of Health Scrutiny Committees](#)

3 July 2018



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

**MEMBERS UPDATE 2018/2019  
ISSUE: 2**

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**Article of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor Wright**

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

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

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Wards affected: Borough wide

## **1.0 PURPOSE OF ARTICLE**

- 1.1** To keep Members apprised of developments in relation to the Lancashire Police and Crime Panel.
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## **2.0 BACKGROUND AND CURRENT POSITION**

- 2.1** The Police and Crime Panel (PCP) can exercise specific powers under the [Police Reform and Social Responsibility Act 2011](#), and all other enabling powers, discharging its functions in accordance with the Policing Order 2011. The Panel has the power to scrutinise Police and Crime Commissioner (PCC) activities, including the ability to review the Police and Crime Plan and annual report, request PCC papers and call PCCs and Chief Constable to public hearings. The PCP can also veto decisions on the local precept and the appointment of a new Chief Constable.
- 2.2** The panel is a Joint Committee made up of representatives from the 15 local authorities in the Lancashire Police Force area, together with two independent co-opted members. West Lancashire's representative is Councillor K Wright.
- 2.3** To ensure that Members receive regular updates on the work being undertaken by the Panel and to provide an opportunity to feed back any comments via the Council's representative, a copy of the PCP's minutes are attached.

### **3.0 SUSTAINABILITY IMPLICATIONS**

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

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

4.1 There are no significant financial or resource implications associated with this item, except the Officer time in compiling this Article.

### **5.0 RISK ASSESSMENT**

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

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

#### **Appendices**

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

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

2 July 2018

25 July 2018



**ARTICLE NO:**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUNITY**

**MEMBERS UPDATE 2018/2019**

**ISSUE: 2**

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**Article of: Director Development and Regeneration**

**Contact for further information: Ian Bond (Extn. 5167)**

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**Steve Kent (Extn 5169)**

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**SUBJECT: UPDATE ON WORLD WAR ONE CENTENARY COMMEMORATIONS**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE ARTICLE**

- 1.1 To advise Members on the progress of the commemorations taking place within the Borough, to mark the 100<sup>th</sup> anniversary of the end of World War One (WW1).

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## **3.0 BACKGROUND**

- 3.1 This year marks the culmination of the centenary of the First World War (WW1) and Armistice Day on 11 November 2018 will be the focus for nationwide remembrance to mark the end of the conflict. Nationally over the last four years there has been an increase in public interest shown in remembrance of WW1 and war memorials and it is highly likely that there will be considerable public interest in this year's centenary.
- 3.2 As the Council will play a key role in delivering the commemorations taking place in the borough a cross divisional officer Working Group was set up to help make sure that we are appropriately prepared for November, to discuss the programme of events and identify possible projects. The group is made up of officers from Development and Regeneration Services, Leisure and Environmental Services, Housing and Inclusion Services and Legal and

Democratic Services, who have a role in managing and delivering how the Council will commemorate the event.

#### **4.0 CURRENT SITUATION – EVENTS AND PROJECTS**

##### **4.1 Battles Over – A Nations Tribute project**

This will start with a Pipers tribute playing 'When the Battle's O'er' at 6.00am on 11 November at the war memorial in Coronation Park to mark the time when the Armistice was signed in 1918. The event which will be open to the public to attend will be co-ordinated by the Park Rangers who will be in attendance. Immediately after Town Criers throughout the Country are being asked to make a proclamation to mark the end of the war. Further details of the event will follow later in the autumn.

##### **4.2 Beacons of Light project**

This involves lighting the beacon in Beacon Country Park at 7.00pm on the 11 November. The lighting of the beacon will be replicated across the Country with more than 370 Councils and up to 1000 beacon sites having confirmed their involvement in this shared commemoration project. The event will start with a formal civic procession to the Beacon with a band in attendance and finish with refreshments in the visitor centre. Prior to the lighting of the beacons the Last Post will be played at 06.55pm across the Country. Further activities will be planned around the event. The programme and detailed timetable for the evening will be confirmed shortly.

##### **4.3 Silent Soldier silhouettes**

The Royal British Legion (RBL) are encouraging Council's and Community Groups to purchase *Silent Soldier silhouettes*, which are a large black board silhouettes of a soldier with a white base plate plaque bearing the 1914-1918 and Poppy emblems and the text "Lest We Forget". The 'soldiers' can be ground mounted or placed on or against a building. We have purchased three soldier silhouettes from the RBL and are currently awaiting delivery. The silhouettes will be located at Ormskirk (Coronation Park), Burscough and Skelmersdale War Memorials. The silhouettes will be ground mounted, in locations, to be agreed, within the memorial gardens in October 2018.

##### **4.4 Cleaning of Memorials**

As part of the commemorations we are planning to ensure that all our memorials are clean and tidy and in a good state of repair. The surrounding paved areas will be washed down in advance of Armistice Day. A walk through survey has been carried identifying the works which need to take place on the Council owned memorials and memorial gardens. The cleaning works will take place in September/October with all the Council's memorials being checked again in the weeks leading up to Armistice Day.

#### 4.5 Memorial Gardens

We will make sure the memorial gardens are all clean and tidy and existing flower beds will have specific bedding to help mark out the period of remembrance.

#### 4.6 Repair to Up Holland War Memorial

The name plaques on Up Holland War Memorial are to be re-gilded. The project will be carried out in partnership with Up Holland Parish Council. The extent of the works have been agreed with a specialist contractor. Works are likely to commence in late September/October and will be weather dependant.

#### 4.7 Centenary Web page

To help provide information on the events and projects taking place and to provide a 'sign-post' to other community based events and projects a new WW1 Centenary Web page has been developed.

#### 4.8 Ormskirk Clock Tower and Skelmersdale Light Cube

The Clock Tower and Light Cube will be coloured red for a short period in advance and during the period to show our wider community respect for the commemorations.

#### 4.9 WW1 Art Project – the impact of WW1 on Women's lives

The Council has been successful in securing funding from Heritage Lottery for this partnership (WLBC, Edge Hill University and Ormskirk & District Family History Society) art project which celebrates the role of women in WW1. The exhibition and project are planned to run from 6 October until 19 January 2019.

#### 4.10 The Free Tree Scheme

The Free Tree scheme will be providing residents with the opportunity to plant a fruit tree during November 2018. We will again be giving away a pack of Flanders red Poppy seeds with every tree to mark the centenary period. The focus this year will be enabling local community groups and Parish Councils to get groups of residents together to plant community orchards. As part of this scheme there is the potential to undertake commemorative tree planting.

#### 4.11 Guided 'War Horse' walk

The popular War Horse walk leaflet has been relaunched. A second free guided walk from Ormskirk railway station to Lathom Chapel following the route took place on 8 September 2018.

4.12 All the projects listed above are in addition to the Civic Remembrance Sunday commemorations taking place at Ormskirk, Skelmersdale and Burscough war memorials details are set out below.

4.13 Ormskirk Remembrance Parade – Sunday 11 November 2018

The Parade will assemble outside St. Anne's RC Church at 9.30am for a short service led by Father Timney. Wreaths will be laid by attending Civic Dignitaries, MP and members of the Armed Forces.

The Parade will then move off onto Aughton Street with Police attendance and this year the Police have indicated that we will have the Mounted Police in attendance.

