



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

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Monday, 3 June 2019

**TO: COUNCILLORS I MORAN, Y GAGEN, D EVANS, J FORSHAW, K WILKIE,  
K WRIGHT AND A YATES**

Dear Councillor,

A meeting of the **CABINET** will be held in the **CABINET/COMMITTEE ROOM, 52 DERBY STREET, ORMSKIRK L39 2DF** on **TUESDAY, 11 JUNE 2019** at **7.00 PM** at which your attendance is requested.

Yours faithfully

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

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

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

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

- a) The Borough Solicitor, on behalf of the Leader, obtains the

agreement of the Chairman of the Executive Overview and Scrutiny Committee that the making of the decision cannot be reasonably deferred,

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

**3. DECLARATIONS OF INTEREST** 1 - 2

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.)

**4. CONFIRMATION OF PROCEDURAL MATTERS**

1. To note the Leader has appointed Cabinet Committees and Working Groups for 2019/20 as circulated at the Annual Meeting on 15 May 2019 with the terms of reference now included in the Constitution.
2. To note the 'Proper Officer Provisions and Scheme of Delegation to Chief Officers' insofar as they are executive functions and the Scheme of Delegation to Cabinet Members as set out in the Constitution.

**5. PUBLIC SPEAKING** 3 - 6

Residents of West Lancashire, on giving notice, may address the meeting to make representations on any item on the agenda except where the public and press are to be excluded during consideration of the item. The deadline for submissions is 10.00am Friday 7 June 2019.

**6. MINUTES** 7 - 18

To approve as a correct record the minutes of the following meetings of Cabinet:-

- 12 March 2019
- 10 April 2019

**7. ITEM REFERRED FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - CALLED IN ITEM - LOCAL PLAN** 19 - 46

(Relevant Portfolio Holder: Councillor D Evans)

**8. MATTERS REQUIRING DECISIONS**

- 8a Formation of West Lancashire Integrated Community Partnership/Multi Speciality Community Provider 47 - 54

(Relevant Portfolio Holders: Councillors Y Gagen & K Wright)

8b	Funding of Voluntary & Other Organisations Working Group (Relevant Portfolio Holder: Councillor K Wright)	55 - 58
8c	Review of Flexible Tenancies (Relevant Portfolio Holder: Councillor J Forshaw)	59 - 78
8d	Quarterly Performance Indicators Q4 2018-19 (Relevant Portfolio Holder: Councillor I Moran)	79 - 94
8e	Disabled Facilities Grants Programme & Use of the fund for the West Lancs. Winter Warm Scheme (Relevant Portfolio Holder: Councillor K Wright)	95 - 104
8f	Use of Section 106 monies in the Parish of Rufford (Relevant Portfolio Holder: Councillor Y Gagen)	105 - 112

## **9. EXCLUSION OF PRESS AND PUBLIC**

It is recommended that members of the press and public be excluded from the meeting during consideration of the following items of business in accordance with Section 100A(4) of the Local Government Act 1972 on the grounds that they involves the likely disclosure of exempt information as defined in paragraphs 1,2 & 3 (Any individual) (identity of an individual) (financial/business affairs) of Part 1 of Schedule 12A to the Act and as, in all the circumstances of the case the public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information.

(Note: No representations have been received about why the meeting should be open to the public during consideration of the following items of business).

### **Part 2 (Not open to the public)**

## **10. MATTERS REQUIRING DECISIONS**

10a	Disposal of sites owned jointly with Lancashire County Council (Relevant Portfolio Holder: Councillor I Moran)	113 - 126
10b	Ormskirk Market Review (Relevant Portfolio Holder: Councillor I Moran)	127 - 160
10c	Outome of Route Optimisation Project (Relevant Portfolio Holder: Councillor K Wilkie)	161 - 176
10d	Travelling Showpeople (Relevant Portfolio Holders: Councillors D Evans & I Moran)	177 - 192

10e Leisure Contract Extension and New Leisure & Wellbeing Facility 193 -  
Tender Document 206  
(Relevant Portfolio Holders: Councillors Y Gagen & K Wright)

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

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

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

For further information, please contact:-

Sue Griffiths on 01695 585097

Or email [susan.griffiths@westlancs.gov.uk](mailto:susan.griffiths@westlancs.gov.uk)

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

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

**IF YOU DISCOVER A FIRE**

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

**ON HEARING THE FIRE ALARM**

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

**NOTES:**

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

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

**CHECKLIST FOR PERSON IN CHARGE**

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

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

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

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

**NOTE:**

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

**CHECKLIST FOR ZONE WARDEN**

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

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

**INSTRUCTIONS FOR DOOR WARDENS**

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



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

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

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

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

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

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

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

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

**'a connected person'** means

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

**'body exercising functions of a public nature'** means

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

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

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



## **PUBLIC SPEAKING – PROTOCOL**

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

### **1.0 Public Speaking**

1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.

1.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

### **2.0 Deadline for submission**

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

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

2.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via Modgov. Only the name of the resident and details of the issue to be raised will be published.

2.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

### **3.0 Scope**

3.1 Any matters raised must be relevant to an item on the agenda for the meeting.

3.2 The Borough Solicitor may reject a submission if it:

- (i) is defamatory, frivolous or offensive;
- (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
- (iii) discloses or requires the disclosure of confidential or exempt information.

#### **4.0 Number of items**

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

#### **5.0 At the Meeting**

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

(Please see attached form.)



## REQUEST FOR PUBLIC SPEAKING AT MEETINGS

**MEETING & DATE** .....

**NAME** .....

**ADDRESS** .....

.....

Post Code .....

**PHONE** .....

**Email** .....

Please indicate if you will be in attendance at the meeting

<p><b>YES/NO*</b></p> <p>*delete as applicable</p>
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Note: This page will not be published.

(P.T.O.)



# Agenda Item 6

**CABINET**

**HELD: Tuesday, 12 March 2019**

Start: 7.00 pm

Finish: 7.12 pm

**PRESENT:**

Councillor: Councillor Ian Moran  
(Leader, in the Chair)

Councillors:	Councillor Yvonne Gagen	<u>Portfolio</u> Deputy Leader of the Council and Portfolio Holder for Leisure & Human Resources
	Councillor Claire Cooper	Portfolio Holder for Communities and Older People
	Councillor Jenny Forshaw	Portfolio Holder for Housing and Landlord Services
	Councillor Kevin Wright	Portfolio Holder for Health and Community Safety
	Councillor Adam Yates	Portfolio Holder for Resources & Transformation

In attendance: P. Baybutt, M. Blake, G Dowling, A Owens & D Westley  
Councillors

Officers: Kim Webber, Chief Executive  
John Harrison, Director of Development and Regeneration  
Terry Broderick, Borough Solicitor  
Marc Taylor, Borough Treasurer  
Simon Burnett, Deputy Director of Leisure and Wellbeing  
Philip Samosa, Deputy Director of Street Scene  
Peter Richards, Strategic Planning & Implementation Manager  
Sue Griffiths, Principal Member Services Officer

83 **APOLOGIES**

Apologies for absence were submitted on behalf of Councillor Wilkie.

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

It was noted that agenda item 6(m) (Local Plan) had been placed on the agenda and the relevant process had been followed in accordance with Constitution 6, Rule 16 (Special Urgency), minute no. 101 refers.

**85 DECLARATIONS OF INTEREST**

Councillor Forshaw (tenant of Council accommodation) declared a disclosable pecuniary interest in agenda item 6g (HRA Revenue and Capital Monitoring) but considered she was entitled to speak and vote by virtue of an exemption as nothing in the report relates particularly to her relevant tenancy or lease.

**86 PUBLIC SPEAKING**

There were no items under this Heading.

**87 MINUTES**

RESOLVED That the minutes of the Cabinet meeting held on 15 January 2019 be received as a correct record and signed by the Leader.

**88 MATTERS REQUIRING DECISIONS**

Consideration was given to the reports relating to the following matters requiring decisions as circulated and contained on pages 1539 - 1744 and 1801 – 1825 of the Book of Reports.

At this point the Leader changed the order of business to enable agenda item 6(m) (Local Plan) to be considered before agenda item 6(a).

**89 QUARTERLY PERFORMANCE INDICATORS (Q3)**

The Leader introduced the report of the Director of Housing and Inclusion which presented performance monitoring data for the quarter ended 31 December 2018.

Minute no. 60 of the Corporate and Environmental Overview and Scrutiny Committee meeting held on 7 March 2019 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Corporate and Environmental Overview and Scrutiny Committee and the details as set out in the report before it and accepted the reasons contained therein.

RESOLVED A. That the Council's performance against the indicator set for the quarter ended 31 December 2018 be noted.

B. That the call-in procedure is not appropriate for this item as the report was submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 7 March 2019.

**90 COUNCIL PLAN 2019/20 - 2020/21**

The Leader introduced the report of the Chief Executive which sought approval of the "Council Plan 2019/20 – 2020/21".

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

- RESOLVED A. That the “Council Plan 2019/20 – 2020/21” attached as Appendix A to this report be approved and referred to Council for adoption.
- B. That authority is given to the Chief Executive in consultation with the Leader to make any final amendments to the document, prior to publication.
- 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 28 March 2019.

91

**CORPORATE PERFORMANCE MANAGEMENT 2019/20**

The Leader introduced the report of the Director of Housing and Inclusion which sought approval of the Suite of Performance Indicators to be adopted as the Council’s Corporate PI Suite 2019/20.

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 Suite of Performance Indicators 2019/20 (Appendix A to the report) and targets identified be approved and adopted as the Council’s Corporate PI Suite 2019/20.
- B. That the Director of Housing & Inclusion, in consultation with the Leader of the Council as Portfolio Holder, be authorised to finalise and amend the suite having regard to agreed comments from Executive Overview and Scrutiny Committee made on 28 March 2019, and to make necessary amendments to the suite in year in response to any issues that may arise, for example government policy or collection mechanisms.
- C. That call-in is not appropriate for this item as it is being considered at the next meeting of Executive Overview & Scrutiny Committee on 28 March 2019.

92

**USE OF SECTION 106 MONIES IN THE PARISH OF BURSCOUGH**

Councillor Gagen introduced the joint report of the Directors of Leisure and Environment and Development and Regeneration which considered a proposal regarding the use of Section 106 monies for the development of public open space provision in the Parish of Burscough.

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 bid from Burscough Parish Council for £43,507 of S106 monies be refused on the grounds that the proposed use of the funds for the purchase of land in Burscough would not comply with the criteria of the S106 agreement from where the funds were generated, namely to "provide new/enhance existing public open space in the parish/ward".
- B. That the applicants be informed that a future bid for S106 funds, once the land has been purchased, to contribute towards a more detailed and costed programme of deliverable works to create a public open space facility would be more appropriate.

**93 USE OF SECTION 106 MONIES IN THE PARISH OF TARLETON**

Councillor Gagen introduced the report of the Director of Leisure and Environment which considered a proposal regarding the use of Section 106 monies for the enhancement of public open space provision in the Parish of Tarleton.

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

RESOLVED That Section 106 monies be approved for the use as outlined in paragraph 5.1 of the report, to enable an extension of Carr Lane Sports Pavilion, Tarleton.

**94 ADOPTION OF REVISED SAFEGUARDING POLICY**

Councillor Gagen introduced the report of the Director of Leisure and Environment which presented the revised Safeguarding Policy for adoption.

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 Safeguarding Policy 2019 attached at Appendix 1 to the report be approved.
- B. That the Director of Leisure and Environment be authorised to Implement, publish and keep under review the Safeguarding Policy 2019, to update the Safeguarding Policy 2019 as necessary and to nominate an officer as the Designated Safeguarding Officer.

**95 HRA REVENUE AND CAPITAL MONITORING**

Councillor Forshaw introduced the joint report of the Director of Housing and Inclusion and the Borough Treasurer which provided an update on the current position of the 2019/29 Housing Revenue Account (HRA) and the Council Housing



Capital Investment Programme.

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

- RESOLVED A. That the financial position in respect of the 2018/19 HRA and Council Housing Capital Investment Programme be noted.
- B. 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 28th March.

96 **ORMSKIRK TOWN CENTRE STRATEGY UPDATE**

The Leader introduced the report of the Director of Development and Regeneration which provided an update on the implementation of the Ormskirk Town Centre Strategy 2015-2020.

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

- RESOLVED That the progress made by the Ormskirk Town Centre Management Group be noted and that officers continue to work with the Management Group to progress the proposed future actions set out in Appendix A to the report.

97 **RISK MANAGEMENT**

Councillor Yates introduced the report of the Borough Treasurer which provided details on the key risks facing the Council and how they are managed, and sought approval to changes to the Risk Management Policy.

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

**98 BURSCOUGH PARISH NEIGHBOURHOOD PLAN**

The Leader introduced the report of the Director of Development and Regeneration which sought authority to publish a Decision Statement in relation to the Burscough Parish Neighbourhood Plan following completion of an examination by an independent examiner, and to adopt the neighbourhood plan if it passes a subsequent referendum.

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 authority be delegated to the Director of Development and Regeneration to publish a Decision Statement in relation to the Burscough Parish Neighbourhood Plan once the examination of the Plan is completed by an independent examiner and in accordance with regulation 18 of the Neighbourhood Planning (General) Regulations 2012.
- B. That authority be delegated to the Director of Development and Regeneration to 'make' the Burscough Parish Neighbourhood Plan in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004, should it pass a referendum.

**99 GREATER MANCHESTER SPATIAL FRAMEWORK REVISED DRAFT**

The Leader introduced the report of the Director of Development and Regeneration which sought approval of the proposed Council response to the consultation on the Greater Manchester Spatial Framework (GMSF) Revised Draft.

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

- RESOLVED That the comments at paragraph 4.10 of the report be approved for submission to the Greater Manchester Combined Authority.

**100 LEASEHOLDER PROPERTIES AND THE PLANNING PROCESS**

The Leader introduced the report of the Director of Development and Regeneration which advised upon the Council's ability to restrict the development of further leasehold homes through the planning process.

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

- RESOLVED That the report be noted.

**101 LOCAL PLAN**

The Leader introduced the report of the Director of Development and Regeneration entitled 'Local Plan Review Preferred Options – Initial Feedback on Public Consultation' which advised on the initial feedback received through the Local Plan Review Preferred Options Consultation. In relation to these comments he outlined the options available in order to address the Council's obligations under the Duty to Co-operate in respect of any unmet housing need arising from Sefton Metropolitan Borough Council and the implications that the proposed change would have on the next version of the emerging local plan.

A motion from the Leader was circulated at the meeting.

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

**RESOLVED** That the Local Delivery Scheme be amended to allow time for the reconsideration of the proposed Local Plan timescale and for the preparation of and consultation on a new Local Plan Preferred Options.

**102 EXCLUSION OF PRESS AND PUBLIC**

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

(Note: No representations had been received in relation to the following items being considered in private)

**103 MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following items of business as contained on pages 1745 – 1800 and 1827 of the Book of Reports.

**104 PROPOSED STRATEGY FOR THE COMMUNITY ASSET TRANSFER OF BANKS LEISURE CENTRE**

Councillor Gagen introduced the report of the Director of Leisure and Environment which sought authority to implement the proposed strategy for the Community Asset Transfer of Banks Leisure Centre.

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

RESOLVED A. That, subject to the funding being agreed by Council, the Director of Leisure and Environment in consultation with the Portfolio Holder for Leisure and Human Resources be authorised to:-

- i) enter into all necessary legal agreements and obtain any consents and permissions as required to enable North Meols Parish Council (NMPC) to undertake a transitional period of operation of Banks Leisure Centre.
- ii) enter into all necessary legal agreements and obtain any consents and permissions as required to progress the proposed transfer of Banks Leisure Centre to NMPC providing that the transitional period of operation of Banks Leisure Centre is successful.

B. That in the event that an agreement is not reached with NMPC the Director of Leisure & Environment in consultation with the Portfolio Holder for Leisure and Human Resources be authorised to :-

- i) seek expressions of interest from other organisations wishing to take on the operation of the facility and to take all necessary steps with an alternative provider as set out in A. (i) & (ii) above.
- ii) notify the Department for Health and Social Care (DHSC) of the future lease requirements by September 2020.

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 28 March 2019.

105

## **VEHICLE PROVISION AND MAINTENANCE CONTRACT**

The Leader introduced the report of the Director of Leisure and Environment which advised on the findings of an options appraisal undertaken for the future provision and maintenance of the Council's vehicle fleet.

A motion from the Leader was circulated at the meeting.

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

- RESOLVED A That the findings of the options appraisal report, attached at Appendix 1 be noted and option 1, to procure a new contract for the provision of vehicles and maintenance, be approved.
- B. That the Director of Leisure and Environment in consultation with the relevant Portfolio Holder be authorised to undertake soft marketing testing and procure a new vehicle fleet and maintenance service with ASPE's input.
- C. That if the tendered costs of option 1 referred to above are greater than the available budget or the in-house option appears more favourable on a costs basis, then a further report be presented to Cabinet and/or Council, as appropriate.

106 **PURCHASE OF LAND IN ORMSKIRK**

The Leader introduced the report of the Director of Development and Regeneration which sought authority to purchase a site on New Court Way, Ormskirk, from Lancashire County Council.

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

RESOLVED That authority is granted to the Director of Development and Regeneration to take all necessary steps to purchase the land hatched on the attached plan (Appendix A to the report) with the cost funded through internal borrowing.

.....  
**Leader**



**CABINET**

**HELD: Wednesday, 10 April 2019**

Start: 6.30pm

Finish: 6.38pm

**PRESENT:**

Councillor: Councillor I Moran (Leader,  
in the Chair)

Portfolio

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

Officers: Jacqui Sinnott-Lacey, Director of Housing and Inclusion  
Heidi McDougall, Director of Leisure & Environment  
Terry Broderick, Borough Solicitor  
Jacky Denning, Member & Executive Services Manager

107 **APOLOGIES**

Apologies for absence were submitted on behalf of Councillor A Yates.

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

There were no items of special urgency.

109 **DECLARATIONS OF INTEREST**

Councillor Wright declared a non-pecuniary interest in agenda item 5a (Call in – Leaseholder Properties and the Planning Process) due to him occupying a leasehold property.

**110 PUBLIC SPEAKING**

There were no items under this Heading.

**111 MATTER REQUIRING DECISION**

Consideration was given to the report relating to the following matter requiring decision as circulated and contained on pages 1833 - 1844 of the Book of Reports.

**112 CALL IN - LEASEHOLDER PROPERTIES AND THE PLANNING PROCESS**

The Leader introduced the report of the Borough Solicitor which set out the resolution of the Executive Overview and Scrutiny Committee at its meeting on 28 March 2019 in relation to an item referred back to Cabinet by the Executive Overview and Scrutiny Committee on Leaseholder Properties and the Planning Process.

The report included the joint comments of the Director of Planning and Regeneration and the Borough Solicitor in respect of the decision of the Executive Overview and Scrutiny Committee.

The Leader moved a motion which was seconded and had been circulated at the meeting.

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

**RESOLVED** That the Borough Solicitor, in consultation with the Leader, be requested to examine potential for any further measures that might be invoked, within existing legislation, which might reduce the onerous terms of the kind of leaseholds which are of concern to members and in this regard the Borough Solicitor be authorised to seek external advice to assist consideration with the costs to be met from within existing budgets.

.....  
**Leader**





CABINET: 11 JUNE 2019

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**Report of: Borough Solicitor**

**Relevant Portfolio Holder: Councillor D Evans**

**Contact for further information: Sue Griffiths (Extn. 5019)**  
**(E-mail:susan.griffiths@westlancs.gov.uk)**

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**SUBJECT: CALLED IN ITEM - REFERRED FROM EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE - LOCAL PLAN**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To advise on the agreed comments of the Executive Overview and Scrutiny Committee at its meeting on 28 March 2019 in relation to a called-in item entitled "Local Plan".

## **2.0 RECOMMENDATION**

- 2.1 That Cabinet give consideration to the comments of the Executive Overview and Scrutiny Committee as detailed in paragraph 3.2 below in light of the comments of the Director of Development and Regeneration contained within paragraphs 4.1 – 4.3.

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## **3.0 BACKGROUND**

- 3.1 Minute No. 61 of the meeting of the Executive Overview and Scrutiny Committee did not seek a different decision but has requested Cabinet to consider its agreed comments as set out below.

- 3.2 The resolution of the Executive Overview and Scrutiny Committee is:-

**"RESOLVED:** That the Committee does not wish to ask for a different decision, however the following agreed comments be referred back to Cabinet:

- A. That the Executive Overview & Scrutiny Committee oppose the development of a 30 year local plan.
- B. That Cabinet considers the inclusion of safeguarded sites going forward.
- C. That the existing West Lancashire Local Plan 2012-2027 remains in place.
- D. That Plan B sites should continue to be protected until 2027.”

#### **4.0 COMMENTS OF THE DIRECTOR OF DEVELOPMENT AND REGENERATION**

- 4.1 That Comments A and B from Executive O&S Committee be noted at this stage and form part of the consideration of officers and the Local Plan Cabinet Working Group in the drafting of the next version of the Draft Local Plan. The revised Draft Local Plan will in due course be presented to Cabinet and the accompanying report will provide an explanation of the rational for any proposed policy option that appears at odds with the comments expressed by Executive O&S Committee.
- 4.2 In relation to Comment C, the adopted West Lancashire Local Plan 2012-2027 does still remain in place, and would do so until this Council adopts a new Local Plan.
- 4.3 With regard Comment D, under the adopted Local Plan the Plan B sites are not protected until 2027. Under the current policies, if the Plan B is triggered before 2027, the Council may consider it necessary to release one or more of the Plan B sites to meet development needs. As such, at this moment in time, Comment D is not feasible and not in accordance with the adopted Local Plan. However, the Council might choose to amend these policies and restrict development of the Plan B sites until 2027 through a new Local Plan, and so Comment D can be considered as a new Local Plan is prepared, alongside Comments A and B.

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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**

- 1. Report of the Executive Overview and Scrutiny Committee Meeting held on 28 March 2019



## APPENDIX 1

### EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE:

DATE: 28 March 2019

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Report of: Borough Solicitor

Contact for further information: Mrs J Brown (Extn. 5065)  
(E-mail: Julia.brown@westlancs.gov.uk)

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**SUBJECT: CALL IN ITEM – LOCAL PLAN REVIEW PREFERRED OPTIONS –  
INITIAL FEEDBACK ON PUBLIC CONSULTATION**

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Borough wide interest

#### **1.0 PURPOSE OF THE REPORT**

1.1 To advise the Executive Overview and Scrutiny Committee of the reason for the call in of the decision on the above item set out in Minute No.101 of the Cabinet Meeting held on 12 March 2019.

#### **2.0 RECOMMENDATION TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

- 2.1 That the Committee determines whether it wishes to ask for a different decision.
- 2.2 That if the Committee does wish to ask for a different decision, the Committee indicates which of the options set out at paragraph 5.1 below, it wishes to pursue.
- 

#### **3.0 BACKGROUND**

- 3.1 At its meeting on 12 March 2019 Cabinet received a report which advised on the initial feedback received through the Local Plan Review Preferred Options Consultation.
- 3.2 The decision of Cabinet reads as follows:-

##### **101 - LOCAL PLAN**

The Leader introduced the report of the Director of Development and Regeneration entitled 'Local Plan Review Preferred Options – Initial Feedback on Public Consultation' which advised on the initial feedback received through the Local Plan Review Preferred Options Consultation. In relation to these comments he outlined the options available in order to address the Council's obligations under the Duty to

Co-operate in respect of any unmet housing need arising from Sefton Metropolitan Borough Council and the implications that the proposed change would have on the next version of the emerging local plan.

A motion from the Leader was circulated at the meeting.

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

**RESOLVED** That the Local Delivery Scheme be amended to allow time for the reconsideration of the proposed Local Plan timescale and for the preparation of and consultation on a new Local Plan Preferred Options.

3.3 A copy of the report of the Director of Development and Regeneration as submitted to Cabinet on 12 March 2019 is attached as Appendix 1.

#### **4.0 DETAILS RELATING TO THE CALL IN**

4.1 The following reason for call in was given in the requisition:-

*"The motion introduced by the Leader of the Council and approved by Cabinet did not address the widespread public concern as manifest in the huge number of negative responses via the public consultation nor did it give due consideration to the negative financial impact on the Council in respect of the costs already incurred and the additional costs of preparing new Local Plan Preferred Options."*

4.2 The requisition also provided a different decision which was:

*"Given the widespread opposition to a 30 year Local Plan, the absence of safeguarded sites and the release of greenbelt, it is considered appropriate to give a commitment to continue the existing Local Plan 2012/27 subject to the completion of the planned 5 yearly review".*

4.3 The following Members of the Executive Overview & Scrutiny Committee signed the requisition for call-in in accordance with the provisions of Overview & Scrutiny Committee Procedure Rule 15:

Councillor D Westley  
Councillor I Ashcroft  
Councillor E Pope  
Councillor Mrs D Stephenson  
Councillor S Currie

#### **5.0 CONCLUSION**

5.1 Following consideration of the decision of Cabinet, the requisition for call in and the comments of the Director of Development and Regeneration, the Executive Overview and Scrutiny Committee can decide if it wishes to ask for a different decision. If the Committee does not wish to ask for a different decision then the decision of Cabinet takes immediate effect. If the Committee does wish to ask for a different decision, it may:

- a. refer the decision back to Cabinet (as the decision making body) for reconsideration, setting out the different decision:

or

- b. refer the matter to Council. If the matter is referred to Council and Council does not object, then the decision of Cabinet will take effect immediately from that Council meeting date. If the Council does object, then the decision and the objection will be referred back to Cabinet (as the decision making body) for reconsideration.

5.2 The Secretary of State in his Guidance recommends that Overview & Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary to or not wholly in accordance with the budget.

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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.

### **Appendices**

1. Report of the Director of Development and Regeneration “Local Plan Review Preferred Options – Initial Feedback on Public Consultation” considered by Cabinet on 12 March 2019.





CABINET: 12 March 2019

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

**Relevant Portfolio Holder: Councillor J Hodson**

**Contact for further information: Mr John Harrison (Extn. 5132)**  
**(E-mail: john.harrison@westlancs.gov.uk)**  
**Mr Peter Richards (Extn. 5046)**  
**(E-mail: peter.richards@westlancs.gov.uk)**

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**SUBJECT: LOCAL PLAN REVIEW PREFERRED OPTIONS – INITIAL FEEDBACK ON PUBLIC CONSULTATION**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide Cabinet with initial headline feedback on the number of comments received through the Local Plan Review Preferred Options consultation; to outline the options available to the Council to address its obligations under the Duty to Co-operate in relation to any unmet housing need arising from Sefton in the light of the received comments and the strategic implications the proposed change would have on the next version of the emerging Local Plan.

## **2.0 RECOMMENDATIONS TO CABINET**

- 2.1 That the initial feedback from the Preferred Options consultation regarding strategic development matters be noted.
- 2.2 That the ongoing conversations with infrastructure providers arising out of the Preferred Options consultation be noted.
- 2.3 That Option C in relation to how West Lancashire might fulfil its legal obligations under the Duty to Co-operate in respect of any unmet housing need in Sefton be endorsed.
- 2.4 That an assessment of Protected Land in the borough be incorporated into the Local Plan Review evidence to consider whether any Protected Land should be designated as Green Belt in the new Local Plan.

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### 3.0 INITIAL FEEDBACK

3.1 The Local Plan Review Preferred Options public consultation ran for two months from 12 October - 13 December 2018 and involved several strands of public engagement:

- A dedicated set of Local Plan Review webpages on the Council's website, as well as a "citizenspace" consultation hub for the Preferred Options consultation where interested parties could view the proposals and submit comments
- A Wrap-around Advertisement on the Champion Newspaper as the consultation period started (with leaflets being sent to those residential properties where the Champion do not deliver their newspaper
- Letters / Emails to all contacts on the Local Plan consultation database
- Nine consultation events in seven different venues across the Borough, where interested individuals could book a place on appointments, with appointments running from 10am to 9pm at each event
- Paper copies of the Preferred Options document and other key evidence available at Council customer service points and libraries, with all documentation available online on the Council's dedicated webpages

3.2 Following the close of the consultation, officers processed all the representations received, and all are now available to view on the Council's citizenspace consultation hub (<https://westlancs.citizenspace.com/>). In total 1,619 representations were received from residents, statutory consultees, landowners, developers and infrastructure providers, with approximately 1,400 of the representations being from residents of West Lancashire.

3.3 Each representation was able to comment on multiple parts of the Preferred Options document and so officers are able to identify how many of the 1,619 representations chose to comment on each section of the document. This is summarised below in relation to the policies on strategic development requirements and strategic sites, and to the site allocations in each part of the borough:



<b>Policy / Area</b>	<b>No. Comments made</b>
Policy SP2 - Strategic Development Requirements	251
Policy SP5 – Skelmersdale Town Centre	45
Policy SP6 – Yew Tree Farm, Burscough	40
Policy SP7 - Land to West / SW of Skelmersdale	211
Policy SP8 - South-east of Ormskirk and Aughton	172
Skelmersdale and SE Parishes Housing Allocations	259
Skelmersdale and SE Parishes Employment Allocations	62
Ormskirk and Aughton Housing Allocations	150
Ormskirk and Aughton Employment Allocations	29
Burscough Housing and Employment Allocations	54
Tarleton Housing and Employment Allocations	67
Banks Housing Allocations	21
Parbold and Newburgh Housing Allocations	161
Appley Bridge Housing Allocations	124
Halsall and Haskayne Housing Allocations	253
Southport Boundary Housing Allocations	27

- 3.4 While officers are still considering the wide range of comments made on each of the above, it is clear a number of genuine planning concerns have been raised through the consultation in relation to proposed site allocations across the borough and so, where appropriate, officers will be seeking to address these in the amendments made to policies for the Publication (or Pre-Submission) version of the new Local Plan, which it is hoped will be ready for Cabinet to consider in June (as per the timetable in the Local Development Scheme).
- 3.5 Infrastructure (and the impact new development would have on it) was a frequently raised concern across all areas of West Lancashire (although it was often different types of infrastructure in different areas). To this end, it should be pointed out that throughout the consultation period (and since), officers have continued the dialogue with infrastructure providers (e.g. Highways England, LCC Education, CCG, UU and National Grid) that has been ongoing throughout the Local Plan Review process. The publication of the Preferred Options has enabled these conversations to become more focused as officers work with the infrastructure providers to better understand the implications of the proposals in the Preferred Options for infrastructure in the borough and how any necessary

improvements to infrastructure might be made during the proposed Local Plan period to address any resulting shortcomings in infrastructure provision.

#### **4.0 FEEDBACK FROM SEFTON COUNCIL**

4.1 Cabinet should be aware of the representation of Sefton Council to the Local Plan Review Preferred Options consultation (attached at Appendix A for ease), and in particular their comments on their estimated unmet housing need from 2035, which would be as follows:

- 2035-2040 – 500 dwellings from Southport
- 2040-2050 – 1,000 dwellings from Southport
- 2040-2050 – 500 dwellings from Formby

4.2 Furthermore, ongoing conversations with Sefton Council planning officers have confirmed that, were West Lancashire to meet any of the above unmet housing need, they would expect it to be met as close to the Southport/Formby boundary as possible and that they would not see housing development in Skelmersdale and the South-Eastern Parishes or the Eastern Parishes to be meeting Southport and Formby's unmet needs.

4.3 The proposed housing requirement in the Local Plan Review Preferred Options incorporated an assumption that Sefton would have an unmet housing of 3,496 dwellings beyond 2030, and that this would be met through development in all parts of the borough except the Eastern Parishes. This aspect of the housing requirement, and its implications for the release of land for housing development in West Lancashire, was perhaps the most controversial aspect of the Preferred Options proposals, and generated a great deal of objection.

4.4 Sefton Council's response enables the proposed Local Plan housing requirement to be reduced by approximately 1,500 dwellings immediately, which would go some way to addressing the objections raised through the consultation, though would be unlikely to fully address those concerns. However, while some individuals may object to the idea of West Lancashire meeting some of Southport and Formby's anticipated unmet housing needs, this does not remove the requirement placed on West Lancashire Borough Council (and every local planning authority) by the National Planning Policy Framework (NPPF) which is key to demonstrating the legal requirement under the Duty to Co-operate.

4.5 NPPF paragraph 60, in discussing how a local planning authority should calculate its housing requirement when preparing a Local Plan, states:

*In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.*

As such, under the NPPF and the Duty to Co-operate, the Council are obliged to take into account any anticipated unmet housing need that is likely to arise from a neighbouring authority. However, the NPPF does not specify how these needs should be taken into account, and indeed could not given that every such

instance of an unmet housing need across the country will be different and have its own, specific context.

- 4.6 With regard to the anticipated unmet housing need from Southport and Formby, the context is one where the anticipated unmet need is some way in the future (after 2035) and is related to only two settlements in the borough of Sefton. The fact that it is not anticipated to arise until 2035 means that there is an inherent uncertainty about the estimated unmet housing need but the fact that 2035 would fall within the timeframe of a typical Plan period starting in 2020 (or at the very least would fall immediately after that Plan period) means that this Council has to have regard to it.
- 4.7 Furthermore, the fact that three-quarters of the unmet housing need is arising from Southport (which is undoubtedly constrained and has very limited capacity to meet further housing needs beyond 2035), and that the western parts of West Lancashire have the closest housing market links to Southport (even compared to other parts of Sefton), means that this part of the unmet need would be best met in West Lancashire, and it could also be argued that the unmet housing need arising from Formby should also be met in West Lancashire (although Formby does not have as strong a connection with West Lancashire as Southport).
- 4.8 Given all of the above, there are three potential options for this Council with regard the anticipated unmet housing need from Southport and Formby as it moves forward with the Local Plan Review, all of which could be argued are an appropriate way forward and would enable the Council to meet the requirements of NPPF paragraph 60 and the Duty to Co-operate:
- Option A – incorporate all **2,000 dwellings** of unmet housing need from Southport and Formby (2035-2050) into the West Lancashire Local Plan housing requirement
  - Option B – incorporate only the **1,500 dwellings** of unmet housing need from Southport (2035-2050) into the West Lancashire Local Plan housing requirement
  - Option C – incorporate only the **500 dwellings** of unmet housing need from Southport (2035-2040) into the West Lancashire Local Plan housing requirement
- 4.9 Of those options, it is the recommendation of officers that Option C would be the most appropriate option to take forward in the Publication version. Option C would seek only to meet the 500 dwellings of unmet housing need anticipated to arise from Southport between 2035 and 2040. It is considered that this option is justifiable, and so would still fulfil the requirements of NPPF paragraph 60, because there is such uncertainty about what actual unmet housing need may arise from Sefton borough beyond 2040, but by committing to meet 500 dwellings of unmet housing need from Southport now, this Council is ensuring it is addressing the issue of unmet need based upon the best available evidence up to 2040, which is reasonable under the requirements of the NPPF and the Duty to Co-operate.