The route the Parade will take is left into Park Road and through the back of Coronation Park to the Memorial in Coronation Park for a short service led by Rev Pauline Bicknell from Ormskirk Parish Church. Officers will be putting in place a Road Closure Order under the Town Police Clauses Act to enable the Parade to take place.

The main service of Remembrance will take place inside the Parish Church. After the service the salute will be taken outside the entrance of the Parish Church where the Parade is dismissed.

The Council will be providing service booklets (last year the cost of these was £255.00) for the main service of Remembrance and refreshments, i.e. tea, coffee, juice and biscuits which will be served inside the New Church House.

4.14 Burscough Remembrance Parade – Sunday 11 November 2018

Burscough British Legion are the organisers of this Parade, the Mayor attends this Parade. This Parade takes place in the afternoon commencing at 13.45pm.

At the moment the British Legion are not accepting the Police recommendation of a road closure using the Town Police Clauses Act and a Private Traffic Management Company. Therefore the British Legion have applied to Lancashire County Council for a Road Traffic Regulation Act 1984 Order to close the A59. If this is the route they wish to take costs could be in the region of £1200 plus the costs of a Private Traffic Management Company which could be over £1,000 which will be expected to be met by the Organisers.

If Lancashire County Council do not support the Road Traffic Regulation Act 1984 Order application, as in previous years the Council will put in place a road closure order under the Town Police Clauses Act.

Various meetings have already taken place with the Council, the Police and Rosie Cooper with regard to the organisation of the Parade.



#### 4.15 Skelmersdale Remembrance Parade – Sunday 11 November 2018

The Parade will assemble at Whitemoss Road/Liverpool Road, Skelmersdale at 10.20am. The Parade will march to the War Memorial in Sandy Lane for a service of Remembrance led by local Clergy at 11am.

At the service attending Civic Dignitaries, MP, members of the Armed Forces and the public will lay wreaths. A salute is taken outside the Memorial by the Deputy Mayor and other Civic Dignitaries.

The Parade then returns along Railway Road back to Liverpool Road where the Parade is dismissed.

Refreshments are provided at the Winchester Club on Liverpool Road and also at the Wardens Club on Blaguegate Lane. The Council pay a contribution for the refreshments, assisted by the Skelmersdale Veterans.

The Council also provide service sheets for the service at the War Memorial.

Officers are able to put in place a Road Closure Order under the Town Police Clauses Act to enable the Parade to take place. However, if the event organisers, as in the case of Burscough, wish to have a Road Traffic Regulation Order in place then this cost will be expected to be met by the Organisers themselves. Members should be aware that it has been indicated that Skelmersdale Veterans may face difficulty in meeting the full costs of the Order and the associated costs of a Private Traffic Management Company.

#### 4.16 HMS Ringtail – Saturday 10<sup>th</sup> November 2018

A Service of Remembrance will take place on Saturday 10<sup>th</sup> November 2018 at 10.45am. The Mayor will attend and lay a wreath on behalf of the Council.

#### 4.17 Poppy Wreaths

The Council purchase poppy wreaths to be used at the various services that the Mayor and Deputy Mayor attend last year the cost of this was £102.00 for 6 wreaths.

### **5.0 FURTHER WORK**

5.1 Officers in the working group will continue to monitor the progress of the projects highlighted in Section 4 above, to ensure they are suitably delivered on time.

5.2 Further work will be done with the Communications Team to promote the programme of events and to ensure the community is aware of the commemorations taking place throughout the borough.

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

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

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 There are no significant financial or resource implications arising from this report.

7.2 Currently, it is expected that the actions/projects outlined in Section 4 above will be delivered through existing 2018/2019 budgets.

## **8.0 RISK ASSESSMENT**

8.1 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.

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### **Background Documents**

None

### **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



# Agenda Item 2a

ARTICLE NO:

CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE:

MEMBERS UPDATE 2018/19  
ISSUE 2

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Article of: Director of Leisure and Environment

Contact for further information: Paul Charlson (Ext 5246)  
Email: (paul.charlson@westlancs.gov.uk)

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SUBJECT: FOOD SAFETY SERVICE PLAN 2018 / 19

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## 1.0 PURPOSE OF THE ARTICLE

- 1.1 To provide Members with information about the Food Safety Service Plan operating during 2018/19.
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## 2.0 BACKGROUND

- 2.1 The Food Standards Agency (FSA) is an independent Government department responsible for food safety and hygiene across the UK. The FSA works with businesses to help them produce safe food and with Local Authorities to enforce food safety regulations.
- 2.2 Food safety enforcement is primarily the responsibility of Local Authorities. Accordingly, this Council fulfils these duties through its Food Safety Service (the Service) which aims to ensure all commercial food production in the Borough is carried out safely and is fit for human consumption - thereby protecting the health of West Lancashire residents and the wider community.
- 2.3 One of the key roles of the FSA is to set and monitor enforcement standards within Local Authorities. The FSA 'Framework Agreement on Official Feed and Food Controls by Local Authorities' (the Framework Agreement) specifies the arrangements that should be established and maintained by a Local Authority to enforce food hygiene legislation. It is this document that requires the Council to formulate and implement a service delivery plan in accordance with FSA guidance.
- 2.4 Accordingly, the FSA places significant emphasis on Food Safety Service Plans as a means to:

- Ensure Local Authorities address national priorities and standards, so these can be delivered locally;
- Focus debate on key delivery issues;
- Provide an essential link with financial planning;
- Set objectives for the future and identify major issues that cross service boundaries; and
- Provide a method of managing performance and making performance comparisons.

2.5 FSA guidance also states that Service Plans should have a common format. This enables the FSA to assess service delivery nationwide and allows Local Authorities to compare performance. Service Plans are also seen by the FSA as an expression of a Local Authority's own commitment to the development of its Food Safety Service.

### **3.0 CURRENT POSITION**

3.1 Due to significant operational pressures placed on the Food Safety Service spanning the previous two financial years which resulted from the need to investigate a unique and international food incident, it was agreed that a formal service plan would not be published. That said, an operational plan for 2017/18 was put in place and the requirements of that plan for 2017/18 have been implemented. Performance against that Service Plan has been reviewed and the conclusions of the review are contained in the Food Safety Service Plan for 2018/19 (the Plan), which is attached to this update at Appendix 1.

3.2 It is a requirement of the Framework Agreement that the Plan is submitted for appropriate Member approval. Accordingly, the Constitution requires the Plan to be approved by the Portfolio Holder for Health and Community Safety and be submitted to the Corporate and Environmental Overview and Scrutiny Committee for information.

3.3 The Plan was approved by Portfolio Holder for Health and Community Safety on 13 August 2018.

3.4 In order to provide local transparency and accountability, a copy of the Plan has also been placed on the Council's website.

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

4.1 The Plan provides an expression of the Council's commitment to the development of the Service, which contributes significantly toward improving the health of the local communities within West Lancashire.

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

5.1 The costs associated with production of the Plan and the work detailed in the Plan for 2018/19 can be met within existing resources.

## **6.0 RISK ASSESSMENT**

- 6.1 The Plan describes the financial and resource implications for the Service. If adequate resources are not made available to deliver an effective food safety service as required by the FSA, the Council may be open to criticism and/or potential audit and related action by the FSA.