- 4.10 By 2040, Sefton Council would have reviewed its own Local Plan and have a more accurate picture of how much housing development Sefton can accommodate within their own borough and what the housing need will be beyond 2040, and so what any unmet housing needs Sefton borough may have. Alongside this, if this Council ultimately adopts a new Local Plan with a Plan period to 2050 (as proposed by the Preferred Options), it would be starting to prepare a brand new Local Plan around 2040, to consider what further development (and so allocations) may be needed beyond 2050, and also consider its position in respect of any further unmet housing need of Sefton identified at that moment in time.
- 4.11 Option C would also involve the least amount of land release in West Lancashire of the three options, which is clearly beneficial. Indeed, compared to the Preferred Options (which would have accommodated approx. 3,500 dwellings of Sefton's unmet housing need), Option C would only be accommodating 500 dwellings of Sefton's unmet housing need, i.e. a 3,000 dwelling reduction in the housing requirement within the borough and, as a result, a significant reduction in Green Belt release to accommodate that requirement.
- 4.12 This reduction will provide an opportunity to the Council to review the proposed site allocations and to respond to some of the concerns raised through the Preferred Options consultation. While further assessment and analysis needs to be undertaken before a recommendation can be made regarding how the proposed site allocations from the Preferred Options should be amended and reduced, it can be stated that a reduction in circa 3,000 dwellings will allow a reduction in scale of some allocated sites and the removal in total of others and would equate to a reduction in Green Belt release of 140-180 ha depending on how the site allocations are amended.
- 4.13 In addition, the Council could consider designating more land as Green Belt by reviewing the land in the borough currently designated as Protected Land to assess whether it would meet the tests of the NPPF for adding land to the Green Belt. The adopted Local Plan contains a total of 174 ha of land designated as Protected Land and while some of this clearly would not meet the tests for inclusion in Green Belt, even if 50% of it did, it would allow 87 ha to be added to the Green Belt.
- 4.14 The proposals in the Preferred Options would have involved the release of approximately 640 ha of Green Belt, which equated to 1.7% of the borough's Green Belt. Taking all of the above into account, under Option C, this would likely fall to less than 500 ha of Green Belt release which could be further off-set by additions to the Green Belt, potentially to the point where there would only be a net reduction of the borough's Green Belt of 1%, i.e. that 89.5% of West Lancashire would still be Green Belt (compared to 88.8% under the Preferred Options proposals).
- 4.15 A decrease in the housing requirement, and the resulting reduction in site allocations, will also mean that less agricultural land is developed upon under Option C. Approximately 65% of West Lancashire is broadly considered to be Grade 1 or Grade 2 agricultural land, and the Preferred Options proposals would have reduced this to approximately 63.5%. Under Option C, approximately 64% of the borough would still be Grade 1 and 2 agricultural land.

- 4.16 Alongside this consideration of Sefton's unmet housing need, if all other aspects of the proposed housing requirement in the Preferred Options were to stay broadly the same, the overall housing requirement for the new Local Plan would be less than 13,000 dwellings, and while this offers significant benefits in reducing Green Belt release and enabling the Council to address some of the concerns raised in relation to specific site allocations, it would still mean a significant number of new houses is being planned for in West Lancashire through the new Local Plan, and economic growth (including significant new provision of jobs) of the borough is being supported. This will enable the Council and its infrastructure-providing partners to have a better chance when bidding for Government and other funding for infrastructure projects (e.g. Skelmersdale Rail, strategic highways improvements, schools, GPs, utilities, etc.). Without such a critical mass of new housing development, it is less likely the Government would support additional infrastructure funding for such large-scale infrastructure improvements.
- 4.17 The subject matter of this report is central to setting a housing requirement for the new Local Plan, which in turn effects site allocation, Green Belt boundary setting and policy formulation. In order to be able to prepare a Publication version of the Local Plan by June and for progress to be made on the review of the Local Plan in accordance with the Council's Local Development Scheme (LDS), officers need the urgent consideration of this matter and the recommendation of officers as set out in paragraph 2.3 of this report.

## **5.0 SUSTAINABILITY IMPLICATIONS**

- 5.1 The decision being considered in this report is part of the wider preparation of a new Local Plan and the Local Plan will have very definite implications for sustainability (both positive and negative). With regard the three options considered in this report for the Sefton unmet housing need, at this high-level (non-site-specific) it is difficult to be precise about the relative sustainability merits of each option, but in moving from Option A through to C it is fair to say that while the environmental impacts of the options will generally decrease (due to reduced land release for development), the social and economic benefits will also decrease (as less housing would be built). However, the Sustainability Appraisal of the Publication Local Plan will consider these options in more detail in light of the specific amendments to site allocations, as the Publication version is prepared.
- 5.2 The proposal to identify what Protected Land could be designated as Green Belt instead may have a slight positive impact on sustainability in that it will more strictly control development on that land re-designated. This will only be slightly positive because Protected Land is already quite a restrictive designation but also because the re-designation of the land will not change how the land is currently being used, only what it might be used for if an applicant wanted to apply for development or change of use of the site.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no financial and resource implications for the Council related to the recommendations of this report.

## **7.0 RISK ASSESSMENT**

- 7.1 The preparation of a Local Plan, in general, does carry some risks, be that related to the costs of abortive work if the Local Plan is ultimately found unsound or not legally compliant at the Examination stage or related to the image of the Council should any proposals within the Local Plan prove unpopular. In respect of the decision being considered in this report, the primary risk relates to whether the Publication version of the Local Plan which will incorporate whichever option Cabinet choose will ultimately pass the legal requirement and soundness tests at Examination in relation to the duty to co-operate and the issue of Sefton's unmet housing needs. As explained in the report, officers are content that all three options could be justified in light of the requirements of NPPF paragraph 60 and the Duty to Co-operate, but planning is a subjective profession and there would remain a risk that an Examining Inspector might disagree with this view.

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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**

A Local Plan does have a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, an Equality Impact Assessment is required and is included at Appendix B.

### **Appendices**

Appendix A – Preferred Options response from Sefton Council

Appendix B – Equality Impact Assessment

Local Plan Consultation &  
John Harrison  
Director of Development and Regeneration  
West Lancashire Borough Council  
PO Box 16  
52 Derby Street  
ORMSKIRK  
L39 2DF  
***By email***

Telephone: (0151) 934 3008  
Email: [planning.localplans@sefton.gov.uk](mailto:planning.localplans@sefton.gov.uk)  
Date: 11<sup>th</sup> December 2018  
Our Ref: 01\_01\_07

Dear Mr Harrison,

**Sefton MBC comments on West Lancashire Local Plan 2012-2050 Preferred Options Draft (August 2018)**

Thank you for providing the opportunity for Sefton Council to comment on the West Lancashire Local Plan 2012-2050 Preferred Options Draft. Sefton Council's comments are set out below:

**1. Housing Need and Supply**

- 1.1 It is noted that West Lancashire wish to adopt a long time frame for their Local Plan. However, whilst not objecting to this, Sefton Council recognises that looking so far ahead has the potential to cause challenges for both West Lancashire and for neighbouring authorities such as Sefton, in a situation where there is considerable planning and demographic uncertainty. For example, the local, sub-regional and national context could change considerably over the next 30 years.
- 1.2 Given the above, and consistent with paragraph 33 of the National Planning Policy Framework, Sefton Council would urge West Lancashire to build into their Local Plan appropriate mechanisms to allow for its early review should planning or demographic circumstances in West Lancashire change which impact on the adequacy of their housing capacity in relation to Local Plan Objectively Assessed Need.
- 1.3 Furthermore, Sefton Council would urge that additional flexibility be built into the West Lancashire Local Plan to take account of emerging unmet needs in neighbouring local authorities (such as Sefton) which are different to, or more specifically higher than, the Plan's current assumptions. If an unmet need were to arise in Sefton at some future date, which could potentially be accommodated in West Lancashire, Sefton Council would intend to alert West Lancashire Council to this. We would expect this to be regarded as a material consideration in deciding whether it would trigger an early review of the West Lancashire Local Plan, consistent with paragraph 33 of the National Planning Policy Framework.

1.4 Sefton Council acknowledges that making any housing assumptions over such a long time frame is fraught with difficulties, and indeed we do not have robust evidence on housing need and land supply much beyond the end of the Sefton Local Plan period to 2030. Nevertheless, Sefton Council is unable to support West Lancashire's current assessment of unmet housing need in Sefton between 2027 and 2050 and considers that the figures proposed are too high for Sefton.

1.5 Based on Sefton's estimate of the balance between housing need and supply in Sefton to 2050 it is suggested that, using the best evidence available and officer judgement, we consider that West Lancashire should adopt the following revised position for Sefton:

(i) Sefton Council is confident that the adopted Sefton Local Plan (2017) includes housing allocations and other assumptions about housing supply which should comfortably meet the borough's housing need to 2030. This is based on a Sefton Local Plan housing Objectively Assessed Need of 640 dwellings per year to 2030. Furthermore, we believe that it is reasonable to assume that in aggregate borough-wide terms, Sefton will have an adequate housing supply to circa 2035, based on:

- The current Local Plan housing allocations, in the round, are expected to exceed their assumed housing capacity
- There is likely to be some 'carry over' of capacity on a number of larger sites post 2030
- Sefton has applied very cautious windfall assumptions which we anticipate will be exceeded (a point acknowledged by the Sefton Local Plan Inspector); and
- The fact that the Sefton Local Plan includes safeguarded housing land of an additional 49 hectares (with a potential capacity of around 1,000 further dwellings).

There is therefore, at this time, and assuming no unforeseen circumstances arise with regard to housing supply or need, no need for West Lancashire to make any assumptions about unmet housing need in Sefton up to 2035.

(ii) Assuming an indicative housing Objectively Assessed Need of around 500 dwellings per year for Sefton over the period 2030 to 2050 (based on the best evidence available and officer judgement), this should be disaggregated by an Objectively Assessed Need of approximately 200 dwellings per year for north Sefton and approximately 300 dwellings per year for south Sefton to reflect a crude proportionate population split.

(iii) Regarding south Sefton; Sefton Council considers it is not feasible at this time to make further assumptions about the scale of unmet need in south Sefton between 2030 and 2050. Detailed housing capacity work (which has commenced) should help inform future assumptions but no assessment has been made about Green Belt potential at this time, nor is one planned to be undertaken for the foreseeable future. The position is likely to become clearer when any Sefton Local Plan review is undertaken post-2020. Until this time, Sefton Council is not able to say whether or not there will be a housing need which cannot be accommodated in south Sefton between 2030 and 2050;



consequently, Sefton is unable to provide an estimated figure for borough-wide unmet housing need between 2030 and 2050, at this time.

- (iv) Regarding north Sefton and given the tightness of the Green Belt boundary around Southport and Formby and other potential constraints such as flood risk and environmental constraints which may be not be fully addressed as yet; there is the possibility of housing need/supply challenges post-2035 in Southport and post-2040 in Formby. Allowing for further urban housing opportunities and windfall sites, in Southport there could be a housing shortfall of around 500 dwellings up to 2040 and a further shortfall of around 1,000 housing units between 2040 and 2050. For Formby there could be a housing shortfall of around 500 dwellings between 2040 and 2050.

Looking at the above figures in the aggregate, and acknowledging the significant number of uncertainties involved, there is a possibility of around 2,000 dwellings unmet need for Southport and Formby over the period to 2050; with about a quarter of this (around 500 dwellings), required between 2035 to 2040, and a further 1,500 (approximately) dwellings required between 2040 and 2050.

- 1.6 However, regarding the period post-2035, it should be born in mind that the above figures in paragraph 1.5 are based on officer assumptions made in the absence of robust evidence at this time, and these may or may not be realised. Sefton Council therefore reserves the right to update and amend these figures as new evidence becomes available.
- 1.7 Regarding the absence of proposed sites on the eastern edge of Southport, Sefton Council would seek clarification about the constraints for this area, in relation to other proposed sites and the rest of West Lancashire.

### ***Affordable housing***

- 1.8 Subject to paragraph 1.6 above, West Lancashire Council should bear in mind that it is likely that some 30% of the approximately 2,000 dwellings unmet need in Sefton (i.e. around 600 dwellings) which might arise between 2035 and 2050 in north Sefton will be for those in affordable housing need. This is based on the 2014 Sefton Strategic Housing Market Assessment (SHMA). While this is being reviewed via the 2018 SHMA, the broad picture is not expected to change significantly.
- 1.9 It is highly unlikely that this affordable housing need could be accommodated on housing sites to the east of Ormskirk or similar, because such needs have to be met where they arise i.e. in Southport or Formby or as close to these settlements as is possible. Given this, if the West Lancashire Local Plan is taken forward in the manner currently proposed, there would need to be a careful dialogue between West Lancashire Council and Sefton Council as to how these affordable needs (as opposed to wider market needs which are more flexible in terms of appropriate locations) might best be accommodated and Sefton's needs met.

### ***Gypsies and travellers***

- 1.10 Sefton Council notes policy H6: Gypsy and Traveller Sites. It is noted that the full traveller needs to 2037 are unable to be met due to lack of land availability (paragraph 5.85). Instead a criteria based policy approach is set out and broad

locations for growth are identified. However, as West Lancashire are undertaking a review of the Green Belt, to meet long-term needs for wider housing and employment needs, Sefton considers that it is important that the same approach be applied to traveller accommodation. In Sefton's experience a criteria-based policy approach for delivering traveller accommodation rarely delivers sites. Whilst it is acknowledged that West Lancashire has sought to identify sites for travellers, and that this can be a challenging process, it is considered that the potential remains to do this through the review of the Green Belt. Sefton considers it is important that its neighbouring authorities meet their own traveller accommodation needs to reduce the demand on Sefton's traveller sites and the potential for increased unauthorised encampments in general.

## **2. Employment land**

- 2.1 Sefton Council notes that in terms of employment requirements, policy EC1: Delivering New Employment Development set out a proposed requirement of 190 hectares.
- 2.2 The preparation process for the Sefton Local Plan highlighted the challenge of identifying new employment land allocations in North Sefton. While Sefton's current Local Plan identifies an extension to the existing Southport Business Park (and at land North of the Formby By-Pass), in order to meet these longer-term employment needs post 2030 it may be necessary to look to sites in West Lancashire adjacent to or as close as possible to Southport Business Park and its environs. This possible need will not be quantified until Sefton undertakes a Sefton Local Plan review post-2020. However, based on the best evidence available and officer judgement, a replacement Southport Business Park would imply a need of around 12 hectares (net). It is noted that to date this is not taken into account in this West Lancashire draft Local Plan. Sefton Council would welcome on-going co-operation regarding eastward expansion of Southport Business Park into West Lancashire within the plan period proposed by West Lancashire.
- 2.3 The proposed allocation of approximately 70 hectares of Large-scale B8 uses as part of a Logistics Park at Junction 3 of the M58 is noted (policies EC1: Delivering New Employment Developments and SP7: The Creation of Garden Villages and Employment Area to the west and south-west of Skelmersdale). In principle, Sefton Council recognises that this could be an appropriate location for such use. However, it will be critical to understand the impacts of any proposals on the highway network, especially in relation to the strategic employment site at Land East of Maghull, Switch Island and the route to the Port of Liverpool, together with the associated consequences for air quality, noise and other environmental and health impacts on local communities along the affected routes (and see comments in section 4 below). Sefton Council looks forward to on-going cooperation on this issue.

## **3. Retail issues**

- 3.1 Sefton Council notes that the identified future borough wide needs for town centres uses will primarily be met within Skelmersdale Town Centre and Development Opportunity Sites within Ormskirk Town Centre and that local and/or neighbourhood centres may be developed, subject to Masterplans, in garden

villages to the west and south-west of Skelmersdale, to the south-east of Ormskirk and Aughton and at Yew Tree Farm, Burscough (policy EC4: Vibrant Centres). Sefton Council supports the principle of this approach.

#### **4. Transport**

- 4.1 Sefton Council is in the process of reviewing the Transport Assessment for the West Lancashire Local Plan Review and the other transport related documents. Further detailed comments and queries related to the Transport Assessment will be provided in a separate response to follow once the review has been completed. Some initial comments are provided below.
- 4.2 The West Lancashire Local Plan needs to consider the transport infrastructure requirements of new development close to the Sefton boundary and additional land-use implications of how Southport can be better served and linked to the national road and rail networks in the future. This should include the reinstatement of the Burscough Curves, which is included in the Liverpool City Region Long Term Rail Strategy. It is noted that policy IF1: Strategic Transport Infrastructure seeks to support the delivery of and/or not prejudice the delivery of an appropriate rail link between the Ormskirk Preston line and the Southport-Wigan line and this is welcomed in principle.
- 4.3 The Local Plan should also take account of Sefton's emerging proposals for improving the eastern access to Southport, and Sefton Council looks forward to on-going cooperation on this issue. Further details will be provided in Sefton's detailed transport comments.
- 4.4 West Lancashire Local Plan review also needs to consider the impact that future development in West Lancashire will have on the wider highways network in Sefton, particularly the A59 and Switch Island, which are already at or close to capacity , and provide one of the key road connections from Ormskirk, Burscough and the Northern Parishes to Liverpool.
- 4.5 It is noted that policy IF1: Strategic Transport Infrastructure refers to Electric Vehicle Recharging points.
- 4.6 Sefton Council looks forward to on-going cooperation on these transport and related air quality issues, including linkages with Liverpool City Region air quality initiatives and studies. More generally Sefton Council would seek cooperation on extending and enhancing cross-boundary path, cycle route and green infrastructure networks including the Coast Path and routes away from the Coast which formed part of mitigation for recreation pressures on the Sefton Coast (see below).

#### **5. Ecological issues including Habitats Regulations**

- 5.1 The reference to ecological networks in West Lancashire and the need for cross-boundary links to the Liverpool City Region Ecological Network evidence base is noted. Sefton Council would welcome an explicitly positive approach towards opportunities for habitat creation, enhancement and management including cross-boundary linkages and extension of the City Region Nature Improvement Areas.

This would be helpful as part of a strategic response to pressures elsewhere in the plan area and in line with the 25-Year Environment Plan.

- 5.2 The Local Plan should be strengthened to make sure that development does not lead to adverse effects on the integrity of internationally important nature sites, and their supporting (functionally linked) habitat. This includes international nature sites on the Sefton Coast as well as those in West Lancashire or elsewhere, where potential adverse impacts include disturbance largely due to visitor pressure and loss of habitat and supporting habitat, and may include water quality (including rivers and groundwater) and other impacts or designation features. These issues will need to be specifically addressed in the Habitats Regulations Assessment (HRA) of the West Lancashire Local Plan.
- 5.3 For example, the need to make sure there are no adverse effects on the integrity of internationally important nature sites should be added in to Objective 10 as well as the third full bullet point of 'Key issues' on page 11 of the draft Local Plan. Policy SP1: Delivering sustainable development and other strategic policies, Policy EC3: The Rural and Visitor Economy, policy IF4: Low Carbon and Renewable Energy Development and policy G13: Nature Conservation and Ecological Networks should include explicit protection of internationally important sites in line with the Habitats Regulations, and specific mention of both the Sefton Coast sites and the potential impact so visitor pressure, habitat loss or disturbance and other advise impacts.
- 5.4 The Habitats Regulations Assessments relating to the Sefton Local Plan and the development plans of all of the other authorities in the Liverpool City Region have identified potential adverse 'in combination' effects from the quantum of new housing or tourism development on visitor pressure on the Sefton Coast, and loss of or disturbance to supporting habitat. This is important given the quantum of housing and tourism development proposed in West Lancashire, the relatively proximity of proposed West Lancashire's housing development sites to the internationally important nature sites on the Sefton Coast, and our understanding that a many coastal visitors to Sefton (Sefton Coast SAC) in particular originate in West Lancashire.
- 5.5 This issue should be specifically addressed in the Habitats Regulations Assessment of the West Lancashire Local Plan. Sefton Council is in the process of reviewing this Habitats Regulations Assessment document and will provide more detailed comments in due course in a separate response. The Local Plan should set the policy context for the Borough's approach to mitigation of recreation pressure recreation, commensurate with the emerging City Region-wide Recreation Mitigation Strategy although it should be noted that this work is at a relatively early stage.

## **6. Other environmental issues**

### ***Flood risk and coastal change***

- 6.1 Cross-boundary flood risk issues include tidal and river flood risk in the Alt-Crossens catchment, including allocated or other sites adjacent to the River Alt and the Crossens systems (for example proposed site HW1) and the impacts of changes to the land drainage regime through the lower catchment and rural area. They also include the surface water flood risk from the proposed sites adjacent to

the Sefton boundary. Policy SD4: Managing Flood Risk should include an explicit requirement that development does not increase flood risk elsewhere; that is, outside the site. It should be made clear that this applies to flood risk from all sources, that is, including surface water flood risk and discharge into watercourses.

- 6.2 The Sefton Local Plan (2017) designates a Coastal Change Management Area which extends to the boundary with West Lancashire. It is noted that policy GI6: Coastal Zone does not refer explicitly to coastal change. Also GI6 does not refer to the capacity of the natural (salt-marsh) coast to form a natural sea defence on its own, but only in connection with 'secondary sea embankments', and West Lancashire may wish to look at this issue again.
- 6.3 Sefton Council looks forward to on-going cooperation on flood risk and coastal change issues.

### ***Energy***

- 6.4 It is not clear from Appendix A or policy IF4: Low Carbon and Renewable Energy development or its explanation whether the site 'Adjacent the River Alt, Great Altcar' or other sites adjacent to or close to the Sefton boundary are proposed for wind energy development in this Local Plan, and so it is not currently possible for Sefton to comment on this.
- 6.5 Sefton Council would seek clarification of energy issues including the evidence base and the assessment process for identifying sites or broad areas, linkages with Liverpool City Region renewable energy and air quality initiatives and studies and other issues, as part of on-going cooperation. Sefton Council would want to be confident that, taking these into account, the evidence base justifies the policy position regarding energy, including any decision to identify or allocate land which may impact on Sefton for onshore wind

## **7. Infrastructure**

- 7.1 Sefton's Local Plan requires social, community, environmental and physical infrastructure to be protected, enhanced and provided where there is an identified need to support sustainable communities (policy IN1 'Infrastructure and development contributions'). Residents of any West Lancashire development site close to Sefton would be likely to draw on services and facilities in Sefton. These include schools, doctors and other health services, and community, sports and recreation groups. This applies mainly to Southport but to a lesser extent to Formby and perhaps even Maghull/Lydiat.
- 7.2 Sefton Council would wish to cooperate with West Lancashire to make sure that the West Lancashire Local Plan and the wider planning process provides appropriate legal mechanisms to help the deliver necessary infrastructure within Sefton, and put in place explicit policies and guidelines to make it clear how such cross boundary dependencies and needs would be considered, agreed and delivered.

## 8. Overview

A number of specific issues have been identified above where further cross-boundary cooperation is required and where the desired outcomes for Sefton may include changes to the emerging West Lancashire Local Plan. These include housing, employment land, transport, energy, air quality and ecological issues, and we would want to work positively and proactively with you on all of these as your plan progresses.

More generally, Sefton Council looks forward to maintaining effective co-operation with West Lancashire as part of the on-going cooperation with its neighbouring authorities including West Lancashire and authorities in the Liverpool City Region.

Yours sincerely



**Stuart Barnes**  
**Interim Head of Economic Growth and Housing**

# Equality Impact Assessment Form



<b>Directorate: Development &amp; Regeneration</b>	<b>Service: Planning</b>
<b>Completed by: P Richards</b>	<b>Date: 4 March 2019</b>
<b>Subject Title: Local Plan Review – Proposed Local Plan Preferred Options Consultation</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	Yes - a new Local Plan for West Lancs
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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Consideration of options for the meeting of unmet housing need from a neighbouring authority and consequential matters of changing the Green Belt within the Local Plan.
<p><i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>  <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No* <span style="float: right;"><i>*delete as appropriate</i></span>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> 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>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	A new Local Plan will ultimately, directly or indirectly, affect all stakeholders in West Lancashire, be they residents, businesses or other organisations.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any	n/a.

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	<i>*delete as appropriate</i>  No No No No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The Local Plan provides policy that is used to determine planning applications and provides strategy that guides the delivery of new infrastructure and new development across West Lancs, and so will be used by applicants, residents, statutory consultees and the Council in making planning decisions.
What will the impact of the work being carried out be on usage/the stakeholders?	A new Local Plan is unlikely to impact the usage of the service/function in question and will not directly affect any protected characteristics of the stakeholders involved.
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?	People's views on the Local Plan in general will depend upon how directly they are affected by allocation of new development or specific policies where they wish to deliver new development (or don't wish to see development).
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?	Guidance provided through the Town and Country Planning Act 1990. Census data and a range of other data have been included in the evidence base that informs the preparation of the Local Plan.
If any further data/consultation is needed and is to be gathered, please specify:	The decision related to Sefton's unmet housing need being considered by Cabinet will ultimately be incorporated into the Publication version of the Local Plan, which will be subject to public consultation.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	A new Local Plan will generally affect people with protected characteristics no differently than those without those characteristics. However, some policies in the Local Plan (most notably related to Travellers and to provision for the Elderly – issues not being considered in this decision) will have a positive impact on those



	protected groups as those policies specifically seek to ensure opportunities for development that cater to those groups' needs are provided.
<b>6. CONSIDERING THE IMPACT</b>	
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.).	There is no negative impact at this stage.
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>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	At each key stage of Local Plan preparation.



Agenda item: 6(m)

## **LOCAL PLAN**

Motion on behalf of Councillor Moran

- A. That the Local Delivery Scheme be amended to allow time for the reconsideration of the proposed Local Plan timescale and for the preparation of and consultation on a new Local Plan Preferred Options.





CABINET: 11 June 2019

COUNCIL: 17 July 2019

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**Report of: Director of Leisure & Environment Services**

**Relevant Portfolio Holders: Councillor Kevin Wright  
Councillor Yvonne Gagen**

**Relevant Officer: Simon Burnett, Deputy Director Leisure & Wellbeing – Ext 5157  
simon.burnett@westlancs.gov.uk**

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**SUBJECT: FORMATION OF WEST LANCASHIRE INTEGRATED COMMUNITY PARTNERSHIP / MUTLI SPECIALITY COMMUNITY PROVIDER**

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Wards affected: Borough wide.

## **1.0 PURPOSE OF THE REPORT**

1.1 To provide information on the emerging priorities and proposals for formation of an Integrated Community Partnership (ICP) / Multi Speciality Community Provider (MCP) for West Lancashire.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That, subject to the decision of Council, the overall approach on the formation of an ICP/MCP in West Lancashire be endorsed.

2.2 That it be recommended to Council that the Portfolio Holder (Health & Community Safety) be nominated as the lead Member to represent the Council on the ICP/MCP.

## **3.0 RECOMENDATIONS TO COUNCIL**

3.1 That the Council's membership and continued active participation in developing the West Lancashire ICP/MCP, in accordance with the Council's Partnership Protocol be approved in principle.

3.2 That the overall approach towards the formation of an ICP/MCP in West Lancashire be endorsed.

- 3.3 That the Director of Leisure & Environment Services, or her nominee, be nominated as the lead Officer to represent the Council on the ICP/MCP.
  - 3.4 That the Director of Leisure & Environment Services be given delegated authority, in consultation with the relevant Portfolio Holder, to progress and (as appropriate) confirm the Council's membership of the ICP/MCP and to provide future updates at relevant stages of the partnership development process.
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## **4.0 BACKGROUND & STRATEGIC CONTEXT**

### **Local Strategic Context**

- 4.1 In 2018 the Council published its first Health & Wellbeing Strategy demonstrating its commitment to the health and wellbeing of the residents of West Lancashire. The role of the strategy is to provide a strategic framework, including a number of high level objectives and priority actions, in order to ensure that the conditions are in place for people in West Lancashire to live healthy and fulfilling lives. The strategy recognises the contribution made by Council services, either directly or indirectly, towards our residents and communities' health and wellbeing.
- 4.2 A key emphasis of the strategy is the recognition that health is intrinsically linked to a number of wider determinants in particular employment, housing, community cohesion, and environmental health. The strategy highlights that there has been insufficient emphasis placed upon the prevention of ill health, outside the role of the NHS, highlighting the need to go beyond medical and social care to proactively tackle the root causes of poor health by working with key strategic partners including West Lancashire Clinical Commissioning Group (WLCCG), Lancashire County Council (LCC), Public Health England (PHE) and the National Health Service (NHS), amongst others.
- 4.3 Similarly the West Lancashire CCG Clinical Strategy – Building for the Future, provides clarity on the challenges faced by the existence of an increasing population with more people living longer with long term conditions and the associated pressures that this places upon the health and social care system. The strategy promotes an integrated approach to commissioning and delivery of services to ensure the delivery of key headline strategic objectives which include:-
  - Right Care, Right Time, Safely Delivered
  - Preventing people from dying prematurely
  - Integrated working for better patient experience, safety, quality of life and reduced inequalities

Building for the Future sets out the vision for integrated care across West Lancashire over a five year period, advocating partnership working to ensure priorities and transformation programmes are aligned.

### **National Strategic Context**

4.4 In February 2019 the NHS published the Long Term Plan. The plan sets out the proposed direction of travel for the NHS and its partners for the period of 2019 – 2029. Contained within the plan are a number of high level strategic objectives which include:-

- Joined up care
- Early intervention and prevention
- Improved outcomes and quality of care
- Workforce development
- Technology and digital enablement
- Financial sustainability

Fundamental to the implementation of the Long Term Plan is the formation of an Integrated Care System on a sub-regional level (Lancashire & South Cumbria). Similarly on a local level the plan calls for the formation of Integrated Care Partnerships or Multi Speciality Community Providers and Primary Care Networks (PCN) on a neighbourhood level (The Council & WLCCG boundaries). This report makes reference to the work that is currently taking place regarding the formation of the ICP / MCP and PCN. The exact title of the West Lancashire ICP / MCP has yet to be determined.

## **5.0 Developments to date**

5.1 To initiate the formation of the ICP / MCP a summit of key leaders was held in October 2018 which was attended by the Council's Chief Executive, alongside leaders from health and care organisations operating in West Lancashire. The purpose of the summit was to explore and seek sign up to the establishment of a West Lancashire system wide approach to health and care integration, aligned to developments emerging from the Lancashire and South Cumbria Integrated Care System (ICS). Agreement was reached at the summit that a West Lancashire ICP / MCP would be established in shadow form and subsequently Key System Leaders now meet on a monthly basis to progress the development of the ICP/MCP.

5.2 The key partners within the ICP / MCP are:

- Lancashire Care NHS Foundation Trust
- Lancashire County Council (LCC)
- Virgin Care
- West Lancashire Borough Council
- West Lancashire Clinical Commissioning Group (WLCCG)
- West Lancashire Council for Voluntary Services
- West Lancashire GP Federation

Southport and Ormskirk NHS Hospital Trust are an associate partner to the ICP/ MCP arrangements in West Lancashire reflecting the importance of the hospital sector in delivering effective out of hospital care.

5.3 The work of the Partnership is intended to further enhance local delivery of the clinical model being developed, implemented and mobilised in West Lancashire that is outlined in the document Building for the Future <http://www.westlancashireccg.nhs.uk/building-for-the-future/>

- 5.4 The focus for the West Lancashire ICP / MCP is on out of hospital care and its aims are to;
- Encourage the development of better integration across the local health and care system in West Lancashire, improving quality and enhancing clinical and financial effectiveness and efficiency.
  - Ensure a system that is robust in its ability to improve population health, improve quality of care and achieve financial sustainability across the local health and care system, enhancing sustainability through enhanced collaborative working.
  - Strengthen collaborative relationships and decision-making between partners.
  - Deepen relationships and build trust between individual system leaders and between organisations to enable an improved population health and care system culture.
- 5.5 The framework set out in the NHS Long Term Plan is consistent with this approach. It describes how Primary Care Networks (PCN) will be based on neighbouring GP practices coming together to serve a population of between 30,000 and 50,000. These will then form a component of the model of expanded multidisciplinary neighbourhood teams that will comprise a range of staff such as GPs, pharmacists, district nurses, community geriatricians, dementia workers, allied health and social care professionals, along with other local authority and voluntary sector staff.
- 5.6 The proposed PCN's are also aligned to the three emerging neighbourhoods identified by the Council for the purposes of the Clean and Green team, namely Skelmersdale and Up Holland (population 38,359), Burscough and the 'Northern Parishes' (population 30,163), Ormskirk and Aughton (population 45,085). It was further agreed at the summit that the initial purpose of the West Lancashire ICP / MCP would be to develop, grow and nurture a neighbourhood system for the integration of health and care across West Lancashire subject to available resources.

## **6.0 The role and relevance of the Council**

- 6.1 The Council is currently represented at the West Lancashire ICP / MCP by the Deputy Director of Leisure & Wellbeing who attends the monthly meetings. In addition the Chief Executive, Director for Leisure & Environment Services, Director of Housing and Inclusion form part of the extended network and are in regular receipt of updates and all information circulated across the ICP/MCP and in regular updates from the CCG's Director of Strategy and Operations.
- 6.2 Strategically the formation of the ICP/MCP and PCN networks are relevant to the Council in the context of the Council's Corporate Ambitions of Health & Wellbeing, the Environment and the Economy, its Health & Wellbeing Strategy and the plans for the development co located Leisure & Wellbeing Hubs with the WLCCG. Furthermore on an operational level the Council provides a number of key services which are highly relevant to the health and wellbeing of residents, most notably street scene, environmental health, housing, community safety,



licencing, and leisure & wellbeing services. These services and the wider strategic place shaping role of the Council makes it an important member of the Partnership. Furthermore some of these services are delivered with or on behalf of wider partnerships including WLCCG and LCC.

Key Services include:

#### **Housing and Inclusion Services:**

- Social Housing including sheltered housing schemes
- Homeless support
- Home Care Link
- Disabled Facilities Grants
- Financial inclusion
- Digital Enablement to support people to get on line.
- The provision of financial assistance and various community grants

#### **Leisure and Environmental Services:**

- Street cleansing and refuse collections services
- Grounds maintenance
- Environmental health
- Infections disease control
- Health & safety at work and accident investigation
- Domestic and industrial pollution control
- Leisure centres
- Countryside parks
- Health checks
- GP referral & social prescribing
- Community safety

6.3 It is therefore important that the Council plays a role in the leadership of these developments by its active participation in the West Lancashire ICP/MCP. Whilst the role, function and formation of the ICP/MCP remains under development and is evolving with time, it is important that the direction of travel and the opportunities for the population in West Lancashire are understood and contributed to as appropriate. It is therefore intended that further reports on governance, finances, risks and opportunities will be brought to Members in due course as appropriate.

6.4 Conversely if the Council fails to be an active participant in the development of health and care integration in West Lancashire, it would create a significant risk that the local population experience poorer quality services and outcomes as a result.

## **7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

There are no significant sustainability impacts associated with this report.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

### **8.1 Financial**

There are no financial or resource implications arising from this report other than the commitment of Member and Officer time to attend meetings.

Health and care integration in West Lancashire will inevitably demand a greater alignment of organisational resources, including financial resources across the NHS and local government, however at this stage there is no indication what this means to the Council and to what, if any, extent. It is anticipated that the largest impact will be upon WLCCG and the Public Health and Social Care providers.

There is also a commitment to a more collaborative approach to identifying financial efficiencies and organisational governance. Detail on this needs to be worked through and ICP/MCP finance and governance work streams, however at the appropriate point in time an invitation will be extended to the Council's Borough Treasurer and Borough Solicitor to join discussions.

### **8.2 Human Resources**

Health and care integration in West Lancashire will involve improved alignment of the workforce across sectors and organisations.

Workforce development is therefore a priority locally reflecting the fact that the capability and capacity of the health and social care workforce will be one of the determining factors of success.