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### **Background Documents**

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

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Appendix 1 – Annual Food Safety Service Plan 2018/19



# **West Lancashire Borough Council**

## **Food Safety Regulatory Service Plan**

**2018/19**

## Contents

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## **1.0 Introduction**

- 1.1 West Lancashire Borough Council (the Council) is responsible for the provision of food safety support and regulation to relevant food businesses within its boundaries under the Food Safety Act 1990, associated legislation and guidance. These duties are discharged by the Food Safety Service (the Service), which is part of the Commercial, Safety and Licensing Section.
- 1.2 This Food Safety Regulatory Service Plan (the Plan) covers all elements of food safety and hygiene for which the Council has responsibility. It also covers those objectives relating to non-enforcement activity, including food hygiene education and partnership working.
- 1.3 The Plan is a requirement of the Food Standards Agency (FSA) Food Law Code of Practice (CoP) and has been drawn up in accordance with the FSA's Framework Agreement. This ensures a consistent approach, which enables the FSA to assess how we are doing and allows other Local Authorities to compare and contrast performance and service delivery.
- 1.4 The Plan is produced annually by the Director of Leisure and Environment and the Commercial, Safety and Licensing Manager. It is an expression of the Council's on-going commitment to food safety in the Borough and the importance of the Service. Accordingly, the Plan was approved by the Portfolio Holder for Health & Community Safety on 13 August 2018 and was also presented as a Member's Update to the Council's Corporate and Environmental Overview and Scrutiny Committee. Staff performance reviews are undertaken on a monthly basis and related performance indicators are reported to Cabinet.

## 2.0 Aims and Objectives

### *Service aims and objectives*

2.1 The aim of the Service is to protect the health of residents of the Borough and the wider community by ensuring that all commercial production of food in the Borough is carried out safely and is fit for human consumption.

2.2 In order to achieve these aims, the objectives of the Service are to:

- Ensure that it acts in accordance with the FSA CoP and other official guidance;
- Carry out programmed interventions and appropriate enforcement action in accordance with statutory requirements, guidance and documented policies;
- Support the annual intervention programme with a limited annual food microbiological sampling programme with participation in local, regional and national food sampling work when necessary (Sampling Policy maintained separately);
- Investigate complaints within service standards and instigating appropriate action in accordance with the FSA Framework Agreement, the FSA CoP and documented procedures where resources allow;
- Work with Lancashire County Council Trading Standards to ensure food businesses adopt sufficient controls in respect of food allergens;
- Support food businesses through advice and guidance, together with providing information on food safety to consumers;
- Liaise with other Local Authorities and agencies such as Trading Standards, Public Health England (PHE), the FSA and other Local Authorities to ensure that food safety issues receive appropriate attention.
- Apply the principle of continuous improvement by comparing and measuring its performance and rectifying any shortcomings;
- Respond to local need and ensuring the Service is accessible to everyone.

### 3.0 Background

#### *Profile of the Borough*

3.1 West Lancashire is the most southerly of the Local Authorities within Lancashire. It 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.

3.2 Based on current available data, the breakdown of food businesses within West Lancashire is as follows:

|                             |            |
|-----------------------------|------------|
| Producer                    | 16         |
| Manufacturer                | 16         |
| Packer                      | 15         |
| Importer                    | 3          |
| Distributer                 | 24         |
| Supermarket                 | 14         |
| Small retail                | 119        |
| Other retailers             | 28         |
| Restaurant / café / canteen | 137        |
| Hotel / guest house         | 9          |
| Pub / club                  | 110        |
| Take away                   | 66         |
| Caring establishment        | 53         |
| School / college            | 115        |
| Mobile vendor               | 41         |
| Other restaurant / caterer  | 78         |
| <b>Total</b>                | <b>844</b> |

#### *Enforcement policy*

3.3 A Corporate Enforcement Policy has been agreed by Council. The aim of the Enforcement Policy is to promote consistency across the Council and it provides the principles of the Council's approaches to enforcement. The Leisure and Environment Enforcement Policy is positioned below the Corporate Policy and contains more service specific information relating to legislation, approach etc. Accordingly, all recipients of letters and notices relating to food safety enforcement are advised of the relevant Enforcement Policy.

## 4.0 Resources

### *Financial allocation*

4.1 The total cost of the Service is £119,140 comprising of the following:

|                                     |          |
|-------------------------------------|----------|
| Staff and associated costs          | £111,370 |
| Equipment, materials, sampling etc. | £7,770   |

### *Staffing allocation*

4.2 Therefore, the resources allocated within the Service currently equate to 3.3 FTE. This is comprised of the following:

- Commercial, Safety and Licensing Manager (0.2 FTE);
- Senior Environmental Health Officers (2.1 FTE);
- Environmental Health Assistants (1.0 FTE).

### *Staff development*

4.3 In accordance with the most recent version of the FSA CoP, the Council is committed to providing each member of the Service with a minimum of 10 hours of on-going / updating training each year. Records of training needs and Officer competency are maintained in accordance with the FSA CoP. Attendance on appropriate training courses is undertaken and is complemented by in-house training on specific developments during team meetings.

4.4 The qualifications, experience and training of staff is sufficient to ensure that the Council has the expertise to ensure competent intervention in the food businesses and processes in the Borough. Staff development is primarily assessed through the Employee Development Appraisal Interview, which is undertaken annually. The Service also participates in the Environmental Health Lancashire (EHL)<sup>1</sup> Food Safety Annual Training and Inter Authority Auditing Programmes.

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<sup>1</sup> EHL is represented by senior environmental health managers from each local authority in Lancashire and meets to coordinate Environmental Health Services across the county.

## 5.0 Service demands and performance during 2017/18

### *Demands on the Service*

5.1 During 2017/18, there were a total of 840 registered food businesses in the Borough for which the Council has enforcement responsibility.

5.2 The current food safety risk rating profile of these food businesses is:

| Food safety risk rating                                     | Total      |
|---|------------|
| Category A (intervention required every 6 months)           | 1          |
| Category B (intervention required every 12 months)          | 67         |
| Category C (intervention required every 18 months)          | 182        |
| Category D (intervention required every 2 years)            | 369        |
| Category E (alternative enforcement strategy every 3 years) | 221        |
| <b>TOTAL</b>  | <b>840</b> |

5.3 The current National Food Hygiene Rating (NFHR) profile of the above food businesses is:

|               | NFHR |                              | Total |
|---------------|------|------------------------------|-------|
| Non-compliant | 0    | Urgent improvement necessary | 0     |
|               | 1    | Major improvement necessary  | 16    |
|               | 2    | Improvement necessary        | 12    |
| Compliant     | 3    | Generally satisfactory       | 97    |
|               | 4    | Good                         | 115   |
|               | 5    | Very good                    | 600   |
| <b>TOTAL</b>  |      | <b>840</b>                   |       |

5.4 Those premises identified as requiring improvement (i.e. allocated a NFHR of 0 to 2) have received appropriate enforcement action. Any food hygiene rating remains in place until the next routine intervention or the food businesses operator formally requests that their business be re-assessed. The food safety risk rating issued to any food businesses depends upon the nature and type of the business, as well as how well it controls the risks to food hygiene. Whilst there will be some correlation between the food safety risk rating and the NFHR issued to any business, this does not mean that a low NFHR relates to a high risk rated food businesses and vice versa.