As work progresses, the implications for Council employees needs to be considered so that it can be determined how they can appropriately and actively participate in the further development of expanded multidisciplinary neighbourhood teams. On a practical level the proposed development of new and improved Leisure & Wellbeing Hubs, in partnership with the WLCCG, will provide an ideal opportunity for workforce alignment to maximise social return on investment in the PCN neighbourhoods.

### **8.3 Legal**

Currently no legally binding changes have been made to the status or relationships between organisations working on health and care integration in West Lancashire.

Work has started to establish Memorandums of Understanding between organisations to support the direction of travel and enable successful delivery.

Following the recently published NHS Long Term Plan, consideration is being given to the local implementation of any legally binding changes that may be required to deliver this. This is with particular regard to the establishment of PCNs and expanded multidisciplinary neighbourhood teams. These neighbourhood teams could involve Council services such as Leisure & Wellbeing, Public Health & Social Care, via multidisciplinary meetings and possible co location.

However it is important to note that the Social Care Green Paper has not yet been published and that will also have significant impact on shaping the future involvement of local government and social care in the development of the West Lancashire ICP/MCP.

#### **8.4 Communications**

A new ICP/MCP communications and engagement work stream commenced in February 2019. The council will need to determine how it can best support this work stream and play an effective leadership role in its implementation

#### **9.0 RISK ASSESSMENT**

It is important that the Council plays a role in the leadership of ICP/MCP developments, in accordance with the Councils Partnership Protocol. Whilst the role, function and formation of the ICP/MCP remains under development, it is important that the direction of travel and the opportunities for the population in West Lancashire are understood and contributed to as appropriate. If the Council fails to be an active participant in the development of health and care integration in West Lancashire, it could create a risk that the local population experience poorer quality services and outcomes as a result. To mitigate this risk it is intended that further reports on governance, finances, risks and opportunities will be brought to Members in due course as appropriate.

#### **Background Documents**

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

#### **Equality Impact Assessment**

No Equality Impact Assessment is required at this stage as the role, function and formation of the ICP/MCP is yet to be determined and as such the associated impact is unclear.





CABINET: 11 June 2019

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**Report of:** Director of Housing and Inclusion

**Relevant Portfolio Holder:** Councillor K Wright

**Contact for further information:** Mrs S Griffiths (Extn. 5097)  
(E-mail: [susan.griffiths@westlancs.gov.uk](mailto:susan.griffiths@westlancs.gov.uk))

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**SUBJECT: FUNDING OF VOLUNTARY BODIES & OTHER ORGANISATIONS  
CABINET WORKING GROUP**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To advise Cabinet of the recommendations of the Funding of Voluntary and Other Organisations Cabinet Working Group (Working Group) meeting of 20 March 2019 in relation to revenue funding arrangements to voluntary organisations from April 2020 onwards.

## **2.0 RECOMMENDATIONS**

2.1 That the resolutions of the Funding of Voluntary and Other Organisations Cabinet Working Group held on 20 March 2019, attached at Appendix 2 to the report, be approved.

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## **3.0 BACKGROUND**

3.1 The Funding of Voluntary & Other Organisations Cabinet Working Group met on 20 March 2019 and considered future funding arrangements for revenue grants to voluntary organisation from 2020 onwards.

3.2 The Working Group recommended that the existing mechanism be changed to a commissioning model from 2020 in order to maximise the impact of the grants budget, to provide more stability to the voluntary sector in the Borough and to direct funding towards the needs of the local community.

3.3 The Working Group further recommended that a smaller grants pot be established incorporating the remaining budget within the revenue grants budget

and the Community Chest budget. A further report outlining options will be considered at the next meeting of the Working Group.

#### **4.0 CURRENT POSITION**

- 4.1 The minutes of the meeting containing the recommendations to Cabinet, are attached as Appendix B to this report.

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

- 5.1 The recommendations of the Working Group will be met from within existing budgets.

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#### **Background Documents**

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

#### **Equality Impact Assessment**

There is a 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. Minutes of the Funding of Voluntary & Other Organisations Working Group held on 20 March 2019

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

**HELD: Wednesday, 20 March 2019**

Start: 4.30 pm  
Finish: 5.05 pm

**PRESENT:**

Councillor: P Cotterill (Chairman)

Councillors: C Cooper  
S Evans  
G Owen  
G Dowling  
Y Gagen

14 **APOLOGIES**

There were no apologies for absence.

15 **MEMBERSHIP OF THE WORKING GROUP**

There were no changes to membership of the Working Group.

16 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

17 **MINUTES**

RESOLVED That the minutes of the last meeting of the Working Group held on 19 December 2018 be agreed as a correct record.

18 **REVIEW OF THE GRANTS MECHANISM 2019-20**

In an oral report the Chairman provided an overview of the mechanism for the allocation of revenue funding to voluntary organisations previously undertaken to determine revenue grants for the 2019-20 financial year.

The ensuing discussion highlighted anomalies within the mechanism and highlighted reasons why a different approach should be undertaken in the future.

RESOLVED That the report be noted.

19 **REVENUE FUNDING TO VOLUNTARY ORGANISATIONS FROM 2020 ONWARDS**

Further to minute no. 4 (C) of the meeting of the Working Group held on 19 October 2017 and referring to the Consultants' report (Pulse Report attached at Appendix A), the Director of Housing and Inclusion submitted draft proposals for change in the delivery of the revenue grants allocation mechanism to a commissioning model in order to provide more stability to the voluntary sector in the Borough, to assist in empowering residents and to direct funding towards the needs of the local community.

The proposals included a rationale for commissioning services that supported the above-mentioned objectives and the Council's Corporate Values and Priorities.

The ensuing discussion highlighted the following issues:-

- clarification of the procurement process, including steps to be taken ahead of the report to Cabinet in June 2019
- the tight timescales within the commissioning process and the need to provide 3 months notice to the voluntary organisations currently in receipt of revenue funding if further funding will not be available to them
- the timetable for the commissioning process and its compatibility with the Sustainable Organisational Review Project

- RESOLVED A. That Cabinet be requested to approve the change from the current allocation mechanism for determining revenue grants to a 3 year commissioning model from April 2020 onwards in order to procure services which maximise the impact of the revenue grants budget, to provide more stability to the voluntary sector in the Borough, to assist in empowering residents and to direct funding towards the needs of the local community.
- B. That the areas for commissioning indicatively proposed prior to consultation with the voluntary sector be:-
- advice/money/debt services
  - voluntary sector infrastructure services
  - community transport services
  - services to support the elderly, vulnerable and residents with disabilities
  - services to support independent living
- C. That the draft work stream specification(s) be submitted to the next meeting of the working group.
- D. That a smaller grants pot be established incorporating the remaining sum within the revenue grants budget and the Community Chest/Older People's Champion budgets. A further report on proposed management of the scheme/criteria/mechanism be submitted to the next meeting of the Working Group.



CABINET: 11 June 2019

EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE: 27 June  
2019



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**Report of: Director of Housing and Inclusion**

**Relevant Portfolio Holder: Councillor J Forshaw**

**Contact for further information: Mrs N. Bradley (Ext. 5296)**

**Email: [nicola.bradley@westlancs.gov.uk](mailto:nicola.bradley@westlancs.gov.uk)**

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**SUBJECT: REVIEW OF FLEXIBLE TENANCIES**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To consider the impact and future use of Flexible Tenancies.

## **2.0 RECOMMENDATIONS**

2.1 That Flexible tenancies are no longer used and that all new tenants are offered a Secure Lifetime tenancy.

2.2 That the Director of Housing and Inclusion, in consultation with the relevant Portfolio Holder, be given delegated authority to implement and make any minor updates and changes as required.

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 27 June 2019.

## **3.0 RECOMMENDATIONS TO THE EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

3.1 That the content of the report be noted.

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## **4.0 BACKGROUND**

4.1 What are Flexible Tenancies?

- 4.1.1 Flexible tenancies are secure fixed-term tenancies with a minimum term of two years, although a five years term is more commonly used.
- 4.1.2 Flexible tenants enjoy similar rights as secure tenants, including the Right to Buy their home after a qualifying period, and the Right to Repair. However, under section 155 of the Localism Act, flexible tenants do however not have a statutory right to improve their properties or be compensated for those improvements, rights which are enjoyed by secure tenants of local authorities.
- 4.1.3 At the end of the fixed tenancy period, the tenant's circumstances are reviewed, and decision made to offer either: another fixed-term flexible tenancy; a secure tenancy; or not to renew the tenancy.

#### 4.2 The Localism Act

- 4.2.1 The Localism Act 2011 first introduced the power for local authorities to offer flexible tenancies to new social tenants after 1 April 2012.
- 4.2.2 Housing providers were required to publish a tenancy policy setting out whether and how they intended to use the new flexibilities, a copy of the Councils current Tenure Policy is attached at Appendix 1, with the proposed updated Tenure Policy in Appendix 2.
- 4.2.3 The changes were intended to give local authorities and housing associations greater freedom to manage their housing stock, ensure that social housing is allocated to those who need it most, and that lifetime tenancies are not given to tenants irrespective of how their circumstances might change in the future.
- 4.2.4 There has been very limited take-up of fixed-term and flexible tenancies by councils and housing associations, The Equality Impact Assessment on Lifetime Tenancies (May 2016) said that in 2014/15 "only 15% of social housing tenancies were let on a fixed-term basis."
- 4.2.5 According to the Ministry of Housing Communities & Local Government Social Housing Lettings Statistical release, in 2017/18 18% of all social housing lettings were on a fixed term basis. The information shows the level differed between Private Registered Providers who let 22% of their properties on a fixed term basis whilst in local authorities fixed term tenancies only accounted for only 8% of lettings.

#### 4.3 The Housing & Planning Act

- 4.3.1 The Housing and Planning Act 2016 proposed the phasing out of lifetime tenancies, by making the use of Flexible Tenancy's mandatory with the maximum term of a fixed-term tenancy being 10 years, potentially longer for families with children.
- 4.3.2 Details were to be set out in regulations which were expected to be finalised in winter 2016/17, but these provisions have not yet been enacted.

4.3.3 On publication of the social housing Green Paper on 14 August 2018, "A new deal for social housing", the Government announced that it will not implement these provisions "at this time".

## 5.0 CURRENT POSITION

5.1 Following the Localism Act the Council introduced Flexible Tenancies on 1 July 2013.

### 5.2 How Flexible Tenancies work

The Councils Tenure Policy (Appendix 1) details how tenancies are granted. The type and length of new tenancies are dependent on the household type, the table below provides examples of the type of tenancy awarded to different groups of tenants:

Type of Tenancy	Examples	Tenancy Length
Introductory Tenancy	All new social housing tenants will be given a 12 month Introductory tenancy	1 year
Secure Tenancy	Existing secure tenants who transfer to another property. All Sheltered Housing tenants	Lifetime
Flexible Tenancy	All new social housing tenants or tenants transferring from another landlord	5 years (or exceptionally 2 years)

### 5.3 The Review Process

As Flexible Tenancies are granted for a fixed term, there is a need to undertake a formal review of the tenancy, which must be completed at least six months before the end of the fixed term. As the Council introduced Flexible tenancies in 2013, the first Flexible Tenancies reviews have now been undertaken.

### 5.4 The process for carrying out a review

The review process involves writing to tenants to confirm who resides at the property and their income details. This part of the process is reliant on tenants returning information, it is often necessary for Housing Officer to spend time chasing up information. The conduct of the current tenancy is also reviewed to establish whether there have been any breaches of tenancy, e.g. rent arrears. A decision on whether to grant a new tenancy will need to be made at least 7 months prior to the tenancy end date.

5.5 The circumstances where a further term may **not** be granted are:

- Property is under-occupied
- Property is no longer suitable for the tenant's needs
- Tenant's circumstances have changed
- Tenant and/or their advocate do not engage in the tenure review process
- Possession proceedings have commenced or tenure obligation has been broken
- Disposal or refurbishment of property

A decision notice will be issued not less than 6 months before the tenancy end date.

5.6 There are three potential outcomes from the review:

- The tenant is offered a new flexible tenancy of the existing property
- The tenant is offered a new flexible or lifetime tenancy of suitable alternative property
- The tenant is not offered the renewal of a tenancy

## **6.0 DISADVANTAGES OF FLEXIBLE TENANCIES**

6.1 The continued use of Flexible Tenancies has clear disadvantages for our customers. Tenants who have a fixed term tenancy lack the security and stability of a lifetime tenancy, which is particularly valuable to our most vulnerable client groups. The stability provided by a permanent tenancy means that people can make their accommodation a real home – get to know neighbours, and feel part of the local community. There is a risk that the use of fixed-term tenancies could undermine the sustainability of communities if tenants are required to move, or feel they need to move for additional security.

6.1.1 It is also possible that Flexible tenancies could act as a disincentive to tenants seeking or taking up work, as an increase in income could take them over the income threshold which would prevent a flexible tenancy being renewed.

6.1.2 Even in cases where a new tenancy is awarded, the process can lead to uncertainty for tenants, until the decision is finalised they will not know whether they are able to remain in their home.

6.2 There are also a number of disadvantages for the Council.

6.2.1 There is a significant amount of administration, staffing resource and costs involved in conducting tenancy reviews. As no additional staffing resources were identified to carry out the review process, Housing Officers focus is being taken away from tenancy management, tenancy enforcement and tenancy sustainability tasks.

6.2.2 Ending a higher number of flexible tenancies would also increase the costs involved in ensuring empty properties are repaired and ready for letting, and could increase the burden on teams managing the Housing Register, maintaining and letting properties.

- 6.2.3 Although no legal costs have been incurred to date there would be legal costs involved in ending flexible tenancies, if the tenant does not leave the property at the end of the fixed term, as the Council would be required to recover possession through the courts.
- 6.2.4 If it is determined that the tenancy cannot continue due to the property not being suitable e.g. because of under occupation, there is a requirement on the Council to provide suitable alternative accommodation which is likely to prove difficult particularly in those areas where we have limited housing stock.
- 6.2.5 In cases where a tenancy is ended due to breach of tenancy, the authority may still have an obligation to flexible tenants under the provisions of the Homelessness legislation.

## **7.0 FUTURE OF FLEXIBLE TENANCIES**

### **7.1 Outcomes of reviews to date.**

To date we have carried out 89 Flexible Tenancy Reviews, of these

- 85 tenants have been issued with new Flexible Tenancies
- 2 tenancies were dealt with as potentially abandoned properties
- 1 tenancy was ended as tenant had died
- 1 tenant was served notice to end the tenancy due to arrears.

The issues regarding abandonment and rent arrears had already been identified prior to the review, and were being dealt with under our normal procedures.

- 7.2 One of the main arguments for tenure reform is to focus scarce social housing resources on those who need it most. However initial indications are that this will not be achievable. Only 1 out of the 89 Flexible Tenancy reviews undertaken could potentially be ended, and as this was on the grounds of rent arrears there would be other opportunities available through our normal income recovery procedures to end this tenancy if appropriate.
- 7.3 Given the limited outcomes of the reviews undertaken and the disadvantages for both customers and the Council as outlined in section 7.0 above, it is recommended that Flexible Tenancies are no longer issued, and that all new Council tenants are issued with an introductory tenancy which will convert into a secure lifetime tenancy rather than a Flexible Tenancy.
- 7.4 If the recommendations are approved, implementation will involve issuing all current flexible tenants with a new secure tenancy agreement. To avoid any further uncertainty for tenants, it is proposed that all flexible tenants are asked to sign a new agreement straight away rather than wait until the end of the fixed term.

## **8.0 SUSTAINABILITY IMPLICATIONS**

8.1 There are sustainability impacts associated with this report, as reverting to lifetime tenancies will support tenancy sustainment and provide greater community stability. There are no significant impact on crime and disorder.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

9.1 There are some financial and resource implications arising from this report as it provides an opportunity to target resources more effectively, reduce administration costs and avoid any increase in the cost of repairs to empty properties.

9.2 It is estimated that we would need to carryout in the region of 350 Flexible tenancy reviews per year. To carry out review including sending correspondence to tenants chasing up missing information and visiting those cases where we need to carry out additional check or where the tenants are not engaging would take on average 1 hour 45 minutes per tenancy. Annually this equates to over 600 hours of Housing Officers time that could otherwise be utilised supporting tenants and helping them to sustain their tenancies.

## **10.0 RISK ASSESSMENT**

10.1 The actions referred to in this report offer an opportunity to target resources more effectively into tasks which support our tenants and improve tenancy sustainability.

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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**

Appendix A - Tenure Policy

Appendix B - Draft Tenure Policy

Appendix C – Minute of Cabinet (Executive Overview and Scrutiny Committee only) – to follow



## **Tenure Policy**

**1<sup>st</sup> July 2013**

## **1.0 Purpose of the Tenure Policy**

- 1.1 The purpose of the Tenure Policy is to ensure that the most appropriate tenancies are granted to enable the best use to be made of the housing stock, while maintaining cohesive and stable communities.
- 1.2 The main types of tenancies that the Council can grant are secure tenancies, flexible (secure) tenancies and introductory tenancies. Flexible tenancies are also known as fixed term tenancies.

## **2.0 Background and scope of the Tenure Policy**

- 2.1 The Homes and Community Agency Regulatory Tenure Standard requires the Council to publish clear and accessible policies, which outline their approach to tenure management, including interventions to sustain tenancies and prevent unnecessary evictions and tackling tenure fraud. The Standard specifies what should be included in a tenure policy.
- 2.2 The Regulator requires the Council to issue tenancies that are compatible with the purpose of the accommodation, the needs of individual households, and the sustainability and stability of the community and the effective use of their housing stock.
- 2.3 This Policy does not affect current existing council tenants but only new tenants from 1 July 2013.

## **3.0 Aims of the Policy**

- 3.1 The key aims of this policy and the Council's Allocations Policy are:
  - Have regard to the Council's Tenure Strategy
  - Comply with the statutory framework for flexible tenancies as set out in the Localism Act 2011.
  - Set out proposals for the creation of tenancies for Council properties
  - Support the prevention of homelessness
  - Make best use of the available council housing stock
  - Meet local housing need by providing tenancies that are compatible with the purpose of meeting the housing needs of individual households
  - Create and maintain sustainable and stable communities
  - Be clear and fully understood by applicants for our housing
  - Be clear on the mechanisms of how to appeal and the grounds on which an appeal can be made
  - Be clear about our approach to tenancies for vulnerable applicants
  - Identify our approach to providing advice to tenants on finding alternative accommodation



#### 4.0 The kind of tenancies that will be granted

4.1 Until the Localism Act 2011 was enacted, councils were only able to grant lifetime secure tenancies, introductory tenancies and tenancies which are not secure tenancies. The Localism Act now also allows flexible tenancies to be granted to new tenants, while protecting the rights of existing tenants.

The tenancies that West Lancashire Borough Council can grant are:

Type of tenure	Legal basis	Definition	Tenure length
Secure tenure	Housing Act 1985, Part IV, Sections 79-81	Lifetime periodic weekly tenure, with protected rights, granted to existing tenants prior to 1st July 2013, who have completed a one year introductory period. Those offered these tenancies after 1st July 2013 will not have the benefit of protected rights.	Lifetime
Flexible (secure) tenure	Housing Act 1985 Section 107A and Housing Act 1996 Section 137A, as introduced by the Localism Act 2011	Fixed term tenure of (in general) at least 5 years (but exceptionally of at least 2 years) to be granted to new tenants, following any introductory tenancy.	At least 5 years (or exceptionally at least 2 years)
Introductory tenure	Housing Act 1996, Part V, Chapter 1, Sections 124-125	Periodic weekly tenure issued to new tenants for the first year of their tenure	1 year
Tenancies which are not secure tenancies	Housing Act 1985, Schedule 1	Non secure tenure granted for example for homeless persons or a tied tenancy.	Periodic tenure

4.2 West Lancashire Borough Council has previously elected that all new tenants will be granted an introductory tenancy for the first 12 months; this will continue. The Council has now determined to adopt flexible tenancies for all new tenants of the council (following an initial introductory tenancy), subject to certain exceptions under limited circumstances for more vulnerable households where lifetime tenancies will remain.

## **5.0 Issuing a flexible (secure) tenure**

5.1 A copy of a flexible (secure) tenure agreement will be attached to this policy prior to approval by Council.

## **5.2 Starting a flexible (secure) tenure**

5.2.1 Prior to the start of a flexible tenure, the Council must serve notice on the applicant to notify them that, on the expiry of the introductory period, the tenure will become a flexible tenure rather than a secure tenure. The notice will inform the applicant of the length of flexible tenure that they are being offered.

5.2.2 The applicant will sign a tenure agreement at the start of the tenure. The agreement will include the terms of the introductory tenure and the terms of the flexible tenure. There will be no requirement to sign a new agreement when the introductory period expires.

5.2.3 Where the flexible (secure) tenure is a renewal or granted to a tenant transferring from another council the fixed period will start immediately, because an introductory period will not apply.

## **5.3 During a flexible (secure) tenure**

5.3.1 A flexible tenant has the same rights as a secure tenant during their tenure including:

- Right to repair
- Right to exchange
- Right to consultation
- Right of succession to spouse, partner or cohabitee once only
- Right to buy

5.3.2 During the term of the tenure, the Council has the right to apply to the court to reduce the security of the tenure through the use of a demoted tenure.

## **5.4 Ending a flexible (secure) tenure**

5.4.1 Each tenure will be reviewed 12 months before the expiry date to enable a decision to be reached about what to do next. The review will be carried out by a member of staff from Housing Services on a home visit. Each tenant's circumstances will be assessed, the current make up of the household determined and a financial assessment completed.

5.4.2 Following the review, the options that are available to the Council are:

- to offer a further flexible tenure at the current property
- to offer a flexible tenure at another property
- to allow the tenure to become a secure tenure, eg. where a tenant has reached retirement age

- to serve notice of the intention not to renew the tenure and issue proceedings in the prescribed form, to terminate the flexible tenure.

5.4.3 Tenants have the right to request a review of the ending of a flexible (secure) tenure. This is explained in Section 11 below.

5.4.4 At the end of the tenure a court must make a possession order if it is satisfied that:

- the flexible tenure has come to an end
- that the landlord has given not less than 6 months notice of the proposal not to grant another flexible tenure on expiry, giving the reasons and informing the tenant of their right to review
- that the landlord has given the tenant not less than 2 months' notice in writing stating that the landlord requires possession of the dwelling house

## **6.0 The circumstances in which tenancies of a particular type will be granted and the length of those terms**

6.1 All new tenants will commence on an Introductory Tenancy. Following satisfactory conduct of the tenure for a defined period of 12 months the tenant will be offered a flexible tenure, or in a limited number of circumstances a lifetime tenure as detailed in 6.2 below.

6.2 The type and length of new tenancies will be dependent on the household type, but will be a minimum of 5 years, unless there are exceptional circumstances:

<b>Household Type</b>	<b>Tenure Type</b>	<b>Proposed length of new tenure</b>
Elderly (state retirement age)	Secure tenure	Lifetime
Tenants accepted for designated sheltered housing	Secure tenure	Lifetime
Tenants with a disability who have had a disabled adaptation to their property	Secure tenure	Lifetime
All other tenants	Flexible (secure) tenure	5 years

## **7.0 The exceptional circumstances in which the Council will grant flexible (secure) tenancies for a term of less than five years, following any probationary period**

7.1 If exceptional circumstances exist, the Council will grant tenancies of less than five years, as set out below:

<b>Exceptional circumstances</b>	<b>Tenure length</b>
If an Introductory tenure has been extended due to anti-social behaviour	2 years

If a household is statutorily overcrowded at the time of the review, but no alternative accommodation has been secured	2 years
Where a Notice of Seeking Possession has been issued due to rent arrears and the Court has accepted a payment agreement which the tenant has kept to	2 years

## 8.0 The circumstances in which flexible (secure) tenancies may or may not be reissued at the end of tenure term

8.1 Each tenure will be reviewed 12 months before the end of the tenure term. Unless there has been a change in circumstances, the Council expects a flexible tenure to be reissued for a further fixed term.

8.2 The circumstances where a further term may **not** be granted are:

No	Circumstances	Measure (at the time of the review, 12 months before the end of the tenure term)
1	Property is under-occupied	<ol style="list-style-type: none"> <li>1. Children have moved out</li> <li>2. Spouse, partner or cohabitee has left</li> </ol>
2	Property is no longer suitable for the tenant's needs	<ol style="list-style-type: none"> <li>1. The property has an adaption, suitable for a person with a disability, that is no longer required by the occupying household</li> </ol>
3	Tenant's circumstances have changed	<ol style="list-style-type: none"> <li>1. The tenant(s) is assessed as having sufficient income, according to the published allocation scheme, to be able to access housing in the market sector</li> <li>2. A joint tenant or cohabitee has left</li> <li>3. The tenant has come into legal ownership of another home or property</li> </ol>
4	Tenant and/or their advocate do not engage in the tenure review process	<ol style="list-style-type: none"> <li>1. The tenant fails to comply with their conditions of tenure</li> </ol>
5	Possession proceedings have commenced or tenure obligation has been broken	<ol style="list-style-type: none"> <li>2. The Council has served a NOSP (on mandatory or discretionary grounds) on the tenant</li> <li>3. The Council has evidence of rent arrears over £2,000</li> <li>4. The Council has evidence that the tenant has carried out anti-social behaviour</li> <li>5. The Council has evidence that the tenant has behaved unreasonably, according to the definition in the published allocation scheme</li> </ol>
6	Disposal or refurbishment of property	<ol style="list-style-type: none"> <li>1. The end of the lease term for a leasehold property</li> <li>2. Property is identified within a masterplan as suitable for demolition or major refurbishment</li> </ol>

8.3 If a decision not to renew has been made as a result of a review and then circumstances change, a further review can be undertaken.

8.4 If a decision to reissue is made, but the facts that have been considered are found to be fraudulent, the Council reserves the right to take legal action.

## **9.0 The way in which a prospective tenant may appeal against or complain about the length of the fixed term offered and the type of tenure offered**

9.1 An applicant can request a review of their offer of accommodation on a flexible (secure) tenure, within 21 days of receiving it under Section 107B(2) of the Localism Act 2011 (or such longer period as the Council may allow). The detailed procedure is set out in Statutory Instrument 2012/695.

9.2 The request for a review should be made in writing (either by letter or email) by the customer or their advocate, and state the grounds on which a review is sought, that is why, in their view, the length of tenure being offered does not match the published policy on tenure lengths.

9.3 The applicant can require the review to be carried out by way of an oral hearing. If an oral hearing is requested, the landlord will notify the prospective tenant of the time and place of the hearing, no earlier than 5 days after the request for a review has been received.

9.4 If the review is considered at an oral hearing, the decision will be made by the officer who conducted the hearing.

9.5 If an oral hearing is not requested, the landlord must give the prospective tenant notice of the right to make written representations in support of their application within a specified time period, of no earlier than 5 days after the tenant receives the notice.

9.6 A review decision where an oral hearing does not take place, will be made by the Housing Operations Manager who will make a recommendation to the Assistant Director of Housing and Regeneration for final approval.

9.7 On completion of the review, the landlord must notify the applicant of the decision and give clear reasons for reaching the decision.

## **10.0 Taking account of the needs of vulnerable customers by reason of age, disability or illness and households with children**

10.1 The provision of tenancies of at least five years gives a reasonable degree of stability to households who are vulnerable by reason of age, disability or illness and households with children. To provide added stability to people over state retirement age and households with a disabled person who has required a disability adaptation to their property, lifetime tenancies will continue to be granted.

- 10.2 The Housing Options Team service supports vulnerable applicants at the start of their tenancies to give them the best opportunity of sustaining a successful tenure by working in partnership with support agencies.
- 10.3 During a tenure, the Council works towards enabling tenure sustainment as opposed to enforcement. Due regard and consideration is taken to issues of vulnerability and unmet support needs and referrals are made to support agencies such as DISC when required and particularly when there is a threat of the tenant losing their home.
- 10.4 A range of prevention options are available and can be used as appropriate, including mediation, acceptable behaviour contracts, injunctions, and referral to youth services.
- 11.0 The way in which a tenant can appeal against a decision not to grant another tenure on expiry of the fixed term**
- 11.1 The tenant has the right to request a review of the decision not to offer another fixed term, within 21 days of the notice advising them of the decision is served under Section 107E(1) of the Localism Act 2011. The request for a review should state the grounds on which a review is sought. The detailed procedure is set out in Statutory Instrument 2012/695.
- 11.2 The applicant can require the review to be carried out by way of an oral hearing. If an oral hearing is requested, the landlord will notify the prospective tenant of the time and place of the hearing, no earlier than 5 days after the request for a review has been received.
- 11.3 If an oral hearing is not requested, the landlord must give the prospective tenant notice of the right to make written representations in support of their application within a specified time period.
- 11.4 A review decision will be made by the Housing Operations Manager not involved in the decision making process set out in 9.6. If a review is considered at an oral hearing, the decision will be made by the officer who conducted the hearing.
- 11.5 On completion of the review, the landlord must notify the applicant of the decision and give clear reasons for reaching the decision.
- 11.6 If a review has been requested, but the Court is satisfied that the review has not been lawfully carried out, the Court may refuse to make an order for possession.
- 12.0 The advice and assistance given to tenants whose tenancies are not being renewed**
- 12.1 Tenants will be given advice and assistance to explore their housing options. The Housing Options Team will have a key role to play in helping those whose

tenancies will not be renewed to explore all the options available to them to meet their housing need.

- 12.2 In circumstances where the tenant successfully bids for property through the choice-based lettings, but refuses 3 offers of suitable accommodation, their application will be suspended







**Draft Tenure Policy  
2019**

DRAFT

## 1.0 Purpose of the Tenure Policy

- 1.1 The purpose of the Tenure Policy is to ensure that the most appropriate tenancies are granted to enable the best use to be made of the housing stock, while maintaining cohesive and stable communities.
- 1.2 The main types of tenancies that the Council can grant are secure tenancies, and introductory tenancies.

## 2.0 Aims of the Policy

- 2.1 The key aims of this policy and the Council's Allocations Policy are:
- Create and maintain sustainable and stable communities
  - Have regard to the Council's Tenure Strategy
  - Set out proposals for the creation of tenancies for Council properties
  - Support the prevention of homelessness
  - Make best use of the available council housing stock
  - Meet local housing need by providing tenancies that are compatible with the purpose of meeting the housing needs of individual households
  - Be clear and fully understood by applicants for our housing

## 3.0 The kind of tenancies that will be granted

- 3.1 Until the Localism Act 2011 was enacted, councils were only able to grant lifetime secure tenancies, introductory tenancies and tenancies which are not secure tenancies. The Localism Act now also allows flexible tenancies to be granted to new tenants, while protecting the rights of existing tenants.
- 3.2 The tenancies that West Lancashire Borough Council grant are:

Type of tenure	Legal basis	Definition	Tenure length
Secure tenure	Housing Act 1985, Part IV, Sections 79-81	Lifetime periodic weekly tenure, with protected rights, granted to all tenants I, who have completed a one year introductory period. Those offered	Lifetime

		these tenancies after 1st July 2013 will not have the benefit of protected rights.	
Introductory tenure	Housing Act 1996, Part V, Chapter 1, Sections 124-125	Periodic weekly tenure issued to new tenants for the first year of their tenure	1 year
Tenancies which are not secure tenancies	Housing Act 1985, Schedule 1	Non secure tenure granted for example for homeless persons or a tied tenancy.	Periodic tenure

There are two main types of council tenancy – Introductory Tenancies and Secure Tenancies.

### 3.3 Introductory Tenancies

Unless a new tenant (or one party to a joint tenancy) already has a secure tenancy, or another social housing equivalent such as an assured non short-hold tenancy, the council will grant an introductory tenancy for a trial period which lasts for a year. During the trial period, it is easier to evict the tenant if they break the terms of their tenancy. This could include running up large rent arrears, or being involved in anti-social behaviour. The trial period can be extended for another six months if the tenant does not fully comply with the tenancy terms.

The Regulatory Framework allows for introductory tenancies for a maximum of 12 months, or a maximum of 18 months where the reasons for extending the introductory period have been given and where the tenant has the opportunity to request a review. During the trial period tenants have less security and fewer rights.

For example:

- Their home is at much higher risk of repossession if they do not keep to the tenancy agreement
- They cannot buy their home
- They cannot exchange homes with other tenants.

### **3.4 Secure Tenancies**

A Secure Tenancy gives additional rights to the tenant. Introductory tenants will automatically become secure tenants at the end of the year if there have been no issues with their tenancy.

Where a new tenant has come directly from another secure tenancy, or from an assured tenancy with a registered social landlord, they will be secure tenants straight away without an introductory period.

### **3.5 Length of tenancy**

A Secure Tenancy is not for a fixed length of time; it can carry on indefinitely. The tenant can end their tenancy by giving 4 weeks' notice in writing. The council can only end a Secure Tenancy if the tenant breaches the tenancy agreement, and they have to go through the court if they want to evict a tenant. If a tenancy has to be ended for any other reason, for example if the property needs to be demolished, the council will offer the tenant an alternative property.

## **4.0 The kind of tenancies that will not be granted**

### **4.1 Flexible (fixed term) tenancies**

Section 154 of the Localism Act 2011 gives local authorities the power to offer flexible tenancies to new social tenants and to family intervention tenants. A flexible tenancy is a secure tenancy of a fixed term of not less than 2 years.

The Council introduced Flexible Tenancies in 2013. Following a review it was decided that with effect from XXX fixed term tenancies would no longer be offered, as the Council values the stability that a lifetime tenancy offers to its tenants particularly those in the most vulnerable client groups.



**CABINET: 11 JUNE 2019**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY COMMITTEE:  
11 JULY 2019**

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**Report of: Director of Housing and Inclusion**

**Relevant Portfolio Holder: Councillor I Moran**

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

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**SUBJECT: QUARTERLY PERFORMANCE INDICATORS (Q4 2018/19)**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

1.1 To present performance monitoring data for the quarter ended 31 March 2019.

## **2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Council's performance against the indicator set for the quarter ended 31 March 2019 be noted.

2.2 That the call-in procedure is not appropriate for this item as the report will be submitted to the meeting of the Corporate & Environmental Overview & Scrutiny Committee on 11 July 2019.

## **3.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE**

3.1 That the Council's performance against the indicator set for the quarter ended 31 March 2019 be noted.

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## **4.0 CURRENT POSITION**

- 4.1 Members are referred to Appendix A of this report detailing the quarterly performance data for key performance indicators. The performance information aims to help demonstrate performance against the corporate priorities as well as providing some service-specific information.
- 4.2 38 data items are reported for Quarter 4. Five of these are data only. Of the 33 PIs with targets reported:
- 21 indicators met or exceeded target
  - 6 indicators narrowly missed target; 5 were 5% or more off target
  - 1 indicator still has data pending (HS30 % of non-domestic properties with fire risk assessment in place)

1 data only item has information unavailable: *WL\_18 Use of leisure and cultural facilities*. Methods of collecting data for the Chapel Gallery element are being reviewed.

As a general comparison, Q4 performance in 2018/19 gave 18 (from 29) performance indicators on or above target.