### *Performance against the Service Plan 2017/2018*

5.5 The number of premises that were due for a risk rating intervention (i.e. inspection, partial inspection or audit) during 2017/2018 and the number achieved was:

|              | Premises category | Interventions due | Interventions achieved | Interventions outstanding |
|--------------|-------------------|-------------------|------------------------|---------------------------|
| High risk    | A                 | 2                 | 2                      | 0                         |
|              | B                 | 65                | 65                     | 0                         |
|              | C (non-compliant) | 18                | 18                     | 0                         |
| Low risk     | C (compliant)     | 74                | 74                     | 0                         |
|              | D                 | 215               | 86                     | 129                       |
|              | E                 | 74                | 64                     | 10                        |
| <b>TOTAL</b> |                   | <b>448</b>        | <b>309</b>             | -                         |

5.6 The breakdown of the total number of interventions conducted in 2017/18 was:

*Official controls*

|                        |            |
|------------------------|------------|
| Audit                  | 2          |
| Full inspection        | 281        |
| Partial inspection     | 26         |
| Monitoring             | 44         |
| Sampling               | 23         |
| Surveillance           | 3          |
| Verification (revisit) | 110        |
| <b>Total</b>           | <b>467</b> |

*Other interventions*

|                                      |            |
|--------------------------------------|------------|
| Education and advice                 | 52         |
| Information / intelligence gathering | 6          |
| Food premises complaints             | 69         |
| Food complaints                      | 8          |
| Food borne illness                   | 49         |
| <b>Total</b>                         | <b>184</b> |

5.7 Based on the above information, 139 food businesses did not receive a routine intervention during 2017/2018. These are low risk (compliant Category D and E) rated premises. In addition, 62 new and low risk business premises remained unrated. The approach detailed in Section 6.0 aims to address this backlog of interventions, which was due to significant planned and unplanned staff absences during 2017/18. These absences have been addressed and there are [at time of writing] no planned significant staff absences during 2018/19.

5.8 Not taking account of the unrated new / low risk businesses, 96.34% of relevant food premises in the Borough are broadly compliant with food safety requirements. If these unrated premises are taken into account the broad compliance is 89.10%.

## 6.0 Intervention Programme for 2018/19

6.1 The Intervention Programme for 2018/19 is as follows:

| Food Business Risk Category | Outstanding interventions at 01/04/18 | Interventions due 01/04/18-31/03/19 | Total interventions due 01/04/18-31/03/19 | Estimated no. of revisits 01/04/18-31/03/19 |
|-----------------------------|---------------------------------------|-------------------------------------|---|---|
| A                           | 0                                     | 2                                   | 2   | 2   |
| B                           | 0                                     | 64                                  | 64  | 35  |
| C (non-compliant)           | 0                                     | 15                                  | 15  | 5   |
| C (compliant)               | 0                                     | 90                                  | 90  | 40  |
| D                           | 129                                   | 132                                 | 261                                       | 100   |
| E                           | 10                                    | 34                                  | 44  | 5   |
| Outside                     | -                                     | 0                                   | -   | -   |
| Non-rated                   | -                                     | 62                                  | 62  | -   |
| <b>Totals</b>               | <b>139</b>                            | <b>337</b>                          | <b>538</b>                                | <b>187</b>                                  |

### *Targets for 2018/19*

6.2 The Service will aim to carry out an intervention in:

- All Category A, B or non-compliant C food businesses;
- All new high risk food businesses;
- 80% of compliant Category C food businesses;
- 80% of Category D and E food businesses;
- 80% of all new low risk food businesses / unrated food businesses;
- To improve overall broadly compliant premises by 1%;
- To respond to 95% of requests for service within 3 working days.

6.3 Interventions will be targeted in accordance with FSA guidance, as follows:

- Monthly performance monitoring of Food Safety Officer's work, including targeting of those food businesses that are not deemed to be 'broadly compliant';
- Compliant Category C food businesses will [where appropriate] receive a partial intervention focusing on hazard analysis, temperature control, cross contamination and training. A full intervention will only be carried out where Officers find evidence of an additional risk to food safety;
- Category D food businesses will receive a surveillance visit to determine that the food business operator remains unchanged and there have been no material changes in the food business that would impact on the risk rating allocated to that business.

Where a potential risk to food safety is evident, a more targeted intervention will take place;

- Category E food businesses will receive a written intervention to:
  - (i) confirm the food business operator's contact details;
  - (ii) provide a source of food safety advice and information;
  - (iii) ascertain that there have been no material changes in the food business that would impact on the risk rating allocated to that business. Where a potential risk to food safety is evident or a written intervention has previously taken place, a more targeted intervention will be used.
- To maintain the FSA Local Authority Enforcement Monitoring System (LAEMS).

#### *Food business interventions*

6.4 Programmed interventions in food businesses will be carried out in accordance with:

- The minimum intervention frequencies and requirements detailed in the current version of the FSA CoP;
- The Council's Corporate Enforcement Policy.

6.5 Performance against the intervention programme will be monitored in the following ways:

- Monthly performance figures for the Food Safety Business Intervention Programme;
- Performance data provided to the FSA on an annual basis;
- Performance reviewed at regular Team Meetings.



## 7.0 Scope and responsibilities of the Service

### *Scope of the Service*

7.1 In respect of food safety matters, the Service will:

- Carry out a programme of food hygiene interventions in accordance with the FSA CoP;
- Investigate and resolve complaints about food and food hygiene, practices and procedures;
- Take informal or statutory action including the service of notices, food seizure, premises closure or prosecution (amongst other available actions) in accordance with the Corporate Enforcement Policy to secure compliance with food safety legislation;
- Identify and assess businesses requiring approval in respect of specific food products or processes and to ensure that they are granted conditional or full approval as necessary;
- Ensure that all food businesses located or trading within the Borough are registered, and to maintain an accurate database of food businesses in the Borough;
- Record intervention information and enable performance data to be provided to the FSA;
- Receive and investigate all relevant FSA Food Alerts for action and their updates as appropriate, and to communicate with food business to disseminate relevant information concerning relevant food risks;
- Provide guidance, advice and assistance to food businesses and consumers on food related issues;
- Investigate incidences of food borne disease and take action, including liaison with other bodies to identify the source and prevent further infection;
- Implement the Food Sampling Programme for survey and monitoring purposes;
- Monitor the shellfish beds within the Borough;
- In conjunction with Lancashire County Council Trading Standards, to address food allergen hazards, including appropriate controls and guidance;
- Provide and review systems and procedures in line with FSA Framework Agreement;
- Maintain the FSA NFHRS to publish the hygiene ratings for those food businesses within the Borough;
- Issue Health Certificates for food to be exported to countries outside of the EU;
- Operate imported food controls;
- Promote food safety through promotional events;
- Notify the FSA of any serious local food problem;
- Provide input to various licensing processes on food safety matters;
- Comment on proposed food legislation codes of practice and other official documents as necessary and as requested;
- Act as Primary Authority and implement Service Level Agreements where appropriate.

### *Additional commitments*

7.2 This Plan also provides commitment for the following:

#### *General*

- Ensure the food business database is an accurate reflection of the businesses in the West Lancashire area;
- Maintain a quality management system for the Service as part of the Council's Environmental Health Service Quality System;
- Further develop service information on the Council's website.

#### *Training*

- Undertake annual training needs analysis. Ensure adequate resources are available to meet training needs;
- Maintain competency of all Officers involved in food safety enforcement work in accordance with the FSA CoP;
- Implement food safety training programme;
- Commercial, Safety & Licensing Manager to undertake at least 1 accompanied intervention with each Officer per year. This is to ensure Officers maintain a consistency of approach and compliance with relevant statute and codes of practice.

#### *Food safety education/promotion*

- Continue to make available a full range of food safety leaflets;
- Participate in at least one food safety campaign annually derived from local issues or the theme of National Food Safety Week.

#### *Imported food controls*

7.3 The Service also enforces the legislation relating to imported foods. Documented procedures are in place for the enforcement of the legislation relating to imported Products of Animal Origin and imported Food Not of Animal Origin. This includes the following legislation:

- Food Safety Act 1990;
- European Communities Act 1972;
- The General Food Regulations 2004;
- The Official Feed and Food Controls (England) Regulations 2006 (as amended);
- Products of Animal Origin (Third Country Imports) (England) Regulations 2006 (as amended);
- Products of Animal Origin (Import and Export) Regulations 1996 as amended;
- EU Regulation 882/2004, 178/2002 and 852/2004;
- Contaminants in Food (England) Regulations 2007;
- The Organic Products (Imports from Third countries) Regulations 2003;
- The Food Hygiene (England) Regulations 2006 (as amended).

#### *Visits to new food businesses / non programmed interventions*

7.4 Allowance has been made in the Plan for the initial intervention in new (unrated) food businesses. Once such businesses have been visited and risk rated, they will be included in the overall general intervention programme.

#### *Revisits to check compliance*

7.5 Revisits are undertaken as needed to assess compliance with an enforcement notice or if contraventions found during an intervention are of such a risk that enforcement action may be required before the next programmed intervention.

### *Food and food business complaints*

- 7.6 Food complaints (for example where the food contains a foreign body, is contaminated or is not cooked properly) are investigated in line with procedures laid down in the Environmental Health Quality System. Action is determined by the nature of the complaint and the potential threat posed to public health.
- 7.7 Similarly, complaints about food hygiene practices or the condition of food businesses are also investigated according to the potential to cause harm. Follow up action may be immediate or delayed to the next programmed intervention depending on the evidence provided and/or the risk associated with the complaint.
- 7.8 Based on previous data, the Service receives approximately 15 food complaints and 70 complaints about food businesses each year. Whilst the Service aims to give a first response to all such complaints within 3 working days, the length of time taken to resolve a complaint can vary considerably.

### *EC Approved Premises*

- 7.9 Regulation EC 853/2004 requires wholesale businesses that handle, store or produce products of animal origin to be approved by the Local Authority and be issued with an EC approval number. With the exception of catering butchers, responsibility for the approval and inspection of such premises rests with the Local Authority. The list of approved premises is published on the FSA website. The number of current approved premises are:

|                  |          |
|------------------|----------|
| Fishery Products | 3        |
| Meat Products    | 2        |
| Dairy Products   | 4        |
| <b>TOTAL</b>     | <b>9</b> |

### *Primary Authority Scheme*

- 7.10 The Primary Authority Scheme (PAS) aims to provide a consistent approach between local authorities and companies having a number of outlets throughout the country.
- 7.11 The PAS enables companies to form a statutory partnership with a single Local Authority, which then provides robust and reliable advice for other Local Authorities to take account of when carrying out interventions or dealing with non-compliance. Accordingly, Local Authorities are required to contact the relevant Primary Authority for a company covered by the PAS before taking any enforcement action.
- 7.12 At present, the Service has not been approached by, nor is aware of, any local company who wish to enter into a formal Primary Authority agreement. However, the Service does take on the role of originating authority for several businesses that operate on a regional and/or national basis and gives advice on food safety matters. Accordingly, much of the input from the Service is generated by requests for service from other enforcement authorities.

### *Advice to food businesses*

7.13 The Service is committed to providing advice to any food business within the Borough or to members of the public. Based on previous data, it is anticipated that approximately 60 such requests will be dealt with each year. The response time for such requests is 10 working days.

### *Food sampling*

7.14 The food and drink supplied, produced and sold within the Borough is sampled to assess its safety and quality. The Service carries out this responsibility in accordance with a planned sampling programme and where necessary, in response to food complaints/investigations. The Service also participates in regional, national and European sampling programmes. Further details can be found in the Council's Food Sampling Policy for 2018/19.

7.15 Samples are analysed by the PHE Food, Water and Environmental Microbiology Network (York Laboratory) for microbiological content and the Public Analyst Laboratory in Preston for chemical and/or other content.

### *Shellfish*

7.16 As required by the FSA CoP, the Council participates in the North West Shellfish Liaison Group to coordinate shellfish sampling, advice and enforcement. Sampling is required for the cockle and mussel production beds, which are located in the Ribble to the North of the Borough. Routine microbiological and algal toxin samples are taken and monitored through the Centre for Environment and Aquamarine Culture and Science (CEFAS). The beds are officially classified according to the quality and safety standards for potential harvesting. The national classification Scheme ensures shellfish used for food is fit for human consumption.

7.17 Accordingly, the Council provides and controls registration documents in respect of the shellfish beds in the Borough in order to facilitate traceability and deter fraud.

### *Control and investigation of outbreak and incidents of food related infectious disease*

7.18 This work is undertaken by the Service and involves contact with Consultants in Health Protection, Directors of Public Health and Control of Infection Teams. Investigations and outbreak controls are undertaken in line with agreed written procedures and documentation between these organisations.

### *Food safety incidents and requests*

7.19 The Service will comply with the FSA CoP in relation to the handling of food alerts. Accordingly, documented procedures are in place as part of the Environmental Health Quality system. The number of notifications has increased since the commencement of the FSA, and based on previous data, that the Service will respond to approximately 70 such alerts each year.

### *Liaison with other organisations*

7.20 In order to implement the Plan, the Service works closely with a number of other agencies and organisations to ensure a consistent approach to enforcement action. Accordingly, the Service will disseminate information to other regulators where there is a wider regulatory interest. These organisations include:

- The FSA;
- PHE including, Food, Water and Environmental Microbiology Network (York Laboratory);
- EHL;
- EHL Food Officers Group;
- Lancashire County Council Trading Standards;
- North West Shellfish Liaison Group;
- Lancashire County Council Scientific Services;
- United Utilities Plc;
- Other Local Authorities to ensure a comprehensive and consistent approach to food law enforcement.

*National Food Hygiene Rating System (NFHRS)*

7.21 The NFHRS provides a rating of 0 to 5 for each registered food business to which the public would normally have access. The rating for each premises is based on the risk rating that Council Officers have determined on the most recent relevant food hygiene intervention. The Scheme aims to help consumers make informed choices about where to eat or buy food by allowing them to easily compare one food business with another within their own area or more widely. The Scheme also aims to benefit food businesses by providing an incentive for them to improve standards and do better than their competitors - i.e. a good food hygiene rating will be good for business, whilst a poor food hygiene rating may make their customers decide to purchase food elsewhere. Food Hygiene Ratings for all relevant food businesses in West Lancashire is published on the FSA website ([www.food.gov.uk](http://www.food.gov.uk)).