- 4.3 Performance plans prepared by service managers are already in place for those indicators where performance falls short of the target by 5% or more for this quarter, if such plans are able to influence outturn and will be relevant for future monitoring purposes.
- 4.4 These plans provide the narrative behind the outturn. Where performance is below target for consecutive quarters, plans are revised only as required, as it is reasonable to assume that some remedial actions will take time to make an impact. Progress on actions from previous Performance Plans are provided in Appendix B.
- 4.5 For those PIs that have flagged up as 'amber' (indicated as a triangle), an assessment has been made at head of service level based on the reasons for the underperformance and balancing the benefits of implementing a performance plan versus resource implications. This is indicated in the table.
- 4.6 This quarterly suite of indicators and targets was agreed by Cabinet in March 2018. Targets for 2018/19 were finalised through Cabinet following consideration of comments from the Executive Overview and Scrutiny Committee.

## **5.0 SUSTAINABILITY IMPACTS**

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

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **7.0 RISK ASSESSMENT**

7.1 This item is for information only and makes no recommendations. It therefore does not require a formal risk assessment and no changes have been made to risk registers as a result of this report. Monitoring and managing performance information data helps the authority to ensure it is achieving its corporate priorities and key objectives and reduces the risk of not doing so.

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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**

Appendix A: Quarterly Performance Indicators for Q4 Jan-March 2018/19

Appendix B: Actions from Previous Performance Plans

Appendix C: Minute of Cabinet (Corporate and Environmental Overview and Scrutiny Committee only) – to follow





# APPENDIX A: QUARTERLY PERFORMANCE INDICATORS

Icon key					
PI Status			Performance against same quarter previous year		
	OK (within 0.01%) or exceeded	21		Improved	14
	Warning (within 5%)	6		Worse	13
	Alert (by 5% or more)	5		No change	5
	Data only	5	/	Comparison not available	5
N/A	Data not collected for quarter	0		Awaiting data	1
	PIs awaiting data	1			
	'Data only' awaiting data	1			
				Total number of indicators/data items	38

## Shared Services <sup>1</sup>

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
Page 89 ICT1 Severe Business Disruption (Priority 1)	100%	100%	100%	100%	100%	100%	100%	100%	100%	99%	NB: The ICT PIs are provided as whole numbers only. Q4 outturn is year to date; annual target of 99% was exceeded		
ICT2 Minor Business Disruption (P3)	98%	98%	99%	99%	99%	99%	99%	99%	99%	97%	Q4 outturn is year to date; annual target of 97% was exceeded		
ICT3 Major Business Disruption (P2)	96%	100%	100%	100%	100%	100%	100.0%	100%	100%	98%	Q4 outturn is year to date; annual target of 98% was exceeded		
ICT4 Minor Disruption (P4)	99% <sup>1</sup>	98%	99%	99%	99%	99%	99%	99%	99%	98%	Q4 outturn is year to date; annual target of 98% was exceeded		
R1 % of Council Tax collected	96.74%	29.30%	56.28%	83.97%	96.51%	29.22%	56.10%	83.81%	96.46%	97.10%	Q4 outturn is year to date; annual target of 97.10% was narrowly missed. Previous Performance Plan in progress, see Appendix C.		
R2 % council tax previous years arrears collected	26.82%	7.13%	13.37%	18.22%	26.78%	11.1%	17.14%	21.85%	25.88%	24.5%	Q4 outturn is year to date; annual target of 24.50% was exceeded.		
R3 % of Business Rates Collected (NNDR)	97.72%	29.18%	55.15%	80.66%	98.18%	28.18%	55.08%	81.05%	98.22%	97.20%	Q4 outturn is year to date; annual target of 97.20% was exceeded. Direct over performance against the		








PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											target of approx.		
R4 Sundry Debtors % of revenue collected against debt raised	95.06%	39.49%	74.71%	87.99%	95.78%	38.01%	83.96%	87.41%	96.95%	89.10%	Q4 outturn is year to date; annual target of 89.10% was exceeded. Direct over performance against the target of approx.	↑	✓
B1 Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	6.41	6.87	7.10	6.93	5.63	6.98	6.05	6.41	6.16	12.00	Q4 outturn is year to date; annual target of 12 days was exceeded	↓	✓
B2 Overpayment Recovery of Housing Benefit overpayments (payments received)	£311,409	£69,860	£140,362	£212,841	£294,695	£87,070	£178,006	£270,313	£370,939	£195,000	Q4 outturn is year to date; annual target of £195K was exceeded.	↑	✓

### Development & Regeneration Services

Page 84 PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 157a Processing of planning applications: Major applications	83.33%	100%	100%	100%	87.50%	100%	100%	88.89%	100%	65.00%	Annual performance of 97.56% exceeded annual target of 65%.	↑	✓
NI 157b Processing of planning applications: Minor applications	94.67%	76.56%	93.90%	93.62%	89.09%	90.77%	92.31%	90.16%	86.79%	75.00%	Annual performance of 89.91% exceeded annual target of 75%.	↓	✓
NI 157c Processing of planning applications: Other applications	89.52%	87.31%	93.62%	94.87%	96.15%	96.55%	93.84%	95.27%	90.68%	85.00%	Annual performance of 94.25% exceeded annual target of 85%.	↓	✓

### Housing & Inclusion Services

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
BV8 % invoices paid on time	98.37%	99.11%	98.05%	98.79%	98.13%	98.30%	98.14%	97.85%	98.59%	98.75%	Annual outturn of 98.21%, relating to 47,159 invoices, narrowly missed target	↑	⚠















PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											of 98.75%.  Quarter data relates to payment of over 12,000 invoices. March performance was 99.03%  Head of Service assessment: performance plan not required.		
HS1 % Housing repairs completed in timescale  Page 85	98.40%	95.88%	96.06%	98.44%	99.10%	96.32%	96.51%	95.23%	92.80%	97.00%	Annual performance of 95.22% narrowly missed target 97%.  We have recently ceased a contract with one of our contractors. This impacted heavily both in terms of receiving data around completions and availability of resources to complete that additional work as we approached contract end.  Performance Plan in progress, see Appendix C.		
HS27 % of properties with a valid Landlord Gas Safety Record (homes and buildings) <sup>4</sup>	N/A - PI not developed at this time.						100.0%	100.0%	100.0%	100.0%		/	
HS28 % of properties with a valid Electrical Installation Condition Report (homes and buildings) <sup>4</sup>	N/A - PI not developed at this time.						93.4%	96.0%	98.8%	100.0%	70 properties identified at the end of March that require electrical remedial work. These are currently under action with a target completion by end of June.  Performance Plan in progress, see Appendix C.	/	
HS29 % non-domestic that require an asbestos management survey/re-inspection <sup>4</sup>	N/A - PI not developed at this time.						92.4%	99.7%	100.0%	100.0%		/	
HS30 % of non-domestic properties with fire risk	N/A - PI not developed at this time.						100.0%	100.0%		100.0%	Certificate evidence for FRA work completed at the end of March 2019 currently being collated for uploading into	/	

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
assessment in place <sup>4</sup>											database.		
HS31 % of properties covered by water hygiene risk assessment (homes and buildings) <sup>4</sup>	N/A - PI not developed at this time.						100.0%	100.0%	100.0%	100.0%	100.0%	/	
TS1 Rent Collected as a % of rent owed (excluding arrears b/f)	99.09	102.46	99.97	100.5	99.48	103.61	99.66	101	99.77	99.5	Q4 outturn is year to date; annual target of 99.5% was exceeded.		
TS11 % of rent loss through dwellings being vacant	1.79%	1.84%	1.79%	1.87%	1.59%	1.25%	1.1%	1.01%	0.94%	1.9%	Q4 outturn is year to date; annual target of 1.9% was exceeded.		
Pages 19bii Direct dial calls answered within 10 seconds <sup>2</sup>	82.69%	81.39%	81.24% <sup>2</sup>	80.07% <sup>2</sup>	78.43%	77.67%	77.96%	78.93%	76.39%	80.26%	Quarter data relates to 44,292 offered calls. 85.5% of calls were answered in 20 seconds. Annual outturn of 77.75% narrowly missed target of 80.26%. Q4 data does not capture all staff for the full period due to early adopters of Skype (from 25 February with up to 60 by the end of March). Performance plan not appropriate as different reporting will be in place for Q1 following full Skype rollout by the end of May.		
WL85a Website: no. visits	135,387	170,854	138,044	131,395	152,154	193,813	143,749	152,659	167,748				
WL85aa Website: number of unique visitors	88,887	114,960	92,108	84,757	97,821	125,685	108,838	98,894	109,050				
WL85b Website: use of online forms	1,900	4,787	3,131	2,076	3,587	5,772	4,150	3,429	2,190				
WL85c Website: no. online payments	10,174	30,331	14,997	12,791	15,560	29,206	14,393	12,943	13,065				
WL90 % of Contact Centre calls answered	91.9%	80.1%	90.3%	88.3%	71.9%	61.9%	89.3%	87.7%	61.6%	88.0%	Annual outturn of 72.2% did not achieve target of 88.0%. There were 130,993 calls in 2018/19,		

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											<p>compared with 123,448 in 2017/18.</p> <p>Performance Plan in progress, see Appendix C</p> <p>Q4 is always the busiest quarter for calls due to year end activities e.g Council Tax annual billing, invoices. Garden waste subscriptions opening online increases enquiries into the contact centre. There have been delays appointing to vacant posts offered and some long term sickness within the team.</p> <p>Performance Plan in progress, see Appendix C.</p>		
Page 9 L108 Average answered waiting time for callers to the contact centre (seconds)	69.00	163.00	83.00	102.00 <sup>3</sup>	214.00	288.00	100.00	117.00	326.00	145.00	<p>Annual outturn of 250s (4m 10s) did not achieve target of 145s (2m 25s).</p> <p>Quarter figures relate to 32,811 calls into the contact centre.</p> <p>Performance Plan in progress, see Appendix C.</p>	↓	⬮



### Leisure & Environment Services

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
NI 191 Residual household waste per household (Kg) <sup>5</sup>	120.83 <sup>6</sup>	128.68 <sup>6</sup>	124.07 <sup>6</sup>	123.57 <sup>6</sup>	124.76	128.66	126.15 <sup>6</sup>	118.11	120.55	125	Annual outturn will reflect the collections actually made (not validated) within 2018/19. Annual data therefore still pending.	↑	✔
NI 192 Percentage of household waste sent for reuse, recycling and composting <sup>5</sup>	46.05% <sup>6</sup>	40.93% <sup>6</sup>	48.67% <sup>6</sup>	46.25% <sup>6</sup>	40.52% <sup>6</sup>	34.68%	46.57% <sup>6</sup>	44.84% <sup>6</sup>	43.00%	50.00%	Annual outturn will reflect the collections actually made (not validated) within 2018/19. Annual data therefore still pending.	↑	⬮

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
											Performance Plan in progress, see Appendix C.		
NI 195a Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Litter	0.00% <sup>7</sup>	N/A	1.22%	0.33%	0.67%	N/A	1.33%	0.83%	1.67%	1.61%	Annual performance of 1.28% exceeded annual target of 1.61%.  No plan is provided since this PI is replaced for Q1 with new Clean and Green standards.		
NI 195b Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting): Detritus	2.05% <sup>7</sup>	N/A	3.13%	3.86%	6.17%	N/A	3.28%	4.61%	3.31%	5.00%	Annual performance of 3.72% exceeded annual target of 5.00%.		
Page 39 WL01 No. residual bins missed per 100,000 collections	79.62	91.48	93.36	74.31	116.77	138.39	89.43	107.01	110.46	80.00	Annual performance of 111.32 did not achieve target of 80.  Due to the move to Service Now, data for the quarter and therefore annual period is only up to 8 March. This PI is replaced for Q1 with a new standard to better reflect fortnightly collections.  Performance Plan in progress, see Appendix C.		
WL06 Average time taken to remove fly tips (days)	1.03	1.03	1.03	1.05	1.07	1.09	1.24	1.06	1.05	1.09	Annual performance of 1.12 narrowly missed annual target of 1.09  Due to the implementation of Phase 1 of Service Now, data for the quarter (and therefore annual period) is only up to 8 March. This PI is replaced for Q1 with new Clean and Green standards.		
WL122 % Vehicle Operator Licence Inspections Carried Out within 6 Weeks	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	Annual performance of 100% met annual target of 100%		
WL18 Use of leisure and	348,199	318,045	333,750	229,272	348,783	312,627	295,804	225,032			Sports development activities/events		

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
cultural facilities (swims and visits) <sup>8</sup>						<i>(chapel gallery n/a)</i>	<i>(chapel gallery n/a)</i>	<i>(chapel gallery n/a)</i>	<i>(chapel gallery n/a)</i>		(3,567); Golf course visits (pending - data not available due to issues with system access); Leisure/sports centre visits (335,569); Parks/countryside activities/events (pending); Visits to Chapel gallery – data currently unavailable whilst new mechanisms to collect footfall data rare put in place.		

Finance and HR Services

PI Code & Short Name	Q4 2016/17	Q1 2017/18	Q2 2017/18	Q3 2017/18	Q4 2017/18	Q1 2018/19	Q2 2018/19	Q3 2018/19	Q4 2018/19	Current Target	Comments	Q4 18/19 vs Q4 17/18	Quarter Status
	Value	Value	Value	Value	Value	Value	Value	Value	Value				
Page 19 of 20 PL_121 Working Days Lost Due to Sickness Absence <sup>9</sup>	7.44	6.92	7.54	7.67	8.28	9.34	9.69	10.14	9.87	8.08	Q4 outturn is year to date; annual target of 8.08 was not achieved  Performance Plan in progress, see Appendix C.		

Notes:

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

<sup>2</sup> WL19bii: Data does not include BTLS seconded staff. Technical issues affected the call logging system. Data for Q2 2017/18 is therefore only for the period 01.07 – 15.09.17 and Q3 data from 13.10.17.

<sup>3</sup> WL108: New telephony platform introduction impacted collection. Data entered for Q3 17/18 refers to 01.10.17–12.12.17. Data from 13.12.17 following new telephony platform was 106s.

<sup>4</sup> HS27 % of properties with a valid Landlord Gas Safety Record; HS31 % of properties covered by a suitable 'in date' water hygiene risk assessment; HS28 % of properties with a valid Electrical Installation Condition Report; HS29 % of non-domestic (communal) and 'other' asset numbers with an 'in-date' asbestos management survey/re-inspection; HS30 % of properties with a valid in date fire risk assessment. New for Q2; for Q2 2018/19, data was reported as at end of October.

<sup>5</sup> NI191-192: Data is provided to WLBC with a time lag due to time involved to confirm/validate final figures. The quarter data reported reflects an outturn verified within the quarter, rather than an outturn produced within the quarter. The annual outturn will reflect the data produced within the April-March period.

<sup>6</sup> NI191/192: data restated from published due to admin error, rectified Jan 2019

<sup>7</sup> NI195a - previously reported as 0.65%; NI195b - previously reported as 2.19%.

<sup>8</sup> WL18 - Chapel Gallery data forms part of this PI and is managed through the Development & Regeneration Service. From Q1 18/19, 2 entrances to the gallery caused issues for collecting footfall data. This will be resolved in 2019.

<sup>9</sup> WL\_121: Data does not include BTLS seconded staff. Quarter data shows a rolling 12 month outturn against the annual target rather than 'within quarter' performance.

The following changes to reported QPIs for 2018/19 were approved by Cabinet in March 2018:

*TS1: Rent Collected as a % of rent owed (excluding arrears b/f) - target changed from 99% to 99.5%;*

*TS11: % of rent loss through dwellings being vacant - target changed from 2% to 1.9%;*

*WL19bii: Direct Dials answered within 10 seconds – target decreased from 82.21% to 80.26%;*

*WL90: % of Contact Centre calls answered – target decreased from 91% to 88%;*

*WL108: Average answered waiting time for callers to the contact centre - target decreased from 60 to 145 seconds;*

*WL85a: Website no. visits – new, data only; WL85aa: Website no. unique visitors – new, data only; WL85b: use of online forms - new, data only; WL85c: Website no. online payments – new, data only.*

*HS27 % of properties with a valid Landlord Gas Safety Record for all homes and buildings owned or managed by WLBC which require one (replacing HS13 – LA properties with Landlord Gas Safety Record ); HS31 % of properties covered by a suitable 'in date' water hygiene risk assessment (no older than 2 years) in place for all buildings owned or managed by WLBC which require one; HS28 % of properties with a valid Electrical Installation Condition Report for all homes and buildings owned or managed by WLBC which require one; HS29 % of non-domestic (communal) and 'other' asset numbers with an 'in-date' asbestos management survey/re-inspection which require one; HS30 % of properties with a valid in date fire risk assessment in place for all buildings owned or managed by WLBC which require one. All new for Q2. For Q2 2018/19, data was reported as at end of October.*