*Quality assessment*

7.22 It is our policy to undertake all functions of the Service in accordance with the procedures laid down in the Environmental Health Service Quality System.

7.23 The Council is an active member of EHL and the Food Officers Group (FOG), and is committed to developing FOG's liaison, training, inter-authority auditing and consistency processes. Through FOG, the Council participates in inter authority auditing of the Food Safety Services in Lancashire against the standard laid down by the FSA.

## **Appendix 1: Useful contacts**

### West Lancashire Borough Council Food Safety Service

Address: Robert Hodge Centre, Stanley Way, Skelmersdale, Lancashire WN8 8EE  
Telephone: 01695 577177  
Fax: 01695 585126  
Email: envhealth.admin@westlancls.gov.uk  
Web: www.westlancls.gov.uk

Opening Hours: 09:00 – 17.00 (Monday-Thursday)  
09:00 – 16.45 (Friday)

Out of Hours: 01695 577177

### Food Standards Agency

Address: Floors 6 and 7, Clive House, 70 Petty France, London SW1H 9EX  
Telephone: 020 7276 8829  
Email: helpline@foodstandards.gsi.gov.uk  
Web: www.food.gov.uk  
Out of hours incidents: 0345 051 8486

### Chartered Institute of Environmental Health

Address: Chadwick Court, 15 Hatfields, London SE1 8DJ  
Telephone: 020 7928 6006  
Web: www.cieh.org



## ARTICLE NO:

**CORPORATE AND ENVIRONMENTAL  
OVERVIEW AND SCRUTINY  
COMMITTEE**

**MEMBERS UPDATE - 2018/19  
ISSUE: 2**

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**Article of: Borough Solicitor**

**Contact for further information: Mr M Jones(Extn. 5025)  
(E-mail: [mathew.jones@westlancs.gov.uk](mailto:mathew.jones@westlancs.gov.uk))**

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**SUBJECT: LOCAL GOVERNMENT OMBUDSMEN – STATISTICS 2017/18**

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Wards affected: Borough wide

### **1.0 PURPOSE OF ARTICLE**

1.1 To inform Members of the Council's performance in respect of the Local Government Ombudsmen statistics 2017/18.

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### **2.0 BACKGROUND**

2.1 The Council is overseen by two ombudsmen following changes brought about by the Localism Act 2011.

2.2 The Housing Ombudsman (HO) deals with complaints by Council housing tenants about matters such as estate management, repairs to Council house properties, rent and service charges, possession proceedings and mutual exchanges.

2.3 The Local Government and Social Care Ombudsman (LGSCO) deals with all other complaints against the Council across all the services it provides, including complaints by Council housing tenants about matters such as housing improvement grants, homelessness and statutory noise nuisance. The Council's response to enquiries and complaints received from the LGSCO and the HO are co-ordinated by the Legal and Member Services Manager.

2.4 In July 2018 the LGCSO published an annual review letter which provides a summary of statistics on enquiries and complaints made in respect of the Council for the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018. The annual review letter can be found at Appendix 1.

2.5 The HO does not currently publish an annual review of individual landlord performance. The Council's records indicate that the HO did not proceed to determine any complaints about the Council during 2017/18.

### **3.0 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN PERFORMANCE-2017/18**

- 3.1 During 2017/18 the LGSCO made decisions on 13 enquiries and complaints about the Council.
- 3.2 Of those 13 matters, 5 were referred back to the Council for local resolution (because the Council had not had an opportunity to properly consider the enquiry or complaint), 3 were closed after initial enquires and in 1 matter the complainant was given advice by the LGSCO about why the complaint could not be considered. Only 4 complaints proceeded to an investigation and in each of those matters the LGSCO found that the Council had not been at fault. Accordingly the complaints were not upheld.
- 3.3 Using information provided by the LGSCO I have prepared a table (Appendix 2) to allow a comparison of the Council's performance with the 11 other non-unitary district councils within Lancashire. Of those 11 authorities only 3 also had no complaints upheld against them.

#### **4.0 SUSTAINABILITY IMPLICATIONS**

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

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

- 5.1 Investigating and co-ordinating responses to enquiries and complaints made to the Ombudsmen takes officer time both for the Legal and Member Services Manager and for the service area to which the complaint or enquiry is directed. Given the importance to the Council in satisfactorily resolving enquires and complaints made by service users this work stream will continue to receive a high priority.

#### **6.1 RISK ASSESSMENT**

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/or stakeholders. Therefore no Equality Impact Assessment is required.

#### **Appendices**

Appendix 1: Local Government and Social Care Ombudsman – Annual Review Letter – West Lancashire Borough Council – 2017/18

Appendix 2: Local Government and Social Care Ombudsman - Table of Detailed Investigations – Lancashire Non-Unitary Councils – 2017/18



# Local Government & Social Care OMBUDSMAN

18 July 2018

*By email*

Kim Webber  
Chief Executive  
West Lancashire Borough Council

Dear Kim Webber,

## **Annual Review letter 2018**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman (LGSCO) about your authority for the year ended 31 March 2018. The enclosed tables present the number of complaints and enquiries received about your authority and the decisions we made during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

In providing these statistics, I would stress that the volume of complaints does not, in itself, indicate the quality of the council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be a worrying sign that an organisation is not alive to user feedback, rather than always being an indicator that all is well. So, I would encourage you to use these figures as the start of a conversation, rather than an absolute measure of corporate health. One of the most significant statistics attached is the number of upheld complaints. This shows how frequently we find fault with the council when we investigate. Equally importantly, we also give a figure for the number of cases where we decided your authority had offered a satisfactory remedy during the local complaints process. Both figures provide important insights.

I want to emphasise the statistics in this letter reflect the data we hold, and may not necessarily align with the data your authority holds. For example, our numbers include enquiries from people we signpost back to the authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside an annual review of local government complaints. The aim of this is to be transparent and provide information that aids the scrutiny of local services.

### **Future development of annual review letters**

Last year, we highlighted our plans to move away from a simplistic focus on complaint volumes and instead turn focus onto the lessons that can be learned and the wider improvements we can achieve through our recommendations to improve services for the many. We have produced a new corporate strategy for 2018-21 which commits us to more comprehensively publish information about the outcomes of our investigations and the occasions our recommendations result in improvements to local services.

We will be providing this broader range of data for the first time in next year's letters, as well as creating an interactive map of local authority performance on our website. We believe this will lead to improved transparency of our work, as well as providing increased recognition to the improvements councils have agreed to make following our interventions. We will therefore be seeking views from councils on the future format of our annual letters early next year.

### **Supporting local scrutiny**

One of the purposes of our annual letters to councils is to help ensure learning from complaints informs scrutiny at the local level. Sharing the learning from our investigations and supporting the democratic scrutiny of public services continues to be one of our key priorities. We have created a dedicated section of our website which contains a host of information to help scrutiny committees and councillors to hold their authority to account – complaints data, decision statements, public interest reports, focus reports and scrutiny questions. This can be found at [www.lgo.org.uk/scrutiny](http://www.lgo.org.uk/scrutiny) I would be grateful if you could encourage your elected members and scrutiny committees to make use of these resources.

### **Learning from complaints to improve services**

We share the issues we see in our investigations to help councils learn from the issues others have experienced and avoid making the same mistakes. We do this through the reports and other resources we publish. Over the last year, we have seen examples of councils adopting a positive attitude towards complaints and working constructively with us to remedy injustices and take on board the learning from our cases. In one great example, a county council has seized the opportunity to entirely redesign how its occupational therapists work with all of its districts, to improve partnership working and increase transparency for the public. This originated from a single complaint. This is the sort of culture we all benefit from – one that takes the learning from complaints and uses it to improve services.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2017-18 we delivered 58 courses, training more than 800 people. We also set up a network of council link officers to promote and share best practice in complaint handling, and hosted a series of seminars for that group. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** West Lancashire Borough Council  
**For the Period Ending:** 31/03/2018

For further information on how to interpret our statistics, please visit our website:  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

### Complaints and enquiries received

| Adult Care Services | Benefits and Tax | Corporate and Other Services | Education and Children's Services | Environment Services | Highways and Transport | Housing | Planning and Development | Other | Total |
|---------------------|------------------|------------------------------|-----------------------------------|----------------------|------------------------|---------|--------------------------|-------|-------|
| 0                   | 0                | 1                            | 1                                 | 1                    | 0                      | 3       | 8                        | 0     | 14    |

Page

### Decisions made

| Detailed Investigations |              |                                    |                                |            | Total  |             |       |
|-------------------------|--------------|------------------------------------|--------------------------------|------------|--------|-------------|-------|
| Incomplete or Invalid   | Advice Given | Referred back for Local Resolution | Closed After Initial Enquiries | Not Upheld | Upheld | Uphold Rate | Total |
| 0                       | 1            | 5                                  | 3                              | 4          | 0      | 0%          | 13    |

### Notes

Our uphold rate is calculated in relation to the total number of detailed investigations. The number of remedied complaints may not equal the number of upheld complaints. This is because, while we may uphold a complaint because we find fault, we may not always find grounds to say that fault caused injustice that ought to be remedied.

### Complaints Remedied

| by LGO | Satisfactorily by Authority before LGO Involvement |
|--------|--|
| 0      | 0  |



## LGSCO – DETAILED INVESTIGATIONS – LANCASHIRE DISTRICT COUNCILS – COMPLAINTS UPHeld

|                   | Detailed Investigations |
|-------------------|-------------------------|
|                   | Complaint Upheld        |
| Fylde             | 3                       |
| South Ribble      | 2                       |
| Preston           | 2                       |
| Rosendale         | 2                       |
| Pendle            | 2                       |
| Ribble Valley     | 1                       |
| Burnley           | 1                       |
| Chorley           | 1                       |
| Lancaster         | 0                       |
| Hyndburn          | 0                       |
| Wyre              | 0                       |
| <b>West Lancs</b> | 0                       |





## ARTICLE NO:

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY**

**MEMBERS UPDATE 2018/19**

**Issue: 2**

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**Article of: Director Housing & Inclusion**

**Contact for further information: A Grimes (Extn. 5409)  
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**SUBJECT: EXEMPTION FROM CONTRACT PROCEDURE RULES**

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Wards affected: Borough wide

### **1.0 PURPOSE OF ARTICLE**

1.1 To advise Members of a recent exemption from contract procedure rules.

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### **2.0 BACKGROUND**

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

2.2 However, there are certain occasions where, with appropriate reasons, officers can be approved to procure goods or services in a different way. In the absence of the Chief Executive, their nominee recently signed an exemption from the Contract Procedure Rules in relation to a contract for an options appraisal with Society of IT Management (SOCITM) on the 1 August 2018.

### **3.0 CURRENT POSITION**

3.1 The exemption relates to Contract Procedure rule 7, where the estimated value or amount of a proposed contract will exceed £10,000 but will not exceed £50,000 the appropriate officer shall obtain not less than three written quotations. It was not considered that obtaining three quotations was appropriate since only one organisation was in a position to provide the required service.

3.2 This is not an issue that could be taken to Cabinet due to the timescales involved, however the Portfolio Holder was consulted. The next Cabinet meeting in September would have left insufficient time for the contract to be submitted to the supplier for their consideration and agreement and the work to be concluded within timescales that met both Corporate Management Team and Sustainable

Organisational Review Project (SORP) deadlines. SOCITM were able to meet the deadlines, but the review work needed to commence promptly.

- 3.3 SOCITM will review the Shared Services Agreement and provide an options appraisal for future delivery options. It is considered integral to the success and long term outcomes of SORP for West Lancashire Borough Council (WLBC) to have independently established the preferred model for ICT provision ahead of the SORP review taking place which this review will facilitate. The exemption included the potential award of further work to SOCITM associated with this commission following the initial review, providing the justification for exemption remained applicable and the contract terms similar.

#### **4.0 ISSUES**

- 4.1 SOCITM is the network and representative body for professionals delivering public services for the benefit of people and communities through the effective use of information and digital technology.
- 4.2 SOCITM provided advice to WLBC in the initial setting up of the Shared Services Agreement, and has subsequently been engaged by WLBC on a non-exclusive contract to provide ad hoc, independent expert technical advice, guidance and support to ensure WLBC receives a professional ICT service from BT Lancashire Services (BTLS) that provides value for money. This has been an important element in being able to retain and maintain the 'dumb client' contract management model in WLBC.
- 4.3 Due to this long-standing relationship and in-depth knowledge of the Council's ICT service and contractual arrangements with Lancashire County Council/BTLS, SOCITM is therefore uniquely placed to provide a comprehensive review of the Shared Services Agreement, particularly within timescales required. This is because of its detailed knowledge of the Shared Services Agreement and WLBC operations, which no other supplier would be able to match, without incurring considerable additional up-front effort, time and cost (and considerable Officer input to explain the existing ICT arrangements).
- 4.4 As there have been no negative issues during the existing agreement period, SOCITM expertise and knowledge of WLBC and the Shared Services Agreement will be utilised via a contract on the basis of Rule 4, Note 15 "*only one company makes the product which the Council wishes to purchase and no other product is a reasonable substitute*".

#### **5.0 SUSTAINABILITY IMPLICATIONS**

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

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

- 6.1 There are financial/ resource implications arising from this article, however these have been met from existing resources.



## **7.0 RISK ASSESSMENT**

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

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

### **Equality Impact Assessment**

This article is for information only and does not have any direct impact on members of the public, employees, elected members and/ or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None.





## CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY

MEMBERS UPDATE 2018/19

ISSUE: 2

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**Article of: Director of Development and Regeneration Services**

**Contact for further information: Helen Hatch (Extn. 5171)  
(Email: [helen.hatch@westlancs.gov.uk](mailto:helen.hatch@westlancs.gov.uk))**

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**SUBJECT: Exemption from Contract Procedure Rules in relation to a Low Carbon and Renewable Energy study required for the Local Plan Review**

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Wards affected: Borough wide

### **1.0 PURPOSE OF ARTICLE**

1.1 To brief Members on the grant of an exemption from Contract Procedure Rules by the Chief Executive in relation to a Low Carbon and Renewable Energy study required for the Local Plan Review.