**ACTIONS FROM PREVIOUS PERFORMANCE PLANS**

**APPENDIX B**

Indicator	Task created following Q	Tasks to be undertaken	Completion Date	Progress	Comment/Impact
WL01: Missed Bins per 100,000 Collections  Page 91	Q1 17/18	Continue to monitor performance	Ongoing	Underway	Q4 outturn is 110.46 (red).
		Review performance indicator	November 2019	A more precise no. of properties/bins will be determined through the route optimisation project. Work is currently ongoing to classify and record all communal bin sites. Work is on track.	Data for this is not complete up to the end of March, due to the collection mechanism changing with the introduction of Service Now.
		Review classification of missed bins	July 2019	We are now recording missed bins through In Cab technology. The classification of a missed bin is currently being reviewed. Classifications have changed and reporting through Service Now is being developed.	This PI will be replaced in 2019/20 to distinguish waste and recycling receptacles.
HS1 % Housing Repairs Completed in timescale	Q1 18/19	Implement changes to Mobile Working to include updated tenant contact telephone number on any order raised during surveyor visit.	October 2018	As part of the improvement programme to upgrade the existing housing management system to version 4.5, which will take place in September 2019, test environments will be created to form part of the user acceptance training and implementation plan to ensure that the new version upgrade is fit for purpose, aligned to other systems such as Service Now and meets both business and customer requirements.	Q4 outturn is 92.8% (amber)  As well as the impact from a change in contractor, current reporting mechanisms mean that even if tenants request completion after the target date (for example due to holiday, convenience etc) this is still included in the PI data as falling outside the target date. If these requests were excluded, the target would have been met.  This will be revised for reporting from 2019/20 allowing focus on no

					access, availability of materials and delays in instruction from WLBC, rather than the inclusion of tenant preference for a delay.
WL108 Average answered waiting time for callers to the contact centre WL90 % of Contact Centre calls answered	Q1 18/19	Effectively plan the roll out of year 3 subscriptions for garden waste during July/August 2018 in line with the development of this service within ServiceNow.	January 2019	Complete	As anticipated performance targets were not met for the year end due to the sheer volume of enquiries received in the first quarter alone.
		Use data gathered from the second year of subscriptions to target all current subscribers ahead of the relaunch date with information about year 3 to actively encourage them to re-subscribe online.	February 2019	Complete	Q4 WL108 was 326s (red) and WL90 61.6% (red).
W108 28 % of properties with a valid Electrical Installation Condition Report (homes and buildings)	Q2 18/19	Prepare Legal packs to enforce tenancy agreement.	January 2019	Complete. Notice Seeking Possession now being sent to tenants where we are comfortable with the level of our previous access attempts. Further visits being scheduled as required.  70 properties identified at the end of March that require electrical remedial work. These are currently under action with a target completion by end of June.	End of fourth quarter anticipated as 100%; actual 98.8%  This is not a statutory requirement but is considered best practice to demonstrate electrical installations are kept in a good condition.
R1: Council Tax : Current Year Collection ; R3: NNDR : Current Year Collection	Q2 18/19	Implementation and delivery of 2018/19 recovery strategy	March 2019	Complete. The strategy was successfully delivered – using the enhanced debt profile analysis we have increased the focus on more targeted recovery action toward	Outturn for Q4 is 98.22% (green) for NNDR and 96.46% (amber) for CTax collection.  These contractual annual targets

Page 93				those areas of debt that present the higher risk of non-payment e.g. post Liability Order recovery cases where no arrangement, ongoing enforcement agent activity or other action is current. In 2019/20 we will increase the focus on recovery of Previous Year arrears cases to maximise the collection of this important SLA.	remain the most challenging for the service to deliver.
		Implement pilot using recovery specialists for outstanding debts in hard to collect cases. This will initially focus on NNDR cases which have more value to the Council. Only account holders with arrears where there are no current apparent reasons for non-payment or current active contact with BTLS will be included.	Dec 2019 (completion and review of pilot)	The pilot is now underway. As a start, the highest value of hard to collect NNDR debts have been passed for attempted collection. The contract allows to do the same for Council Tax debts. Initial results for NNDR work has been positive with one long standing debtor paying £14K toward their outstanding arrears and we will continue to pass over high value NNDR debts.	
WL121 Working Days Lost Due to Sickness Absence	Q2 18/19	Sickness Management Training will be delivered for Managers during early 2019.	May 2019	Sickness Management Training has been procured and the programme is due to complete by the end of May.	Outturn for Q4 is 9.87 days (red)
NI 192 Percentage of Household Waste sent for reuse, recycling and composting.	Q3 18/19	Publicity plan	June 2019	This aims to increase participation in green waste collection by promoting the garden waste collection service. Publicity has been used to promote the relaunch of the service.	Outturn for Q4 is 43% (red)  There have been two significant impacts on this PI: a significant decrease in green tonnage collected since garden waste subscriptions and LCC's decision to stop residual waste from the

					<p>borough being reprocessed at the material recycling facility at Farrington, but sent landfill. This has meant the loss of the recycling material that would have been recaptured during reprocessing.</p> <p>The actions will have an impact in the new subscription season – first and second quarters in 2019/20.</p>
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Performance plans often include actions which, by the time of publication, have already been completed and/or become part of the day to day ongoing operations of a service. The above table details those actions from Performance Plans in previous quarters that contained a future implementation date.



CABINET: 11 June 2019

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**Report of: Director of Housing and Inclusion**

**Relevant Portfolio Holder: Councillor K. Wright**

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

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**SUBJECT: DISABLED FACILITIES GRANTS PROGRAMME AND USE OF THE FUND FOR THE WEST LANCS WINTER WARM SCHEME**

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Wards affected: Borough wide

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To provide members with an overview of the disabled facilities grant programme and to recommend changes to the relevant policies that will enable more people to access and benefit from these grants.

## **2.0 RECOMMENDATIONS**

- 2.1 That the Disabled Adaptations Policy 2015 be amended to remove the requirement for a financial means test to be carried out for disabled facilities grant (DFG) applications and that this is to be applied to all current and future DFG applications.
- 2.2 That s.18 of the Housing Renewal Assistance Policy 2015 be amended to reflect the removal of the financial means test for DFGs.
- 2.3 That £50,000 of the 2019/20 disabled facilities grant allocation be used to fund the West Lancs Winter Warm Scheme.
- 2.4 That the Director of Housing and Inclusion be given the delegated authority, in consultation with the relevant Portfolio Holder, to decide when to reintroduce or suspend the financial means test for disabled facilities grants.
- 2.5 That the Director of Housing and Inclusion be given the delegated authority, in consultation with the relevant Portfolio Holder, to determine the amount of DFG funding, if any, to be used to fund the West Lancs Winter Warm Scheme on an annual basis.
-

### **3.0 BACKGROUND**

- 3.1 West Lancashire Borough Council (WLBC) administers the disabled facilities grant (DFG) programme for residents of the Borough. DFGs are available to owner occupiers, private sector tenants and tenants of housing associations. Adaptations to Council owned properties are funded through the housing revenue account.
- 3.2 The purpose of a DFG is to adapt the home environment in order to restore or enable independent living, privacy, confidence and dignity for individuals and their families. Funding for the DFG programme is provided by central Government via the Better Care Fund which is administered by Lancashire County Council.
- 3.3 The Housing Grants, Construction and Regeneration Act 1996 (the Act) and associated consent orders, state the purposes for which the grant may be given. The maximum amount of grant is set by law at £30,000 and it is a means tested grant (unless the grant is for a disabled child). The means test is set by Government and applied nationally.
- 3.4 Since May, 2008, Councils have had the power to require that a DFG is repaid if the property is sold within 10 years of the adaptation works being completed. This condition can only be applied where the DFG applicant is an owner occupier and the grant amount exceeds £5,000. The maximum amount that can be recovered is £10,000. The Council currently has a policy to recover grant monies on sale where the above conditions are met.
- 3.5 The DFG also provides an income stream for the Council as a Grant Agency Service is offered to all applicants. This service helps people by drawing up schedules of work, sourcing local builders and project managing the work. A fee is charged for this which can be included in the grant.

### **4.0 FINANCIAL MEANS TEST FOR DFGs**

- 4.1 Currently an initial financial means test is carried out prior to an application for a DFG being made. If the grant applicant is on one of the following benefits, they will automatically qualify for a full grant without the need to carry out a full means test.
- Universal Credit
  - Income Support
  - Income related ESA
  - Income based JSA
  - Guarantee Pension Credit
  - Working Tax Credit and or Child Tax Credit
  - Housing Benefit
- 4.2 If the grant applicant is not on one of the above benefits, a full means test is required. This takes into account the net income and any savings or capital of the grant applicant and their spouse/partner. The outcome of the means test determines whether a full grant can be awarded or whether the applicant will have to pay towards the cost of the works. In some cases, the assessed

contribution is greater than the cost of the works, meaning that no grant is awarded.

4.3 It has been widely acknowledge that the means test is complicated, unfair and out of date. A recent national review of the DFG has recommended that the means test be revised so that it is similar to the test used to assess entitlement for social care or to update the current test to take into account housing costs.

4.5 Many residents who are not on one of the benefits listed at 4.1, do not go on to complete the means test as they are reluctant to share their financial circumstances and also because the test does not take into account household outgoings. This leaves vulnerable residents without the adaptations they have been assessed as needing to help them remain living at home independently.

## **5.0 ISSUES**

5.1 The Government has been increasing DFG funding over the last few years. The funding for West Lancashire has increased as follows:

<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
£989,185	£1,191,761.74	£1,319,974

5.2 The Councils spend on DFGs has increased significantly since 2016/17, reaching over £1m in 2018/19. However, due to the large increase in the Government allocation and income received where an amount of grant has been repaid, there will be an underspend going into 2019/20 of £867,000. As our Government allocation for 2019/20 is £1,272,147, there will be a significant budget provision.

5.3 The Government allocation must be spent on DFG related activities so there is no option to use these funds for other Council services or to use the funding for adaptations to Council owned properties.

## **6.0 WEST LANCS WINTER WARM SCHEME**

6.1 The West Lancs Winter Warm Scheme was set up in 2013. The scheme was funded by Lancashire County Council's Public Health Service and the eligibility criteria was set by them. The aim of the scheme was to repair or replace failing gas heating appliances to address excess winter deaths and reduce hospital admissions over the winter period.

6.2 Due to the success of the scheme, Public Health have provided funding every year since 2013, however, funding ceased in 2018. A small surplus remains which will enable the scheme to continue in the short term, however, the scheme will cease without any further funding.

## **7.0 REMOVAL OF THE MEANS TEST AND USE OF DFG BUDGET TO FUND THE WEST LANCS WINTER WARM SCHEME**

7.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 (RRO) gave Councils the power to apply a simplified system for provision of

DFGs. Councils could choose to waive some of the DFG conditions including waiving means testing.

- 7.2 In an effort to increase spend on DFGs and assist many more of our West Lancashire residents and in recognition that the means test is complex and unfair, a number of Councils have used the powers provided by the RRO and adopted policies removing the means test for certain works or for works costing less than a specified amount.
- 7.3 An analysis of the number of DFG applications assessed as having a contribution, shows that the number of applicants with a contribution is small. However, the number of those applications that did not proceed due to the contribution not only reduces the DFG spend and the income generated in that year, it also leaves people without the adaptations that they have been assessed as needing. It also does not reflect the number of applicants who are put off applying once they know the grant is means tested.
- 7.4 The powers under the RRO can also be used to justify using an amount of the DFG budget to fund the West Lancs Winter Warm Scheme. Improving heating systems is also a legitimate spend of DFG funds under the Act.

## **8.0 SUSTAINABILITY IMPLICATIONS**

- 8.1 Making the recommended changes will have a positive impact on people's health by increasing access to DFGs and to funds to help them heat their home.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 There are no adverse financial or resource implications as the DFG is solely funded by central Government. An increase in the take up of DFGs will have a positive financial impact as it will increase the income generated through the Grant Agency Service, while having a direct impact on the quality of life of many individuals.

## **10.0 RISK ASSESSMENT**

- 10.1 Carrying out the recommendations in the report provides an opportunity for the Council to increase income as referred to in 9.1.
- 10.2 The risk(s) in waiving the means test and allocating an amount of DFG funding to the Winter Warm Scheme may mean that any future reduction in Government funding may lead to demand outstripping supply. This risk has been mitigated by providing the Director of Housing and Inclusion with the authority, in consultation with the relevant Portfolio Holder, to reintroduce or suspend use of the means test as necessary and to review the level of DFG funding (if any) to be used to fund the Winter Warm Scheme on an annual basis.



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

### **Equality Impact Assessment**

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

### **Appendices**

Appendix 1 - Equality Impact Assessment



# Equality Impact Assessment Form



<b>Directorate:</b> Housing and Inclusion	<b>Service:</b> Private Sector Housing
<b>Completed by:</b> Laura Lea	<b>Date:</b> 25 April 2019
<b>Subject Title:</b> Waive Means Testing for Disabled Facilities Grant and use of the fund for the West Lancs Winter Warm Scheme	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	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 ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	Waiving the means test for disabled facilities grants and use of the fund to fund the Winter Warm Scheme
<p><i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>  <i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
	Yes/No*
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> 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>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Residents with health conditions that require property adaptations or improvements to their heating systems

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 Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  Yes No Yes No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Residents with long term medical conditions and or disabilities
What will the impact of the work being carried out be on usage/the stakeholders?	Increase access to disabled facilities grants and enable the continuation of the Winter Warm Scheme
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?	Customers who are subject to the means test feel it is unfair as it does not take into account their outgoings
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?	Internal data on levels of grant take up rates of those assessed as having a contribution
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Positive impact as it will increase the availability of DFGs and enable the Winter Warm Scheme to continue
<b>6. CONSIDERING THE IMPACT</b>	
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

<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	Laura Lea January 2020





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**Report of:** Director of Leisure and Environment

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

**Contact for further information:** Mrs. P. Campbell (Ext. 5144).  
(Email: [paula.campbell@westlancs.gov.uk](mailto:paula.campbell@westlancs.gov.uk))

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**SUBJECT: USE OF SECTION 106 MONIES IN THE PARISH OF RUFFORD**

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Wards affected: Rufford

## **1.0 PURPOSE OF THE REPORT**

- 1.1 To consider a proposal regarding the use of Section 106 (S106) monies for the provision of play facilities in the Parish of Rufford.

## **2.0 RECOMMENDATION**

- 2.1 That the use of S106 monies be approved as outlined at 5.1 to 5.3 to provide new and improved play facilities on Highsands Avenue and a multi-use games area (MUGA) with adjoining footpath at Rufford Village Hall recreation ground.
- 

## **3.0 BACKGROUND**

- 3.1 Under Policy LE13 of the West Lancashire Local Plan 2012-2017, developers must provide open space facilities as part of housing developments. Where developments are less than 20 dwellings or on sites where it is not reasonable to expect a development to provide on-site facilities and where there is a deficiency of open space the Council can require a commuted sum for the provision of new or the enhancement of existing areas of open space within its area.

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

Agreements. This group has been consulted over this proposal and has confirmed their support.

#### **4.0 CURRENT POSITION**

- 4.1 The funding from a particular development can only be used in accordance with the terms of the related S106 Agreement. The Council currently has unallocated monies of £96,874 from a S106 Agreement on Sluice Lane/ New Road, Rufford.
- 4.2 Following consultation with Ward Members and Rufford Parish Council there are two new proposals for the use of S106 funds in the Rufford Ward.

#### **5.0 PROPOSALS**

- 5.1 The Borough Council is currently working with Rufford Parish Council with a view to develop the sites at Highsands Avenue and Rufford Village Hall with new and improved facilities for the benefit of the community.
- 5.2 At Highsands Avenue the Borough Council is proposing to replace the existing play area with a new and much improved play facility. The existing play area is old and degraded and no longer provides play value for the local community. This will be removed and a new play area installed which will provide new and exciting play equipment for younger children in the area.
- 5.3 At Rufford Village Hall the Parish Council wants to extend the range of play facilities available and proposes to provide additional play facilities for older children in the Parish by installing a multi-use games area ( MUGA.)

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

- 6.1 The installation of new facilities would provide activities to meet the needs of a wide age range of the community and encourage healthy outdoor recreation. This would further the Borough Council's aims of improving the health and wellbeing of its local community.

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The Capital costs of the combined projects is £97,000.(Highsands Avenue £43,000 and Village Hall £54,000)
- 7.2 A S106 allocation of £43,000 is proposed to be allocated to the Highsands Avenue project and £53,874 allocated to the Rufford Village Hall project. The Parish Council have agreed to allocate the sum of £126 to cover the small shortfall.
- 7.3 Future maintenance of the play facility at Highsands Avenue will be undertaken, within existing budgets, as part of the Borough Council's Playground Inspection & Maintenance Schedule.



7.4 Rufford Parish Council will incorporate the maintenance of the new facility (MUGA)

and adjoining footpath at Rufford Village Hall as part of the Parish Council's maintenance arrangements for the existing playground equipment on site.

## **8.0 RISK ASSESSMENT**

8.1 Installation of play equipment in an area requires support from the local community to ensure effective use and local ownership to help monitoring condition and misuse. Both of the projects in this report have had local consultation undertaken by the Parish Council and have the support of the ward councillors. The Parish Council will require planning consent for the MUGA project which will include further consultation and assessment.

8.2 Provision of poor quality play equipment could reflect badly on the local authority, therefore new provision outlined in this report should mitigate this risk.

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### **Background Documents**

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

### **Equality Impact Assessment**

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

### **Appendices**

1. Equality Impact Assessment



<b>Equality Impact Assessment Form</b>	
<b>Directorate: Leisure and Environment</b>	<b>Service: Leisure &amp; Wellbeing</b>
<b>Completed by: Paula Campbell</b>	<b>Date: 15/05/2019</b>
<b>Subject Title: Use of Section 106 Monies in the Parish of Rufford</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	
<i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>	
<i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders):	
<i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	



<p>If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:</p> <p><i>You do not need to complete the rest of this form.</i></p>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local community
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)?	Demand will be predominantly from local children and families
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age</p> <p>Gender</p> <p>Disability</p> <p>Race and Culture</p> <p>Sexual Orientation</p> <p>Religion or Belief</p> <p>Gender Reassignment</p> <p>Marriage and Civil Partnership</p> <p>Pregnancy and Maternity</p>	<p><i>*delete as appropriate</i></p> <p>Yes</p> <p>No</p> <p>Yes</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p> <p>No</p>
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Local children and families
What will the impact of the work being carried out be on usage/the stakeholders?	New facilities will increase the capacity for the local community to get involved in healthy outdoor recreational activities and social interaction
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 local community generally supports the proposals. Particular support from families with young

the proposals?	children.
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?	Consultation with local residents has been carried out by Rufford Parish Council
If any further data/consultation is needed and is to be gathered, please specify:	The new play facilities at Highsands avenue will have a further consultation on the specific design of the play facility.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	It is intended the impact will have a positive effect on all of the community.
<b>6. CONSIDERING THE IMPACT</b>	
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.).	Regular feedback will be gained from the Parish Council and local community.
What actions do you plan to take to address any other issues above?	Should any negative issues arise they will be dealt with at that time.  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	Paula Campbell – May 2020



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