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### **2.0 BACKGROUND**

2.1 The Council are currently preparing a Local Plan Review (LPR) which will guide development in the Borough between 2012 and 2050. The production of the LPR must be informed by a robust evidence base and a low carbon and renewable energy study comprises one of the key elements of this evidence. The study is required to update the evidence relating to renewable energy, assess the opportunities and constraints for low carbon and renewable energy delivery across the Borough, and identify any specific areas suitable for renewable or low carbon energy development.

2.2 The Local Plan Review is one of the Council's strategic objectives. Should the Council not undertake a low carbon and renewable energy study then there will be an unsound evidence base with which to inform policy development which will be detrimental to the overall soundness of the Local Plan Review.

### **3.0 CURRENT POSITION**

- 3.1 Undertaking a Low Carbon and Renewable Energy study (LCRE) requires particular expertise and, as such, the Council wishes to appoint a suitably experienced consultant to undertake the study on the Council's behalf.
- 3.2 Officers from Strategic Planning went out to seven consultancy firms with a reputation for being able to deliver studies of a similar nature to the LCRE study in March 2018 to invite them to tender for the LCRE study. Unfortunately we received no bids, with some consultancies informing us that the timing of the bidding process (over the Easter period) meant that they were not able to respond. As a result, in July 2018, officers again invited tender bids from the same seven consultancy firms (but allowing more time for them to respond and having explored the possibility of inviting tender bids from other consultancy firms) and this time received just one bid. It is clear that the Council cannot secure three written quotations for the required project from consultancies with the necessary knowledge, skills and experience.
- 3.3 The one quote received was for a fixed fee of £19,400. No other bids were received to enable comparison. Following the gathering of references (and after considering the written submission with the bid), officers consider that Wood Consultancy offer a suitable level of knowledge, skills and experience to undertake the LCRE study and that the fee quoted is reasonable for the scope of work.
- 3.4 The estimated value of the contract will exceed £10,000 and therefore three written quotations would normally be obtained but, as explained above this has not been possible on this occasion despite two attempts. An exemption was therefore requested from the Chief Executive from the requirement to obtain three written quotations under the contract procedure rules and the Chief Executive granted this request.

### **4.0 ACTION BEING TAKEN**

- 4.1 The purpose of this update is to notify Members that an exemption from contract procedure rules was granted by the Chief Executive for the reasons set out above.

### **5.0 SUSTAINABILITY IMPLICATIONS**

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

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There is a financial implication arising from this article as it relates to the purchase of consultancy services to produce a Low Carbon and Renewable Energy study. The costs for the study can be covered within the Planning Service's budgets.

## **7.0 RISK ASSESSMENT**

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

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### **Background Documents**

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

### **Equality Impact Assessment**

This report 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.





## CORPORATE AND ENVIRONMENTAL OVERVIEW & SCRUTINY

MEMBERS UPDATE 2018/19

ISSUE: 2

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**Article of: Director of Development and Regeneration Services**

**Contact for further information: Helen Hatch (Extn. 5171)  
(Email: [helen.hatch@westlancs.gov.uk](mailto:helen.hatch@westlancs.gov.uk))**

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**SUBJECT: Exemption from contract procedure rules : Citizen Space software**

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Wards affected: Borough wide

### 1.0 PURPOSE OF ARTICLE

- 1.1 To brief Members on a request for exemption from contract procedure rules, to be granted by the Chief Executive, in relation to 'Citizen Space' consultation software.
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### 2.0 BACKGROUND

- 2.1 The Local Plan is one of the Council's strategic objectives, and public consultation is a mandatory and legal requirement of Local Plan document preparation. Effective software is a vital part of the Council's ability to run online consultations, process representations, analyse comments and publish feedback. During preparation of the last Local Plan (2012-2027) the council used 'Objective' software to manage the consultations but the contract was terminated, following the adoption of the plan in 2013, as the product was no longer considered fit for purpose.
- 2.2 Officers in Strategic Planning have since been using online software, accessed by free or low cost websites, to run their consultation events. However, as the Local Plan Review progresses, it becomes increasingly important to have software that can handle all the requirements of consultation and the large volumes of representations which are anticipated through public consultation.

### **3.0 CURRENT POSITION**

- 3.1 Officers from Strategic Planning initially went out to software providers in October 2016, and invited three companies to give demonstrations of their product and to provide quotes for its purchase. Those companies were:
- Delib (Citizen Space) – c. £8000 per annum
  - JDI Solutions (Opus Consult) – c. £10,000 per annum
  - Inovem (Inovem Consult) – c.£12,000 per annum
- 3.2 Demonstrations were given to officers within Strategic Planning, Regeneration, Housing and Communications. Following the demonstrations, only Strategic Planning wished to continue to procure consultation software specific for their needs. However, whilst the procurement of the software has been pursued by Strategic Planning, any other sections of the Council that wish to use the software to undertake online public consultation will be able to do so.
- 3.3 Officers decided that JDI Solutions did not offer a package to meet their consultation needs and was subsequently side-lined. Officers deemed Citizen Space to be the best of the three packages and this was also the lowest cost.
- 3.4 In November 2017, Inovem and Delib were contacted to provide updated costs. Both confirmed no change to their costs. A bid for funding was submitted in November to enable the purchase of consultation software, which was subsequently approved by Council in March 2018. In April 2018, the Strategic Planning team arranged another demonstration of Citizen Space and decided to proceed with procuring the software. During that demonstration, Delib confirmed the annual cost of £7995 and, in the first year only, £1200 for training staff. This cost remained unchanged from 2016.
- 3.5 Assuming Citizen Space is retained until the Local Plan Review is completed in approximately three years' time, this would total £25,185. Once the Plan is adopted, and consultation requirements lessen, a review will be taken as to whether Citizen Space is then retained. The contract can be renewed, or cancelled, on an annual basis and there is no long term commitment to cost.
- 3.6 The estimated value of the contract is likely to exceed £10,000 and therefore three written quotations would normally be obtained. It is not practicable to approach Cabinet (or another appropriate body of Members) to request an exemption to the Contracts Procedure Rule because it is too late for submission at the next meeting of Cabinet and the software is required as soon as possible. Asking the other two suppliers to formally revalidate their



quotations for second, or third, time would raise their expectations unnecessarily, since the choice of product has already been made on price and technical grounds. Citizen Space is deemed to be both the preferred and lowest cost choice.

#### **4.0 ACTION BEING TAKEN**

- 4.1 The purpose of this update is to notify Members that a request for exemption from contract procedure rules has been sought from the Chief Executive for the reasons set out above.

#### **5.0 SUSTAINABILITY IMPLICATIONS**

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

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

- 6.1 There is a financial implication arising from this article as it relates to the purchase of consultation software. However, officers have chosen the product with the highest technical performance and the lowest cost and therefore it is considered to achieve best value. The costs for the software have been accounted for in the Strategic Planning and Implementation budget. The introduction of the software should serve to reduce the resource impacts that consultation creates, by minimising the input and processing of representations through the availability of improved online means.

#### **7.0 RISK ASSESSMENT**

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

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#### **Background Documents**

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

#### **Equality Impact Assessment**

This report 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.